

**As Passed by the House**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Am. Sub. H. B. No. 153**

**Representative Amstutz**

**Cosponsors: Representatives Adams, J., Beck, Blair, Blessing, Boose,  
Buchy, Burke, Combs, Dovilla, Duffey, Grossman, Hackett, Hall, Hollington,  
Maag, McClain, Newbold, Rosenberger, Ruhl, Slaby, Sprague, Stebelton,  
Uecker Speaker Batchelder**

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H.B. 125 of the 127th General Assembly, as 320  
subsequently amended, and Section 153 of Am. Sub. 321  
H.B. 117 of the 121st General Assembly, as 322  
subsequently amended; to repeal Section 5 of Sub. 323  
H.B. 2 of the 127th General Assembly; and to amend 324  
the version of section 5111.913 of the Revised 325  
Code that results from Section 101.01 of this act 326  
on July 1, 2012; and to terminate certain 327  
provisions of this act on June 30, 2013, by 328  
repealing sections 126.60, 126.601, 126.602, 329  
126.603, 126.604, and 126.605 on that date; to 330  
make operating appropriations for the biennium 331  
beginning July 1, 2011, and ending June 30, 2013; 332  
and to provide authorization and conditions for 333  
the operation of programs, including reforms for 334  
the efficient and effective operation of state and 335  
local government. 336

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

**Section 101.01.** That sections 7.10, 7.11, 7.12, 9.03, 9.06, 337  
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(4781.34), 3733.03 (4781.27), 3733.04 (4781.28), 3733.05 514  
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(4781.36), 3733.091 (4781.37), 3733.10 (4781.38), 3733.101 516  
(4781.39), 3733.11 (4781.40), 3733.12 (4781.41), 3733.121 517  
(4781.42), 3733.122 (4781.43), 3733.123 (4781.44), 3733.13 518  
(4781.45), 3733.14 (4781.46), 3733.15 (4781.47), 3733.16 519  
(4781.48), 3733.17 (4781.49), 3733.18 (4781.50), 3733.19 520  
(4781.51), 3733.20 (4781.52), 5101.271 (5101.272), 5101.272 521  
(5101.273), 5111.14 (5111.141), 5111.261 (5111.263), 5111.892 522  
(5111.893), 5119.612 (5119.613), 5119.613 (5119.614), and 5123.60 523  
(5123.601) be amended for the purpose of adopting new section 524  
numbers as indicated in parentheses; that new sections 2151.56, 525  
2151.57, 2151.58, 2151.59, 3314.016, 3319.112, 5101.271, 5111.14, 526  
5111.261, 5111.861, 5111.892, 5119.612, 5123.60, and 5126.18, and 527  
sections 7.16, 9.031, 9.05, 9.334, 9.335, 9.482, 111.181, 111.28, 528  
111.29, 118.025, 118.31, 124.394, 125.024, 125.182, 125.213, 529  
126.141, 126.60, 126.601, 126.602, 126.603, 126.604, 126.605, 530  
149.308, 153.501, 153.502, 153.53, 153.55, 153.692, 153.693, 531  
153.694, 153.72, 153.73, 154.24, 154.25, 164.30, 173.41, 183.151, 532  
305.23, 306.322, 306.55, 306.551, 349.17, 523.01, 523.02, 523.03, 533  
523.04, 523.05, 523.06, 523.07, 523.08, 717.08, 1327.501, 534  
1505.011, 1505.05, 1509.022, 1541.25, 1541.26, 1571.012, 1571.013, 535  
1571.014, 2151.429, 2335.061, 3123.591, 3302.042, 3302.06, 536  
3302.061, 3302.062, 3302.063, 3302.064, 3302.065, 3302.066, 537  
3302.067, 3302.068, 3302.12, 3302.20, 3302.21, 3302.22, 3302.23, 538  
3302.24, 3302.25, 3302.30, 3311.0510, 3313.411, 3313.617, 539

3313.846, 3313.88, 3314.029, 3314.38, 3314.50, 3316.21, 3317.141, 540  
3318.054, 3318.371, 3318.48, 3318.60, 3319.113, 3319.227, 3319.58, 541  
3323.25, 3324.08, 3328.01, 3328.02, 3328.03, 3328.04, 3328.11, 542  
3328.12, 3328.13, 3328.14, 3328.15, 3328.17, 3328.18, 3328.19, 543  
3328.191, 3328.192, 3328.193, 3328.20, 3328.21, 3328.22, 3328.23, 544  
3328.24, 3328.25, 3328.26, 3328.41, 3328.45, 3328.50, 3328.99, 545  
3333.43, 3345.023, 3345.81, 3353.15, 3521.04, 3701.0211, 3701.032, 546  
3701.94, 3701.941, 3709.341, 3745.016, 3770.031, 3793.061, 547  
3903.301, 4303.209, 4313.01, 4313.02, 4729.021, 4781.121, 4781.54, 548  
4905.98, 4911.021, 5111.0122, 5111.0123, 5111.0124, 5111.0125, 549  
5111.0212, 5111.0213, 5111.0214, 5111.0215, 5111.035, 5111.051, 550  
5111.052, 5111.063, 5111.085, 5111.161, 5111.179, 5111.224, 551  
5111.225, 5111.259, 5111.83, 5111.862, 5111.863, 5111.944, 552  
5111.945, 5111.981, 5112.991, 5119.012, 5119.013, 5119.222, 553  
5119.622, 5119.623, 5120.092, 5122.341, 5123.0418, 5123.0419, 554  
5123.0420, 5501.84, 5703.059, 5725.34, and 5729.17 of the Revised 555  
Code be enacted to read as follows: 556

**Sec. 7.10.** For the publication of advertisements, notices, 557  
and proclamations, except those relating to proposed amendments to 558  
the Ohio ~~constitution~~ Constitution, required to be published by a 559  
public officer of the state, ~~county, municipal corporation,~~ 560  
~~township, school,~~ a benevolent or other public institution, or by 561  
a trustee, assignee, executor, or administrator, or by or in any 562  
court of record, except when the rate is otherwise fixed by law, 563  
publishers of newspapers may charge and receive for such 564  
advertisements, notices, and proclamations rates charged on annual 565  
contracts by them for a like amount of space to other advertisers 566  
who advertise in its general display advertising columns. ~~Legal~~ 567

For the publication of advertisements, notices, or 568  
proclamations required to be published by a public officer of a 569  
county, municipal corporation, township, school, or other 570

political subdivision, publishers of newspapers shall establish a 571  
government rate, which shall include free publication of 572  
advertisements, notices, or proclamations on the newspaper's 573  
internet web site, if the newspaper has one. The government rate 574  
shall not exceed the lowest classified advertising rate and lowest 575  
insert rate paid by other advertisers. 576

Legal advertising, except that relating to proposed 577  
amendments to the Ohio ~~constitution~~ Constitution, shall be set up 578  
in a compact form, without unnecessary spaces, blanks, or 579  
headlines, and printed in not smaller than six-point type. The 580  
type used must be of such proportions that the body of the capital 581  
letter M is no wider than it is high and all other letters and 582  
characters are in proportion. 583

Except as provided in section 2701.09 of the Revised Code, 584  
all legal advertisements or notices shall be printed in newspapers 585  
~~published in the English language only of general circulation and~~ 586  
also shall be posted on a newspaper's internet web site, if the 587  
newspaper has one. 588

**Sec. 7.11.** A proclamation for an election, an order fixing 589  
the time of holding court, notice of the rates of taxation, bridge 590  
and pike notices, notice to contractors, and such other 591  
advertisements of general interest to the taxpayers as the county 592  
auditor, county treasurer, probate judge, or board of county 593  
commissioners deems proper shall be published in ~~two newspapers a~~ 594  
newspaper of ~~opposite politics of~~ general circulation, as defined 595  
in section ~~5721.01~~ 7.12 of the Revised Code at the county seat ~~if~~ 596  
~~there are such newspapers published thereat. If there are not two~~ 597  
~~newspapers of opposite politics and of general circulation~~ 598  
~~published in said county seat, such publication shall be made in~~ 599  
~~one newspaper published in said county seat and in any other~~ 600  
~~newspaper of general circulation in said county as defined in~~ 601

~~section 5721.01 of the Revised Code, wherever published, without~~ 602  
~~regard to the politics of such other newspaper.~~ In counties having 603  
~~cities of eight thousand inhabitants or more, not the county seat~~ 604  
~~of such counties, additional publication of such notice shall be~~ 605  
~~made in two newspapers~~ a newspaper ~~of opposite politics and of~~ 606  
~~general circulation in such city,~~ as defined in such section, in 607  
such city. ~~For purposes of this section, a newspaper independent~~ 608  
~~in politics is a newspaper of opposite politics to a newspaper of~~ 609  
~~designated political affiliation. Sections 7.10 to 7.13,~~ 610  
~~inclusive, of the Revised Code, do not apply to the publication of~~ 611  
~~notices of delinquent and forfeited land sales.~~ 612

The cost of any publication authorized by this section, which 613  
~~is~~ shall be printed in display form, shall be the ~~commercial~~ 614  
government rate ~~charged~~ established by such newspaper under 615  
section 7.10 of the Revised Code. 616

**Sec. 7.12.** (A) Whenever any legal publication a state agency 617  
or a political subdivision of the state is required by law to be 618  
made make any legal publication in a newspaper ~~published in a~~ 619  
~~municipal corporation, county, or other political subdivision,~~ the 620  
newspaper shall also be a newspaper of general circulation ~~in the~~ 621  
~~municipal corporation, county, or other political subdivision,~~ 622  
~~without further restriction or limitation upon a selection of the~~ 623  
~~newspaper to be used. If no newspaper is published in such~~ 624  
~~municipal corporation, county, or other political subdivision,~~ 625  
~~such legal publication shall be made in any newspaper of general~~ 626  
~~circulation therein. If there are less than two newspapers~~ 627  
~~published in any municipal corporation, county, or other political~~ 628  
~~subdivision in the manner defined by this section, then any legal~~ 629  
~~publication required by law to be made in a newspaper published in~~ 630  
~~a municipal corporation, county, or other political subdivision~~ 631  
~~may be made in any newspaper regularly issued at stated intervals~~ 632  
~~from a known office of publication located within the municipal~~ 633

~~corporation, county, or other political subdivision. As used in~~ 634  
~~this section, a known office of publication is a public office~~ 635  
~~where the business of the newspaper is transacted during the usual~~ 636  
~~business hours, and such office shall be shown by the publication~~ 637  
~~itself. As used in the Revised Code,~~ 638

~~In addition to all other requirements, a "newspaper" or~~ 639  
~~"newspaper of general circulation," except those publications~~ 640  
~~daily law journals in existence on or before July 1, 2011, and~~ 641  
~~performing the functions described in section 2701.09 of the~~ 642  
~~Revised Code for a period of ~~one year~~ three years immediately~~ 643  
~~preceding any such legal publication required to be made, shall be~~ 644  
~~is a publication bearing a title or name, that is regularly issued~~ 645  
~~as frequently as at least once a week for a definite price or~~ 646  
~~consideration paid for by not less than fifty per cent of those to~~ 647  
~~whom distribution is made, having a second class mailing~~ 648  
~~privilege, being not less than four pages, published continuously~~ 649  
~~during the immediately preceding one year period, and circulated~~ 650  
~~generally in the political subdivision in which it is published.~~ 651  
~~Such publication must be of a type to which the general public~~ 652  
~~resorts for passing events of a political, religious, commercial,~~ 653  
~~and social nature, current happenings, announcements,~~ 654  
~~miscellaneous reading matter, advertisements, and other notices,~~ 655  
~~and that meets all of the following requirements:~~ 656

(1) It is printed in the English language using standard 657  
printing methods, being not less than eight pages in the 658  
broadsheet format or sixteen pages in the tabloid format. 659

(2) It contains at least twenty-five per cent editorial 660  
content, which includes, but is not limited to, local news, 661  
political information, and local sports. 662

(3) It has been published continuously for at least three 663  
years immediately preceding legal publication by the state agency 664  
or political subdivision. 665

(4) The publication has the ability to add subscribers to its distribution list. 666  
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(5) The publication is circulated generally by United States mail or carrier delivery in the political subdivision responsible for legal publication or in the state, if legal publication is made by a state agency, by proof of the filing of a United States postal service "Statement of Ownership, Management, and Circulation" (PS form 3526) with the local postmaster, or by proof of an independent audit of the publication performed, within the twelve months immediately preceding legal publication. 668  
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(B) A person who disagrees that a publication is a "newspaper of general circulation" in which legal publication may be made under this section may deliver a written request for mediation to the publisher of the publication and to the court of common pleas of the county in which is located the political subdivision in which the publication is circulated, or in the Franklin county court of common pleas if legal publication is to be made by a state agency. The court of common pleas shall appoint a mediator, and the parties shall follow the procedures of the mediation program operated by the court. 676  
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**Sec. 7.16.** (A) If a section of the Revised Code requires a state agency or a political subdivision of the state to publish a notice or advertisement two or more times in a newspaper of general circulation and the section refers to this section, the first publication of the notice or advertisement shall be made in its entirety in a newspaper of general circulation and may be made in a preprinted insert in the newspaper, but the second publication otherwise required by that section may be made in abbreviated form in a newspaper of general circulation in the state or in the political subdivision, as designated in that section, and on the newspaper's internet web site, if the 686  
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newspaper has one. The state agency or political subdivision may 697  
eliminate any further newspaper publications required by that 698  
section, provided that the second, abbreviated notice or 699  
advertisement meets all of the following requirements: 700

(1) It is published in the newspaper of general circulation 701  
in which the first publication of the notice or advertisement was 702  
made and is published on that newspaper's internet web site, if 703  
the newspaper has one. 704

(2) It includes a statement that the notice or advertisement 705  
is posted in its entirety on the state agency's or political 706  
subdivision's internet web site, or on the state public notice web 707  
site established under section 125.182 of the Revised Code. 708

(3) It includes the internet addresses on the world wide web 709  
of the state agency, political subdivision, or state public notice 710  
web site and of the newspaper. 711

(4) It includes instructions for accessing the notice or 712  
advertisement on the internet web sites specified in division 713  
(A)(3) of this section. 714

(5) It is of sufficient size that it is at least one-fourth 715  
of the size of the first publication in the newspaper. 716

(B) A notice or advertisement published under this section on 717  
an internet web site shall be published in its entirety in 718  
accordance with the section of the Revised Code that requires the 719  
publication. 720

(C) If a state agency or political subdivision does not 721  
operate and maintain, or ceases to operate and maintain, an 722  
internet web site, and if the state public notice web site 723  
established under section 125.182 of the Revised Code is not 724  
operational, the state agency or political subdivision shall not 725  
publish a notice or advertisement under this section, but instead 726  
shall comply with the publication requirements of the section of 727

the Revised Code that refers to this section. 728

**Sec. 9.03.** (A) As used in this section, "political 729  
subdivision" means any body corporate and politic, except a 730  
municipal corporation that has adopted a charter under Section 7 731  
of Article XVIII, Ohio Constitution, and except a county that has 732  
adopted a charter under Sections 3 and 4 of Article X, Ohio 733  
Constitution, to which both of the following apply: 734

(1) It is responsible for governmental activities only in a 735  
geographic area smaller than the state. 736

(2) It is subject to the sovereign immunity of the state. 737

(B) Except as otherwise provided in division (C) of this 738  
section, the governing body of a political subdivision may use 739  
public funds to publish and distribute newsletters, or to use any 740  
other means, to communicate information about the plans, policies, 741  
and operations of the political subdivision to members of the 742  
public within the political subdivision and to other persons who 743  
may be affected by the political subdivision. 744

(C) Except as otherwise provided in division (A)(7) of 745  
section 340.03 or division (A)(12) of section 340.033 of the 746  
Revised Code, no governing body of a political subdivision shall 747  
use public funds to do any of the following: 748

(1) Publish, distribute, or otherwise communicate information 749  
that does any of the following: 750

(a) Contains defamatory, libelous, or obscene matter; 751

(b) Promotes alcoholic beverages, cigarettes or other tobacco 752  
products, or any illegal product, service, or activity; 753

(c) Promotes illegal discrimination on the basis of race, 754  
color, religion, national origin, handicap, age, or ancestry; 755

(d) Supports or opposes any labor organization or any action 756



by, on behalf of, or against any labor organization; 757

(e) Supports or opposes the nomination or election of a 758  
candidate for public office, the investigation, prosecution, or 759  
recall of a public official, or the passage of a levy or bond 760  
issue. 761

(2) Compensate any employee of the political subdivision for 762  
time spent on any activity to influence the outcome of an election 763  
for any of the purposes described in division (C)(1)(e) of this 764  
section. Division (C)(2) of this section does not prohibit the use 765  
of public funds to compensate an employee of a political 766  
subdivision for attending a public meeting to present information 767  
about the political subdivision's finances, activities, and 768  
governmental actions in a manner that is not designed to influence 769  
the outcome of an election or the passage of a levy or bond issue, 770  
even though the election, levy, or bond issue is discussed or 771  
debated at the meeting. 772

(D) Nothing in this section prohibits or restricts any 773  
political subdivision from sponsoring, participating in, or doing 774  
any of the following: 775

(1) Charitable or public service advertising that is not 776  
commercial in nature unless the commercial advertising complies 777  
with section 9.031 of the Revised Code; 778

(2) Advertising of exhibitions, performances, programs, 779  
products, or services that are provided by employees of a 780  
political subdivision or are provided at or through premises owned 781  
or operated by a political subdivision; 782

(3) Licensing an interest in a name or mark that is owned or 783  
controlled by the political subdivision. 784

(E) As used in this section, "cigarettes" and "tobacco 785  
product" have the same meanings as in section 5743.01 of the 786  
Revised Code. 787

Sec. 9.031. (A) As used in this section: 788

(1) "Advertising" means internet advertising, including banners and icons that may contain links to commercial internet web sites. "Advertising" does not include spyware, malware, or any viruses or programs considered to be malicious. 789  
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(2) "Political subdivision" has the meaning defined in section 9.03 of the Revised Code. 793  
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(3) "State agency" has the meaning defined in section 1.60 of the Revised Code and includes state institutions of higher education as defined in section 3345.011 of the Revised Code. 795  
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(4) "State agency web site" means a web site, internet page, or web page of a state agency office, with respective internet addresses or subdomains, that are intended to provide the public with information about services offered by the state agency office, including relevant forms of searchable data. 798  
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(5) "Political subdivision web site" means a web site, internet page, or web page of a political subdivision office, with respective internet addresses or subdomains, that are intended to provide the public with information about services offered by the political subdivision office, including relevant forms of searchable data. 803  
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(B) A state agency or political subdivision may authorize commercial advertising on a state agency web site or political subdivision web site. A state agency shall adopt rules under section 111.15 of the Revised Code and a political subdivision shall adopt a resolution to authorize placing commercial advertising on the state agency or political subdivision web site. The rules or resolution shall include all of the following: 809  
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(1) A specification of the state agency or political subdivision office, and of the officials or employees therein, who 816  
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are authorized to place commercial advertisements on the state agency or political subdivision web site; 818  
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(2) Criteria for choosing the advertisers and types of advertisements that may be placed on the state agency or political subdivision web site; 820  
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(3) Requirements and procedures for making requests for proposals for placing commercial advertising on the state agency or political subdivision web site; 823  
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(4) Any other requirements or limitations necessary to authorize commercial advertising on the state agency or political subdivision web site. 826  
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(C) A state agency or political subdivision web site on which commercial advertising is placed shall be used exclusively to provide information from the state agency or political subdivision office to the public, and shall not be used as a public forum. 829  
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**Sec. 9.05.** Notwithstanding any provision of section 109.02 of the Revised Code to the contrary, the members of the apportionment board, by majority vote, may choose to be represented by either the attorney general or by private legal counsel in regard to any lawsuit challenging the constitutionality or legality of general assembly districts established under Article XI of the Ohio Constitution. 833  
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As used in this section, "apportionment board" means the persons designated in Section 1 of Article XI, Ohio Constitution, as being responsible for the apportionment of this state for members of the general assembly. 840  
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**Sec. 9.06.** (A)(1) The department of rehabilitation and correction may contract for the private operation and management pursuant to this section of the initial intensive program prison established pursuant to section 5120.033 of the Revised Code, if 844  
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one or more intensive program prisons are established under that 848  
section, and may contract for the private operation and management 849  
of any other facility under this section. Counties and municipal 850  
corporations to the extent authorized in sections 307.93, 341.35, 851  
753.03, and 753.15 of the Revised Code may contract for the 852  
private operation and management of a facility under this section. 853  
A contract entered into under this section shall be for an initial 854  
term ~~of not more than two years~~ specified in the contract with an 855  
option to renew for additional periods of two years. 856

(2) The department of rehabilitation and correction, by rule, 857  
shall adopt minimum criteria and specifications that a person or 858  
entity, other than a person or entity that satisfies the criteria 859  
set forth in division (A)(3)(a) of this section and subject to 860  
division (I) of this section, must satisfy in order to apply to 861  
operate and manage as a contractor pursuant to this section the 862  
initial intensive program prison established pursuant to section 863  
5120.033 of the Revised Code, if one or more intensive program 864  
prisons are established under that section. 865

(3) Subject to division (I) of this section, any person or 866  
entity that applies to operate and manage a facility as a 867  
contractor pursuant to this section shall satisfy one or more of 868  
the following criteria: 869

(a) The person or entity ~~is accredited by the American~~ 870  
~~correctional association and~~, at the time of the application, 871  
operates and manages one or more facilities accredited by the 872  
American correctional association. 873

(b) The person or entity satisfies all of the minimum 874  
criteria and specifications adopted by the department of 875  
rehabilitation and correction pursuant to division (A)(2) of this 876  
section, provided that this alternative shall be available only in 877  
relation to the initial intensive program prison established 878  
pursuant to section 5120.033 of the Revised Code, if one or more 879

intensive program prisons are established under that section. 880

(4) Subject to division (I) of this section, before a public 881  
entity may enter into a contract under this section, the 882  
contractor shall convincingly demonstrate to the public entity 883  
that it can operate the facility with the inmate capacity required 884  
by the public entity and provide the services required in this 885  
section and realize at least a five per cent savings over the 886  
projected cost to the public entity of providing these same 887  
services to operate the facility that is the subject of the 888  
contract. No out-of-state prisoners may be housed in any facility 889  
that is the subject of a contract entered into under this section. 890

(B) Subject to division (I) of this section, any contract 891  
entered into under this section shall include all of the 892  
following: 893

(1) A requirement that ~~the contractor retain the contractor's~~ 894  
~~accreditation from the American correctional association~~ 895  
~~throughout the contract term or~~, if the contractor applied 896  
pursuant to division (A)(3)(b) of this section, the contractor 897  
continue complying with the applicable criteria and specifications 898  
adopted by the department of rehabilitation and correction 899  
pursuant to division (A)(2) of this section; 900

(2) A requirement that all of the following conditions be 901  
met: 902

(a) The contractor begins the process of accrediting the 903  
facility with the American correctional association no later than 904  
sixty days after the facility receives its first inmate. 905

(b) The contractor receives accreditation of the facility 906  
within twelve months after the date the contractor applies to the 907  
American correctional association for accreditation. 908

(c) Once the accreditation is received, the contractor 909  
maintains it for the duration of the contract term. 910

(d) If the contractor does not comply with divisions 911  
(B)(2)(a) to (c) of this section, the contractor is in violation 912  
of the contract, and the public entity may revoke the contract at 913  
its discretion. 914

(3) A requirement that the contractor comply with all rules 915  
promulgated by the department of rehabilitation and correction 916  
that apply to the operation and management of correctional 917  
facilities, including the minimum standards for jails in Ohio and 918  
policies regarding the use of force and the use of deadly force, 919  
although the public entity may require more stringent standards, 920  
and comply with any applicable laws, rules, or regulations of the 921  
federal, state, and local governments, including, but not limited 922  
to, sanitation, food service, safety, and health regulations. The 923  
contractor shall be required to send copies of reports of 924  
inspections completed by the appropriate authorities regarding 925  
compliance with rules and regulations to the director of 926  
rehabilitation and correction or the director's designee and, if 927  
contracting with a local public entity, to the governing authority 928  
of that entity. 929

(4) A requirement that the contractor report for 930  
investigation all crimes in connection with the facility to the 931  
public entity, to all local law enforcement agencies with 932  
jurisdiction over the place at which the facility is located, and, 933  
for a crime committed at a state correctional institution, to the 934  
state highway patrol; 935

(5) A requirement that the contractor immediately report all 936  
escapes from the facility, and the apprehension of all escapees, 937  
by telephone and in writing to all local law enforcement agencies 938  
with jurisdiction over the place at which the facility is located, 939  
to the prosecuting attorney of the county in which the facility is 940  
located, to the state highway patrol, to a daily newspaper having 941  
general circulation in the county in which the facility is 942

located, and, if the facility is a state correctional institution, 943  
to the department of rehabilitation and correction. The written 944  
notice may be by either facsimile transmission or mail. A failure 945  
to comply with this requirement regarding an escape is a violation 946  
of section 2921.22 of the Revised Code. 947

(6) A requirement that, if the facility is a state 948  
correctional institution, the contractor provide a written report 949  
within specified time limits to the director of rehabilitation and 950  
correction or the director's designee of all unusual incidents at 951  
the facility as defined in rules promulgated by the department of 952  
rehabilitation and correction or, if the facility is a local 953  
correctional institution, that the contractor provide a written 954  
report of all unusual incidents at the facility to the governing 955  
authority of the local public entity; 956

(7) A requirement that the contractor maintain proper control 957  
of inmates' personal funds pursuant to rules promulgated by the 958  
department of rehabilitation and correction for state correctional 959  
institutions or pursuant to the minimum standards for jails along 960  
with any additional standards established by the local public 961  
entity for local correctional institutions and that records 962  
pertaining to these funds be made available to representatives of 963  
the public entity for review or audit; 964

(8) A requirement that the contractor prepare and distribute 965  
to the director of rehabilitation and correction or, if 966  
contracting with a local public entity, to the governing authority 967  
of the local entity annual budget income and expenditure 968  
statements and funding source financial reports; 969

(9) A requirement that the public entity appoint and 970  
supervise a full-time contract monitor, that the contractor 971  
provide suitable office space for the contract monitor at the 972  
facility, and that the contractor allow the contract monitor 973  
unrestricted access to all parts of the facility and all records 974

of the facility except the contractor's financial records;	975
(10) A requirement that if the facility is a state	976
correctional institution designated department of rehabilitation	977
and correction staff members be allowed access to the facility in	978
accordance with rules promulgated by the department;	979
(11) A requirement that the contractor provide internal and	980
perimeter security as agreed upon in the contract;	981
(12) If the facility is a state correctional institution, a	982
requirement that the contractor impose discipline on inmates	983
housed in <del>a state correctional institution</del> <u>the facility</u> only in	984
accordance with rules promulgated by the department of	985
rehabilitation and correction;	986
(13) A requirement that the facility be staffed at all times	987
with a staffing pattern approved by the public entity and adequate	988
both to ensure supervision of inmates and maintenance of security	989
within the facility and to provide for programs, transportation,	990
security, and other operational needs. In determining security	991
needs, the contractor shall be required to consider, among other	992
things, the proximity of the facility to neighborhoods and	993
schools.	994
(14) If the contract is with a local public entity, a	995
requirement that the contractor provide services and programs,	996
consistent with the minimum standards for jails promulgated by the	997
department of rehabilitation and correction under section 5120.10	998
of the Revised Code;	999
(15) A clear statement that no immunity from liability	1000
granted to the state, and no immunity from liability granted to	1001
political subdivisions under Chapter 2744. of the Revised Code,	1002
shall extend to the contractor or any of the contractor's	1003
employees;	1004
(16) A statement that all documents and records relevant to	1005



the facility shall be maintained in the same manner required for, 1006  
and subject to the same laws, rules, and regulations as apply to, 1007  
the records of the public entity; 1008

(17) Authorization for the public entity to impose a fine on 1009  
the contractor from a schedule of fines included in the contract 1010  
for the contractor's failure to perform its contractual duties or 1011  
to cancel the contract, as the public entity considers 1012  
appropriate. If a fine is imposed, the public entity may reduce 1013  
the payment owed to the contractor pursuant to any invoice in the 1014  
amount of the imposed fine. 1015

(18) A statement that all services provided or goods produced 1016  
at the facility shall be subject to the same regulations, and the 1017  
same distribution limitations, as apply to goods and services 1018  
produced at other correctional institutions; 1019

(19) ~~Authorization~~ If the facility is a state correctional 1020  
institution, authorization for the department to establish one or 1021  
more prison industries at a the facility ~~operated and managed by a~~ 1022  
~~contractor for the department;~~ 1023

(20) A requirement that, if the facility is an intensive 1024  
program prison established pursuant to section 5120.033 of the 1025  
Revised Code, the facility shall comply with all criteria for 1026  
intensive program prisons of that type that are set forth in that 1027  
section; 1028

(21) If the ~~institution~~ facility is a state correctional 1029  
institution, a requirement that the contractor provide clothing 1030  
for all inmates housed in the facility that is conspicuous in its 1031  
color, style, or color and style, that conspicuously identifies 1032  
its wearer as an inmate, and that is readily distinguishable from 1033  
clothing of a nature that normally is worn outside the facility by 1034  
non-inmates, that the contractor require all inmates housed in the 1035  
facility to wear the clothing so provided, and that the contractor 1036

not permit any inmate, while inside or on the premises of the 1037  
facility or while being transported to or from the facility, to 1038  
wear any clothing of a nature that does not conspicuously identify 1039  
its wearer as an inmate and that normally is worn outside the 1040  
facility by non-inmates. 1041

(C) No contract entered into under this section may require, 1042  
authorize, or imply a delegation of the authority or 1043  
responsibility of the public entity to a contractor for any of the 1044  
following: 1045

(1) Developing or implementing procedures for calculating 1046  
inmate release and parole eligibility dates and recommending the 1047  
granting or denying of parole, although the contractor may submit 1048  
written reports that have been prepared in the ordinary course of 1049  
business; 1050

(2) Developing or implementing procedures for calculating and 1051  
awarding earned credits, approving the type of work inmates may 1052  
perform and the wage or earned credits, if any, that may be 1053  
awarded to inmates engaging in that work, and granting, denying, 1054  
or revoking earned credits; 1055

(3) For inmates serving a term imposed for a felony offense 1056  
committed prior to July 1, 1996, or for a misdemeanor offense, 1057  
developing or implementing procedures for calculating and awarding 1058  
good time, approving the good time, if any, that may be awarded to 1059  
inmates engaging in work, and granting, denying, or revoking good 1060  
time; 1061

(4) Classifying an inmate or placing an inmate in a more or a 1062  
less restrictive custody than the custody ordered by the public 1063  
entity; 1064

(5) Approving inmates for work release; 1065

(6) Contracting for local or long distance telephone services 1066  
for inmates or receiving commissions from those services at a 1067

facility that is owned by or operated under a contract with the 1068  
department. 1069

(D) A contractor that has been approved to operate a facility 1070  
under this section, and a person or entity that enters into a 1071  
contract for specialized services, as described in division (I) of 1072  
this section, relative to an intensive program prison established 1073  
pursuant to section 5120.033 of the Revised Code to be operated by 1074  
a contractor that has been approved to operate the prison under 1075  
this section, shall provide an adequate policy of insurance 1076  
specifically including, but not limited to, insurance for civil 1077  
rights claims as determined by a risk management or actuarial firm 1078  
with demonstrated experience in public liability for state 1079  
governments. The insurance policy shall provide that the state, 1080  
including all state agencies, and all political subdivisions of 1081  
the state with jurisdiction over the facility or in which a 1082  
facility is located are named as insured, and that the state and 1083  
its political subdivisions shall be sent any notice of 1084  
cancellation. The contractor may not self-insure. 1085

A contractor that has been approved to operate a facility 1086  
under this section, and a person or entity that enters into a 1087  
contract for specialized services, as described in division (I) of 1088  
this section, relative to an intensive program prison established 1089  
pursuant to section 5120.033 of the Revised Code to be operated by 1090  
a contractor that has been approved to operate the prison under 1091  
this section, shall indemnify and hold harmless the state, its 1092  
officers, agents, and employees, and any local government entity 1093  
in the state having jurisdiction over the facility or ownership of 1094  
the facility, shall reimburse the state for its costs in defending 1095  
the state or any of its officers, agents, or employees, and shall 1096  
reimburse any local government entity of that nature for its costs 1097  
in defending the local government entity, from all of the 1098  
following: 1099

(1) Any claims or losses for services rendered by the contractor, person, or entity performing or supplying services in connection with the performance of the contract;	1100 1101 1102
(2) Any failure of the contractor, person, or entity or its officers or employees to adhere to the laws, rules, regulations, or terms agreed to in the contract;	1103 1104 1105
(3) Any constitutional, federal, state, or civil rights claim brought against the state related to the facility operated and managed by the contractor;	1106 1107 1108
(4) Any claims, losses, demands, or causes of action arising out of the contractor's, person's, or entity's activities in this state;	1109 1110 1111
(5) Any attorney's fees or court costs arising from any habeas corpus actions or other inmate suits that may arise from any event that occurred at the facility or was a result of such an event, or arise over the conditions, management, or operation of the facility, which fees and costs shall include, but not be limited to, attorney's fees for the state's representation and for any court-appointed representation of any inmate, and the costs of any special judge who may be appointed to hear those actions or suits.	1112 1113 1114 1115 1116 1117 1118 1119 1120
(E) Private correctional officers of a contractor operating and managing a facility pursuant to a contract entered into under this section may carry and use firearms in the course of their employment only after being certified as satisfactorily completing an approved training program as described in division (A) of section 109.78 of the Revised Code.	1121 1122 1123 1124 1125 1126
(F) Upon notification by the contractor of an escape from, or of a disturbance at, the facility that is the subject of a contract entered into under this section, the department of rehabilitation and correction and state and local law enforcement	1127 1128 1129 1130

agencies shall use all reasonable means to recapture escapees or 1131  
quell any disturbance. Any cost incurred by the state or its 1132  
political subdivisions relating to the apprehension of an escapee 1133  
or the quelling of a disturbance at the facility shall be 1134  
chargeable to and borne by the contractor. The contractor shall 1135  
also reimburse the state or its political subdivisions for all 1136  
reasonable costs incurred relating to the temporary detention of 1137  
the escapee following recapture. 1138

(G) Any offense that would be a crime if committed at a state 1139  
correctional institution or jail, workhouse, prison, or other 1140  
correctional facility shall be a crime if committed by or with 1141  
regard to inmates at facilities operated pursuant to a contract 1142  
entered into under this section. 1143

(H) A contractor operating and managing a facility pursuant 1144  
to a contract entered into under this section shall pay any inmate 1145  
workers at the facility at the rate approved by the public entity. 1146  
Inmates working at the facility shall not be considered employees 1147  
of the contractor. 1148

(I) In contracting for the private operation and management 1149  
pursuant to division (A) of this section of any intensive program 1150  
prison established pursuant to section 5120.033 of the Revised 1151  
Code, the department of rehabilitation and correction may enter 1152  
into a contract with a contractor for the general operation and 1153  
management of the prison and may enter into one or more separate 1154  
contracts with other persons or entities for the provision of 1155  
specialized services for persons confined in the prison, 1156  
including, but not limited to, security or training services or 1157  
medical, counseling, educational, or similar treatment programs. 1158  
If, pursuant to this division, the department enters into a 1159  
contract with a contractor for the general operation and 1160  
management of the prison and also enters into one or more 1161  
specialized service contracts with other persons or entities, all 1162

of the following apply: 1163

(1) The contract for the general operation and management 1164  
shall comply with all requirements and criteria set forth in this 1165  
section, and all provisions of this section apply in relation to 1166  
the prison operated and managed pursuant to the contract. 1167

(2) Divisions (A)(2), (B), and (C) of this section do not 1168  
apply in relation to any specialized services contract, except to 1169  
the extent that the provisions of those divisions clearly are 1170  
relevant to the specialized services to be provided under the 1171  
specialized services contract. Division (D) of this section 1172  
applies in relation to each specialized services contract. 1173

(J) If, on or after the effective date of this amendment, a 1174  
contractor enters into a contract with the department of 1175  
rehabilitation and correction under this section for the operation 1176  
and management of any facility described in Section 753.10 of the 1177  
act in which this amendment was adopted or with the department of 1178  
youth services and department of administrative services under 1179  
Section 753.30 of the act in which this amendment was adopted for 1180  
the operation and management as an adult correctional facility of 1181  
any facility described in that section, if the contract provides 1182  
for the sale of the facility to the contractor, if the facility is 1183  
sold to the contractor subsequent to the execution of the 1184  
contract, and if the contractor is privately operating and 1185  
managing the facility, notwithstanding the contractor's private 1186  
operation and management of the facility, all of the following 1187  
apply: 1188

(1) Except as expressly provided to the contrary in this 1189  
section, the facility being privately operated and managed by the 1190  
contractor shall be considered for purposes of the Revised Code as 1191  
being under the control of, or under the jurisdiction of, the 1192  
department of rehabilitation and correction. 1193

(2) Any reference in this section to "state correctional institution," any reference in Chapter 2967. of the Revised Code to "state correctional institution," other than the definition of that term set forth in section 2967.01 of the Revised Code, or to "prison," and any reference in Chapter 2929., 5120., 5145., 5147., or 5149. or any other provision of the Revised Code to "state correctional institution" or "prison" shall be considered to include a reference to the facility being privately operated and managed by the contractor, unless the context makes the inclusion of that facility clearly inapplicable.

(3) Upon the sale and conveyance of the facility, the facility shall be returned to the tax list and duplicate maintained by the county auditor, and the facility shall be subject to all real property taxes and assessments. No exemption from real property taxation pursuant to Chapter 5709. of the Revised Code shall apply to the facility conveyed. The gross receipts and income of the contractor to whom the facility is conveyed that are derived from operating and managing the facility under this section shall be exempt from gross receipts and income taxes levied by the state and its subdivisions, including the taxes levied pursuant to Chapters 718., 5747., 5748., and 5751. of the Revised Code.

(K) As used in this section:

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

(2) "Local public entity" means a county or municipal corporation, or a combination of counties and municipal corporations, that has jurisdiction over a jail, workhouse, or other correctional facility used only for misdemeanants that is

the subject of a contract entered into under this section. 1226

(3) "Governing authority of a local public entity" means, for 1227  
a county, the board of county commissioners; for a municipal 1228  
corporation, the legislative authority; for a combination of 1229  
counties and municipal corporations, all the boards of county 1230  
commissioners and municipal legislative authorities that joined to 1231  
create the facility. 1232

(4) "Contractor" means a person or entity that enters into a 1233  
contract under this section to operate and manage a jail, 1234  
workhouse, or other correctional facility. 1235

(5) "Facility" means ~~the~~ any of the following: 1236

(a) The specific county, multicounty, municipal, 1237  
municipal-county, or multicounty-municipal jail, workhouse, 1238  
prison, or other type of correctional institution or facility used 1239  
only for misdemeanants, ~~or a~~ that is the subject of a contract 1240  
entered into under this section; 1241

(b) Any state correctional institution, that is the subject 1242  
of a contract entered into under this section, including any 1243  
facility described in Section 753.10 of the act in which this 1244  
amendment was adopted or under Section 753.30 of the act in which 1245  
this section was adopted and used as an adult correctional 1246  
facility at any time prior to or after any sale to a contractor of 1247  
the state's right, title, and interest in the facility, the land 1248  
situated thereon, and specified surrounding land. 1249

(6) "Person or entity" in the case of a contract for the 1250  
private operation and management of a state correctional 1251  
institution, includes an employee organization, as defined in 1252  
section 4117.01 of the Revised Code, that represents employees at 1253  
state correctional institutions. 1254

**Sec. 9.231.** (A)(1) Subject to divisions (A)(2) and (3) of 1255



this section, a governmental entity shall not disburse money 1256  
totaling twenty-five thousand dollars or more to any person for 1257  
the provision of services for the primary benefit of individuals 1258  
or the public and not for the primary benefit of a governmental 1259  
entity or the employees of a governmental entity, unless the 1260  
contracting authority of the governmental entity first enters into 1261  
a written contract with the person that is signed by the person or 1262  
by an officer or agent of the person authorized to legally bind 1263  
the person and that embodies all of the requirements and 1264  
conditions set forth in sections 9.23 to 9.236 of the Revised 1265  
Code. If the disbursement of money occurs over the course of a 1266  
governmental entity's fiscal year, rather than in a lump sum, the 1267  
contracting authority of the governmental entity shall enter into 1268  
the written contract with the person at the point during the 1269  
governmental entity's fiscal year that at least seventy-five 1270  
thousand dollars has been disbursed by the governmental entity to 1271  
the person. Thereafter, the contracting authority of the 1272  
governmental entity shall enter into the written contract with the 1273  
person at the beginning of the governmental entity's fiscal year, 1274  
if, during the immediately preceding fiscal year, the governmental 1275  
entity disbursed to that person an aggregate amount totaling at 1276  
least seventy-five thousand dollars. 1277

(2) If the money referred to in division (A)(1) of this 1278  
section is disbursed by or through more than one state agency to 1279  
the person for the provision of services to the same population, 1280  
the contracting authorities of those agencies shall determine 1281  
which one of them will enter into the written contract with the 1282  
person. 1283

(3) The requirements and conditions set forth in divisions 1284  
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and (2) 1285  
and (B) of section 9.234, divisions (A)(2) and (B) of section 1286  
9.235, and sections 9.233 and 9.236 of the Revised Code do not 1287

apply with respect to the following:	1288
(a) Contracts to which all of the following apply:	1289
(i) The amount received for the services is a set fee for each time the services are provided, is determined in accordance with a fixed rate per unit of time or per service, or is a capitated rate, and the fee or rate is established by competitive bidding or by a market rate survey of similar services provided in a defined market area. The market rate survey may be one conducted by or on behalf of the governmental entity or an independent survey accepted by the governmental entity as statistically valid and reliable.	1290 1291 1292 1293 1294 1295 1296 1297 1298
(ii) The services are provided in accordance with standards established by state or federal law, or by rules or regulations adopted thereunder, for their delivery, which standards are enforced by the federal government, a governmental entity, or an accrediting organization recognized by the federal government or a governmental entity.	1299 1300 1301 1302 1303 1304
(iii) Payment for the services is made after the services are delivered and upon submission to the governmental entity of an invoice or other claim for payment as required by any applicable local, state, or federal law or, if no such law applies, by the terms of the contract.	1305 1306 1307 1308 1309
(b) Contracts under which the services are reimbursed through or in a manner consistent with a federal program that meets all of the following requirements:	1310 1311 1312
(i) The program calculates the reimbursement rate on the basis of the previous year's experience or in accordance with an alternative method set forth in rules adopted by the Ohio department of job and family services.	1313 1314 1315 1316
(ii) The reimbursement rate is derived from a breakdown of direct and indirect costs.	1317 1318

(iii) The program's guidelines describe types of expenditures 1319  
that are allowable and not allowable under the program and 1320  
delineate which costs are acceptable as direct costs for purposes 1321  
of calculating the reimbursement rate. 1322

(iv) The program includes a uniform cost reporting system 1323  
with specific audit requirements. 1324

(c) Contracts under which the services are reimbursed through 1325  
or in a manner consistent with a federal program that calculates 1326  
the reimbursement rate on a fee for service basis in compliance 1327  
with United States office of management and budget Circular A-87, 1328  
as revised May 10, 2004. 1329

(d) Contracts for services that are paid pursuant to the 1330  
earmarking of an appropriation made by the general assembly for 1331  
that purpose. 1332

(B) Division (A) of this section does not apply if the money 1333  
is disbursed to a person pursuant to a contract with the United 1334  
States or a governmental entity under any of the following 1335  
circumstances: 1336

(1) The person receives the money directly or indirectly from 1337  
the United States, and no governmental entity exercises any 1338  
oversight or control over the use of the money. 1339

(2) The person receives the money solely in return for the 1340  
performance of one or more of the following types of services: 1341

(a) Medical, therapeutic, or other health-related services 1342  
provided by a person if the amount received is a set fee for each 1343  
time the person provides the services, is determined in accordance 1344  
with a fixed rate per unit of time, or is a capitated rate, and 1345  
the fee or rate is reasonable and customary in the person's trade 1346  
or profession; 1347

(b) Medicaid-funded services, including administrative and 1348

management services, provided pursuant to a contract or medicaid 1349  
provider agreement that meets the requirements of the medicaid 1350  
program established under Chapter 5111. of the Revised Code. 1351

(c) Services, other than administrative or management 1352  
services or any of the services described in division (B)(2)(a) or 1353  
(b) of this section, that are commonly purchased by the public at 1354  
an hourly rate or at a set fee for each time the services are 1355  
provided, unless the services are performed for the benefit of 1356  
children, persons who are eligible for the services by reason of 1357  
advanced age, medical condition, or financial need, or persons who 1358  
are confined in a detention facility as defined in section 2921.01 1359  
of the Revised Code, and the services are intended to help promote 1360  
the health, safety, or welfare of those children or persons; 1361

(d) Educational services provided by a school to children 1362  
eligible to attend that school. For purposes of division (B)(2)(d) 1363  
of this section, "school" means any school operated by a school 1364  
district board of education, any community school established 1365  
under Chapter 3314. of the Revised Code, or any nonpublic school 1366  
for which the state board of education prescribes minimum 1367  
education standards under section 3301.07 of the Revised Code. 1368

(e) Services provided by a foster home as defined in section 1369  
5103.02 of the Revised Code; 1370

(f) "Routine business services other than administrative or 1371  
management services," as that term is defined by the attorney 1372  
general by rule adopted in accordance with Chapter 119. of the 1373  
Revised Code; 1374

(g) Services to protect the environment or promote 1375  
environmental education that are provided by a nonprofit entity or 1376  
services to protect the environment that are funded with federal 1377  
grants or revolving loan funds and administered in accordance with 1378  
federal law; 1379

~~(h) Services, including administrative and management 1380  
services, provided under the children's buy in program established 1381  
under sections 5101.5211 to 5101.5216 of the Revised Code. 1382~~

(3) The person receives the money solely in return for the 1383  
performance of services intended to help preserve public health or 1384  
safety under circumstances requiring immediate action as a result 1385  
of a natural or man-made emergency. 1386

(C) With respect to a nonprofit association, corporation, or 1387  
organization established for the purpose of providing educational, 1388  
technical, consulting, training, financial, or other services to 1389  
its members in exchange for membership dues and other fees, any of 1390  
the services provided to a member that is a governmental entity 1391  
shall, for purposes of this section, be considered services "for 1392  
the primary benefit of a governmental entity or the employees of a 1393  
governmental entity. 1394

**Sec. 9.24.** (A) Except as may be allowed under division (F) of 1395  
this section, no state agency and no political subdivision shall 1396  
award a contract as described in division (G)(1) of this section 1397  
for goods, services, or construction, paid for in whole or in part 1398  
with state funds, to a person against whom a finding for recovery 1399  
has been issued by the auditor of state on and after January 1, 1400  
2001, if the finding for recovery is unresolved. 1401

A contract is considered to be awarded when it is entered 1402  
into or executed, irrespective of whether the parties to the 1403  
contract have exchanged any money. 1404

(B) For purposes of this section, a finding for recovery is 1405  
unresolved unless one of the following criteria applies: 1406

(1) The money identified in the finding for recovery is paid 1407  
in full to the state agency or political subdivision to whom the 1408  
money was owed; 1409

(2) The debtor has entered into a repayment plan that is 1410  
approved by the attorney general and the state agency or political 1411  
subdivision to whom the money identified in the finding for 1412  
recovery is owed. A repayment plan may include a provision 1413  
permitting a state agency or political subdivision to withhold 1414  
payment to a debtor for goods, services, or construction provided 1415  
to or for the state agency or political subdivision pursuant to a 1416  
contract that is entered into with the debtor after the date the 1417  
finding for recovery was issued. 1418

(3) The attorney general waives a repayment plan described in 1419  
division (B)(2) of this section for good cause; 1420

(4) The debtor and state agency or political subdivision to 1421  
whom the money identified in the finding for recovery is owed have 1422  
agreed to a payment plan established through an enforceable 1423  
settlement agreement. 1424

(5) The state agency or political subdivision desiring to 1425  
enter into a contract with a debtor certifies, and the attorney 1426  
general concurs, that all of the following are true: 1427

(a) Essential services the state agency or political 1428  
subdivision is seeking to obtain from the debtor cannot be 1429  
provided by any other person besides the debtor; 1430

(b) Awarding a contract to the debtor for the essential 1431  
services described in division (B)(5)(a) of this section is in the 1432  
best interest of the state; 1433

(c) Good faith efforts have been made to collect the money 1434  
identified in the finding of recovery. 1435

(6) The debtor has commenced an action to contest the finding 1436  
for recovery and a final determination on the action has not yet 1437  
been reached. 1438

(C) The attorney general shall submit an initial report to 1439

the auditor of state, not later than December 1, 2003, indicating 1440  
the status of collection for all findings for recovery issued by 1441  
the auditor of state for calendar years 2001, 2002, and 2003. 1442  
Beginning on January 1, 2004, the attorney general shall submit to 1443  
the auditor of state, on the first day of every January, April, 1444  
July, and October, a list of all findings for recovery that have 1445  
been resolved in accordance with division (B) of this section 1446  
during the calendar quarter preceding the submission of the list 1447  
and a description of the means of resolution. The attorney general 1448  
shall notify the auditor of state when a judgment is issued 1449  
against an entity described in division (F)(1) of this section. 1450

(D) The auditor of state shall maintain a database, 1451  
accessible to the public, listing persons against whom an 1452  
unresolved finding for recovery has been issued, and the amount of 1453  
the money identified in the unresolved finding for recovery. The 1454  
auditor of state shall have this database operational on or before 1455  
January 1, 2004. The initial database shall contain the 1456  
information required under this division for calendar years 2001, 1457  
2002, and 2003. 1458

Beginning January 15, 2004, the auditor of state shall update 1459  
the database by the fifteenth day of every January, April, July, 1460  
and October to reflect resolved findings for recovery that are 1461  
reported to the auditor of state by the attorney general on the 1462  
first day of the same month pursuant to division (C) of this 1463  
section. 1464

(E) Before awarding a contract as described in division 1465  
(G)(1) of this section for goods, services, or construction, paid 1466  
for in whole or in part with state funds, a state agency or 1467  
political subdivision shall verify that the person to whom the 1468  
state agency or political subdivision plans to award the contract 1469  
has no unresolved finding for recovery issued against the person. 1470  
A state agency or political subdivision shall verify that the 1471

person does not appear in the database described in division (D) 1472  
of this section or shall obtain other proof that the person has no 1473  
unresolved finding for recovery issued against the person. 1474

(F) The prohibition of division (A) of this section and the 1475  
requirement of division (E) of this section do not apply with 1476  
respect to the companies, payments, or agreements described in 1477  
divisions (F)(1) and (2) of this section, or in the circumstance 1478  
described in division (F)(3) of this section. 1479

(1) A bonding company or a company authorized to transact the 1480  
business of insurance in this state, a self-insurance pool, joint 1481  
self-insurance pool, risk management program, or joint risk 1482  
management program, unless a court has entered a final judgment 1483  
against the company and the company has not yet satisfied the 1484  
final judgment. 1485

(2) To medicaid provider agreements under Chapter 5111. of 1486  
the Revised Code ~~or payments or provider agreements under the~~ 1487  
~~children's buy-in program established under sections 5101.5211 to~~ 1488  
~~5101.5216 of the Revised Code.~~ 1489

(3) When federal law dictates that a specified entity provide 1490  
the goods, services, or construction for which a contract is being 1491  
awarded, regardless of whether that entity would otherwise be 1492  
prohibited from entering into the contract pursuant to this 1493  
section. 1494

(G)(1) This section applies only to contracts for goods, 1495  
services, or construction that satisfy the criteria in either 1496  
division (G)(1)(a) or (b) of this section. This section may apply 1497  
to contracts for goods, services, or construction that satisfy the 1498  
criteria in division (G)(1)(c) of this section, provided that the 1499  
contracts also satisfy the criteria in either division (G)(1)(a) 1500  
or (b) of this section. 1501

(a) The cost for the goods, services, or construction 1502



provided under the contract is estimated to exceed twenty-five thousand dollars.

(b) The aggregate cost for the goods, services, or construction provided under multiple contracts entered into by the particular state agency and a single person or the particular political subdivision and a single person within the fiscal year preceding the fiscal year within which a contract is being entered into by that same state agency and the same single person or the same political subdivision and the same single person, exceeded fifty thousand dollars.

(c) The contract is a renewal of a contract previously entered into and renewed pursuant to that preceding contract.

(2) This section does not apply to employment contracts.

(H) As used in this section:

(1) "State agency" has the same meaning as in section 9.66 of the Revised Code.

(2) "Political subdivision" means a political subdivision as defined in section 9.82 of the Revised Code that has received more than fifty thousand dollars of state money in the current fiscal year or the preceding fiscal year.

(3) "Finding for recovery" means a determination issued by the auditor of state, contained in a report the auditor of state gives to the attorney general pursuant to section 117.28 of the Revised Code, that public money has been illegally expended, public money has been collected but not been accounted for, public money is due but has not been collected, or public property has been converted or misappropriated.

(4) "Debtor" means a person against whom a finding for recovery has been issued.

(5) "Person" means the person named in the finding for

recovery. 1533

(6) "State money" does not include funds the state receives 1534  
from another source and passes through to a political subdivision. 1535

**Sec. 9.33.** As used in sections 9.33 to ~~9.333~~ 9.335 of the 1536  
Revised Code: 1537

(A) "Construction manager" means a person with substantial 1538  
discretion and authority to plan, coordinate, manage, and direct 1539  
all phases of a project for the construction, demolition, 1540  
alteration, repair, or reconstruction of any public building, 1541  
structure, or other improvement, but does not mean the person who 1542  
provides the professional design services or who actually performs 1543  
the construction, demolition, alteration, repair, or 1544  
reconstruction work on the project. 1545

(B)(1) "Construction manager at risk" means a person with 1546  
substantial discretion and authority to plan, coordinate, manage, 1547  
direct, and construct all phases of a project for the 1548  
construction, demolition, alteration, repair, or reconstruction of 1549  
any public building, structure, or other improvement and who 1550  
provides the public authority a guaranteed maximum price as 1551  
determined in section 9.334 of the Revised Code. 1552

(2) As used in division (B)(1) of this section: 1553

(a) "Construct" includes performing, or subcontracting for 1554  
performing, construction, demolition, alteration, repair, or 1555  
reconstruction. 1556

(b) "Manage" includes approving bidders and awarding 1557  
subcontracts for furnishing materials regarding, or for 1558  
performing, construction, demolition, alteration, repair, or 1559  
reconstruction. 1560

(C) "Construction management contract" means a contract 1561  
between a public authority and another person obligating the 1562

person to provide construction management services. 1563

(D) "Construction management services" or "management services" means the range of services that either a construction manager or a construction manager at risk may provide. 1564  
1565  
1566

(E) "Qualified" means having the following qualifications: 1567

(1) Competence to perform the required management services as 1568  
indicated by the technical training, education, and experience of 1569  
the construction manager's or construction manager at risk's 1570  
personnel, especially the technical training, education, and 1571  
experience of the construction manager's or construction manager 1572  
at risk's employees who would be assigned to perform the services; 1573

(2) Ability in terms of workload and the availability of 1574  
qualified personnel, equipment, and facilities to perform the 1575  
required management services competently and expeditiously; 1576

(3) Past performance as reflected by the evaluations of 1577  
previous clients with respect to factors such as control of costs, 1578  
quality of work, and meeting of deadlines; 1579

(4) Financial responsibility as evidenced by the capability 1580  
to provide a letter of credit pursuant to Chapter 1305. of the 1581  
Revised Code, a surety bond, certified check, or cashier's check 1582  
in an amount equal to the value of the construction management 1583  
contract, or by other means acceptable to the public ~~owner~~ 1584  
authority; 1585

(5) Other similar factors. 1586

~~(C)~~(F)(1) "Public ~~owner~~ authority" means the state, or any 1587  
state institution of higher education as defined in section 1588  
3345.011 of the Revised Code, any county, township, municipal 1589  
corporation, school district, or other political subdivision, or 1590  
any public agency, authority, board, commission, instrumentality, 1591  
or special purpose district of the state or of a political 1592

subdivision. 1593

(2) "Public authority" does not include the Ohio turnpike 1594  
commission. 1595

(G) "Open book pricing method" means a method in which a 1596  
construction manager at risk provides the public authority, at the 1597  
public authority's request, all books, records, documents, and 1598  
other data in its possession pertaining to the bidding, pricing, 1599  
or performance of a construction management contract awarded to 1600  
the construction manager at risk. 1601

**Sec. 9.331.** (A) Before entering into a contract to employ a 1602  
construction manager or construction manager at risk, a public 1603  
~~owner~~ authority shall advertise, in a newspaper of general 1604  
circulation in the county where the contract is to be performed, 1605  
and may advertise by electronic means pursuant to rules adopted by 1606  
the director of administrative services, notice of its intent to 1607  
employ a construction manager or construction manager at risk. The 1608  
notice shall invite interested parties to submit proposals for 1609  
consideration and shall be published at least thirty days prior to 1610  
the date for accepting the proposals. The public ~~owner~~ authority 1611  
also may advertise the information contained in the notice in 1612  
appropriate trade journals and otherwise notify persons believed 1613  
to be interested in employment as a construction manager or 1614  
construction manager at risk. 1615

(B) The advertisement shall include a general description of 1616  
the project, a statement of the specific management services 1617  
required, and a description of the qualifications required for the 1618  
project. 1619

**Sec. 9.332.** ~~For every construction management contract, the~~ 1620  
Every public ~~owner~~ authority planning to contract for construction 1621  
management services with a construction manager shall evaluate the 1622

proposals submitted and may hold discussions with individual 1623  
construction managers to explore further their proposals, the 1624  
scope and nature of the services they would provide, and the 1625  
various technical approaches they may take regarding the project. 1626  
Following this evaluation, the public ~~owner~~ authority shall: 1627

(A) Select and rank no fewer than three construction managers 1628  
that it considers to be the most qualified to provide the required 1629  
construction management services, except when the public ~~owner~~ 1630  
authority determines in writing that fewer than three qualified 1631  
construction managers are available in which case it shall select 1632  
and rank them; 1633

(B) Negotiate a contract with the construction manager ranked 1634  
most qualified to perform the required services at a compensation 1635  
determined in writing to be fair and reasonable. Contract 1636  
negotiations shall be directed toward: 1637

(1) Ensuring that the construction manager and the public 1638  
~~owner~~ authority have a mutual understanding of the essential 1639  
requirements involved in providing the required services; 1640

(2) Determining that the construction manager will make 1641  
available the necessary personnel, equipment, and facilities to 1642  
perform the services within the required time. 1643

(C) Upon failure to negotiate a contract with the 1644  
construction manager ranked most qualified, the public ~~owner~~ 1645  
authority shall inform the construction manager in writing of the 1646  
termination of negotiations and enter into negotiations with the 1647  
construction manager ranked next most qualified. If negotiations 1648  
again fail, the same procedure ~~shall~~ may be followed with each 1649  
next most qualified construction manager selected and ranked 1650  
pursuant to division (A) of this section, in order of ranking, 1651  
until a contract is negotiated. 1652

(D) If the public ~~owner~~ authority fails to negotiate a 1653

contract with any of the construction managers selected pursuant 1654  
to division (A) of this section, the public ~~owner shall~~ authority 1655  
may select and rank additional construction managers, based on 1656  
their qualifications, and negotiations ~~shall~~ may continue as with 1657  
the construction managers selected and ranked initially until a 1658  
contract is negotiated. 1659

(E) Nothing in this section affects a public authority's 1660  
right to accept or reject any or all proposals in whole or in 1661  
part. 1662

**Sec. 9.333.** (A) No public ~~owner~~ authority shall enter into a 1663  
construction management contract with a construction manager 1664  
unless the construction manager provides a letter of credit 1665  
pursuant to Chapter 1305. of the Revised Code, a surety bond 1666  
pursuant to sections 153.54 and 153.57 of the Revised Code, a 1667  
certified check or cashier's check in an amount equal to the value 1668  
of the construction management contract for the project, or 1669  
provides other reasonable financial assurance of a nature and in 1670  
an amount satisfactory to the ~~owner~~ public authority. The public 1671  
~~owner~~ authority may waive this requirement for good cause. 1672

(B) Before construction begins pursuant to a construction 1673  
management contract with a construction manager at risk, the 1674  
construction manager at risk shall provide a surety bond to the 1675  
public authority in accordance with section 153.57 of the Revised 1676  
Code in an amount not less than the combined contract values of 1677  
any work under contract to be constructed pursuant to the 1678  
construction management contract prior to the establishment of the 1679  
guaranteed maximum price or in the amount of the guaranteed 1680  
maximum price as agreed to by the public authority, as the case 1681  
may be. 1682

**Sec. 9.334.** (A) Every public authority planning to contract 1683

for construction management services with a construction manager 1684  
at risk shall evaluate the proposals submitted and select not 1685  
fewer than three construction managers at risk the public 1686  
authority considers to be the most qualified to provide the 1687  
required construction management services, except that the public 1688  
authority shall select and rank fewer than three when the public 1689  
authority determines in writing that fewer than three qualified 1690  
construction managers at risk are available. 1691

(B) The public authority shall provide each construction 1692  
manager at risk selected under division (A) of this section with a 1693  
description of the project, including a statement of available 1694  
design detail, a description of how the guaranteed maximum price 1695  
for the project shall be determined, including the estimated level 1696  
of design detail upon which the guaranteed maximum price shall be 1697  
based, the form of the construction management contract, and a 1698  
request for a pricing proposal. 1699

(C) The pricing proposal of each construction manager at risk 1700  
shall include at least the following regarding the construction 1701  
manager at risk: 1702

(1) A list of key personnel for the project; 1703

(2) A statement of the general conditions and contingency 1704  
requirements; 1705

(3) A fee proposal divided into a preconstruction fee, a 1706  
construction fee, and the portion of the construction fee to be at 1707  
risk in a guaranteed maximum price. 1708

(D) The public authority shall evaluate the submitted pricing 1709  
proposals and may hold discussions with individual construction 1710  
managers at risk to explore their proposals further, including the 1711  
scope and nature of the proposed services and potential technical 1712  
approaches. 1713

(E) After evaluating the pricing proposals, the public authority shall rank the selected construction managers at risk based on its evaluation of the value of each pricing proposal, with such evaluation considering the proposed cost and qualifications.

(F) The public authority shall enter into negotiations for a construction management contract with the construction manager at risk whose pricing proposal the public authority determines to be the best value under division (E) of this section. Contract negotiations shall be directed toward:

(1) Ensuring that the construction manager at risk and the public authority mutually understand the essential requirements involved in providing the required construction management services, including the provisions for the use of contingency funds and the possible distribution of savings in the final costs of the project;

(2) Ensuring that the construction manager at risk will be able to provide the necessary personnel, equipment, and facilities to perform the construction management services within the time required by the construction management contract;

(3) Agreeing upon a procedure and schedule for determining a guaranteed maximum price using an open book pricing method that shall represent the total maximum amount to be paid by the public authority to the construction manager at risk for the project and that shall include the costs of all the work, the cost of its general conditions, the contingency, and the fee payable to the construction manager at risk.

(G)(1) If the public authority fails to negotiate a construction management contract with the construction manager at risk whose pricing proposal the public authority determines to be the best value under division (E) of this section, the public



authority shall inform the construction manager at risk, in 1745  
writing, of the termination of negotiations. 1746

(2) Upon terminating negotiations, the public authority may 1747  
enter into negotiations as provided in this section with the 1748  
construction manager at risk that the public authority ranked next 1749  
highest under division (E) of this section. If negotiations fail, 1750  
the public authority may enter into negotiations as provided in 1751  
this section with the construction manager at risk the public 1752  
authority ranked next highest under division (E) of this section. 1753

(3) If a public authority fails to negotiate a construction 1754  
management contract with a construction manager at risk whose 1755  
pricing proposal the public authority determines to be the best 1756  
value under division (E) of this section, the public authority may 1757  
select additional construction managers at risk to provide pricing 1758  
proposals to the public authority pursuant to this section or may 1759  
select an alternative delivery method for the project. 1760

(H) If the public authority and construction manager at risk 1761  
fail to agree on a guaranteed maximum price, nothing in this 1762  
section shall prohibit the public authority from allowing the 1763  
construction manager at risk to provide the management services 1764  
that a construction manager is authorized to provide. 1765

(I) Nothing in this section affects a public authority's 1766  
right to accept or reject any or all proposals in whole or in 1767  
part. 1768

**Sec. 9.335.** The requirements set forth in sections 9.33 to 1769  
9.334 of the Revised Code for the bidding, selection, and award of 1770  
a construction management contract by a public authority prevail 1771  
in the event of any conflict with a provision of Chapter 153. of 1772  
the Revised Code. 1773

**Sec. 9.482.** (A) As used in this section, "political 1774

subdivision" has the meaning defined in section 2744.01 of the 1775  
Revised Code. 1776

(B) When authorized by their respective legislative 1777  
authorities, a political subdivision may enter into an agreement 1778  
with another political subdivision whereby a contracting political 1779  
subdivision agrees to exercise any power, perform any function, or 1780  
render any service for another contracting recipient political 1781  
subdivision that the contracting recipient political subdivision 1782  
is otherwise legally authorized to exercise, perform, or render. 1783

In the absence in the agreement of provisions determining by 1784  
what officer, office, department, agency, or other authority the 1785  
powers and duties of a contracting political subdivision shall be 1786  
exercised or performed, the legislative authority of the 1787  
contracting political subdivision shall determine and assign the 1788  
powers and duties. 1789

An agreement shall not suspend the possession by a 1790  
contracting recipient political subdivision of any power or 1791  
function that is exercised or performed on its behalf by another 1792  
contracting political subdivision under the agreement. 1793

A political subdivision shall not enter into an agreement to 1794  
levy any tax or to exercise, with regard to public moneys, any 1795  
investment powers, perform any investment function, or render any 1796  
investment service on behalf of a contracting subdivision. 1797

(C) No power shall be exercised, no function shall be 1798  
performed, and no service shall be rendered by a contracting 1799  
political subdivision pursuant to an agreement entered into under 1800  
this section within a political subdivision that is not a party to 1801  
the agreement, without first obtaining the written consent of the 1802  
political subdivision that is not a party to the agreement and 1803  
within which the power is to be exercised, a function is to be 1804  
performed, or a service is to be rendered. 1805

(D) Chapter 2744. of the Revised Code, insofar as it applies 1806  
to the operation of a political subdivision, applies to the 1807  
political subdivisions that are parties to an agreement and to 1808  
their employees when they are rendering a service outside the 1809  
boundaries of their employing political subdivision under the 1810  
agreement. Employees acting outside the boundaries of their 1811  
employing political subdivision while providing a service under an 1812  
agreement may participate in any pension or indemnity fund 1813  
established by the political subdivision to the same extent as 1814  
while they are acting within the boundaries of the political 1815  
subdivision, and are entitled to all the rights and benefits of 1816  
Chapter 4123. of the Revised Code to the same extent as while they 1817  
are performing a service within the boundaries of the political 1818  
subdivision. 1819

**Sec. 9.90.** (A) The governing board of any public institution 1820  
of higher education, including without limitation state 1821  
universities and colleges, community college districts, university 1822  
branch districts, technical college districts, and municipal 1823  
universities, may, in addition to all other powers provided in the 1824  
Revised Code: 1825

(1) Contract for, purchase, or otherwise procure from an 1826  
insurer or insurers licensed to do business by the state of Ohio 1827  
for or on behalf of such of its employees as it may determine, 1828  
life insurance, or sickness, accident, annuity, endowment, health, 1829  
medical, hospital, dental, or surgical coverage and benefits, or 1830  
any combination thereof, by means of insurance plans or other 1831  
types of coverage, family, group or otherwise, and may pay from 1832  
funds under its control and available for such purpose all or any 1833  
portion of the cost, premium, or charge for such insurance, 1834  
coverage, or benefits. However, the governing board, in addition 1835  
to or as an alternative to the authority otherwise granted by 1836  
division (A)(1) of this section, may elect to procure coverage for 1837

health care services, for or on behalf of such of its employees as 1838  
it may determine, by means of policies, contracts, certificates, 1839  
or agreements issued by at least two health insuring corporations 1840  
holding a certificate of authority under Chapter 1751. of the 1841  
Revised Code and may pay from funds under the governing board's 1842  
control and available for such purpose all or any portion of the 1843  
cost of such coverage. 1844

(2) Make payments to a custodial account for investment in 1845  
regulated investment company stock for the purpose of providing 1846  
retirement benefits as described in section 403(b)(7) of the 1847  
Internal Revenue Code of 1954, as amended. Such stock shall be 1848  
purchased only from persons authorized to sell such stock in this 1849  
state. 1850

Any income of an employee deferred under divisions (A)(1) and 1851  
(2) of this section in a deferred compensation program eligible 1852  
for favorable tax treatment under the Internal Revenue Code of 1853  
1954, as amended, shall continue to be included as regular 1854  
compensation for the purpose of computing the contributions to and 1855  
benefits from the retirement system of such employee. Any sum so 1856  
deferred shall not be included in the computation of any federal 1857  
and state income taxes withheld on behalf of any such employee. 1858

(B) All or any portion of the cost, premium, or charge 1859  
therefor may be paid in such other manner or combination of 1860  
matters as the governing board may determine, including direct 1861  
payment by the employee in cases under division (A)(1) of this 1862  
section, and, if authorized in writing by the employee in cases 1863  
under division (A)(1) or (2) of this section, by such governing 1864  
board with moneys made available by deduction from or reduction in 1865  
salary or wages or by the foregoing of a salary or wage increase. 1866  
Nothing in section 3917.01 or section 3917.06 of the Revised Code 1867  
shall prohibit the issuance or purchase of group life insurance 1868  
authorized by this section by reason of payment of premiums 1869

therefor by the governing board from its funds, and such group 1870  
life insurance may be so issued and purchased if otherwise 1871  
consistent with the provisions of sections 3917.01 to 3917.07 of 1872  
the Revised Code. 1873

(C) The board of education of any school district may 1874  
exercise any of the powers granted to the governing boards of 1875  
public institutions of higher education under divisions (A) and 1876  
(B) of this section, except in relation to the provision of health 1877  
care benefits to employees. ~~All health care benefits provided to~~ 1878  
~~persons employed by the public schools of this state shall be~~ 1879  
~~health care plans that contain best practices established by the~~ 1880  
~~school employees health care board pursuant to section 9.901 of~~ 1881  
~~the Revised Code.~~ 1882

**Sec. 101.15.** (A) As used in this section: 1883

(1) "Caucus" means all of the members of either house of the 1884  
general assembly who are members of a committee and members of the 1885  
same political party. 1886

(2) "Committee" means any committee of either house of the 1887  
general assembly, a joint committee of both houses of the general 1888  
assembly, including a committee of conference, or a subcommittee 1889  
of any committee listed in division (A)(2) of this section. 1890

(3) "Meeting" means any prearranged discussion of the public 1891  
business of a committee by a majority of its members. 1892

(B)~~(1)~~ Except as otherwise provided in ~~division~~ divisions 1893  
(B)(2) and (F) of this section, all meetings of any committee are 1894  
declared to be public meetings open to the public at all times. 1895  
The secretary assigned to the chairperson of the committee shall 1896  
prepare, file, and maintain the minutes of every regular or 1897  
special meeting of a committee. The committee, at its next regular 1898  
or special meeting, shall approve the minutes prepared, filed, and 1899

maintained by the secretary, or, if the minutes prepared, filed, 1900  
and maintained by the secretary require correction before their 1901  
approval, the committee shall correct and approve the minutes at 1902  
the next following regular or special meeting. The committee shall 1903  
make the minutes available for public inspection not later than 1904  
seven days after the meeting the minutes reflect or not later than 1905  
the committee's next regular or special meeting, whichever occurs 1906  
first. 1907

(2) Upon motion, the chairperson of a committee shall recess 1908  
a meeting of the committee to enable the members of the committee 1909  
who are members of the same political party to hold a caucus 1910  
meeting to discuss matters that have been referred to or are under 1911  
consideration by the committee. Unless the caucus determines 1912  
otherwise, a caucus meeting is neither a public meeting nor open 1913  
to the public at any time. During a recess for the purpose of a 1914  
caucus meeting, it is not in order for the committee to take up or 1915  
dispose of any matter that has been referred to or is under 1916  
consideration by the committee. 1917

(C) Each committee shall establish a reasonable method 1918  
whereby any person may determine the time and place of all 1919  
regularly scheduled meetings and the time, place, and purpose of 1920  
all special meetings. No committee shall hold a regular or special 1921  
meeting unless it gives at least twenty-four hours' advance notice 1922  
to the news media that have requested notification. 1923

The method established by each committee shall provide that, 1924  
upon request and payment of a reasonable fee, any person may 1925  
obtain reasonable advance notification of all meetings at which 1926  
any specific type of public business will be discussed. Provisions 1927  
for advance notification may include, but are not limited to, 1928  
mailing the agenda of meetings to all subscribers on a mailing 1929  
list or mailing notices in self-addressed stamped envelopes 1930  
provided by the person who desires advance notification. 1931

(D) Any action of a committee relating to a bill or resolution, or any other formal action of a committee, is invalid unless taken in an open meeting of the committee. Any action of a committee relating to a bill or resolution, or any other formal action of a committee, taken in an open meeting is invalid if it results from deliberations in a meeting not open to the public.

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

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

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

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

threatened conduct.	1964
(b) If the court of common pleas does not issue an injunction under division (E)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the committee all court costs and reasonable attorney's fees, as determined by the court.	1965 1966 1967 1968 1969 1970
(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.	1971 1972 1973
(4) A member of a committee who knowingly violates an injunction issued under division (E)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney of Franklin county or by the attorney general.	1974 1975 1976 1977 1978
(5) The remedies described in divisions (E)(1) to (4) of this section shall be the exclusive remedies for a violation of this section.	1979 1980 1981
(F) This section does not apply to or affect either of the following:	1982 1983
(1) All meetings of the joint legislative ethics committee created under section 101.34 of the Revised Code other than a meeting that is held for any of the following purposes:	1984 1985 1986
(a) To consider the adoption, amendment, or rescission of any rule that the joint legislative ethics committee is authorized to adopt pursuant to division (B)(11) of section 101.34, division (E) of section 101.78, division (B) of section 102.02, or division (E) of section 121.68 of the Revised Code;	1987 1988 1989 1990 1991
(b) To discuss and consider changes to any administrative operation of the joint legislative ethics committee other than any	1992 1993



matter described in division (G) of section 121.22 of the Revised Code;	1994 1995
(c) To discuss pending or proposed legislation.	1996
(2) Meetings of a caucus, <u>except as provided in division (B)(2) of this section.</u>	1997 1998
<del>(G)</del> For purposes of division (F)(1)(a) of this section, an advisory opinion, written opinion, or decision relative to a complaint is not a rule.	1999 2000 2001
<b>Sec. 102.02.</b> (A) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, county, or city office and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the executive director and the members of the capitol square review and advisory board appointed or employed pursuant to section 105.41 of the Revised Code; all members of the Ohio casino control commission, the executive director of the commission, all professional employees of the commission, and all technical employees of the commission who perform an internal audit function; the individuals set forth in division (B)(2) of section 187.03 of the Revised Code; the chief executive officer and the members of the board of each state retirement system; each employee of a state retirement board who is a state retirement system investment officer licensed pursuant to section 1707.163 of	2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024

the Revised Code; the members of the Ohio retirement study council 2025  
appointed pursuant to division (C) of section 171.01 of the 2026  
Revised Code; employees of the Ohio retirement study council, 2027  
other than employees who perform purely administrative or clerical 2028  
functions; the administrator of workers' compensation and each 2029  
member of the bureau of workers' compensation board of directors; 2030  
the bureau of workers' compensation director of investments; the 2031  
chief investment officer of the bureau of workers' compensation; 2032  
the director appointed by the workers' compensation council; all 2033  
members of the board of commissioners on grievances and discipline 2034  
of the supreme court and the ethics commission created under 2035  
section 102.05 of the Revised Code; every business manager, 2036  
treasurer, or superintendent of a city, local, exempted village, 2037  
joint vocational, or cooperative education school district or an 2038  
educational service center; every person who is elected to or is a 2039  
candidate for the office of member of a board of education of a 2040  
city, local, exempted village, joint vocational, or cooperative 2041  
education school district or of a governing board of an 2042  
educational service center that has a total student count of 2043  
twelve thousand or more as most recently determined by the 2044  
department of education pursuant to section 3317.03 of the Revised 2045  
Code; every person who is appointed to the board of education of a 2046  
municipal school district pursuant to division (B) or (F) of 2047  
section 3311.71 of the Revised Code; all members of the board of 2048  
directors of a sanitary district that is established under Chapter 2049  
6115. of the Revised Code and organized wholly for the purpose of 2050  
providing a water supply for domestic, municipal, and public use, 2051  
and that includes two municipal corporations in two counties; 2052  
every public official or employee who is paid a salary or wage in 2053  
accordance with schedule C of section 124.15 or schedule E-2 of 2054  
section 124.152 of the Revised Code; members of the board of 2055  
trustees and the executive director of the southern Ohio 2056  
agricultural and community development foundation; all members 2057

appointed to the Ohio livestock care standards board under section 2058  
904.02 of the Revised Code; and every other public official or 2059  
employee who is designated by the appropriate ethics commission 2060  
pursuant to division (B) of this section. 2061

The disclosure statement shall include all of the following: 2062

(1) The name of the person filing the statement and each 2063  
member of the person's immediate family and all names under which 2064  
the person or members of the person's immediate family do 2065  
business; 2066

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 2067  
and except as otherwise provided in section 102.022 of the Revised 2068  
Code, identification of every source of income, other than income 2069  
from a legislative agent identified in division (A)(2)(b) of this 2070  
section, received during the preceding calendar year, in the 2071  
person's own name or by any other person for the person's use or 2072  
benefit, by the person filing the statement, and a brief 2073  
description of the nature of the services for which the income was 2074  
received. If the person filing the statement is a member of the 2075  
general assembly, the statement shall identify the amount of every 2076  
source of income received in accordance with the following ranges 2077  
of amounts: zero or more, but less than one thousand dollars; one 2078  
thousand dollars or more, but less than ten thousand dollars; ten 2079  
thousand dollars or more, but less than twenty-five thousand 2080  
dollars; twenty-five thousand dollars or more, but less than fifty 2081  
thousand dollars; fifty thousand dollars or more, but less than 2082  
one hundred thousand dollars; and one hundred thousand dollars or 2083  
more. Division (A)(2)(a) of this section shall not be construed to 2084  
require a person filing the statement who derives income from a 2085  
business or profession to disclose the individual items of income 2086  
that constitute the gross income of that business or profession, 2087  
except for those individual items of income that are attributable 2088  
to the person's or, if the income is shared with the person, the 2089

partner's, solicitation of services or goods or performance, 2090  
arrangement, or facilitation of services or provision of goods on 2091  
behalf of the business or profession of clients, including 2092  
corporate clients, who are legislative agents. A person who files 2093  
the statement under this section shall disclose the identity of 2094  
and the amount of income received from a person who the public 2095  
official or employee knows or has reason to know is doing or 2096  
seeking to do business of any kind with the public official's or 2097  
employee's agency. 2098

(b) If the person filing the statement is a member of the 2099  
general assembly, the statement shall identify every source of 2100  
income and the amount of that income that was received from a 2101  
legislative agent during the preceding calendar year, in the 2102  
person's own name or by any other person for the person's use or 2103  
benefit, by the person filing the statement, and a brief 2104  
description of the nature of the services for which the income was 2105  
received. Division (A)(2)(b) of this section requires the 2106  
disclosure of clients of attorneys or persons licensed under 2107  
section 4732.12 of the Revised Code, or patients of persons 2108  
certified under section 4731.14 of the Revised Code, if those 2109  
clients or patients are legislative agents. Division (A)(2)(b) of 2110  
this section requires a person filing the statement who derives 2111  
income from a business or profession to disclose those individual 2112  
items of income that constitute the gross income of that business 2113  
or profession that are received from legislative agents. 2114

(c) Except as otherwise provided in division (A)(2)(c) of 2115  
this section, division (A)(2)(a) of this section applies to 2116  
attorneys, physicians, and other persons who engage in the 2117  
practice of a profession and who, pursuant to a section of the 2118  
Revised Code, the common law of this state, a code of ethics 2119  
applicable to the profession, or otherwise, generally are required 2120  
not to reveal, disclose, or use confidences of clients, patients, 2121

or other recipients of professional services except under 2122  
specified circumstances or generally are required to maintain 2123  
those types of confidences as privileged communications except 2124  
under specified circumstances. Division (A)(2)(a) of this section 2125  
does not require an attorney, physician, or other professional 2126  
subject to a confidentiality requirement as described in division 2127  
(A)(2)(c) of this section to disclose the name, other identity, or 2128  
address of a client, patient, or other recipient of professional 2129  
services if the disclosure would threaten the client, patient, or 2130  
other recipient of professional services, would reveal details of 2131  
the subject matter for which legal, medical, or professional 2132  
advice or other services were sought, or would reveal an otherwise 2133  
privileged communication involving the client, patient, or other 2134  
recipient of professional services. Division (A)(2)(a) of this 2135  
section does not require an attorney, physician, or other 2136  
professional subject to a confidentiality requirement as described 2137  
in division (A)(2)(c) of this section to disclose in the brief 2138  
description of the nature of services required by division 2139  
(A)(2)(a) of this section any information pertaining to specific 2140  
professional services rendered for a client, patient, or other 2141  
recipient of professional services that would reveal details of 2142  
the subject matter for which legal, medical, or professional 2143  
advice was sought or would reveal an otherwise privileged 2144  
communication involving the client, patient, or other recipient of 2145  
professional services. 2146

(3) The name of every corporation on file with the secretary 2147  
of state that is incorporated in this state or holds a certificate 2148  
of compliance authorizing it to do business in this state, trust, 2149  
business trust, partnership, or association that transacts 2150  
business in this state in which the person filing the statement or 2151  
any other person for the person's use and benefit had during the 2152  
preceding calendar year an investment of over one thousand dollars 2153  
at fair market value as of the thirty-first day of December of the 2154

preceding calendar year, or the date of disposition, whichever is 2155  
earlier, or in which the person holds any office or has a 2156  
fiduciary relationship, and a description of the nature of the 2157  
investment, office, or relationship. Division (A)(3) of this 2158  
section does not require disclosure of the name of any bank, 2159  
savings and loan association, credit union, or building and loan 2160  
association with which the person filing the statement has a 2161  
deposit or a withdrawable share account. 2162

(4) All fee simple and leasehold interests to which the 2163  
person filing the statement holds legal title to or a beneficial 2164  
interest in real property located within the state, excluding the 2165  
person's residence and property used primarily for personal 2166  
recreation; 2167

(5) The names of all persons residing or transacting business 2168  
in the state to whom the person filing the statement owes, in the 2169  
person's own name or in the name of any other person, more than 2170  
one thousand dollars. Division (A)(5) of this section shall not be 2171  
construed to require the disclosure of debts owed by the person 2172  
resulting from the ordinary conduct of a business or profession or 2173  
debts on the person's residence or real property used primarily 2174  
for personal recreation, except that the superintendent of 2175  
financial institutions shall disclose the names of all 2176  
state-chartered savings and loan associations and of all service 2177  
corporations subject to regulation under division (E)(2) of 2178  
section 1151.34 of the Revised Code to whom the superintendent in 2179  
the superintendent's own name or in the name of any other person 2180  
owes any money, and that the superintendent and any deputy 2181  
superintendent of banks shall disclose the names of all 2182  
state-chartered banks and all bank subsidiary corporations subject 2183  
to regulation under section 1109.44 of the Revised Code to whom 2184  
the superintendent or deputy superintendent owes any money. 2185

(6) The names of all persons residing or transacting business 2186

in the state, other than a depository excluded under division 2187  
(A)(3) of this section, who owe more than one thousand dollars to 2188  
the person filing the statement, either in the person's own name 2189  
or to any person for the person's use or benefit. Division (A)(6) 2190  
of this section shall not be construed to require the disclosure 2191  
of clients of attorneys or persons licensed under section 4732.12 2192  
or 4732.15 of the Revised Code, or patients of persons certified 2193  
under section 4731.14 of the Revised Code, nor the disclosure of 2194  
debts owed to the person resulting from the ordinary conduct of a 2195  
business or profession. 2196

(7) Except as otherwise provided in section 102.022 of the 2197  
Revised Code, the source of each gift of over seventy-five 2198  
dollars, or of each gift of over twenty-five dollars received by a 2199  
member of the general assembly from a legislative agent, received 2200  
by the person in the person's own name or by any other person for 2201  
the person's use or benefit during the preceding calendar year, 2202  
except gifts received by will or by virtue of section 2105.06 of 2203  
the Revised Code, or received from spouses, parents, grandparents, 2204  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 2205  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 2206  
fathers-in-law, mothers-in-law, or any person to whom the person 2207  
filing the statement stands in loco parentis, or received by way 2208  
of distribution from any inter vivos or testamentary trust 2209  
established by a spouse or by an ancestor; 2210

(8) Except as otherwise provided in section 102.022 of the 2211  
Revised Code, identification of the source and amount of every 2212  
payment of expenses incurred for travel to destinations inside or 2213  
outside this state that is received by the person in the person's 2214  
own name or by any other person for the person's use or benefit 2215  
and that is incurred in connection with the person's official 2216  
duties, except for expenses for travel to meetings or conventions 2217  
of a national or state organization to which any state agency, 2218

including, but not limited to, any legislative agency or state 2219  
institution of higher education as defined in section 3345.011 of 2220  
the Revised Code, pays membership dues, or any political 2221  
subdivision or any office or agency of a political subdivision 2222  
pays membership dues; 2223

(9) Except as otherwise provided in section 102.022 of the 2224  
Revised Code, identification of the source of payment of expenses 2225  
for meals and other food and beverages, other than for meals and 2226  
other food and beverages provided at a meeting at which the person 2227  
participated in a panel, seminar, or speaking engagement or at a 2228  
meeting or convention of a national or state organization to which 2229  
any state agency, including, but not limited to, any legislative 2230  
agency or state institution of higher education as defined in 2231  
section 3345.011 of the Revised Code, pays membership dues, or any 2232  
political subdivision or any office or agency of a political 2233  
subdivision pays membership dues, that are incurred in connection 2234  
with the person's official duties and that exceed one hundred 2235  
dollars aggregated per calendar year; 2236

(10) If the disclosure statement is filed by a public 2237  
official or employee described in division (B)(2) of section 2238  
101.73 of the Revised Code or division (B)(2) of section 121.63 of 2239  
the Revised Code who receives a statement from a legislative 2240  
agent, executive agency lobbyist, or employer that contains the 2241  
information described in division (F)(2) of section 101.73 of the 2242  
Revised Code or division (G)(2) of section 121.63 of the Revised 2243  
Code, all of the nondisputed information contained in the 2244  
statement delivered to that public official or employee by the 2245  
legislative agent, executive agency lobbyist, or employer under 2246  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 2247  
the Revised Code. 2248

A person may file a statement required by this section in 2249  
person or by mail. A person who is a candidate for elective office 2250



shall file the statement no later than the thirtieth day before 2251  
the primary, special, or general election at which the candidacy 2252  
is to be voted on, whichever election occurs soonest, except that 2253  
a person who is a write-in candidate shall file the statement no 2254  
later than the twentieth day before the earliest election at which 2255  
the person's candidacy is to be voted on. A person who holds 2256  
elective office shall file the statement on or before the 2257  
fifteenth day of April of each year unless the person is a 2258  
candidate for office. A person who is appointed to fill a vacancy 2259  
for an unexpired term in an elective office shall file the 2260  
statement within fifteen days after the person qualifies for 2261  
office. Other persons shall file an annual statement on or before 2262  
the fifteenth day of April or, if appointed or employed after that 2263  
date, within ninety days after appointment or employment. No 2264  
person shall be required to file with the appropriate ethics 2265  
commission more than one statement or pay more than one filing fee 2266  
for any one calendar year. 2267

The appropriate ethics commission, for good cause, may extend 2268  
for a reasonable time the deadline for filing a statement under 2269  
this section. 2270

A statement filed under this section is subject to public 2271  
inspection at locations designated by the appropriate ethics 2272  
commission except as otherwise provided in this section. 2273

(B) The Ohio ethics commission, the joint legislative ethics 2274  
committee, and the board of commissioners on grievances and 2275  
discipline of the supreme court, using the rule-making procedures 2276  
of Chapter 119. of the Revised Code, may require any class of 2277  
public officials or employees under its jurisdiction and not 2278  
specifically excluded by this section whose positions involve a 2279  
substantial and material exercise of administrative discretion in 2280  
the formulation of public policy, expenditure of public funds, 2281  
enforcement of laws and rules of the state or a county or city, or 2282

the execution of other public trusts, to file an annual statement 2283  
on or before the fifteenth day of April under division (A) of this 2284  
section. The appropriate ethics commission shall send the public 2285  
officials or employees written notice of the requirement by the 2286  
fifteenth day of February of each year the filing is required 2287  
unless the public official or employee is appointed after that 2288  
date, in which case the notice shall be sent within thirty days 2289  
after appointment, and the filing shall be made not later than 2290  
ninety days after appointment. 2291

Except for disclosure statements filed by members of the 2292  
board of trustees and the executive director of the southern Ohio 2293  
agricultural and community development foundation, disclosure 2294  
statements filed under this division with the Ohio ethics 2295  
commission by members of boards, commissions, or bureaus of the 2296  
state for which no compensation is received other than reasonable 2297  
and necessary expenses shall be kept confidential. Disclosure 2298  
statements filed with the Ohio ethics commission under division 2299  
(A) of this section by business managers, treasurers, and 2300  
superintendents of city, local, exempted village, joint 2301  
vocational, or cooperative education school districts or 2302  
educational service centers shall be kept confidential, except 2303  
that any person conducting an audit of any such school district or 2304  
educational service center pursuant to section 115.56 or Chapter 2305  
117. of the Revised Code may examine the disclosure statement of 2306  
any business manager, treasurer, or superintendent of that school 2307  
district or educational service center. Disclosure statements 2308  
filed with the Ohio ethics commission under division (A) of this 2309  
section by the individuals set forth in division (B)(2) of section 2310  
187.03 of the Revised Code shall be kept confidential. The Ohio 2311  
ethics commission shall examine each disclosure statement required 2312  
to be kept confidential to determine whether a potential conflict 2313  
of interest exists for the person who filed the disclosure 2314  
statement. A potential conflict of interest exists if the private 2315

interests of the person, as indicated by the person's disclosure 2316  
statement, might interfere with the public interests the person is 2317  
required to serve in the exercise of the person's authority and 2318  
duties in the person's office or position of employment. If the 2319  
commission determines that a potential conflict of interest 2320  
exists, it shall notify the person who filed the disclosure 2321  
statement and shall make the portions of the disclosure statement 2322  
that indicate a potential conflict of interest subject to public 2323  
inspection in the same manner as is provided for other disclosure 2324  
statements. Any portion of the disclosure statement that the 2325  
commission determines does not indicate a potential conflict of 2326  
interest shall be kept confidential by the commission and shall 2327  
not be made subject to public inspection, except as is necessary 2328  
for the enforcement of Chapters 102. and 2921. of the Revised Code 2329  
and except as otherwise provided in this division. 2330

(C) No person shall knowingly fail to file, on or before the 2331  
applicable filing deadline established under this section, a 2332  
statement that is required by this section. 2333

(D) No person shall knowingly file a false statement that is 2334  
required to be filed under this section. 2335

(E)(1) Except as provided in divisions (E)(2) and (3) of this 2336  
section, beginning with statements for calendar year 2011, the 2337  
statement required by division (A) or (B) of this section shall be 2338  
accompanied by a filing fee of ~~forty~~ sixty dollars. 2339

(2) ~~The~~ Beginning with statements for calendar year 2011, the 2340  
statement required by division (A) of this section shall be 2341  
accompanied by the following filing fee to be paid by the person 2342  
who is elected or appointed to, or is a candidate for, any of the 2343  
following offices: 2344

For state office, except member of the 2345  
state board of education \$~~65~~ 95 2346

For office of member of general assembly	\$40	2347
For county office	<del>\$40</del> <u>60</u>	2348
For city office	<del>\$25</del> <u>35</u>	2349
For office of member of the state board		2350
of education	<del>\$25</del> <u>35</u>	2351
For office of member of the Ohio		2352
livestock care standards board	<del>\$25</del>	2353
For office of member of a city, local,		2354
exempted village, or cooperative		2355
education board of		2356
education or educational service		2357
center governing board	<del>\$20</del> <u>30</u>	2358
For position of business manager,		2359
treasurer, or superintendent of a		2360
city, local, exempted village, joint		2361
vocational, or cooperative education		2362
school district or		2363
educational service center	<del>\$20</del> <u>30</u>	2364
(3) No judge of a court of record or candidate for judge of a		2365
court of record, and no referee or magistrate serving a court of		2366
record, shall be required to pay the fee required under division		2367
(E)(1) or (2) or (F) of this section.		2368
(4) For any public official who is appointed to a nonelective		2369
office of the state and for any employee who holds a nonelective		2370
position in a public agency of the state, the state agency that is		2371
the primary employer of the state official or employee shall pay		2372
the fee required under division (E)(1) or (F) of this section.		2373
(F) <del>If</del> <u>Beginning with statements for calendar year 2011, if a</u>		2374
statement required to be filed under this section is not filed by		2375
the date on which it is required to be filed, the appropriate		2376
ethics commission shall assess the person required to file the		2377
statement a late filing fee of <del>ten</del> <u>twenty</u> dollars for each day the		2378

statement is not filed, except that the total amount of the late 2379  
filing fee shall not exceed ~~two~~ five hundred ~~fifty~~ dollars. 2380

(G)(1) The appropriate ethics commission other than the Ohio 2381  
ethics commission and the joint legislative ethics committee shall 2382  
deposit all fees it receives under divisions (E) and (F) of this 2383  
section into the general revenue fund of the state. 2384

(2) The Ohio ethics commission shall deposit all receipts, 2385  
including, but not limited to, fees it receives under divisions 2386  
(E) and (F) of this section, investigative or other fees, costs, 2387  
or other funds it receives as a result of court orders, and all 2388  
moneys it receives from settlements under division (G) of section 2389  
102.06 of the Revised Code, into the Ohio ethics commission fund, 2390  
which is hereby created in the state treasury. All moneys credited 2391  
to the fund shall be used solely for expenses related to the 2392  
operation and statutory functions of the commission. 2393

(3) The joint legislative ethics committee shall deposit all 2394  
receipts it receives from the payment of financial disclosure 2395  
statement filing fees under divisions (E) and (F) of this section 2396  
into the joint legislative ethics committee investigative fund. 2397

(H) Division (A) of this section does not apply to a person 2398  
elected or appointed to the office of precinct, ward, or district 2399  
committee member under Chapter 3517. of the Revised Code; a 2400  
presidential elector; a delegate to a national convention; village 2401  
or township officials and employees; any physician or psychiatrist 2402  
who is paid a salary or wage in accordance with schedule C of 2403  
section 124.15 or schedule E-2 of section 124.152 of the Revised 2404  
Code and whose primary duties do not require the exercise of 2405  
administrative discretion; or any member of a board, commission, 2406  
or bureau of any county or city who receives less than one 2407  
thousand dollars per year for serving in that position. 2408

**Sec. 105.41.** (A) There is hereby created in the legislative 2409

branch of government the capitol square review and advisory board, 2410  
consisting of thirteen members as follows: 2411

(1) Two members of the senate, appointed by the president of 2412  
the senate, both of whom shall not be members of the same 2413  
political party; 2414

(2) Two members of the house of representatives, appointed by 2415  
the speaker of the house of representatives, both of whom shall 2416  
not be members of the same political party; 2417

(3) Five members appointed by the governor, with the advice 2418  
and consent of the senate, not more than three of whom shall be 2419  
members of the same political party, one of whom shall be the 2420  
chief of staff of the governor's office, one of whom shall 2421  
represent the Ohio arts council, one of whom shall represent the 2422  
Ohio historical society, one of whom shall represent the Ohio 2423  
building authority, and one of whom shall represent the public at 2424  
large; 2425

(4) One member, who shall be a former president of the 2426  
senate, appointed by the current president of the senate. If the 2427  
current president of the senate, in the current president's 2428  
discretion, decides for any reason not to make the appointment or 2429  
if no person is eligible or available to serve, the seat shall 2430  
remain vacant. 2431

(5) One member, who shall be a former speaker of the house of 2432  
representatives, appointed by the current speaker of the house of 2433  
representatives. If the current speaker of the house of 2434  
representatives, in the current speaker's discretion, decides for 2435  
any reason not to make the appointment or if no person is eligible 2436  
or available to serve, the seat shall remain vacant. 2437

(6) The clerk of the senate and the clerk of the house of 2438  
representatives. 2439

(B) Terms of office of each appointed member of the board 2440

shall be for three years, except that members of the general 2441  
assembly appointed to the board shall be members of the board only 2442  
so long as they are members of the general assembly and the chief 2443  
of staff of the governor's office shall be a member of the board 2444  
only so long as the appointing governor remains in office. Each 2445  
member shall hold office from the date of the member's appointment 2446  
until the end of the term for which the member was appointed. In 2447  
case of a vacancy occurring on the board, the president of the 2448  
senate, the speaker of the house of representatives, or the 2449  
governor, as the case may be, shall in the same manner prescribed 2450  
for the regular appointment to the commission, fill the vacancy by 2451  
appointing a member. Any member appointed to fill a vacancy 2452  
occurring prior to the expiration of the term for which the 2453  
member's predecessor was appointed shall hold office for the 2454  
remainder of the term. Any appointed member shall continue in 2455  
office subsequent to the expiration date of the member's term 2456  
until the member's successor takes office, or until a period of 2457  
sixty days has elapsed, whichever occurs first. 2458

(C) The board shall hold meetings in a manner and at times 2459  
prescribed by the rules adopted by the board. A majority of the 2460  
board constitutes a quorum, and no action shall be taken by the 2461  
board unless approved by at least six members or by at least seven 2462  
members if a person is appointed under division (A)(4) or (5) of 2463  
this section. At its first meeting, the board shall adopt rules 2464  
for the conduct of its business and the election of its officers, 2465  
and shall organize by selecting a chairperson and other officers 2466  
as it considers necessary. Board members shall serve without 2467  
compensation but shall be reimbursed for actual and necessary 2468  
expenses incurred in the performance of their duties. 2469

(D) The board may do any of the following: 2470

(1) Employ or hire on a consulting basis professional, 2471  
technical, and clerical employees as are necessary for the 2472

performance of its duties;	2473
(2) Hold public hearings at times and places as determined by the board;	2474 2475
(3) Adopt, amend, or rescind rules necessary to accomplish the duties of the board as set forth in this section;	2476 2477
(4) Sponsor, conduct, and support such social events as the board may authorize and consider appropriate for the employees of the board, employees and members of the general assembly, employees of persons under contract with the board or otherwise engaged to perform services on the premises of capitol square, or other persons as the board may consider appropriate. Subject to the requirements of Chapter 4303. of the Revised Code, the board may provide beer, wine, and intoxicating liquor, with or without charge, for those events and may use funds only from the sale of goods and services fund to purchase the beer, wine, and intoxicating liquor the board provides;	2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488
(5) Purchase a warehouse in which to store items of the capitol collection trust and, whenever necessary, equipment or other property of the board.	2489 2490 2491
(E) The board shall do all of the following:	2492
(1) Have sole authority to coordinate and approve any improvements, additions, and renovations that are made to the capitol square. The improvements shall include, but not be limited to, the placement of monuments and sculpture on the capitol grounds.	2493 2494 2495 2496 2497
(2) Subject to section 3353.07 of the Revised Code, operate the capitol square, and have sole authority to regulate all uses of the capitol square. The uses shall include, but not be limited to, the casual and recreational use of the capitol square.	2498 2499 2500 2501
(3) Employ, fix the compensation of, and prescribe the duties	2502



of the executive director of the board and other employees the 2503  
board considers necessary for the performance of its powers and 2504  
duties; 2505

(4) Establish and maintain the capitol collection trust. The 2506  
capitol collection trust shall consist of furniture, antiques, and 2507  
other items of personal property that the board shall store in 2508  
suitable facilities until they are ready to be displayed in the 2509  
capitol square. 2510

(5) Perform repair, construction, contracting, purchasing, 2511  
maintenance, supervisory, and operating activities the board 2512  
determines are necessary for the operation and maintenance of the 2513  
capitol square; 2514

(6) Maintain and preserve the capitol square, in accordance 2515  
with guidelines issued by the United States secretary of the 2516  
interior for application of the secretary's standards for 2517  
rehabilitation adopted in 36 C.F.R. part 67; 2518

(7) Plan and develop a center at the capitol building for the 2519  
purpose of educating visitors about the history of Ohio, including 2520  
its political, economic, and social development and the design and 2521  
erection of the capitol building and its grounds. 2522

(F)(1) The board shall lease capital facilities improved or 2523  
financed by the Ohio building authority pursuant to Chapter 152. 2524  
of the Revised Code for the use of the board, and may enter into 2525  
any other agreements with the authority ancillary to improvement, 2526  
financing, or leasing of those capital facilities, including, but 2527  
not limited to, any agreement required by the applicable bond 2528  
proceedings authorized by Chapter 152. of the Revised Code. Any 2529  
lease of capital facilities authorized by this section shall be 2530  
governed by division (D) of section 152.24 of the Revised Code. 2531

(2) Fees, receipts, and revenues received by the board from 2532  
the state underground parking garage constitute available receipts 2533

as defined in section 152.09 of the Revised Code, and may be 2534  
pledged to the payment of bond service charges on obligations 2535  
issued by the Ohio building authority pursuant to Chapter 152. of 2536  
the Revised Code to improve, finance, or purchase capital 2537  
facilities useful to the board. The authority may, with the 2538  
consent of the board, provide in the bond proceedings for a pledge 2539  
of all or a portion of those fees, receipts, and revenues as the 2540  
authority determines. The authority may provide in the bond 2541  
proceedings or by separate agreement with the board for the 2542  
transfer of those fees, receipts, and revenues to the appropriate 2543  
bond service fund or bond service reserve fund as required to pay 2544  
the bond service charges when due, and any such provision for the 2545  
transfer of those fees, receipts, and revenues shall be 2546  
controlling notwithstanding any other provision of law pertaining 2547  
to those fees, receipts, and revenues. 2548

(3) All moneys received by the treasurer of state on account 2549  
of the board and required by the applicable bond proceedings or by 2550  
separate agreement with the board to be deposited, transferred, or 2551  
credited to the bond service fund or bond service reserve fund 2552  
established by the bond proceedings shall be transferred by the 2553  
treasurer of state to such fund, whether or not it is in the 2554  
custody of the treasurer of state, without necessity for further 2555  
appropriation, upon receipt of notice from the Ohio building 2556  
authority as prescribed in the bond proceedings. 2557

(G) All fees, receipts, and revenues received by the board 2558  
from the state underground parking garage shall be deposited into 2559  
the state treasury to the credit of the underground parking garage 2560  
operating fund, which is hereby created, to be used for the 2561  
purposes specified in division (F) of this section and for the 2562  
operation and maintenance of the garage. All investment earnings 2563  
of the fund shall be credited to the fund. 2564

(H) All donations received by the board shall be deposited 2565

into the state treasury to the credit of the capitol square 2566  
renovation gift fund, which is hereby created. The fund shall be 2567  
used by the board as follows: 2568

(1) To provide part or all of the funding related to 2569  
construction, goods, or services for the renovation of the capitol 2570  
square; 2571

(2) To purchase art, antiques, and artifacts for display at 2572  
the capitol square; 2573

(3) To award contracts or make grants to organizations for 2574  
educating the public regarding the historical background and 2575  
governmental functions of the capitol square. Chapters 125., 127., 2576  
and 153. and section 3517.13 of the Revised Code do not apply to 2577  
purchases made exclusively from the fund, notwithstanding anything 2578  
to the contrary in those chapters or that section. All investment 2579  
earnings of the fund shall be credited to the fund. 2580

(I) Except as provided in divisions (G), (H), and (J) of this 2581  
section, all fees, receipts, and revenues received by the board 2582  
shall be deposited into the state treasury to the credit of the 2583  
sale of goods and services fund, which is hereby created. Money 2584  
credited to the fund shall be used solely to pay costs of the 2585  
board other than those specified in divisions (F) and (G) of this 2586  
section. All investment earnings of the fund shall be credited to 2587  
the fund. 2588

(J) There is hereby created in the state treasury the capitol 2589  
square improvement fund, to be used by the board to pay 2590  
construction, renovation, and other costs related to the capitol 2591  
square for which money is not otherwise available to the board. 2592  
Whenever the board determines that there is a need to incur those 2593  
costs and that the unencumbered, unobligated balance to the credit 2594  
of the underground parking garage operating fund exceeds the 2595  
amount needed for the purposes specified in division (F) of this 2596

section and for the operation and maintenance of the garage, the 2597  
board may request the director of budget and management to 2598  
transfer from the underground parking garage operating fund to the 2599  
capitol square improvement fund the amount needed to pay such 2600  
construction, renovation, or other costs. The director then shall 2601  
transfer the amount needed from the excess balance of the 2602  
underground parking garage operating fund. 2603

(K) As the operation and maintenance of the capitol square 2604  
constitute essential government functions of a public purpose, the 2605  
board shall not be required to pay taxes or assessments upon the 2606  
square, upon any property acquired or used by the board under this 2607  
section, or upon any income generated by the operation of the 2608  
square. 2609

(L) As used in this section, "capitol square" means the 2610  
capitol building, senate building, capitol atrium, capitol 2611  
grounds, the state underground parking garage, and the warehouse 2612  
owned by the board. 2613

(M) The capitol annex shall be known as the senate building. 2614

**Sec. 107.09.** Immediately after the determination of each 2615  
decennial apportionment for members of the general assembly the 2616  
governor shall cause such apportionment to be published for four 2617  
consecutive weeks, or as provided in section 7.16 of the Revised 2618  
Code, in three newspapers, one in Cincinnati, one in Cleveland, 2619  
and one in Columbus. 2620

**Sec. 109.02.** The attorney general is the chief law officer 2621  
for the state and all its departments and shall be provided with 2622  
adequate office space in Columbus. Except as provided in division 2623  
(E) of section 120.06 and in sections 9.05, 3517.152 to 3517.157, 2624  
and 3521.04 of the Revised Code, no state officer or board, or 2625  
head of a department or institution of the state shall employ, or 2626

be represented by, other counsel or attorneys at law. The attorney 2627  
general shall appear for the state in the trial and argument of 2628  
all civil and criminal causes in the supreme court in which the 2629  
state is directly or indirectly interested. When required by the 2630  
governor or the general assembly, the attorney general shall 2631  
appear for the state in any court or tribunal in a cause in which 2632  
the state is a party, or in which the state is directly 2633  
interested. Upon the written request of the governor, the attorney 2634  
general shall prosecute any person indicted for a crime. 2635

**Sec. 109.36.** As used in this section and sections 109.361 to 2636  
109.366 of the Revised Code: 2637

(A)(1) "Officer or employee" means any of the following: 2638

(a) A person who, at the time a cause of action against the 2639  
person arises, is serving in an elected or appointed office or 2640  
position with the state or is employed by the state. 2641

(b) A person that, at the time a cause of action against the 2642  
person, partnership, or corporation arises, is rendering medical, 2643  
nursing, dental, podiatric, optometric, physical therapeutic, 2644  
psychiatric, or psychological services pursuant to a personal 2645  
services contract or purchased service contract with a department, 2646  
agency, or institution of the state. 2647

(c) A person that, at the time a cause of action against the 2648  
person, partnership, or corporation arises, is rendering peer 2649  
review, utilization review, or drug utilization review services in 2650  
relation to medical, nursing, dental, podiatric, optometric, 2651  
physical therapeutic, psychiatric, or psychological services 2652  
pursuant to a personal services contract or purchased service 2653  
contract with a department, agency, or institution of the state. 2654

(d) A person who, at the time a cause of action against the 2655  
person arises, is rendering medical, nursing, dental, podiatric, 2656

optometric, physical therapeutic, psychiatric, or psychological 2657  
services to patients in a state institution operated by the 2658  
department of mental health, ~~is a member of the institution's~~ 2659  
~~staff, and is performing the services~~ pursuant to an agreement 2660  
~~between the state institution and a board of alcohol, drug~~ 2661  
~~addiction, and mental health services described in section 340.021~~ 2662  
~~of the Revised Code~~ with the department. 2663

(2) "Officer or employee" does not include any person 2664  
elected, appointed, or employed by any political subdivision of 2665  
the state. 2666

(B) "State" means the state of Ohio, including but not 2667  
limited to, the general assembly, the supreme court, courts of 2668  
appeals, the offices of all elected state officers, and all 2669  
departments, boards, offices, commissions, agencies, institutions, 2670  
and other instrumentalities of the state of Ohio. "State" does not 2671  
include political subdivisions. 2672

(C) "Political subdivisions" of the state means municipal 2673  
corporations, townships, counties, school districts, and all other 2674  
bodies corporate and politic responsible for governmental 2675  
activities only in geographical areas smaller than that of the 2676  
state. 2677

(D) "Employer" means the general assembly, the supreme court, 2678  
courts of appeals, any office of an elected state officer, or any 2679  
department, board, office, commission, agency, institution, or 2680  
other instrumentality of the state of Ohio that employs or 2681  
contracts with an officer or employee or to which an officer or 2682  
employee is elected or appointed. 2683

**Sec. 109.42.** (A) The attorney general shall prepare and have 2684  
printed a pamphlet that contains a compilation of all statutes 2685  
relative to victim's rights in which the attorney general lists 2686  
and explains the statutes in the form of a victim's bill of 2687

rights. The attorney general shall distribute the pamphlet to all 2688  
sheriffs, marshals, municipal corporation and township police 2689  
departments, constables, and other law enforcement agencies, to 2690  
all prosecuting attorneys, city directors of law, village 2691  
solicitors, and other similar chief legal officers of municipal 2692  
corporations, and to organizations that represent or provide 2693  
services for victims of crime. The victim's bill of rights set 2694  
forth in the pamphlet shall contain a description of all of the 2695  
rights of victims that are provided for in Chapter 2930. or in any 2696  
other section of the Revised Code and shall include, but not be 2697  
limited to, all of the following: 2698

(1) The right of a victim or a victim's representative to 2699  
attend a proceeding before a grand jury, in a juvenile case, or in 2700  
a criminal case pursuant to a subpoena without being discharged 2701  
from the victim's or representative's employment, having the 2702  
victim's or representative's employment terminated, having the 2703  
victim's or representative's pay decreased or withheld, or 2704  
otherwise being punished, penalized, or threatened as a result of 2705  
time lost from regular employment because of the victim's or 2706  
representative's attendance at the proceeding pursuant to the 2707  
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 2708  
2945.451 of the Revised Code; 2709

(2) The potential availability pursuant to section 2151.359 2710  
or 2152.61 of the Revised Code of a forfeited recognizance to pay 2711  
damages caused by a child when the delinquency of the child or 2712  
child's violation of probation or community control is found to be 2713  
proximately caused by the failure of the child's parent or 2714  
guardian to subject the child to reasonable parental authority or 2715  
to faithfully discharge the conditions of probation or community 2716  
control; 2717

(3) The availability of awards of reparations pursuant to 2718  
sections 2743.51 to 2743.72 of the Revised Code for injuries 2719

caused by criminal offenses; 2720

(4) The right of the victim in certain criminal or juvenile 2721  
cases or a victim's representative to receive, pursuant to section 2722  
2930.06 of the Revised Code, notice of the date, time, and place 2723  
of the trial or delinquency proceeding in the case or, if there 2724  
will not be a trial or delinquency proceeding, information from 2725  
the prosecutor, as defined in section 2930.01 of the Revised Code, 2726  
regarding the disposition of the case; 2727

(5) The right of the victim in certain criminal or juvenile 2728  
cases or a victim's representative to receive, pursuant to section 2729  
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 2730  
name of the person charged with the violation, the case or docket 2731  
number assigned to the charge, and a telephone number or numbers 2732  
that can be called to obtain information about the disposition of 2733  
the case; 2734

(6) The right of the victim in certain criminal or juvenile 2735  
cases or of the victim's representative pursuant to section 2736  
2930.13 or 2930.14 of the Revised Code, subject to any reasonable 2737  
terms set by the court as authorized under section 2930.14 of the 2738  
Revised Code, to make a statement about the victimization and, if 2739  
applicable, a statement relative to the sentencing or disposition 2740  
of the offender; 2741

(7) The opportunity to obtain a court order, pursuant to 2742  
section 2945.04 of the Revised Code, to prevent or stop the 2743  
commission of the offense of intimidation of a crime victim or 2744  
witness or an offense against the person or property of the 2745  
complainant, or of the complainant's ward or child; 2746

(8) The right of the victim in certain criminal or juvenile 2747  
cases or a victim's representative pursuant to sections 2151.38, 2748  
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 2749  
receive notice of a pending motion for judicial release or other 2750



early release of the person who committed the offense against the 2751  
victim, to make an oral or written statement at the court hearing 2752  
on the motion, and to be notified of the court's decision on the 2753  
motion, and the right of the victim or representative to receive a 2754  
copy of any petition for release of the person submitted to a 2755  
court under section 2967.19 of the Revised Code, to provide the 2756  
court with written information relevant to the petition, and to be 2757  
notified of the court's ruling on the petition; 2758

(9) The right of the victim in certain criminal or juvenile 2759  
cases or a victim's representative pursuant to section 2930.16, 2760  
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 2761  
of any pending commutation, pardon, parole, transitional control, 2762  
discharge, other form of authorized release, post-release control, 2763  
or supervised release for the person who committed the offense 2764  
against the victim or any application for release of that person 2765  
and to send a written statement relative to the victimization and 2766  
the pending action to the adult parole authority or the release 2767  
authority of the department of youth services; 2768

(10) The right of the victim to bring a civil action pursuant 2769  
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 2770  
from the offender's profit fund; 2771

(11) The right, pursuant to section 3109.09 of the Revised 2772  
Code, to maintain a civil action to recover compensatory damages 2773  
not exceeding ten thousand dollars and costs from the parent of a 2774  
minor who willfully damages property through the commission of an 2775  
act that would be a theft offense, as defined in section 2913.01 2776  
of the Revised Code, if committed by an adult; 2777

(12) The right, pursuant to section 3109.10 of the Revised 2778  
Code, to maintain a civil action to recover compensatory damages 2779  
not exceeding ten thousand dollars and costs from the parent of a 2780  
minor who willfully and maliciously assaults a person; 2781

(13) The possibility of receiving restitution from an 2782  
offender or a delinquent child pursuant to section 2152.20, 2783  
2929.18, or 2929.28 of the Revised Code; 2784

(14) The right of the victim in certain criminal or juvenile 2785  
cases or a victim's representative, pursuant to section 2930.16 of 2786  
the Revised Code, to receive notice of the escape from confinement 2787  
or custody of the person who committed the offense, to receive 2788  
that notice from the custodial agency of the person at the 2789  
victim's last address or telephone number provided to the 2790  
custodial agency, and to receive notice that, if either the 2791  
victim's address or telephone number changes, it is in the 2792  
victim's interest to provide the new address or telephone number 2793  
to the custodial agency; 2794

(15) The right of a victim of domestic violence to seek the 2795  
issuance of a civil protection order pursuant to section 3113.31 2796  
of the Revised Code, the right of a victim of a violation of 2797  
section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 2798  
of the Revised Code, a violation of a substantially similar 2799  
municipal ordinance, or an offense of violence who is a family or 2800  
household member of the offender at the time of the offense to 2801  
seek the issuance of a temporary protection order pursuant to 2802  
section 2919.26 of the Revised Code, and the right of both types 2803  
of victims to be accompanied by a victim advocate during court 2804  
proceedings; 2805

(16) The right of a victim of a sexually oriented offense or 2806  
of a child-victim oriented offense that is committed by a person 2807  
who is convicted of, pleads guilty to, or is adjudicated a 2808  
delinquent child for committing the offense and who is in a 2809  
category specified in division (B) of section 2950.10 of the 2810  
Revised Code to receive, pursuant to that section, notice that the 2811  
person has registered with a sheriff under section 2950.04, 2812  
2950.041, or 2950.05 of the Revised Code and notice of the 2813

person's name, the person's residence that is registered, and the 2814  
offender's school, institution of higher education, or place of 2815  
employment address or addresses that are registered, the person's 2816  
photograph, and a summary of the manner in which the victim must 2817  
make a request to receive the notice. As used in this division, 2818  
"sexually oriented offense" and "child-victim oriented offense" 2819  
have the same meanings as in section 2950.01 of the Revised Code. 2820

(17) The right of a victim of certain sexually violent 2821  
offenses committed by an offender who also is convicted of or 2822  
pleads guilty to a sexually violent predator specification and who 2823  
is sentenced to a prison term pursuant to division (A)(3) of 2824  
section 2971.03 of the Revised Code, of a victim of a violation of 2825  
division (A)(1)(b) of section 2907.02 of the Revised Code 2826  
committed on or after January 2, 2007, by an offender who is 2827  
sentenced for the violation pursuant to division (B)(1)(a), (b), 2828  
or (c) of section 2971.03 of the Revised Code, of a victim of an 2829  
attempted rape committed on or after January 2, 2007, by an 2830  
offender who also is convicted of or pleads guilty to a 2831  
specification of the type described in section 2941.1418, 2832  
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 2833  
the violation pursuant to division (B)(2)(a), (b), or (c) of 2834  
section 2971.03 of the Revised Code, and of a victim of an offense 2835  
that is described in division (B)(3)(a), (b), (c), or (d) of 2836  
section 2971.03 of the Revised Code and is committed by an 2837  
offender who is sentenced pursuant to one of those divisions to 2838  
receive, pursuant to section 2930.16 of the Revised Code, notice 2839  
of a hearing to determine whether to modify the requirement that 2840  
the offender serve the entire prison term in a state correctional 2841  
facility, whether to continue, revise, or revoke any existing 2842  
modification of that requirement, or whether to terminate the 2843  
prison term. As used in this division, "sexually violent offense" 2844  
and "sexually violent predator specification" have the same 2845  
meanings as in section 2971.01 of the Revised Code. 2846

(B)(1)(a) Subject to division (B)(1)(c) of this section, a prosecuting attorney, assistant prosecuting attorney, city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation or an assistant of any of those officers who prosecutes an offense committed in this state, upon first contact with the victim of the offense, the victim's family, or the victim's dependents, shall give the victim, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section and explain, upon request, the information in the pamphlet to the victim, the victim's family, or the victim's dependents.

(b) Subject to division (B)(1)(c) of this section, a law enforcement agency that investigates an offense or delinquent act committed in this state shall give the victim of the offense or delinquent act, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section at one of the following times:

(i) Upon first contact with the victim, the victim's family, or the victim's dependents;

(ii) If the offense or delinquent act is an offense of violence, if the circumstances of the offense or delinquent act and the condition of the victim, the victim's family, or the victim's dependents indicate that the victim, the victim's family, or the victim's dependents will not be able to understand the significance of the pamphlet upon first contact with the agency, and if the agency anticipates that it will have an additional contact with the victim, the victim's family, or the victim's dependents, upon the agency's second contact with the victim, the victim's family, or the victim's dependents.

If the agency does not give the victim, the victim's family, or the victim's dependents a copy of the pamphlet upon first

contact with them and does not have a second contact with the 2879  
victim, the victim's family, or the victim's dependents, the 2880  
agency shall mail a copy of the pamphlet to the victim, the 2881  
victim's family, or the victim's dependents at their last known 2882  
address. 2883

(c) In complying on and after December 9, 1994, with the 2884  
duties imposed by division (B)(1)(a) or (b) of this section, an 2885  
official or a law enforcement agency shall use copies of the 2886  
pamphlet that are in the official's or agency's possession on 2887  
December 9, 1994, until the official or agency has distributed all 2888  
of those copies. After the official or agency has distributed all 2889  
of those copies, the official or agency shall use only copies of 2890  
the pamphlet that contain at least the information described in 2891  
divisions (A)(1) to (17) of this section. 2892

(2) The failure of a law enforcement agency or of a 2893  
prosecuting attorney, assistant prosecuting attorney, city 2894  
director of law, assistant city director of law, village 2895  
solicitor, assistant village solicitor, or similar chief legal 2896  
officer of a municipal corporation or an assistant to any of those 2897  
officers to give, as required by division (B)(1) of this section, 2898  
the victim of an offense or delinquent act, the victim's family, 2899  
or the victim's dependents a copy of the pamphlet prepared 2900  
pursuant to division (A) of this section does not give the victim, 2901  
the victim's family, the victim's dependents, or a victim's 2902  
representative any rights under section 2743.51 to 2743.72, 2903  
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 2904  
Revised Code or under any other provision of the Revised Code and 2905  
does not affect any right under those sections. 2906

(3) A law enforcement agency, a prosecuting attorney or 2907  
assistant prosecuting attorney, or a city director of law, 2908  
assistant city director of law, village solicitor, assistant 2909  
village solicitor, or similar chief legal officer of a municipal 2910

corporation that distributes a copy of the pamphlet prepared 2911  
pursuant to division (A) of this section shall not be required to 2912  
distribute a copy of an information card or other printed material 2913  
provided by the clerk of the court of claims pursuant to section 2914  
2743.71 of the Revised Code. 2915

(C) The cost of printing and distributing the pamphlet 2916  
prepared pursuant to division (A) of this section shall be paid 2917  
out of the reparations fund, created pursuant to section 2743.191 2918  
of the Revised Code, in accordance with division (D) of that 2919  
section. 2920

(D) As used in this section: 2921

(1) "Victim's representative" has the same meaning as in 2922  
section 2930.01 of the Revised Code; 2923

(2) "Victim advocate" has the same meaning as in section 2924  
2919.26 of the Revised Code. 2925

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 2926  
criminal identification and investigation shall procure from 2927  
wherever procurable and file for record photographs, pictures, 2928  
descriptions, fingerprints, measurements, and other information 2929  
that may be pertinent of all persons who have been convicted of 2930  
committing within this state a felony, any crime constituting a 2931  
misdemeanor on the first offense and a felony on subsequent 2932  
offenses, or any misdemeanor described in division (A)(1)(a), 2933  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 2934  
of all children under eighteen years of age who have been 2935  
adjudicated delinquent children for committing within this state 2936  
an act that would be a felony or an offense of violence if 2937  
committed by an adult or who have been convicted of or pleaded 2938  
guilty to committing within this state a felony or an offense of 2939  
violence, and of all well-known and habitual criminals. The person 2940  
in charge of any county, multicounty, municipal, municipal-county, 2941

or multicounty-municipal jail or workhouse, community-based 2942  
correctional facility, halfway house, alternative residential 2943  
facility, or state correctional institution and the person in 2944  
charge of any state institution having custody of a person 2945  
suspected of having committed a felony, any crime constituting a 2946  
misdemeanor on the first offense and a felony on subsequent 2947  
offenses, or any misdemeanor described in division (A)(1)(a), 2948  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 2949  
having custody of a child under eighteen years of age with respect 2950  
to whom there is probable cause to believe that the child may have 2951  
committed an act that would be a felony or an offense of violence 2952  
if committed by an adult shall furnish such material to the 2953  
superintendent of the bureau. Fingerprints, photographs, or other 2954  
descriptive information of a child who is under eighteen years of 2955  
age, has not been arrested or otherwise taken into custody for 2956  
committing an act that would be a felony or an offense of violence 2957  
who is not in any other category of child specified in this 2958  
division, if committed by an adult, has not been adjudicated a 2959  
delinquent child for committing an act that would be a felony or 2960  
an offense of violence if committed by an adult, has not been 2961  
convicted of or pleaded guilty to committing a felony or an 2962  
offense of violence, and is not a child with respect to whom there 2963  
is probable cause to believe that the child may have committed an 2964  
act that would be a felony or an offense of violence if committed 2965  
by an adult shall not be procured by the superintendent or 2966  
furnished by any person in charge of any county, multicounty, 2967  
municipal, municipal-county, or multicounty-municipal jail or 2968  
workhouse, community-based correctional facility, halfway house, 2969  
alternative residential facility, or state correctional 2970  
institution, except as authorized in section 2151.313 of the 2971  
Revised Code. 2972

(2) Every clerk of a court of record in this state, other 2973  
than the supreme court or a court of appeals, shall send to the 2974

superintendent of the bureau a weekly report containing a summary 2975  
of each case involving a felony, involving any crime constituting 2976  
a misdemeanor on the first offense and a felony on subsequent 2977  
offenses, involving a misdemeanor described in division (A)(1)(a), 2978  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 2979  
or involving an adjudication in a case in which a child under 2980  
eighteen years of age was alleged to be a delinquent child for 2981  
committing an act that would be a felony or an offense of violence 2982  
if committed by an adult. The clerk of the court of common pleas 2983  
shall include in the report and summary the clerk sends under this 2984  
division all information described in divisions (A)(2)(a) to (f) 2985  
of this section regarding a case before the court of appeals that 2986  
is served by that clerk. The summary shall be written on the 2987  
standard forms furnished by the superintendent pursuant to 2988  
division (B) of this section and shall include the following 2989  
information: 2990

(a) The incident tracking number contained on the standard 2991  
forms furnished by the superintendent pursuant to division (B) of 2992  
this section; 2993

(b) The style and number of the case; 2994

(c) The date of arrest, offense, summons, or arraignment; 2995

(d) The date that the person was convicted of or pleaded 2996  
guilty to the offense, adjudicated a delinquent child for 2997  
committing the act that would be a felony or an offense of 2998  
violence if committed by an adult, found not guilty of the 2999  
offense, or found not to be a delinquent child for committing an 3000  
act that would be a felony or an offense of violence if committed 3001  
by an adult, the date of an entry dismissing the charge, an entry 3002  
declaring a mistrial of the offense in which the person is 3003  
discharged, an entry finding that the person or child is not 3004  
competent to stand trial, or an entry of a nolle prosequi, or the 3005  
date of any other determination that constitutes final resolution 3006



of the case; 3007

(e) A statement of the original charge with the section of 3008  
the Revised Code that was alleged to be violated; 3009

(f) If the person or child was convicted, pleaded guilty, or 3010  
was adjudicated a delinquent child, the sentence or terms of 3011  
probation imposed or any other disposition of the offender or the 3012  
delinquent child. 3013

If the offense involved the disarming of a law enforcement 3014  
officer or an attempt to disarm a law enforcement officer, the 3015  
clerk shall clearly state that fact in the summary, and the 3016  
superintendent shall ensure that a clear statement of that fact is 3017  
placed in the bureau's records. 3018

(3) The superintendent shall cooperate with and assist 3019  
sheriffs, chiefs of police, and other law enforcement officers in 3020  
the establishment of a complete system of criminal identification 3021  
and in obtaining fingerprints and other means of identification of 3022  
all persons arrested on a charge of a felony, any crime 3023  
constituting a misdemeanor on the first offense and a felony on 3024  
subsequent offenses, or a misdemeanor described in division 3025  
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 3026  
Revised Code and of all children under eighteen years of age 3027  
arrested or otherwise taken into custody for committing an act 3028  
that would be a felony or an offense of violence if committed by 3029  
an adult. The superintendent also shall file for record the 3030  
fingerprint impressions of all persons confined in a county, 3031  
multicounty, municipal, municipal-county, or multicounty-municipal 3032  
jail or workhouse, community-based correctional facility, halfway 3033  
house, alternative residential facility, or state correctional 3034  
institution for the violation of state laws and of all children 3035  
under eighteen years of age who are confined in a county, 3036  
multicounty, municipal, municipal-county, or multicounty-municipal 3037  
jail or workhouse, community-based correctional facility, halfway 3038

house, alternative residential facility, or state correctional 3039  
institution or in any facility for delinquent children for 3040  
committing an act that would be a felony or an offense of violence 3041  
if committed by an adult, and any other information that the 3042  
superintendent may receive from law enforcement officials of the 3043  
state and its political subdivisions. 3044

(4) The superintendent shall carry out Chapter 2950. of the 3045  
Revised Code with respect to the registration of persons who are 3046  
convicted of or plead guilty to a sexually oriented offense or a 3047  
child-victim oriented offense and with respect to all other duties 3048  
imposed on the bureau under that chapter. 3049

(5) The bureau shall perform centralized recordkeeping 3050  
functions for criminal history records and services in this state 3051  
for purposes of the national crime prevention and privacy compact 3052  
set forth in section 109.571 of the Revised Code and is the 3053  
criminal history record repository as defined in that section for 3054  
purposes of that compact. The superintendent or the 3055  
superintendent's designee is the compact officer for purposes of 3056  
that compact and shall carry out the responsibilities of the 3057  
compact officer specified in that compact. 3058

(B) The superintendent shall prepare and furnish to every 3059  
county, multicounty, municipal, municipal-county, or 3060  
multicounty-municipal jail or workhouse, community-based 3061  
correctional facility, halfway house, alternative residential 3062  
facility, or state correctional institution and to every clerk of 3063  
a court in this state specified in division (A)(2) of this section 3064  
standard forms for reporting the information required under 3065  
division (A) of this section. The standard forms that the 3066  
superintendent prepares pursuant to this division may be in a 3067  
tangible format, in an electronic format, or in both tangible 3068  
formats and electronic formats. 3069

(C)(1) The superintendent may operate a center for 3070

electronic, automated, or other data processing for the storage 3071  
and retrieval of information, data, and statistics pertaining to 3072  
criminals and to children under eighteen years of age who are 3073  
adjudicated delinquent children for committing an act that would 3074  
be a felony or an offense of violence if committed by an adult, 3075  
criminal activity, crime prevention, law enforcement, and criminal 3076  
justice, and may establish and operate a statewide communications 3077  
network to be known as the Ohio law enforcement gateway to gather 3078  
and disseminate information, data, and statistics for the use of 3079  
law enforcement agencies and for other uses specified in this 3080  
division. The superintendent may gather, store, retrieve, and 3081  
disseminate information, data, and statistics that pertain to 3082  
children who are under eighteen years of age and that are gathered 3083  
pursuant to sections 109.57 to 109.61 of the Revised Code together 3084  
with information, data, and statistics that pertain to adults and 3085  
that are gathered pursuant to those sections. 3086

(2) The superintendent or the superintendent's designee shall 3087  
gather information of the nature described in division (C)(1) of 3088  
this section that pertains to the offense and delinquency history 3089  
of a person who has been convicted of, pleaded guilty to, or been 3090  
adjudicated a delinquent child for committing a sexually oriented 3091  
offense or a child-victim oriented offense for inclusion in the 3092  
state registry of sex offenders and child-victim offenders 3093  
maintained pursuant to division (A)(1) of section 2950.13 of the 3094  
Revised Code and in the internet database operated pursuant to 3095  
division (A)(13) of that section and for possible inclusion in the 3096  
internet database operated pursuant to division (A)(11) of that 3097  
section. 3098

(3) In addition to any other authorized use of information, 3099  
data, and statistics of the nature described in division (C)(1) of 3100  
this section, the superintendent or the superintendent's designee 3101  
may provide and exchange the information, data, and statistics 3102

pursuant to the national crime prevention and privacy compact as 3103  
described in division (A)(5) of this section. 3104

(4) The attorney general may adopt rules under Chapter 119. 3105  
of the Revised Code establishing guidelines for the operation of 3106  
and participation in the Ohio law enforcement gateway. The rules 3107  
may include criteria for granting and restricting access to 3108  
information gathered and disseminated through the Ohio law 3109  
enforcement gateway. The attorney general may appoint a steering 3110  
committee to advise the attorney general in the operation of the 3111  
Ohio law enforcement gateway that is comprised of persons who are 3112  
representatives of the criminal justice agencies in this state 3113  
that use the Ohio law enforcement gateway and is chaired by the 3114  
superintendent or the superintendent's designee. 3115

(D)(1) The following are not public records under section 3116  
149.43 of the Revised Code: 3117

(a) Information and materials furnished to the superintendent 3118  
pursuant to division (A) of this section; 3119

(b) Information, data, and statistics gathered or 3120  
disseminated through the Ohio law enforcement gateway pursuant to 3121  
division (C)(1) of this section; 3122

(c) Information and materials furnished to any board or 3123  
person under division (F) or (G) of this section. 3124

(2) The superintendent or the superintendent's designee shall 3125  
gather and retain information so furnished under division (A) of 3126  
this section that pertains to the offense and delinquency history 3127  
of a person who has been convicted of, pleaded guilty to, or been 3128  
adjudicated a delinquent child for committing a sexually oriented 3129  
offense or a child-victim oriented offense for the purposes 3130  
described in division (C)(2) of this section. 3131

(E) The attorney general shall adopt rules, in accordance 3132  
with Chapter 119. of the Revised Code, setting forth the procedure 3133

by which a person may receive or release information gathered by 3134  
the superintendent pursuant to division (A) of this section. A 3135  
reasonable fee may be charged for this service. If a temporary 3136  
employment service submits a request for a determination of 3137  
whether a person the service plans to refer to an employment 3138  
position has been convicted of or pleaded guilty to an offense 3139  
listed in division (A)(1), (3), (4), (5), or (6) of section 3140  
109.572 of the Revised Code, the request shall be treated as a 3141  
single request and only one fee shall be charged. 3142

(F)(1) As used in division (F)(2) of this section, "head 3143  
start agency" means an entity in this state that has been approved 3144  
to be an agency for purposes of subchapter II of the "Community 3145  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 3146  
as amended. 3147

(2)(a) In addition to or in conjunction with any request that 3148  
is required to be made under section 109.572, 2151.86, 3301.32, 3149  
3301.541, 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 3150  
5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 3151  
Code or that is made under section 3314.41, 3319.392, ~~or 3326.25~~, 3152  
or 3328.20 of the Revised Code, the board of education of any 3153  
school district; the director of developmental disabilities; any 3154  
county board of developmental disabilities; any entity under 3155  
contract with a county board of developmental disabilities; the 3156  
chief administrator of any chartered nonpublic school; the chief 3157  
administrator of any home health agency; the chief administrator 3158  
of or person operating any child day-care center, type A family 3159  
day-care home, or type B family day-care home licensed or 3160  
certified under Chapter 5104. of the Revised Code; the 3161  
administrator of any type C family day-care home certified 3162  
pursuant to Section 1 of Sub. H.B. 62 of the 121st general 3163  
assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general 3164  
assembly; the chief administrator of any head start agency; the 3165

executive director of a public children services agency; a private 3166  
company described in section 3314.41, 3319.392, ~~or~~ 3326.25, or 3167  
3328.20 of the Revised Code; or an employer described in division 3168  
(J)(2) of section 3327.10 of the Revised Code may request that the 3169  
superintendent of the bureau investigate and determine, with 3170  
respect to any individual who has applied for employment in any 3171  
position after October 2, 1989, or any individual wishing to apply 3172  
for employment with a board of education may request, with regard 3173  
to the individual, whether the bureau has any information gathered 3174  
under division (A) of this section that pertains to that 3175  
individual. On receipt of the request, the superintendent shall 3176  
determine whether that information exists and, upon request of the 3177  
person, board, or entity requesting information, also shall 3178  
request from the federal bureau of investigation any criminal 3179  
records it has pertaining to that individual. The superintendent 3180  
or the superintendent's designee also may request criminal history 3181  
records from other states or the federal government pursuant to 3182  
the national crime prevention and privacy compact set forth in 3183  
section 109.571 of the Revised Code. Within thirty days of the 3184  
date that the superintendent receives a request, the 3185  
superintendent shall send to the board, entity, or person a report 3186  
of any information that the superintendent determines exists, 3187  
including information contained in records that have been sealed 3188  
under section 2953.32 of the Revised Code, and, within thirty days 3189  
of its receipt, shall send the board, entity, or person a report 3190  
of any information received from the federal bureau of 3191  
investigation, other than information the dissemination of which 3192  
is prohibited by federal law. 3193

(b) When a board of education is required to receive 3194  
information under this section as a prerequisite to employment of 3195  
an individual pursuant to section 3319.39 of the Revised Code, it 3196  
may accept a certified copy of records that were issued by the 3197  
bureau of criminal identification and investigation and that are 3198

presented by an individual applying for employment with the 3199  
district in lieu of requesting that information itself. In such a 3200  
case, the board shall accept the certified copy issued by the 3201  
bureau in order to make a photocopy of it for that individual's 3202  
employment application documents and shall return the certified 3203  
copy to the individual. In a case of that nature, a district only 3204  
shall accept a certified copy of records of that nature within one 3205  
year after the date of their issuance by the bureau. 3206

(c) Notwithstanding division (F)(2)(a) of this section, in 3207  
the case of a request under section 3319.39, 3319.391, or 3327.10 3208  
of the Revised Code only for criminal records maintained by the 3209  
federal bureau of investigation, the superintendent shall not 3210  
determine whether any information gathered under division (A) of 3211  
this section exists on the person for whom the request is made. 3212

(3) The state board of education may request, with respect to 3213  
any individual who has applied for employment after October 2, 3214  
1989, in any position with the state board or the department of 3215  
education, any information that a school district board of 3216  
education is authorized to request under division (F)(2) of this 3217  
section, and the superintendent of the bureau shall proceed as if 3218  
the request has been received from a school district board of 3219  
education under division (F)(2) of this section. 3220

(4) When the superintendent of the bureau receives a request 3221  
for information under section 3319.291 of the Revised Code, the 3222  
superintendent shall proceed as if the request has been received 3223  
from a school district board of education and shall comply with 3224  
divisions (F)(2)(a) and (c) of this section. 3225

(5) When a recipient of a classroom reading improvement grant 3226  
paid under section 3301.86 of the Revised Code requests, with 3227  
respect to any individual who applies to participate in providing 3228  
any program or service funded in whole or in part by the grant, 3229  
the information that a school district board of education is 3230

authorized to request under division (F)(2)(a) of this section, 3231  
the superintendent of the bureau shall proceed as if the request 3232  
has been received from a school district board of education under 3233  
division (F)(2)(a) of this section. 3234

(G) In addition to or in conjunction with any request that is 3235  
required to be made under section 3701.881, 3712.09, 3721.121, or 3236  
~~3722.151~~ 5119.85 of the Revised Code with respect to an individual 3237  
who has applied for employment in a position that involves 3238  
providing direct care to an older adult, the chief administrator 3239  
of a home health agency, hospice care program, home licensed under 3240  
Chapter 3721. of the Revised Code, adult day-care program operated 3241  
pursuant to rules adopted under section 3721.04 of the Revised 3242  
Code, or adult care facility may request that the superintendent 3243  
of the bureau investigate and determine, with respect to any 3244  
individual who has applied after January 27, 1997, for employment 3245  
in a position that does not involve providing direct care to an 3246  
older adult, whether the bureau has any information gathered under 3247  
division (A) of this section that pertains to that individual. 3248

In addition to or in conjunction with any request that is 3249  
required to be made under section 173.27 of the Revised Code with 3250  
respect to an individual who has applied for employment in a 3251  
position that involves providing ombudsperson services to 3252  
residents of long-term care facilities or recipients of 3253  
community-based long-term care services, the state long-term care 3254  
ombudsperson, ombudsperson's designee, or director of health may 3255  
request that the superintendent investigate and determine, with 3256  
respect to any individual who has applied for employment in a 3257  
position that does not involve providing such ombudsperson 3258  
services, whether the bureau has any information gathered under 3259  
division (A) of this section that pertains to that applicant. 3260

In addition to or in conjunction with any request that is 3261  
required to be made under section 173.394 of the Revised Code with 3262



respect to an individual who has applied for employment in a 3263  
position that involves providing direct care to an individual, the 3264  
chief administrator of a community-based long-term care agency may 3265  
request that the superintendent investigate and determine, with 3266  
respect to any individual who has applied for employment in a 3267  
position that does not involve providing direct care, whether the 3268  
bureau has any information gathered under division (A) of this 3269  
section that pertains to that applicant. 3270

On receipt of a request under this division, the 3271  
superintendent shall determine whether that information exists 3272  
and, on request of the individual requesting information, shall 3273  
also request from the federal bureau of investigation any criminal 3274  
records it has pertaining to the applicant. The superintendent or 3275  
the superintendent's designee also may request criminal history 3276  
records from other states or the federal government pursuant to 3277  
the national crime prevention and privacy compact set forth in 3278  
section 109.571 of the Revised Code. Within thirty days of the 3279  
date a request is received, the superintendent shall send to the 3280  
requester a report of any information determined to exist, 3281  
including information contained in records that have been sealed 3282  
under section 2953.32 of the Revised Code, and, within thirty days 3283  
of its receipt, shall send the requester a report of any 3284  
information received from the federal bureau of investigation, 3285  
other than information the dissemination of which is prohibited by 3286  
federal law. 3287

(H) Information obtained by a government entity or person 3288  
under this section is confidential and shall not be released or 3289  
disseminated. 3290

(I) The superintendent may charge a reasonable fee for 3291  
providing information or criminal records under division (F)(2) or 3292  
(G) of this section. 3293

(J) As used in this section, "sexually oriented offense" and 3294

"child-victim oriented offense" have the same meanings as in 3295  
section 2950.01 of the Revised Code. 3296

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 3297  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 3298  
a completed form prescribed pursuant to division (C)(1) of this 3299  
section, and a set of fingerprint impressions obtained in the 3300  
manner described in division (C)(2) of this section, the 3301  
superintendent of the bureau of criminal identification and 3302  
investigation shall conduct a criminal records check in the manner 3303  
described in division (B) of this section to determine whether any 3304  
information exists that indicates that the person who is the 3305  
subject of the request previously has been convicted of or pleaded 3306  
guilty to any of the following: 3307

(a) A violation of section 2903.01, 2903.02, 2903.03, 3308  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3309  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3310  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3311  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 3312  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 3313  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 3314  
2925.06, or 3716.11 of the Revised Code, felonious sexual 3315  
penetration in violation of former section 2907.12 of the Revised 3316  
Code, a violation of section 2905.04 of the Revised Code as it 3317  
existed prior to July 1, 1996, a violation of section 2919.23 of 3318  
the Revised Code that would have been a violation of section 3319  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 3320  
had the violation been committed prior to that date, or a 3321  
violation of section 2925.11 of the Revised Code that is not a 3322  
minor drug possession offense; 3323

(b) A violation of an existing or former law of this state, 3324  
any other state, or the United States that is substantially 3325

equivalent to any of the offenses listed in division (A)(1)(a) of 3326  
this section. 3327

(2) On receipt of a request pursuant to section 5123.081 of 3328  
the Revised Code with respect to an applicant for employment in 3329  
any position with the department of developmental disabilities, 3330  
pursuant to section 5126.28 of the Revised Code with respect to an 3331  
applicant for employment in any position with a county board of 3332  
developmental disabilities, or pursuant to section 5126.281 of the 3333  
Revised Code with respect to an applicant for employment in a 3334  
direct services position with an entity contracting with a county 3335  
board for employment, a completed form prescribed pursuant to 3336  
division (C)(1) of this section, and a set of fingerprint 3337  
impressions obtained in the manner described in division (C)(2) of 3338  
this section, the superintendent of the bureau of criminal 3339  
identification and investigation shall conduct a criminal records 3340  
check. The superintendent shall conduct the criminal records check 3341  
in the manner described in division (B) of this section to 3342  
determine whether any information exists that indicates that the 3343  
person who is the subject of the request has been convicted of or 3344  
pleaded guilty to any of the following: 3345

(a) A violation of section 2903.01, 2903.02, 2903.03, 3346  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3347  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 3348  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 3349  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 3350  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 3351  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 3352  
2925.03, or 3716.11 of the Revised Code; 3353

(b) An existing or former municipal ordinance or law of this 3354  
state, any other state, or the United States that is substantially 3355  
equivalent to any of the offenses listed in division (A)(2)(a) of 3356  
this section. 3357

(3) On receipt of a request pursuant to section 173.27, 3358  
173.394, 3712.09, 3721.121, or ~~3722.151~~ 5119.85 of the Revised 3359  
Code, a completed form prescribed pursuant to division (C)(1) of 3360  
this section, and a set of fingerprint impressions obtained in the 3361  
manner described in division (C)(2) of this section, the 3362  
superintendent of the bureau of criminal identification and 3363  
investigation shall conduct a criminal records check with respect 3364  
to any person who has applied for employment in a position for 3365  
which a criminal records check is required by those sections. The 3366  
superintendent shall conduct the criminal records check in the 3367  
manner described in division (B) of this section to determine 3368  
whether any information exists that indicates that the person who 3369  
is the subject of the request previously has been convicted of or 3370  
pleaded guilty to any of the following: 3371

(a) A violation of section 2903.01, 2903.02, 2903.03, 3372  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3373  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3374  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3375  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3376  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3377  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3378  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3379  
2925.22, 2925.23, or 3716.11 of the Revised Code; 3380

(b) An existing or former law of this state, any other state, 3381  
or the United States that is substantially equivalent to any of 3382  
the offenses listed in division (A)(3)(a) of this section. 3383

(4) On receipt of a request pursuant to section 3701.881 of 3384  
the Revised Code with respect to an applicant for employment with 3385  
a home health agency as a person responsible for the care, 3386  
custody, or control of a child, a completed form prescribed 3387  
pursuant to division (C)(1) of this section, and a set of 3388  
fingerprint impressions obtained in the manner described in 3389

division (C)(2) of this section, the superintendent of the bureau 3390  
of criminal identification and investigation shall conduct a 3391  
criminal records check. The superintendent shall conduct the 3392  
criminal records check in the manner described in division (B) of 3393  
this section to determine whether any information exists that 3394  
indicates that the person who is the subject of the request 3395  
previously has been convicted of or pleaded guilty to any of the 3396  
following: 3397

(a) A violation of section 2903.01, 2903.02, 2903.03, 3398  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3399  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 3400  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 3401  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 3402  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3403  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3404  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 3405  
violation of section 2925.11 of the Revised Code that is not a 3406  
minor drug possession offense; 3407

(b) An existing or former law of this state, any other state, 3408  
or the United States that is substantially equivalent to any of 3409  
the offenses listed in division (A)(4)(a) of this section. 3410

(5) On receipt of a request pursuant to section 5111.032, 3411  
5111.033, or 5111.034 of the Revised Code, a completed form 3412  
prescribed pursuant to division (C)(1) of this section, and a set 3413  
of fingerprint impressions obtained in the manner described in 3414  
division (C)(2) of this section, the superintendent of the bureau 3415  
of criminal identification and investigation shall conduct a 3416  
criminal records check. The superintendent shall conduct the 3417  
criminal records check in the manner described in division (B) of 3418  
this section to determine whether any information exists that 3419  
indicates that the person who is the subject of the request 3420  
previously has been convicted of, has pleaded guilty to, or has 3421

been found eligible for intervention in lieu of conviction for any 3422  
of the following, regardless of the date of the conviction, the 3423  
date of entry of the guilty plea, or the date the person was found 3424  
eligible for intervention in lieu of conviction: 3425

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 3426  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 3427  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 3428  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 3429  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 3430  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3431  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 3432  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 3433  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 3434  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 3435  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 3436  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 3437  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 3438  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 3439  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 3440  
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 3441  
penetration in violation of former section 2907.12 of the Revised 3442  
Code, a violation of section 2905.04 of the Revised Code as it 3443  
existed prior to July 1, 1996, a violation of section 2919.23 of 3444  
the Revised Code that would have been a violation of section 3445  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 3446  
had the violation been committed prior to that date; 3447

(b) A violation of an existing or former municipal ordinance 3448  
or law of this state, any other state, or the United States that 3449  
is substantially equivalent to any of the offenses listed in 3450  
division (A)(5)(a) of this section. 3451

(6) On receipt of a request pursuant to section 3701.881 of 3452  
the Revised Code with respect to an applicant for employment with 3453

a home health agency in a position that involves providing direct care to an older adult, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

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

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

(8) On receipt of a request pursuant to section 2151.86 of

the Revised Code, a completed form prescribed pursuant to division 3486  
(C)(1) of this section, and a set of fingerprint impressions 3487  
obtained in the manner described in division (C)(2) of this 3488  
section, the superintendent of the bureau of criminal 3489  
identification and investigation shall conduct a criminal records 3490  
check in the manner described in division (B) of this section to 3491  
determine whether any information exists that indicates that the 3492  
person who is the subject of the request previously has been 3493  
convicted of or pleaded guilty to any of the following: 3494

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 3495  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 3496  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 3497  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3498  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 3499  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 3500  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 3501  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 3502  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 3503  
of the Revised Code, a violation of section 2905.04 of the Revised 3504  
Code as it existed prior to July 1, 1996, a violation of section 3505  
2919.23 of the Revised Code that would have been a violation of 3506  
section 2905.04 of the Revised Code as it existed prior to July 1, 3507  
1996, had the violation been committed prior to that date, a 3508  
violation of section 2925.11 of the Revised Code that is not a 3509  
minor drug possession offense, two or more OVI or OVUAC violations 3510  
committed within the three years immediately preceding the 3511  
submission of the application or petition that is the basis of the 3512  
request, or felonious sexual penetration in violation of former 3513  
section 2907.12 of the Revised Code; 3514

(b) A violation of an existing or former law of this state, 3515  
any other state, or the United States that is substantially 3516  
equivalent to any of the offenses listed in division (A)(8)(a) of 3517



this section. 3518

(9) Upon receipt of a request pursuant to section 5104.012 or 3519  
5104.013 of the Revised Code, a completed form prescribed pursuant 3520  
to division (C)(1) of this section, and a set of fingerprint 3521  
impressions obtained in the manner described in division (C)(2) of 3522  
this section, the superintendent of the bureau of criminal 3523  
identification and investigation shall conduct a criminal records 3524  
check in the manner described in division (B) of this section to 3525  
determine whether any information exists that indicates that the 3526  
person who is the subject of the request has been convicted of or 3527  
pleaded guilty to any of the following: 3528

(a) A violation of section 2903.01, 2903.02, 2903.03, 3529  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 3530  
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 3531  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 3532  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 3533  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 3534  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 3535  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 3536  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 3537  
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 3538  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3539  
3716.11 of the Revised Code, felonious sexual penetration in 3540  
violation of former section 2907.12 of the Revised Code, a 3541  
violation of section 2905.04 of the Revised Code as it existed 3542  
prior to July 1, 1996, a violation of section 2919.23 of the 3543  
Revised Code that would have been a violation of section 2905.04 3544  
of the Revised Code as it existed prior to July 1, 1996, had the 3545  
violation been committed prior to that date, a violation of 3546  
section 2925.11 of the Revised Code that is not a minor drug 3547  
possession offense, a violation of section 2923.02 or 2923.03 of 3548  
the Revised Code that relates to a crime specified in this 3549

division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code

that is not a minor drug possession offense; 3582

(b) A violation of an existing or former law of this state, 3583  
any other state, or the United States that is substantially 3584  
equivalent to any of the offenses listed in division (A)(10)(a) of 3585  
this section. 3586

(11) On receipt of a request for a criminal records check 3587  
from an individual pursuant to section 4749.03 or 4749.06 of the 3588  
Revised Code, accompanied by a completed copy of the form 3589  
prescribed in division (C)(1) of this section and a set of 3590  
fingerprint impressions obtained in a manner described in division 3591  
(C)(2) of this section, the superintendent of the bureau of 3592  
criminal identification and investigation shall conduct a criminal 3593  
records check in the manner described in division (B) of this 3594  
section to determine whether any information exists indicating 3595  
that the person who is the subject of the request has been 3596  
convicted of or pleaded guilty to a felony in this state or in any 3597  
other state. If the individual indicates that a firearm will be 3598  
carried in the course of business, the superintendent shall 3599  
require information from the federal bureau of investigation as 3600  
described in division (B)(2) of this section. The superintendent 3601  
shall report the findings of the criminal records check and any 3602  
information the federal bureau of investigation provides to the 3603  
director of public safety. 3604

(12) On receipt of a request pursuant to section 1321.37, 3605  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 3606  
Code, a completed form prescribed pursuant to division (C)(1) of 3607  
this section, and a set of fingerprint impressions obtained in the 3608  
manner described in division (C)(2) of this section, the 3609  
superintendent of the bureau of criminal identification and 3610  
investigation shall conduct a criminal records check with respect 3611  
to any person who has applied for a license, permit, or 3612  
certification from the department of commerce or a division in the 3613

department. The superintendent shall conduct the criminal records 3614  
check in the manner described in division (B) of this section to 3615  
determine whether any information exists that indicates that the 3616  
person who is the subject of the request previously has been 3617  
convicted of or pleaded guilty to any of the following: a 3618  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 3619  
2925.03 of the Revised Code; any other criminal offense involving 3620  
theft, receiving stolen property, embezzlement, forgery, fraud, 3621  
passing bad checks, money laundering, or drug trafficking, or any 3622  
criminal offense involving money or securities, as set forth in 3623  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 3624  
the Revised Code; or any existing or former law of this state, any 3625  
other state, or the United States that is substantially equivalent 3626  
to those offenses. 3627

(13) On receipt of a request for a criminal records check 3628  
from the treasurer of state under section 113.041 of the Revised 3629  
Code or from an individual under section 4701.08, 4715.101, 3630  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 3631  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 3632  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 3633  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 3634  
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 3635  
a completed form prescribed under division (C)(1) of this section 3636  
and a set of fingerprint impressions obtained in the manner 3637  
described in division (C)(2) of this section, the superintendent 3638  
of the bureau of criminal identification and investigation shall 3639  
conduct a criminal records check in the manner described in 3640  
division (B) of this section to determine whether any information 3641  
exists that indicates that the person who is the subject of the 3642  
request has been convicted of or pleaded guilty to any criminal 3643  
offense in this state or any other state. The superintendent shall 3644  
send the results of a check requested under section 113.041 of the 3645  
Revised Code to the treasurer of state and shall send the results 3646

of a check requested under any of the other listed sections to the 3647  
licensing board specified by the individual in the request. 3648

(14) On receipt of a request pursuant to section 1121.23, 3649  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 3650  
Code, a completed form prescribed pursuant to division (C)(1) of 3651  
this section, and a set of fingerprint impressions obtained in the 3652  
manner described in division (C)(2) of this section, the 3653  
superintendent of the bureau of criminal identification and 3654  
investigation shall conduct a criminal records check in the manner 3655  
described in division (B) of this section to determine whether any 3656  
information exists that indicates that the person who is the 3657  
subject of the request previously has been convicted of or pleaded 3658  
guilty to any criminal offense under any existing or former law of 3659  
this state, any other state, or the United States. 3660

(15) On receipt of a request for a criminal records check 3661  
from an appointing or licensing authority under section 3772.07 of 3662  
the Revised Code, a completed form prescribed under division 3663  
(C)(1) of this section, and a set of fingerprint impressions 3664  
obtained in the manner prescribed in division (C)(2) of this 3665  
section, the superintendent of the bureau of criminal 3666  
identification and investigation shall conduct a criminal records 3667  
check in the manner described in division (B) of this section to 3668  
determine whether any information exists that indicates that the 3669  
person who is the subject of the request previously has been 3670  
convicted of or pleaded guilty or no contest to any offense under 3671  
any existing or former law of this state, any other state, or the 3672  
United States that is a disqualifying offense as defined in 3673  
section 3772.07 of the Revised Code or substantially equivalent to 3674  
such an offense. 3675

(16) Not later than thirty days after the date the 3676  
superintendent receives a request of a type described in division 3677  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 3678

(14), or (15) of this section, the completed form, and the 3679  
fingerprint impressions, the superintendent shall send the person, 3680  
board, or entity that made the request any information, other than 3681  
information the dissemination of which is prohibited by federal 3682  
law, the superintendent determines exists with respect to the 3683  
person who is the subject of the request that indicates that the 3684  
person previously has been convicted of or pleaded guilty to any 3685  
offense listed or described in division (A)(1), (2), (3), (4), 3686  
(5), (6), (7), (8), (9), (10), (11), (12), (14), or (15) of this 3687  
section, as appropriate. The superintendent shall send the person, 3688  
board, or entity that made the request a copy of the list of 3689  
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 3690  
(7), (8), (9), (10), (11), (12), (14), or (15) of this section, as 3691  
appropriate. If the request was made under section 3701.881 of the 3692  
Revised Code with regard to an applicant who may be both 3693  
responsible for the care, custody, or control of a child and 3694  
involved in providing direct care to an older adult, the 3695  
superintendent shall provide a list of the offenses specified in 3696  
divisions (A)(4) and (6) of this section. 3697

Not later than thirty days after the superintendent receives 3698  
a request for a criminal records check pursuant to section 113.041 3699  
of the Revised Code, the completed form, and the fingerprint 3700  
impressions, the superintendent shall send the treasurer of state 3701  
any information, other than information the dissemination of which 3702  
is prohibited by federal law, the superintendent determines exist 3703  
with respect to the person who is the subject of the request that 3704  
indicates that the person previously has been convicted of or 3705  
pleaded guilty to any criminal offense in this state or any other 3706  
state. 3707

(B) The superintendent shall conduct any criminal records 3708  
check requested under section 113.041, 121.08, 173.27, 173.394, 3709  
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 3710

1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3711  
3701.881, 3712.09, 3721.121, ~~3722.151~~ 5119.85, 3772.07, 4701.08, 3712  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 3713  
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 3714  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 3715  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 3716  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 3717  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 3718  
5126.281, or 5153.111 of the Revised Code as follows: 3719

(1) The superintendent shall review or cause to be reviewed 3720  
any relevant information gathered and compiled by the bureau under 3721  
division (A) of section 109.57 of the Revised Code that relates to 3722  
the person who is the subject of the request, including, if the 3723  
criminal records check was requested under section 113.041, 3724  
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 3725  
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 3726  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3727  
~~3722.151~~ 5119.85, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 3728  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 3729  
5126.281, or 5153.111 of the Revised Code, any relevant 3730  
information contained in records that have been sealed under 3731  
section 2953.32 of the Revised Code; 3732

(2) If the request received by the superintendent asks for 3733  
information from the federal bureau of investigation, the 3734  
superintendent shall request from the federal bureau of 3735  
investigation any information it has with respect to the person 3736  
who is the subject of the request, including fingerprint-based 3737  
checks of national crime information databases as described in 42 3738  
U.S.C. 671 if the request is made pursuant to section 2151.86, 3739  
5104.012, or 5104.013 of the Revised Code or if any other Revised 3740  
Code section requires fingerprint-based checks of that nature, and 3741  
shall review or cause to be reviewed any information the 3742

superintendent receives from that bureau. If a request under 3743  
section 3319.39 of the Revised Code asks only for information from 3744  
the federal bureau of investigation, the superintendent shall not 3745  
conduct the review prescribed by division (B)(1) of this section. 3746

(3) The superintendent or the superintendent's designee may 3747  
request criminal history records from other states or the federal 3748  
government pursuant to the national crime prevention and privacy 3749  
compact set forth in section 109.571 of the Revised Code. 3750

(C)(1) The superintendent shall prescribe a form to obtain 3751  
the information necessary to conduct a criminal records check from 3752  
any person for whom a criminal records check is requested under 3753  
section 113.041 of the Revised Code or required by section 121.08, 3754  
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 3755  
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3756  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, ~~3722.151~~ 5119.85, 3757  
3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 3758  
4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 3759  
4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 3760  
4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 3761  
4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 3762  
5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 3763  
5126.28, 5126.281, or 5153.111 of the Revised Code. The form that 3764  
the superintendent prescribes pursuant to this division may be in 3765  
a tangible format, in an electronic format, or in both tangible 3766  
and electronic formats. 3767

(2) The superintendent shall prescribe standard impression 3768  
sheets to obtain the fingerprint impressions of any person for 3769  
whom a criminal records check is requested under section 113.041 3770  
of the Revised Code or required by section 121.08, 173.27, 3771  
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 3772  
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3773  
3319.39, 3701.881, 3712.09, 3721.121, ~~3722.151~~ 5119.85, 3772.07, 3774



4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 3775  
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 3776  
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 3777  
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 3778  
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 3779  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 3780  
5126.281, or 5153.111 of the Revised Code. Any person for whom a 3781  
records check is requested under or required by any of those 3782  
sections shall obtain the fingerprint impressions at a county 3783  
sheriff's office, municipal police department, or any other entity 3784  
with the ability to make fingerprint impressions on the standard 3785  
impression sheets prescribed by the superintendent. The office, 3786  
department, or entity may charge the person a reasonable fee for 3787  
making the impressions. The standard impression sheets the 3788  
superintendent prescribes pursuant to this division may be in a 3789  
tangible format, in an electronic format, or in both tangible and 3790  
electronic formats. 3791

(3) Subject to division (D) of this section, the 3792  
superintendent shall prescribe and charge a reasonable fee for 3793  
providing a criminal records check requested under section 3794  
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 3795  
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 3796  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3797  
~~3722.151~~ 5119.85, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 3798  
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 3799  
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 3800  
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 3801  
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 3802  
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 3803  
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 3804  
person making a criminal records request under any of those 3805  
sections shall pay the fee prescribed pursuant to this division. A 3806  
person making a request under section 3701.881 of the Revised Code 3807

for a criminal records check for an applicant who may be both 3808  
responsible for the care, custody, or control of a child and 3809  
involved in providing direct care to an older adult shall pay one 3810  
fee for the request. In the case of a request under section 3811  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 3812  
of the Revised Code, the fee shall be paid in the manner specified 3813  
in that section. 3814

(4) The superintendent of the bureau of criminal 3815  
identification and investigation may prescribe methods of 3816  
forwarding fingerprint impressions and information necessary to 3817  
conduct a criminal records check, which methods shall include, but 3818  
not be limited to, an electronic method. 3819

(D) A determination whether any information exists that 3820  
indicates that a person previously has been convicted of or 3821  
pleaded guilty to any offense listed or described in division 3822  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 3823  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 3824  
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), or (A)(15) 3825  
of this section, or that indicates that a person previously has 3826  
been convicted of or pleaded guilty to any criminal offense in 3827  
this state or any other state regarding a criminal records check 3828  
of a type described in division (A)(13) of this section, and that 3829  
is made by the superintendent with respect to information 3830  
considered in a criminal records check in accordance with this 3831  
section is valid for the person who is the subject of the criminal 3832  
records check for a period of one year from the date upon which 3833  
the superintendent makes the determination. During the period in 3834  
which the determination in regard to a person is valid, if another 3835  
request under this section is made for a criminal records check 3836  
for that person, the superintendent shall provide the information 3837  
that is the basis for the superintendent's initial determination 3838  
at a lower fee than the fee prescribed for the initial criminal 3839

records check. 3840

(E) As used in this section: 3841

(1) "Criminal records check" means any criminal records check 3842  
conducted by the superintendent of the bureau of criminal 3843  
identification and investigation in accordance with division (B) 3844  
of this section. 3845

(2) "Minor drug possession offense" has the same meaning as 3846  
in section 2925.01 of the Revised Code. 3847

(3) "Older adult" means a person age sixty or older. 3848

(4) "OVI or OVUAC violation" means a violation of section 3849  
4511.19 of the Revised Code or a violation of an existing or 3850  
former law of this state, any other state, or the United States 3851  
that is substantially equivalent to section 4511.19 of the Revised 3852  
Code. 3853

**Sec. 111.12.** ~~(A) Except as otherwise provided in division (B)~~ 3854  
~~of this section, the~~ The secretary of state shall compile and 3855  
publish biennially in a paper, book, or ~~other nonelectronic~~ 3856  
electronic format ~~twenty five hundred copies of~~ the election 3857  
statistics of Ohio, ~~four thousand copies of~~ the official roster of 3858  
federal, state, and county officers, and ~~twenty five hundred~~ 3859  
~~copies of~~ the official roster of township and municipal officers. 3860

~~(B) The secretary of state may compile and publish biennially~~ 3861  
~~the election statistics of Ohio, the official roster of federal,~~ 3862  
~~state, and county officers, and the official roster of township~~ 3863  
~~and municipal officers in an electronic format instead of~~ 3864  
~~compiling and publishing these documents biennially in a paper,~~ 3865  
~~book, or other nonelectronic format in the numbers specified in~~ 3866  
~~division (A) of this section. If the secretary of state does so,~~ 3867  
~~the secretary of state shall maintain the ability to provide~~ 3868  
~~copies of the election statistics of Ohio, the official roster of~~ 3869

~~federal, state, and county officers, and the official roster of~~ 3870  
~~township and municipal officers in accordance with section 149.43~~ 3871  
~~of the Revised Code.~~ 3872

**Sec. 111.16.** The secretary of state shall charge and collect, 3873  
for the benefit of the state, the following fees: 3874

(A) For filing and recording articles of incorporation of a 3875  
domestic corporation, including designation of agent: 3876

(1) Wherein the corporation shall not be authorized to issue 3877  
any shares of capital stock, one hundred twenty-five dollars; 3878

(2) Wherein the corporation shall be authorized to issue 3879  
shares of capital stock, with or without par value: 3880

(a) Ten cents for each share authorized up to and including 3881  
one thousand shares; 3882

(b) Five cents for each share authorized in excess of one 3883  
thousand shares up to and including ten thousand shares; 3884

(c) Two cents for each share authorized in excess of ten 3885  
thousand shares up to and including fifty thousand shares; 3886

(d) One cent for each share authorized in excess of fifty 3887  
thousand shares up to and including one hundred thousand shares; 3888

(e) One-half cent for each share authorized in excess of one 3889  
hundred thousand shares up to and including five hundred thousand 3890  
shares; 3891

(f) One-quarter cent for each share authorized in excess of 3892  
five hundred thousand shares; provided no fee shall be less than 3893  
one hundred twenty-five dollars or greater than one hundred 3894  
thousand dollars. 3895

(B) For filing and recording a certificate of amendment to or 3896  
amended articles of incorporation of a domestic corporation, or 3897  
for filing and recording a certificate of reorganization, a 3898

certificate of dissolution, or an amendment to a foreign license 3899  
application: 3900

(1) If the domestic corporation is not authorized to issue 3901  
any shares of capital stock, fifty dollars; 3902

(2) If the domestic corporation is authorized to issue shares 3903  
of capital stock, fifty dollars, and in case of any increase in 3904  
the number of shares authorized to be issued, a further sum 3905  
computed in accordance with the schedule set forth in division 3906  
(A)(2) of this section less a credit computed in the same manner 3907  
for the number of shares previously authorized to be issued by the 3908  
corporation; provided no fee under division (B)(2) of this section 3909  
shall be greater than one hundred thousand dollars; 3910

(3) If the foreign corporation is not authorized to issue any 3911  
shares of capital stock, fifty dollars; 3912

(4) If the foreign corporation is authorized to issue shares 3913  
of capital stock, fifty dollars. 3914

(C) For filing and recording articles of incorporation of a 3915  
savings and loan association, one hundred twenty-five dollars; and 3916  
for filing and recording a certificate of amendment to or amended 3917  
articles of incorporation of a savings and loan association, fifty 3918  
dollars; 3919

(D) For filing and recording a certificate of conversion, 3920  
including a designation of agent, a certificate of merger, or a 3921  
certificate of consolidation, one hundred twenty-five dollars and, 3922  
in the case of any new corporation resulting from a consolidation 3923  
or any surviving corporation that has an increased number of 3924  
shares authorized to be issued resulting from a merger, an 3925  
additional sum computed in accordance with the schedule set forth 3926  
in division (A)(2) of this section less a credit computed in the 3927  
same manner for the number of shares previously authorized to be 3928  
issued or represented in this state by each of the corporations 3929

for which a consolidation or merger is effected by the 3930  
certificate; 3931

(E) For filing and recording articles of incorporation of a 3932  
credit union or the American credit union guaranty association, 3933  
one hundred twenty-five dollars, and for filing and recording a 3934  
certificate of increase in capital stock or any other amendment of 3935  
the articles of incorporation of a credit union or the 3936  
association, fifty dollars; 3937

(F) For filing and recording articles of organization of a 3938  
limited liability company, for filing and recording an application 3939  
to become a registered foreign limited liability company, for 3940  
filing and recording a registration application to become a 3941  
domestic limited liability partnership, or for filing and 3942  
recording an application to become a registered foreign limited 3943  
liability partnership, one hundred twenty-five dollars; 3944

(G) For filing and recording a certificate of limited 3945  
partnership or an application for registration as a foreign 3946  
limited partnership, or for filing an initial statement of 3947  
partnership authority pursuant to section 1776.33 of the Revised 3948  
Code, one hundred twenty-five dollars. 3949

(H) For filing a copy of papers evidencing the incorporation 3950  
of a municipal corporation or of annexation of territory by a 3951  
municipal corporation, five dollars, to be paid by the municipal 3952  
corporation, the petitioners therefor, or their agent; 3953

(I) For filing and recording any of the following: 3954

(1) A license to transact business in this state by a foreign 3955  
corporation for profit pursuant to section 1703.04 of the Revised 3956  
Code or a foreign nonprofit corporation pursuant to section 3957  
1703.27 of the Revised Code, one hundred twenty-five dollars; 3958

(2) A biennial report or biennial statement pursuant to 3959  
section 1775.63, 1776.83, or 1785.06 of the Revised Code, 3960

twenty-five dollars; 3961

(3) Except as otherwise provided in this section or any other 3962  
section of the Revised Code, any other certificate or paper that 3963  
is required to be filed and recorded or is permitted to be filed 3964  
and recorded by any provision of the Revised Code with the 3965  
secretary of state, twenty-five dollars. 3966

(J) For filing any certificate or paper not required to be 3967  
recorded, five dollars; 3968

(K)(1) For making copies of any certificate or other paper 3969  
filed in the office of the secretary of state, a fee not to exceed 3970  
one dollar per page, except as otherwise provided in the Revised 3971  
Code, and for creating and affixing the seal of the office of the 3972  
secretary of state to any good standing or other certificate, five 3973  
dollars. For copies of certificates or papers required by state 3974  
officers for official purpose, no charge shall be made. 3975

(2) For creating and affixing the seal of the office of the 3976  
secretary of state to the certificates described in division (E) 3977  
of section 1701.81, division (E) of section 1701.811, division (E) 3978  
of section 1705.38, division (E) of section 1705.381, division (D) 3979  
of section 1702.43, division (E) of section 1775.47, division (E) 3980  
of section 1775.55, division (E) of section 1776.70, division (E) 3981  
of section 1776.74, division (E) of section 1782.433, or division 3982  
(E) of section 1782.4310 of the Revised Code, twenty-five dollars. 3983

(L) For a minister's license to solemnize marriages, ten 3984  
dollars; 3985

(M) For examining documents to be filed at a later date for 3986  
the purpose of advising as to the acceptability of the proposed 3987  
filing, fifty dollars; 3988

(N) Fifty dollars for filing and recording any of the 3989  
following: 3990

(1) A certificate of dissolution and accompanying documents,	3991
or a certificate of cancellation, under section 1701.86, 1702.47,	3992
1705.43, 1776.65, or 1782.10 of the Revised Code;	3993
(2) A notice of dissolution of a foreign licensed corporation	3994
or a certificate of surrender of license by a foreign licensed	3995
corporation under section 1703.17 of the Revised Code;	3996
(3) The withdrawal of registration of a foreign or domestic	3997
limited liability partnership under section 1775.61, 1775.64,	3998
1776.81, or 1776.86 of the Revised Code, or the certificate of	3999
cancellation of registration of a foreign limited liability	4000
company under section 1705.57 of the Revised Code;	4001
(4) The filing of a statement of denial under section 1776.34	4002
of the Revised Code, a statement of dissociation under section	4003
1776.57 of the Revised Code, a statement of disclaimer of general	4004
partner status under Chapter 1782. of the Revised Code, or a	4005
cancellation of disclaimer of general partner status under Chapter	4006
1782. of the Revised Code.	4007
(O) For filing a statement of continued existence by a	4008
nonprofit corporation, twenty-five dollars;	4009
(P) For filing a restatement under section 1705.08 or 1782.09	4010
of the Revised Code, an amendment to a certificate of cancellation	4011
under section 1782.10 of the Revised Code, an amendment under	4012
section 1705.08 or 1782.09 of the Revised Code, or a correction	4013
under section 1705.55, 1775.61, 1775.64, 1776.12, or 1782.52 of	4014
the Revised Code, fifty dollars;	4015
(Q) For filing for reinstatement of an entity cancelled by	4016
operation of law, by the secretary of state, by order of the	4017
department of taxation, or by order of a court, twenty-five	4018
dollars;	4019
(R) For filing a <u>and recording any of the following:</u>	4020



(1) A change of agent, resignation of agent, or change of agent's address under section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, ~~1776.07~~, or 1782.04 of the Revised Code, twenty-five dollars; 4021  
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(2) A multiple change of agent name or address, standardization of agent address, or resignation of agent under section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, 1776.07, or 1782.04 of the Revised Code, one hundred twenty-five dollars, plus three dollars per entity record being changed, by the multiple agent update. 4025  
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(S) For filing and recording any of the following: 4031

(1) An application for the exclusive right to use a name or an application to reserve a name for future use under section 1701.05, 1702.05, 1703.31, 1705.05, or 1746.06 of the Revised Code, fifty dollars; 4032  
4033  
4034  
4035

(2) A trade name or fictitious name registration or report, fifty dollars; 4036  
4037

(3) An application to renew any item covered by division (S)(1) or (2) of this section that is permitted to be renewed, twenty-five dollars; 4038  
4039  
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(4) An assignment of rights for use of a name covered by division (S)(1), (2), or (3) of this section, the cancellation of a name registration or name reservation that is so covered, or notice of a change of address of the registrant of a name that is so covered, twenty-five dollars. 4041  
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(T) For filing and recording a report to operate a business trust or a real estate investment trust, either foreign or domestic, one hundred twenty-five dollars; and for filing and recording an amendment to a report or associated trust instrument, or a surrender of authority, to operate a business trust or real estate investment trust, fifty dollars; 4046  
4047  
4048  
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4051

(U)(1) For filing and recording the registration of a 4052  
trademark, service mark, or mark of ownership, one hundred 4053  
twenty-five dollars; 4054

(2) For filing and recording the change of address of a 4055  
registrant, the assignment of rights to a registration, a renewal 4056  
of a registration, or the cancellation of a registration 4057  
associated with a trademark, service mark, or mark of ownership, 4058  
twenty-five dollars. 4059

(V) For filing a service of process with the secretary of 4060  
state, five dollars, except as otherwise provided in any section 4061  
of the Revised Code. 4062

Fees specified in this section may be paid by cash, check, or 4063  
money order, by credit card in accordance with section 113.40 of 4064  
the Revised Code, or by an alternative payment program in 4065  
accordance with division (B) of section 111.18 of the Revised 4066  
Code. Any credit card number or the expiration date of any credit 4067  
card is not subject to disclosure under Chapter 149. of the 4068  
Revised Code. 4069

**Sec. 111.18.** (A) The secretary of state shall keep a record 4070  
of all fees collected by the secretary of state and, ~~subject to~~ 4071  
~~division (B) of section 1309.528 of the Revised Code and~~ except as 4072  
otherwise provided in the Revised Code, shall pay them into the 4073  
state treasury to the credit of the corporate and uniform 4074  
commercial code filing fund created by section 1309.528 of the 4075  
Revised Code. 4076

(B) The secretary of state may implement alternative payment 4077  
programs that permit payment of any fee charged by the secretary 4078  
of state by means other than cash, check, money order, or credit 4079  
card; an alternative payment program may include, but is not 4080  
limited to, one that permits a fee to be paid by electronic means 4081  
of transmission. Fees paid under an alternative payment program 4082

shall be deposited to the credit of the secretary of state 4083  
alternative payment program fund, which is hereby created in the 4084  
state treasury. Any investment income of the secretary of state 4085  
alternative payment program fund shall be credited to that fund 4086  
and used to operate the alternative payment program. Within two 4087  
working days following the deposit of funds to the credit of the 4088  
secretary of state alternative payment program fund, the secretary 4089  
of state shall pay those funds to the credit of the corporate and 4090  
uniform commercial code filing fund, subject to division (B) of 4091  
section 1309.401 of the Revised Code and except as otherwise 4092  
provided in the Revised Code. 4093

The secretary of state shall adopt rules necessary to carry 4094  
out the purposes of this division. 4095

Sec. 111.181. There is hereby created in the state treasury 4096  
the information systems fund. The fund shall receive revenues from 4097  
fees charged to customers for special database requests, including 4098  
corporate and uniform commercial code filings. The secretary of 4099  
state shall use the fund for information technology related 4100  
expenses of the office. 4101

Sec. 111.28. (A) There is hereby created in the state 4102  
treasury the help America vote act (HAVA) fund. All moneys 4103  
received by the secretary of state from the United States election 4104  
assistance commission shall be credited to the fund. The secretary 4105  
of state shall use the moneys credited to the fund for activities 4106  
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 4107  
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 4108  
shall be credited to the fund. 4109

(B) There is hereby created in the state treasury the 4110  
election reform/health and human services fund. All moneys 4111  
received by the secretary of state from the United States 4112

department of health and human services shall be credited to the 4113  
fund. The secretary of state shall use the moneys credited to the 4114  
fund for activities conducted pursuant to grants awarded to the 4115  
state under Title II, Subtitle D, Sections 261 to 265 of the Help 4116  
America Vote Act of 2002 to assure access for individuals with 4117  
disabilities. All investment earnings of the fund shall be 4118  
credited to the fund. 4119

Sec. 111.29. There is hereby created in the state treasury 4120  
the citizen education fund. The fund shall receive gifts, grants, 4121  
fees, and donations from private individuals and entities for 4122  
voter education purposes. The secretary of state shall use the 4123  
moneys credited to the fund for preparing, printing, and 4124  
distributing voter registration and educational materials and for 4125  
conducting related workshops and conferences for public education. 4126

Sec. 117.101. The auditor of state shall provide, operate, 4127  
and maintain a uniform and compatible computerized financial 4128  
management and accounting system known as the uniform accounting 4129  
network. The network shall be designed to provide public offices, 4130  
other than state agencies and the Ohio education computer network 4131  
and public school districts, with efficient and economical access 4132  
to data processing and management information facilities and 4133  
expertise. In accordance with this objective, activities of the 4134  
network shall include, but not be limited to, provision, 4135  
maintenance, and operation of the following facilities and 4136  
services: 4137

(A) A cooperative program of technical assistance for public 4138  
offices, other than state agencies and the Ohio education computer 4139  
network and public school districts, including, but not limited 4140  
to, an adequate computer software system and a data base; 4141

(B) An information processing service center providing 4142

approved computerized financial accounting and reporting services 4143  
to participating public offices. 4144

The auditor of state and any public office, other than a 4145  
state agency and the Ohio education computer network and public 4146  
school districts, may enter into any necessary agreements, without 4147  
advertisement or bidding, for the provision of necessary goods, 4148  
materials, supplies, and services to such public offices by the 4149  
auditor of state through the network. 4150

The auditor of state may, by rule, provide for a system of 4151  
user fees to be charged participating public offices for goods, 4152  
materials, supplies, and services received from the network. All 4153  
such fees shall be paid into the state treasury to the credit of 4154  
the uniform accounting network fund, which is hereby created. The 4155  
fund shall be used by the auditor of state to pay the costs of 4156  
establishing and maintaining the network. The fund shall be 4157  
assessed a proportionate share of the auditor of state's 4158  
administrative costs in accordance with procedures prescribed by 4159  
the auditor of state ~~and approved by the director of budget and~~ 4160  
~~management.~~ 4161

**Sec. 117.13.** (A) The costs of audits of state agencies shall 4162  
be recovered by the auditor of state in the following manner: 4163

(1) The costs of all audits of state agencies shall be paid 4164  
to the auditor of state on statements rendered by the auditor of 4165  
state. Money so received by the auditor of state shall be paid 4166  
into the state treasury to the credit of the public audit expense 4167  
fund--intrastate, which is hereby created, and shall be used to 4168  
pay costs related to such audits. The costs of audits of a state 4169  
agency shall be charged to the state agency being audited. The 4170  
costs of any assistant auditor, employee, or expert employed 4171  
pursuant to section 117.09 of the Revised Code called upon to 4172  
testify in any legal proceedings in regard to any audit, or called 4173

upon to review or discuss any matter related to any audit, may be charged to the state agency to which the audit relates.

(2) The auditor of state shall establish by rule rates to be charged to state agencies for recovering the costs of audits of state agencies.

(B) As used in this division, "government auditing standards" means the government auditing standards published by the comptroller general of the United States general accounting office.

(1) Except as provided in divisions (B)(2) and (3) of this section, any costs of an audit of a private institution, association, board, or corporation receiving public money for its use shall be charged to the public office providing the public money in the same manner as costs of an audit of the public office.

(2) If an audit of a private child placing agency or private noncustodial agency receiving public money from a public children services agency for providing child welfare or child protection services sets forth that money has been illegally expended, converted, misappropriated, or is unaccounted for, the costs of the audit shall be charged to the agency being audited in the same manner as costs of an audit of a public office, unless the findings are inconsequential, as defined by government auditing standards.

(3) If such an audit does not set forth that money has been illegally expended, converted, misappropriated, or is unaccounted for or sets forth findings that are inconsequential, as defined by government auditing standards, the costs of the audit shall be charged as follows:

(a) One-third of the costs to the agency being audited;

(b) One-third of the costs to the public children services

agency that provided the public money to the agency being audited; 4205

(c) One-third of the costs to the department of job and 4206  
family services. 4207

(C) The costs of audits of local public offices shall be 4208  
recovered by the auditor of state in the following manner: 4209

(1) The total amount of compensation paid assistant auditors 4210  
of state, their expenses, the cost of employees assigned to assist 4211  
the assistant auditors of state, the cost of experts employed 4212  
pursuant to section 117.09 of the Revised Code, and the cost of 4213  
typing, reviewing, and copying reports shall be borne by the 4214  
public office to which such assistant auditors of state are so 4215  
assigned, ~~except that annual vacation and sick leave of assistant~~ 4216  
~~auditors of state, employees, and typists shall be financed from~~ 4217  
~~the general revenue fund. The necessary traveling and hotel~~ 4218  
~~expenses of the deputy inspectors and supervisors of public~~ 4219  
~~offices shall be paid from the state treasury.~~ Assistant auditors 4220  
of state shall be compensated by the taxing district or other 4221  
public office audited for activities undertaken pursuant to 4222  
division (B) of section 117.18 and section 117.24 of the Revised 4223  
Code. The costs of any assistant auditor, employee, or expert 4224  
employed pursuant to section 117.09 of the Revised Code called 4225  
upon to testify in any legal proceedings in regard to any audit, 4226  
or called upon to review or discuss any matter related to any 4227  
audit, may be charged to the public office to which the audit 4228  
relates. 4229

(2) The auditor of state shall certify the amount of such 4230  
compensation, expenses, cost of experts, reviewing, copying, and 4231  
typing to the fiscal officer of the local public office audited. 4232  
The fiscal officer of the local public office shall forthwith draw 4233  
a warrant upon the general fund or other appropriate funds of the 4234  
local public office to the order of the auditor of state; 4235  
provided, that the auditor of state is authorized to negotiate 4236

with any local public office and, upon agreement between the 4237  
auditor of state and the local public office, may adopt a schedule 4238  
for payment of the amount due under this section. Money so 4239  
received by the auditor of state shall be paid into the state 4240  
treasury to the credit of the public audit expense fund--local 4241  
government, which is hereby created, and shall be used to pay the 4242  
compensation, expense, cost of experts and employees, reviewing, 4243  
copying, and typing of reports. 4244

(3) At the conclusion of each audit, or analysis and report 4245  
made pursuant to section 117.24 of the Revised Code, the auditor 4246  
of state shall furnish the fiscal officer of the local public 4247  
office audited a statement showing the total cost of the audit, or 4248  
of the audit and the analysis and report, and the percentage of 4249  
the total cost chargeable to each fund audited. The fiscal officer 4250  
may distribute such total cost to each fund audited in accordance 4251  
with its percentage of the total cost. 4252

(4) The auditor of state shall provide each local public 4253  
office a statement or certification of the amount due from the 4254  
public office for services performed by the auditor of state under 4255  
this or any other section of the Revised Code, as well as the date 4256  
upon which payment is due to the auditor of state. Any local 4257  
public office that does not pay the amount due to the auditor of 4258  
state by that date may be assessed by the auditor of state for 4259  
interest from the date upon which the payment is due at the rate 4260  
per annum prescribed by section 5703.47 of the Revised Code. All 4261  
interest charges assessed by the auditor of state may be collected 4262  
in the same manner as audit costs pursuant to division (D) of this 4263  
section. 4264

(5) The auditor of state shall establish by rule rates to be 4265  
charged to local public offices for recovering the costs of audits 4266  
of local public offices. 4267

(D) If the auditor of state fails to receive payment for any 4268



amount due, including, but not limited to, fines, fees, and costs, 4269  
from a public office for services performed under this or any 4270  
other section of the Revised Code, the auditor of state may seek 4271  
payment through the office of budget and management. (Amounts due 4272  
include any amount due to an independent public accountant with 4273  
whom the auditor has contracted to perform services, all costs and 4274  
fees associated with participation in the uniform accounting 4275  
network, and all costs associated with the auditor's provision of 4276  
local government services.) Upon certification by the auditor of 4277  
state to the director of budget and management of any such amount 4278  
due, the director shall withhold from the public office any amount 4279  
available, up to and including the amount certified as due, from 4280  
any funds under the director's control that belong to or are 4281  
lawfully payable or due to the public office. The director shall 4282  
promptly pay the amount withheld to the auditor of state. If the 4283  
director determines that no funds due and payable to the public 4284  
office are available or that insufficient amounts of such funds 4285  
are available to cover the amount due, the director shall withhold 4286  
and pay to the auditor of state the amounts available and, in the 4287  
case of a local public office, certify the remaining amount to the 4288  
county auditor of the county in which the local public office is 4289  
located. The county auditor shall withhold from the local public 4290  
office any amount available, up to and including the amount 4291  
certified as due, from any funds under the county auditor's 4292  
control and belonging to or lawfully payable or due to the local 4293  
public office. The county auditor shall promptly pay any such 4294  
amount withheld to the auditor of state. 4295

**Sec. 118.023.** (A) Upon determining that one or more of the 4296  
conditions described in section 118.022 of the Revised Code are 4297  
present, the auditor of state shall issue a written declaration of 4298  
the existence of a fiscal watch to the municipal corporation, 4299  
county, or township and the county budget commission. The fiscal 4300

watch shall be in effect until the auditor of state determines 4301  
that none of the conditions are any longer present and cancels the 4302  
watch, or until the auditor of state determines that a state of 4303  
fiscal emergency exists. The auditor of state, or a designee, 4304  
shall provide such technical and support services to the municipal 4305  
corporation, county, or township after a fiscal watch has been 4306  
declared to exist as the auditor of state considers necessary. The 4307  
controlling board shall provide sufficient funds for any costs 4308  
that the auditor of state may incur in determining if a fiscal 4309  
watch exists and for providing technical and support services. 4310

(B) Within one hundred twenty days after the day a written 4311  
declaration of the existence of a fiscal watch is issued under 4312  
division (A) of this section, the mayor of the municipal 4313  
corporation, the board of county commissioners of the county, or 4314  
the board of township trustees of the township for which a fiscal 4315  
watch was declared shall submit to the auditor of state a 4316  
financial recovery plan that shall identify actions to be taken to 4317  
eliminate all of the conditions described in section 118.022 of 4318  
the Revised Code, include a schedule detailing the approximate 4319  
dates for beginning and completing the actions, and include a 4320  
five-year forecast reflecting the effects of the actions. The 4321  
financial recovery plan is subject to review and approval by the 4322  
auditor of state. The auditor of state may extend the amount of 4323  
time by which a financial recovery plan is required to be filed, 4324  
for good cause shown. 4325

(C) If a feasible financial recovery plan for a municipal 4326  
corporation, county, or township for which a fiscal watch was 4327  
declared is not submitted within the time period prescribed by 4328  
division (B) of this section, or within any extension of time 4329  
thereof, the auditor of state shall declare that a fiscal 4330  
emergency condition exists under section 118.04 of the Revised 4331  
Code in the municipal corporation, county, or township. 4332

Sec. 118.025. (A) The auditor of state shall develop 4333  
guidelines for identifying fiscal practices and budgetary 4334  
conditions of municipal corporations, counties, and townships 4335  
that, if uncorrected, could result in a future declaration of a 4336  
fiscal watch or fiscal emergency. 4337

(B) If the auditor of state determines that a municipal 4338  
corporation, county, or township is engaging in any of those 4339  
practices or that any of those conditions exist, the auditor of 4340  
state may declare the municipal corporation, county, or township 4341  
to be under a fiscal caution. 4342

(C) When the auditor of state declares a fiscal caution, the 4343  
auditor of state shall promptly notify the municipal corporation, 4344  
county, or township of that declaration and shall request the 4345  
municipal corporation, county, or township to provide written 4346  
proposals for discontinuing or correcting the fiscal practices or 4347  
budgetary conditions that prompted the declaration and for 4348  
preventing the municipal corporation, county, or township from 4349  
experiencing further fiscal difficulties that could result in a 4350  
declaration of fiscal watch or fiscal emergency. 4351

(D) The auditor of state, or a designee, may visit and 4352  
inspect any municipal corporation, county, or township that is 4353  
declared to be under a fiscal caution. The auditor of state may 4354  
provide technical assistance to the municipal corporation, county, 4355  
or township in implementing proposals to eliminate the practices 4356  
or budgetary conditions that prompted the declaration of fiscal 4357  
caution and may make recommendations concerning those proposals. 4358

(E) If the auditor of state finds that a municipal 4359  
corporation, county, or township declared to be under a fiscal 4360  
caution has not made reasonable proposals or otherwise taken 4361  
action to discontinue or correct the fiscal practices or budgetary 4362  
conditions that prompted the declaration of fiscal caution, and if 4363

the auditor of state considers it necessary to prevent further 4364  
fiscal decline, the auditor of state may determine that the 4365  
municipal corporation, county, or township should be in a state of 4366  
fiscal watch. 4367

(F) The controlling board shall provide sufficient funds for 4368  
any costs incurred by the auditor of state in determining if a 4369  
fiscal caution exists and for providing technical and support 4370  
services. 4371

**Sec. 118.04.** (A) The existence of a fiscal emergency 4372  
condition constitutes a fiscal emergency. The existence of fiscal 4373  
emergency conditions shall be determined by the auditor of state. 4374  
Such determination, for purposes of this chapter, may be made only 4375  
upon the filing with the auditor of state of a written request for 4376  
such a determination by the governor, by the county budget 4377  
commission, by the mayor of the municipal corporation, or by the 4378  
presiding officer of the legislative authority of the municipal 4379  
corporation when authorized by a majority of the members of such 4380  
legislative authority, by the board of county commissioners, or by 4381  
the board of township trustees, or upon initiation by the auditor 4382  
of state. The request may designate in general or specific terms, 4383  
but without thereby limiting the determination thereto, the 4384  
condition or conditions to be examined to determine whether they 4385  
constitute fiscal emergency conditions. Promptly upon receipt of 4386  
such written request, or upon initiation by the auditor of state, 4387  
the auditor of state shall transmit copies of such request or a 4388  
written notice of such initiation to the mayor and the presiding 4389  
officer of the legislative authority of the municipal corporation 4390  
or to the board of county commissioners or the board of township 4391  
trustees by personal service or certified mail. Such 4392  
determinations shall be set forth in written reports and 4393  
supplemental reports, which shall be filed with the mayor, fiscal 4394  
officer, and presiding officer of the legislative authority of the 4395

municipal corporation, or with the board of county commissioners 4396  
or the board of township trustees, and with the treasurer of 4397  
state, secretary of state, governor, director of budget and 4398  
management, and county budget commission, within thirty days after 4399  
the request. The auditor of state shall so file an initial report 4400  
immediately upon determining the existence of any fiscal emergency 4401  
condition. 4402

(B) In making such determination, the auditor of state may 4403  
rely on reports or other information filed or otherwise made 4404  
available by the municipal corporation, county, or township, 4405  
accountants' reports, or other sources and data the auditor of 4406  
state considers reliable for such purpose. As to the status of 4407  
funds or accounts, a determination that the amounts stated in 4408  
section 118.03 of the Revised Code are exceeded may be made 4409  
without need for determination of the specific amount of the 4410  
excess. The auditor of state may engage the services of 4411  
independent certified or registered public accountants, including 4412  
public accountants engaged or previously engaged by the municipal 4413  
corporation, county, or township, to conduct audits or make 4414  
reports or render such opinions as the auditor of state considers 4415  
desirable with respect to any aspect of the determinations to be 4416  
made by the auditor of state. 4417

(C) A determination by the auditor of state under this 4418  
section that a fiscal emergency condition does not exist is final 4419  
and conclusive and not appealable. A determination by the auditor 4420  
of state under this section that a fiscal emergency exists is 4421  
final, except that the mayor of any municipal corporation affected 4422  
by a determination of the existence of a fiscal emergency 4423  
condition under this section, when authorized by a majority of the 4424  
members of the legislative authority, or the board of county 4425  
commissioners or board of township trustees, may appeal the 4426  
determination of the existence of a fiscal emergency condition to 4427

the court of appeals having territorial jurisdiction over the 4428  
municipal corporation, county, or township. The appeal shall be 4429  
heard expeditiously by the court of appeals and for good cause 4430  
shown shall take precedence over all other civil matters except 4431  
earlier matters of the same character. Notice of such appeal must 4432  
be filed with the auditor of state and such court within thirty 4433  
days after certification by the auditor of state to the mayor and 4434  
presiding officer of the legislative authority of the municipal 4435  
corporation or to the board of county commissioners or board of 4436  
township trustees as provided for in division (A) of this section. 4437  
In such appeal, determinations of the auditor of state shall be 4438  
presumed to be valid and the municipal corporation, county, or 4439  
township shall have the burden of proving, by clear and convincing 4440  
evidence, that each of the determinations made by the auditor of 4441  
state as to the existence of a fiscal emergency condition under 4442  
section 118.03 of the Revised Code was in error. If the municipal 4443  
corporation, county, or township fails, upon presentation of its 4444  
case, to prove by clear and convincing evidence that each such 4445  
determination by the auditor of state was in error, the court 4446  
shall dismiss the appeal. The municipal corporation, county, or 4447  
township and the auditor of state may introduce any evidence 4448  
relevant to the existence or nonexistence of such fiscal emergency 4449  
conditions at the times indicated in the applicable provisions of 4450  
divisions (A) and (B) of section 118.03 of the Revised Code. The 4451  
pendency of any such appeal shall not affect or impede the 4452  
operations of this chapter; no restraining order, temporary 4453  
injunction, or other similar restraint upon actions consistent 4454  
with this chapter shall be imposed by the court or any court 4455  
pending determination of such appeal; and all things may be done 4456  
under this chapter that may be done regardless of the pendency of 4457  
any such appeal. Any action taken or contract executed pursuant to 4458  
this chapter during the pendency of such appeal is valid and 4459  
enforceable among all parties, notwithstanding the decision in 4460

such appeal. If the court of appeals reverses the determination of 4461  
the existence of a fiscal emergency condition by the auditor of 4462  
state, the determination no longer has any effect, and any 4463  
procedures undertaken as a result of the determination shall be 4464  
terminated. 4465

(D) ~~All~~ The auditor of state shall be reimbursed for any 4466  
expenses incurred by the auditor of state relating to a 4467  
determination or termination of a fiscal emergency under this 4468  
section or a fiscal watch under section 118.021 of the Revised 4469  
Code ~~shall be reimbursed from an appropriation for that purpose,~~ 4470  
including technical and support services. If necessary, the 4471  
controlling board shall provide sufficient funds for these 4472  
purposes. 4473

**Sec. 118.05.** (A) Pursuant to the powers of the general 4474  
assembly and for the purposes of this chapter, upon the occurrence 4475  
of a fiscal emergency in any municipal corporation, county, or 4476  
township, as determined pursuant to section 118.04 of the Revised 4477  
Code, there is established, with respect to that municipal 4478  
corporation, county, or township, a body both corporate and 4479  
politic constituting an agency and instrumentality of the state 4480  
and performing essential governmental functions of the state to be 4481  
known as the "financial planning and supervision commission for 4482  
..... (name of municipal corporation, county, or 4483  
township)," which, in that name, may exercise all authority vested 4484  
in such a commission by this chapter. A Except as otherwise 4485  
provided in division (L) of this section, a separate commission is 4486  
established with respect to each municipal corporation, county, or 4487  
township as to which there is a fiscal emergency as determined 4488  
under this chapter. 4489

(B) A commission shall consist of the following voting 4490  
members: 4491

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

The treasurer of state may designate a deputy treasurer or  
director within the office of the treasurer of state or any other  
appropriate person who is not an employee of the treasurer of  
state's office; the director of budget and management may  
designate an individual within the office of budget and management  
or any other appropriate person who is not an employee of the  
office of budget and management; ~~the mayer may designate a~~  
~~responsible official within the mayer's office or the fiscal~~  
~~officer of the municipal corporation;~~ the presiding officer of the  
legislative authority of the municipal corporation may designate  
any other member of the legislative authority; the board of county  
commissioners may designate any other member of the board ~~or the~~  
~~fiscal officer of the county;~~ and the board of township trustees  
may designate any other member of the board or the fiscal officer  
of the township to attend the meetings of the commission when the  
ex officio member is absent or unable for any reason to attend. A  
designee, when present, shall be counted in determining whether a  
quorum is present at any meeting of the commission and may vote  
and participate in all proceedings and actions of the commission.  
The designations shall be in writing, executed by the ex officio  
member or entity making the designation, and filed with the  
secretary of the commission. The designations may be changed from  
time to time in like manner, but due regard shall be given to the  
need for continuity.



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

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

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

~~The mayor and presiding officer of the legislative authority~~

~~of the municipal corporation, the board of county commissioners, 4556  
or the board of township trustees shall, within ten days after the 4557  
determination of the fiscal emergency by the auditor of state 4558  
under section 118.04 of the Revised Code, submit in writing to the 4559  
governor the nomination of three persons agreed to by them and 4560  
meeting the qualifications set forth in this division. If the 4561  
governor is not satisfied that at least one of the nominees is 4562  
well qualified, the governor shall notify the mayor and presiding 4563  
officer, or the board of county commissioners, or the board of 4564  
township trustees to submit in writing, within five days, 4565  
additional nominees agreed upon by them, not exceeding three. The 4566  
governor shall appoint one member from all the agreed upon 4567  
nominees so submitted or shall fill the position on the commission 4568  
by appointment of any other person meeting the qualifications set 4569  
forth in this division. All appointments by the governor shall be 4570  
made with the advice and consent of the senate. The appointed 4571  
member shall serve during the life of the commission, subject to 4572  
removal by the governor for misfeasance, nonfeasance, or 4573  
malfeasance in office. In the event of the death, resignation, 4574  
incapacity, removal, or ineligibility to serve of the appointed 4575  
member, the governor, pursuant to the process for original 4576  
appointment, shall appoint a successor. 4577~~

~~Each appointed member shall be an individual: 4578~~

~~(a) Who has knowledge and experience in financial matters, 4579  
financial management, or business organization or operations; 4580~~

~~(b) Whose One member appointed by the governor, whose 4581  
residency, office, or principal place of professional or business 4582  
activity is situated within the municipal corporation, county, or 4583  
township; 4584~~

~~(c) Who shall not become a candidate for elected public 4585  
office while serving as a member of the commission. 4586~~

(C) Immediately after appointment of the initial appointed 4587  
member ~~or members~~ of the commission, the governor shall call the 4588  
first meeting of the commission and shall cause written notice of 4589  
the time, date, and place of the first meeting to be given to each 4590  
member of the commission at least forty-eight hours in advance of 4591  
the meeting. 4592

(D) The director of budget and management shall serve as 4593  
chairperson of the commission. The commission shall elect one of 4594  
its members to serve as vice-chairperson and may appoint a 4595  
secretary and any other officers, who need not be members of the 4596  
commission, it considers necessary. The chairperson may remove the 4597  
member appointed by the governor if that member fails to attend 4598  
three consecutive meetings. In that event, the governor shall fill 4599  
the vacancy in the same manner as the original appointment. 4600

(E) The commission may adopt and alter bylaws and rules, 4601  
which shall not be subject to section 111.15 or Chapter 119. of 4602  
the Revised Code, for the conduct of its affairs and for the 4603  
manner, subject to this chapter, in which its powers and functions 4604  
shall be exercised and embodied. 4605

~~(F) Four members of a commission established pursuant to~~ 4606  
~~divisions (B)(1) and (2) of this section constitute a quorum of~~ 4607  
~~the commission. The affirmative vote of a majority of the members~~ 4608  
~~of such a commission is necessary for any action taken by vote of~~ 4609  
~~the commission. Three members of a commission established pursuant~~ 4610  
~~to divisions (B)(1) and (3) of this section constitute a quorum of~~ 4611  
the commission. The affirmative vote of a majority of the members 4612  
of ~~such a~~ the commission is necessary for any action taken by vote 4613  
of the commission. No vacancy in the membership of the commission 4614  
shall impair the rights of a quorum by such vote to exercise all 4615  
the rights and perform all the duties of the commission. Members 4616  
of the commission, and their designees, are not disqualified from 4617  
voting by reason of the functions of the other office they hold 4618

and are not disqualified from exercising the functions of the 4619  
other office with respect to the municipal corporation, county, or 4620  
township, its officers, or the commission. 4621

(G) The auditor of state shall serve as the "financial 4622  
supervisor" to the commission unless the auditor of state elects 4623  
to contract for that service. As used in this chapter, "financial 4624  
supervisor" means the auditor of state. 4625

(H) At the request of the commission, the auditor of state 4626  
shall designate employees of the auditor of state's office to 4627  
assist the commission and the financial supervisor and to 4628  
coordinate the work of the auditor of state's office and the 4629  
financial supervisor. Upon the determination of a fiscal emergency 4630  
in any municipal corporation, county, or township, the municipal 4631  
corporation, county, or township shall provide the commission with 4632  
such reasonable office space in the principal building housing 4633  
city, county, or township government, where feasible, as it 4634  
determines is necessary to carry out its duties under this 4635  
chapter. 4636

(I) The financial supervisor, the members of the commission, 4637  
the auditor of state, and any person authorized to act on behalf 4638  
of or assist them shall not be personally liable or subject to any 4639  
suit, judgment, or claim for damages resulting from the exercise 4640  
of or failure to exercise the powers, duties, and functions 4641  
granted to them in regard to their functioning under this chapter, 4642  
but the commission, the financial supervisor, the auditor of 4643  
state, and those other persons shall be subject to mandamus 4644  
proceedings to compel performance of their duties under this 4645  
chapter and with respect to any debt obligations issued pursuant 4646  
or subject to this chapter. 4647

(J) At the request of the commission, the administrative head 4648  
of any state agency shall temporarily assign personnel skilled in 4649  
accounting and budgeting procedures to assist the commission or 4650

the financial supervisor in its duties as financial supervisor. 4651

(K) The appointed members of the commission are not subject 4652  
to section 102.02 of the Revised Code. Each appointed member of 4653  
the commission shall file with the commission a signed written 4654  
statement setting forth the general nature of sales of goods, 4655  
property, or services or of loans to the municipal corporation, 4656  
county, or township with respect to which that commission is 4657  
established, in which the appointed member has a pecuniary 4658  
interest or in which any member of the appointed member's 4659  
immediate family, as defined in section 102.01 of the Revised 4660  
Code, or any corporation, partnership, or enterprise of which the 4661  
appointed member is an officer, director, or partner, or of which 4662  
the appointed member or a member of the appointed member's 4663  
immediate family, as so defined, owns more than a five per cent 4664  
interest, has a pecuniary interest, and of which sale, loan, or 4665  
interest such member has knowledge. The statement shall be 4666  
supplemented from time to time to reflect changes in the general 4667  
nature of any such sales or loans. 4668

(L) A commission is not established with respect to any 4669  
village or township with a population of less than two thousand 4670  
five hundred as of the most recent federal decennial census. Upon 4671  
the occurrence of a fiscal emergency in such a village or 4672  
township, the auditor of state shall serve as the financial 4673  
supervisor of the village or township and shall have all the 4674  
powers and responsibilities of a commission. 4675

**Sec. 118.06.** (A) Within one hundred twenty days after the 4676  
first meeting of the commission, the mayor of the municipal 4677  
corporation or the board of county commissioners or board of 4678  
township trustees shall submit to the commission a detailed 4679  
financial plan, as approved or amended and approved by ordinance 4680  
or resolution of the legislative authority, containing the 4681

following:	4682
(1) Actions to be taken by the municipal corporation, county, or township to:	4683 4684
(a) Eliminate all fiscal emergency conditions determined to exist pursuant to section 118.04 of the Revised Code;	4685 4686
(b) Satisfy any judgments, past due accounts payable, and all past due and payable payroll and fringe benefits;	4687 4688
(c) Eliminate the deficits in all deficit funds;	4689
(d) Restore to construction funds and other special funds moneys from such funds that were used for purposes not within the purposes of such funds, or borrowed from such construction funds by the purchase of debt obligations of the municipal corporation, county, or township with the moneys of such funds, or missing from the construction funds or such special funds and not accounted for;	4690 4691 4692 4693 4694 4695 4696
(e) Balance the budgets, avoid future deficits in any funds, and maintain current payments of payroll, fringe benefits, and all accounts;	4697 4698 4699
(f) Avoid any fiscal emergency condition in the future;	4700
(g) Restore the ability of the municipal corporation, county, or township to market long-term general obligation bonds under provisions of law applicable to municipal corporations, counties, or townships generally.	4701 4702 4703 4704
(2) The legal authorities permitting the municipal corporation, county, or township to take the actions enumerated pursuant to division (A)(1) of this section;	4705 4706 4707
(3) The approximate dates of the commencement, progress upon, and completion of the actions enumerated pursuant to division (A)(1) of this section, <u>a five-year forecast reflecting the</u> <u>effects of those actions</u> , and a reasonable period of time expected	4708 4709 4710 4711

to be required to implement the plan. The municipal corporation, 4712  
county, or township, in consultation with the commission and the 4713  
financial supervisor, shall prepare a reasonable time schedule for 4714  
progress toward and achievement of the requirements for the 4715  
financial plan and the financial plan shall be consistent with 4716  
that time schedule. 4717

(4) The amount and purpose of any issue of debt obligations 4718  
that will be issued, together with assurances that any such debt 4719  
obligations that will be issued will not exceed debt limits 4720  
supported by appropriate certifications by the fiscal officer of 4721  
the municipal corporation, county, or township and the county 4722  
auditor; 4723

(5) Assurances that the municipal corporation, county, or 4724  
township will establish monthly levels of expenditures and 4725  
encumbrances pursuant to division (B)(2) of section 118.07 of the 4726  
Revised Code; 4727

(6) Assurances that the municipal corporation, county, or 4728  
township will conform to statutes with respect to tax budgets and 4729  
appropriation measures; 4730

(7) The detail, the form, and the supporting information that 4731  
the commission may direct. 4732

(B) The financial plan developed pursuant to division (A) of 4733  
this section shall be filed with the financial supervisor and the 4734  
financial planning and supervision commission and shall be updated 4735  
annually. After consultation with the financial supervisor, the 4736  
commission shall either approve or reject any initial or 4737  
subsequent financial plan. If the commission rejects the initial 4738  
or any subsequent financial plan, it shall forthwith inform the 4739  
mayor and legislative authority of the municipal corporation or 4740  
the board of county commissioners or board of township trustees of 4741  
the reasons for its rejection. Within thirty days after the 4742

rejection of any plan, the mayor with the approval of the 4743  
legislative authority by the passage of an ordinance or 4744  
resolution, or the board of county commissioners or board of 4745  
township trustees, shall submit another plan meeting the 4746  
requirements of divisions (A)(1) to (7) of this section, to the 4747  
commission and the financial supervisor for approval or rejection 4748  
by the commission. 4749

(C) Any initial or subsequent financial plan passed by the 4750  
municipal corporation, county, or township shall be approved by 4751  
the commission if it complies with divisions (A)(1) to (7) of this 4752  
section, and if the commission finds that the plan is bona fide 4753  
and can reasonably be expected to be implemented within the period 4754  
specified in the plan. 4755

(D) Any financial plan may be amended subsequent to its 4756  
adoption in the same manner as the passage and approval of the 4757  
initial or subsequent plan pursuant to divisions (A) to (C) of 4758  
this section. 4759

(E) If a municipal corporation, county, or township fails to 4760  
submit a financial plan as required by this section, or fails to 4761  
substantially comply with an approved financial plan, upon 4762  
certification of the commission, all state funding for that 4763  
municipal corporation, county, or township other than benefit 4764  
assistance to individuals shall be escrowed until a feasible plan 4765  
is submitted and approved or substantial compliance with the plan 4766  
is achieved, as the case may be. 4767

**Sec. 118.12.** (A) After the date by which the municipal 4768  
corporation, county, or township is required to submit a financial 4769  
plan or segment of a financial plan to the financial planning and 4770  
supervision commission, if the municipal corporation, county, or 4771  
township has failed to submit a financial plan or segment as 4772  
required by this chapter, expenditures from the general fund of 4773



the municipal corporation, county, or township in any month may 4774  
not exceed eighty-five per cent of expenditures from the general 4775  
fund for such month in the preceding fiscal year, except the 4776  
commission may authorize a higher per cent for any month upon 4777  
justification of need by the municipal corporation, county, or 4778  
township. If considered prudent by the commission, expenditures 4779  
from any other fund of the municipal corporation, county, or 4780  
township also may be limited. 4781

(B) After submission of a proposed financial plan by the 4782  
municipal corporation, county, or township to the commission, 4783  
until approval or disapproval no expenditure may be made contrary 4784  
to such proposed financial plan. 4785

(C) After disapproval by the commission of a proposed 4786  
financial plan, no expenditure may be made by the municipal 4787  
corporation, county, or township inconsistent with the reasons for 4788  
disapproval given pursuant to division (B) of section 118.06 of 4789  
the Revised Code; and if the municipal corporation, county, or 4790  
township fails to submit a revised financial plan within the time 4791  
required, the expenditure limits of division (A) of this section 4792  
are applicable. 4793

(D) After approval of a financial plan, or any amendment 4794  
thereof, no expenditure may be made contrary to the approved 4795  
financial plan, or amendment thereof, without the advance approval 4796  
of the financial supervisor. The commission, by a majority vote, 4797  
may overrule the decision of the financial supervisor. 4798

**Sec. 118.17.** (A) During a fiscal emergency period and with 4799  
the approval of the financial planning and supervision commission, 4800  
a municipal corporation, county, or township may issue local 4801  
government fund notes, in anticipation of amounts to be allocated 4802  
to it pursuant to division (B) of section 5747.50 of the Revised 4803  
Code or to be apportioned to it under section 5747.51 or 5747.53 4804

of the Revised Code in a future year or years, for a period of no 4805  
more than eight calendar years. The principal amount of the notes 4806  
and interest on the notes due and payable in any year shall not 4807  
exceed fifty per cent of the total amount of local government fund 4808  
moneys so allocated or apportioned to the municipal corporation, 4809  
county, or township for the year preceding the year in which the 4810  
notes are issued. The notes may mature in semiannual or annual 4811  
installments in such amounts as may be fixed by the commission, 4812  
and need not mature in substantially equal semiannual or annual 4813  
installments. The notes of a municipal corporation may be 4814  
authorized and issued, subject to the approval of the commission, 4815  
in the manner provided in sections 717.15 and 717.16 of the 4816  
Revised Code, except that, notwithstanding division (A)(2) of 4817  
section 717.16 of the Revised Code, the rate or rates of interest 4818  
payable on the notes shall be the prevailing market rate or rates 4819  
as determined and approved by the commission, and except that they 4820  
shall not be issued in anticipation of bonds, shall not constitute 4821  
general obligations of the municipal corporation, and shall not 4822  
pledge the full faith and credit of the municipal corporation. 4823

(B) The principal and interest on the notes provided for in 4824  
this section shall be payable, as provided in this section, solely 4825  
from the portion of the local government fund that would otherwise 4826  
be apportioned to the municipal corporation, county, or township 4827  
and shall not be payable from or constitute a pledge of or claim 4828  
upon, or require the levy, collection, or application of, any 4829  
unvoted ad valorem property taxes or other taxes, or in any manner 4830  
occupy any portion of the indirect debt limit. 4831

(C) Local government fund notes may be issued only to the 4832  
extent needed to achieve one or more of the following objectives 4833  
of the financial plan: 4834

(1) Satisfying any contractual or noncontractual judgments, 4835  
past due accounts payable, and all past due and payable payroll 4836

and fringe benefits to be taken into account under section 118.03 4837  
of the Revised Code; 4838

(2) Restoring to construction funds or other restricted funds 4839  
any money applied from such funds to uses not within the purposes 4840  
of such funds and which could not be transferred to such use under 4841  
section 5705.14 of the Revised Code; 4842

(3) Eliminating deficit balances in all deficit funds, 4843  
including funds that may be used to pay operating expenses. 4844

In addition to the objectives set forth in divisions (C)(1) 4845  
to (3) of this section, local government fund notes may be issued 4846  
and the proceeds of those notes may be used for the purpose of 4847  
retiring or replacing other moneys used to retire current revenue 4848  
notes issued pursuant to section 118.23 of the Revised Code to the 4849  
extent that the proceeds of the current revenue notes have been or 4850  
are to be used directly or to replace other moneys used to achieve 4851  
one or more of the objectives of the financial plan specified in 4852  
divisions (C)(1) to (3) of this section. Upon authorization of the 4853  
local government fund notes by the legislative authority of the 4854  
municipal corporation, county, or township, the proceeds of the 4855  
local government fund notes and the proceeds of any such current 4856  
revenue notes shall be deemed to be appropriated, to the extent 4857  
that the proceeds have been or are to be so used, for the purposes 4858  
for which the revenues anticipated by any such current revenue 4859  
notes are collected and appropriated within the meaning of section 4860  
133.10 of the Revised Code. 4861

(D) The need for an issue of local government fund notes for 4862  
such purposes shall be determined by taking into consideration 4863  
other money and sources of moneys available therefor under this 4864  
chapter or other provisions of law, and calculating the respective 4865  
amounts needed therefor in accordance with section 118.03 of the 4866  
Revised Code, including the deductions or offsets therein 4867  
provided, for determining that a fiscal emergency condition 4868

exists, and by eliminating any duplication of amounts thereunder. 4869  
The respective amounts needed to achieve such objectives and the 4870  
resulting aggregate net amount shall be determined initially by a 4871  
certification of the fiscal officer as and to the extent approved 4872  
by the financial supervisor. The principal amount of such notes 4873  
shall not exceed the aggregate net amount needed for such 4874  
purposes. The aggregate amount of all issues of such notes shall 4875  
not exceed three times the average of the allocation or 4876  
apportionment to the municipal corporation, county, or township of 4877  
moneys from the local government fund in each of the three fiscal 4878  
years preceding the fiscal year in which the notes are issued. 4879

(E) The proceeds of the sale of local government fund notes 4880  
shall be appropriated by the municipal corporation, county, or 4881  
township for and shall be applied only to the purposes, and in the 4882  
respective amounts for those purposes, set forth in the 4883  
certification given pursuant to division (D) of this section, as 4884  
the purposes and amounts may be modified in the approval by the 4885  
commission provided for in this section. The proceeds shall be 4886  
deposited in separate accounts with a fiscal agent designated in 4887  
the resolution referred to in division (F) of this section and 4888  
released only for such respective purposes in accordance with the 4889  
procedures set forth in division (D) of section 118.20 of the 4890  
Revised Code. Any amounts not needed for such purposes shall be 4891  
deposited with the fiscal agent designated to receive deposits for 4892  
payment of the principal of and interest due on the notes. 4893

(F) An application for approval by the financial planning and 4894  
supervision commission of an issue of local government fund notes 4895  
shall be authorized by a preliminary resolution adopted by the 4896  
legislative authority. The resolution may authorize the 4897  
application as a part of the initial submission of the financial 4898  
plan for approval or as a part of any proposed amendment to an 4899  
approved financial plan or at any time after the approval of a 4900

financial plan, or amendment to a financial plan, that proposes 4901  
the issue of such notes. The preliminary resolution shall 4902  
designate a fiscal agent for the deposit of the proceeds of the 4903  
sale of the notes, and shall contain a covenant of the municipal 4904  
corporation, county, or township to comply with this chapter and 4905  
the financial plan. 4906

The commission shall review and evaluate the application and 4907  
supporting certification and financial supervisor action, and 4908  
shall thereupon certify its approval or disapproval, or 4909  
modification and approval, of the application. 4910

The commission shall certify the amounts, maturities, 4911  
interest rates, and terms of issue of the local government fund 4912  
notes approved by the commission and the purposes to which the 4913  
proceeds of the sale of the notes will be applied in respective 4914  
amounts. 4915

The commission shall certify a copy of its approval, of the 4916  
preliminary resolution, and of the related certification and 4917  
action of the financial supervisor to the fiscal officer, the 4918  
financial supervisor, the county budget commission, the county 4919  
auditor, the county treasurer, and the fiscal agent designated to 4920  
receive and disburse the proceeds of the sale of the notes. 4921

(G) Upon the sale of any local government fund notes issued 4922  
under this section, the commission shall determine a schedule for 4923  
the deposit of local government fund distributions that are 4924  
pledged for the payment of the principal of and interest on the 4925  
notes with the fiscal agent or trustee designated in the agreement 4926  
between the municipal corporation, county, or township and the 4927  
holders of the notes to receive and disburse the distributions. 4928  
The amounts to be deposited shall be adequate to provide for the 4929  
payment of principal and interest on the notes when due and to pay 4930  
all other proper charges, costs, or expenses pertaining thereto. 4931

The amount of the local government fund moneys apportioned to 4932  
the municipal corporation, county, or township that is to be so 4933  
deposited in each year shall not be included in the tax budget and 4934  
appropriation measures of the municipal corporation, county, or 4935  
township, or in certificates of estimated revenues, for that year. 4936

The commission shall certify the schedule to the officers 4937  
designated in division (F) of this section. 4938

(H) Deposit of amounts with the fiscal agent or trustee 4939  
pursuant to the schedule determined by the commission shall be 4940  
made from local government fund distributions to or apportioned to 4941  
the municipal corporation, county, or township as provided in this 4942  
division. The apportionment of local government fund moneys to the 4943  
municipal corporation, county, or township for any year from the 4944  
undivided local government fund shall be determined as to the 4945  
municipal corporation, county, or township without regard to the 4946  
amounts to be deposited with the fiscal agent or trustee in that 4947  
year in accordance with division (G) of this section. After the 4948  
amount of the undivided local government fund apportioned to the 4949  
municipal corporation, county, or township for a calendar year is 4950  
determined, the county auditor and the county treasurer shall 4951  
withhold from each monthly amount to be distributed to the 4952  
municipal corporation, county, or township from the undivided 4953  
local government fund, and transmit to the fiscal agent or trustee 4954  
for deposit, one-twelfth of the amount scheduled for deposit in 4955  
that year pursuant to division (G) of this section. 4956

(I) If the commission approves the application, the municipal 4957  
corporation, county, or township may proceed with the issuance of 4958  
the notes as approved by the commission. 4959

All notes issued under authority of this section are lawful 4960  
investments for the entities enumerated in division (A)(1) of 4961  
section 133.03 of the Revised Code and are eligible as security 4962  
for the repayment of the deposit of public moneys. 4963

Upon the issuance of any notes under this section, the fiscal officer of the municipal corporation, county, or township shall certify the fact of the issuance to the county auditor and shall also certify to the county auditor the last calendar year in which any of the notes are scheduled to mature.

(J) After the legislative authority of the municipal corporation, county, or township has passed an ordinance or resolution authorizing the issuance of local government fund notes and subsequent to the commission's preliminary or final approval of the ordinance or resolution, the director of law, prosecuting attorney, or other chief legal officer of the municipal corporation, county, or township shall certify a sample of the form and content of a note to be used to issue the local government fund notes to the commission. The commission shall determine whether the sample note is consistent with this section and the ordinance or resolution authorizing the issuance of the local government fund notes, and if the sample note is found to be consistent with this section and the ordinance, the commission shall approve the sample note for use by the municipal corporation, county, or township. The form and content of the notes to be used by the municipal corporation, county, or township in issuing the local government fund notes may be modified at any time subsequent to the commission's approval of the sample note upon the approval of the commission and the director of law, prosecuting attorney, or other chief legal officer of the municipal corporation, county, or township. The failure of the director of law, prosecuting attorney, or other chief legal officer of the municipal corporation, county, or township to make the certification required by this division shall not subject that legal officer to removal pursuant to the Revised Code or the charter of a municipal corporation. If the director of law, prosecuting attorney, or other chief legal officer fails or refuses to make the certification required by this division, or if

any officer of the municipal corporation, county, or township 4997  
fails or refuses to take any action required by this section or 4998  
the ordinance or resolution authorizing the issuance or sale of 4999  
local government fund notes, the mayor of the municipal 5000  
corporation or the board of county commissioners or board of 5001  
township trustees may cause the commencement of a mandamus action 5002  
in the supreme court against the director of law, prosecuting 5003  
attorney, or other chief legal officer to secure the certification 5004  
required by this division or other action required by this section 5005  
or the ordinance or resolution. If an adjudication of the matters 5006  
that could be adjudicated in validation proceedings under section 5007  
133.70 of the Revised Code is necessary to a determination of the 5008  
mandamus action, the mayor, the board of county commissioners, or 5009  
the board of township trustees or the mayor's or board's legal 5010  
counsel shall name and cause to be served as defendants to the 5011  
mandamus action all of the following: 5012

(1) The director of law, prosecuting attorney, or other chief 5013  
legal officer, or other official of the municipal corporation, 5014  
county, or township, whose failure or refusal to act necessitated 5015  
the action; 5016

(2) The municipal corporation, through its mayor, or the 5017  
board of county commissioners or board of township trustees; 5018

(3) The financial planning and supervision commission, 5019  
through its chairperson; 5020

(4) The prosecuting attorney and auditor of each county in 5021  
which the municipal corporation, county, or township is located, 5022  
in whole or in part; 5023

(5) The auditor of state; 5024

(6) The property owners, taxpayers, citizens of the municipal 5025  
corporation, county, or township and others having or claiming any 5026  
right, title, or interest in any property or funds to be affected 5027



by the issuance of the local government fund notes by the 5028  
municipal corporation, county, or township, or otherwise affected 5029  
in any way thereby. 5030

Service upon all defendants described in division (J)(6) of 5031  
this section shall be either by publication three times, with at 5032  
least six days between each publication, in a newspaper of general 5033  
circulation in Franklin county and a newspaper of general 5034  
circulation in the county or counties where the municipal 5035  
corporation, county, or township is located, or by publication in 5036  
both such newspapers as provided in section 7.16 of the Revised 5037  
Code. The publication and the notice shall indicate that the 5038  
nature of the action is in mandamus, the name of the parties to 5039  
the action, and that the action may result in the validation of 5040  
the subject local government fund notes. Authorization to commence 5041  
such an action by the legislative authority of the municipal 5042  
corporation, county, or township is not required. 5043

A copy of the complaint in the mandamus action shall be 5044  
served personally or by certified mail upon the attorney general. 5045  
If the attorney general has reason to believe that the complaint 5046  
is defective, insufficient, or untrue, or if in the attorney 5047  
general's opinion the issuance of the local government fund notes 5048  
is not lawful or has not been duly authorized, defense shall be 5049  
made to the complaint as the attorney general considers proper. 5050

(K) The action in mandamus authorized by division (J) of this 5051  
section shall take priority over all other civil cases pending in 5052  
the court, except habeas corpus, and shall be determined with the 5053  
least possible delay. The supreme court may determine that the 5054  
local government fund notes will be consistent with the purpose 5055  
and effects, including not occupying the indirect debt limit, 5056  
provided for in this section and will be validly issued and 5057  
acquired. Such a determination shall include a finding of 5058  
validation of the subject local government fund notes if the court 5059

specifically finds that: 5060

(1) The complaint in mandamus, or subsequent pleadings, 5061  
include appropriate allegations required by division (C) of 5062  
section 133.70 of the Revised Code, and that the proceeding is in 5063  
lieu of an action to validate under section 133.70 of the Revised 5064  
Code; 5065

(2) All parties described in divisions (J)(1) to (6) of this 5066  
section have been duly served with notice or are otherwise 5067  
properly before the court; 5068

(3) Notice of the action has been published as required by 5069  
division (J) of this section; 5070

(4) The effect of validation is required to provide a 5071  
complete review and determination of the controversy in mandamus, 5072  
and to avoid duplication of litigation, danger of inconsistent 5073  
results, or inordinate delay in light of the fiscal emergency, or 5074  
that a disposition in the mandamus action would, as a practical 5075  
matter, be dispositive of any subsequent validation proceedings 5076  
under section 133.70 of the Revised Code. 5077

(L) Any decision that includes a finding of validation has 5078  
the same effect as a validation order established by an action 5079  
under section 133.70 of the Revised Code. 5080

(M) Divisions (J) and (K) of this section do not prevent a 5081  
municipal corporation, county, or township from using section 5082  
133.70 of the Revised Code to validate local government fund notes 5083  
by the filing of a petition for validation in the court of common 5084  
pleas of the county in which the municipal corporation, county, or 5085  
township is located, in whole or in part. 5086

(N) It is hereby determined by the general assembly that a 5087  
validation action authorized by section 133.70 of the Revised Code 5088  
is not an adequate remedy at law with respect to a municipal 5089  
corporation, county, or township that is a party to a mandamus 5090

action pursuant to divisions (J) and (K) of this section and in 5091  
which a fiscal emergency condition has been determined to exist 5092  
pursuant to section 118.04 of the Revised Code because of, but not 5093  
limited to, the following reasons: 5094

(1) It is urgently necessary for such a municipal 5095  
corporation, county, or township to take prompt action to issue 5096  
local government fund notes for the purposes provided in division 5097  
(C) of this section; 5098

(2) The potentially ruinous effect upon the fiscal condition 5099  
of a municipal corporation, county, or township by the passage of 5100  
the time required to adjudicate such a separate validation action 5101  
and any appeals thereof; 5102

(3) The reasons stated in division (K)(4) of this section. 5103

Sec. 118.31. (A) Upon petition of the financial supervisor 5104  
and approval of the financial planning and supervision commission, 5105  
if any, the attorney general shall file a court action to dissolve 5106  
a municipal corporation, county, or township if all of the 5107  
following conditions apply: 5108

(1) The municipal corporation, county, or township has a 5109  
population of less than five thousand as of the most recent 5110  
federal decennial census. 5111

(2) The municipal corporation, county, or township has been 5112  
under a fiscal emergency for at least two consecutive years. 5113

(3) Implementation of the financial plan of the municipal 5114  
corporation, county, or township required under this chapter 5115  
cannot reasonably be expected to correct and eliminate all fiscal 5116  
emergency conditions within five years. 5117

(B) If the court finds that all of the conditions described 5118  
in division (A) of this section apply to the municipal 5119  
corporation, county, or township, it shall enter an order removing 5120

the executive and legislative officers of the municipal 5121  
corporation, county, or township and appoint a receiver to execute 5122  
all management duties. The receiver, under court supervision, 5123  
shall wind up the affairs of the municipal corporation, county, or 5124  
township and dissolve it. 5125

**Sec. 118.99.** (A) During the fiscal emergency period, no 5126  
officer or employee of the municipal corporation, county, or 5127  
township shall do any of the following: 5128

(1) Knowingly enter into any contract, financial obligation, 5129  
or other liability of the municipal corporation, county, or 5130  
township involving an expenditure, or make any expenditure in 5131  
excess of the amount permitted by section 118.12 of the Revised 5132  
Code; 5133

(2) Knowingly enter into any contract, financial obligation, 5134  
or other liability of the municipal corporation, county, or 5135  
township, or knowingly execute or deliver debt obligations, or 5136  
transfer, advance, or borrow moneys from one fund of the municipal 5137  
corporation, county, or township to or for any other fund of the 5138  
municipal corporation, county, or township where any of such 5139  
actions are required to be approved by the financial planning and 5140  
supervision commission unless such actions have been so approved 5141  
or deemed to be approved as provided in or pursuant to this 5142  
chapter; 5143

(3) Knowingly fail or refuse to take any of the actions 5144  
required by this chapter for the preparation or amendment of the 5145  
financial plan, or knowingly prepare, present, or certify any 5146  
information or report for the commission or any of its employees, 5147  
advisory committees, task forces, or agents that is false or 5148  
misleading or which is recklessly prepared or presented without 5149  
due care for its accuracy, or, upon learning that any such 5150  
information is false or misleading, or was recklessly prepared or 5151

presented, knowingly fail promptly to advise the commission, or 5152  
the employee, advisory committee, task force, or agent to whom 5153  
such information was given, of that fact; 5154

(4) Knowingly use or cause to be used moneys of a 5155  
construction fund for purposes other than the lawful purposes of 5156  
the construction fund, or knowingly use or cause to be used moneys 5157  
of a fund created under this chapter for the payment of principal 5158  
and interest on debt obligations, or a bond retirement fund, or 5159  
sinking fund for other than the payment of the principal of and 5160  
interest on debt obligations or other authorized costs or payments 5161  
from such funds, or knowingly fail to perform the duty of such 5162  
officer or employee to cause the prompt deposit of moneys to any 5163  
of the funds referred to in this division. 5164

(B) The prohibitions set forth in division (A) of this 5165  
section are in addition to any other prohibitions provided by law 5166  
for a municipal corporation, county, or township, or by or 5167  
pursuant to a municipal charter. 5168

(C) In addition to any other penalty or liability provided by 5169  
law for a municipal corporation, county, or township, or by or 5170  
pursuant to a municipal charter, a violation of division (A)(1), 5171  
(2), (3), or (4) of this section is a misdemeanor of the second 5172  
degree. Upon conviction of any officer or employee of a municipal 5173  
corporation, county, or township for any violation under division 5174  
(A)(1), (2), (3), or (4) of this section, such officer or employee 5175  
shall forfeit office or employment. For the seven-year period 5176  
immediately following the date of conviction, such officer shall 5177  
also be ineligible to hold any public office or other position of 5178  
trust in this state or be employed by any public entity in this 5179  
state. 5180

**Sec. 121.03.** The following administrative department heads 5181  
shall be appointed by the governor, with the advice and consent of 5182

the senate, and shall hold their offices during the term of the	5183
appointing governor, and are subject to removal at the pleasure of	5184
the governor.	5185
(A) The director of budget and management;	5186
(B) The director of commerce;	5187
(C) The director of transportation;	5188
(D) The director of agriculture;	5189
(E) The director of job and family services;	5190
(F) Until July 1, 1997, the director of liquor control;	5191
(G) The director of public safety;	5192
(H) The superintendent of insurance;	5193
(I) The director of development;	5194
(J) The tax commissioner;	5195
(K) The director of administrative services;	5196
(L) The director of natural resources;	5197
(M) The director of mental health;	5198
(N) The director of developmental disabilities;	5199
(O) The director of health;	5200
(P) The director of youth services;	5201
(Q) The director of rehabilitation and correction;	5202
(R) The director of environmental protection;	5203
(S) The director of aging;	5204
(T) The director of alcohol and drug addiction services;	5205
(U) The administrator of workers' compensation who meets the	5206
qualifications required under division (A) of section 4121.121 of	5207
the Revised Code;	5208

(V) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	5209 5210
<u>(W) The chancellor of the Ohio board of regents.</u>	5211
<b>Sec. 121.04.</b> Offices are created within the several departments as follows:	5212 5213
In the department of commerce:	5214
Commissioner of securities;	5215
Superintendent of real estate and professional licensing;	5216
Superintendent of financial institutions;	5217
State fire marshal;	5218
Superintendent of labor;	5219
Superintendent of liquor control;	5220
Superintendent of unclaimed funds.	5221
In the department of administrative services:	5222
State architect and engineer;	5223
Equal employment opportunity coordinator.	5224
In the department of agriculture:	5225
Chiefs of divisions as follows:	5226
Administration;	5227
Animal industry;	5228
Dairy;	5229
Food safety;	5230
Plant industry;	5231
Markets;	5232
Meat inspection;	5233
Consumer analytical laboratory;	5234
Amusement ride safety;	5235
Enforcement;	5236
Weights and measures.	5237

In the department of natural resources:	5238
Chiefs of divisions as follows:	5239
	5240
Mineral resources management;	5241
<u>Oil and gas resources management;</u>	5242
Forestry;	5243
Natural areas and preserves;	5244
Wildlife;	5245
Geological survey;	5246
Parks and recreation;	5247
Watercraft;	5248
Recycling and litter prevention;	5249
Soil and water resources;	5250
Engineering.	5251
In the department of insurance:	5252
Deputy superintendent of insurance;	5253
Assistant superintendent of insurance, technical;	5254
Assistant superintendent of insurance, administrative;	5255
Assistant superintendent of insurance, research.	5256
<b>Sec. 121.22.</b> (A) This section shall be liberally construed to	5257
require public officials to take official action and to conduct	5258
all deliberations upon official business only in open meetings	5259
unless the subject matter is specifically excepted by law.	5260
(B) As used in this section:	5261
(1) "Public body" means any of the following:	5262
(a) Any board, commission, committee, council, or similar	5263
decision-making body of a state agency, institution, or authority,	5264
and any legislative authority or board, commission, committee,	5265
council, agency, authority, or similar decision-making body of any	5266
county, township, municipal corporation, school district, or other	5267



political subdivision or local public institution; 5268

(b) Any committee or subcommittee of a body described in 5269  
division (B)(1)(a) of this section; 5270

(c) A court of jurisdiction of a sanitary district organized 5271  
wholly for the purpose of providing a water supply for domestic, 5272  
municipal, and public use when meeting for the purpose of the 5273  
appointment, removal, or reappointment of a member of the board of 5274  
directors of such a district pursuant to section 6115.10 of the 5275  
Revised Code, if applicable, or for any other matter related to 5276  
such a district other than litigation involving the district. As 5277  
used in division (B)(1)(c) of this section, "court of 5278  
jurisdiction" has the same meaning as "court" in section 6115.01 5279  
of the Revised Code. 5280

(2) "Meeting" means any prearranged discussion of the public 5281  
business of the public body by a majority of its members. 5282

(3) "Regulated individual" means either of the following: 5283

(a) A student in a state or local public educational 5284  
institution; 5285

(b) A person who is, voluntarily or involuntarily, an inmate, 5286  
patient, or resident of a state or local institution because of 5287  
criminal behavior, mental illness or retardation, disease, 5288  
disability, age, or other condition requiring custodial care. 5289

(4) "Public office" has the same meaning as in section 5290  
149.011 of the Revised Code. 5291

(C) All meetings of any public body are declared to be public 5292  
meetings open to the public at all times. A member of a public 5293  
body shall be present in person at a meeting open to the public to 5294  
be considered present or to vote at the meeting and for purposes 5295  
of determining whether a quorum is present at the meeting. 5296

The minutes of a regular or special meeting of any public 5297

body shall be promptly prepared, filed, and maintained and shall 5298  
be open to public inspection. The minutes need only reflect the 5299  
general subject matter of discussions in executive sessions 5300  
authorized under division (G) or (J) of this section. 5301

(D) This section does not apply to any of the following: 5302

(1) A grand jury; 5303

(2) An audit conference conducted by the auditor of state or 5304  
independent certified public accountants with officials of the 5305  
public office that is the subject of the audit; 5306

(3) The adult parole authority when its hearings are 5307  
conducted at a correctional institution for the sole purpose of 5308  
interviewing inmates to determine parole or pardon; 5309

(4) The organized crime investigations commission established 5310  
under section 177.01 of the Revised Code; 5311

(5) Meetings of a child fatality review board established 5312  
under section 307.621 of the Revised Code and meetings conducted 5313  
pursuant to sections 5153.171 to 5153.173 of the Revised Code; 5314

(6) The state medical board when determining whether to 5315  
suspend a certificate without a prior hearing pursuant to division 5316  
(G) of either section 4730.25 or 4731.22 of the Revised Code; 5317

(7) The board of nursing when determining whether to suspend 5318  
a license or certificate without a prior hearing pursuant to 5319  
division (B) of section 4723.281 of the Revised Code; 5320

(8) The state board of pharmacy when determining whether to 5321  
suspend a license without a prior hearing pursuant to division (D) 5322  
of section 4729.16 of the Revised Code; 5323

(9) The state chiropractic board when determining whether to 5324  
suspend a license without a hearing pursuant to section 4734.37 of 5325  
the Revised Code; 5326

(10) The executive committee of the emergency response 5327

commission when determining whether to issue an enforcement order 5328  
or request that a civil action, civil penalty action, or criminal 5329  
action be brought to enforce Chapter 3750. of the Revised Code; 5330

(11) The board of directors of the nonprofit corporation 5331  
formed under section 187.01 of the Revised Code or any committee 5332  
thereof, and the board of directors of any subsidiary of that 5333  
corporation or a committee thereof; 5334

(12) An audit conference conducted by the audit staff of the 5335  
department of job and family services with officials of the public 5336  
office that is the subject of that audit under section 5101.37 of 5337  
the Revised Code. 5338

(E) The controlling board, the development financing advisory 5339  
council, the industrial technology and enterprise advisory 5340  
council, the tax credit authority, or the minority development 5341  
financing advisory board, when meeting to consider granting 5342  
assistance pursuant to Chapter 122. or 166. of the Revised Code, 5343  
in order to protect the interest of the applicant or the possible 5344  
investment of public funds, by unanimous vote of all board, 5345  
council, or authority members present, may close the meeting 5346  
during consideration of the following information confidentially 5347  
received by the authority, council, or board from the applicant: 5348

(1) Marketing plans; 5349

(2) Specific business strategy; 5350

(3) Production techniques and trade secrets; 5351

(4) Financial projections; 5352

(5) Personal financial statements of the applicant or members 5353  
of the applicant's immediate family, including, but not limited 5354  
to, tax records or other similar information not open to public 5355  
inspection. 5356

The vote by the authority, council, or board to accept or 5357

reject the application, as well as all proceedings of the 5358  
authority, council, or board not subject to this division, shall 5359  
be open to the public and governed by this section. 5360

(F) Every public body, by rule, shall establish a reasonable 5361  
method whereby any person may determine the time and place of all 5362  
regularly scheduled meetings and the time, place, and purpose of 5363  
all special meetings. A public body shall not hold a special 5364  
meeting unless it gives at least twenty-four hours' advance notice 5365  
to the news media that have requested notification, except in the 5366  
event of an emergency requiring immediate official action. In the 5367  
event of an emergency, the member or members calling the meeting 5368  
shall notify the news media that have requested notification 5369  
immediately of the time, place, and purpose of the meeting. 5370

The rule shall provide that any person, upon request and 5371  
payment of a reasonable fee, may obtain reasonable advance 5372  
notification of all meetings at which any specific type of public 5373  
business is to be discussed. Provisions for advance notification 5374  
may include, but are not limited to, mailing the agenda of 5375  
meetings to all subscribers on a mailing list or mailing notices 5376  
in self-addressed, stamped envelopes provided by the person. 5377

(G) Except as provided in division (J) of this section, the 5378  
members of a public body may hold an executive session only after 5379  
a majority of a quorum of the public body determines, by a roll 5380  
call vote, to hold an executive session and only at a regular or 5381  
special meeting for the sole purpose of the consideration of any 5382  
of the following matters: 5383

(1) To consider the appointment, employment, dismissal, 5384  
discipline, promotion, demotion, or compensation of a public 5385  
employee or official, or the investigation of charges or 5386  
complaints against a public employee, official, licensee, or 5387  
regulated individual, unless the public employee, official, 5388  
licensee, or regulated individual requests a public hearing. 5389

Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to division (G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

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

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

(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject

of pending or imminent court action; 5422

(4) Preparing for, conducting, or reviewing negotiations or 5423  
bargaining sessions with public employees concerning their 5424  
compensation or other terms and conditions of their employment; 5425

(5) Matters required to be kept confidential by federal law 5426  
or regulations or state statutes; 5427

(6) Details relative to the security arrangements and 5428  
emergency response protocols for a public body or a public office, 5429  
if disclosure of the matters discussed could reasonably be 5430  
expected to jeopardize the security of the public body or public 5431  
office; 5432

(7) In the case of a county hospital operated pursuant to 5433  
Chapter 339. of the Revised Code, a joint township hospital 5434  
operated pursuant to Chapter 513. of the Revised Code, or a 5435  
municipal hospital operated pursuant to Chapter 749. of the 5436  
Revised Code, to consider trade secrets, as defined in section 5437  
1333.61 of the Revised Code. 5438

If a public body holds an executive session to consider any 5439  
of the matters listed in divisions (G)(2) to (7) of this section, 5440  
the motion and vote to hold that executive session shall state 5441  
which one or more of the approved matters listed in those 5442  
divisions are to be considered at the executive session. 5443

A public body specified in division (B)(1)(c) of this section 5444  
shall not hold an executive session when meeting for the purposes 5445  
specified in that division. 5446

(H) A resolution, rule, or formal action of any kind is 5447  
invalid unless adopted in an open meeting of the public body. A 5448  
resolution, rule, or formal action adopted in an open meeting that 5449  
results from deliberations in a meeting not open to the public is 5450  
invalid unless the deliberations were for a purpose specifically 5451  
authorized in division (G) or (J) of this section and conducted at 5452

an executive session held in compliance with this section. A 5453  
resolution, rule, or formal action adopted in an open meeting is 5454  
invalid if the public body that adopted the resolution, rule, or 5455  
formal action violated division (F) of this section. 5456

(I)(1) Any person may bring an action to enforce this 5457  
section. An action under division (I)(1) of this section shall be 5458  
brought within two years after the date of the alleged violation 5459  
or threatened violation. Upon proof of a violation or threatened 5460  
violation of this section in an action brought by any person, the 5461  
court of common pleas shall issue an injunction to compel the 5462  
members of the public body to comply with its provisions. 5463

(2)(a) If the court of common pleas issues an injunction 5464  
pursuant to division (I)(1) of this section, the court shall order 5465  
the public body that it enjoins to pay a civil forfeiture of five 5466  
hundred dollars to the party that sought the injunction and shall 5467  
award to that party all court costs and, subject to reduction as 5468  
described in division (I)(2) of this section, reasonable 5469  
attorney's fees. The court, in its discretion, may reduce an award 5470  
of attorney's fees to the party that sought the injunction or not 5471  
award attorney's fees to that party if the court determines both 5472  
of the following: 5473

(i) That, based on the ordinary application of statutory law 5474  
and case law as it existed at the time of violation or threatened 5475  
violation that was the basis of the injunction, a well-informed 5476  
public body reasonably would believe that the public body was not 5477  
violating or threatening to violate this section; 5478

(ii) That a well-informed public body reasonably would 5479  
believe that the conduct or threatened conduct that was the basis 5480  
of the injunction would serve the public policy that underlies the 5481  
authority that is asserted as permitting that conduct or 5482  
threatened conduct. 5483

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

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

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

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

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

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

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

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



conducts as an executive session that pertains to the applicant's, 5515  
recipient's, or former recipient's application for financial 5516  
assistance. 5517

(3) A veterans service commission shall vote on the grant or 5518  
denial of financial assistance under sections 5901.01 to 5901.15 5519  
of the Revised Code only in an open meeting of the commission. The 5520  
minutes of the meeting shall indicate the name, address, and 5521  
occupation of the applicant, whether the assistance was granted or 5522  
denied, the amount of the assistance if assistance is granted, and 5523  
the votes for and against the granting of assistance. 5524

**Sec. 121.37.** (A)(1) There is hereby created the Ohio family 5525  
and children first cabinet council. The council shall be composed 5526  
of the superintendent of public instruction, the administrator of 5527  
the rehabilitation services commission, and the directors of youth 5528  
services, job and family services, mental health, health, alcohol 5529  
and drug addiction services, developmental disabilities, aging, 5530  
rehabilitation and correction, and budget and management. The 5531  
chairperson of the council shall be the governor or the governor's 5532  
designee and shall establish procedures for the council's internal 5533  
control and management. 5534

The purpose of the cabinet council is to help families 5535  
seeking government services. This section shall not be interpreted 5536  
or applied to usurp the role of parents, but solely to streamline 5537  
and coordinate existing government services for families seeking 5538  
assistance for their children. 5539

(2) In seeking to fulfill its purpose, the council may do any 5540  
of the following: 5541

(a) Advise and make recommendations to the governor and 5542  
general assembly regarding the provision of services to children; 5543

(b) Advise and assess local governments on the coordination 5544

of service delivery to children; 5545

(c) Hold meetings at such times and places as may be 5546  
prescribed by the council's procedures and maintain records of the 5547  
meetings, except that records identifying individual children are 5548  
confidential and shall be disclosed only as provided by law; 5549

(d) Develop programs and projects, including pilot projects, 5550  
to encourage coordinated efforts at the state and local level to 5551  
improve the state's social service delivery system; 5552

(e) Enter into contracts with and administer grants to county 5553  
family and children first councils, as well as other county or 5554  
multicounty organizations to plan and coordinate service delivery 5555  
between state agencies and local service providers for families 5556  
and children; 5557

(f) Enter into contracts with and apply for grants from 5558  
federal agencies or private organizations; 5559

(g) Enter into interagency agreements to encourage 5560  
coordinated efforts at the state and local level to improve the 5561  
state's social service delivery system. The agreements may include 5562  
provisions regarding the receipt, transfer, and expenditure of 5563  
funds; 5564

(h) Identify public and private funding sources for services 5565  
provided to alleged or adjudicated unruly children and children 5566  
who are at risk of being alleged or adjudicated unruly children, 5567  
including regulations governing access to and use of the services; 5568

(i) Collect information provided by local communities 5569  
regarding successful programs for prevention, intervention, and 5570  
treatment of unruly behavior, including evaluations of the 5571  
programs; 5572

(j) Identify and disseminate publications regarding alleged 5573  
or adjudicated unruly children and children who are at risk of 5574

being alleged or adjudicated unruly children and regarding 5575  
programs serving those types of children; 5576

(k) Maintain an inventory of strategic planning facilitators 5577  
for use by government or nonprofit entities that serve alleged or 5578  
adjudicated unruly children or children who are at risk of being 5579  
alleged or adjudicated unruly children. 5580

(3) The cabinet council shall provide for the following: 5581

(a) Reviews of service and treatment plans for children for 5582  
which such reviews are requested; 5583

(b) Assistance as the council determines to be necessary to 5584  
meet the needs of children referred by county family and children 5585  
first councils; 5586

(c) Monitoring and supervision of a statewide, comprehensive, 5587  
coordinated, multi-disciplinary, interagency system for infants 5588  
and toddlers with developmental disabilities or delays and their 5589  
families, as established pursuant to federal grants received and 5590  
administered by the department of health for early intervention 5591  
services under the "Individuals with Disabilities Education Act of 5592  
2004," 20 U.S.C.A. 1400, as amended. 5593

(4) The cabinet council shall develop and implement the 5594  
following: 5595

(a) An interagency process to select the indicators that will 5596  
be used to measure progress toward increasing child well-being in 5597  
the state and to update the indicators on an annual basis. The 5598  
indicators shall focus on expectant parents and newborns thriving; 5599  
infants and toddlers thriving; children being ready for school; 5600  
children and youth succeeding in school; youth choosing healthy 5601  
behaviors; and youth successfully transitioning into adulthood. 5602

(b) An interagency system to offer guidance and monitor 5603  
progress toward increasing child well-being in the state and in 5604

each county; 5605

(c) An annual plan that identifies state-level agency efforts 5606  
taken to ensure progress towards increasing child well-being in 5607  
the state. 5608

On an annual basis, the cabinet council shall submit to the 5609  
governor and the general assembly a report on the status of 5610  
efforts to increase child well-being in the state. This report 5611  
shall be made available to any other person on request. 5612

(B)(1) Each board of county commissioners shall establish a 5613  
county family and children first council. The board may invite any 5614  
local public or private agency or group that funds, advocates, or 5615  
provides services to children and families to have a 5616  
representative become a permanent or temporary member of its 5617  
county council. Each county council must include the following 5618  
individuals: 5619

(a) At least three individuals who are not employed by an 5620  
agency represented on the council and whose families are or have 5621  
received services from an agency represented on the council or 5622  
another county's council. Where possible, the number of members 5623  
representing families shall be equal to twenty per cent of the 5624  
council's membership. 5625

(b) The director of the board of alcohol, drug addiction, and 5626  
mental health services that serves the county, or, in the case of 5627  
a county that has a board of alcohol and drug addiction services 5628  
and a community mental health board, the directors of both boards. 5629  
If a board of alcohol, drug addiction, and mental health services 5630  
covers more than one county, the director may designate a person 5631  
to participate on the county's council. 5632

(c) The health commissioner, or the commissioner's designee, 5633  
of the board of health of each city and general health district in 5634  
the county. If the county has two or more health districts, the 5635

health commissioner membership may be limited to the commissioners 5636  
of the two districts with the largest populations. 5637

(d) The director of the county department of job and family 5638  
services; 5639

(e) The executive director of the public children services 5640  
agency; 5641

(f) The superintendent of the county board of developmental 5642  
disabilities; 5643

(g) The superintendent of the city, exempted village, or 5644  
local school district with the largest number of pupils residing 5645  
in the county, as determined by the department of education, which 5646  
shall notify each board of county commissioners of its 5647  
determination at least biennially; 5648

(h) A school superintendent representing all other school 5649  
districts with territory in the county, as designated at a 5650  
biennial meeting of the superintendents of those districts; 5651

(i) A representative of the municipal corporation with the 5652  
largest population in the county; 5653

(j) The president of the board of county commissioners or an 5654  
individual designated by the board; 5655

(k) A representative of the regional office of the department 5656  
of youth services; 5657

(l) A representative of the county's head start agencies, as 5658  
defined in section 3301.32 of the Revised Code; 5659

(m) A representative of the county's early intervention 5660  
collaborative established pursuant to the federal early 5661  
intervention program operated under the "Individuals with 5662  
Disabilities Education Act of 2004"; 5663

(n) A representative of a local nonprofit entity that funds, 5664  
advocates, or provides services to children and families. 5665

Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.

The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a county's board of county commissioners.

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

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

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

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

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

(d) Maintenance of an accountability system to monitor the county council's progress in achieving results for families and children;

(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.

(3) A county council shall develop and implement the following:

(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county;

(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section.

(c) An annual plan that identifies the county's interagency

efforts to increase child well-being in the county. 5728

On an annual basis, the county council shall submit a report 5729  
on the status of efforts by the county to increase child 5730  
well-being in the county to the county's board of county 5731  
commissioners and the cabinet council. This report shall be made 5732  
available to any other person on request. 5733

(4)(a) Except as provided in division (B)(4)(b) of this 5734  
section, a county council shall comply with the policies, 5735  
procedures, and activities prescribed by the rules or interagency 5736  
agreements of a state department participating on the cabinet 5737  
council whenever the county council performs a function subject to 5738  
those rules or agreements. 5739

(b) On application of a county council, the cabinet council 5740  
may grant an exemption from any rules or interagency agreements of 5741  
a state department participating on the council if an exemption is 5742  
necessary for the council to implement an alternative program or 5743  
approach for service delivery to families and children. The 5744  
application shall describe the proposed program or approach and 5745  
specify the rules or interagency agreements from which an 5746  
exemption is necessary. The cabinet council shall approve or 5747  
disapprove the application in accordance with standards and 5748  
procedures it shall adopt. If an application is approved, the 5749  
exemption is effective only while the program or approach is being 5750  
implemented, including a reasonable period during which the 5751  
program or approach is being evaluated for effectiveness. 5752

(5)(a) Each county council shall designate an administrative 5753  
agent for the council from among the following public entities: 5754  
the board of alcohol, drug addiction, and mental health services, 5755  
including a board of alcohol and drug addiction or a community 5756  
mental health board if the county is served by separate boards; 5757  
the board of county commissioners; any board of health of the 5758  
county's city and general health districts; the county department 5759



of job and family services; the county agency responsible for the 5760  
administration of children services pursuant to section 5153.15 of 5761  
the Revised Code; the county board of developmental disabilities; 5762  
any of the county's boards of education or governing boards of 5763  
educational service centers; or the county's juvenile court. Any 5764  
of the foregoing public entities, other than the board of county 5765  
commissioners, may decline to serve as the council's 5766  
administrative agent. 5767

A county council's administrative agent shall serve as the 5768  
council's appointing authority for any employees of the council. 5769  
The council shall file an annual budget with its administrative 5770  
agent, with copies filed with the county auditor and with the 5771  
board of county commissioners, unless the board is serving as the 5772  
council's administrative agent. The council's administrative agent 5773  
shall ensure that all expenditures are handled in accordance with 5774  
policies, procedures, and activities prescribed by state 5775  
departments in rules or interagency agreements that are applicable 5776  
to the council's functions. 5777

The administrative agent of a county council shall send 5778  
notice of a member's absence if a member listed in division (B)(1) 5779  
of this section has been absent from either three consecutive 5780  
meetings of the county council or a county council subcommittee, 5781  
or from one-quarter of such meetings in a calendar year, whichever 5782  
is less. The notice shall be sent to the board of county 5783  
commissioners that establishes the county council and, for the 5784  
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5785  
section, to the governing board overseeing the respective entity; 5786  
for the member listed in division (B)(1)(f) of this section, to 5787  
the county board of developmental disabilities that employs the 5788  
superintendent; for a member listed in division (B)(1)(g) or (h) 5789  
of this section, to the school board that employs the 5790  
superintendent; for the member listed in division (B)(1)(i) of 5791

this section, to the mayor of the municipal corporation; for the 5792  
member listed in division (B)(1)(k) of this section, to the 5793  
director of youth services; and for the member listed in division 5794  
(B)(1)(n) of this section, to that member's board of trustees. 5795

The administrative agent for a county council may do any of 5796  
the following on behalf of the council: 5797

(i) Enter into agreements or administer contracts with public 5798  
or private entities to fulfill specific council business. Such 5799  
agreements and contracts are exempt from the competitive bidding 5800  
requirements of section 307.86 of the Revised Code if they have 5801  
been approved by the county council and they are for the purchase 5802  
of family and child welfare or child protection services or other 5803  
social or job and family services for families and children. The 5804  
approval of the county council is not required to exempt 5805  
agreements or contracts entered into under section 5139.34, 5806  
5139.41, or 5139.43 of the Revised Code from the competitive 5807  
bidding requirements of section 307.86 of the Revised Code. 5808

(ii) As determined by the council, provide financial 5809  
stipends, reimbursements, or both, to family representatives for 5810  
expenses related to council activity; 5811

(iii) Receive by gift, grant, devise, or bequest any moneys, 5812  
lands, or other property for the purposes for which the council is 5813  
established. The agent shall hold, apply, and dispose of the 5814  
moneys, lands, or other property according to the terms of the 5815  
gift, grant, devise, or bequest. Any interest or earnings shall be 5816  
treated in the same manner and are subject to the same terms as 5817  
the gift, grant, devise, or bequest from which it accrues. 5818

(b)(i) If the county council designates the board of county 5819  
commissioners as its administrative agent, the board may, by 5820  
resolution, delegate any of its powers and duties as 5821  
administrative agent to an executive committee the board 5822

establishes from the membership of the county council. The board 5823  
shall name to the executive committee at least the individuals 5824  
described in divisions (B)(1)(b) to (h) of this section and may 5825  
appoint the president of the board or another individual as the 5826  
chair of the executive committee. The executive committee must 5827  
include at least one family county council representative who does 5828  
not have a family member employed by an agency represented on the 5829  
council. 5830

(ii) The executive committee may, with the approval of the 5831  
board, hire an executive director to assist the county council in 5832  
administering its powers and duties. The executive director shall 5833  
serve in the unclassified civil service at the pleasure of the 5834  
executive committee. The executive director may, with the approval 5835  
of the executive committee, hire other employees as necessary to 5836  
properly conduct the county council's business. 5837

(iii) The board may require the executive committee to submit 5838  
an annual budget to the board for approval and may amend or repeal 5839  
the resolution that delegated to the executive committee its 5840  
authority as the county council's administrative agent. 5841

(6) Two or more county councils may enter into an agreement 5842  
to administer their county councils jointly by creating a regional 5843  
family and children first council. A regional council possesses 5844  
the same duties and authority possessed by a county council, 5845  
except that the duties and authority apply regionally rather than 5846  
to individual counties. Prior to entering into an agreement to 5847  
create a regional council, the members of each county council to 5848  
be part of the regional council shall meet to determine whether 5849  
all or part of the members of each county council will serve as 5850  
members of the regional council. 5851

(7) A board of county commissioners may approve a resolution 5852  
by a majority vote of the board's members that requires the county 5853  
council to submit a statement to the board each time the council 5854

proposes to enter into an agreement, adopt a plan, or make a 5855  
decision, other than a decision pursuant to section 121.38 of the 5856  
Revised Code, that requires the expenditure of funds for two or 5857  
more families. The statement shall describe the proposed 5858  
agreement, plan, or decision. 5859

Not later than fifteen days after the board receives the 5860  
statement, it shall, by resolution approved by a majority of its 5861  
members, approve or disapprove the agreement, plan, or decision. 5862  
Failure of the board to pass a resolution during that time period 5863  
shall be considered approval of the agreement, plan, or decision. 5864

An agreement, plan, or decision for which a statement is 5865  
required to be submitted to the board shall be implemented only if 5866  
it is approved by the board. 5867

(C) Each county shall develop a county service coordination 5868  
mechanism. The county service coordination mechanism shall serve 5869  
as the guiding document for coordination of services in the 5870  
county. For children who also receive services under the help me 5871  
grow program, the service coordination mechanism shall be 5872  
consistent with rules adopted by the department of health under 5873  
section 3701.61 of the Revised Code. All family service 5874  
coordination plans shall be developed in accordance with the 5875  
county service coordination mechanism. The mechanism shall be 5876  
developed and approved with the participation of the county 5877  
entities representing child welfare; mental retardation and 5878  
developmental disabilities; alcohol, drug addiction, and mental 5879  
health services; health; juvenile judges; education; the county 5880  
family and children first council; and the county early 5881  
intervention collaborative established pursuant to the federal 5882  
early intervention program operated under the "Individuals with 5883  
Disabilities Education Act of 2004." The county shall establish an 5884  
implementation schedule for the mechanism. The cabinet council may 5885  
monitor the implementation and administration of each county's 5886

service coordination mechanism. 5887

Each mechanism shall include all of the following: 5888

(1) A procedure for an agency, including a juvenile court, or 5889  
a family voluntarily seeking service coordination, to refer the 5890  
child and family to the county council for service coordination in 5891  
accordance with the mechanism; 5892

(2) A procedure ensuring that a family and all appropriate 5893  
staff from involved agencies, including a representative from the 5894  
appropriate school district, are notified of and invited to 5895  
participate in all family service coordination plan meetings; 5896

(3) A procedure that permits a family to initiate a meeting 5897  
to develop or review the family's service coordination plan and 5898  
allows the family to invite a family advocate, mentor, or support 5899  
person of the family's choice to participate in any such meeting; 5900

(4) A procedure for ensuring that a family service 5901  
coordination plan meeting is conducted for each child who receives 5902  
service coordination under the mechanism and for whom an emergency 5903  
out-of-home placement has been made or for whom a nonemergency 5904  
out-of-home placement is being considered. The meeting shall be 5905  
conducted within ten days of an emergency out-of-home placement. 5906  
The meeting shall be conducted before a nonemergency out-of-home 5907  
placement. The family service coordination plan shall outline how 5908  
the county council members will jointly pay for services, where 5909  
applicable, and provide services in the least restrictive 5910  
environment. 5911

(5) A procedure for monitoring the progress and tracking the 5912  
outcomes of each service coordination plan requested in the county 5913  
including monitoring and tracking children in out-of-home 5914  
placements to assure continued progress, appropriateness of 5915  
placement, and continuity of care after discharge from placement 5916  
with appropriate arrangements for housing, treatment, and 5917

education. 5918

(6) A procedure for protecting the confidentiality of all 5919  
personal family information disclosed during service coordination 5920  
meetings or contained in the comprehensive family service 5921  
coordination plan. 5922

(7) A procedure for assessing the needs and strengths of any 5923  
child or family that has been referred to the council for service 5924  
coordination, including a child whose parent or custodian is 5925  
voluntarily seeking services, and for ensuring that parents and 5926  
custodians are afforded the opportunity to participate; 5927

(8) A procedure for development of a family service 5928  
coordination plan described in division (D) of this section; 5929

(9) A local dispute resolution process to serve as the 5930  
process that must be used first to resolve disputes among the 5931  
agencies represented on the county council concerning the 5932  
provision of services to children, including children who are 5933  
abused, neglected, dependent, unruly, alleged unruly, or 5934  
delinquent children and under the jurisdiction of the juvenile 5935  
court and children whose parents or custodians are voluntarily 5936  
seeking services. The local dispute resolution process shall 5937  
comply with sections 121.38, 121.381, and 121.382 of the Revised 5938  
Code. The local dispute resolution process shall be used to 5939  
resolve disputes between a child's parents or custodians and the 5940  
county council regarding service coordination. The county council 5941  
shall inform the parents or custodians of their right to use the 5942  
dispute resolution process. Parents or custodians shall use 5943  
existing local agency grievance procedures to address disputes not 5944  
involving service coordination. The dispute resolution process is 5945  
in addition to and does not replace other rights or procedures 5946  
that parents or custodians may have under other sections of the 5947  
Revised Code. 5948

The cabinet council shall adopt rules in accordance with 5949  
Chapter 119. of the Revised Code establishing an administrative 5950  
review process to address problems that arise concerning the 5951  
operation of a local dispute resolution process. 5952

Nothing in division (C)(4) of this section shall be 5953  
interpreted as overriding or affecting decisions of a juvenile 5954  
court regarding an out-of-home placement, long-term placement, or 5955  
emergency out-of-home placement. 5956

(D) Each county shall develop a family service coordination 5957  
plan that does all of the following: 5958

(1) Designates service responsibilities among the various 5959  
state and local agencies that provide services to children and 5960  
their families, including children who are abused, neglected, 5961  
dependent, unruly, or delinquent children and under the 5962  
jurisdiction of the juvenile court and children whose parents or 5963  
custodians are voluntarily seeking services; 5964

(2) Designates an individual, approved by the family, to 5965  
track the progress of the family service coordination plan, 5966  
schedule reviews as necessary, and facilitate the family service 5967  
coordination plan meeting process; 5968

(3) Ensures that assistance and services to be provided are 5969  
responsive to the strengths and needs of the family, as well as 5970  
the family's culture, race, and ethnic group, by allowing the 5971  
family to offer information and suggestions and participate in 5972  
decisions. Identified assistance and services shall be provided in 5973  
the least restrictive environment possible. 5974

(4) Includes a process for dealing with a child who is 5975  
alleged to be an unruly child. The process shall include methods 5976  
to divert the child from the juvenile court system; 5977

(5) Includes timelines for completion of goals specified in 5978  
the plan with regular reviews scheduled to monitor progress toward 5979

those goals; 5980

(6) Includes a plan for dealing with short-term crisis 5981  
situations and safety concerns. 5982

(E)(1) The process provided for under division (D)(4) of this 5983  
section may include, but is not limited to, the following: 5984

(a) Designation of the person or agency to conduct the 5985  
assessment of the child and the child's family as described in 5986  
division (C)(7) of this section and designation of the instrument 5987  
or instruments to be used to conduct the assessment; 5988

(b) An emphasis on the personal responsibilities of the child 5989  
and the parental responsibilities of the parents, guardian, or 5990  
custodian of the child; 5991

(c) Involvement of local law enforcement agencies and 5992  
officials. 5993

(2) The method to divert a child from the juvenile court 5994  
system that must be included in the service coordination process 5995  
may include, but is not limited to, the following: 5996

(a) The preparation of a complaint under section 2151.27 of 5997  
the Revised Code alleging that the child is an unruly child and 5998  
notifying the child and the parents, guardian, or custodian that 5999  
the complaint has been prepared to encourage the child and the 6000  
parents, guardian, or custodian to comply with other methods to 6001  
divert the child from the juvenile court system; 6002

(b) Conducting a meeting with the child, the parents, 6003  
guardian, or custodian, and other interested parties to determine 6004  
the appropriate methods to divert the child from the juvenile 6005  
court system; 6006

(c) A method to provide to the child and the child's family a 6007  
short-term respite from a short-term crisis situation involving a 6008  
confrontation between the child and the parents, guardian, or 6009



custodian; 6010

(d) A program to provide a mentor to the child or the 6011  
parents, guardian, or custodian; 6012

(e) A program to provide parenting education to the parents, 6013  
guardian, or custodian; 6014

(f) An alternative school program for children who are truant 6015  
from school, repeatedly disruptive in school, or suspended or 6016  
expelled from school; 6017

(g) Other appropriate measures, including, but not limited 6018  
to, any alternative methods to divert a child from the juvenile 6019  
court system that are identified by the Ohio family and children 6020  
first cabinet council. 6021

(F) Each county may review and revise the service 6022  
coordination process described in division (D) of this section 6023  
based on the availability of funds under Title IV-A of the "Social 6024  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 6025  
or to the extent resources are available from any other federal, 6026  
state, or local funds. 6027

**Sec. 121.40.** (A) There is hereby created the Ohio ~~community~~ 6028  
commission on service council and volunteerism consisting of 6029  
twenty-one voting members including the superintendent of public 6030  
instruction or the superintendent's designee, the chancellor of 6031  
the Ohio board of regents or the chancellor's designee, the 6032  
director of youth services or the director's designee, the 6033  
director of aging or the director's designee, the chairperson of 6034  
the committee of the house of representatives dealing with 6035  
education or the chairperson's designee, the chairperson of the 6036  
committee of the senate dealing with education or the 6037  
chairperson's designee, and fifteen members who shall be appointed 6038  
by the governor with the advice and consent of the senate and who 6039

shall serve terms of office of three years. The appointees shall 6040  
include educators, including teachers and administrators; 6041  
representatives of youth organizations; students and parents; 6042  
representatives of organizations engaged in volunteer program 6043  
development and management throughout the state, including youth 6044  
and conservation programs; and representatives of business, 6045  
government, nonprofit organizations, social service agencies, 6046  
veterans organizations, religious organizations, or philanthropies 6047  
that support or encourage volunteerism within the state. The 6048  
director of the governor's office of faith-based and community 6049  
initiatives shall serve as a nonvoting ex officio member of the 6050  
~~council~~ commission. Members of the ~~council~~ commission shall 6051  
receive no compensation, but shall be reimbursed for actual and 6052  
necessary expenses incurred in the performance of their official 6053  
duties. 6054

(B) The ~~council~~ commission shall appoint an executive 6055  
director for the ~~council~~ commission, who shall be in the 6056  
unclassified civil service. The governor shall be informed of the 6057  
appointment of an executive director before such an appointment is 6058  
made. The executive director shall supervise the ~~council's~~ 6059  
commission's activities and report to the ~~council~~ commission on 6060  
the progress of those activities. The executive director shall do 6061  
all things necessary for the efficient and effective 6062  
implementation of the duties of the ~~council~~ commission. 6063

The responsibilities assigned to the executive director do 6064  
not relieve the members of the ~~council~~ commission from final 6065  
responsibility for the proper performance of the requirements of 6066  
this section. 6067

(C) The ~~council~~ commission or its designee shall do all of 6068  
the following: 6069

(1) Employ, promote, supervise, and remove all employees as 6070  
needed in connection with the performance of its duties under this 6071

section and may assign duties to those employees as necessary to 6072  
achieve the most efficient performance of its functions, and to 6073  
that end may establish, change, or abolish positions, and assign 6074  
and reassign duties and responsibilities of any employee of the 6075  
~~council~~ commission. Personnel employed by the ~~council~~ commission 6076  
who are subject to Chapter 4117. of the Revised Code shall retain 6077  
all of their rights and benefits conferred pursuant to that 6078  
chapter. Nothing in this chapter shall be construed as eliminating 6079  
or interfering with Chapter 4117. of the Revised Code or the 6080  
rights and benefits conferred under that chapter to public 6081  
employees or to any bargaining unit. 6082

(2) Maintain its office in Columbus, and may hold sessions at 6083  
any place within the state; 6084

(3) Acquire facilities, equipment, and supplies necessary to 6085  
house the ~~council~~ commission, its employees, and files and records 6086  
under its control, and to discharge any duty imposed upon it by 6087  
law. The expense of these acquisitions shall be audited and paid 6088  
for in the same manner as other state expenses. For that purpose, 6089  
the ~~council~~ commission shall prepare and submit to the office of 6090  
budget and management a budget for each biennium according to 6091  
sections 101.532 and 107.03 of the Revised Code. The budget 6092  
submitted shall cover the costs of the ~~council~~ commission and its 6093  
staff in the discharge of any duty imposed upon the ~~council~~ 6094  
commission by law. The ~~council~~ commission shall not delegate any 6095  
authority to obligate funds. 6096

(4) Pay its own payroll and other operating expenses from 6097  
line items designated by the general assembly; 6098

(5) Retain its fiduciary responsibility as appointing 6099  
authority. Any transaction instructions shall be certified by the 6100  
appointing authority or its designee. 6101

(6) Establish the overall policy and management of the 6102

~~council~~ commission in accordance with this chapter; 6103

(7) Assist in coordinating and preparing the state 6104  
application for funds under sections 101 to 184 of the "National 6105  
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 6106  
U.S.C.A. 12411 to 12544, as amended, assist in administering and 6107  
overseeing the "National and Community Service Trust Act of 1993," 6108  
P.L. 103-82, 107 Stat. 785, and the americorps program in this 6109  
state, and assist in developing objectives for a comprehensive 6110  
strategy to encourage and expand community service programs 6111  
throughout the state; 6112

(8) Assist the state board of education, school districts, 6113  
the chancellor of the board of regents, and institutions of higher 6114  
education in coordinating community service education programs 6115  
through cooperative efforts between institutions and organizations 6116  
in the public and private sectors; 6117

(9) Assist the departments of natural resources, youth 6118  
services, aging, and job and family services in coordinating 6119  
community service programs through cooperative efforts between 6120  
institutions and organizations in the public and private sectors; 6121

(10) Suggest individuals and organizations that are available 6122  
to assist school districts, institutions of higher education, and 6123  
the departments of natural resources, youth services, aging, and 6124  
job and family services in the establishment of community service 6125  
programs and assist in investigating sources of funding for 6126  
implementing these programs; 6127

(11) Assist in evaluating the state's efforts in providing 6128  
community service programs using standards and methods that are 6129  
consistent with any statewide objectives for these programs and 6130  
provide information to the state board of education, school 6131  
districts, the chancellor of the board of regents, institutions of 6132  
higher education, and the departments of natural resources, youth 6133

services, aging, and job and family services to guide them in 6134  
making decisions about these programs; 6135

(12) Assist the state board of education in complying with 6136  
section 3301.70 of the Revised Code and the chancellor of the 6137  
board of regents in complying with division (B)(2) of section 6138  
3333.043 of the Revised Code; 6139

(13) Advise, assist, consult with, and cooperate with, by 6140  
contract or otherwise, agencies and political subdivisions of this 6141  
state in establishing a statewide system for volunteers pursuant 6142  
to section 121.404 of the Revised Code. 6143

(D) The ~~council~~ commission shall in writing enter into an 6144  
agreement with another state agency to serve as the ~~council's~~ 6145  
commission's fiscal agent. Before entering into such an agreement, 6146  
the ~~council~~ commission shall inform the governor of the terms of 6147  
the agreement and of the state agency designated to serve as the 6148  
~~council's~~ commission's fiscal agent. The fiscal agent shall be 6149  
responsible for all the ~~council's~~ commission's fiscal matters and 6150  
financial transactions, as specified in the agreement. Services to 6151  
be provided by the fiscal agent include, but are not limited to, 6152  
the following: 6153

(1) Preparing and processing payroll and other personnel 6154  
documents that the ~~council~~ commission executes as the appointing 6155  
authority; 6156

(2) Maintaining ledgers of accounts and reports of account 6157  
balances, and monitoring budgets and allotment plans in 6158  
consultation with the ~~council~~ commission; and 6159

(3) Performing other routine support services that the fiscal 6160  
agent considers appropriate to achieve efficiency. 6161

(E)(1) The ~~council~~ commission, in conjunction and 6162  
consultation with the fiscal agent, has the following authority 6163  
and responsibility relative to fiscal matters: 6164

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

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

(c) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions.

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

(3) The fiscal agent shall determine fees to be charged to the ~~council~~ commission, which shall be in proportion to the services performed for the ~~council~~ commission.

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

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

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

(B) The Ohio ~~community~~ commission on service council and volunteerism shall adopt a set of "recommended best practices" for

organizations or entities to follow when one or more volunteers of 6195  
the organization or entity have unsupervised access to one or more 6196  
children or otherwise interact with one or more children. The 6197  
"recommended best practices" shall focus on, but shall not be 6198  
limited to, the issue of the safety of the children and, in 6199  
addition, the screening and supervision of volunteers. The 6200  
"recommended best practices" shall include as a recommended best 6201  
practice that the organization or entity subject to a criminal 6202  
records check performed by the bureau of criminal identification 6203  
and investigation pursuant to section 109.57, section 109.572, or 6204  
rules adopted under division (E) of section 109.57 of the Revised 6205  
Code, all of the following: 6206

(1) All persons who apply to serve as a volunteer in a 6207  
position in which the person will have unsupervised access to a 6208  
child on a regular basis. 6209

(2) All volunteers who are in a position in which the person 6210  
will have unsupervised access to a child on a regular basis and 6211  
who the organization or entity has not previously subjected to a 6212  
criminal records check performed by the bureau of criminal 6213  
identification and investigation. 6214

(C) The set of "recommended best practices" required to be 6215  
adopted by this section are in addition to the educational program 6216  
required to be adopted under section 121.402 of the Revised Code. 6217

**Sec. 121.402.** (A) The Ohio ~~community~~ commission on service 6218  
~~council and volunteerism~~ shall establish and maintain an 6219  
educational program that does all of the following: 6220

(1) Makes available to parents and guardians of children 6221  
notice about the provisions of sections 109.574 to 109.577, 6222  
section 121.401, and section 121.402 of the Revised Code and 6223  
information about how to keep children safe when they are under 6224  
the care, custody, or control of a person other than the parent or 6225

guardian; 6226

(2) Makes available to organizations and entities information 6227  
regarding the best methods of screening and supervising 6228  
volunteers, how to obtain a criminal records check of a volunteer, 6229  
confidentiality issues relating to reports of criminal records 6230  
checks, and record keeping regarding the reports; 6231

(3) Makes available to volunteers information regarding the 6232  
possibility of being subjected to a criminal records check and 6233  
displaying appropriate behavior to minors; 6234

(4) Makes available to children advice on personal safety and 6235  
information on what action to take if someone takes inappropriate 6236  
action towards a child. 6237

(B) The program shall begin making the materials described in 6238  
this section available not later than March 22, 2002. 6239

**Sec. 121.403.** (A) The Ohio ~~community~~ commission on service 6240  
~~council and volunteerism~~ may do any of the following: 6241

(1) Accept monetary gifts or donations; 6242

(2) Sponsor conferences, meetings, or events in furtherance 6243  
of the ~~council's~~ commission's purpose described in section 121.40 6244  
of the Revised Code and charge fees for participation or 6245  
involvement in the conferences, meetings, or events; 6246

(3) Sell promotional items in furtherance of the ~~council's~~ 6247  
commission's purpose described in section 121.40 of the Revised 6248  
Code. 6249

(B) All monetary gifts and donations, funds from the sale of 6250  
promotional items, contributions received from the issuance of 6251  
Ohio "volunteer" license plates pursuant to section 4503.93 of the 6252  
Revised Code, and any fees paid to the ~~council~~ commission for 6253  
conferences, meetings, or events sponsored by the ~~council~~ 6254  
commission shall be deposited into the Ohio ~~community~~ commission 6255



on service council and volunteerism gifts and donations fund, 6256  
which is hereby created in the state treasury. Moneys in the fund 6257  
may be used only as follows: 6258

(1) To pay operating expenses of the ~~council~~ commission, 6259  
including payroll, personal services, maintenance, equipment, and 6260  
subsidy payments; 6261

(2) To support ~~council~~ commission programs promoting 6262  
volunteerism and community service in the state; 6263

(3) As matching funds for federal grants. 6264

**Sec. 121.404.** (A) The Ohio ~~community~~ commission on service 6265  
~~council and volunteerism~~ shall advise, assist, consult with, and 6266  
cooperate with agencies and political subdivisions of this state 6267  
to establish a statewide system for recruiting, registering, 6268  
training, and deploying the types of volunteers the ~~council~~ 6269  
commission considers advisable and reasonably necessary to respond 6270  
to an emergency declared by the state or political subdivision. 6271

(B) A registered volunteer is not liable in damages to any 6272  
person or government entity in tort or other civil action, 6273  
including an action upon a medical, dental, chiropractic, 6274  
optometric, or other health-related claim or veterinary claim, for 6275  
injury, death, or loss to person or property that may arise from 6276  
an act or omission of that volunteer. This division applies to a 6277  
registered volunteer while providing services within the scope of 6278  
the volunteer's responsibilities during an emergency declared by 6279  
the state or political subdivision or in disaster-related 6280  
exercises, testing, or other training activities, if the 6281  
volunteer's act or omission does not constitute willful or wanton 6282  
misconduct. 6283

(C) The Ohio ~~community~~ commission on service council and 6284  
volunteerism shall adopt rules pursuant to Chapter 119. of the 6285

Revised Code to establish fees, procedures, standards, and 6286  
requirements the ~~council~~ commission considers necessary to carry 6287  
out the purposes of this section. 6288

(D)(1) A registered volunteer's status as a volunteer, and 6289  
any information presented in summary, statistical, or aggregate 6290  
form that does not identify an individual, is a public record 6291  
pursuant to section 149.43 of the Revised Code. 6292

(2) Information related to a registered volunteer's specific 6293  
and unique responsibilities, assignments, or deployment plans, 6294  
including but not limited to training, preparedness, readiness, or 6295  
organizational assignment, is a security record for purposes of 6296  
section 149.433 of the Revised Code. 6297

(3) Information related to a registered volunteer's personal 6298  
information, including but not limited to contact information, 6299  
medical information, or information related to family members or 6300  
dependents, is not a public record pursuant to section 149.43 of 6301  
the Revised Code. 6302

(E) As used in this section and section 121.40 of the Revised 6303  
Code: 6304

(1) "Registered volunteer" means any individual registered as 6305  
a volunteer pursuant to procedures established under this section 6306  
and who serves without pay or other consideration, other than the 6307  
reasonable reimbursement or allowance for expenses actually 6308  
incurred or the provision of incidental benefits related to the 6309  
volunteer's service, such as meals, lodging, and childcare. 6310

(2) "Political subdivision" means a county, township, or 6311  
municipal corporation in this state. 6312

**Sec. 122.085.** As used in sections 122.085 to 122.0820 of the 6313  
Revised Code: 6314

(A)(1) "Allowable costs" includes costs related to the 6315

following:	6316
(a) Acquisition of land and buildings;	6317
(b) Building construction;	6318
(c) Making improvements to land and buildings, including the following:	6319 6320
(i) Expanding, reconstructing, rehabilitating, remodeling, renovating, enlarging, modernizing, equipping, and furnishing buildings and structures, including leasehold improvements;	6321 6322 6323
(ii) Site preparation, including wetland mitigation.	6324
(d) Planning or determining feasibility or practicability;	6325
(e) Indemnity or surety bonds and premiums on insurance;	6326
(f) Remediation, in compliance with state and federal environmental protection laws, of environmentally contaminated property on which hazardous substances exist under conditions that have caused or would likely cause the property to be identified as contaminated by the Ohio environmental protection agency or the United States environmental protection agency;	6327 6328 6329 6330 6331 6332
(g) Infrastructure improvements, including the following:	6333
(i) Demolition of buildings and other structures;	6334
(ii) Installation or relocation of water, storm water and sanitary sewer lines, water and waste water treatment facilities, pump stations, and water storage mechanisms and other similar equipment or facilities;	6335 6336 6337 6338
(iii) Construction of roads, bridges, traffic control devices, and parking lots and facilities;	6339 6340
(iv) Construction of utility infrastructure such as natural gas, electric, and telecommunications, including broadband and hookups;	6341 6342 6343
(v) Water and railway access improvements;	6344

(vi) Costs of professional services. 6345

(2) "Allowable costs" do not include administrative costs 6346  
assessed by or fees paid to the recipient of a grant. 6347

(B) "~~District public works~~ Local government integrating and 6348  
innovation committees" means those committees established under 6349  
section 164.04 of the Revised Code. 6350

(C) "Eligible applicant" includes any political subdivision 6351  
or ~~non-profit~~ nonprofit economic development organization, and, 6352  
with prior approval of the director of development, private, 6353  
for-profit entities. "Eligible applicant" does not include public 6354  
or private institutions of higher education. 6355

(D) "Eligible project" includes projects that, upon 6356  
completion, will be sites and facilities primarily intended for 6357  
commercial, industrial, or manufacturing use. "Eligible projects" 6358  
do not include sites and facilities intended primarily for 6359  
residential, retail, or government use. 6360

(E) "Professional services" includes legal, environmental, 6361  
archeological, engineering, architectural, surveying, design, or 6362  
other similar services performed in conjunction with an eligible 6363  
project. "Professional services" also includes designs, plans, 6364  
specifications, surveys, estimates of costs, and other work 6365  
products. 6366

**Sec. 122.088.** In order to be considered for a grant under the 6367  
annual competitive process, an eligible applicant shall fill out 6368  
an application provided by the department of development and shall 6369  
file it with the ~~district public works~~ local government 6370  
integrating and innovation committee with jurisdiction over the 6371  
area in which the eligible project is located. 6372

**Sec. 122.0810.** (A) Each application for a grant pursuant to 6373  
the annual competitive process received by a ~~district public works~~ 6374

local government integrating and innovation committee shall be 6375  
evaluated by the executive committee of the district committee. In 6376  
conducting the evaluation, the executive committee shall determine 6377  
whether the application for the proposed eligible project is 6378  
complete and whether the project meets the requirements of section 6379  
122.0815 of the Revised Code. If the application is complete and 6380  
the eligible project meets the requirements of section 122.0815 of 6381  
the Revised Code, the executive committee shall prioritize the 6382  
eligible project pursuant to section 122.0816 of the Revised Code 6383  
and pursuant to local priorities, as those priorities are 6384  
determined by the executive committee, with all other eligible 6385  
projects with complete applications that meet the requirements of 6386  
section 122.0815 of the Revised Code. If the application is 6387  
incomplete or the project does not meet the requirements of 6388  
section 122.0815 of the Revised Code, the executive committee 6389  
shall notify the applicant of the deficiencies and the period of 6390  
time the applicant has to correct the deficiencies and submit the 6391  
corrections to the executive committee. Failure to correct 6392  
deficiencies within the time designated by the executive committee 6393  
shall disqualify the project from consideration for a grant during 6394  
the annual competitive process for that year. 6395

The executive committee, by the affirmative vote of a 6396  
majority of all its members, shall select up to three eligible 6397  
projects from the projects it has prioritized each year pursuant 6398  
to the annual competitive process. The executive committee shall 6399  
forward the applications and any accompanying information for each 6400  
of the selected eligible projects to the department of development 6401  
in the time and manner required by the rules governing the annual 6402  
competitive process for the job ready site program. 6403

(B) For a ~~district public works~~ local government integrating 6404  
and innovation committee that does not have an executive 6405  
committee, the full committee shall perform the functions assigned 6406

to the executive committee under section 122.0816 of the Revised Code and division (A) of this section. 6407  
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(C) An executive committee, or a district committee that does not have an executive committee, may appoint a working group of committee members and staff to perform the functions of those committees as provided in this section. 6409  
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**Sec. 122.0816.** The department of development and the executive committees of ~~district public works~~ local government integrating and innovation committees shall apply the following factors to eligible projects under the annual competitive process to determine a priority order for the eligible projects subject to that process: 6413  
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(A) The potential economic impact of the eligible project; 6419

(B) The potential impact of the eligible project on economic distress; 6420  
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(C) The amount of local, federal, and private funding available for the eligible project; 6422  
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(D) The demonstrated need for the eligible project; 6424

(E) The strength of the eligible project's marketing plan, if appropriate; 6425  
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(F) The level of financial need; 6427

(G) Any other factor the director of development determines should be considered. 6428  
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**Sec. 122.0819.** The rules adopted to govern the annual competitive process for the job ready site program may provide for recovery of the costs, or a portion thereof, incurred by ~~district public works~~ local government integrating and innovation committees and executive committees in conducting their duties under the program. 6430  
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**Sec. 122.121.** (A) If an endorsing municipality or endorsing county enters into a joinder undertaking with a site selection organization, the endorsing municipality or endorsing county may apply to the director of development, on a form and in the manner prescribed by the director, for a grant based on the projected incremental increase in the receipts from the tax imposed under section 5739.02 of the Revised Code within the market area designated under division (C) of this section, for the two-week period that ends at the end of the day after the date on which a game will be held, that is directly attributable, as determined by the director, to the preparation for and presentation of the game. The director shall determine the projected incremental increase in the tax imposed under section 5739.02 of the Revised Code from information certified to the director by the endorsing municipality or the endorsing county including, but not limited to, historical attendance and ticket sales for the game, income statements showing revenue and expenditures for the game in prior years, attendance capacity at the proposed venues, event budget at the proposed venues, and projected lodging room nights based on historical attendance, attendance capacity at the proposed venues, and duration of the game and related activities. The endorsing municipality or endorsing county is eligible to receive a grant under this section only if the projected incremental increase in receipts from the tax imposed under section 5739.02 of the Revised Code, as determined by the director, exceeds two hundred fifty thousand dollars. The amount of the grant shall be determined by the director but shall not exceed five hundred thousand dollars. The director shall not issue grants with a total value of more than one million dollars in any fiscal year, and shall not issue any grant before July 1, ~~2011~~ 2013.

(B) If the director of development approves an application for an endorsing municipality or endorsing county and that

endorsing municipality or endorsing county enters into a joinder 6468  
agreement with a site selection organization, the endorsing 6469  
municipality or endorsing county shall file a copy of the joinder 6470  
agreement with the director of development, who immediately shall 6471  
notify the director of budget and management of the filing. Within 6472  
thirty days after receiving the notice, the director of budget and 6473  
management shall establish a schedule to disburse from the general 6474  
revenue fund to such endorsing municipality or endorsing county 6475  
payments that total the amount certified by the director of 6476  
development under division (A) of this section, but in no event 6477  
shall the total amount disbursed exceed five hundred thousand 6478  
dollars, and no disbursement shall be made before ~~July 1, 2011~~ 6479  
2013. The payments shall be used exclusively by the endorsing 6480  
municipality or endorsing county to fulfill a portion of its 6481  
obligations to a site selection organization under game support 6482  
contracts, which obligations may include the payment of costs 6483  
relating to the preparations necessary for the conduct of the 6484  
game, including acquiring, renovating, or constructing facilities; 6485  
to pay the costs of conducting the game; and to assist the local 6486  
organizing committee, endorsing municipality, or endorsing county 6487  
in providing assurances required by a site selection organization 6488  
sponsoring one or more games. 6489

(C) For the purposes of division (A) of this section, the 6490  
director of development, in consultation with the tax 6491  
commissioner, shall designate as a market area for a game each 6492  
area in which they determine there is a reasonable likelihood of 6493  
measurable economic impact directly attributable to the 6494  
preparation for and presentation of the game and related events, 6495  
including areas likely to provide venues, accommodations, and 6496  
services in connection with the game based on the information and 6497  
the copy of the joinder undertaking provided to the director under 6498  
divisions (A) and (B) of this section. The director and 6499  
commissioner shall determine the geographic boundaries of each 6500



market area. An endorsing municipality or endorsing county that 6501  
has been selected as the site for a game must be included in a 6502  
market area for the game. 6503

(D) A local organizing committee, endorsing municipality, or 6504  
endorsing county shall provide information required by the 6505  
director of development and tax commissioner to enable the 6506  
director and commissioner to fulfill their duties under this 6507  
section, including annual audited statements of any financial 6508  
records required by a site selection organization and data 6509  
obtained by the local organizing committee, endorsing 6510  
municipality, or endorsing county relating to attendance at a game 6511  
and to the economic impact of the game. A local organizing 6512  
committee, an endorsing municipality, or an endorsing county shall 6513  
provide an annual audited financial statement if so required by 6514  
the director and commissioner, not later than the end of the 6515  
fourth month after the date the period covered by the financial 6516  
statement ends. 6517

(E) Within sixty days after the game, the endorsing 6518  
municipality or the endorsing county shall report to the director 6519  
of development about the economic impact of the game. The report 6520  
shall be in the form and substance required by the director, 6521  
including, but not limited to, a final income statement for the 6522  
event showing total revenue and expenditures and revenue and 6523  
expenditures in the market area for the game, and ticket sales for 6524  
the game and any related activities for which admission was 6525  
charged. The director of development shall determine, based on the 6526  
reported information and the exercise of reasonable judgment, the 6527  
incremental increase in receipts from the tax imposed under 6528  
section 5739.02 of the Revised Code directly attributable to the 6529  
game. If the actual incremental increase in such receipts is less 6530  
than the projected incremental increase in receipts, the director 6531  
may require the endorsing municipality or the endorsing county to 6532

refund to the state all or a portion of the grant. 6533

(F) No disbursement may be made under this section if the 6534  
director of development determines that it would be used for the 6535  
purpose of soliciting the relocation of a professional sports 6536  
franchise located in this state. 6537

(G) This section may not be construed as creating or 6538  
requiring a state guarantee of obligations imposed on an endorsing 6539  
municipality or endorsing county under a game support contract or 6540  
any other agreement relating to hosting one or more games in this 6541  
state. 6542

**Sec. 122.171.** (A) As used in this section: 6543

(1) "Capital investment project" means a plan of investment 6544  
at a project site for the acquisition, construction, renovation, 6545  
or repair of buildings, machinery, or equipment, or for 6546  
capitalized costs of basic research and new product development 6547  
determined in accordance with generally accepted accounting 6548  
principles, but does not include any of the following: 6549

(a) Payments made for the acquisition of personal property 6550  
through operating leases; 6551

(b) Project costs paid before January 1, 2002; 6552

(c) Payments made to a related member as defined in section 6553  
5733.042 of the Revised Code or to a consolidated elected taxpayer 6554  
or a combined taxpayer as defined in section 5751.01 of the 6555  
Revised Code. 6556

(2) "Eligible business" means a taxpayer and its related 6557  
members with Ohio operations satisfying all of the following: 6558

(a) The taxpayer employs at least five hundred full-time 6559  
equivalent employees or has an annual payroll of at least 6560  
thirty-five million dollars at the time the tax credit authority 6561  
grants the tax credit under this section; 6562

(b) The taxpayer makes or causes to be made payments for the 6563  
capital investment project of ~~either~~ one of the following: 6564

(i) If the taxpayer is engaged at the project site primarily 6565  
as a manufacturer, at least fifty million dollars in the aggregate 6566  
at the project site during a period of three consecutive calendar 6567  
years, including the calendar year that includes a day of the 6568  
taxpayer's taxable year or tax period with respect to which the 6569  
credit is granted; 6570

(ii) If the taxpayer is engaged at the project site primarily 6571  
in significant corporate administrative functions, as defined by 6572  
the director of development by rule, at least twenty million 6573  
dollars in the aggregate at the project site during a period of 6574  
three consecutive calendar years including the calendar year that 6575  
includes a day of the taxpayer's taxable year or tax period with 6576  
respect to which the credit is granted; 6577

(iii) If the taxpayer is applying to enter into an agreement 6578  
for a tax credit authorized under division (B)(3) of this section, 6579  
at least five million dollars in the aggregate at the project site 6580  
during a period of three consecutive calendar years, including the 6581  
calendar year that includes a day of the taxpayer's taxable year 6582  
or tax period with respect to which the credit is granted. 6583

(c) The taxpayer had a capital investment project reviewed 6584  
and approved by the tax credit authority as provided in divisions 6585  
(C), (D), and (E) of this section. 6586

(3) "Full-time equivalent employees" means the quotient 6587  
obtained by dividing the total number of hours for which employees 6588  
were compensated for employment in the project by two thousand 6589  
eighty. "Full-time equivalent employees" shall exclude hours that 6590  
are counted for a credit under section 122.17 of the Revised Code. 6591

(4) "Income tax revenue" means the total amount withheld 6592  
under section 5747.06 of the Revised Code by the taxpayer during 6593

the taxable year, or during the calendar year that includes the 6594  
tax period, from the compensation of all employees employed in the 6595  
project whose hours of compensation are included in calculating 6596  
the number of full-time equivalent employees. 6597

(5) "Manufacturer" has the same meaning as in section 6598  
5739.011 of the Revised Code. 6599

(6) "Project site" means an integrated complex of facilities 6600  
in this state, as specified by the tax credit authority under this 6601  
section, within a fifteen-mile radius where a taxpayer is 6602  
primarily operating as an eligible business. 6603

(7) "Related member" has the same meaning as in section 6604  
5733.042 of the Revised Code as that section existed on the 6605  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 6606  
general assembly, September 29, 1997. 6607

(8) "Taxable year" includes, in the case of a domestic or 6608  
foreign insurance company, the calendar year ending on the 6609  
thirty-first day of December preceding the day the superintendent 6610  
of insurance is required to certify to the treasurer of state 6611  
under section 5725.20 or 5729.05 of the Revised Code the amount of 6612  
taxes due from insurance companies. 6613

(B) The tax credit authority created under section 122.17 of 6614  
the Revised Code may grant tax credits under this section for the 6615  
purpose of fostering job retention in this state. Upon application 6616  
by an eligible business and upon consideration of the 6617  
recommendation of the director of budget and management, tax 6618  
commissioner, the superintendent of insurance in the case of an 6619  
insurance company, and director of development under division (C) 6620  
of this section, the tax credit authority may grant the following 6621  
credits against the tax imposed by section 5725.18, 5729.03, 6622  
5733.06, 5747.02, or 5751.02 of the Revised Code: 6623

(1) A nonrefundable credit to an eligible business; 6624

(2) A refundable credit to an eligible business meeting the following conditions, provided that the director of budget and management, tax commissioner, superintendent of insurance in the case of an insurance company, and director of development have recommended the granting of the credit to the tax credit authority before July 1, 2011:

(a) The business retains at least one thousand full-time equivalent employees at the project site.

(b) The business makes or causes to be made payments for a capital investment project of at least twenty-five million dollars in the aggregate at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the business' taxable year or tax period with respect to which the credit is granted.

(c) In 2010, the business received a written offer of financial incentives from another state of the United States that the director determines to be sufficient inducement for the business to relocate the business' operations from this state to that state.

(3) A refundable credit to an eligible business with a total annual payroll of at least twenty million dollars, provided that the tax credit authority grants the tax credit on or after July 1, 2011, and before January 1, 2014.

The credits authorized in divisions (B)(1) ~~and~~, (2), and (3) of this section may be granted for a period up to fifteen taxable years or, in the case of the tax levied by section 5751.02 of the Revised Code, for a period of up to fifteen calendar years. The credit amount for a taxable year or a calendar year that includes the tax period for which a credit may be claimed equals the income tax revenue for that year multiplied by the percentage specified in the agreement with the tax credit authority. The percentage may

not exceed seventy-five per cent. The credit shall be claimed in 6656  
the order required under section 5725.98, 5729.98, 5733.98, 6657  
5747.98, or 5751.98 of the Revised Code. In determining the 6658  
percentage and term of the credit, the tax credit authority shall 6659  
consider both the number of full-time equivalent employees and the 6660  
value of the capital investment project. The credit amount may not 6661  
be based on the income tax revenue for a calendar year before the 6662  
calendar year in which the tax credit authority specifies the tax 6663  
credit is to begin, and the credit shall be claimed only for the 6664  
taxable years or tax periods specified in the eligible business' 6665  
agreement with the tax credit authority. In no event shall the 6666  
credit be claimed for a taxable year or tax period terminating 6667  
before the date specified in the agreement. Any credit granted 6668  
under this section against the tax imposed by section 5733.06 or 6669  
5747.02 of the Revised Code, to the extent not fully utilized 6670  
against such tax for taxable years ending prior to 2008, shall 6671  
automatically be converted without any action taken by the tax 6672  
credit authority to a credit against the tax levied under Chapter 6673  
5751. of the Revised Code for tax periods beginning on or after 6674  
July 1, 2008, provided that the person to whom the credit was 6675  
granted is subject to such tax. The converted credit shall apply 6676  
to those calendar years in which the remaining taxable years 6677  
specified in the agreement end. 6678

If a nonrefundable credit allowed under division (B)(1) of 6679  
this section for a taxable year or tax period exceeds the 6680  
taxpayer's tax liability for that year or period, the excess may 6681  
be carried forward for the three succeeding taxable or calendar 6682  
years, but the amount of any excess credit allowed in any taxable 6683  
year or tax period shall be deducted from the balance carried 6684  
forward to the succeeding year or period. 6685

(C) A taxpayer that proposes a capital investment project to 6686  
retain jobs in this state may apply to the tax credit authority to 6687

enter into an agreement for a tax credit under this section. The 6688  
director of development shall prescribe the form of the 6689  
application. After receipt of an application, the authority shall 6690  
forward copies of the application to the director of budget and 6691  
management, the tax commissioner, the superintendent of insurance 6692  
in the case of an insurance company, and the director of 6693  
development, each of whom shall review the application to 6694  
determine the economic impact the proposed project would have on 6695  
the state and the affected political subdivisions and shall submit 6696  
a summary of their determinations and recommendations to the 6697  
authority. 6698

(D) Upon review and consideration of the determinations and 6699  
recommendations described in division (C) of this section, the tax 6700  
credit authority may enter into an agreement with the taxpayer for 6701  
a credit under this section if the authority determines all of the 6702  
following: 6703

(1) The taxpayer's capital investment project will result in 6704  
the retention of employment in this state. 6705

(2) The taxpayer is economically sound and has the ability to 6706  
complete the proposed capital investment project. 6707

(3) The taxpayer intends to and has the ability to maintain 6708  
operations at the project site for at least the greater of (a) the 6709  
term of the credit plus three years, or (b) seven years. 6710

(4) Receiving the credit is a major factor in the taxpayer's 6711  
decision to begin, continue with, or complete the project. 6712

(5) If the taxpayer is applying to enter into an agreement 6713  
for a tax credit authorized under division (B)(3) of this section, 6714  
the taxpayer's capital investment project will be located in the 6715  
political subdivision in which the taxpayer maintains its 6716  
principal place of business. 6717

(E) An agreement under this section shall include all of the 6718

following: 6719

(1) A detailed description of the project that is the subject 6720  
of the agreement, including the amount of the investment, the 6721  
period over which the investment has been or is being made, the 6722  
number of full-time equivalent employees at the project site, and 6723  
the anticipated income tax revenue to be generated. 6724

(2) The term of the credit, the percentage of the tax credit, 6725  
the maximum annual value of tax credits that may be allowed each 6726  
year, and the first year for which the credit may be claimed. 6727

(3) A requirement that the taxpayer maintain operations at 6728  
the project site for at least the greater of (a) the term of the 6729  
credit plus three years, or (b) seven years. 6730

~~(4) A requirement that the taxpayer retain a specified number 6731  
of full-time equivalent employees at the project site and within 6732  
this state for the term of the credit, including a requirement 6733  
that the taxpayer continue to employ at least five hundred 6734  
full-time equivalent employees during the entire term of the 6735  
agreement in the case of a credit granted under division (B)(1) of 6736  
this section, and one thousand full-time equivalent employees in 6737  
the case of a credit granted under division (B)(2) of this section 6738  
(a) In the case of a credit granted under division (B)(1) of this 6739  
section, a requirement that the taxpayer retain at least five 6740  
hundred full-time equivalent employees at the project site and 6741  
within this state for the entire term of the credit, or a 6742  
requirement that the taxpayer maintain an annual payroll of at 6743  
least thirty-five million dollars for the entire term of the 6744  
credit; 6745~~

~~(b) In the case of a credit granted under division (B)(2) of 6746  
this section, a requirement that the taxpayer retain at least one 6747  
thousand full-time equivalent employees at the project site and 6748  
within this state for the entire term of the credit; 6749~~



(c) In the case of a credit granted under division (B)(3) of this section, a requirement that the taxpayer maintain an annual payroll of at least twenty million dollars for the entire term of the credit and either of the following: 6750  
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(i) A requirement that the taxpayer retain at least five hundred full-time equivalent employees at the project site and within this state for the entire term of the credit; 6754  
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(ii) A requirement that the taxpayer maintain an annual payroll of at least thirty-five million dollars for the entire term of the credit. 6757  
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(5) A requirement that the taxpayer annually report to the director of development employment, tax withholding, capital investment, and other information the director needs to perform the director's duties under this section. 6760  
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(6) A requirement that the director of development annually review the annual reports of the taxpayer to verify the information reported under division (E)(5) of this section and compliance with the agreement. Upon verification, the director shall issue a certificate to the taxpayer stating that the information has been verified and identifying the amount of the credit for the taxable year or calendar year that includes the tax period. In determining the number of full-time equivalent employees, no position shall be counted that is filled by an employee who is included in the calculation of a tax credit under section 122.17 of the Revised Code. 6764  
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(7) A provision providing that the taxpayer may not relocate a substantial number of employment positions from elsewhere in this state to the project site unless the director of development determines that the taxpayer notified the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated. 6775  
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For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position unless the movement is confined to the project site. The transfer of an employment position from one political subdivision to another political subdivision shall not be considered a relocation of an employment position if the employment position in the first political subdivision is replaced by another employment position.

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

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

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

of the statement or other information. 6813

(H) A taxpayer claiming a tax credit under this section shall 6814  
submit to the tax commissioner or, in the case of an insurance 6815  
company, to the superintendent of insurance, a copy of the 6816  
director of development's certificate of verification under 6817  
division (E)(6) of this section with the taxpayer's tax report or 6818  
return for the taxable year or for the calendar year that includes 6819  
the tax period. Failure to submit a copy of the certificate with 6820  
the report or return does not invalidate a claim for a credit if 6821  
the taxpayer submits a copy of the certificate to the commissioner 6822  
or superintendent within sixty days after the commissioner or 6823  
superintendent requests it. 6824

(I) For the purposes of this section, a taxpayer may include 6825  
a partnership, a corporation that has made an election under 6826  
subchapter S of chapter one of subtitle A of the Internal Revenue 6827  
Code, or any other business entity through which income flows as a 6828  
distributive share to its owners. A partnership, S-corporation, or 6829  
other such business entity may elect to pass the credit received 6830  
under this section through to the persons to whom the income or 6831  
profit of the partnership, S-corporation, or other entity is 6832  
distributed. The election shall be made on the annual report 6833  
required under division (E)(5) of this section. The election 6834  
applies to and is irrevocable for the credit for which the report 6835  
is submitted. If the election is made, the credit shall be 6836  
apportioned among those persons in the same proportions as those 6837  
in which the income or profit is distributed. 6838

(J) If the director of development determines that a taxpayer 6839  
that received a tax credit under this section is not complying 6840  
with the requirement under division (E)(3) of this section, the 6841  
director shall notify the tax credit authority of the 6842  
noncompliance. After receiving such a notice, and after giving the 6843  
taxpayer an opportunity to explain the noncompliance, the 6844

authority may terminate the agreement and require the taxpayer to 6845  
refund to the state all or a portion of the credit claimed in 6846  
previous years, as follows: 6847

(1) If the taxpayer maintained operations at the project site 6848  
for less than or equal to the term of the credit, an amount not to 6849  
exceed one hundred per cent of the sum of any tax credits allowed 6850  
and received under this section. 6851

(2) If the taxpayer maintained operations at the project site 6852  
longer than the term of the credit, but less than the greater of 6853  
(a) the term of the credit plus three years, or (b) seven years, 6854  
the amount required to be refunded shall not exceed seventy-five 6855  
per cent of the sum of any tax credits allowed and received under 6856  
this section. 6857

In determining the portion of the credit to be refunded to 6858  
this state, the authority shall consider the effect of market 6859  
conditions on the taxpayer's project and whether the taxpayer 6860  
continues to maintain other operations in this state. After making 6861  
the determination, the authority shall certify the amount to be 6862  
refunded to the tax commissioner or the superintendent of 6863  
insurance. If the taxpayer is not an insurance company, the 6864  
commissioner shall make an assessment for that amount against the 6865  
taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. 6866  
If the taxpayer is an insurance company, the superintendent of 6867  
insurance shall make an assessment under section 5725.222 or 6868  
5729.102 of the Revised Code. The time limitations on assessments 6869  
under those chapters and sections do not apply to an assessment 6870  
under this division, but the commissioner or superintendent shall 6871  
make the assessment within one year after the date the authority 6872  
certifies to the commissioner or superintendent the amount to be 6873  
refunded. 6874

(K) The director of development, after consultation with the 6875  
tax commissioner and the superintendent of insurance and in 6876

accordance with Chapter 119. of the Revised Code, shall adopt 6877  
rules necessary to implement this section. The rules may provide 6878  
for recipients of tax credits under this section to be charged 6879  
fees to cover administrative costs of the tax credit program. The 6880  
fees collected shall be credited to the tax incentive programs 6881  
operating fund created in section 122.174 of the Revised Code. At 6882  
the time the director gives public notice under division (A) of 6883  
section 119.03 of the Revised Code of the adoption of the rules, 6884  
the director shall submit copies of the proposed rules to the 6885  
chairpersons of the standing committees on economic development in 6886  
the senate and the house of representatives. 6887

(L) On or before the first day of August of each year, the 6888  
director of development shall submit a report to the governor, the 6889  
president of the senate, and the speaker of the house of 6890  
representatives on the tax credit program under this section. The 6891  
report shall include information on the number of agreements that 6892  
were entered into under this section during the preceding calendar 6893  
year, a description of the project that is the subject of each 6894  
such agreement, and an update on the status of projects under 6895  
agreements entered into before the preceding calendar year. 6896

(M)(1) The aggregate amount of tax credits issued under 6897  
division (B)(1) of this section during any calendar year for 6898  
capital investment projects reviewed and approved by the tax 6899  
credit authority may not exceed the following amounts: 6900

(a) For 2010, thirteen million dollars; 6901

(b) For 2011 through 2023, the amount of the limit for the 6902  
preceding calendar year plus thirteen million dollars; 6903

(c) For 2024 and each year thereafter, one hundred 6904  
ninety-five million dollars. 6905

(2) The aggregate amount of tax credits ~~issued~~ authorized 6906  
under ~~division~~ divisions (B)(2) and (3) of this section ~~during~~ and 6907

allowed to be claimed by taxpayers in any calendar year for 6908  
capital improvement projects reviewed and approved by the tax 6909  
credit authority ~~may not exceed eight million dollars in 2011,~~ 6910  
2012, and 2013 combined shall not exceed twenty-five million 6911  
dollars. An amount equal to the aggregate amount of credits first 6912  
authorized in calendar year 2011, 2012, and 2013 may be claimed 6913  
annually for up to fifteen years, subject to the terms of 6914  
individual tax credit agreements. 6915

The limitations in division (M) of this section do not apply 6916  
to credits for capital investment projects approved by the tax 6917  
credit authority before July 1, 2009. 6918

**Sec. 122.65.** As used in sections 122.65 to 122.659 of the 6919  
Revised Code: 6920

(A) "Applicable cleanup standards" means either of the 6921  
following: 6922

(1) For property to which Chapter 3734. of the Revised Code 6923  
and rules adopted under it apply, the requirements for closure or 6924  
corrective action established in rules adopted under section 6925  
3734.12 of the Revised Code; 6926

(2) For property to which Chapter 3746. of the Revised Code 6927  
and rules adopted under it apply, the cleanup standards that are 6928  
established in rules adopted under section 3746.04 of the Revised 6929  
Code. 6930

(B) "Applicant" means a county, township, municipal 6931  
corporation, port authority, or conservancy district or a park 6932  
district, other similar park authority, nonprofit organization, or 6933  
organization for profit that has entered into an agreement with a 6934  
county, township, municipal corporation, port authority, or 6935  
conservancy district to work in conjunction with that county, 6936  
township, municipal corporation, port authority, or conservancy 6937

district for the purposes of sections 122.65 to 122.658 of the Revised Code. 6938  
6939

(C) "Assessment" means a phase I and phase II property assessment conducted in accordance with section 3746.04 of the Revised Code and rules adopted under that section. 6940  
6941  
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(D) "Brownfield" means an abandoned, idled, or under-used industrial, commercial, or institutional property where expansion or redevelopment is complicated by known or potential releases of hazardous substances or petroleum. 6943  
6944  
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(E) "Certified professional," "hazardous substance," "petroleum," and "release" have the same meanings as in section 3746.01 of the Revised Code. 6947  
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(F) "Cleanup or remediation" means any action to contain, remove, or dispose of hazardous substances or petroleum at a brownfield. "Cleanup or remediation" includes the acquisition of a brownfield, demolition performed at a brownfield, and the installation or upgrade of the minimum amount of infrastructure that is necessary to make a brownfield operational for economic development activity. 6950  
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(G) "Distressed area" means either a municipal corporation with a population of at least fifty thousand or a county that meets any two of the following criteria: 6957  
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6959

(1) Its average rate of unemployment, during the most recent five-year period for which data are available, is equal to at least one hundred twenty-five per cent of the average rate of unemployment for the United States for the same period. 6960  
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6962  
6963

(2) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau. 6964  
6965  
6966  
6967

(3)(a) In the case of a municipal corporation, at least 6968  
twenty per cent of the residents have a total income for the most 6969  
recent census year that is below the official poverty line. 6970

(b) In the case of a county, in intercensal years, the county 6971  
has a ratio of transfer payment income to total county income 6972  
equal to or greater than twenty-five per cent. 6973

"Distressed area" includes a municipal corporation the 6974  
majority of the population of which is situated in a county that 6975  
is a distressed area. 6976

(H) "Eligible area" means a distressed area, an inner city 6977  
area, a labor surplus area, or a situational distress area. 6978

(I) "Inner city area" means an area in a municipal 6979  
corporation that has a population of at least one hundred 6980  
thousand, is not a labor surplus area, and is a targeted 6981  
investment area established by the municipal corporation that is 6982  
comprised of block tracts identified in the most recently 6983  
available figures from the United States census bureau in which at 6984  
least twenty per cent of the population in the area is at or below 6985  
the official poverty line or of contiguous block tracts meeting 6986  
those criteria. 6987

(J) "Institutional property" means property currently or 6988  
formerly owned or controlled by the state that is or was used for 6989  
a public or charitable purpose. However, "institutional property" 6990  
does not mean property that is or was used for educational 6991  
purposes. 6992

(K) "Integrating and innovation committee" means a ~~district~~ 6993  
~~public works~~ local government integrating and innovation committee 6994  
established under section 164.04 of the Revised Code. 6995

(L) "Labor surplus area" means an area designated as a labor 6996  
surplus area by the United States department of labor. 6997



(M) "Loan" includes credit enhancement.	6998
(N) "No further action letter" means a letter that is prepared by a certified professional when, on the basis of the best knowledge, information, and belief of the certified professional, the certified professional concludes that the cleanup or remediation of a brownfield meets the applicable cleanup standards and that contains all of the information specified in rules adopted under division (B)(7) of section 3746.04 of the Revised Code.	6999 7000 7001 7002 7003 7004 7005 7006
(O) "Nonprofit organization" means a corporation, association, group, institution, society, or other organization that is exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501(c)(3), as amended.	7007 7008 7009 7010 7011
(P) "Property" means any parcel of real property, or portion of such a parcel, and any improvements to it.	7012 7013
(Q) "Public health project" means the cleanup or remediation of a release or threatened release of hazardous substances or petroleum at a property where little or no economic redevelopment potential exists.	7014 7015 7016 7017
(R) "Official poverty line" has the same meaning as in section 3923.51 of the Revised Code.	7018 7019
(S) "Situational distress area" means a county or a municipal corporation that has experienced or is experiencing a closing or downsizing of a major employer that will adversely affect the county or municipal corporation's economy and that has applied to the director of development to be designated as a situational distress area for not more than thirty months by demonstrating all of the following:	7020 7021 7022 7023 7024 7025 7026
(1) The number of jobs lost by the closing or downsizing;	7027

(2) The impact that the job loss has on the county or 7028  
municipal corporation's unemployment rate as measured by the 7029  
director of job and family services; 7030

(3) The annual payroll associated with the job loss; 7031

(4) The amount of state and local taxes associated with the 7032  
job loss; 7033

(5) The impact that the closing or downsizing has on 7034  
suppliers located in the county or municipal corporation. 7035

**Sec. 122.652.** (A)(1) An applicant seeking a grant or loan for 7036  
a brownfield cleanup or remediation project from the clean Ohio 7037  
revitalization fund created in section 122.658 of the Revised Code 7038  
shall request an application form from the appropriate integrating 7039  
and innovation committee with geographical jurisdiction over the 7040  
project for which a grant or loan is sought. The applicant shall 7041  
complete the application and include all of the information 7042  
required by sections 122.65 to 122.658 of the Revised Code and 7043  
policies and requirements established under section 122.657 of the 7044  
Revised Code. 7045

(2) In addition to the information that is required to be 7046  
included in the application under division (A)(1) of this section, 7047  
an applicant shall include an affidavit signed by the authorized 7048  
representative of the applicant certifying that the applicant did 7049  
not cause or contribute to the release of hazardous substances or 7050  
petroleum at the brownfield that is the subject of the 7051  
application. 7052

No person shall submit a false affidavit under division 7053  
(A)(2) of this section. 7054

(3) After completion of the application, but prior to the 7055  
submission of the application to the integrating and innovation 7056  
committee under division (B) of this section, the applicant shall 7057

conduct a public meeting concerning the application and the 7058  
proposed cleanup or remediation. Not later than forty-five days 7059  
prior to conducting the public meeting, the applicant shall 7060  
provide notice of the date, time, and location of the public 7061  
meeting in a newspaper of general circulation in the county in 7062  
which the property that is the subject of the application is 7063  
located. In addition, not later than forty-five days prior to the 7064  
hearing, the applicant shall post notice of the date, time, and 7065  
location of the public meeting at the property on a sign that 7066  
measures not less than four feet by four feet or, if the political 7067  
subdivision in which the sign is to be posted prohibits a sign of 7068  
that size, the maximum size of sign permitted by that political 7069  
subdivision. 7070

In addition, not later than forty-five days prior to the 7071  
public meeting, the applicant shall provide a copy of the 7072  
application to a public library in the vicinity of the property 7073  
for public review. The submission of the application and the 7074  
location of the public library shall be included in the notice 7075  
required under this division. The general public may submit 7076  
comments to the applicant concerning the application prior to and 7077  
at the public meeting. 7078

(B) An applicant shall submit a completed application, all 7079  
required information, and an application summary to the 7080  
appropriate integrating and innovation committee. Based on a 7081  
review of the application summaries submitted to it, an 7082  
integrating and innovation committee or, if required under 7083  
division (C) of this section, the executive committee of the 7084  
integrating and innovation committee shall prioritize all 7085  
applications in accordance with criteria and procedures 7086  
established pursuant to section 122.657 of the Revised Code. The 7087  
integrating and innovation committee shall choose not more than 7088  
six applications annually that it determines merit funding and 7089

shall forward those applications and all accompanying information 7090  
to the clean Ohio council. In prioritizing and choosing 7091  
applications under this division, an integrating and innovation 7092  
committee or, if required under division (C) of this section, the 7093  
executive committee of the integrating and innovation committee 7094  
shall consult with local and regional economic development 7095  
agencies or resources, community development agencies or 7096  
organizations, local business organizations, and other appropriate 7097  
entities located or operating in the geographic jurisdiction of 7098  
the integrating and innovation committee. 7099

Notwithstanding this division or division (C) of this 7100  
section, if an integrating and innovation committee receives only 7101  
one application in any given year, the chair of the integrating 7102  
and innovation committee or, if required under division (C) of 7103  
this section, the chair of the executive committee of the 7104  
integrating and innovation committee may forward that application 7105  
to the clean Ohio council as the district's top priority project 7106  
for that year without a vote of the full integrating and 7107  
innovation committee or executive committee, as applicable. 7108  
However, the chair of the integrating and innovation committee or 7109  
chair of the executive committee, as applicable, shall provide 7110  
written notice of the chair's intent to forward the application to 7111  
each member of the integrating and innovation committee or 7112  
executive committee, as applicable, not later than ~~fifteen~~ fifteen 7113  
days prior to forwarding the application. 7114

(C) For purposes of division (B) of this section, all 7115  
decisions of an integrating and innovation committee that is 7116  
required to be organized in accordance with division (A)(5) or (6) 7117  
of section 164.04 of the Revised Code shall be approved by its 7118  
executive committee that is required to be established under 7119  
division (A)(7) or (8) of that section. The affirmative vote of at 7120  
least seven members of an executive committee established under 7121

division (A)(7) of section 164.04 of the Revised Code, or of at least nine members of an executive committee established under division (A)(8) of that section, is required for any action taken by an executive committee for purposes of division (B) of this section. A decision of an executive committee may be rejected by a vote of at least two-thirds of the full membership of the applicable integrating and innovation committee not later than thirty days after the executive committee action. If an executive committee is required under this division to prioritize applications under division (B) of this section, only applications that are approved by the executive committee may be submitted to the clean Ohio council for purposes of sections 122.65 to 122.659 of the Revised Code.

(D) The clean Ohio council shall supply application forms to each integrating and innovation committee.

**Sec. 122.653.** (A) Upon receipt of an application from an integrating and innovation committee, the clean Ohio council shall examine the application and all accompanying information to determine if the application is complete. If the council determines that the application is not complete, the council immediately shall notify the applicant that the application is not complete, provide a description of the information that is missing from the application, and return the application and all accompanying information to the applicant. The applicant may resubmit the application directly to the council.

(B) The council shall approve or disapprove in writing applications submitted to it by integrating and innovation committees or executive committees of integrating and innovation committees for grants or loans from the clean Ohio revitalization fund. The council shall not approve a project that fails to comply with the requirements established in sections 122.65 to 122.658 of

the Revised Code and policies and requirements established under 7153  
section 122.657 of the Revised Code. The council also shall not 7154  
approve a project if the applicant caused or contributed to the 7155  
contamination at the property. In approving or disapproving 7156  
applications, the council shall use the selection process 7157  
established in policies and requirements established under section 7158  
122.657 of the Revised Code. 7159

(C) If the council approves an application under this 7160  
section, the council shall enter into an agreement with the 7161  
applicant to award a grant or make a loan for the applicant's 7162  
brownfield cleanup or remediation project. The agreement shall be 7163  
executed prior to the payment or disbursement of any funds 7164  
approved by the council under this section. The agreement shall 7165  
contain, at a minimum, all of the following: 7166

(1) The designation of a single officer or employee of the 7167  
applicant who will serve as project manager; 7168

(2) Procedures for the payment or disbursement of funds from 7169  
the grant or loan to the applicant; 7170

(3) A designation of the percentage of the estimated total 7171  
cost of the project for which the grant or loan will provide 7172  
funding, which shall not exceed seventy-five per cent of that cost 7173  
as provided in section 122.658 of the Revised Code; 7174

(4) A description of the manner by which the applicant will 7175  
provide the remainder of the estimated total cost of the project, 7176  
which shall equal at least twenty-five per cent of that cost as 7177  
provided in section 122.658 of the Revised Code; 7178

(5) An assurance that the applicant will clean up or 7179  
remediate the brownfield to the applicable cleanup standards; 7180

(6) A provision for the reimbursement of grant moneys or 7181  
immediate repayment of the loan, as applicable, if the completed 7182  
project does not comply with the applicable cleanup standards; 7183

(7) Any other provisions that the council considers necessary 7184  
in order to ensure that the project's implementation will comply 7185  
with the requirements established in sections 122.65 to 122.658 of 7186  
the Revised Code and policies and requirements established under 7187  
section 122.657 of the Revised Code. 7188

(D) If the council executes an agreement under this section, 7189  
the council shall forward a copy of the agreement to the 7190  
department of development for the purposes of section 122.658 of 7191  
the Revised Code. 7192

(E) A grant may be awarded or a loan may be made for a 7193  
project under this section to an applicant to pay the costs of 7194  
cleanup or remediation of a brownfield in order to comply with 7195  
applicable cleanup standards. 7196

**Sec. 122.657.** For the purposes of sections 122.65 to 122.658 7197  
of the Revised Code, the director of development shall establish 7198  
policies and requirements regarding all of the following: 7199

(A) The form and content of applications for grants or loans 7200  
from the clean Ohio revitalization fund under section 122.652 of 7201  
the Revised Code. The policies and requirements shall require that 7202  
each application include, at a minimum, all of the following: 7203

(1) The name, address, and telephone number of the applicant; 7204

(2) The legal description of the property for which the grant 7205  
or loan is requested; 7206

(3) A summary description of the hazardous substances or 7207  
petroleum present at the brownfield and a certified copy of the 7208  
results of an assessment; 7209

(4) A detailed explanation of the proposed cleanup or 7210  
remediation of the brownfield, including an identification of the 7211  
applicable cleanup standards, and a detailed description of the 7212  
proposed use of the brownfield after completion of the cleanup or 7213

remediation; 7214

(5) An estimate of the total cost to clean up or remediate 7215  
the brownfield in order to comply with the applicable cleanup 7216  
standards. The total cost shall include the cost of employing a 7217  
certified professional under section 122.654 of the Revised Code. 7218

(6) A detailed explanation of the portion of the estimated 7219  
total cost of the cleanup or remediation of the brownfield that 7220  
the applicant proposes to provide as required under sections 7221  
122.653 and 122.658 of the Revised Code and financial records 7222  
supporting the proposal; 7223

(7) A certified copy of a resolution or ordinance approving 7224  
the project that the applicant shall obtain from the board of 7225  
township trustees of the township or the legislative authority of 7226  
the municipal corporation in which the property is located, 7227  
whichever is applicable; 7228

(8) A description of the estimated economic benefit that will 7229  
result from a cleanup or remediation of the brownfield; 7230

(9) An application summary for purposes of review by an 7231  
integrating and innovation committee or, if applicable, the 7232  
executive committee of an integrating and innovation committee 7233  
under division (B) of section 122.652 of the Revised Code; 7234

(10) With respect to applications for loans, information 7235  
demonstrating that the applicant will implement a financial 7236  
management plan that includes, without limitation, provisions for 7237  
the satisfactory repayment of the loan; 7238

(11) Any other provisions that the director determines should 7239  
be included in an application. 7240

(B) Procedures for conducting public meetings and providing 7241  
public notice under division (A) of section 122.652 of the Revised 7242  
Code; 7243



(C) Criteria to be used by integrating and innovation 7244  
committees or, if required under division (C) of section 122.652 7245  
of the Revised Code, executive committees of integrating and 7246  
innovation committees when prioritizing projects under division 7247  
(B) of section 122.652 of the Revised Code. The policies and 7248  
requirements also shall establish procedures that integrating and 7249  
innovation committees or, if required under division (C) of 7250  
section 122.652 of the Revised Code, executive committees of 7251  
integrating and innovation committees shall use in applying the 7252  
criteria. 7253

(D) A selection process that provides for the prioritization 7254  
of brownfield cleanup or remediation projects for which grant or 7255  
loan applications are submitted under section 122.652 of the 7256  
Revised Code. The policies and requirements shall require the 7257  
selection process to give priority to projects in which the 7258  
post-cleanup or remediation use will be for a combination of 7259  
residential, commercial, or industrial purposes, which may include 7260  
the conversion of a portion of a brownfield to a recreation, park, 7261  
or natural area that is integrated with the residential, 7262  
commercial, or industrial use of the brownfield after cleanup or 7263  
remediation, or will incorporate projects that are funded by 7264  
grants awarded under sections 164.20 to 164.27 of the Revised 7265  
Code. The policies and requirements shall require the selection 7266  
process to incorporate and emphasize all of the following factors: 7267

(1) The potential economic benefit that will result from the 7268  
cleanup or remediation of a brownfield; 7269

(2) The potential environmental improvement that will result 7270  
from the cleanup or remediation of a brownfield; 7271

(3) The amount and nature of the match provided by an 7272  
applicant as required under sections 122.653 and 122.658 of the 7273  
Revised Code; 7274

(4) Funding priorities recommended by integrating and 7275  
innovation committees or, if required under division (C) of 7276  
section 122.652 of the Revised Code, executive committees of 7277  
integrating and innovation committees under division (B) of 7278  
section 122.652 of the Revised Code; 7279

(5) The potential benefit to low-income communities, 7280  
including minority communities, that will result from the cleanup 7281  
or remediation of a brownfield; 7282

(6) Any other factors that the director considers 7283  
appropriate. 7284

(E) The development of criteria that the director shall use 7285  
when awarding grants under section 122.656 of the Revised Code. 7286  
The criteria shall give priority to public health projects. In 7287  
addition, the director, in consultation with the director of 7288  
environmental protection, shall establish policies and 7289  
requirements that require the criteria to include a public health 7290  
project selection process that incorporates and emphasizes all of 7291  
the following factors: 7292

(1) The potential environmental improvement that will result 7293  
from the cleanup or remediation; 7294

(2) The ability of an applicant to access the property for 7295  
purposes of the cleanup or remediation; 7296

(3) The name and qualifications of the cleanup or remediation 7297  
contractor; 7298

(4) Any other factors that the director of development 7299  
considers appropriate. 7300

The director of development may develop any other policies 7301  
and requirements that the director determines are necessary for 7302  
the administration of section 122.656 of the Revised Code. 7303

(F) The development of a brownfield cleanup and remediation 7304

oversight program to ensure compliance with sections 122.65 to 7305  
122.658 of the Revised Code and policies and requirements 7306  
established under this section. The policies and requirements 7307  
shall require the program to include, at a minimum, both of the 7308  
following: 7309

(1) Procedures for the accounting of invoices and receipts 7310  
and any other documents that are necessary to demonstrate that a 7311  
cleanup or remediation was properly performed; 7312

(2) Procedures that are necessary to provide a detailed 7313  
explanation of the status of the property five years after the 7314  
completed cleanup or remediation. 7315

(G) A delineation of what constitutes administrative costs 7316  
for purposes of divisions (D) and (F) of section 122.658 of the 7317  
Revised Code; 7318

(H) Procedures and requirements for making loans and loan 7319  
agreements that include at least all of the following: 7320

(1) Not more than fifteen per cent of moneys annually 7321  
allocated to the clean Ohio revitalization fund shall be used for 7322  
loans. 7323

(2) The loans shall be made at or below market rates of 7324  
interest, including, without limitation, interest-free loans. 7325

(3) The recipient of a loan shall identify a source of 7326  
security and a source of repayment of the loan. 7327

(4) All payments of principal and interest on a loan shall be 7328  
deposited in the state treasury and credited to the clean Ohio 7329  
revitalization revolving loan fund. 7330

(5) The clean Ohio council may accept notes and other forms 7331  
of obligation to evidence indebtedness, accept mortgages, liens, 7332  
pledges, assignments, and other security interests to secure such 7333  
indebtedness, and take any actions that are considered by the 7334

council to be appropriate to protect such security and safeguard 7335  
against losses, including, without limitation, foreclosure and 7336  
bidding on the purchase of property upon foreclosure or other 7337  
sale. 7338

(I) Any other policies and requirements that the director 7339  
determines are necessary for the administration of sections 122.65 7340  
to 122.658 of the Revised Code. 7341

**Sec. 122.76.** (A) The director of development, with 7342  
controlling board approval, may lend funds to minority business 7343  
enterprises and to community improvement corporations, Ohio 7344  
development corporations, minority contractors business assistance 7345  
organizations, and minority business supplier development councils 7346  
for the purpose of loaning funds to minority business enterprises 7347  
and for the purpose of procuring or improving real or personal 7348  
property, or both, for the establishment, location, or expansion 7349  
of industrial, distribution, commercial, or research facilities in 7350  
the state, and to community development corporations that 7351  
predominantly benefit minority business enterprises or are located 7352  
in a census tract that has a population that is sixty per cent or 7353  
more minority if the director determines, in the director's sole 7354  
discretion, that all of the following apply: 7355

(1) The project is economically sound and will benefit the 7356  
people of the state by increasing opportunities for employment, by 7357  
strengthening the economy of the state, or expanding minority 7358  
business enterprises. 7359

(2) The proposed minority business enterprise borrower is 7360  
unable to finance the proposed project through ordinary financial 7361  
channels at comparable terms. 7362

(3) The value of the project is or, upon completion, will be 7363  
at least equal to the total amount of the money expended in the 7364  
procurement or improvement of the project, ~~and one or more~~ 7365

~~financial institutions or other governmental entities have loaned~~ 7366  
~~not less than thirty per cent of that amount.~~ 7367

(4) The amount to be loaned by the director will not exceed 7368  
sixty per cent of the total amount expended in the procurement or 7369  
improvement of the project. 7370

(5) The amount to be loaned by the director will be 7371  
adequately secured by a first or second mortgage upon the project 7372  
or by mortgages, leases, liens, assignments, or pledges on or of 7373  
other property or contracts as the director requires, and such 7374  
mortgage will not be subordinate to any other liens or mortgages 7375  
except the liens securing loans or investments made by financial 7376  
institutions referred to in division (A)(3) of this section, and 7377  
the liens securing loans previously made by any financial 7378  
institution in connection with the procurement or expansion of all 7379  
or part of a project. 7380

(B) Any proposed minority business enterprise borrower 7381  
submitting an application for assistance under this section shall 7382  
not have defaulted on a previous loan from the director, and no 7383  
full or limited partner, major shareholder, or holder of an equity 7384  
interest of the proposed minority business enterprise borrower 7385  
shall have defaulted on a loan from the director. 7386

(C) The proposed minority business enterprise borrower shall 7387  
demonstrate to the satisfaction of the director that it is able to 7388  
successfully compete in the private sector if it obtains the 7389  
necessary financial, technical, or managerial support and that 7390  
support is available through the director, the minority business 7391  
development office of the department of development, or other 7392  
identified and acceptable sources. In determining whether a 7393  
minority business enterprise borrower will be able to successfully 7394  
compete, the director may give consideration to such factors as 7395  
the successful completion of or participation in courses of study, 7396  
recognized by the board of regents as providing financial, 7397

technical, or managerial skills related to the operation of the 7398  
business, by the economically disadvantaged individual, owner, or 7399  
partner, and the prior success of the individual, owner, or 7400  
partner in personal, career, or business activities, as well as to 7401  
other factors identified by the director. 7402

(D) The director shall not lend funds for the purpose of 7403  
procuring or improving motor vehicles or accounts receivable. 7404

**Sec. 123.011.** (A) As used in this section: 7405

(1) "Construct" includes reconstruct, improve, renovate, 7406  
enlarge, or otherwise alter. 7407

(2) "Energy consumption analysis" means the evaluation of all 7408  
energy consuming systems, components, and equipment by demand and 7409  
type of energy, including the internal energy load imposed on a 7410  
facility by its occupants and the external energy load imposed by 7411  
climatic conditions. 7412

(3) "Energy performance index" means a number describing the 7413  
energy requirements of a facility per square foot of floor space 7414  
or per cubic foot of occupied volume as appropriate under defined 7415  
internal and external ambient conditions over an entire seasonal 7416  
cycle. 7417

(4) "Facility" means a building or other structure, or part 7418  
of a building or other structure, that includes provision for a 7419  
heating, refrigeration, ventilation, cooling, lighting, hot water, 7420  
or other major energy consuming system, component, or equipment. 7421

(5) "Life-cycle cost analysis" means a general approach to 7422  
economic evaluation that takes into account all dollar costs 7423  
related to owning, operating, maintaining, and ultimately 7424  
disposing of a project over the appropriate study period. 7425

(6) "Political subdivision" means a county, township, 7426  
municipal corporation, board of education of any school district, 7427

or any other body corporate and politic that is responsible for 7428  
government activities in a geographic area smaller than that of 7429  
the state. 7430

(7) "State funded" means funded in whole or in part through 7431  
appropriation by the general assembly or through the use of any 7432  
guarantee provided by this state. 7433

~~(6)~~(8) "State institution of higher education" has the same 7434  
meaning as in section 3345.011 of the Revised Code. 7435

(B) There is hereby created within the department of 7436  
administrative services the office of energy services. The office 7437  
shall be under the supervision of a manager, who shall be 7438  
appointed by the director of administrative services. The director 7439  
shall assign to the office such number of employees and furnish 7440  
such equipment and supplies as are necessary for the performance 7441  
of the office's duties. 7442

The office shall develop energy efficiency and conservation 7443  
programs in each of the following areas: 7444

- (1) New construction design and review; 7445
- (2) Existing building audit and retrofit; 7446
- (3) Energy efficient procurement; 7447
- (4) Alternative fuel vehicles. 7448

The office may accept and administer grants from public and 7449  
private sources for carrying out any of its duties under this 7450  
section. 7451

(C) No state agency, department, division, bureau, office, 7452  
unit, board, commission, authority, quasi-governmental entity, or 7453  
institution, including those agencies otherwise excluded from the 7454  
jurisdiction of the department under division (A)(3) of section 7455  
123.01 of the Revised Code, shall lease, construct, or cause to be 7456  
leased or constructed, within the limits prescribed in this 7457

section, a state-funded facility, without ~~having secured from the~~ 7458  
~~office~~ a proper life-cycle cost analysis or, in the case of a 7459  
lease, an energy consumption analysis, as computed or prepared by 7460  
a qualified architect or engineer in accordance with the rules 7461  
required by division (D) of this section. 7462

Construction shall proceed only upon the disclosure to the 7463  
office, for the facility chosen, of the life-cycle costs as 7464  
determined in this section and the capitalization of the initial 7465  
construction costs of the building. The results of life-cycle cost 7466  
analysis shall be a primary consideration in the selection of a 7467  
building design. That analysis shall be required only for 7468  
construction of buildings with an area of five thousand square 7469  
feet or greater. An energy consumption analysis for the term of a 7470  
proposed lease shall be required only for the leasing of an area 7471  
of twenty thousand square feet or greater within a given building 7472  
boundary. That analysis shall be a primary consideration in the 7473  
selection of a facility to be leased. 7474

Nothing in this section shall deprive or limit any state 7475  
agency that has review authority over design, construction, or 7476  
leasing plans from requiring a life-cycle cost analysis or energy 7477  
consumption analysis. 7478

~~Whenever any state agency, department, division, bureau,~~ 7479  
~~office, unit, board, commission, authority, quasi governmental~~ 7480  
~~entity, or institution requests release of capital improvement~~ 7481  
~~funds for any state funded facility, it shall submit copies of all~~ 7482  
~~pertinent life cycle cost analyses prepared pursuant to this~~ 7483  
~~section and in accordance with rules adopted under Chapters 3781.~~ 7484  
~~and 4101. of the Revised Code.~~ 7485

(D) For the purposes of assisting the department in its 7486  
responsibility for state-funded facilities pursuant to section 7487  
123.01 of the Revised Code and of cost-effectively reducing the 7488  
energy consumption of those and any other state-funded facilities, 7489



thereby promoting fiscal, economic, and environmental benefits to 7490  
this state, the office shall promulgate rules specifying 7491  
cost-effective, energy efficiency and conservation standards that 7492  
may govern the lease, design, construction, operation, and 7493  
maintenance of all state-funded facilities, except facilities of 7494  
state institutions of higher education or facilities operated by a 7495  
political subdivision. The office of energy efficiency in the 7496  
department of development shall cooperate in providing information 7497  
and technical expertise to the office of energy services to ensure 7498  
promulgation of rules of maximum effectiveness. The standards 7499  
prescribed by rules promulgated under this division may draw from 7500  
or incorporate, by reference or otherwise and in whole or in part, 7501  
standards already developed or implemented by any competent, 7502  
public or private standards organization or program. The rules 7503  
also may include any of the following: 7504

(1) Specifications for a life-cycle cost analysis that shall 7505  
determine, for the economic life of such state-funded facility, 7506  
the reasonably expected costs of facility ownership, operation, 7507  
and maintenance including labor and materials. Life-cycle cost may 7508  
be expressed as an annual cost for each year of the facility's 7509  
use. ~~Further, the life cycle cost analysis may demonstrate for~~ 7510  
~~each design how the design contributes to energy efficiency and~~ 7511  
~~conservation with respect to any of the following:~~ 7512

~~(a) The coordination, orientation, and positioning of the~~ 7513  
~~facility on its physical site;~~ 7514

~~(b) The amount and type of glass employed in the facility and~~ 7515  
~~the directions of exposure;~~ 7516

~~(c) Thermal characteristics of materials incorporated into~~ 7517  
~~facility design, including insulation;~~ 7518

~~(d) Architectural features that affect energy consumption,~~ 7519  
~~including the solar absorption and reflection properties of~~ 7520

~~external surfaces;~~ 7521

~~(e) The variable occupancy and operating conditions of the 7522  
facility and portions of the facility, including illumination 7523  
levels;~~ 7524

~~(f) Any other pertinent, physical characteristics of the 7525  
design.~~ 7526

A life-cycle cost analysis additionally may include an energy 7527  
consumption analysis that conforms to division (D)(2) of this 7528  
section. 7529

(2) Specifications for an energy consumption analysis of the 7530  
facility's heating, refrigeration, ventilation, cooling, lighting, 7531  
hot water, and other major energy consuming systems, components, 7532  
and equipment. ~~This analysis shall include both of the following:~~ 7533

~~(a) The comparison of two or more system alternatives, one of 7534  
which may be a system using solar energy;~~ 7535

~~(b) The projection of the annual energy consumption of those 7536  
major energy consuming systems, components, and equipment, for a 7537  
range of operation of the facility over the economic life of the 7538  
facility and considering their operation at other than full or 7539  
rated outputs.~~ 7540

A life-cycle cost analysis and energy consumption analysis 7541  
shall be based on the best currently available methods of 7542  
analysis, such as those of the national bureau institute of 7543  
standards and technology, the United States department of ~~housing~~ 7544  
~~and urban development~~ energy or other federal agencies, 7545  
professional societies, and directions developed by the 7546  
department. 7547

(3) Specifications for energy performance indices, to be used 7548  
to audit and evaluate competing design proposals submitted to the 7549  
state. 7550

(4) A requirement that, not later than two years after ~~the~~ 7551  
~~effective date of this amendment~~ April 6, 2007, each state-funded 7552  
facility, ~~except a facility of a state institution of higher~~ 7553  
~~education~~ or a facility operated by a political subdivision, is 7554  
managed by at least one building operator certified under the 7555  
building operator certification program or any equivalent program 7556  
or standards as shall be prescribed in the rules and considered 7557  
reasonably equivalent. 7558

(5) An application process by which a ~~project manager, as to~~ 7559  
of a specified state-funded facility, ~~except a facility of a state~~ 7560  
institution of higher education or a facility operated by a 7561  
political subdivision, may apply for a waiver of compliance with 7562  
any provision of the rules required by divisions (D)(1) to (4) of 7563  
this section. 7564

(E) The office of energy services shall promulgate rules to 7565  
ensure that energy efficiency and conservation will be considered 7566  
in the purchase of products and equipment, except motor vehicles, 7567  
by any state agency, department, division, bureau, office, unit, 7568  
board, commission, authority, quasi-governmental entity, or 7569  
institution. Minimum energy efficiency standards for purchased 7570  
products and equipment may be required, based on federal testing 7571  
and labeling where available or on standards developed by the 7572  
office. The rules shall apply to the competitive selection of 7573  
energy consuming systems, components, and equipment under Chapter 7574  
125. of the Revised Code where possible. 7575

The office also shall ensure energy efficient and energy 7576  
conserving purchasing practices by doing all of the following: 7577

(1) Cooperatively with the office of energy efficiency, 7578  
identifying available energy efficiency and conservation 7579  
opportunities; 7580

(2) Providing for interchange of information among purchasing 7581

agencies; 7582

(3) Identifying laws, policies, rules, and procedures that 7583  
need modification; 7584

(4) Monitoring experience with and the cost-effectiveness of 7585  
this state's purchase and use of motor vehicles and of major 7586  
energy-consuming systems, components, equipment, and products 7587  
having a significant impact on energy consumption by government; 7588

(5) Cooperatively with the office of energy efficiency, 7589  
providing technical assistance and training to state employees 7590  
involved in the purchasing process. 7591

The department of development shall make recommendations to 7592  
the office regarding planning and implementation of purchasing 7593  
policies and procedures supportive of energy efficiency and 7594  
conservation. 7595

(F)(1) The office of energy services shall require all state 7596  
agencies, departments, divisions, bureaus, offices, units, 7597  
commissions, boards, authorities, quasi-governmental entities, 7598  
institutions, and state institutions of higher education to 7599  
implement procedures ensuring that all their passenger automobiles 7600  
acquired in each fiscal year, except for those passenger 7601  
automobiles acquired for use in law enforcement or emergency 7602  
rescue work, achieve a fleet average fuel economy of not less than 7603  
the fleet average fuel economy for that fiscal year as shall be 7604  
prescribed by the office by rule. The office shall promulgate the 7605  
rule prior to the beginning of the fiscal year in accordance with 7606  
the average fuel economy standards established pursuant to federal 7607  
law for passenger automobiles manufactured during the model year 7608  
that begins during the fiscal year. 7609

(2) Each state agency, department, division, bureau, office, 7610  
unit, commission, board, authority, quasi-governmental entity, 7611  
institution, and state institution of higher education shall 7612

determine its fleet average fuel economy by dividing: 7613

(a) The total number of passenger vehicles acquired during 7614  
the fiscal year, except for those passenger vehicles acquired for 7615  
use in law enforcement or emergency rescue work, by 7616

(b) A sum of terms, each of which is a fraction created by 7617  
dividing: 7618

(i) The number of passenger vehicles of a given make, model, 7619  
and year, except for passenger vehicles acquired for use in law 7620  
enforcement or emergency rescue work, acquired during the fiscal 7621  
year, by 7622

(ii) The fuel economy measured by the administrator of the 7623  
United States environmental protection agency, for the given make, 7624  
model, and year of vehicle, that constitutes an average fuel 7625  
economy for combined city and highway driving. 7626

As used in division (F)(2) of this section, "acquired" means 7627  
leased for a period of sixty continuous days or more, or 7628  
purchased. 7629

(G) Each state agency, department, division, bureau, office, 7630  
unit, board, commission, authority, quasi-governmental entity, 7631  
institution, and state institution of higher education shall 7632  
comply with any applicable provision of this section or of a rule 7633  
promulgated pursuant to division (D) or (F) of this section. 7634

**Sec. 124.09.** The director of administrative services shall do 7635  
all of the following: 7636

(A) Prescribe, amend, and enforce administrative rules for 7637  
the purpose of carrying out the functions, powers, and duties 7638  
vested in and imposed upon the director by this chapter. Except in 7639  
the case of rules adopted pursuant to section 124.14 of the 7640  
Revised Code, the prescription, amendment, and enforcement of 7641  
rules under this division are subject to approval, disapproval, or 7642

modification by the state personnel board of review. 7643

(B) Keep records of the director's proceedings and records of 7644  
all applications for examinations and all examinations conducted 7645  
by the director or the director's designee. All of those records, 7646  
except examinations, proficiency assessments, and recommendations 7647  
of former employers, shall be open to public inspection under 7648  
reasonable regulations; provided the governor, or any person 7649  
designated by the governor, may, for the purpose of investigation, 7650  
have free access to all of those records, whenever the governor 7651  
has reason to believe that this chapter, or the administrative 7652  
rules of the director prescribed under this chapter, are being 7653  
violated. 7654

(C) Prepare, continue, and keep in the office of the 7655  
department of administrative services a complete roster of all 7656  
persons in the classified civil service of the state who are paid 7657  
directly by warrant of the director of budget and management. This 7658  
roster shall be open to public inspection at all reasonable hours. 7659  
It shall show in reference to each of those persons, the person's 7660  
name, address, date of appointment to or employment in the 7661  
classified civil service of the state, and salary or compensation, 7662  
the title of the place or office that the person holds, the nature 7663  
of the duties of that place or office, and, in case of the 7664  
person's removal or resignation, the date of the termination of 7665  
that service. 7666

(D) Approve the establishment of all new positions in the 7667  
civil service of the state and the reestablishment of abolished 7668  
positions; 7669

(E) Require the abolishment of any position in the civil 7670  
service of the state that is not filled after a period of twelve 7671  
months unless it is determined that the position is seasonal in 7672  
nature or that the vacancy is otherwise justified; 7673

(F) Make investigations concerning all matters touching the 7674  
enforcement and effect of this chapter and the administrative 7675  
rules of the director of administrative services prescribed under 7676  
this chapter. In the course of those investigations, the director 7677  
or the director's deputy may administer oaths and affirmations and 7678  
take testimony relative to any matter which the director has 7679  
authority to investigate. 7680

(G) Have the power to subpoena and require the attendance and 7681  
testimony of witnesses and the production of books, papers, public 7682  
records, and other documentary evidence pertinent to the 7683  
investigations, inquiries, or hearings on any matter which the 7684  
director has authority to investigate, inquire into, or hear, and 7685  
to examine them in relation to any matter which the director has 7686  
authority to investigate, inquire into, or hear. Fees and mileage 7687  
shall be allowed to witnesses and, on their certificate, duly 7688  
audited, shall be paid by the treasurer of state or, in the case 7689  
of municipal or civil service township civil service commissions, 7690  
by the county treasurer, for attendance and traveling, as provided 7691  
in section 119.094 of the Revised Code. All officers in the civil 7692  
service of the state or any of the political subdivisions of the 7693  
state and their deputies, clerks, and employees shall attend and 7694  
testify when summoned to do so by the director or the state 7695  
personnel board of review. Depositions of witnesses may be taken 7696  
by the director or the board, or any member of the board, in the 7697  
manner prescribed by law for like depositions in civil actions in 7698  
the courts of common pleas. In case any person, in disobedience to 7699  
any subpoena issued by the director or the board, or any member of 7700  
the board, or the chief examiner, fails or refuses to attend and 7701  
testify to any matter regarding which the person may be lawfully 7702  
interrogated, or produce any documentary evidence pertinent to any 7703  
investigation, inquiry, or hearing, the court of common pleas of 7704  
any county, or any judge of the court of common pleas of any 7705  
county, where the disobedience, failure, or refusal occurs, upon 7706

application of the director or the board, or any member of the 7707  
board, or a municipal or civil service township civil service 7708  
commission, or any commissioner of such a commission, or their 7709  
chief examiner, shall compel obedience by attachment proceedings 7710  
for contempt as in the case of disobedience of the requirements of 7711  
a subpoena issued from the court or a refusal to testify in the 7712  
court. 7713

(H) Make a report to the governor, on or before the first day 7714  
of January of each year, showing the director's actions, the rules 7715  
and all exceptions to the rules in force, and any recommendations 7716  
for the more effectual accomplishment of the purposes of this 7717  
chapter. The director shall also furnish any special reports to 7718  
the governor whenever the governor requests them. The reports 7719  
shall be printed for public distribution under the same 7720  
regulations as are the reports of other state officers, boards, or 7721  
commissions. 7722

**Sec. 124.23.** (A) All applicants for positions and places in 7723  
the classified service shall be subject to examination, except for 7724  
applicants for positions as professional or certified service and 7725  
paraprofessional employees of county boards of developmental 7726  
disabilities, who shall be hired in the manner provided in section 7727  
124.241 of the Revised Code. 7728

(B) Any examination administered under this section shall be 7729  
public and be open to all citizens of the United States and those 7730  
persons who have legally declared their intentions of becoming 7731  
United States citizens. For examinations administered for 7732  
positions in the service of the state, the director of 7733  
administrative services or the director's designee may determine 7734  
certain limitations as to citizenship, age, experience, education, 7735  
health, habit, and moral character. 7736

(C) Any person who has completed service in the uniformed 7737



services, who has been honorably discharged from the uniformed 7738  
services or transferred to the reserve with evidence of 7739  
satisfactory service, and who is a resident of this state and any 7740  
member of the national guard or a reserve component of the armed 7741  
forces of the United States who has completed more than one 7742  
hundred eighty days of active duty service pursuant to an 7743  
executive order of the president of the United States or an act of 7744  
the congress of the United States may file with the director a 7745  
certificate of service or honorable discharge, and, upon this 7746  
filing, the person shall receive additional credit of twenty per 7747  
cent, or an equivalent weight, of the person's total grade given 7748  
in the ~~regular~~ examination in which the person receives a passing 7749  
grade, and the person's ranking on an eligible list shall reflect 7750  
the passing grade plus the additional credit. 7751

As used in this division, "service in the uniformed services" 7752  
and "uniformed services" have the same meanings as in the 7753  
"Uniformed Services Employment and Reemployment Rights Act of 7754  
1994," 108 Stat. 3149, 38 U.S.C.A. 4303. 7755

(D) An examination may include an evaluation of such factors 7756  
as education, training, capacity, knowledge, manual dexterity, and 7757  
physical or psychological fitness. An examination shall consist of 7758  
one or more tests in any combination. Tests may be written, oral, 7759  
physical, demonstration of skill, or an evaluation of training and 7760  
experiences and shall be designed to fairly test the relative 7761  
capacity of the persons examined to discharge the particular 7762  
duties of the position for which appointment is sought. Tests may 7763  
include structured interviews, assessment centers, work 7764  
simulations, examinations of knowledge, skills, and abilities, and 7765  
any other acceptable testing methods. If minimum or maximum 7766  
requirements are established for any examination, they shall be 7767  
specified in the examination announcement. 7768

(E) Except as otherwise provided in sections 124.01 to 124.64 7769

of the Revised Code, when a position in the classified service of 7770  
the state is to be filled, an examination shall be administered. 7771  
The director of administrative services shall have control of all 7772  
examinations administered for positions in the service of the 7773  
state and all other examinations the director administers as 7774  
provided in section 124.07 of the Revised Code, except as 7775  
otherwise provided in sections 124.01 to 124.64 of the Revised 7776  
Code. The director shall, by rule adopted under Chapter 119. of 7777  
the Revised Code, prescribe the notification method that is to be 7778  
used by an appointing authority to notify the director that a 7779  
position in the classified service of the state is to be filled. 7780  
In addition to the positions described in section 124.30 of the 7781  
Revised Code, the director may, with sufficient justification from 7782  
the appointing authority, allow the appointing authority to fill 7783  
the position by noncompetitive examination. The director shall 7784  
establish, by rule adopted under Chapter 119. of the Revised Code, 7785  
standards that the director shall use to determine what serves as 7786  
sufficient justification from an appointing authority to fill a 7787  
position by noncompetitive examination. 7788

(F) No questions in any examination shall relate to political 7789  
or religious opinions or affiliations. No credit for seniority, 7790  
efficiency, or any other reason shall be added to an applicant's 7791  
examination grade unless the applicant achieves at least the 7792  
minimum passing grade on the examination without counting that 7793  
extra credit. 7794

(G) Except as otherwise provided in sections 124.01 to 124.64 7795  
of the Revised Code, the director of administrative services or 7796  
the director's designee shall give reasonable notice of the time, 7797  
place, and general scope of every competitive examination for 7798  
appointment that the director or the director's designee 7799  
administers for positions in the classified service of the state. 7800  
The director or the director's designee shall ~~send written,~~ 7801

~~printed, or electronic post notices via electronic media of every~~ 7802  
~~examination to be conducted for positions in the classified civil~~ 7803  
~~service of the state to each agency of the type the director of~~ 7804  
~~job and family services specifies and, in the case of a county in~~ 7805  
~~which no such agency is located, to the clerk of the court of~~ 7806  
~~common pleas of that county and to the clerk of each city located~~ 7807  
~~within that county. Those notices shall be posted in conspicuous~~ 7808  
~~public places in the designated agencies or the courthouse, and~~ 7809  
~~city hall of the cities, of the counties in which no designated~~ 7810  
~~agency is located for at least two weeks. The electronic notice~~ 7811  
~~shall be posted on the director's internet site on the world wide~~ 7812  
~~web for a minimum of one week preceding any examination involved,~~ 7813  
~~and in a conspicuous place in the office of the director of~~ 7814  
~~administrative services for at least two weeks preceding any~~ 7815  
~~examination involved. In case of examinations limited by the~~ 7816  
~~director to a district, county, city, or department, the director~~ 7817  
~~shall provide by rule for adequate publicity of an examination in~~ 7818  
~~the district, county, city, or department within which competition~~ 7819  
~~is permitted.~~ 7820

**Sec. 124.231.** (A) As used in this section, "legally blind" 7821  
person" means any person who qualifies as being blind under any 7822  
Ohio or federal statute, or any rule adopted thereunder. As used 7823  
in this section, "legally deaf person" means any person who 7824  
qualifies as being deaf under any Ohio or federal statute, or any 7825  
rule adopted thereunder. 7826

(B) ~~The~~ When an examination is to be administered under 7827  
sections 124.01 to 124.64 of the Revised Code, the director of 7828  
administrative services or the director's designee shall whenever 7829  
practicable arrange for special examinations to be administered to 7830  
legally blind or legally deaf persons applying for ~~original~~ 7831  
~~appointments~~ positions in the classified service to ensure that 7832  
the abilities of such applicants are properly assessed and that 7833

such applicants are not subject to discrimination because they are 7834  
legally blind or legally deaf persons. 7835

~~(C) The director may administer equitable programs for the 7836  
employment of legally blind persons and legally deaf persons in 7837  
the classified service. 7838~~

~~Nothing in this section shall be construed to prohibit the 7839  
appointment of a legally blind or legally deaf person to a 7840  
position in the classified service under the procedures otherwise 7841  
provided in this chapter. 7842~~

**Sec. 124.24.** (A) Notwithstanding sections 124.01 to 124.64 7843  
and Chapter 145. of the Revised Code, the examinations of 7844  
applicants for the positions of deputy mine inspector, 7845  
superintendent of rescue stations, assistant superintendent of 7846  
rescue stations, electrical inspectors, ~~gas storage well 7847  
inspector,~~ and mine chemists in the division of mineral resources 7848  
management, department of natural resources, as provided in 7849  
Chapters 1561., 1563., 1565., and 1567. of the Revised Code shall 7850  
be provided for, conducted, and administered by the chief of the 7851  
division of mineral resources management. 7852

From the returns of the examinations the chief shall prepare 7853  
eligible lists of the persons whose general average standing upon 7854  
examinations for such grade or class is not less than the minimum 7855  
fixed by rules adopted under section 1561.05 of the Revised Code 7856  
and who are otherwise eligible. All appointments to a position 7857  
shall be made from ~~such~~ that eligible list in the same manner as 7858  
appointments are made from eligible lists prepared by the director 7859  
of administrative services. Any person upon being appointed to 7860  
fill one of the positions provided for in this ~~section~~ division, 7861  
from any such eligible list, shall have the same standing, rights, 7862  
privileges, and status as other state employees in the classified 7863  
service. 7864

(B) Notwithstanding sections 124.01 to 124.64 and Chapter 145. of the Revised Code, the examinations of applicants for the position of gas storage well inspector in the division of oil and gas resources management, department of natural resources, as provided in Chapter 1571. of the Revised Code shall be provided for, conducted, and administered by the chief of the division of oil and gas resources management.

From the returns of the examinations, the chief shall prepare an eligible list of the persons whose general average standing upon examinations for that position is not less than the minimum fixed by rules adopted under section 1571.014 of the Revised Code and who are otherwise eligible. An appointment to the position shall be made from that eligible list in the same manner as appointments are made from eligible lists prepared by the director of administrative services. Any person, upon being appointed to fill the position provided for in this division from any such eligible list, shall have the same standing, rights, privileges, and status as other state employees in the classified service.

**Sec. 124.25.** The director of administrative services shall require persons applying for an examination for original appointment to file with the director or the director's designee, within reasonable time prior to the examination, a formal application, in which the applicant shall state the applicant's name, address, and such other information as may reasonably be required concerning the applicant's education and experience. No inquiry shall be made as to religious or political affiliations or as to racial or ethnic origin of the applicant, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual.

Blank forms for applications shall be furnished by the

director or the director's designee without charge to any person 7896  
requesting the same. The director or the director's designee may 7897  
require in connection with such application such certificate of 7898  
persons having knowledge of the applicant as the good of the 7899  
service demands. The director or the director's designee may 7900  
refuse to appoint or examine an applicant, or, after an 7901  
examination, refuse to certify the applicant as eligible, who is 7902  
found to lack any of the established preliminary requirements for 7903  
the examination, who is addicted to the habitual use of 7904  
intoxicating liquors or drugs to excess, who has a pattern of poor 7905  
work habits and performance with previous employers, who has been 7906  
convicted of a felony, who has been guilty of infamous or 7907  
notoriously disgraceful conduct, who has been dismissed from 7908  
either branch of the civil service for delinquency or misconduct, 7909  
or who has made false statements of any material fact, or 7910  
practiced, or attempted to practice, any deception or fraud in the 7911  
application or examination, in establishing eligibility, or 7912  
securing an appointment. 7913

**Sec. 124.26.** From the returns of the examinations, the 7914  
director of administrative services or the director's designee 7915  
shall prepare an eligible list of the persons whose general 7916  
average standing upon examinations for the ~~grade or~~ class or 7917  
position is not less than the minimum fixed by the rules of the 7918  
director, and who are otherwise eligible. Those persons shall take 7919  
rank upon the eligible list as candidates in the order of their 7920  
relative excellence as determined by the examination without 7921  
reference to priority of the time of examination. If two or more 7922  
applicants receive the same mark in an open competitive 7923  
examination, priority in the time of filing the application with 7924  
the director or the director's designee shall determine the order 7925  
in which their names shall be placed on the eligible list, except 7926  
that applicants eligible for veteran's preference under section 7927

124.23 of the Revised Code shall receive priority in rank on the 7928  
eligible list over nonveterans on the list with a rating equal to 7929  
that of the veteran. Ties among veterans shall be decided by 7930  
priority of filing the application. ~~If two or more applicants~~ 7931  
~~receive the same mark on a promotional examination, seniority~~ 7932  
~~shall determine the order in which their names shall be placed on~~ 7933  
~~the eligible list. The term of eligibility of each list shall be~~ 7934  
~~fixed by the director at not less than one or more than two years.~~ 7935

~~When an eligible list is reduced to ten names or less, a new~~ 7936  
~~list may be prepared. The director may consolidate two or more~~ 7937  
~~eligible lists of the same kind by the rearranging of eligibles~~ 7938  
~~named in the lists, according to their grades. An eligible list~~ 7939  
~~expires upon the filling or closing of the position. An expired~~ 7940  
~~eligible list may be used to fill a position of the same~~ 7941  
~~classification within the same appointing authority for which the~~ 7942  
~~list was created. But, in no event shall an expired list be used~~ 7943  
~~more than one year past its expiration date.~~ 7944

**Sec. 124.27.** (A) ~~The head of a department, office, or~~ 7945  
~~institution, in which a position in the classified service is to~~ 7946  
~~be filled, shall notify the director of administrative services of~~ 7947  
~~the fact, and the director shall, except as otherwise provided in~~ 7948  
~~this section and sections 124.30 and 124.31 of the Revised Code,~~ 7949  
~~certify to the appointing authority the names and addresses of the~~ 7950  
~~ten candidates standing highest on the eligible list for the class~~ 7951  
~~or grade to which the position belongs, except that the director~~ 7952  
~~may certify less than ten names if ten names are not available.~~ 7953  
~~When less than ten names are certified to an appointing authority,~~ 7954  
~~appointment from that list shall not be mandatory. When a position~~ 7955  
~~in the classified service in the department of mental health or~~ 7956  
~~the department of developmental disabilities is to be filled, the~~ 7957  
~~director of administrative services shall make such certification~~ 7958  
~~to the appointing authority within seven working days of the date~~ 7959

~~the eligible list is requested.~~ 7960

~~(B) The appointing authority shall notify the director of a 7961  
position in the classified service to be filled, and the 7962  
appointing authority shall fill the vacant position by appointment 7963  
of one of the ten persons certified by the director. If more than 7964  
one position is to be filled, the director may certify a group of 7965  
names from the eligible list, and the appointing authority shall 7966  
appoint in the following manner: beginning at the top of the list, 7967  
each time a selection is made, it must be from one of the first 7968  
ten candidates remaining on the list who is willing to accept 7969  
consideration for the position. If an eligible list becomes 7970  
exhausted, and until a new list can be created, or when no 7971  
eligible list for a position exists, names may be certified from 7972  
eligible lists most appropriate for the group or class in which 7973  
the position to be filled is classified. A person who is certified 7974  
from an eligible list more than three times to the same appointing 7975  
authority for the same or similar positions may be omitted from 7976  
future certification to that appointing authority, provided that 7977  
certification for a temporary appointment shall not be counted as 7978  
one of those certifications. Every person who qualifies for 7979  
veteran's preference under section 124.23 of the Revised Code, who 7980  
is a resident of this state, and whose name is on the eligible 7981  
list for a position shall be entitled to preference in original 7982  
appointments to any such competitive position in the civil service 7983  
of the state and its civil divisions over all other persons 7984  
eligible for those appointments and standing on the relevant 7985  
eligible list with a rating equal to that of the person qualifying 7986  
for veteran's preference. Appointments to all positions in the 7987  
classified service, that are not filled by promotion, transfer, or 7988  
reduction, as provided in sections 124.01 to 124.64 of the Revised 7989  
Code and the rules of the director prescribed under those 7990  
sections, shall be made only from those persons whose names are 7991  
certified to the appointing authority take rank order on an 7992~~



eligible list, and no employment, except as provided in those 7993  
sections, shall be otherwise given in the classified service of 7994  
this state or any political subdivision of the state. The 7995  
appointing authority shall appoint in the following manner: each 7996  
time a selection is made, it shall be from one of the names that 7997  
ranks in the top twenty-five per cent of the eligible list. But, 7998  
in the event that ten or fewer names are on the eligible list, the 7999  
appointing authority may select any of the listed candidates. 8000

~~(C)~~(B) All original and promotional appointments, including 8001  
appointments made pursuant to section 124.30 of the Revised Code, 8002  
but not intermittent appointments, shall be for a probationary 8003  
period, not less than sixty days nor more than one year, to be 8004  
fixed by the rules of the director, except as provided in section 8005  
124.231 of the Revised Code, and except for original appointments 8006  
to a police department as a police officer or to a fire department 8007  
as a firefighter which shall be for a probationary period of one 8008  
year. No appointment or promotion is final until the appointee has 8009  
satisfactorily served the probationary period. If the service of 8010  
the probationary employee is unsatisfactory, the employee may be 8011  
removed or reduced at any time during the probationary period. If 8012  
the appointing authority decides to remove a probationary employee 8013  
in the service of the state, the appointing authority shall 8014  
communicate the removal to the director ~~the reason for that~~ 8015  
~~decision~~. A probationary employee duly removed or reduced in 8016  
position for unsatisfactory service does not have the right to 8017  
appeal the removal or reduction under section 124.34 of the 8018  
Revised Code. 8019

**Sec. 124.31.** ~~(A)~~ Vacancies in positions in the classified 8020  
service of the state shall be filled insofar as practicable by 8021  
promotions. The director of administrative services shall provide 8022  
in the director's rules for keeping a record of efficiency for 8023  
each employee in the classified civil service of the state, and 8024

for making promotions in the classified civil service of the state 8025  
on the basis of merit, ~~to be ascertained insofar as practicable by~~ 8026  
~~promotional examinations, and~~ by conduct and capacity in office, 8027  
and by seniority in service. The director shall provide that 8028  
vacancies in positions in the classified civil service of the 8029  
state shall be filled by promotion in all cases where, in the 8030  
judgment of the director, it is for the best interest of the 8031  
service. The director's rules shall authorize each appointing 8032  
authority of a county to develop and administer in a manner it 8033  
devises, an evaluation system for the employees it appoints. 8034

~~(B) All examinations for promotions shall be competitive and~~ 8035  
~~may be conducted in the same manner as examinations described in~~ 8036  
~~section 124.23 of the Revised Code. In promotional examinations,~~ 8037  
~~seniority in service shall be added to the examination grade, but~~ 8038  
~~no credit for seniority or any other reason shall be added to an~~ 8039  
~~examination grade unless the applicant achieves at least the~~ 8040  
~~minimum passing score on the examination without counting that~~ 8041  
~~extra credit. Credit for seniority shall equal, for the first four~~ 8042  
~~years of service, one per cent of the total grade attainable in~~ 8043  
~~the promotion examination, and, for each of the fifth through~~ 8044  
~~fourteenth years of service, six tenths per cent of the total~~ 8045  
~~grade attainable.~~ 8046

~~In all cases where vacancies are to be filled by promotion,~~ 8047  
~~the director shall certify to the appointing authority the names~~ 8048  
~~of the three persons having the highest rating on the eligible~~ 8049  
~~list. The method of examination for promotions, the manner of~~ 8050  
~~giving notice of the examination, and the rules governing it shall~~ 8051  
~~be in general the same as those provided for original~~ 8052  
~~examinations, except as otherwise provided in sections 124.01 to~~ 8053  
~~124.64 of the Revised Code.~~ 8054

**Sec. 124.34.** (A) The tenure of every officer or employee in 8055

the classified service of the state and the counties, civil 8056  
service townships, cities, city health districts, general health 8057  
districts, and city school districts of the state, holding a 8058  
position under this chapter, shall be during good behavior and 8059  
efficient service. No officer or employee shall be reduced in pay 8060  
or position, fined, suspended, or removed, or have the officer's 8061  
or employee's longevity reduced or eliminated, except as provided 8062  
in section 124.32 of the Revised Code, and for incompetency, 8063  
inefficiency, dishonesty, drunkenness, immoral conduct, 8064  
insubordination, discourteous treatment of the public, neglect of 8065  
duty, violation of any policy or work rule of the officer's or 8066  
employee's appointing authority, violation of this chapter or the 8067  
rules of the director of administrative services or the 8068  
commission, any other failure of good behavior, any other acts of 8069  
misfeasance, malfeasance, or nonfeasance in office, or conviction 8070  
of a felony. The denial of a one-time pay supplement or a bonus to 8071  
an officer or employee is not a reduction in pay for purposes of 8072  
this section. 8073

This section does not apply to any modifications or 8074  
reductions in pay or work week authorized by division (Q) of 8075  
section 124.181 or section 124.392 ~~or~~ 124.393, or 124.394 of the 8076  
Revised Code. 8077

An appointing authority may require an employee who is 8078  
suspended to report to work to serve the suspension. An employee 8079  
serving a suspension in this manner shall continue to be 8080  
compensated at the employee's regular rate of pay for hours 8081  
worked. The disciplinary action shall be recorded in the 8082  
employee's personnel file in the same manner as other disciplinary 8083  
actions and has the same effect as a suspension without pay for 8084  
the purpose of recording disciplinary actions. 8085

A finding by the appropriate ethics commission, based upon a 8086  
preponderance of the evidence, that the facts alleged in a 8087

complaint under section 102.06 of the Revised Code constitute a 8088  
violation of Chapter 102., section 2921.42, or section 2921.43 of 8089  
the Revised Code may constitute grounds for dismissal. Failure to 8090  
file a statement or falsely filing a statement required by section 8091  
102.02 of the Revised Code may also constitute grounds for 8092  
dismissal. The tenure of an employee in the career professional 8093  
service of the department of transportation is subject to section 8094  
5501.20 of the Revised Code. 8095

Conviction of a felony is a separate basis for reducing in 8096  
pay or position, suspending, or removing an officer or employee, 8097  
even if the officer or employee has already been reduced in pay or 8098  
position, suspended, or removed for the same conduct that is the 8099  
basis of the felony. An officer or employee may not appeal to the 8100  
state personnel board of review or the commission any disciplinary 8101  
action taken by an appointing authority as a result of the 8102  
officer's or employee's conviction of a felony. If an officer or 8103  
employee removed under this section is reinstated as a result of 8104  
an appeal of the removal, any conviction of a felony that occurs 8105  
during the pendency of the appeal is a basis for further 8106  
disciplinary action under this section upon the officer's or 8107  
employee's reinstatement. 8108

A person convicted of a felony immediately forfeits the 8109  
person's status as a classified employee in any public employment 8110  
on and after the date of the conviction for the felony. If an 8111  
officer or employee is removed under this section as a result of 8112  
being convicted of a felony or is subsequently convicted of a 8113  
felony that involves the same conduct that was the basis for the 8114  
removal, the officer or employee is barred from receiving any 8115  
compensation after the removal notwithstanding any modification or 8116  
disaffirmance of the removal, unless the conviction for the felony 8117  
is subsequently reversed or annulled. 8118

Any person removed for conviction of a felony is entitled to 8119

a cash payment for any accrued but unused sick, personal, and 8120  
vacation leave as authorized by law. If subsequently reemployed in 8121  
the public sector, the person shall qualify for and accrue these 8122  
forms of leave in the manner specified by law for a newly 8123  
appointed employee and shall not be credited with prior public 8124  
service for the purpose of receiving these forms of leave. 8125

As used in this division, "felony" means any of the 8126  
following: 8127

(1) A felony that is an offense of violence as defined in 8128  
section 2901.01 of the Revised Code; 8129

(2) A felony that is a felony drug abuse offense as defined 8130  
in section 2925.01 of the Revised Code; 8131

(3) A felony under the laws of this or any other state or the 8132  
United States that is a crime of moral turpitude; 8133

(4) A felony involving dishonesty, fraud, or theft; 8134

(5) A felony that is a violation of section 2921.05, 2921.32, 8135  
or 2921.42 of the Revised Code. 8136

(B) In case of a reduction, a suspension of more than forty 8137  
work hours in the case of an employee exempt from the payment of 8138  
overtime compensation, a suspension of more than twenty-four work 8139  
hours in the case of an employee required to be paid overtime 8140  
compensation, a fine of more than forty hours' pay in the case of 8141  
an employee exempt from the payment of overtime compensation, a 8142  
fine of more than twenty-four hours' pay in the case of an 8143  
employee required to be paid overtime compensation, or removal, 8144  
except for the reduction or removal of a probationary employee, 8145  
the appointing authority shall serve the employee with a copy of 8146  
the order of reduction, fine, suspension, or removal, which order 8147  
shall state the reasons for the action. 8148

Within ten days following the date on which the order is 8149

served or, in the case of an employee in the career professional 8150  
service of the department of transportation, within ten days 8151  
following the filing of a removal order, the employee, except as 8152  
otherwise provided in this section, may file an appeal of the 8153  
order in writing with the state personnel board of review or the 8154  
commission. For purposes of this section, the date on which an 8155  
order is served is the date of hand delivery of the order or the 8156  
date of delivery of the order by certified United States mail, 8157  
whichever occurs first. If an appeal is filed, the board or 8158  
commission shall forthwith notify the appointing authority and 8159  
shall hear, or appoint a trial board to hear, the appeal within 8160  
thirty days from and after its filing with the board or 8161  
commission. The board, commission, or trial board may affirm, 8162  
disaffirm, or modify the judgment of the appointing authority. 8163  
However, in an appeal of a removal order based upon a violation of 8164  
a last chance agreement, the board, commission, or trial board may 8165  
only determine if the employee violated the agreement and thus 8166  
affirm or disaffirm the judgment of the appointing authority. 8167

In cases of removal or reduction in pay for disciplinary 8168  
reasons, either the appointing authority or the officer or 8169  
employee may appeal from the decision of the state personnel board 8170  
of review or the commission, and any such appeal shall be to the 8171  
court of common pleas of the county in which the appointing 8172  
authority is located, or to the court of common pleas of Franklin 8173  
county, as provided by section 119.12 of the Revised Code. 8174

(C) In the case of the suspension for any period of time, or 8175  
a fine, demotion, or removal, of a chief of police, a chief of a 8176  
fire department, or any member of the police or fire department of 8177  
a city or civil service township, who is in the classified civil 8178  
service, the appointing authority shall furnish the chief or 8179  
member with a copy of the order of suspension, fine, demotion, or 8180  
removal, which order shall state the reasons for the action. The 8181

order shall be filed with the municipal or civil service township 8182  
civil service commission. Within ten days following the filing of 8183  
the order, the chief or member may file an appeal, in writing, 8184  
with the commission. If an appeal is filed, the commission shall 8185  
forthwith notify the appointing authority and shall hear, or 8186  
appoint a trial board to hear, the appeal within thirty days from 8187  
and after its filing with the commission, and it may affirm, 8188  
disaffirm, or modify the judgment of the appointing authority. An 8189  
appeal on questions of law and fact may be had from the decision 8190  
of the commission to the court of common pleas in the county in 8191  
which the city or civil service township is situated. The appeal 8192  
shall be taken within thirty days from the finding of the 8193  
commission. 8194

(D) A violation of division (A)(7) of section 2907.03 of the 8195  
Revised Code is grounds for termination of employment of a 8196  
nonteaching employee under this section. 8197

(E) As used in this section, "last chance agreement" means an 8198  
agreement signed by both an appointing authority and an officer or 8199  
employee of the appointing authority that describes the type of 8200  
behavior or circumstances that, if it occurs, will automatically 8201  
lead to removal of the officer or employee without the right of 8202  
appeal to the state personnel board of review or the appropriate 8203  
commission. 8204

**Sec. 124.393.** (A) As used in this section: 8205

(1) "~~County exempt~~ Exempt employee" means a permanent 8206  
full-time or permanent part-time county, township, or municipal 8207  
corporation employee who is not subject to a collective bargaining 8208  
agreement between a public employer and an exclusive 8209  
representative. 8210

(2) "Fiscal emergency" means any of the following: 8211

(a) A fiscal emergency declared by the governor under section 126.05 of the Revised Code. 8212  
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(b) A fiscal watch or fiscal emergency has been declared or determined under section 118.023 or 118.04 of the Revised Code. 8214  
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(c) Lack of funds as defined in section 124.321 of the Revised Code. 8216  
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~~(c)~~(d) Reasons of economy as described in section 124.321 of the Revised Code. 8218  
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(B)(1) A county, township, or municipal corporation appointing authority may establish a mandatory cost savings program applicable to its ~~county~~ exempt employees. Each ~~county~~ exempt employee shall participate in the program of mandatory cost savings for not more than eighty hours, as determined by the appointing authority, in each of state fiscal years 2010 ~~and 2011~~ to 2013. The program may include, but is not limited to, a loss of pay or loss of holiday pay. The program may be administered differently among employees based on their classifications, appointment categories, or other relevant distinctions. 8220  
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(2) After June 30, ~~2011~~ 2013, a county, township, or municipal corporation appointing authority may implement mandatory cost savings days as described in division (B)(1) of this section that apply to its ~~county~~ exempt employees in the event of a fiscal emergency. 8230  
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(C) A county, township, or municipal corporation appointing authority shall issue guidelines concerning how the appointing authority will implement the cost savings program. 8235  
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**Sec. 124.394.** (A) As used in this section: 8238

(1) "Exempt employee" means a permanent full-time or permanent part-time county employee, township, or municipal corporation who is not subject to a collective bargaining 8239  
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8241



agreement between a public employer and an exclusive 8242  
representative. 8243

(2) "Fiscal emergency" means any of the following: 8244

(a) A fiscal emergency declared by the governor under section 8245  
126.05 of the Revised Code. 8246

(b) A fiscal watch or a fiscal emergency declared or 8247  
determined by the auditor of state under section 118.023 or 118.04 8248  
of the Revised Code. 8249

(c) Lack of funds as defined in section 124.321 of the 8250  
Revised Code. 8251

(d) Reasons of economy as described in section 124.321 of the 8252  
Revised Code. 8253

(B) A county, township, or municipal corporation appointing 8254  
authority may establish a modified work week schedule program 8255  
applicable to its exempt employees. Each exempt employee shall 8256  
participate in any established modified work week schedule program 8257  
in each of state fiscal years 2012 and 2013. The program may 8258  
provide for a reduction from the usual number of hours worked 8259  
during a week by exempt employees immediately before the 8260  
establishment of the program by the appointing authority. The 8261  
reduction in hours may include any number of hours so long as the 8262  
reduction is not more than fifty per cent of the usual hours 8263  
worked by exempt employees immediately before the establishment of 8264  
the program. The program may be administered differently among 8265  
employees based on classifications, appointment categories, or 8266  
other relevant distinctions. 8267

(C) After June 30, 2013, a county, township, or municipal 8268  
corporation appointing authority may implement a modified work 8269  
week schedule program as described in division (B) of this section 8270  
that applies to its exempt employees in the event of a fiscal 8271  
emergency. 8272

Sec. 125.021. (A) Except as to the military department, the 8273  
general assembly, the capitol square review advisory board the 8274  
bureau of workers' compensation, the industrial commission, and 8275  
institutions administered by boards of trustees, the department of 8276  
administrative services may contract for telephone, other 8277  
telecommunication, and computer services for state agencies. 8278  
Nothing in this division precludes the bureau or the commission 8279  
from contracting with the department to authorize the department 8280  
to contract for those services for the bureau or the commission. 8281

(B)(1) As used in this division: 8282

(a) "Active duty" means active duty pursuant to an executive 8283  
order of the president of the United States, an act of the 8284  
congress of the United States, or section 5919.29 or 5923.21 of 8285  
the Revised Code. 8286

(b) "Immediate family" means a person's spouse residing in 8287  
the person's household, brothers and sisters of the whole or of 8288  
the half blood, children, including adopted children and 8289  
stepchildren, parents, and grandparents. 8290

(2) The department of administrative services may enter into 8291  
a contract to purchase bulk long distance telephone services and 8292  
make them available at cost, or may make bulk long distance 8293  
telephone services available at cost under any existing contract 8294  
the department has entered into, to members of the immediate 8295  
family of persons deployed on active duty so that those family 8296  
members can communicate with the persons so deployed. If the 8297  
department enters into contracts under division (B)(2) of this 8298  
section, it shall do so in accordance with sections 125.01 to 8299  
125.11 of the Revised Code and in a nondiscriminatory manner that 8300  
does not place any potential vendor at a competitive disadvantage. 8301

(3) If the department decides to exercise either option under 8302  
division (B)(2) of this section, it shall adopt, and may amend, 8303

rules under Chapter 119. of the Revised Code to implement that 8304  
division. 8305

Sec. 125.024. (A) Except as provided in division (C) of this 8306  
section, the department of administrative services shall select a 8307  
single person from which to procure all drugs to be provided by 8308  
the department of mental health, under section 5119.16 of the 8309  
Revised Code, to the persons and government entities described in 8310  
that section. 8311

(B) Before making a selection for purposes of division (A) of 8312  
this section, the department of administrative services shall 8313  
develop a process to be used in issuing a request for proposals, 8314  
receiving responses to the request, and evaluating the responses 8315  
on a competitive basis. Not later than sixty days after the 8316  
effective date of this section, the department of administrative 8317  
services shall issue the first request for proposals. Each 8318  
subsequent request for proposals shall be issued at least ninety 8319  
days but not more than one hundred twenty days before a contract 8320  
for drug procurement services terminates. 8321

(C) Division (A) of this section does not apply if the 8322  
department of administrative services determines, from a review of 8323  
the proposals submitted through the process described in division 8324  
(B) of this section, that the cost of procuring all drugs from a 8325  
single person does not result in a net savings to the state when 8326  
compared to the cost of procuring drugs from multiple persons. 8327

**Sec. 125.15.** All state agencies required to secure any 8328  
equipment, materials, supplies, or services from the department of 8329  
administrative services shall make acquisition in the manner and 8330  
upon forms prescribed by the director of administrative services 8331  
and shall reimburse the department for the equipment, materials, 8332  
supplies, or services, including a reasonable sum to cover the 8333

department's administrative costs and costs relating to energy 8334  
efficiency and conservation programs, whenever reimbursement is 8335  
required by the department. The money so paid shall be deposited 8336  
in the state treasury to the credit of the general services fund 8337  
~~or~~, the information technology fund, or the information technology 8338  
governance fund, as appropriate. Those funds are hereby created. 8339

**Sec. 125.18.** (A) There is hereby established the office of 8340  
information technology within the department of administrative 8341  
services. The office shall be under the supervision of a state 8342  
chief information officer to be appointed by the director of 8343  
administrative services and subject to removal at the pleasure of 8344  
the director. The chief information officer is an assistant 8345  
director of administrative services. 8346

(B) Under the direction of the director of administrative 8347  
services, the state chief information officer shall lead, oversee, 8348  
and direct state agency activities related to information 8349  
technology development and use. In that regard, the state chief 8350  
information officer shall do all of the following: 8351

(1) Coordinate and superintend statewide efforts to promote 8352  
common use and development of technology by state agencies. The 8353  
office of information technology shall establish policies and 8354  
standards that govern and direct state agency participation in 8355  
statewide programs and initiatives. 8356

(2) Establish policies and standards for the acquisition and 8357  
use of common information technology by state agencies, including, 8358  
but not limited to, hardware, software, technology services, and 8359  
security, and the extension of the service life of information 8360  
technology systems, with which state agencies shall comply; 8361

(3) Establish criteria and review processes to identify state 8362  
agency information technology projects or purchases that require 8363  
alignment or oversight. As appropriate, the department of 8364

administrative services shall provide the governor and the 8365  
director of budget and management with notice and advice regarding 8366  
the appropriate allocation of resources for those projects. The 8367  
state chief information officer may require state agencies to 8368  
provide, and may prescribe the form and manner by which they must 8369  
provide, information to fulfill the state chief information 8370  
officer's alignment and oversight role; 8371

(4) Establish policies and procedures for the security of 8372  
personal information that is maintained and destroyed by state 8373  
agencies; 8374

(5) Employ a chief information security officer who is 8375  
responsible for the implementation of the policies and procedures 8376  
described in division (B)(4) of this section and for coordinating 8377  
the implementation of those policies and procedures in all of the 8378  
state agencies; 8379

(6) Employ a chief privacy officer who is responsible for 8380  
advising state agencies when establishing policies and procedures 8381  
for the security of personal information and developing education 8382  
and training programs regarding the state's security procedures; 8383

(7) Establish policies on the purchasing, use, and 8384  
reimbursement for use of handheld computing and telecommunications 8385  
devices by state agency employees; 8386

(8) Establish policies for the reduction of printing and the 8387  
use of electronic records by state agencies; 8388

(9) Establish policies for the reduction of energy 8389  
consumption by state agencies; 8390

(10) Compute the amount of revenue attributable to the 8391  
amortization of all equipment purchases and capitalized systems 8392  
from information technology service delivery and major information 8393  
technology purchases operating appropriation items and major 8394  
computer purchases capital appropriation items that is recovered 8395

as part of the information technology services rates the 8396  
department of administrative services charges and deposits into 8397  
the information technology fund created in section 125.15 of the 8398  
Revised Code. 8399

(C)(1) The chief information security officer shall assist 8400  
each state agency with the development of an information 8401  
technology security strategic plan and review that plan, and each 8402  
state agency shall submit that plan to the state chief information 8403  
officer. The chief information security officer may require that 8404  
each state agency update its information technology security 8405  
strategic plan annually as determined by the state chief 8406  
information officer. 8407

(2) Prior to the implementation of any information technology 8408  
data system, a state agency shall prepare or have prepared a 8409  
privacy impact statement for that system. 8410

(D) When a state agency requests a purchase of information 8411  
technology supplies or services under Chapter 125. of the Revised 8412  
Code, the state chief information officer may review and reject 8413  
the requested purchase for noncompliance with information 8414  
technology direction, plans, policies, standards, or 8415  
project-alignment criteria. 8416

(E) The office of information technology may operate 8417  
technology services for state agencies in accordance with this 8418  
chapter. 8419

(F) With the approval of the director of administrative 8420  
services, the office of information technology may establish 8421  
cooperative agreements with federal and local government agencies 8422  
and state agencies that are not under the authority of the 8423  
governor for the provision of technology services and the 8424  
development of technology projects. 8425

(G) The office of information technology may operate a 8426

program to make information technology purchases. The director of 8427  
administrative services may recover the cost of operating the 8428  
program from all participating government entities by issuing 8429  
intrastate transfer voucher billings for the procured technology 8430  
or through any pass-through billing method agreed to by the 8431  
director of administrative services, the director of budget and 8432  
management, and the participating government entities that will 8433  
receive the procured technology. 8434

If the director of administrative services chooses to recover 8435  
the program costs through intrastate transfer voucher billings, 8436  
the participating government entities shall process the intrastate 8437  
transfer vouchers to pay for the cost. Amounts received under this 8438  
section for the information technology purchase program shall be 8439  
deposited to the credit of the information technology governance 8440  
fund created in section 125.15 of the Revised Code. 8441

(H) Upon request from the director of administrative 8442  
services, the director of budget and management may transfer cash 8443  
from the information technology fund created in section 125.15 of 8444  
the Revised Code to the major information technology purchases 8445  
fund in an amount not to exceed the amount computed under division 8446  
(B)(10) of this section. The major information technology 8447  
purchases fund is hereby created in the state treasury. 8448

(I) As used in this section: 8449

(1) "Personal information" has the same meaning as in section 8450  
149.45 of the Revised Code. 8451

(2) "State agency" means every organized body, office, or 8452  
agency established by the laws of the state for the exercise of 8453  
any function of state government, other than any state-supported 8454  
institution of higher education, the office of the auditor of 8455  
state, treasurer of state, secretary of state, or attorney 8456  
general, the adjutant general's department, the bureau of workers' 8457

compensation, the industrial commission, the public employees 8458  
retirement system, the Ohio police and fire pension fund, the 8459  
state teachers retirement system, the school employees retirement 8460  
system, the state highway patrol retirement system, the general 8461  
assembly or any legislative agency, the capitol square review 8462  
advisory board, or the courts or any judicial agency. 8463

Sec. 125.182. The office of information technology, by itself 8464  
or by contract with another entity, shall establish, operate, and 8465  
maintain a state public notice web site. In establishing, 8466  
maintaining, and operating the state public notice web site, the 8467  
office of information technology shall: 8468

(A) Use a domain name for the web site that will be easily 8469  
recognizable and remembered by and understandable to users of the 8470  
web site; 8471

(B) Maintain the web site so that it is fully accessible to 8472  
and searchable by members of the public at all times; 8473

(C) Not charge a fee to a person who accesses, searches, or 8474  
otherwise uses the web site; 8475

(D) Not charge a fee to a state agency or political 8476  
subdivision for publishing a notice on the web site; 8477

(E) Ensure that notices displayed on the web site conform to 8478  
the requirements that would apply to the notices if they were 8479  
being published in a newspaper, as directed in section 7.16 of the 8480  
Revised Code or in the relevant provision of the statute or rule 8481  
that requires the notice; 8482

(F) Ensure that notices continue to be displayed on the web 8483  
site for not less than the length of time required by the relevant 8484  
provision of the statute or rule that requires the notice; 8485

(G) Devise and display on the web site a form that may be 8486  
downloaded and used to request publication of a notice on the web 8487



site; 8488

(H) Enable responsible parties to submit notices and requests for their publication; 8489  
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(I) Maintain an archive of notices that no longer are displayed on the web site; 8491  
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(J) Enable notices, both those currently displayed and those archived, to be accessed by key word, by party name, by case number, by county, and by other useful identifiers; 8493  
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(K) Maintain adequate systemic security and backup features, and develop and maintain a contingency plan for coping with and recovering from power outages, systemic failures, and other unforeseeable difficulties; 8496  
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(L) Maintain the web site in such a manner that it will not infringe legally protected interests, so that vulnerability of the web site to interruption because of litigation or the threat of litigation is reduced; and 8500  
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(M) Submit a status report to the secretary of state twice annually that demonstrates compliance with statutory requirements governing publication of notices. 8504  
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The office of information technology shall bear the expense of maintaining the state public notice web site domain name. 8507  
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Sec. 125.213. There is hereby created the state employee child support fund. The fund shall be in the custody of the treasurer of state, but shall not be part of the state treasury. The fund shall consist of all money withheld or deducted from salaries and wages of state officials and employees pursuant to a withholding or deduction notice described in section 3121.03 of the Revised Code for forwarding to the office of child support in the department of job and family services pursuant to section 3121.19 of the Revised Code. All money in the fund, including 8509  
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investment earnings thereon, shall be used only for the following 8518  
purposes: 8519

(A) Forwarding to the office of child support money withheld 8520  
or deducted from salaries and wages of state officials and 8521  
employees pursuant to a withholding or deduction notice described 8522  
in section 3121.03 of the Revised Code; 8523

(B) Paying any direct or indirect costs associated with 8524  
maintaining the fund. 8525

**Sec. 125.28.** (A)(1) Each state agency that is supported in 8526  
whole or in part by nongeneral revenue fund money and that 8527  
occupies space in the James A. Rhodes or Frank J. Lausche state 8528  
office tower, Toledo government center, Senator Oliver R. Ocasek 8529  
government office building, Vern Riffe center for government and 8530  
the arts, ~~state of Ohio computer center~~, capitol square, or 8531  
governor's mansion shall reimburse the general revenue fund for 8532  
the cost of occupying the space in the ratio that the occupied 8533  
space in each facility attributable to the nongeneral revenue fund 8534  
money bears to the total space occupied by the state agency in the 8535  
facility. 8536

(2) All agencies that occupy space in the old blind school or 8537  
that occupy warehouse space in the general services facility shall 8538  
reimburse the department of administrative services for the cost 8539  
of occupying the space. The director of administrative services 8540  
shall determine the amount of debt service, if any, to be charged 8541  
to building tenants and shall collect reimbursements for it. 8542

(3) Each agency that is supported in whole or in part by 8543  
nongeneral revenue fund money and that occupies space in any other 8544  
facility or facilities owned and maintained by the department of 8545  
administrative services or space in the general services facility 8546  
other than warehouse space shall reimburse the department for the 8547

cost of occupying the space, including debt service, if any, in 8548  
the ratio that the occupied space in each facility attributable to 8549  
the nongeneral revenue fund money bears to the total space 8550  
occupied by the state agency in the facility. 8551

(B) The director of administrative services may provide 8552  
building maintenance services and skilled trades services to any 8553  
state agency occupying space in a facility that is not owned by 8554  
the department of administrative services and may collect 8555  
reimbursements for the cost of providing those services. 8556

(C) All money collected by the department of administrative 8557  
services for operating expenses of facilities owned or maintained 8558  
by the department shall be deposited into the state treasury to 8559  
the credit of the building management fund, which is hereby 8560  
created. All money collected by the department for skilled trades 8561  
services shall be deposited into the state treasury to the credit 8562  
of the skilled trades fund, which is hereby created. All money 8563  
collected for debt service shall be deposited into the general 8564  
revenue fund. 8565

(D) The director of administrative services shall determine 8566  
the reimbursable cost of space in state-owned or state-leased 8567  
facilities and shall collect reimbursements for that cost. 8568

**Sec. 125.89.** Subject to the approval of the governor, the 8569  
department of administrative services may enter into contracts, 8570  
compacts, and cooperative agreements for and on behalf of the 8571  
state of Ohio with the several states or the federal government, 8572  
singularly or severally, in order to provide, with or without 8573  
reimbursement, for the utilization by and exchange between them, 8574  
singularly or severally, of property, facilities, personnel, and 8575  
services of each by the other, and, for the same purpose, to enter 8576  
into contracts and cooperative agreements with eligible public or 8577  
private state or local authorities, institutions, organizations, 8578

or activities. ~~The department shall make, annually, a report of  
its actions under sections 125.84 to 125.90 of the Revised Code,  
in accordance with section 149.01 of the Revised Code, and file  
such report with the general assembly.~~

**Sec. 126.12.** (A)(1) The office of budget and management shall  
prepare and administer a statewide indirect cost allocation plan  
that provides for the recovery of statewide indirect costs from  
any fund of the state. The director of budget and management may  
make transfers of statewide indirect costs from the appropriate  
fund of the state to the general revenue fund on an intrastate  
transfer voucher. The director, for reasons of sound financial  
management, also may waive the recovery of statewide indirect  
costs. Prior to making a transfer in accordance with this  
division, the director shall notify the affected agency of the  
amounts to be transferred.

(2) To support development and upgrade costs to the state's  
enterprise resource planning system, the director also may make  
transfers of statewide indirect costs attributable to debt service  
paid for the system to the OAKS support organization fund created  
in section 126.24 of the Revised Code. Transfers may be made from  
either of the following:

(a) The appropriate fund of the state;

(b) The general revenue fund, if the statewide indirect costs  
have been collected under division (A)(1) of this section and  
deposited in the general revenue fund.

(B) As used in this section, "statewide indirect costs" means  
operating costs incurred by an agency in providing services to any  
other agency, for which there was no billing to such other agency  
for the services provided, and for which disbursements have been  
made from the general revenue fund.

(C) Notwithstanding any provision of law to the contrary, in order to reduce the payment of adjustments to the federal government as determined under the plan prepared under division (A)(1) of this section, the director of budget and management shall, on or before the first day of September each fiscal year, designate such funds of the state as the director considers necessary to retain their own interest earnings.

Sec. 126.141. Any request for release of capital appropriations by the director of budget and management or the controlling board for facilities projects shall contain a contingency reserve, the amount of which shall be determined by the public authority, for payment of unanticipated project expenses. Any amount deducted from the encumbrance for a contractor's contract as an assessment for liquidated damages shall be added to the encumbrance for the contingency reserve. Contingency reserve funds shall be used to pay costs resulting from unanticipated job conditions, to comply with rulings regarding building and other codes, to pay costs related to errors, omissions, or other deficiencies in contract documents, to pay costs associated with changes in the scope of work, to pay interest due on late payments, and to pay the costs of settlements and judgments related to the project.

Any funds remaining upon completion of a project may, upon approval of the controlling board, be released for the use of the agency or instrumentality to which the appropriation was made for other capital facilities projects.

**Sec. 126.21.** (A) The director of budget and management shall do all of the following:

- (1) Keep all necessary accounting records;
- (2) Prescribe and maintain the accounting system of the state

and establish appropriate accounting procedures and charts of 8639  
accounts; 8640

(3) Establish procedures for the use of written, electronic, 8641  
optical, or other communications media for approving and reviewing 8642  
payment vouchers; 8643

(4) Reconcile, in the case of any variation between the 8644  
amount of any appropriation and the aggregate amount of items of 8645  
the appropriation, with the advice and assistance of the state 8646  
agency affected by it and the legislative service commission, 8647  
totals so as to correspond in the aggregate with the total 8648  
appropriation. In the case of a conflict between the item and the 8649  
total of which it is a part, the item shall be considered the 8650  
intended appropriation. 8651

(5) Evaluate on an ongoing basis and, if necessary, recommend 8652  
improvements to the internal controls used in state agencies; 8653

(6) Authorize the establishment of petty cash accounts. The 8654  
director may withdraw approval for any petty cash account and 8655  
require the officer in charge to return to the state treasury any 8656  
unexpended balance shown by the officer's accounts to be on hand. 8657  
Any officer who is issued a warrant for petty cash shall render a 8658  
detailed account of the expenditures of the petty cash and shall 8659  
report when requested the balance of petty cash on hand at any 8660  
time. 8661

(7) Process orders, invoices, vouchers, claims, and payrolls 8662  
and prepare financial reports and statements; 8663

(8) Perform extensions, reviews, and compliance checks prior 8664  
to or after approving a payment as the director considers 8665  
necessary; 8666

(9) Issue the official comprehensive annual financial report 8667  
of the state. The report shall cover all funds of the state 8668  
reporting entity and shall include basic financial statements and 8669

required supplementary information prepared in accordance with 8670  
generally accepted accounting principles and other information as 8671  
the director provides. All state agencies, authorities, 8672  
institutions, offices, retirement systems, and other component 8673  
units of the state reporting entity as determined by the director 8674  
shall furnish the director whatever financial statements and other 8675  
information the director requests for the report, in the form, at 8676  
the times, covering the periods, and with the attestation the 8677  
director prescribes. The information for state institutions of 8678  
higher education, as defined in section 3345.011 of the Revised 8679  
Code, shall be submitted to the chancellor by the Ohio board of 8680  
regents. The board shall establish a due date by which each such 8681  
institution shall submit the information to the board, but no such 8682  
date shall be later than one hundred twenty days after the end of 8683  
the state fiscal year unless a later date is approved by the 8684  
director. 8685

(B) In addition to the director's duties under division (A) 8686  
of this section, the director may establish and administer one or 8687  
more state payment card programs that permit or require state 8688  
agencies to use a payment card to purchase equipment, materials, 8689  
supplies, or services in accordance with guidelines issued by the 8690  
director. The chief administrative officer of a state agency that 8691  
uses a payment card for such purposes shall ensure that purchases 8692  
made with the card are made in accordance with the guidelines 8693  
issued by the director and do not exceed the unexpended, 8694  
unencumbered, unobligated balance in the appropriation to be 8695  
charged for the purchase. State agencies may participate in only 8696  
those state payment card programs that the director establishes 8697  
pursuant to this section. 8698

(C) In addition to the director's duties under divisions (A) 8699  
and (B) of this section, the director may enter into any contract 8700  
or agreement necessary for and incidental to the performance of 8701

the director's duties or the duties of the office of budget and management. 8702  
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(D) In consultation with the director of administrative services, the director may appoint and fix the compensation of employees of the office of budget and management whose primary duties include the consolidation of statewide financing functions and common transactional processes. 8704  
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(E) The director may transfer cash between funds other than the general revenue fund in order to correct an erroneous payment or deposit regardless of the fiscal year during which the erroneous payment or deposit occurred. 8709  
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**Sec. 126.24.** The OAKS support organization fund is hereby created in the state treasury for the purpose of paying the operating, development, and upgrade expenses of the state's enterprise resource planning system. The fund shall consist of ~~cash transfers from the accounting and budgeting fund and the human resources services fund, and other~~ received pursuant to division (A)(2) of section 126.12 of the Revised Code and agency payroll charge revenues that are designated to support the operating, development, and upgrade costs of the Ohio administrative knowledge system. All investment earnings of the fund shall be credited to the fund. 8713  
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**Sec. 126.50.** As used in sections ~~126.50, 126.501, 126.502, 126.503, 126.504, 126.505, and 126.506, and 126.507~~ of the Revised Code: 8724  
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~~(A) "Critical services" means a service provided by the state the deferral or cancellation of which would cause at least one of the following:~~ 8727  
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~~(1) An immediate risk to the health, safety, or welfare of the citizens of the state;~~ 8730  
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~~(2) A undermining of activity aimed at creating or retaining jobs in the state;~~ 8732  
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~~(3) An interference with the receipt of revenue to the state or the realization of savings to the state.~~ 8734  
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~~"Critical services" does not mean a deferral or cancellation of a service provided by the state that would result in inconvenience, sustainable delay, or other similar compromise to the normal provision of state provided services.~~ 8736  
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~~(B), "State state agency" has the same meaning as in section 1.60 of the Revised Code, but does not include the elected state officers, the general assembly or any legislative agency, a court or any judicial agency, or a state institution of higher education.~~ 8740  
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Sec. 126.60. As used in sections 126.60 to 126.605 of the Revised Code: 8745  
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(A) "Contract" means any purchase and sale agreement, lease, service agreement, franchise agreement, concession agreement, or other written agreement entered into under sections 126.60 to 126.605 of the Revised Code with respect to the provision of highway services and any project related thereto. 8747  
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(B) "Highway services" means the operation or maintenance of any highway in this state, the construction of which was funded by proceeds from state revenue bonds that are to be repaid primarily from revenues derived from the operation of the highway and any related facilities and not primarily from the tax that is subject to the limitations of Article XII, Section 5a of the Ohio Constitution. 8752  
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(C) "Improvement" means any construction, reconstruction, rehabilitation, renovation, installation, improvement, enlargement, or extension of property or improvements to property. 8759  
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(D) "Private sector entity" means any corporation, whether 8762  
for profit or not for profit, limited liability company, 8763  
partnership, limited liability partnership, sole proprietorship, 8764  
business trust, joint venture or other entity, but shall not mean 8765  
the state, a political subdivision of the state, or a public or 8766  
governmental entity, agency, or instrumentality of the state. 8767

(E) "Project" means real or personal property, or both, and 8768  
improvements thereto or in support thereof, including undivided 8769  
and other interests therein, used for or in the provision of 8770  
highway services. 8771

(F) "Proposer" means a private sector entity, local or 8772  
regional public entity or agency, or any group or combination 8773  
thereof, in collaboration or cooperation with other private sector 8774  
entities, local or regional public entities, submitting 8775  
qualifications or a proposal for providing highway services. 8776

**Sec. 126.601.** Notwithstanding any provision of the Revised 8777  
Code to the contrary, the director of budget and management and 8778  
the director of transportation may take any action and execute any 8779  
contract for the provision of highway services in order to more 8780  
efficiently and effectively provide those services, including by 8781  
generating additional resources in support of those services and 8782  
related projects. Any such contract may contain the terms and 8783  
conditions established by the director of budget and management 8784  
and the department of transportation to carry out and effect the 8785  
purposes of sections 126.60 to 126.605 of the Revised Code. The 8786  
director is hereby authorized to receive and deposit, consistent 8787  
with section 126.603 of the Revised Code, any money received under 8788  
the contract. Any such contract shall be sufficient to effect its 8789  
purpose notwithstanding any provision of the Revised Code to the 8790  
contrary, including other laws governing the sale, lease or other 8791  
disposition of property or interests therein, service contracts, 8792

or financial transactions by or for the state. The director of 8793  
transportation may exercise all powers of the Ohio turnpike 8794  
commission for purposes of sections 126.60 to 126.605 of the 8795  
Revised Code, and may take any action and, with the director of 8796  
budget and management, execute any contract necessary to effect 8797  
the purposes of sections 126.60 to 126.605 of the Revised Code, 8798  
notwithstanding any provision of Chapter 5537. of the Revised Code 8799  
to the contrary. 8800

**Sec. 126.602.** (A) Before entering into a contract for the 8801  
provision of highway services, the director of budget and 8802  
management shall publish notice of its intent to enter into a 8803  
contract for the highway services and any related project. The 8804  
notice shall notify interested parties of the opportunity to 8805  
submit their qualifications or proposals, or both, for 8806  
consideration and shall be published at least thirty days prior to 8807  
the deadline for submitting those qualifications or proposals. The 8808  
director also may advertise the information contained in the 8809  
notice in appropriate trade journals and otherwise notify parties 8810  
believed to be interested in providing the highway services and in 8811  
any related project. The notice shall include a general 8812  
description of the highway services to be provided and any related 8813  
project and of the qualifications or proposals being sought and 8814  
instructions for obtaining the invitation. 8815

(B) After inviting qualifications, the director of budget and 8816  
management, in consultation with the department of transportation, 8817  
shall evaluate the qualifications submitted and may hold 8818  
discussions with proposers to further explore their 8819  
qualifications. Following this evaluation, the director, in 8820  
consultation with the department, may determine a list of 8821  
qualified proposers based on criteria in the invitation and invite 8822  
only those proposers to submit a proposal for the provision of the 8823

highway services and any related project. 8824

(C) After inviting proposals, the director of budget and 8825  
management, in consultation with the department of transportation, 8826  
shall evaluate the proposals submitted and may hold discussions 8827  
with proposers to further explore their proposals, the scope and 8828  
nature of the highway services they would provide, and the various 8829  
technical approaches they may take regarding the highway services 8830  
and any related project. Following this evaluation, the director, 8831  
in consultation with the department, shall: 8832

(1) Select and rank no fewer than three proposers that the 8833  
director considers to be the most qualified to enter into the 8834  
contract, except when the director determines that fewer than 8835  
three qualified proposers are available, in which case the 8836  
director shall select and rank them; 8837

(2) Negotiate a contract with the proposer ranked most 8838  
qualified to provide the highway services at a compensation 8839  
determined in writing to be fair and reasonable, and to purchase, 8840  
lease or otherwise take a legal interest in the project. 8841

(D)(1) Upon failure to negotiate a contract with the proposer 8842  
ranked most qualified, the director shall inform the proposer in 8843  
writing of the termination of negotiations and may enter into 8844  
negotiations with the proposer ranked next most qualified. If 8845  
negotiations again fail, the same procedure may be followed with 8846  
each next most qualified proposer selected and ranked, in order of 8847  
ranking, until a contract is negotiated. 8848

(2) If the director, in consultation with the department, 8849  
fails to negotiate a contract with any of the ranked proposers, 8850  
the director, in consultation with the department, may terminate 8851  
the process or select and rank additional proposers, based on 8852  
their qualifications or proposals, and negotiations shall continue 8853  
as with the proposers selected and ranked initially until a 8854

contract is negotiated. 8855

(E) Any contract entered into under this section may contain 8856  
terms, as deemed appropriate by the director, in consultation with 8857  
the department, including the duration of the contract, which 8858  
shall not exceed seventy-five years, rates or fees for the highway 8859  
services to be provided or methods or procedures for the 8860  
determination of such rates or fees, standards for the highway 8861  
services to be provided, responsibilities and standards for 8862  
operation and maintenance of any related project, required 8863  
financial assurances, financial and other data reporting 8864  
requirements, bases and procedures for termination of the contract 8865  
and retaking of possession or title to the project, and events of 8866  
default and remedies upon default, including mandamus, a suit in 8867  
equity, an action at law, or any combination of those remedial 8868  
actions. 8869

(F) Chapter 4115. of the Revised Code shall not apply to any 8870  
project. Chapter 4117. of the Revised Code shall not apply to any 8871  
employees working at or on a project to provide highway services. 8872

(G) The director of budget and management may reject any and 8873  
all submissions of qualifications or proposals. 8874

**Sec. 126.603.** (A) In addition to its powers under sections 8875  
127.14 and 127.16 of the Revised Code, the controlling board shall 8876  
approve any invitation for qualifications or for proposals and 8877  
related contract negotiated under sections 126.60 to 126.605 of 8878  
the Revised Code, which approval may be by pre-approval of 8879  
specified terms of the contract. The controlling board may approve 8880  
any transfer of moneys and funds necessary to support the highway 8881  
services. 8882

(B) All money received by the director of budget and 8883  
management under a contract executed pursuant to sections 126.60 8884  
to 126.605 of the Revised Code shall be deposited into the state 8885

treasury to the credit of the highway services fund, which is 8886  
hereby created. Any interest earned on money in the fund shall be 8887  
credited to the fund. 8888

Sec. 126.604. The exercise of the powers granted by sections 8889  
126.60 to 126.605 of the Revised Code will be for the benefit of 8890  
the people of the state and shall be liberally construed to effect 8891  
the purposes thereof. Any project or part thereof owned by the 8892  
state and used for performing any highway services pursuant to a 8893  
contract entered into under sections 126.60 to 126.605 of the 8894  
Revised Code that would be exempt from real property taxes or 8895  
assessments in the absence of such contract shall remain exempt 8896  
from real property taxes and assessments levied by the state and 8897  
its subdivisions to the same extent as if not subject to that 8898  
contract. The gross receipts and income of a successful proposer 8899  
derived from providing highway services under a contract through a 8900  
project owned by the state shall be exempt from gross receipts and 8901  
income taxes levied by the state and its subdivisions, including 8902  
the tax levied pursuant to Chapter 5751. of the Revised Code. Any 8903  
transfer or lease between a successful proposer and the state of a 8904  
project or part thereof, or item included or to be included in the 8905  
project, shall be exempt from the taxes levied pursuant to 8906  
Chapters 5739. and 5741. of the Revised Code if the state is 8907  
retaining ownership of the project or part thereof that is being 8908  
transferred or leased. 8909

Sec. 126.605. The director of budget and management, in 8910  
consultation with the department of transportation, may retain or 8911  
contract for the services of commercial appraisers, engineers, 8912  
investment bankers, financial advisers, accounting experts, and 8913  
other consultants, independent contractors or providers of 8914  
professional services as are necessary in the judgment of the 8915  
director to carry out the director's powers and duties under 8916

sections 126.60 to 126.605 of the Revised Code, including the 8917  
identification of highway services and any related projects to be 8918  
subject to invitations for qualifications or proposals under 8919  
sections 126.60 to 126.605 of the Revised Code, the development of 8920  
those invitations and related evaluation criteria, the evaluation 8921  
of those invitations, and negotiation of any contract under 8922  
sections 126.60 to 126.605 of the Revised Code. 8923

**Sec. 127.16.** (A) Upon the request of either a state agency or 8924  
the director of budget and management and after the controlling 8925  
board determines that an emergency or a sufficient economic reason 8926  
exists, the controlling board may approve the making of a purchase 8927  
without competitive selection as provided in division (B) of this 8928  
section. 8929

(B) Except as otherwise provided in this section, no state 8930  
agency, using money that has been appropriated to it directly, 8931  
shall: 8932

(1) Make any purchase from a particular supplier, that would 8933  
amount to fifty thousand dollars or more when combined with both 8934  
the amount of all disbursements to the supplier during the fiscal 8935  
year for purchases made by the agency and the amount of all 8936  
outstanding encumbrances for purchases made by the agency from the 8937  
supplier, unless the purchase is made by competitive selection or 8938  
with the approval of the controlling board; 8939

(2) Lease real estate from a particular supplier, if the 8940  
lease would amount to seventy-five thousand dollars or more when 8941  
combined with both the amount of all disbursements to the supplier 8942  
during the fiscal year for real estate leases made by the agency 8943  
and the amount of all outstanding encumbrances for real estate 8944  
leases made by the agency from the supplier, unless the lease is 8945  
made by competitive selection or with the approval of the 8946

controlling board. 8947

(C) Any person who authorizes a purchase in violation of 8948  
division (B) of this section shall be liable to the state for any 8949  
state funds spent on the purchase, and the attorney general shall 8950  
collect the amount from the person. 8951

(D) Nothing in division (B) of this section shall be 8952  
construed as: 8953

(1) A limitation upon the authority of the director of 8954  
transportation as granted in sections 5501.17, 5517.02, and 8955  
5525.14 of the Revised Code; 8956

(2) Applying to medicaid provider agreements under Chapter 8957  
5111. of the Revised Code; 8958

(3) Applying to the purchase of examinations from a sole 8959  
supplier by a state licensing board under Title XLVII of the 8960  
Revised Code; 8961

(4) Applying to entertainment contracts for the Ohio state 8962  
fair entered into by the Ohio expositions commission, provided 8963  
that the controlling board has given its approval to the 8964  
commission to enter into such contracts and has approved a total 8965  
budget amount for such contracts as agreed upon by commission 8966  
action, and that the commission causes to be kept itemized records 8967  
of the amounts of money spent under each contract and annually 8968  
files those records with the clerk of the house of representatives 8969  
and the clerk of the senate following the close of the fair; 8970

(5) Limiting the authority of the chief of the division of 8971  
mineral resources management to contract for reclamation work with 8972  
an operator mining adjacent land as provided in section 1513.27 of 8973  
the Revised Code; 8974

(6) Applying to investment transactions and procedures of any 8975  
state agency, except that the agency shall file with the board the 8976



name of any person with whom the agency contracts to make, broker, 8977  
service, or otherwise manage its investments, as well as the 8978  
commission, rate, or schedule of charges of such person with 8979  
respect to any investment transactions to be undertaken on behalf 8980  
of the agency. The filing shall be in a form and at such times as 8981  
the board considers appropriate. 8982

(7) Applying to purchases made with money for the per cent 8983  
for arts program established by section 3379.10 of the Revised 8984  
Code; 8985

(8) Applying to purchases made by the rehabilitation services 8986  
commission of services, or supplies, that are provided to persons 8987  
with disabilities, or to purchases made by the commission in 8988  
connection with the eligibility determinations it makes for 8989  
applicants of programs administered by the social security 8990  
administration; 8991

(9) Applying to payments by the department of job and family 8992  
services under section 5111.13 of the Revised Code for group 8993  
health plan premiums, deductibles, coinsurance, and other 8994  
cost-sharing expenses; 8995

(10) Applying to any agency of the legislative branch of the 8996  
state government; 8997

(11) Applying to agreements or contracts entered into under 8998  
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the 8999  
Revised Code; 9000

(12) Applying to purchases of services by the adult parole 9001  
authority under section 2967.14 of the Revised Code or by the 9002  
department of youth services under section 5139.08 of the Revised 9003  
Code; 9004

(13) Applying to dues or fees paid for membership in an 9005  
organization or association; 9006

(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	9007 9008
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	9009 9010 9011 9012
(16) Applying to purchases of tickets for passenger air transportation;	9013 9014
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	9015 9016 9017
(18) Applying to the judicial branch of state government;	9018
(19) Applying to purchases of liquor for resale by the division of liquor control;	9019 9020
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	9021 9022 9023
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	9024 9025 9026 9027
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	9028 9029 9030
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	9031 9032
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	9033 9034 9035 9036

(25) Applying to purchases from a qualified nonprofit agency	9037
pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of	9038
the Revised Code;	9039
(26) Applying to payments by the department of job and family	9040
services to the United States department of health and human	9041
services for printing and mailing notices pertaining to the tax	9042
refund offset program of the internal revenue service of the	9043
United States department of the treasury;	9044
(27) Applying to contracts entered into by the department of	9045
developmental disabilities under section 5123.18 of the Revised	9046
Code;	9047
(28) Applying to payments made by the department of mental	9048
health under a physician recruitment program authorized by section	9049
5119.101 of the Revised Code;	9050
(29) Applying to contracts entered into with persons by the	9051
director of commerce for unclaimed funds collection and remittance	9052
efforts as provided in division (F) of section 169.03 of the	9053
Revised Code. The director shall keep an itemized accounting of	9054
unclaimed funds collected by those persons and amounts paid to	9055
them for their services.	9056
(30) Applying to purchases made by a state institution of	9057
higher education in accordance with the terms of a contract	9058
between the vendor and an inter-university purchasing group	9059
comprised of purchasing officers of state institutions of higher	9060
education;	9061
(31) Applying to the department of job and family services'	9062
purchases of health assistance services under the children's	9063
health insurance program part I provided for under section 5101.50	9064
of the Revised Code, the children's health insurance program part	9065
II provided for under section 5101.51 of the Revised Code, or the	9066
children's health insurance program part III provided for under	9067

~~section 5101.52 of the Revised Code, or the children's buy in~~ 9068  
~~program provided for under sections 5101.5211 to 5101.5216 of the~~ 9069  
~~Revised Code;~~ 9070

(32) Applying to payments by the attorney general from the 9071  
reparations fund to hospitals and other emergency medical 9072  
facilities for performing medical examinations to collect physical 9073  
evidence pursuant to section 2907.28 of the Revised Code; 9074

(33) Applying to contracts with a contracting authority or 9075  
administrative receiver under division (B) of section 5126.056 of 9076  
the Revised Code; 9077

(34) Applying to purchases of goods and services by the 9078  
department of veterans services in accordance with the terms of 9079  
contracts entered into by the United States department of veterans 9080  
affairs; 9081

(35) Applying to payments by the superintendent of the bureau 9082  
of criminal identification and investigation to the federal bureau 9083  
of investigation for criminal records checks pursuant to section 9084  
109.572 of the Revised Code. 9085

(E) When determining whether a state agency has reached the 9086  
cumulative purchase thresholds established in divisions (B)(1) and 9087  
(2) of this section, all of the following purchases by such agency 9088  
shall not be considered: 9089

(1) Purchases made through competitive selection or with 9090  
controlling board approval; 9091

(2) Purchases listed in division (D) of this section; 9092

(3) For the purposes of the threshold of division (B)(1) of 9093  
this section only, leases of real estate. 9094

(F) As used in this section, "competitive selection," 9095  
"purchase," "supplies," and "services" have the same meanings as 9096  
in section 125.01 of the Revised Code. 9097

Sec. 131.23. The various political subdivisions of this state 9098  
may issue bonds, and any indebtedness created by that issuance 9099  
shall not be subject to the limitations or included in the 9100  
calculation of indebtedness prescribed by sections 133.05, 133.06, 9101  
133.07, and 133.09 of the Revised Code, but the bonds may be 9102  
issued only under the following conditions: 9103

(A) The subdivision desiring to issue the bonds shall obtain 9104  
from the county auditor a certificate showing the total amount of 9105  
delinquent taxes due and unpayable to the subdivision at the last 9106  
semiannual tax settlement. 9107

(B) The fiscal officer of that subdivision shall prepare a 9108  
statement, from the books of the subdivision, verified by the 9109  
fiscal officer under oath, which shall contain the following facts 9110  
of the subdivision: 9111

(1) The total bonded indebtedness; 9112

(2) The aggregate amount of notes payable or outstanding 9113  
accounts of the subdivision, incurred prior to the commencement of 9114  
the current fiscal year, which shall include all evidences of 9115  
indebtedness issued by the subdivision except notes issued in 9116  
anticipation of bond issues and the indebtedness of any 9117  
nontax-supported public utility; 9118

(3) Except in the case of school districts, the aggregate 9119  
current year's requirement for disability financial assistance 9120  
provided under Chapter 5115. of the Revised Code that the 9121  
subdivision is unable to finance except by the issue of bonds; 9122

(4) The indebtedness outstanding through the issuance of any 9123  
bonds or notes pledged or obligated to be paid by any delinquent 9124  
taxes; 9125

(5) The total of any other indebtedness; 9126

(6) The net amount of delinquent taxes unpledged to pay any 9127

bonds, notes, or certificates, including delinquent assessments on 9128  
improvements on which the bonds have been paid; 9129

(7) The budget requirements for the fiscal year for bond and 9130  
note retirement; 9131

(8) The estimated revenue for the fiscal year. 9132

(C) The certificate and statement provided for in divisions 9133  
(A) and (B) of this section shall be forwarded to the tax 9134  
commissioner together with a request for authority to issue bonds 9135  
of the subdivision in an amount not to exceed seventy per cent of 9136  
the net unobligated delinquent taxes and assessments due and owing 9137  
to the subdivision, as set forth in division (B)(6) of this 9138  
section. 9139

(D) No subdivision may issue bonds under this section in 9140  
excess of a sufficient amount to pay the indebtedness of the 9141  
subdivision as shown by division (B)(2) of this section and, 9142  
except in the case of school districts, to provide funds for 9143  
disability financial assistance as shown by division (B)(3) of 9144  
this section. 9145

(E) The tax commissioner shall grant to the subdivision 9146  
authority requested by the subdivision as restricted by divisions 9147  
(C) and (D) of this section and shall make a record of the 9148  
certificate, statement, and grant in a record book devoted solely 9149  
to such recording and which shall be open to inspection by the 9150  
public. 9151

(F) The commissioner shall immediately upon issuing the 9152  
authority provided in division (E) of this section notify the 9153  
proper authority having charge of the retirement of bonds of the 9154  
subdivision by forwarding a copy of the grant of authority and of 9155  
the statement provided for in division (B) of this section. 9156

(G) Upon receipt of authority, the subdivision shall proceed 9157  
according to law to issue the amount of bonds authorized by the 9158

commissioner, and authorized by the taxing authority, provided the 9159  
taxing authority of that subdivision may submit, by resolution, to 9160  
the electors of that subdivision the question of issuing the 9161  
bonds. The resolution shall make the declarations and statements 9162  
required by section 133.18 of the Revised Code. The county auditor 9163  
and taxing authority shall thereupon proceed as set forth in 9164  
divisions (C) and (D) of that section. The election on the 9165  
question of issuing the bonds shall be held under divisions (E), 9166  
(F), and (G) of that section, except that publication of the 9167  
notice of the election shall be made on two separate days prior to 9168  
the election in ~~one or more newspapers~~ a newspaper of general 9169  
circulation in the subdivision, ~~and, if~~ or as provided in section 9170  
7.16 of the Revised Code. If the board of elections operates and 9171  
maintains a web site, notice of the election also shall be posted 9172  
on that web site for thirty days prior to the election. The bonds 9173  
may be exchanged at their face value with creditors of the 9174  
subdivision in liquidating the indebtedness described and 9175  
enumerated in division (B)(2) of this section or may be sold as 9176  
provided in Chapter 133. of the Revised Code, and in either event 9177  
shall be uncontestable. 9178

(H) The per cent of delinquent taxes and assessments 9179  
collected for and to the credit of the subdivision after the 9180  
exchange or sale of bonds as certified by the commissioner shall 9181  
be paid to the authority having charge of the sinking fund of the 9182  
subdivision, which money shall be placed in a separate fund for 9183  
the purpose of retiring the bonds so issued. The proper authority 9184  
of the subdivisions shall provide for the levying of a tax 9185  
sufficient in amount to pay the debt charges on all such bonds 9186  
issued under this section. 9187

(I) This section is for the sole purpose of assisting the 9188  
various subdivisions in paying their unsecured indebtedness, and 9189  
providing funds for disability financial assistance. The bonds 9190

issued under authority of this section shall not be used for any 9191  
other purpose, and any exchange for other purposes, or the use of 9192  
the money derived from the sale of the bonds by the subdivision 9193  
for any other purpose, is misapplication of funds. 9194

(J) The bonds authorized by this section shall be redeemable 9195  
or payable in not to exceed ten years from date of issue and shall 9196  
not be subject to or considered in calculating the net 9197  
indebtedness of the subdivision. The budget commission of the 9198  
county in which the subdivision is located shall annually allocate 9199  
such portion of the then delinquent levy due the subdivision which 9200  
is unpledged for other purposes to the payment of debt charges on 9201  
the bonds issued under authority of this section. 9202

(K) The issue of bonds under this section shall be governed 9203  
by Chapter 133. of the Revised Code, respecting the terms used, 9204  
forms, manner of sale, and redemption except as otherwise provided 9205  
in this section. 9206

The board of county commissioners of any county may issue 9207  
bonds authorized by this section and distribute the proceeds of 9208  
the bond issues to any or all of the cities and townships of the 9209  
county, according to their relative needs for disability financial 9210  
assistance as determined by the county. 9211

All sections of the Revised Code inconsistent with or 9212  
prohibiting the exercise of the authority conferred by this 9213  
section are inoperative respecting bonds issued under this 9214  
section. 9215

**Sec. 131.44.** (A) As used in this section: 9216

(1) "Surplus revenue" means the excess, if any, of the total 9217  
fund balance over the required year-end balance. 9218

(2) "Total fund balance" means the sum of the unencumbered 9219  
balance in the general revenue fund on the last day of the 9220



preceding fiscal year plus the balance in the budget stabilization fund. 9221  
9222

(3) "Required year-end balance" means the sum of the following: 9223  
9224

(a) Five per cent of the general revenue fund revenues for the preceding fiscal year; 9225  
9226

(b) "Ending fund balance," which means one-half of one per cent of general revenue fund revenues for the preceding fiscal year; 9227  
9228  
9229

(c) "Carryover balance," which means, with respect to a fiscal biennium, the excess, if any, of the estimated general revenue fund appropriation and transfer requirement for the second fiscal year of the biennium over the estimated general revenue fund revenue for that fiscal year; 9230  
9231  
9232  
9233  
9234

(d) "Capital appropriation reserve," which means the amount, if any, of general revenue fund capital appropriations made for the current biennium that the director of budget and management has determined will be encumbered or disbursed; 9235  
9236  
9237  
9238

(e) "Income tax reduction impact reserve," which means an amount equal to the reduction projected by the director of budget and management in income tax revenue in the current fiscal year attributable to the previous reduction in the income tax rate made by the tax commissioner pursuant to division (B) of section 5747.02 of the Revised Code. 9239  
9240  
9241  
9242  
9243  
9244

(4) "Estimated general revenue fund appropriation and transfer requirement" means the most recent adjusted appropriations made by the general assembly from the general revenue fund and includes both of the following: 9245  
9246  
9247  
9248

(a) Appropriations made and transfers of appropriations from the first fiscal year to the second fiscal year of the biennium in 9249  
9250

provisions of acts of the general assembly signed by the governor 9251  
but not yet effective; 9252

(b) Transfers of ~~appropriation~~ appropriations from the first 9253  
fiscal year to the second fiscal year of the biennium approved by 9254  
the controlling board. 9255

(5) "Estimated general revenue fund revenue" means the most 9256  
recent such estimate available to the director of budget and 9257  
management. 9258

(B)(1) Not later than the thirty-first day of July each year, 9259  
the director of budget and management shall determine the surplus 9260  
revenue that existed on the preceding thirtieth day of June and 9261  
transfer from the general revenue fund, to the extent of the 9262  
unobligated, unencumbered balance on the preceding thirtieth day 9263  
of June in excess of one-half of one per cent of the general 9264  
revenue fund revenues in the preceding fiscal year, the following: 9265

(a) First, to the budget stabilization fund, any amount 9266  
necessary for the balance of the budget stabilization fund to 9267  
equal five per cent of the general revenue fund revenues of the 9268  
preceding fiscal year; 9269

(b) Then, to the income tax reduction fund, which is hereby 9270  
created in the state treasury, an amount equal to the surplus 9271  
revenue. 9272

(2) Not later than the thirty-first day of July each year, 9273  
the director shall determine the percentage that the balance in 9274  
the income tax reduction fund is of the amount of revenue that the 9275  
director estimates will be received from the tax levied under 9276  
section 5747.02 of the Revised Code in the current fiscal year 9277  
without regard to any reduction under division (B) of that 9278  
section. If that percentage exceeds thirty-five one hundredths of 9279  
one per cent, the director shall certify the percentage to the tax 9280  
commissioner not later than the thirty-first day of July. 9281

(C) The director of budget and management shall transfer 9282  
money in the income tax reduction fund to the general revenue 9283  
fund, the local government fund, and the public library fund as 9284  
necessary to offset revenue reductions resulting from the 9285  
reductions in taxes required under division (B) of section 5747.02 9286  
of the Revised Code in the respective amounts and percentages 9287  
prescribed by division (A) of section 5747.03 and divisions ~~(A)~~(B) 9288  
and ~~(B)~~(C) of section 131.51 of the Revised Code as if the amount 9289  
transferred had been collected as taxes under Chapter 5747. of the 9290  
Revised Code. If no reductions in taxes are made under that 9291  
division that affect revenue received in the current fiscal year, 9292  
the director shall not transfer money from the income tax 9293  
reduction fund to the general revenue fund, the local government 9294  
fund, and the public library fund. 9295

**Sec. 131.51.** (A) ~~Beginning January 2008, on~~ On or before July 9296  
5, 2013, the tax commissioner shall compute the following amounts 9297  
and certify those amounts to the director of budget and 9298  
management: 9299

(1) A percentage calculated by multiplying one hundred by the 9300  
quotient obtained by dividing the total amount credited to the 9301  
local government fund in fiscal year 2013 by the total amount of 9302  
tax revenue credited to the general revenue fund in fiscal year 9303  
2013. The percentage shall be rounded to the nearest one-hundredth 9304  
of one per cent. 9305

(2) A percentage calculated by multiplying one hundred by the 9306  
quotient obtained by dividing the total amount credited to the 9307  
public library fund in fiscal year 2013 by the total amount of tax 9308  
revenue credited to the general revenue fund in fiscal year 2013. 9309  
The percentage shall be rounded to the nearest one-hundredth of 9310  
one per cent. 9311

(B) On or before the ~~fifth~~ seventh day of each month, the 9312

director of budget and management shall credit to the local 9313  
government fund ~~three and sixty eight one hundredths per cent of~~ 9314  
an amount equal to the product obtained by multiplying the 9315  
percentage calculated under division (A)(1) of this section by the 9316  
total tax revenue credited to the general revenue fund during the 9317  
preceding month. ~~In determining the total tax revenue credited to~~ 9318  
~~the general revenue fund during the preceding month, the director~~ 9319  
~~shall include amounts transferred from that fund during the~~ 9320  
~~preceding month pursuant to divisions (A) and (B) of this section.~~ 9321  
Money shall be distributed from the local government fund as 9322  
required under section 5747.50 of the Revised Code during the same 9323  
month in which it is credited to the fund. 9324

~~(B) Beginning January 2008, on~~ (C) On or before the fifth 9325  
seventh day of each month, the director of budget and management 9326  
shall credit to the public library fund, ~~two and twenty two one~~ 9327  
~~hundredths per cent of~~ an amount equal to the product obtained by 9328  
multiplying the percentage calculated under division (A)(2) of 9329  
this section by the total tax revenue credited to the general 9330  
revenue fund during the preceding month. ~~In determining the total~~ 9331  
~~tax revenue credited to the general revenue fund during the~~ 9332  
~~preceding month, the director shall include amounts transferred~~ 9333  
~~from that fund during the preceding month pursuant to divisions~~ 9334  
~~(A) and (B) of this section.~~ Money shall be distributed from the 9335  
public library fund as required under section 5747.47 of the 9336  
Revised Code during the same month in which it is credited to the 9337  
fund. 9338

~~(C)(D)~~ The director of budget and management shall develop a 9339  
schedule identifying the specific tax revenue sources to be used 9340  
to make the monthly transfers required under divisions ~~(A)(B)~~ and 9341  
~~(B)(C)~~ (C) of this section. The director may, from time to time, 9342  
revise the schedule as the director considers necessary. 9343

Sec. 133.06. (A) A school district shall not incur, without a 9344  
vote of the electors, net indebtedness that exceeds an amount 9345  
equal to one-tenth of one per cent of its tax valuation, except as 9346  
provided in divisions (G) and (H) of this section and in division 9347  
(C) of section 3313.372 of the Revised Code, or as prescribed in 9348  
section 3318.052 or 3318.44 of the Revised Code, or as provided in 9349  
division (J) of this section. 9350

(B) Except as provided in divisions (E), (F), and (I) of this 9351  
section, a school district shall not incur net indebtedness that 9352  
exceeds an amount equal to nine per cent of its tax valuation. 9353

(C) A school district shall not submit to a vote of the 9354  
electors the question of the issuance of securities in an amount 9355  
that will make the district's net indebtedness after the issuance 9356  
of the securities exceed an amount equal to four per cent of its 9357  
tax valuation, unless the superintendent of public instruction, 9358  
acting under policies adopted by the state board of education, and 9359  
the tax commissioner, acting under written policies of the 9360  
commissioner, consent to the submission. A request for the 9361  
consents shall be made at least one hundred twenty days prior to 9362  
the election at which the question is to be submitted. 9363

The superintendent of public instruction shall certify to the 9364  
district the superintendent's and the tax commissioner's decisions 9365  
within thirty days after receipt of the request for consents. 9366

If the electors do not approve the issuance of securities at 9367  
the election for which the superintendent of public instruction 9368  
and tax commissioner consented to the submission of the question, 9369  
the school district may submit the same question to the electors 9370  
on the date that the next special election may be held under 9371  
section 3501.01 of the Revised Code without submitting a new 9372  
request for consent. If the school district seeks to submit the 9373  
same question at any other subsequent election, the district shall 9374

first submit a new request for consent in accordance with this 9375  
division. 9376

(D) In calculating the net indebtedness of a school district, 9377  
none of the following shall be considered: 9378

(1) Securities issued to acquire school buses and other 9379  
equipment used in transporting pupils or issued pursuant to 9380  
division (D) of section 133.10 of the Revised Code; 9381

(2) Securities issued under division (F) of this section, 9382  
under section 133.301 of the Revised Code, and, to the extent in 9383  
excess of the limitation stated in division (B) of this section, 9384  
under division (E) of this section; 9385

(3) Indebtedness resulting from the dissolution of a joint 9386  
vocational school district under section 3311.217 of the Revised 9387  
Code, evidenced by outstanding securities of that joint vocational 9388  
school district; 9389

(4) Loans, evidenced by any securities, received under 9390  
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the 9391  
Revised Code; 9392

(5) Debt incurred under section 3313.374 of the Revised Code; 9393

(6) Debt incurred pursuant to division (B)(5) of section 9394  
3313.37 of the Revised Code to acquire computers and related 9395  
hardware; 9396

(7) Debt incurred under section 3318.042 of the Revised Code. 9397

(E) A school district may become a special needs district as 9398  
to certain securities as provided in division (E) of this section. 9399

(1) A board of education, by resolution, may declare its 9400  
school district to be a special needs district by determining both 9401  
of the following: 9402

(a) The student population is not being adequately serviced 9403  
by the existing permanent improvements of the district. 9404

(b) The district cannot obtain sufficient funds by the 9405  
issuance of securities within the limitation of division (B) of 9406  
this section to provide additional or improved needed permanent 9407  
improvements in time to meet the needs. 9408

(2) The board of education shall certify a copy of that 9409  
resolution to the superintendent of public instruction with a 9410  
statistical report showing all of the following: 9411

(a) A history of and a projection of the growth of the 9412  
student population; 9413

(b) The history of and a projection of the growth of the tax 9414  
valuation; 9415

(c) The projected needs; 9416

(d) The estimated cost of permanent improvements proposed to 9417  
meet such projected needs. 9418

(3) The superintendent of public instruction shall certify 9419  
the district as an approved special needs district if the 9420  
superintendent finds both of the following: 9421

(a) The district does not have available sufficient 9422  
additional funds from state or federal sources to meet the 9423  
projected needs. 9424

(b) The projection of the potential average growth of tax 9425  
valuation during the next five years, according to the information 9426  
certified to the superintendent and any other information the 9427  
superintendent obtains, indicates a likelihood of potential 9428  
average growth of tax valuation of the district during the next 9429  
five years of an average of not less than three per cent per year. 9430  
The findings and certification of the superintendent shall be 9431  
conclusive. 9432

(4) An approved special needs district may incur net 9433  
indebtedness by the issuance of securities in accordance with the 9434

provisions of this chapter in an amount that does not exceed an 9435  
amount equal to the greater of the following: 9436

(a) Nine per cent of the sum of its tax valuation plus an 9437  
amount that is the product of multiplying that tax valuation by 9438  
the percentage by which the tax valuation has increased over the 9439  
tax valuation on the first day of the sixtieth month preceding the 9440  
month in which its board determines to submit to the electors the 9441  
question of issuing the proposed securities; 9442

(b) Nine per cent of the sum of its tax valuation plus an 9443  
amount that is the product of multiplying that tax valuation by 9444  
the percentage, determined by the superintendent of public 9445  
instruction, by which that tax valuation is projected to increase 9446  
during the next ten years. 9447

(F) A school district may issue securities for emergency 9448  
purposes, in a principal amount that does not exceed an amount 9449  
equal to three per cent of its tax valuation, as provided in this 9450  
division. 9451

(1) A board of education, by resolution, may declare an 9452  
emergency if it determines both of the following: 9453

(a) School buildings or other necessary school facilities in 9454  
the district have been wholly or partially destroyed, or condemned 9455  
by a constituted public authority, or that such buildings or 9456  
facilities are partially constructed, or so constructed or planned 9457  
as to require additions and improvements to them before the 9458  
buildings or facilities are usable for their intended purpose, or 9459  
that corrections to permanent improvements are necessary to remove 9460  
or prevent health or safety hazards. 9461

(b) Existing fiscal and net indebtedness limitations make 9462  
adequate replacement, additions, or improvements impossible. 9463

(2) Upon the declaration of an emergency, the board of 9464  
education may, by resolution, submit to the electors of the 9465



district pursuant to section 133.18 of the Revised Code the 9466  
question of issuing securities for the purpose of paying the cost, 9467  
in excess of any insurance or condemnation proceeds received by 9468  
the district, of permanent improvements to respond to the 9469  
emergency need. 9470

(3) The procedures for the election shall be as provided in 9471  
section 133.18 of the Revised Code, except that: 9472

(a) The form of the ballot shall describe the emergency 9473  
existing, refer to this division as the authority under which the 9474  
emergency is declared, and state that the amount of the proposed 9475  
securities exceeds the limitations prescribed by division (B) of 9476  
this section; 9477

(b) The resolution required by division (B) of section 133.18 9478  
of the Revised Code shall be certified to the county auditor and 9479  
the board of elections at least one hundred days prior to the 9480  
election; 9481

(c) The county auditor shall advise and, not later than 9482  
ninety-five days before the election, confirm that advice by 9483  
certification to, the board of education of the information 9484  
required by division (C) of section 133.18 of the Revised Code; 9485

(d) The board of education shall then certify its resolution 9486  
and the information required by division (D) of section 133.18 of 9487  
the Revised Code to the board of elections not less than ninety 9488  
days prior to the election. 9489

(4) Notwithstanding division (B) of section 133.21 of the 9490  
Revised Code, the first principal payment of securities issued 9491  
under this division may be set at any date not later than sixty 9492  
months after the earliest possible principal payment otherwise 9493  
provided for in that division. 9494

(G) The board of education may contract with an architect, 9495  
professional engineer, or other person experienced in the design 9496

and implementation of energy conservation measures for an analysis 9497  
and recommendations pertaining to installations, modifications of 9498  
installations, or remodeling that would significantly reduce 9499  
energy consumption in buildings owned by the district. The report 9500  
shall include estimates of all costs of such installations, 9501  
modifications, or remodeling, including costs of design, 9502  
engineering, installation, maintenance, repairs, and debt service, 9503  
forgone residual value of materials or equipment replaced by the 9504  
energy conservation measure, as defined by the Ohio school 9505  
facilities commission, a baseline analysis of actual energy 9506  
consumption data for the preceding five years, and estimates of 9507  
the amounts by which energy consumption and resultant operational 9508  
and maintenance costs, as defined by the ~~Ohio school facilities~~ 9509  
commission, would be reduced. 9510

If the board finds after receiving the report that the amount 9511  
of money the district would spend on such installations, 9512  
modifications, or remodeling is not likely to exceed the amount of 9513  
money it would save in energy and resultant operational and 9514  
maintenance costs over the ensuing fifteen years, the board may 9515  
submit to the commission a copy of its findings and a request for 9516  
approval to incur indebtedness to finance the making or 9517  
modification of installations or the remodeling of buildings for 9518  
the purpose of significantly reducing energy consumption. 9519

If the commission determines that the board's findings are 9520  
reasonable, it shall approve the board's request. Upon receipt of 9521  
the commission's approval, the district may issue securities 9522  
without a vote of the electors in a principal amount not to exceed 9523  
nine-tenths of one per cent of its tax valuation for the purpose 9524  
of making such installations, modifications, or remodeling, but 9525  
the total net indebtedness of the district without a vote of the 9526  
electors incurred under this and all other sections of the Revised 9527  
Code, except section 3318.052 of the Revised Code, shall not 9528

exceed one per cent of the district's tax valuation. 9529

So long as any securities issued under division (G) of this 9530  
section remain outstanding, the board of education shall monitor 9531  
the energy consumption and resultant operational and maintenance 9532  
costs of buildings in which installations or modifications have 9533  
been made or remodeling has been done pursuant to division (G) of 9534  
this section and shall maintain and annually update a report 9535  
documenting the reductions in energy consumption and resultant 9536  
operational and maintenance cost savings attributable to such 9537  
installations, modifications, or remodeling. The report shall be 9538  
certified by an architect or engineer independent of any person 9539  
that provided goods or services to the board in connection with 9540  
the energy conservation measures that are the subject of the 9541  
report. The resultant operational and maintenance cost savings 9542  
shall be certified by the school district treasurer. The report 9543  
shall be ~~made available~~ submitted annually to the commission ~~upon~~ 9544  
~~request~~. 9545

(H) With the consent of the superintendent of public 9546  
instruction, a school district may incur without a vote of the 9547  
electors net indebtedness that exceeds the amounts stated in 9548  
divisions (A) and (G) of this section for the purpose of paying 9549  
costs of permanent improvements, if and to the extent that both of 9550  
the following conditions are satisfied: 9551

(1) The fiscal officer of the school district estimates that 9552  
receipts of the school district from payments made under or 9553  
pursuant to agreements entered into pursuant to section 725.02, 9554  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 9555  
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 9556  
Code, or distributions under division (C) of section 5709.43 of 9557  
the Revised Code, or any combination thereof, are, after 9558  
accounting for any appropriate coverage requirements, sufficient 9559  
in time and amount, and are committed by the proceedings, to pay 9560

the debt charges on the securities issued to evidence that 9561  
indebtedness and payable from those receipts, and the taxing 9562  
authority of the district confirms the fiscal officer's estimate, 9563  
which confirmation is approved by the superintendent of public 9564  
instruction; 9565

(2) The fiscal officer of the school district certifies, and 9566  
the taxing authority of the district confirms, that the district, 9567  
at the time of the certification and confirmation, reasonably 9568  
expects to have sufficient revenue available for the purpose of 9569  
operating such permanent improvements for their intended purpose 9570  
upon acquisition or completion thereof, and the superintendent of 9571  
public instruction approves the taxing authority's confirmation. 9572

The maximum maturity of securities issued under division (H) 9573  
of this section shall be the lesser of twenty years or the maximum 9574  
maturity calculated under section 133.20 of the Revised Code. 9575

(I) A school district may incur net indebtedness by the 9576  
issuance of securities in accordance with the provisions of this 9577  
chapter in excess of the limit specified in division (B) or (C) of 9578  
this section when necessary to raise the school district portion 9579  
of the basic project cost and any additional funds necessary to 9580  
participate in a project under Chapter 3318. of the Revised Code, 9581  
including the cost of items designated by the Ohio school 9582  
facilities commission as required locally funded initiatives and 9583  
the cost for site acquisition. The school facilities commission 9584  
shall notify the superintendent of public instruction whenever a 9585  
school district will exceed either limit pursuant to this 9586  
division. 9587

(J) A school district whose portion of the basic project cost 9588  
of its classroom facilities project under sections 3318.01 to 9589  
3318.20 of the Revised Code is greater than or equal to one 9590  
hundred million dollars may incur without a vote of the electors 9591  
net indebtedness in an amount up to two per cent of its tax 9592

valuation through the issuance of general obligation securities in 9593  
order to generate all or part of the amount of its portion of the 9594  
basic project cost if the controlling board has approved the 9595  
school facilities commission's conditional approval of the project 9596  
under section 3318.04 of the Revised Code. The school district 9597  
board and the Ohio school facilities commission shall include the 9598  
dedication of the proceeds of such securities in the agreement 9599  
entered into under section 3318.08 of the Revised Code. No state 9600  
moneys shall be released for a project to which this section 9601  
applies until the proceeds of any bonds issued under this section 9602  
that are dedicated for the payment of the school district portion 9603  
of the project are first deposited into the school district's 9604  
project construction fund. 9605

**Sec. 133.18.** (A) The taxing authority of a subdivision may by 9606  
legislation submit to the electors of the subdivision the question 9607  
of issuing any general obligation bonds, for one purpose, that the 9608  
subdivision has power or authority to issue. 9609

(B) When the taxing authority of a subdivision desires or is 9610  
required by law to submit the question of a bond issue to the 9611  
electors, it shall pass legislation that does all of the 9612  
following: 9613

(1) Declares the necessity and purpose of the bond issue; 9614

(2) States the date of the authorized election at which the 9615  
question shall be submitted to the electors; 9616

(3) States the amount, approximate date, estimated net 9617  
average rate of interest, and maximum number of years over which 9618  
the principal of the bonds may be paid; 9619

(4) Declares the necessity of levying a tax outside the tax 9620  
limitation to pay the debt charges on the bonds and any 9621  
anticipatory securities. 9622

The estimated net average interest rate shall be determined 9623  
by the taxing authority based on, among other factors, then 9624  
existing market conditions, and may reflect adjustments for any 9625  
anticipated direct payments expected to be received by the taxing 9626  
authority from the government of the United States relating to the 9627  
bonds and the effect of any federal tax credits anticipated to be 9628  
available to owners of all or a portion of the bonds. The 9629  
estimated net average rate of interest, and any statutory or 9630  
charter limit on interest rates that may then be in effect and 9631  
that is subsequently amended, shall not be a limitation on the 9632  
actual interest rate or rates on the securities when issued. 9633

(C)(1) The taxing authority shall certify a copy of the 9634  
legislation passed under division (B) of this section to the 9635  
county auditor. The county auditor shall promptly calculate and 9636  
advise and, not later than seventy-five days before the election, 9637  
confirm that advice by certification to, the taxing authority the 9638  
estimated average annual property tax levy, expressed in cents or 9639  
dollars and cents for each one hundred dollars of tax valuation 9640  
and in mills for each one dollar of tax valuation, that the county 9641  
auditor estimates to be required throughout the stated maturity of 9642  
the bonds to pay the debt charges on the bonds. In calculating the 9643  
estimated average annual property tax levy for this purpose, the 9644  
county auditor shall assume that the bonds are issued in one 9645  
series bearing interest and maturing in substantially equal 9646  
principal amounts in each year over the maximum number of years 9647  
over which the principal of the bonds may be paid as stated in 9648  
that legislation, and that the amount of the tax valuation of the 9649  
subdivision for the current year remains the same throughout the 9650  
maturity of the bonds, except as otherwise provided in division 9651  
(C)(2) of this section. If the tax valuation for the current year 9652  
is not determined, the county auditor shall base the calculation 9653  
on the estimated amount of the tax valuation submitted by the 9654  
county auditor to the county budget commission. If the subdivision 9655

is located in more than one county, the county auditor shall 9656  
obtain the assistance of the county auditors of the other 9657  
counties, and those county auditors shall provide assistance, in 9658  
establishing the tax valuation of the subdivision for purposes of 9659  
certifying the estimated average annual property tax levy. 9660

(2) When considering the tangible personal property component 9661  
of the tax valuation of the subdivision, the county auditor shall 9662  
take into account the assessment percentages prescribed in section 9663  
5711.22 of the Revised Code. The tax commissioner may issue rules, 9664  
orders, or instructions directing how the assessment percentages 9665  
must be utilized. 9666

(D) After receiving the county auditor's advice under 9667  
division (C) of this section, the taxing authority by legislation 9668  
may determine to proceed with submitting the question of the issue 9669  
of securities, and shall, not later than the seventy-fifth day 9670  
before the day of the election, file the following with the board 9671  
of elections: 9672

(1) Copies of the legislation provided for in divisions (B) 9673  
and (D) of this section; 9674

(2) The amount of the estimated average annual property tax 9675  
levy, expressed in cents or dollars and cents for each one hundred 9676  
dollars of tax valuation and in mills for each one dollar of tax 9677  
valuation, as estimated and certified to the taxing authority by 9678  
the county auditor. 9679

(E)(1) The board of elections shall prepare the ballots and 9680  
make other necessary arrangements for the submission of the 9681  
question to the electors of the subdivision. If the subdivision is 9682  
located in more than one county, the board shall inform the boards 9683  
of elections of the other counties of the filings with it, and 9684  
those other boards shall if appropriate make the other necessary 9685  
arrangements for the election in their counties. The election 9686

shall be conducted, canvassed, and certified in the manner 9687  
provided in Title XXXV of the Revised Code. 9688

(2) The election shall be held at the regular places for 9689  
voting in the subdivision. If the electors of only a part of a 9690  
precinct are qualified to vote at the election the board of 9691  
elections may assign the electors in that part to an adjoining 9692  
precinct, including an adjoining precinct in another county if the 9693  
board of elections of the other county consents to and approves 9694  
the assignment. Each elector so assigned shall be notified of that 9695  
fact prior to the election by notice mailed by the board of 9696  
elections, in such manner as it determines, prior to the election. 9697

(3) The board of elections shall publish a notice of the 9698  
election, once in ~~one or more newspapers~~ a newspaper of general 9699  
circulation in the subdivision, ~~at least once~~ no later than ten 9700  
days prior to the election. The notice shall state all of the 9701  
following: 9702

(a) The principal amount of the proposed bond issue; 9703

(b) The stated purpose for which the bonds are to be issued; 9704

(c) The maximum number of years over which the principal of 9705  
the bonds may be paid; 9706

(d) The estimated additional average annual property tax 9707  
levy, expressed in cents or dollars and cents for each one hundred 9708  
dollars of tax valuation and in mills for each one dollar of tax 9709  
valuation, to be levied outside the tax limitation, as estimated 9710  
and certified to the taxing authority by the county auditor; 9711

(e) The first calendar year in which the tax is expected to 9712  
be due. 9713

(F)(1) The form of the ballot to be used at the election 9714  
shall be substantially either of the following, as applicable: 9715

(a) "Shall bonds be issued by the ..... (name of 9716



subdivision) for the purpose of ..... (purpose of the bond 9717  
 issue) in the principal amount of ..... (principal amount of 9718  
 the bond issue), to be repaid annually over a maximum period of 9719  
 ..... (the maximum number of years over which the principal 9720  
 of the bonds may be paid) years, and an annual levy of property 9721  
 taxes be made outside the ..... (as applicable, "ten-mill" or 9722  
 "...charter tax") limitation, estimated by the county auditor to 9723  
 average over the repayment period of the bond issue ..... 9724  
 (number of mills) mills for each one dollar of tax valuation, 9725  
 which amounts to ..... (rate expressed in cents or dollars 9726  
 and cents, such as "36 cents" or "\$1.41") for each one hundred 9727  
 dollars of tax valuation, commencing in ..... (first year the 9728  
 tax will be levied), first due in calendar year ..... (first 9729  
 calendar year in which the tax shall be due), to pay the annual 9730  
 debt charges on the bonds, and to pay debt charges on any notes 9731  
 issued in anticipation of those bonds? 9732

	For the bond issue
	Against the bond issue

"

9733  
 9734  
 9735  
 9736  
 (b) In the case of an election held pursuant to legislation 9737  
 adopted under section 3375.43 or 3375.431 of the Revised Code: 9738  
 "Shall bonds be issued for ..... (name of library) for 9739  
 the purpose of ..... (purpose of the bond issue), in the 9740  
 principal amount of ..... (amount of the bond issue) by 9741  
 ..... (the name of the subdivision that is to issue the bonds 9742  
 and levy the tax) as the issuer of the bonds, to be repaid 9743  
 annually over a maximum period of ..... (the maximum number 9744  
 of years over which the principal of the bonds may be paid) years, 9745  
 and an annual levy of property taxes be made outside the ten-mill 9746  
 limitation, estimated by the county auditor to average over the 9747  
 repayment period of the bond issue ..... (number of mills) 9748

mills for each one dollar of tax valuation, which amounts to 9749  
 ..... (rate expressed in cents or dollars and cents, such as 9750  
 "36 cents" or "\$1.41") for each one hundred dollars of tax 9751  
 valuation, commencing in ..... (first year the tax will be 9752  
 levied), first due in calendar year ..... (first calendar 9753  
 year in which the tax shall be due), to pay the annual debt 9754  
 charges on the bonds, and to pay debt charges on any notes issued 9755  
 in anticipation of those bonds? 9756

	For the bond issue
	Against the bond issue

"

(2) The purpose for which the bonds are to be issued shall be 9761  
 printed in the space indicated, in boldface type. 9762

(G) The board of elections shall promptly certify the results 9763  
 of the election to the tax commissioner, the county auditor of 9764  
 each county in which any part of the subdivision is located, and 9765  
 the fiscal officer of the subdivision. The election, including the 9766  
 proceedings for and result of the election, is incontestable other 9767  
 than in a contest filed under section 3515.09 of the Revised Code 9768  
 in which the plaintiff prevails. 9769

(H) If a majority of the electors voting upon the question 9770  
 vote for it, the taxing authority of the subdivision may proceed 9771  
 under sections 133.21 to 133.33 of the Revised Code with the 9772  
 issuance of the securities and with the levy and collection of a 9773  
 property tax outside the tax limitation during the period the 9774  
 securities are outstanding sufficient in amount to pay the debt 9775  
 charges on the securities, including debt charges on any 9776  
 anticipatory securities required to be paid from that tax. If 9777  
 legislation passed under section 133.22 or 133.23 of the Revised 9778  
 Code authorizing those securities is filed with the county auditor 9779

on or before the last day of November, the amount of the voted 9780  
property tax levy required to pay debt charges or estimated debt 9781  
charges on the securities payable in the following year shall if 9782  
requested by the taxing authority be included in the taxes levied 9783  
for collection in the following year under section 319.30 of the 9784  
Revised Code. 9785

(I)(1) If, before any securities authorized at an election 9786  
under this section are issued, the net indebtedness of the 9787  
subdivision exceeds that applicable to that subdivision or those 9788  
securities, then and so long as that is the case none of the 9789  
securities may be issued. 9790

(2) No securities authorized at an election under this 9791  
section may be initially issued after the first day of the sixth 9792  
January following the election, but this period of limitation 9793  
shall not run for any time during which any part of the permanent 9794  
improvement for which the securities have been authorized, or the 9795  
issuing or validity of any part of the securities issued or to be 9796  
issued, or the related proceedings, is involved or questioned 9797  
before a court or a commission or other tribunal, administrative 9798  
agency, or board. 9799

(3) Securities representing a portion of the amount 9800  
authorized at an election that are issued within the applicable 9801  
limitation on net indebtedness are valid and in no manner affected 9802  
by the fact that the balance of the securities authorized cannot 9803  
be issued by reason of the net indebtedness limitation or lapse of 9804  
time. 9805

(4) Nothing in this division (I) shall be interpreted or 9806  
applied to prevent the issuance of securities in an amount to fund 9807  
or refund anticipatory securities lawfully issued. 9808

(5) The limitations of divisions (I)(1) and (2) of this 9809  
section do not apply to any securities authorized at an election 9810

under this section if at least ten per cent of the principal 9811  
amount of the securities, including anticipatory securities, 9812  
authorized has theretofore been issued, or if the securities are 9813  
to be issued for the purpose of participating in any federally or 9814  
state-assisted program. 9815

(6) The certificate of the fiscal officer of the subdivision 9816  
is conclusive proof of the facts referred to in this division. 9817

**Sec. 133.20.** (A) This section applies to bonds that are 9818  
general obligation Chapter 133. securities. If the bonds are 9819  
payable as to principal by provision for annual installments, the 9820  
period of limitations on their last maturity, referred to as their 9821  
maximum maturity, shall be measured from a date twelve months 9822  
prior to the first date on which provision for payment of 9823  
principal is made. If the bonds are payable as to principal by 9824  
provision for semiannual installments, the period of limitations 9825  
on their last maturity shall be measured from a date six months 9826  
prior to the first date on which provision for payment of 9827  
principal is made. 9828

(B) Bonds issued for the following permanent improvements or 9829  
for permanent improvements for the following purposes shall have 9830  
maximum maturities not exceeding the number of years stated: 9831

(1) Fifty years: 9832

(a) The clearance and preparation of real property for 9833  
redevelopment as an urban redevelopment project; 9834

(b) Acquiring, constructing, widening, relocating, enlarging, 9835  
extending, and improving a publicly owned railroad or line of 9836  
railway or a light or heavy rail rapid transit system, including 9837  
related bridges, overpasses, underpasses, and tunnels, but not 9838  
including rolling stock or equipment; 9839

(c) Pursuant to section 307.675 of the Revised Code, 9840

constructing or repairing a bridge using long life expectancy 9841  
material for the bridge deck, and purchasing, installing, and 9842  
maintaining any performance equipment to monitor the physical 9843  
condition of a bridge so constructed or repaired. Additionally, 9844  
the average maturity of the bonds shall not exceed the expected 9845  
useful life of the bridge deck as determined by the county 9846  
engineer under that section. 9847

(2) Forty years: 9848

(a) General waterworks or water system permanent 9849  
improvements, including buildings, water mains, or other 9850  
structures and facilities in connection therewith; 9851

(b) Sewers or sewage treatment or disposal works or 9852  
facilities, including fireproof buildings or other structures in 9853  
connection therewith; 9854

(c) Storm water drainage, surface water, and flood prevention 9855  
facilities. 9856

(3) Thirty-five years: 9857

(a) An arena, a convention center, or a combination of an 9858  
arena and convention center under section 307.695 of the Revised 9859  
Code; 9860

(b) Sports facilities. 9861

(4) Thirty years: 9862

(a) Municipal recreation, excluding recreational equipment; 9863

(b) Urban redevelopment projects; 9864

(c) Acquisition of real property, except as provided in 9865  
division (F) of this section; 9866

(d) Street or alley lighting purposes or relocating overhead 9867  
wires, cables, and appurtenant equipment underground. 9868

(5) Twenty years: constructing, reconstructing, widening, 9869

opening, improving, grading, draining, paving, extending, or	9870
changing the line of roads, highways, expressways, freeways,	9871
streets, sidewalks, alleys, or curbs and gutters, and related	9872
bridges, viaducts, overpasses, underpasses, grade crossing	9873
eliminations, service and access highways, and tunnels.	9874
(6) Fifteen years:	9875
(a) Resurfacing roads, highways, streets, or alleys;	9876
(b) Alarm, telegraph, or other communications systems for	9877
police or fire departments or other emergency services;	9878
(c) Passenger buses used for mass transportation;	9879
(d) Energy conservation measures as authorized by section	9880
133.06 of the Revised Code.	9881
(7) Ten years:	9882
(a) Water meters;	9883
(b) Fire department apparatus and equipment;	9884
(c) Road rollers and other road construction and servicing	9885
vehicles;	9886
(d) Furniture, equipment, and furnishings;	9887
(e) Landscape planting and other site improvements;	9888
(f) Playground, athletic, and recreational equipment and	9889
apparatus;	9890
(g) Energy conservation measures as authorized by section	9891
505.264 of the Revised Code.	9892
(8) Five years: New motor vehicles other than those described	9893
in any other division of this section and those for which	9894
provision is made in other provisions of the Revised Code.	9895
(C) Bonds issued for any permanent improvements not within	9896
the categories set forth in division (B) of this section shall	9897

have maximum maturities of from five to thirty years as the fiscal 9898  
officer estimates is the estimated life or period of usefulness of 9899  
those permanent improvements. Bonds issued under section 133.51 of 9900  
the Revised Code for purposes other than permanent improvements 9901  
shall have the maturities, not to exceed forty years, that the 9902  
taxing authority shall specify. Bonds issued for energy 9903  
conservation measures under section 307.041 of the Revised Code 9904  
shall have maximum maturities not exceeding the lesser of the 9905  
average life of the energy conservation measures as detailed in 9906  
the energy conservation report prepared under that section or 9907  
thirty years. 9908

(D) Securities issued under section 505.265 of the Revised 9909  
Code shall mature not later than December 31, 2035. 9910

(E) A securities issue for one purpose may include permanent 9911  
improvements within two or more categories under divisions (B) and 9912  
(C) of this section. The maximum maturity of such a bond issue 9913  
shall not exceed the average number of years of life or period of 9914  
usefulness of the permanent improvements as measured by the 9915  
weighted average of the amounts expended or proposed to be 9916  
expended for the categories of permanent improvements. 9917

(F) Securities issued by a school district or county to 9918  
acquire or construct real property shall have a maximum maturity 9919  
longer than thirty years, but not longer than forty years, if the 9920  
~~school district's~~ fiscal officer of the school district or county 9921  
estimates the real property's useful life to be longer than thirty 9922  
years, and certifies that estimate to the board of education or 9923  
board of county commissioners, respectively. 9924

**Sec. 133.55.** Before adopting any reassessment provided for in 9925  
section 133.54 of the Revised Code, the fiscal officer shall 9926  
prepare and file for public inspection a list containing the names 9927  
of the owners, a tax duplicate description of each parcel of land 9928

on which the reassessment will be levied, and the total amount to 9929  
be reassessed, separately stated as to each parcel, and the taxing 9930  
authority shall publish notice for two consecutive weeks in a 9931  
newspaper of general circulation in the political subdivision, or 9932  
as provided in section 7.16 of the Revised Code, that such 9933  
reassessment has been prepared by the fiscal officer and that it 9934  
is on file in ~~his~~ the fiscal officer's office for the inspection 9935  
and examination of the persons interested therein. Sections 9936  
727.13, 727.15, and 727.16 of the Revised Code do not apply to any 9937  
such assessments, but any person may file objections in writing 9938  
with the fiscal officer within one week after the expiration of 9939  
such notice and the taxing authority shall hear and determine any 9940  
such objections at its next meeting. Such objections shall be 9941  
limited solely to matters of description of parcels and owners and 9942  
of computations of amounts, and no matters concluded by any 9943  
proceedings on the original assessments shall form the basis for 9944  
any such objections. When the reassessment list is confirmed by 9945  
the taxing authority, it shall be complete and final and shall be 9946  
recorded in the office of the fiscal officer. 9947

**Sec. 135.05.** Each governing board shall, at least three weeks 9948  
prior to the date when it is required by section 135.12 of the 9949  
Revised Code to designate public depositories, by resolution, 9950  
estimate the aggregate maximum amount of public moneys subject to 9951  
its control to be awarded and be on deposit as inactive deposits. 9952  
The state board of deposit shall cause a copy of such resolution, 9953  
together with a notice of the date on which the meeting of the 9954  
board for the designation of such depositories will be held and 9955  
the period for which such inactive deposits will be awarded, to be 9956  
published once a week for two consecutive weeks in two newspapers 9957  
of general circulation in each of the three most populous 9958  
counties. The governing board of each subdivision shall cause a 9959  
copy of such resolution, together with a notice of the date on 9960



which the meeting of the board for the designation of such 9961  
depositories will be held and the period for which such inactive 9962  
deposits will be awarded, to be published once a week for two 9963  
consecutive weeks in ~~two newspapers~~ a newspaper of ~~opposite~~ 9964  
~~politics and of~~ general circulation in the county or as provided 9965  
in section 7.16 of the Revised Code. If a subdivision is located 9966  
in more than one county, such publication shall be made in 9967  
~~newspapers published~~ a newspaper of general circulation in the 9968  
county in which the major part of such subdivision is located, and 9969  
of general circulation in the subdivision. A written notice 9970  
stating the aggregate maximum amount to be awarded as inactive 9971  
deposits of the subdivision shall be given to each eligible 9972  
depository by the governing board at the time the first 9973  
publication is made in the ~~newspapers~~ newspaper. 9974

All deposits of the public moneys of the state or any 9975  
subdivision made during the period covered by the designation in 9976  
excess of the aggregate amount so estimated shall be active 9977  
deposits or interim deposits. Inactive, interim, and active 9978  
deposits shall be separately awarded, made, and administered as 9979  
provided by sections 135.01 to 135.21, ~~inclusive~~, of the Revised 9980  
Code. 9981

**Sec. 135.61.** As used in sections 135.61 to 135.67 of the 9982  
Revised Code: 9983

(A) "Eligible small business" means any person, including, 9984  
but not limited to a person engaged in agriculture, that has all 9985  
of the following characteristics: 9986

(1) Is headquartered in this state; 9987

(2) Maintains offices and operating facilities exclusively in 9988  
this state and transacts business in this state; 9989

(3) Employs fewer than one hundred fifty employees, the 9990

majority of whom are residents of this state; 9991

(4) Is organized for profit. 9992

(B) "Eligible lending institution" means a financial 9993  
institution that is eligible to make commercial loans, is a public 9994  
depository of state funds under section 135.03 of the Revised 9995  
Code, and agrees to participate in the linked deposit program. 9996

(C) "Linked deposit" means a certificate of deposit or other 9997  
financial institution instrument placed by the treasurer of state 9998  
with an eligible lending institution at a rate below current 9999  
market rates, as determined and calculated by the treasurer of 10000  
state, provided the institution agrees to lend the value of such 10001  
deposit, according to the deposit agreement provided in division 10002  
(C) of section 135.65 of the Revised Code, to eligible small 10003  
businesses at a rate that reflects an equal percentage rate 10004  
reduction below the present borrowing rate applicable to each 10005  
specific business at the time of the deposit of state funds in the 10006  
institution. 10007

(D) "Other financial institution instrument" has the same 10008  
meaning as in section 135.81 of the Revised Code. 10009

**Sec. 135.65.** (A) The treasurer of state may accept or reject 10010  
a linked deposit loan package or any portion thereof, based on the 10011  
treasurer's evaluation of the eligible small businesses included 10012  
in the package and the amount of state funds to be deposited. When 10013  
evaluating the eligible small businesses, the treasurer shall give 10014  
priority to the economic needs of the area where the business is 10015  
located and the ratio of state funds to be deposited to jobs 10016  
sustained or created and shall also consider any reports, 10017  
statements, or plans applicable to the business, the overall 10018  
financial need of the business, and such other factors as the 10019  
treasurer considers appropriate. 10020

(B) Upon acceptance of the linked deposit loan package or any portion thereof, the treasurer of state may place certificates of deposit or other financial institution instruments with the eligible lending institution at a rate below current market rates, as determined and calculated by the treasurer of state. When necessary, the treasurer may place certificates of deposit or other financial institution instruments prior to acceptance of a linked deposit loan package.

(C) The eligible lending institution shall enter into a deposit agreement with the treasurer of state, which shall include requirements necessary to carry out the purposes of sections 135.61 to 135.67 of the Revised Code. Such requirements shall reflect the market conditions prevailing in the eligible lending institution's lending area. The agreement may include a specification of the period of time in which the lending institution is to lend funds upon the placement of a linked deposit, and shall include provisions for the certificates of deposit or other financial institution instruments to be placed for any maturity considered appropriate by the treasurer of state not to exceed two years, and may be renewed for up to an additional two years at the option of the treasurer. Interest shall be paid at the times determined by the treasurer of state.

(D) Eligible lending institutions shall comply fully with Chapter 135. of the Revised Code.

**Sec. 135.66.** (A) Upon the placement of a linked deposit with an eligible lending institution, such institution is required to lend such funds to each approved eligible small business listed in the linked deposit loan package required by division (D) of section 135.64 of the Revised Code and in accordance with the deposit agreement required by division (C) of section 135.65 of the Revised Code. The loan shall be at a rate that reflects a

percentage rate reduction below the present borrowing rate 10052  
applicable to each business that is equal to the percentage rate 10053  
reduction below market rates at which the ~~certificate~~ certificates 10054  
of ~~deposits~~ deposit or other financial institution instruments 10055  
that constitute the linked deposit were placed. A certification of 10056  
compliance with this section in the form and manner as prescribed 10057  
by the treasurer of state shall be required of the eligible 10058  
lending institution. 10059

(B) The treasurer of state shall take any and all steps 10060  
necessary to implement the linked deposit program and monitor 10061  
compliance of eligible lending institutions and eligible small 10062  
businesses, including the development of guidelines as necessary. 10063  
The treasurer of state and the department of development shall 10064  
notify each other at least quarterly of the names of the 10065  
businesses receiving financial assistance from their respective 10066  
programs. 10067

Annually, by the first day of February, the treasurer of 10068  
state shall report on the linked deposits program for the 10069  
preceding calendar year to the governor, the speaker of the house 10070  
of representatives, and the president of the senate. The speaker 10071  
of the house shall transmit copies of this report to the 10072  
chairpersons of the standing committees in the house which 10073  
customarily consider legislation regarding agriculture and small 10074  
business, and the president of the senate shall transmit copies of 10075  
this report to the chairpersons of the standing committees in the 10076  
senate which customarily consider legislation regarding 10077  
agriculture and small business. The report shall set forth the 10078  
linked deposits made by the treasurer of state under the program 10079  
during the year and shall include information regarding the 10080  
nature, terms, and amounts of the loans upon which the linked 10081  
deposits were based and the eligible small businesses to which the 10082  
loans were made. 10083

Sec. 145.27. (A)(1) As used in this division, "personal 10084  
history record" means information maintained by the public 10085  
employees retirement board on an individual who is a member, 10086  
former member, contributor, former contributor, retirant, or 10087  
beneficiary that includes the address, telephone number, social 10088  
security number, record of contributions, correspondence with the 10089  
public employees retirement system, or other information the board 10090  
determines to be confidential. 10091

(2) The records of the board shall be open to public 10092  
inspection, except that the following shall be excluded, except 10093  
with the written authorization of the individual concerned: 10094

(a) The individual's statement of previous service and other 10095  
information as provided for in section 145.16 of the Revised Code; 10096

(b) The amount of a monthly allowance or benefit paid to the 10097  
individual; 10098

(c) The individual's personal history record. 10099

(B) All medical reports and recommendations required by this 10100  
chapter are privileged, except that copies of such medical reports 10101  
or recommendations shall be made available to the personal 10102  
physician, attorney, or authorized agent of the individual 10103  
concerned upon written release from the individual or the 10104  
individual's agent, or when necessary for the proper 10105  
administration of the fund, to the board assigned physician. 10106

(C) Any person who is a member or contributor of the system 10107  
shall be furnished with a statement of the amount to the credit of 10108  
the individual's account upon written request. The board is not 10109  
required to answer more than one such request of a person in any 10110  
one year. The board may issue annual statements of accounts to 10111  
members and contributors. 10112

(D) Notwithstanding the exceptions to public inspection in 10113

division (A)(2) of this section, the board may furnish the 10114  
following information: 10115

(1) If a member, former member, contributor, former 10116  
contributor, or retirant is subject to an order issued under 10117  
section 2907.15 of the Revised Code or an order issued under 10118  
division (A) or (B) of section 2929.192 of the Revised Code or is 10119  
convicted of or pleads guilty to a violation of section 2921.41 of 10120  
the Revised Code, on written request of a prosecutor as defined in 10121  
section 2935.01 of the Revised Code, the board shall furnish to 10122  
the prosecutor the information requested from the individual's 10123  
personal history record. 10124

(2) Pursuant to a court or administrative order issued 10125  
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 10126  
Code, the board shall furnish to a court or child support 10127  
enforcement agency the information required under that section. 10128

(3) At the written request of any person, the board shall 10129  
provide to the person a list of the names and addresses of 10130  
members, former members, contributors, former contributors, 10131  
retirants, or beneficiaries. The costs of compiling, copying, and 10132  
mailing the list shall be paid by such person. 10133

(4) Within fourteen days after receiving from the director of 10134  
job and family services a list of the names and social security 10135  
numbers of recipients of public assistance pursuant to section 10136  
5101.181 of the Revised Code, the board shall inform the auditor 10137  
of state of the name, current or most recent employer address, and 10138  
social security number of each member whose name and social 10139  
security number are the same as that of a person whose name or 10140  
social security number was submitted by the director. The board 10141  
and its employees shall, except for purposes of furnishing the 10142  
auditor of state with information required by this section, 10143  
preserve the confidentiality of recipients of public assistance in 10144  
compliance with ~~division (A) of~~ section 5101.181 of the Revised 10145

Code. 10146

(5) The system shall comply with orders issued under section 10147  
3105.87 of the Revised Code. 10148

On the written request of an alternate payee, as defined in 10149  
section 3105.80 of the Revised Code, the system shall furnish to 10150  
the alternate payee information on the amount and status of any 10151  
amounts payable to the alternate payee under an order issued under 10152  
section 3105.171 or 3105.65 of the Revised Code. 10153

(6) At the request of any person, the board shall make 10154  
available to the person copies of all documents, including 10155  
resumes, in the board's possession regarding filling a vacancy of 10156  
an employee member or retirant member of the board. The person who 10157  
made the request shall pay the cost of compiling, copying, and 10158  
mailing the documents. The information described in division 10159  
(D)(6) of this section is a public record. 10160

(E) A statement that contains information obtained from the 10161  
system's records that is signed by the executive director or an 10162  
officer of the system and to which the system's official seal is 10163  
affixed, or copies of the system's records to which the signature 10164  
and seal are attached, shall be received as true copies of the 10165  
system's records in any court or before any officer of this state. 10166

**Sec. 149.01.** Each elective state officer, the adjutant 10167  
general, the adult parole authority, the department of 10168  
agriculture, the director of administrative services, the public 10169  
utilities commission, the superintendent of insurance, the 10170  
superintendent of financial institutions, the superintendent of 10171  
purchases and printing, the state commissioner of soldiers' 10172  
claims, the fire marshal, the industrial commission, the 10173  
administrator of workers' compensation, the state department of 10174  
transportation, the department of health, the state medical board, 10175  
the state dental board, the board of embalmers and funeral 10176

directors, the Ohio commission for the blind, the accountancy 10177  
board of Ohio, the state council of uniform state laws, the board 10178  
of commissioners of the sinking fund, the department of taxation, 10179  
the board of tax appeals, ~~the clerk of the supreme court,~~ the 10180  
division of liquor control, the director of state armories, the 10181  
trustees of the Ohio state university, and every private or 10182  
quasi-public institution, association, board, or corporation 10183  
receiving state money for its use and purpose shall make annually, 10184  
at the end of each fiscal year, in quadruplicate, a report of the 10185  
transactions and proceedings of that office or department for that 10186  
fiscal year, excepting receipts and disbursements unless otherwise 10187  
specifically required by law. The report shall contain a summary 10188  
of the official acts of the officer, board, council, commission, 10189  
institution, association, or corporation and any suggestions and 10190  
recommendations that are proper. On the first day of August of 10191  
each year, one of the reports shall be filed with the governor, 10192  
one with the secretary of state, and one with the state library, 10193  
and one shall be kept on file in the office of the officer, board, 10194  
council, commission, institution, association, or corporation. 10195

**Sec. 149.091.** (A) ~~Except as otherwise provided in division~~ 10196  
~~(C) of this section, the~~ The secretary of state shall compile, 10197  
publish, and distribute the session laws either annually or 10198  
biennially in a paper or electronic format ~~a maximum of nine~~ 10199  
~~hundred copies of the session laws.~~ The annual or biennial 10200  
publication shall contain all enrolled acts and joint resolutions. 10201  
~~The secretary of state shall cause to be printed with each~~ 10202  
~~compilation of enrolled acts and joint resolutions distributed,~~ a 10203  
subject index, a table indicating Revised Code sections affected, 10204  
and the secretary of state's certificate that the laws, as 10205  
compiled and distributed, are true copies of the original enrolled 10206  
acts or joint resolutions in the secretary of state's office. 10207

(B)(1) The secretary of state ~~shall~~ may distribute the 10208



~~compilations~~ paper or electronic format of the session laws in 10209  
free of charge to the following manner persons or entities: 10210

~~(1) One shall be forwarded to each (a) Each~~ county auditor. 10211

~~(2) One shall be forwarded to each (b) Each~~ county law 10212  
library. 10213

~~(3) Two hundred may be distributed, free of charge, to (c)~~ 10214  
Other public officials upon request of the public official. 10215

~~(4) Remaining compilations may be sold by the secretary of~~ 10216  
~~state at a price that shall not exceed the actual cost of~~ 10217  
~~publication and distribution.~~ 10218

~~(B) Notwithstanding division (C) of this section, the~~ 10219  
~~secretary of state shall compile, publish, and distribute, either~~ 10220  
~~annually or biennially, in permanently bound volumes, a minimum of~~ 10221  
~~twenty five copies of the session laws. The annual or biennial~~ 10222  
~~volumes shall contain copies of all enrolled acts and joint~~ 10223  
~~resolutions. The secretary of state shall cause to be printed with~~ 10224  
~~each volume of enrolled acts and joint resolutions distributed a~~ 10225  
~~subject index, a table indicating Revised Code sections affected,~~ 10226  
~~and the secretary of state's certificate that the laws so~~ 10227  
~~assembled are true copies of the original enrolled acts or joint~~ 10228  
~~resolutions in the secretary of state's office.~~ 10229

~~(2) The secretary of state shall distribute the permanently~~ 10230  
~~bound volumes~~ paper or electronic format of the session laws in 10231  
free of charge to the following manner persons or entities: 10232

~~(1) Five copies shall be forwarded to the (a) The~~ clerk of 10233  
the house of representatives. 10234

~~(2) Five copies shall be forwarded to the (b) The~~ clerk of 10235  
the senate. 10236

~~(3) Five copies shall be forwarded to the (c) The~~ legislative 10237  
service commission. 10238

~~(4) Two copies shall be forwarded to the (d) The Ohio supreme court.~~ 10239  
10240

~~(5) Two copies shall be forwarded to the (e) The document division of the library of congress.~~ 10241  
10242

~~(6) Two copies shall be forwarded to the (f) The state library.~~ 10243  
10244

~~(7) Two copies shall be forwarded to the (g) The Ohio historical society.~~ 10245  
10246

~~(8) Two copies shall be retained by the The secretary of state shall retain a paper or electronic format of the session laws.~~ 10247  
10248  
10249

~~(C) The secretary of state annually or biennially may compile, publish, and distribute the session laws in an electronic format instead of compiling and publishing the session laws as provided in division (A) of this section. If the secretary of state compiles and publishes the session laws in an electronic format, the following apply:~~ 10250  
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10255

~~(1) The session laws in electronic format shall include copies of all enrolled acts and joint resolutions and shall contain a subject index and a table indicating Revised Code sections affected.~~ 10256  
10257  
10258  
10259

~~(2) Each compilation of the session laws in electronic format shall include the secretary of state's certificate that the laws so compiled and published are true copies of the original enrolled acts and joint resolutions in the secretary of state's office.~~ 10260  
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10262  
10263

~~(3) The session laws may be distributed in an electronic format to public officials free of charge.~~ 10264  
10265

~~(4) The session laws may be sold in an a paper or electronic format to individuals or entities not specified in division (A) or (B) of this section. The price shall not exceed the actual cost of~~ 10266  
10267  
10268

producing and distributing the session laws in ~~an~~ a paper or 10269  
electronic format. 10270

**Sec. 149.11.** Any department, division, bureau, board, or 10271  
commission of the state government issuing a report, pamphlet, 10272  
document, or other publication intended for general public use and 10273  
distribution, which publication is reproduced by duplicating 10274  
processes such as mimeograph, multigraph, planograph, rotaprint, 10275  
or multilith, or printed internally or through a contract awarded 10276  
to any person, company, or the state printing division of the 10277  
department of administrative services, shall cause to be delivered 10278  
to the state library one hundred copies of the publication, 10279  
subject to the provisions of section 125.42 of the Revised Code. 10280

The state library board shall distribute the publications so 10281  
received as follows: 10282

(A) Retain two copies in the state library; 10283

(B) Send two copies to the document division of the library 10284  
of congress; 10285

(C) Send one copy to the Ohio historical society and to each 10286  
public or college library in the state designated by the state 10287  
library board to be a depository for state publications. In 10288  
designating which libraries shall be depositories, the board shall 10289  
select those libraries that can best preserve those publications 10290  
and that are so located geographically as will make the 10291  
publications conveniently accessible to residents in all areas of 10292  
the state. 10293

(D) Send one copy to each state in exchange for like 10294  
publications of that state. 10295

The provisions of this section ~~shall~~ do not apply to any 10296  
publication of the general assembly or to the publications 10297  
described in sections 149.07, 149.08, 149.091, and 149.17 of the 10298

Revised Code, except that the secretary of state shall forward to 10299  
the document division of the library of congress two copies of all 10300  
journals, two copies of the session laws ~~in bound form~~ as provided 10301  
for in section 149.091 of the Revised Code, and two copies of all 10302  
appropriation laws in separate form. 10303

Sec. 149.308. There is hereby created in the state treasury 10304  
the Ohio historical society income tax contribution fund, which 10305  
shall consist of money contributed to it under section 5747.113 of 10306  
the Revised Code for taxable years beginning on or after January 10307  
1, 2011, and of contributions made directly to it. Any person may 10308  
contribute directly to the fund in addition to or independently of 10309  
the income tax refund contribution system established in section 10310  
5747.113 of the Revised Code. 10311

The Ohio historical society shall use money credited to the 10312  
fund in furtherance of the public functions with which the society 10313  
is charged under section 149.30 of the Revised Code. 10314

**Sec. 149.311.** (A) As used in this section: 10315

(1) "Historic building" means a building, including its 10316  
structural components, that is located in this state and that is 10317  
either individually listed on the national register of historic 10318  
places under 16 U.S.C. 470a, located in a registered historic 10319  
district, and certified by the state historic preservation officer 10320  
as being of historic significance to the district, or is 10321  
individually listed as a historic landmark designated by a local 10322  
government certified under 16 U.S.C. 470a(c). 10323

(2) "Qualified rehabilitation expenditures" means 10324  
expenditures paid or incurred during the rehabilitation period, 10325  
and before and after that period as determined under 26 U.S.C. 47, 10326  
by an owner of a historic building to rehabilitate the building. 10327  
"Qualified rehabilitation expenditures" includes architectural or 10328

engineering fees paid or incurred in connection with the 10329  
rehabilitation, and expenses incurred in the preparation of 10330  
nomination forms for listing on the national register of historic 10331  
places. "Qualified rehabilitation expenditures" does not include 10332  
any of the following: 10333

(a) The cost of acquiring, expanding, or enlarging a historic 10334  
building; 10335

(b) Expenditures attributable to work done to facilities 10336  
related to the building, such as parking lots, sidewalks, and 10337  
landscaping; 10338

(c) New building construction costs. 10339

(3) "Owner" of a historic building means a person holding the 10340  
fee simple interest in the building. "Owner" does not include the 10341  
state or a state agency, or any political subdivision as defined 10342  
in section 9.23 of the Revised Code. 10343

(4) "Certificate owner" means the owner of a historic 10344  
building to which a rehabilitation tax credit certificate was 10345  
issued under this section. 10346

(5) "Registered historic district" means a historic district 10347  
listed in the national register of historic places under 16 U.S.C. 10348  
470a, a historic district designated by a local government 10349  
certified under 16 U.S.C. 470a(c), or a local historic district 10350  
certified under 36 C.F.R. 67.8 and 67.9. 10351

(6) "Rehabilitation" means the process of repairing or 10352  
altering a historic building or buildings, making possible an 10353  
efficient use while preserving those portions and features of the 10354  
building and its site and environment that are significant to its 10355  
historic, architectural, and cultural values. 10356

(7) "Rehabilitation period" means one of the following: 10357

(a) If the rehabilitation initially was not planned to be 10358

completed in stages, a period chosen by the owner not to exceed 10359  
twenty-four months during which rehabilitation occurs; 10360

(b) If the rehabilitation initially was planned to be 10361  
completed in stages, a period chosen by the owner not to exceed 10362  
sixty months during which rehabilitation occurs. 10363

(8) "State historic preservation officer" or "officer" means 10364  
the state historic preservation officer appointed by the governor 10365  
under 16 U.S.C. 470a. 10366

~~(9) "Application period" means any of the following time 10367  
periods for which an application for a rehabilitation tax credit 10368  
certificate may be filed under this section: 10369~~

~~(a) July 1, 2007, through June 30, 2008; 10370~~

~~(b) July 1, 2009, through June 30, 2010; 10371~~

~~(c) July 1, 2010, through June 30, 2011. 10372~~

(B) ~~For any application period, the~~ The owner of a historic 10373  
building may apply to the state historic preservation officer for 10374  
a rehabilitation tax credit certificate for qualified 10375  
rehabilitation expenditures paid or incurred after April 4, 2007, 10376  
for rehabilitation of a historic building. The form and manner of 10377  
filing such applications shall be prescribed by rule of the 10378  
director of development, ~~and, except as otherwise provided in~~ 10379  
~~division (D) of this section, applications expire at the end of~~ 10380  
each application period. Each application shall state the amount 10381  
of qualified rehabilitation expenditures the applicant estimates 10382  
will be paid or incurred. The director may require applicants to 10383  
furnish documentation of such estimates. 10384

The director, after consultation with the tax commissioner 10385  
and in accordance with Chapter 119. of the Revised Code, shall 10386  
adopt rules that establish all of the following: 10387

(1) Forms and procedures by which applicants may apply for 10388

rehabilitation tax credit certificates;	10389
(2) Criteria for reviewing, evaluating, and approving applications for certificates within the limitations under division (D) of this section, criteria for assuring that the certificates issued encompass a mixture of high and low qualified rehabilitation expenditures, and criteria for issuing certificates under division (C)(3)(b) of this section;	10390 10391 10392 10393 10394 10395
(3) Eligibility requirements for obtaining a certificate under this section;	10396 10397
(4) The form of rehabilitation tax credit certificates;	10398
(5) Reporting requirements and monitoring procedures;	10399
(6) Any other rules necessary to implement and administer this section.	10400 10401
(C) The state historic preservation officer shall accept applications and forward them to the director of development, who shall review the applications and determine whether all of the following criteria are met:	10402 10403 10404 10405
(1) That the building that is the subject of the application is a historic building and the applicant is the owner of the building;	10406 10407 10408
(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section;	10409 10410 10411 10412
(3) That receiving a rehabilitation tax credit certificate under this section is a major factor in:	10413 10414
(a) The applicant's decision to rehabilitate the historic building; or	10415 10416
(b) To increase the level of investment in such rehabilitation.	10417 10418

An applicant shall demonstrate to the satisfaction of the state historic preservation officer and director of development that the rehabilitation will satisfy the standards described in division (C)(2) of this section before the applicant begins the physical rehabilitation of the historic building.

(D)(1) The director of development may approve an application and issue a rehabilitation tax credit certificate to an applicant only if the director determines that the criteria in divisions (C)(1), (2), and (3) of this section are met. The director shall consider the potential economic impact and the regional distributive balance of the credits throughout the state.

(2) A rehabilitation tax credit certificate shall not be issued before rehabilitation of a historic building is completed or for an amount greater than the estimated amount furnished by the applicant on the application for such certificate and approved by the director. The director shall not approve more than a total of ~~sixty~~ twenty-five million dollars of rehabilitation tax credits ~~for an application period per fiscal year.~~

~~(3) Of the sixty million dollars approved for application periods July 1, 2009, through June 30, 2010, and July 1, 2010, through June 30, 2011, forty five million dollars shall be reserved in each application period for the award of rehabilitation tax credit certificates to applicants who, as of March 1, 2008, had filed completed applications that met the criteria described in divisions (C)(1), (2), and (3) of this section, who have not withdrawn the application, and who have not yet been approved to receive a certificate. If the total amount of credits awarded for such applications is less than forty five million dollars in an application period, the remainder shall be made available for other qualifying applications for that application period.~~

~~(4)~~ If an applicant whose application is approved for receipt



of a rehabilitation tax credit certificate fails to provide to the 10451  
director of development sufficient evidence of reviewable 10452  
progress, including a viable financial plan, copies of final 10453  
construction drawings, and evidence that the applicant has 10454  
obtained all historic approvals within twelve months after the 10455  
date the applicant received notification of approval, or if the 10456  
applicant fails to provide evidence to the director of development 10457  
that the applicant has secured and closed on financing for the 10458  
rehabilitation within eighteen months after receiving notification 10459  
of approval, the director shall notify the applicant that the 10460  
approval has been rescinded. Credits that would have been 10461  
available to an applicant whose approval was rescinded shall be 10462  
available for other qualified applicants. Nothing in this division 10463  
prohibits an applicant whose approval has been rescinded from 10464  
submitting a new application for a rehabilitation tax credit 10465  
certificate. 10466

(E) Issuance of a certificate represents a finding by the 10467  
director of development of the matters described in divisions 10468  
(C)(1), (2), and (3) of this section only; issuance of a 10469  
certificate does not represent a verification or certification by 10470  
the director of the amount of qualified rehabilitation 10471  
expenditures for which a tax credit may be claimed under section 10472  
5725.151, 5725.34, 5729.17, 5733.47, or 5747.76 of the Revised 10473  
Code. The amount of qualified rehabilitation expenditures for 10474  
which a tax credit may be claimed is subject to inspection and 10475  
examination by the tax commissioner or employees of the 10476  
commissioner under section 5703.19 of the Revised Code and any 10477  
other applicable law. Upon the issuance of a certificate, the 10478  
director shall certify to the tax commissioner, in the form and 10479  
manner requested by the tax commissioner, the name of the 10480  
applicant, the amount of qualified rehabilitation expenditures 10481  
shown on the certificate, and any other information required by 10482  
the rules adopted under this section. 10483

(F)(1) On or before the first day of December ~~in 2007, 2008,~~ 10484  
~~2009, 2010, and 2011~~ each year, the director of development and 10485  
tax commissioner jointly shall submit to the president of the 10486  
senate and the speaker of the house of representatives a report on 10487  
the tax credit program established under this section and sections 10488  
5725.151, 5725.34, 5729.17, 5733.47, and 5747.76 of the Revised 10489  
Code. The report shall present an overview of the program and 10490  
shall include information on the number of rehabilitation tax 10491  
credit certificates issued under this section during ~~an~~ 10492  
~~application period~~ the preceding fiscal year, an update on the 10493  
status of each historic building for which an application was 10494  
approved under this section, the dollar amount of the tax credits 10495  
granted under sections 5725.151, 5725.34, 5729.17, 5733.47, and 10496  
5747.76 of the Revised Code, and any other information the 10497  
director and commissioner consider relevant to the topics 10498  
addressed in the report. 10499

(2) On or before December 1, 2012, the director of 10500  
development and tax commissioner jointly shall submit to the 10501  
president of the senate and the speaker of the house of 10502  
representatives a comprehensive report that includes the 10503  
information required by division (F)(1) of this section and a 10504  
detailed analysis of the effectiveness of issuing tax credits for 10505  
rehabilitating historic buildings. The report shall be prepared 10506  
with the assistance of an economic research organization jointly 10507  
chosen by the director and commissioner. 10508

**Sec. 153.01.** (A) Whenever any building or structure for the 10509  
use of the state or any institution supported in whole or in part 10510  
by the state or in or upon the public works of the state that is 10511  
administered by the director of administrative services or by any 10512  
other state officer or state agency authorized by law to 10513  
administer a project, including an educational institution listed 10514  
in section 3345.50 of the Revised Code, is to be erected or 10515

constructed, whenever additions, alterations, or structural or 10516  
other improvements are to be made, or whenever heating, cooling, 10517  
or ventilating plants or other equipment is to be installed or 10518  
material supplied therefor, the ~~aggregate estimated~~ cost of which 10519  
amounts to ~~fifty two hundred~~ thousand dollars or more, or the 10520  
amount determined pursuant to section 153.53 of the Revised Code 10521  
or more, each officer, board, or other authority upon which 10522  
devolves the duty of constructing, erecting, altering, or 10523  
installing the same, referred to in sections 153.01 to 153.60 of 10524  
the Revised Code as the ~~owner~~ public authority, shall cause to be 10525  
made, by an architect or engineer whose contract of employment 10526  
shall be prepared and approved by the attorney general, the 10527  
following: 10528

~~(A)(1)~~ Full and accurate plans, suitable for the use of 10529  
mechanics and other builders in the construction, improvement, 10530  
addition, alteration, or installation; 10531

~~(B)(2)~~ Details to scale and full-sized, so drawn and 10532  
represented as to be easily understood; 10533

~~(C)~~ ~~Accurate bills showing the exact quantity of different~~ 10534  
~~kinds of material necessary to the construction;~~ 10535

~~(D)(3)~~ Definite and complete specifications of the work to be 10536  
performed, together with directions that will enable a competent 10537  
mechanic or other builder to carry them out and afford bidders all 10538  
needful information; 10539

~~(E)(4)~~ A full and accurate estimate of each item of expense 10540  
and the aggregate cost of those items of expense; 10541

~~(F)(5)~~ A life-cycle cost analysis; 10542

~~(G)(6)~~ Further data as may be required by the department of 10543  
administrative services. 10544

(B) The data described in divisions (A)(1) to (6) of this 10545

section shall not be required with respect to any work to be 10546  
performed pursuant to a construction management contract entered 10547  
into with a construction manager at risk as described in section 10548  
9.334 of the Revised Code or pursuant to a design-build contract 10549  
entered into with a design-build firm as described in section 10550  
153.693 of the Revised Code. 10551

**Sec. 153.02.** (A) The director of administrative services, on 10552  
the director's own initiative or upon request of the Ohio school 10553  
facilities commission, may debar a contractor from contract awards 10554  
for public improvements as referred to in section 153.01 of the 10555  
Revised Code or for projects as defined in section 3318.01 of the 10556  
Revised Code, upon proof that the contractor has done any of the 10557  
following: 10558

(1) Defaulted on a contract requiring the execution of a 10559  
takeover agreement as set forth in division (B) of section 153.17 10560  
of the Revised Code; 10561

(2) Knowingly failed during the course of a contract to 10562  
maintain the coverage required by the bureau of workers' 10563  
compensation; 10564

(3) Knowingly failed during the course of a contract to 10565  
maintain the contractor's drug-free workplace program as required 10566  
by the contract; 10567

(4) Knowingly failed during the course of a contract to 10568  
maintain insurance required by the contract or otherwise by law, 10569  
resulting in a substantial loss to the owner, as owner is referred 10570  
to in section 153.01 of the Revised Code, or to the commission and 10571  
school district board, as provided in division (F) of section 10572  
3318.08 of the Revised Code; 10573

(5) Misrepresented the firm's qualifications in the selection 10574  
process set forth in sections 153.65 to 153.71 or section 3318.10 10575

of the Revised Code; 10576

(6) Been convicted of a criminal offense related to the 10577  
application for or performance of any public or private contract, 10578  
including, but not limited to, embezzlement, theft, forgery, 10579  
bribery, falsification or destruction of records, receiving stolen 10580  
property, and any other offense that directly reflects on the 10581  
contractor's business integrity; 10582

(7) Been convicted of a criminal offense under state or 10583  
federal antitrust laws; 10584

(8) Deliberately or willfully submitted false or misleading 10585  
information in connection with the application for or performance 10586  
of a public contract; 10587

(9) Been debarred from bidding on or participating in a 10588  
contract with any state or federal agency. 10589

(B) When the director reasonably believes that grounds for 10590  
debarment exist, the director shall send the contractor a notice 10591  
of proposed debarment indicating the grounds for the proposed 10592  
debarment and the procedure for requesting a hearing on the 10593  
proposed debarment. The hearing shall be conducted in accordance 10594  
with Chapter 119. of the Revised Code. If the contractor does not 10595  
respond with a request for a hearing in the manner specified in 10596  
Chapter 119. of the Revised Code, the director shall issue the 10597  
debarment decision without a hearing and shall notify the 10598  
contractor of the decision by certified mail, return receipt 10599  
requested. 10600

(C) The director shall determine the length of the debarment 10601  
period and may rescind the debarment at any time upon notification 10602  
to the contractor. During the period of debarment, the contractor 10603  
is not eligible to bid for or participate in any contract for a 10604  
public improvement as referred to in section 153.01 of the Revised 10605  
Code or for a project as defined in section 3318.01 of the Revised 10606

Code. After the debarment period expires, the contractor shall be 10607  
eligible to bid for and participate in such contracts ~~for a public~~ 10608  
~~improvement as referred to in section 153.01 of the Revised Code.~~ 10609

(D) The director, through the office of the state architect, 10610  
shall maintain a list of all contractors currently debarred under 10611  
this section. Any governmental entity awarding a contract for 10612  
construction of a public improvement or project may use a 10613  
contractor's presence on the debarment list to determine whether a 10614  
contractor is responsible or best under section 9.312 or any other 10615  
section of the Revised Code in the award of a contract. 10616

**Sec. 153.03.** (A) As used in this section: 10617

(1) "Contracting authority" means any state agency or other 10618  
state instrumentality that is authorized to award a public 10619  
improvement contract. 10620

(2) "Bidder" means a person who submits a bid to a 10621  
contracting authority to perform work under a public improvement 10622  
contract. 10623

(3) "Contractor" means any person with whom a contracting 10624  
authority has entered into a public improvement contract to 10625  
provide labor for a public improvement and includes a construction 10626  
manager at risk and a design-build firm. 10627

(4) "Subcontractor" means any person who undertakes to 10628  
provide any part of the labor on the site of a public improvement 10629  
under a contract with any person other than the contracting 10630  
authority, including all such persons in any tier. 10631

(5) "Construction manager" ~~means a person with substantial~~ 10632  
~~discretion and authority to plan, coordinate, manage, and direct~~ 10633  
~~all phases of a project for the construction, demolition,~~ 10634  
~~alteration, repair, or reconstruction of any public building,~~ 10635  
~~structure, or other improvement~~ has the same meaning as in section 10636

9.33 of the Revised Code. 10637

(6) "Construction manager at risk" has the same meaning as in section 9.33 of the Revised Code. 10638  
10639

(7) "Design-build firm" has the same meaning as in section 153.65 of the Revised Code. 10640  
10641

(8) "Labor" means any activity performed by a person that 10642  
contributes to the direct installation of a product, component, or 10643  
system, or that contributes to the direct removal of a product, 10644  
component, or system. 10645

~~(7)~~(9) "Public improvement contract" means any contract that 10646  
is financed in whole or in part with money appropriated by the 10647  
general assembly, or that is financed in any manner by a 10648  
contracting authority, and that is awarded by a contracting 10649  
authority for the construction, alteration, or repair of any 10650  
public building, public highway, or other public improvement. 10651

~~(8)~~(10) "State agency" means every organized body, office, or 10652  
agency established by the laws of this state for the exercise of 10653  
any function of state government. 10654

(B) A contracting authority shall not award a public 10655  
improvement contract to a bidder, and a construction manager at 10656  
risk or design-build firm shall not award a subcontract, unless 10657  
the contract or subcontract contains both of the following: 10658

(1) The statements described in division (E) of this section; 10659

(2) Terms that require the contractor or subcontractor to be 10660  
enrolled in and be in good standing in the drug-free workplace 10661  
program of the bureau of workers' compensation or a comparable 10662  
program approved by the bureau that requires an employer to do all 10663  
of the following: 10664

(a) Develop, implement, and provide to all employees a 10665  
written substance use policy that conveys full and fair disclosure 10666

of the employer's expectations that no employee be at work with 10667  
alcohol or drugs in the employee's system, and specifies the 10668  
consequences for violating the policy. 10669

(b) Conduct drug and alcohol tests on employees in accordance 10670  
with division (B)(2)(c) of this section and under the following 10671  
conditions: 10672

(i) Prior to an individual's employment or during an 10673  
employee's probationary period for employment, which shall not 10674  
exceed one hundred twenty days after the probationary period 10675  
begins; 10676

(ii) At random intervals while an employee provides labor or 10677  
~~onsite~~ on-site supervision of labor for a public improvement 10678  
contract. The employer shall use the neutral selection procedures 10679  
required by the United States department of transportation to 10680  
determine which employees to test and when to test those 10681  
employees. 10682

(iii) After an accident at the site where labor is being 10683  
performed pursuant to a public improvement contract. For purposes 10684  
of this division, "accident" has the meaning established in rules 10685  
the administrator of workers' compensation adopts pursuant to 10686  
Chapters 4121. and 4123. of the Revised Code for the bureau's 10687  
drug-free workplace program, as those rules exist on ~~the effective~~ 10688  
~~date of this section~~ March 30, 2007. 10689

(iv) When the employer ~~or a~~ construction manager, 10690  
construction manager at risk, or design-build firm has reasonable 10691  
suspicion that prior to an accident an employee may be in 10692  
violation of the employer's written substance use policy. For 10693  
purposes of this division, "reasonable suspicion" has the meaning 10694  
established in rules the administrator adopts pursuant to Chapters 10695  
4121. and 4123. of the Revised Code for the bureau's drug-free 10696  
workplace program, as those rules exist on ~~the effective date of~~ 10697



~~this section~~ March 30, 2007. 10698

(v) Prior to an employee returning to a work site to provide 10699  
labor for a public improvement contract after the employee tested 10700  
positive for drugs or alcohol, and again after the employee 10701  
returns to that site to provide labor under that contract, as 10702  
required by either the employer, ~~the~~ construction manager, 10703  
construction manager at risk, design-build firm, or conditions in 10704  
the contract. 10705

(c) Use the following types of tests when conducting a test 10706  
on an employee under the conditions described in division 10707  
(B)(2)(b) of this section: 10708

(i) Drug and alcohol testing that uses the federal testing 10709  
model that the administrator has incorporated into the bureau's 10710  
drug-free workplace program; 10711

(ii) Testing to determine whether the concentration of 10712  
alcohol on an employee's breath is equal to or in excess of the 10713  
level specified in division (A)(1)(d) or (h) of section 4511.19 of 10714  
the Revised Code, which is obtained through an evidentiary breath 10715  
test conducted by a breath alcohol technician using breath testing 10716  
equipment that meets standards established by the United States 10717  
department of transportation, or, if such technician and equipment 10718  
are unavailable, a blood test may be used to determine whether the 10719  
concentration of alcohol in an employee's blood is equal to or in 10720  
excess of the level specified in division (A)(1)(b) or (f) of 10721  
section 4511.19 of the Revised Code. 10722

(d) Require all employees to receive at least one hour of 10723  
training that increases awareness of and attempts to deter 10724  
substance abuse and supplies information about employee assistance 10725  
to deal with substance abuse problems, and require all supervisors 10726  
to receive one additional hour of training in skill building to 10727  
teach a supervisor how to observe and document employee behavior 10728

and intervene when reasonable suspicion exists of substance use; 10729

(e) Require all supervisors and employees to receive the 10730  
training described in division (B)(2)(d) of this section before 10731  
work for a public improvement contract commences or during the 10732  
term of a public improvement contract; 10733

(f) Require that the training described in division (B)(2)(d) 10734  
of this section be provided using material prepared by an 10735  
individual who has credentials or experience in substance abuse 10736  
training; 10737

(g) Assist employees by providing, at a minimum, a list of 10738  
community resources from which an employee may obtain help with 10739  
substance abuse problems, except that this requirement does not 10740  
preclude an employer from having a policy that allows an employer 10741  
to terminate an employee's employment the first time the employee 10742  
tests positive for drugs or alcohol or if an employee refuses to 10743  
be tested for drugs, alcohol, or both. 10744

(C) Any time the United States department of health and human 10745  
services changes the federal testing model that the administrator 10746  
has incorporated into the bureau's drug-free workplace program in 10747  
a manner that allows additional or new products, protocols, 10748  
procedures, and standards in the model, the administrator may 10749  
adopt rules establishing standards to allow employers to use those 10750  
additional or new products, protocols, procedures, or standards to 10751  
satisfy the requirements of division (B)(2)(c) of this section, 10752  
and the bureau may approve an employer's drug-free workplace 10753  
program that meets the administrator's standards and the other 10754  
requirements specified in division (B)(2) of this section. 10755

(D) A contracting authority shall ensure that money 10756  
appropriated by the general assembly for the contracting 10757  
authority's public improvement contract or, in the case of a state 10758  
institution of higher education, the institution's financing for 10759

the public improvement contract, is not expended unless the 10760  
contractor for that contract is enrolled in and in good standing 10761  
in a drug-free workplace program described in division (B) of this 10762  
section. Prior to awarding a contract to a bidder, a contracting 10763  
authority shall verify that the bidder is enrolled in and in good 10764  
standing in such a program. 10765

(E) A contracting authority shall include all of the 10766  
following statements in the public improvement contract entered 10767  
into between the contracting authority and a contractor for the 10768  
public improvement: 10769

(1) "Each contractor shall require all subcontractors with 10770  
whom the contractor is in contract for the public improvement to 10771  
be enrolled in and be in good standing in the Bureau of Workers' 10772  
Compensation's Drug-Free Workplace Program or a comparable program 10773  
approved by the Bureau that meets the requirements specified in 10774  
section 153.03 of the Revised Code prior to a subcontractor 10775  
providing labor at the project site of the public improvement." 10776

(2) "Each subcontractor shall require all lower-tier 10777  
subcontractors with whom the subcontractor is in contract for the 10778  
public improvement to be enrolled in and be in good standing in 10779  
the Bureau of Workers' Compensation's Drug-Free Workplace Program 10780  
or a comparable program approved by the Bureau that meets the 10781  
requirements specified in section 153.03 of the Revised Code prior 10782  
to a lower-tier subcontractor providing labor at the project site 10783  
of the public improvement." 10784

(3) "Failure of a contractor to require a subcontractor to be 10785  
enrolled in and be in good standing in the Bureau of Workers' 10786  
Compensation's Drug-Free Workplace Program or a comparable program 10787  
approved by the Bureau that meets the requirements specified in 10788  
section 153.03 of the Revised Code prior to the time that the 10789  
subcontractor provides labor at the project site will result in 10790  
the contractor being found in breach of the contract and that 10791

breach shall be used in the responsibility analysis of that 10792  
contractor or the subcontractor who was not enrolled in a program 10793  
for future contracts with the state for five years after the date 10794  
of the breach." 10795

(4) "Failure of a subcontractor to require a lower-tier 10796  
subcontractor to be enrolled in and be in good standing in the 10797  
Bureau of Workers' Compensation's Drug-Free Workplace Program or a 10798  
comparable program approved by the Bureau that meets the 10799  
requirements specified in section 153.03 of the Revised Code prior 10800  
to the time that the lower-tier subcontractor provides labor at 10801  
the project site will result in the subcontractor being found in 10802  
breach of the contract and that breach shall be used in the 10803  
responsibility analysis of that subcontractor or the lower-tier 10804  
subcontractor who was not enrolled in a program for future 10805  
contracts with the state for five years after the date of the 10806  
breach." 10807

(F) In the event a construction manager, construction manager 10808  
at risk, or design-build firm intends and is authorized to provide 10809  
labor for a public improvement contract, a contracting authority 10810  
shall verify, prior to awarding a contract for construction 10811  
management services or design-build services, that the 10812  
construction manager, construction manager at risk, or 10813  
design-build firm was enrolled in and in good standing in a 10814  
drug-free workplace program described in division (B) of this 10815  
section prior to entering into the public improvement contract. 10816  
The contracting authority shall not award a contract for 10817  
construction manager services ~~to a construction manager or~~ 10818  
design-build services if the construction manager, construction 10819  
manager at risk, or design-build firm is not enrolled in or in 10820  
good standing in such a program. 10821

**Sec. 153.07.** The notice provided for in section 153.06 of the 10822

Revised Code shall be published once each week for three 10823  
consecutive weeks in a newspaper of general circulation, or as 10824  
provided in section 7.16 of the Revised Code, in the county where 10825  
the activity for which bids are submitted is to occur and in such 10826  
other newspapers as ordered by the department of administrative 10827  
services, the last publication to be at least eight days preceding 10828  
the day for opening the bids, and in such form and with such 10829  
phraseology as the department orders. Copies of the plans, 10830  
details, ~~bills of material,~~ estimates of cost, and specifications 10831  
shall be open to public inspection at all business hours between 10832  
the day of the first publication and the day for opening the bids, 10833  
at the office of the department where the bids are received, and 10834  
such other place as may be designated in such notice. 10835

**Sec. 153.08.** On the day and at the place named in the notice 10836  
provided for in section 153.06 of the Revised Code, the owner 10837  
referred to in section 153.01 of the Revised Code shall open the 10838  
bids and shall publicly, with the assistance of the architect or 10839  
engineer, immediately proceed to tabulate the bids upon duplicate 10840  
sheets. The public bid opening may be broadcast by electronic 10841  
means pursuant to rules established by the director of 10842  
administrative services. A bid shall be invalid and not considered 10843  
unless a bid guaranty meeting the requirements of section 153.54 10844  
of the Revised Code and in the form approved by the department of 10845  
administrative services is filed with such bid ~~and unless such.~~ 10846  
For a bid that is not filed electronically, the bid and bid 10847  
guaranty are shall be filed in one sealed envelope. If the bid and 10848  
bid guaranty are filed electronically, they must be received 10849  
electronically before the deadline published pursuant to section 10850  
153.06 of the Revised Code. For all bids filed electronically, the 10851  
original, unaltered bid guaranty shall be made available to the 10852  
public authority after the public bid opening. After 10853  
investigation, which shall be completed within thirty days, the 10854

contract shall be awarded by such owner to the lowest responsive 10855  
and responsible bidder in accordance with section 9.312 of the 10856  
Revised Code. 10857

No contract shall be entered into until the industrial 10858  
commission has certified that the person so awarded the contract 10859  
has complied with sections 4123.01 to 4123.94 of the Revised Code, 10860  
until, if the bidder so awarded the contract is a foreign 10861  
corporation, the secretary of state has certified that such 10862  
corporation is authorized to do business in this state, until, if 10863  
the bidder so awarded the contract is a person nonresident of this 10864  
state, such person has filed with the secretary of state a power 10865  
of attorney designating the secretary of state as its agent for 10866  
the purpose of accepting service of summons in any action brought 10867  
under section 153.05 of the Revised Code or under sections 4123.01 10868  
to 4123.94 of the Revised Code, and until the contract and bond, 10869  
if any, are submitted to the attorney general and the attorney 10870  
general's approval certified thereon. 10871

No contract shall be entered into unless the bidder possesses 10872  
a valid certificate of compliance with affirmative action programs 10873  
issued pursuant to section 9.47 of the Revised Code and dated no 10874  
earlier than one hundred eighty days prior to the date fixed for 10875  
the opening of bids for a particular project. 10876

**Sec. 153.50.** (A) As used in sections 153.50 to 153.52 of 10877  
the Revised Code: 10878

(1) "Construction manager at risk" has the same meaning as in 10879  
section 9.33 of the Revised Code. 10880

(2) "Design-assist" means monitoring and assisting in the 10881  
completion of the plans and specifications. 10882

(3) "Design-assist firm" means a person capable of performing 10883  
design-assist. 10884

(4) "Design-build firm" has the same meaning as in section 153.65 of the Revised Code. 10885  
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(5) "General contracting" means constructing and managing an entire public improvement project, including the branches or classes of work specified in division (B) of this section, under the award of a single aggregate lump sum contract. 10887  
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(6) "General contracting firm" means a person capable of performing general contracting. 10891  
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(B) Except for contracts made with a construction manager at risk, with a design-build firm, or with a general contracting firm, an officer, board, or other authority of the state, a county, township, municipal corporation, or school district, or of any public institution belonging thereto, authorized to contract for the erection, repair, alteration, or rebuilding of a public building, institution, bridge, culvert, or improvement and required by law to advertise and receive bids for furnishing of materials and doing the work necessary for the erection thereof, shall require separate and distinct bids to be made for furnishing such materials or doing such work, or both, in their discretion, for each of the following branches or classes of work to be performed, and all work kindred thereto, entering into the improvement: 10893  
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(1) Plumbing and gas fitting; 10907

(2) Steam and hot-water heating, ventilating apparatus, and steam-power plant; 10908  
10909

(3) Electrical equipment. 10910

~~(B) A public authority is not required to solicit separate bids for a branch or class of work specified in division (A) of this section for an improvement if the estimated cost for that branch or class of work is less than five thousand dollars.~~ 10911  
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Sec. 153.501. (A) A public authority may accept a subcontract awarded by a construction manager at risk, a design-build firm, or a general contracting firm, or may reject any such contract if the public authority determines that the bidder is not responsible. 10915  
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(B) A public authority may authorize a construction manager at risk or design-build firm to utilize a design-assist firm on any public improvement project. 10919  
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(C) If the construction manager at risk or design-build firm intends and is permitted by the public authority to self-perform a portion of the work to be performed, the construction manager at risk or design-build firm shall submit a sealed bid for the portion of the work prior to accepting and opening any bids for the same work. 10922  
10923  
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Sec. 153.502. The department of administrative services, pursuant to Chapter 119. of the Revised Code and not later than June 30, 2012, shall adopt rules to do both of the following: 10928  
10929  
10930

(A) Prescribe the procedures and criteria for determining the best value selection of a construction manager at risk or design-build firm; 10931  
10932  
10933

(B) Prescribe the form for the contract documents to be used by a public authority when entering into a contract with a construction manager at risk or design-build firm. 10934  
10935  
10936

Sec. 153.51. (A) ~~When more than one branch or class of work specified in division (A) of~~ If separate and distinct bids are required pursuant to section 153.50 of the Revised Code ~~is required~~, no contract for the entire job, or for a greater portion thereof than is embraced in one such branch or class of work ~~shall~~ may be awarded, unless the separate bids do not cover all the work and materials required or the bids for the whole or for two or 10937  
10938  
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more kinds of work or materials are lower than the separate bids 10944  
in the aggregate. 10945

(B)(1) ~~The If the public authority referred to in section 10946  
153.50 of the Revised Code also may award awards a single, 10947  
aggregate contract for the entire project pursuant to division (A) 10948  
of this section. This, the award shall be made to the bidder who 10949  
is the lowest responsive and responsible bidder or the lowest and 10950  
best bidder, as applicable, as specified in section 153.52 of the 10951  
Revised Code. 10952~~

(2) The public authority ~~referred to in section 153.50 of the 10953  
Revised Code~~ may assign all or any portion of its interest in the 10954  
contract of the lowest responsive and responsible bidder or the 10955  
lowest and best bidder, as applicable, to another successful 10956  
bidder as an agreed condition for an award of the contract for the 10957  
amount of its respective bid. Such assignment may include, but is 10958  
not limited to, the duty to schedule, coordinate, and administer 10959  
the contracts. 10960

~~(C) A public authority referred to in division (A) of section 10961  
153.50 of the Revised Code is not required to award separate 10962  
contracts for a branch or class of work specified in division (A) 10963  
of section 153.50 of the Revised Code entering into an improvement 10964  
if the estimated cost for that branch or class of work is less 10965  
than five thousand dollars. 10966~~

**Sec. 153.52.** The A contract for general contracting or for 10967  
doing the work belonging to each separate branch or class of work 10968  
specified in division ~~(A)~~(B) of section 153.50 of the Revised 10969  
Code, or for the furnishing of materials therefor, ~~or both,~~ shall 10970  
be awarded by the public authority referred to in section 153.50 10971  
of the Revised Code, in its discretion, to the lowest responsive 10972  
and responsible separate bidder therefor, in accordance with 10973  
section 9.312 of the Revised Code in the case of any public 10974

authority of the state or any public institution belonging 10975  
thereto, and to the lowest and best separate bidder in the case of 10976  
a county, township, or municipal corporation, ~~or school district,~~ 10977  
or any public institution belonging thereto, and to the lowest 10978  
responsive and responsible bidder in the case of a school 10979  
district, and shall be made directly with the bidder in the manner 10980  
and upon the terms, conditions, and limitations as to giving bond 10981  
or bid guaranties as prescribed by law, ~~unless it is let as a~~ 10982  
~~whole, or to bidders for more than one kind of work or materials.~~ 10983  
~~Sections 153.50 to 153.52 of the Revised Code do not apply to the~~ 10984  
~~erection of buildings and other structures which cost less than~~ 10985  
~~fifty thousand dollars.~~ 10986

Sec. 153.53. (A) As used in this section, "rate of inflation" 10987  
has the same meaning as in section 107.032 of the Revised Code. 10988  
10989

(B) Five years after the effective date of this section and 10990  
every five years thereafter, the director of administrative 10991  
services shall evaluate the monetary threshold specified in 10992  
section 153.01 of the Revised Code and adopt rules adjusting that 10993  
amount based on the average rate of inflation during each of the 10994  
previous five years immediately preceding such adjustment. 10995

Sec. 153.54. (A) ~~Each~~ Except with respect to a contract 10996  
described in section 9.334 or 153.693 of the Revised Code, each 10997  
person bidding for a contract with the state or any political 10998  
subdivision, district, institution, or other agency thereof, 10999  
excluding therefrom the department of transportation, for any 11000  
public improvement shall file with the bid, a bid guaranty in the 11001  
form of either: 11002

(1) A bond in accordance with division (B) of this section 11003  
for the full amount of the bid; 11004

(2) A certified check, cashier's check, or letter of credit pursuant to Chapter 1305. of the Revised Code, in accordance with division (C) of this section. Any such letter of credit is revocable only at the option of the beneficiary state, political subdivision, district, institution, or agency. The amount of the certified check, cashier's check, or letter of credit shall be equal to ten per cent of the bid.

(B) A bid guaranty filed pursuant to division (A)(1) of this section shall be conditioned to:

(1) Provide that, if the bid is accepted, the bidder, after the awarding or the recommendation for the award of the contract, whichever the contracting authority designates, will enter into a proper contract in accordance with the bid, plans, details, and specifications, ~~and bills of material~~. If for any reason, other than as authorized by section 9.31 of the Revised Code or division (G) of this section, the bidder fails to enter into the contract, and the contracting authority awards the contract to the next lowest bidder, the bidder and the surety on the bidder's bond are liable to the state, political subdivision, district, institution, or agency for the difference between the bid and that of the next lowest bidder, or for a penal sum not to exceed ten per cent of the amount of the bond, whichever is less. If the state, political subdivision, district, institution, or agency does not award the contract to the next lowest bidder but resubmits the project for bidding, the bidder failing to enter into the contract and the surety on the bidder's bond, except as provided in division (G) of this section, are liable to the state, political subdivision, district, institution, or agency for a penal sum not to exceed ten per cent of the amount of the bid or the costs in connection with the resubmission of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less.

(2) Indemnify the state, political subdivision, district, institution, or agency against all damage suffered by failure to perform the contract according to its provisions and in accordance with the plans, details, and specifications, ~~and bills of material~~ therefor and to pay all lawful claims of subcontractors, material suppliers, and laborers for labor performed or material furnished in carrying forward, performing, or completing the contract; and agree and assent that this undertaking is for the benefit of any subcontractor, material supplier, or laborer having a just claim, as well as for the state, political subdivision, district, institution, or agency.

(C)(1) A bid guaranty filed pursuant to division (A)(2) of this section shall be conditioned to provide that if the bid is accepted, the bidder, after the awarding or the recommendation for the award of the contract, whichever the contracting authority designates, will enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material. If for any reason, other than as authorized by section 9.31 of the Revised Code or division (G) of this section, the bidder fails to enter into the contract, and the contracting authority awards the contract to the next lowest bidder, the bidder is liable to the state, political subdivision, district, institution, or agency for the difference between the bidder's bid and that of the next lowest bidder, or for a penal sum not to exceed ten per cent of the amount of the bid, whichever is less. If the state, political subdivision, district, institution, or agency does not award the contract to the next lowest bidder but resubmits the project for bidding, the bidder failing to enter into the contract, except as provided in division (G) of this section, is liable to the state, political subdivision, district, institution, or agency for a penal sum not to exceed ten per cent of the amount of the bid or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing

notices to prospective bidders, whichever is less. 11070

If the bidder enters into the contract, the bidder, at the 11071  
time the contract is entered to, shall file a bond for the amount 11072  
of the contract to indemnify the state, political subdivision, 11073  
district, institution, or agency against all damage suffered by 11074  
failure to perform the contract according to its provisions and in 11075  
accordance with the plans, details, and specifications, ~~and bills~~ 11076  
~~of material therefor~~ and to pay all lawful claims of 11077  
subcontractors, material suppliers, and laborers for labor 11078  
performed or material furnished in carrying forward, performing, 11079  
or completing the contract; and agree and assent that this 11080  
undertaking is for the benefit of any subcontractor, material 11081  
supplier, or laborer having a just claim, as well as for the 11082  
state, political subdivision, district, institution, or agency. 11083

(2) A construction manager who enters into a contract 11084  
pursuant to sections 9.33 to 9.333 of the Revised Code, if 11085  
required by the public ~~owner~~ authority at the time the 11086  
construction manager enters into the contract, shall file a letter 11087  
of credit pursuant to Chapter 1305. of the Revised Code, bond, 11088  
certified check, or cashier's check, for the value of the 11089  
construction management contract to indemnify the state, political 11090  
subdivision, district, institution, or agency against all damage 11091  
suffered by the construction manager's failure to perform the 11092  
contract according to its provisions, and shall agree and assent 11093  
that this undertaking is for the benefit of the state, political 11094  
subdivision, district, institution, or agency. A letter of credit 11095  
provided by the construction manager is revocable only at the 11096  
option of the beneficiary state, political subdivision, district, 11097  
institution, or agency. 11098

(D) Where the state, political subdivision, district, 11099  
institution, or agency accepts a bid but the bidder fails or 11100  
refuses to enter into a proper contract in accordance with the 11101

bid, plans, details, and specifications, ~~and bills of material~~ 11102  
within ten days after the awarding of the contract, the bidder and 11103  
the surety on any bond, except as provided in division (G) of this 11104  
section, are liable for the amount of the difference between the 11105  
bidder's bid and that of the next lowest bidder, but not in excess 11106  
of the liability specified in division (B)(1) or (C) of this 11107  
section. Where the state, political subdivision, district, 11108  
institution, or agency then awards the bid to such next lowest 11109  
bidder and such next lowest bidder also fails or refuses to enter 11110  
into a proper contract in accordance with the bid, plans, details, 11111  
and specifications, ~~and bills of material~~ within ten days after 11112  
the awarding of the contract, the liability of such next lowest 11113  
bidder, except as provided in division (G) of this section, is the 11114  
amount of the difference between the bids of such next lowest 11115  
bidder and the third lowest bidder, but not in excess of the 11116  
liability specified in division (B)(1) or (C) of this section. 11117  
Liability on account of an award to any lowest bidder beyond the 11118  
third lowest bidder shall be determined in like manner. 11119

(E) Notwithstanding division (C) of this section, where the 11120  
state, political subdivision, district, institution, or agency 11121  
resubmits the project for bidding, each bidder whose bid was 11122  
accepted but who failed or refused to enter into a proper 11123  
contract, except as provided in division (G) of this section, is 11124  
liable for an equal share of a penal sum in connection with the 11125  
resubmission, of printing new contract documents, required 11126  
advertising, and printing and mailing notices to prospective 11127  
bidders, but no bidder's liability shall exceed the amount of the 11128  
bidder's bid guaranty. 11129

(F) All bid guaranties filed pursuant to this section shall 11130  
be payable to the state, political subdivision, district, 11131  
institution, or agency, be for the benefit of the state, political 11132  
subdivision, district, institution, or agency or any person having 11133

a right of action thereon, and be deposited with, and held by, the board, officer, or agent contracting on behalf of the state, political subdivision, district, institution, or agency. All bonds filed pursuant to this section shall be issued by a surety company authorized to do business in this state as surety approved by the board, officer, or agent awarding the contract on behalf of the state, political subdivision, district, institution, or agency.

(G) A bidder for a contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the Ohio department of transportation, for a public improvement costing less than one-half million dollars may withdraw the bid from consideration if the bidder's bid for some other contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the department of transportation, for the public improvement costing less than one-half million dollars has already been accepted, if the bidder certifies in good faith that the total amount of all the bidder's current contracts is less than one-half million dollars, and if the surety certifies in good faith that the bidder is unable to perform the subsequent contract because to do so would exceed the bidder's bonding capacity. If a bid is withdrawn under authority of this division, the contracting authority may award the contract to the next lowest bidder or reject all bids and resubmit the project for bidding, and neither the bidder nor the surety on the bidder's bond are liable for the difference between the bidder's bid and that of the next lowest bidder, for a penal sum, or for the costs of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders.

(H) Bid guaranties filed pursuant to division (A) of this section shall be returned to all unsuccessful bidders immediately after the contract is executed. The bid guaranty filed pursuant to

division (A)(2) of this section shall be returned to the 11166  
successful bidder upon filing of the bond required in division (C) 11167  
of this section. 11168

(I) For the purposes of this section, "next lowest bidder" 11169  
means, in the case of a political subdivision that has adopted the 11170  
model Ohio and United States preference requirements promulgated 11171  
pursuant to division (E) of section 125.11 of the Revised Code, 11172  
the next lowest bidder that qualifies under those preference 11173  
requirements. 11174

(J) For the purposes of this section and sections 153.56, 11175  
153.57, and 153.571 of the Revised Code, "public improvement," 11176  
"subcontractor," "material supplier," "laborer," and "materials" 11177  
have the same meanings as in section 1311.25 of the Revised Code. 11178

Sec. 153.55. (A) For purposes of calculating the amount of a 11179  
public improvement project to determine whether it is subject to 11180  
section 153.01 of the Revised Code, no officer, board, or other 11181  
authority of the state or any institution supported by the state 11182  
shall subdivide a public improvement project into component parts 11183  
or separate projects in order to avoid the threshold of that 11184  
section, unless the component parts or separate projects thus 11185  
created are conceptually separate and unrelated to each other, or 11186  
encompass independent or unrelated needs. 11187

(B) In calculating the project amount for purposes of the 11188  
threshold in section 153.01 of the Revised Code, the following 11189  
expenses shall be included as costs of the project: 11190

(1) Professional fees and expenses for services associated 11191  
with the preparation of plans; 11192

(2) Permit costs, testing costs, and other fees associated 11193  
with the work; 11194

(3) Project construction costs; 11195



(4) A contingency reserve fund. 11196

**Sec. 153.56.** (A) Any person to whom any money is due for 11197  
labor or work performed or materials furnished in a public 11198  
improvement as provided in section 153.54 of the Revised Code, at 11199  
any time after performing the labor or work or furnishing the 11200  
materials, but not later than ninety days after the completion of 11201  
the contract by the principal contractor or design-build firm and 11202  
the acceptance of the public improvement for which the bond was 11203  
provided by the duly authorized board or officer, shall furnish 11204  
the sureties on the bond, a statement of the amount due to the 11205  
person. 11206

(B) A suit shall not be brought against sureties on the bond 11207  
until after sixty days after the furnishing of the statement 11208  
described in division (A) of this section. If the indebtedness is 11209  
not paid in full at the expiration of that sixty days, and if the 11210  
person complies with division (C) of this section, the person may 11211  
bring an action in the person's own name upon the bond, as 11212  
provided in sections 2307.06 and 2307.07 of the Revised Code, that 11213  
action to be commenced, notwithstanding section 2305.12 of the 11214  
Revised Code, not later than one year from the date of acceptance 11215  
of the public improvement for which the bond was provided. 11216

(C) To exercise rights under this section, a subcontractor or 11217  
materials supplier supplying labor or materials that cost more 11218  
than thirty thousand dollars, who is not in direct privity of 11219  
contract with the principal contractor or design-build firm for 11220  
the public improvement, shall serve a notice of furnishing upon 11221  
the principal contractor or design-build firm in the form provided 11222  
in section 1311.261 of the Revised Code. 11223

(D) A subcontractor or materials supplier who serves a notice 11224  
of furnishing under division (C) of this section as required to 11225  
exercise rights under this section has the right of recovery only 11226

as to amounts owed for labor and work performed and materials 11227  
furnished during and after the twenty-one days immediately 11228  
preceding service of the notice of furnishing. 11229

(E) For purposes of this section, ~~"principal:~~ 11230

(1) "Design-build firm" has the same meaning as in section 11231  
153.65 of the Revised Code. 11232

(2) "Principal contractor" has the same meaning as in section 11233  
1311.25 of the Revised Code, and may include a "construction 11234  
manager" and a "construction manager at risk" as defined in 11235  
section 9.33 of the Revised Code. 11236

**Sec. 153.57.** (A) The bond provided for in division (B) of 11237  
section 9.333, division (C)(1) of section 153.54, and division (C) 11238  
of section 153.70 of the Revised Code shall be in substantially 11239  
the following form, and recovery of any claimant thereunder shall 11240  
be subject to sections 153.01 to 153.60 of the Revised Code, to 11241  
the same extent as if the provisions of those sections were fully 11242  
incorporated in the bond form: 11243

"KNOW ALL PERSONS BY THESE PRESENTS, that we, the undersigned 11244  
..... as principal and ..... 11245  
as sureties, are hereby held and firmly bound unto 11246  
..... in the penal sum of ..... dollars, for 11247  
the payment of which well and truly to be made, we hereby jointly 11248  
and severally bind ourselves, our heirs, executors, 11249  
administrators, successors, and assigns. 11250

Signed this ..... day of ....., .... 11251

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas 11252  
the above named principal did on the ..... day of 11253  
....., ....., enter into a contract with 11254  
....., which said contract is made a part of this bond 11255  
the same as though set forth herein; 11256

Now, if the said ..... shall well and 11257  
faithfully do and perform the things agreed by ..... 11258  
to be done and performed according to the terms of said contract; 11259  
and shall pay all lawful claims of subcontractors, material 11260  
suppliers, and laborers, for labor performed and materials 11261  
furnished in the carrying forward, performing, or completing of 11262  
said contract; we agreeing and assenting that this undertaking 11263  
shall be for the benefit of any material supplier or laborer 11264  
having a just claim, as well as for the obligee herein; then this 11265  
obligation shall be void; otherwise the same shall remain in full 11266  
force and effect; it being expressly understood and agreed that 11267  
the liability of the surety for any and all claims hereunder shall 11268  
in no event exceed the penal amount of this obligation as herein 11269  
stated. 11270

The said surety hereby stipulates and agrees that no 11271  
modifications, omissions, or additions, in or to the terms of the 11272  
said contract or in or to the plans or specifications therefor 11273  
shall in any wise affect the obligations of said surety on its 11274  
bond." 11275

(B) The bond provided for in division (C)(2) of section 11276  
153.54 of the Revised Code shall be in substantially the following 11277  
form: 11278

"KNOW ALL PERSONS BY THESE PRESENTS, that we, the undersigned 11279  
..... as principal and ..... as sureties, are hereby 11280  
held and firmly bound unto ..... in the penal sum of 11281  
..... dollars, for the payment of which well and truly be 11282  
made, we hereby jointly and severally bind ourselves, our heirs, 11283  
executors, administrators, successors, and assigns. 11284

Signed this ..... day of ....., ..... 11285

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas 11286  
the above named principal did on the ..... day of ....., 11287

....., entered into a contract with ..... which said 11288  
contract is made a part of this bond the same as though set forth 11289  
herein; 11290

Now, if the said ..... shall well and faithfully 11291  
do and perform the things agreed by ..... to be done and 11292  
performed according to the terms of the said contract; we agreeing 11293  
and assenting that this undertaking shall be for the benefit of 11294  
the obligee herein; then this obligation shall be void; otherwise 11295  
the same shall remain in full force and effect; it being expressly 11296  
understood and agreed that the liability of the surety for any and 11297  
all claims hereunder shall in no event exceed the penal amount of 11298  
the obligation as herein stated. 11299

The surety hereby stipulates and agrees that no 11300  
modifications, omissions, or additions, in or to the terms of the 11301  
contract shall in any way affect the obligation of the surety on 11302  
its bond." 11303

**Sec. 153.581.** As used in sections 153.581 and 153.591 of the 11304  
Revised Code: 11305

(A) "Public works contract" means any contract awarded by a 11306  
contracting authority for the construction, engineering, 11307  
alteration, or repair of any public building, public highway, or 11308  
other public work. 11309

(B) "Contracting authority" means the state, any township, 11310  
county, municipal corporation, school board, or other governmental 11311  
entity empowered to award a public works contract, and any 11312  
construction manager at risk as defined in section 9.33 of the 11313  
Revised Code or design-build firm as defined in section 153.65 of 11314  
the Revised Code awarding a subcontract. 11315

(C) "Contractor" means any person, partnership, corporation, 11316  
or association that has been awarded a public works contract. 11317

Sec. 153.65. As used in sections 153.65 to ~~153.71~~ 153.73 of 11318  
the Revised Code: 11319

(A)(1) "Public authority" means the state, a state 11320  
institution of higher education as defined in section 3345.011 of 11321  
the Revised Code, a county, township, municipal corporation, 11322  
school district, or other political subdivision, or any public 11323  
agency, authority, board, commission, instrumentality, or special 11324  
purpose district of the state or of a county, township, municipal 11325  
corporation, school district, or other political subdivision. 11326

(2) "Public authority" does not include the Ohio turnpike 11327  
commission. 11328

(B) "Professional design firm" means any person legally 11329  
engaged in rendering professional design services. 11330

(C) "Professional design services" means services within the 11331  
scope of practice of an architect or landscape architect 11332  
registered under Chapter 4703. of the Revised Code or a 11333  
professional engineer or surveyor registered under Chapter 4733. 11334  
of the Revised Code. 11335

(D) "Qualifications" means all of the following: 11336

(1) ~~Competence of the~~ (a) For a professional design firm, 11337  
competence to perform the required professional design services as 11338  
indicated by the technical training, education, and experience of 11339  
the firm's personnel, especially the technical training, 11340  
education, and experience of the employees within the firm who 11341  
would be assigned to perform the services; 11342

(b) For a design-build firm, competence to perform the 11343  
required design-build services as indicated by the technical 11344  
training, education, and experience of the design-build firm's 11345  
personnel and key consultants, especially the technical training, 11346  
education, and experience of the employees and consultants of the 11347

design-build firm who would be assigned to perform the services, 11348  
including the proposed architect of record. 11349

(2) Ability of the firm in terms of its workload and the 11350  
availability of qualified personnel, equipment, and facilities to 11351  
perform the required professional design services or design-build 11352  
services competently and expeditiously; 11353

(3) Past performance of the firm as reflected by the 11354  
evaluations of previous clients with respect to such factors as 11355  
control of costs, quality of work, and meeting of deadlines; 11356

(4) Any other relevant factors as determined by the public 11357  
authority; 11358

(5) With respect to a design-build firm, compliance with 11359  
sections 4703.182, 4703.332, and 4733.16 of the Revised Code, 11360  
including the use of a licensed professional for all design 11361  
services. 11362

(E) "Design-build contract" means a contract between a public 11363  
authority and another person that obligates the person to provide 11364  
design-build services. 11365

(F) "Design-build firm" means a person capable of providing 11366  
design-build services. 11367

(G) "Design-build services" means services that form an 11368  
integrated delivery system for which a person is responsible to a 11369  
public authority for both the design and construction, demolition, 11370  
alteration, repair, or reconstruction of a public improvement. 11371

(H) "Architect of record" means the architect that serves as 11372  
the final signatory on the plans and specifications for the 11373  
design-build project. 11374

(I) "Criteria architect or engineer" means the architect or 11375  
engineer retained by a public authority to prepare conceptual 11376  
plans and specifications, to assist the public authority in 11377

connection with the establishment of the design criteria for a 11378  
design-build project, and, if requested by the public authority, 11379  
to serve as the representative of the public authority and 11380  
provide, during the design-build project, other design and 11381  
construction administration services on behalf of the public 11382  
authority, including but not limited to, confirming that the 11383  
design prepared by the design-build firm reflects the original 11384  
design intent established in the design criteria package. 11385

(J) "Open book pricing method" means a method in which a 11386  
design-build firm provides the public authority, at the public 11387  
authority's request, all books, records, documents, contracts, 11388  
subcontracts, purchase orders, and other data in its possession 11389  
pertaining to the bidding, pricing, or performance of a contract 11390  
for design-build services awarded to the design-build firm. 11391

**Sec. 153.66.** (A) Each public authority planning to contract 11392  
for professional design services or design-build services shall 11393  
encourage professional design firms and design-build firms to 11394  
submit a statement of qualifications and update the statements at 11395  
regular intervals. 11396

(B) Notwithstanding any contrary requirements in sections 11397  
153.65 to 153.70 of the Revised Code, for every design-build 11398  
contract, each public authority planning to contract for 11399  
design-build services shall evaluate the statements of 11400  
qualifications submitted by design-build firms for the project, 11401  
including the qualifications of the design-build firm's proposed 11402  
architect of record, in consultation with the criteria architect 11403  
or engineer before selecting a design-build firm pursuant to 11404  
section 153.693 of the Revised Code. 11405

**Sec. 153.67.** Each public authority planning to contract for 11406  
professional design services or design-build services shall 11407

publicly announce all contracts available from it for such 11408  
services. The announcements shall: 11409

(A) Be made in a uniform and consistent manner and shall be 11410  
made sufficiently in advance of the time that responses must be 11411  
received from qualified professional design firms or design-build 11412  
firms for the firms to have an adequate opportunity to submit a 11413  
statement of interest in the project; 11414

(B) Include a general description of the project, a statement 11415  
of the specific professional design services or design-build 11416  
services required, and a description of the qualifications 11417  
required for the project; 11418

(C) Indicate how qualified professional design firms or 11419  
design-build firms may submit statements of qualifications in 11420  
order to be considered for a contract to design or design-build 11421  
the project; 11422

(D) Be sent to ~~either~~ any of the following that the public 11423  
authority considers appropriate: 11424

(1) ~~Each professional design firm that has a current~~ 11425  
~~statement of qualifications on file with the public authority and~~ 11426  
~~is qualified to perform the required professional design services~~ 11427  
Design-build firms, including contractors or other entities that 11428  
seek to perform the work as a design-build firm; 11429

(2) Architect, landscape architect, engineer, and surveyor 11430  
~~trade associations, the~~ 11431

(3) The news media, and any; 11432

(4) Any publications or other public media that the public 11433  
authority considers appropriate, including electronic media. 11434

**Sec. 153.69.** For every professional design services contract, 11435  
each public authority planning to contract for professional design 11436  
services shall evaluate the statements of qualifications of 11437



~~professional design firms currently on file, together with those~~ 11438  
~~that are~~ submitted by ~~other~~ professional design firms specifically 11439  
regarding the project, and may hold discussions with individual 11440  
firms to explore further the firms' statements of qualifications, 11441  
the scope and nature of the services the firms would provide, and 11442  
the various technical approaches the firms may take toward the 11443  
project. Following this evaluation, the public authority shall: 11444

11445

(A) Select and rank no fewer than three firms which it 11446  
considers to be the most qualified to provide the required 11447  
professional design services, except when the public authority 11448  
determines in writing that fewer than three qualified firms are 11449  
available in which case the public authority shall select and rank 11450  
those firms; 11451

(B) Negotiate a contract with the firm ranked most qualified 11452  
to perform the required services at a compensation determined in 11453  
writing to be fair and reasonable to the public authority. 11454  
Contract negotiations shall be directed toward: 11455

(1) Ensuring that the professional design firm and the agency 11456  
have a mutual understanding of the essential requirements involved 11457  
in providing the required services; 11458

(2) Determining that the firm will make available the 11459  
necessary personnel, equipment, and facilities to perform the 11460  
services within the required time; 11461

(3) Agreeing upon compensation which is fair and reasonable, 11462  
taking into account the estimated value, scope, complexity, and 11463  
nature of the services. 11464

(C) If a contract is negotiated with the firm ranked to 11465  
perform the required services most qualified, the public authority 11466  
shall, if applicable under section 127.16 of the Revised Code, 11467  
request approval of the board to make expenditures under the 11468

contract. 11469

(D) Upon failure to negotiate a contract with the firm ranked 11470  
most qualified, the public authority shall inform the firm in 11471  
writing of the termination of negotiations and may enter into 11472  
negotiations with the firm ranked next most qualified. If 11473  
negotiations again fail, the same procedure ~~shall~~ may be followed 11474  
with each next most qualified firm selected and ranked pursuant to 11475  
division (A) of this section, in order of ranking, until a 11476  
contract is negotiated. 11477

(E) Should the public authority fail to negotiate a contract 11478  
with any of the firms selected pursuant to division (A) of this 11479  
section, the public authority ~~shall~~ may select and rank additional 11480  
firms, based on their qualifications, and negotiations ~~shall~~ may 11481  
continue as with the firms selected and ranked initially until a 11482  
contract is negotiated. 11483

(F) Nothing in this section affects a public authority's 11484  
right to accept or reject any or all proposals in whole or in 11485  
part. 11486

Sec. 153.692. For every design-build contract, the public 11487  
authority planning to contract for design-build services shall 11488  
first obtain the services of a criteria architect or engineer by 11489  
doing either of the following: 11490

(A) Contracting for the services consistent with sections 11491  
153.65 to 153.70 of the Revised Code; 11492

(B) Obtaining the services through an architect or engineer 11493  
who is an employee of the public authority and notifying the 11494  
department of administrative services before the services are 11495  
performed. 11496

Sec. 153.693. (A) For every design-build contract, the public 11497  
authority planning to contract for design-build services, in 11498

consultation with the criteria architect or engineer, shall 11499  
evaluate the statements of qualifications submitted by 11500  
design-build firms specifically regarding the project, including 11501  
the design-build firm's proposed architect of record. Following 11502  
this evaluation, the public authority shall: 11503

(1) Select and rank not fewer than three firms which it 11504  
considers to be the most qualified to provide the required 11505  
design-build services, except that the public authority shall 11506  
select and rank fewer than three firms when the public authority 11507  
determines in writing that fewer than three qualified firms are 11508  
available; 11509

(2) Provide each selected design-build firm with all of the 11510  
following: 11511

(a) A description of the project and project delivery; 11512

(b) The design criteria produced by the criteria architect or 11513  
engineer under section 153.692 of the Revised Code; 11514

(c) A preliminary project schedule; 11515

(d) A description of any preconstruction services; 11516

(e) A description of the proposed design services; 11517

(f) A description of a guaranteed maximum price, including 11518  
the estimated level of design on which such guaranteed maximum 11519  
price is based; 11520

(g) The form of the design-build services contract; 11521

(h) A request for a pricing proposal that shall be divided 11522  
into a design services fee and a preconstruction and design-build 11523  
services fee. The pricing proposal of each design-build firm shall 11524  
include at least all of the following: 11525

(i) A list of key personnel and consultants for the project; 11526

(ii) Design concepts adhering to the design criteria produced 11527

<u>by the criteria architect or engineer under section 153.692 of the</u>	11528
<u>Revised Code;</u>	11529
<u>(iii) The design-build firm's statement of general conditions</u>	11530
<u>and estimated contingency requirements;</u>	11531
<u>(iv) A preliminary project schedule.</u>	11532
<u>(3) Evaluate the pricing proposal submitted by each selected</u>	11533
<u>firm and, at its discretion, hold discussions with each firm to</u>	11534
<u>further investigate its pricing proposal, including the scope and</u>	11535
<u>nature of the firm's proposed services and potential technical</u>	11536
<u>approaches;</u>	11537
<u>(4) Rank the selected firms based on the public authority's</u>	11538
<u>evaluation of the value of each firm's pricing proposal, with such</u>	11539
<u>evaluation considering each firm's proposed costs and</u>	11540
<u>qualifications;</u>	11541
<u>(5) Enter into contract negotiations for design-build</u>	11542
<u>services with the design-build firm whose pricing proposal the</u>	11543
<u>public authority determines to be the best value under this</u>	11544
<u>section.</u>	11545
<u>(B) In complying with division (A)(5) of this section,</u>	11546
<u>contract negotiations shall be directed toward:</u>	11547
<u>(1) Ensuring that the design-build firm and the public</u>	11548
<u>authority mutually understand the essential requirements involved</u>	11549
<u>in providing the required design-build services, the provisions</u>	11550
<u>for the use of contingency funds, and the terms of the contract,</u>	11551
<u>including terms related to the possible distribution of savings in</u>	11552
<u>the final costs of the project;</u>	11553
<u>(2) Ensuring that the design-build firm shall be able to</u>	11554
<u>provide the necessary personnel, equipment, and facilities to</u>	11555
<u>perform the design-build services within the time required by the</u>	11556
<u>design-build construction contract;</u>	11557

(3) Agreeing upon a procedure and schedule for determining a 11558  
guaranteed maximum price using an open book pricing method that 11559  
shall represent the total maximum amount to be paid by the public 11560  
authority to the design-build firm for the project and that shall 11561  
include the costs of all work, the cost of its general conditions, 11562  
the contingency, and the fee payable to the design-build firm. 11563

(C) If the public authority fails to negotiate a contract 11564  
with the design-build firm whose pricing proposal the public 11565  
authority determines to be the best value as determined under this 11566  
section, the public authority shall inform the design-build firm 11567  
in writing of the termination of negotiations. The public 11568  
authority may then do the following: 11569

(1) Negotiate a contract with a design-build firm ranked next 11570  
highest under this section following the negotiation procedure 11571  
described in this section; 11572

(2) If negotiations fail with the design-build firm under 11573  
division (C)(1) of this section, negotiate a contract with the 11574  
design-build firm ranked next highest under this section following 11575  
the negotiation procedure described in this section and continue 11576  
negotiating with the design-build firms selected under this 11577  
section in the order of their ranking until a contract is 11578  
negotiated. 11579

(D) If the public authority fails to negotiate a contract 11580  
with a design-build firm whose pricing proposal the public 11581  
authority determines to be the best value as determined under this 11582  
section, it may select additional design-build firms to provide 11583  
pricing proposals to the public authority pursuant to this section 11584  
or may select an alternative delivery method for the project. 11585

(E) The public authority may provide a stipend for pricing 11586  
proposals received from design-build firms. 11587

(F) Nothing in this section affects a public authority's 11588

right to accept or reject any or all proposals in whole or in 11589  
part. 11590

Sec. 153.694. If a professional design firm selected as the 11591  
criteria architect or engineer creates the preliminary criteria 11592  
and design criteria for a project and provides professional design 11593  
services to a public authority to assist that public authority in 11594  
evaluating the design-build requirements provided to the public 11595  
authority by a design-build firm pursuant to section 153.692 of 11596  
the Revised Code, that professional design firm shall not provide 11597  
any design-build services pursuant to a design-build contract 11598  
under section 153.693 of the Revised Code. 11599

Sec. 153.70. (A) Except for any person providing professional 11600  
design services of a research or training nature, any person 11601  
rendering professional design services to a public authority or to 11602  
a design-build firm, including a criteria architect or engineer 11603  
and person performing architect of record services, shall have and 11604  
maintain, or be covered by, during the period the services are 11605  
rendered, a professional liability insurance policy or policies 11606  
with a company or companies that are authorized to do business in 11607  
this state and that afford professional liability coverage for the 11608  
professional design services rendered. The insurance shall be in 11609  
amount considered sufficient by the public authority. At the 11610  
public authority's discretion, the design-build firm shall carry 11611  
contractor's professional liability insurance and any other 11612  
insurance the public authority considers appropriate. 11613

(B) The requirement for professional liability insurance set 11615  
forth in division (A) of this section may be waived by the public 11616  
authority for good cause, or the public authority may allow the 11617  
person providing the professional design services to provide other 11618  
assurances of financial responsibility. 11619

(C) Before construction begins pursuant to a contract for design-build services with a design-build firm, the design-build firm shall provide a surety bond to the public authority in accordance with section 153.57 of the Revised Code in an amount not less than the combined contract values of any work under contract to be constructed pursuant to the contract for design-build services prior to the establishment of the guaranteed maximum price or in the amount of the guaranteed maximum price as agreed to by the public authority, as the case may be.

**Sec. 153.71.** Any public authority planning to contract for professional design services or design-build services may adopt, amend, or rescind rules, in accordance with Chapter 119. of the Revised Code, to implement sections 153.66 to 153.70 of the Revised Code. Sections 153.66 to 153.70 of the Revised Code do not apply to any of the following:

(A) Any project with an estimated professional design fee of less than twenty-five thousand dollars;

(B) Any project determined in writing by the public authority head to be an emergency requiring immediate action including, but not limited to, any projects requiring multiple contracts let as part of a program requiring a large number of professional design firms of the same type;

(C) Any public authority that is not empowered by law to contract for professional design services.

**Sec. 153.72.** A design-build firm contracted for design-build services by a public authority may do either of the following:

(A) Perform design, construction, demolition, alteration, repair, or reconstruction work pursuant to such contract;

(B) Perform professional design services when contracted by a public authority for design-build services even if the

design-build firm is not a professional design firm. 11650

Sec. 153.73. The requirements set forth in sections 153.65 to 11651  
153.72 of the Revised Code for the bidding, selection, and award 11652  
of a contract for professional design services or design-build 11653  
services by a public authority prevail in the event of any 11654  
conflict with any other provision of this chapter. 11655

**Sec. 153.80.** (A) A contract for the construction, demolition, 11656  
alteration, repair, or reconstruction of a public improvement 11657  
entered into on or after ~~the effective date of this section~~ April 11658  
16, 1993, shall be deemed to include the provisions contained in 11659  
division (B) of this section. 11660

(B)(1) In regard to any bond filed by the contractor for the 11661  
work contracted, the contracting authority, in its sole 11662  
discretion, may reduce the bond required by twenty-five per cent 11663  
of the total amount of the bond after at least fifty per cent of 11664  
the work contracted for has been completed and by fifty per cent 11665  
after at least seventy-five per cent of the work contracted for 11666  
has been completed provided that all of the following conditions 11667  
are met: 11668

(a) The contracting authority determines that the percentage 11669  
of the work that has been completed at the time of determination 11670  
has been satisfactorily performed and meets the terms of the 11671  
contract, including a provision in regard to the time when the 11672  
whole or any specified portion of work contemplated in the 11673  
contract must be completed; 11674

(b) The contracting authority determines that no disputed 11675  
claim caused by the contractor exists or remains unresolved; 11676

(c) The successful bid upon which the contract is based was 11677  
not more than ten per cent below the next lowest bid or not more 11678  
than ten per cent below a cost estimate for the work as published 11679



by the contracting authority. 11680

(2) In regard to the amount of any funds retained, the 11681  
contracting authority, in its sole discretion, may reduce the 11682  
amount of funds retained pursuant to ~~section~~ sections 153.12 and 11683  
153.14 of the Revised Code for the faithful performance of work by 11684  
fifty per cent of the amount of funds required to be retained 11685  
pursuant to those sections, provided that the surety on the bond 11686  
remains liable for all of the following that are caused due to 11687  
default by the contractor: 11688

(a) Completion of the job; 11689

(b) All delay claims; 11690

(c) All liquidated damages; 11691

(d) All additional expenses incurred by the contracting 11692  
authority. 11693

(C) As used in this section: 11694

(1) "Contracting authority" means an officer, board, or other 11695  
authority of the state, a county, township, municipal corporation, 11696  
or school district, or of any other political subdivision of the 11697  
state, authorized to contract for the construction, demolition, 11698  
alteration, repair, or reconstruction of a public improvement, and 11699  
any construction manager at risk as defined in section 9.33 of the 11700  
Revised Code or design-build firm as defined in section 153.65 of 11701  
the Revised Code awarding a subcontract, but does not include an 11702  
officer, board, or other authority of the department of 11703  
transportation. 11704

(2) "Delay claim" means a claim that arises due to default on 11705  
provisions in a contract in regard to the time when the whole or 11706  
any specified portion of work contemplated in the contract must be 11707  
completed. 11708

**Sec. 154.02.** (A) Pursuant to the provisions of Chapter 154. 11709

of the Revised Code, the issuing authority may issue obligations 11710  
as from time to time authorized by or pursuant to act or 11711  
resolution of the general assembly, consistent with such 11712  
limitations thereon, subject to section 154.12 of the Revised 11713  
Code, as the general assembly may thereby prescribe as to 11714  
principal amount, bond service charges, or otherwise, and shall 11715  
cause the proceeds thereof to be applied to those capital 11716  
facilities designated by or pursuant to act of the general 11717  
assembly for any of the following: 11718

(1) Mental hygiene and retardation, including housing for 11719  
mental hygiene and retardation patients under Section 16 of 11720  
Article VIII, Ohio Constitution; 11721

(2) State supported and assisted institutions of higher 11722  
education, including community or technical education colleges; 11723

(3) Parks and recreation; 11724

(4) Ohio cultural facilities; 11725

(5) Ohio sports facilities; 11726

(6) Housing of branches and agencies of state government. 11727

(B) The authority provided by Chapter 154. of the Revised 11728  
Code is in addition to any other authority provided by law for the 11729  
same or similar purposes, except as may otherwise specifically be 11730  
provided in Chapter 154. of the Revised Code. In case any section 11731  
or provision of Chapter 154. of the Revised Code or in case any 11732  
covenant, stipulation, obligation, resolution, trust agreement, 11733  
indenture, lease agreement, act, or action, or part thereof, made, 11734  
assumed, entered into, or taken under Chapter 154. of the Revised 11735  
Code, or any application thereof, is for any reason held to be 11736  
illegal or invalid, such illegality or invalidity shall not affect 11737  
the remainder thereof or any other section or provision of Chapter 11738  
154. of the Revised Code or any other covenant, stipulation, 11739  
obligation, resolution, trust agreement, indenture, lease, 11740

agreement, act, or action, or part thereof, made, assumed, entered 11741  
into, or taken under such chapter, which shall be construed and 11742  
enforced as if such illegal or invalid portion were not contained 11743  
therein, nor shall such illegality or invalidity or any 11744  
application thereof affect any legal and valid application 11745  
thereof, and each such section, provision, covenant, stipulation, 11746  
obligation, resolution, trust agreement, indenture, lease, 11747  
agreement, act, or action, or part thereof, shall be deemed to be 11748  
effective, operative, made, entered into or taken in the manner 11749  
and to the full extent permitted by law. 11750

**Sec. 154.07.** For the respective purposes provided in sections 11751  
154.20, 154.21, 154.22, ~~and 154.23,~~ 154.24, and 154.25 of the 11752  
Revised Code, the issuing authority may issue obligations of the 11753  
state of Ohio as provided in Chapter 154. of the Revised Code, 11754  
provided that the holders or owners of obligations shall have no 11755  
right to have excises or taxes levied by the general assembly for 11756  
the payment of the bond service charges. The right of holders and 11757  
owners to payment of bond service charges shall be limited to the 11758  
revenues or receipts and funds pledged thereto in accordance with 11759  
Chapter 154. of the Revised Code, and each obligation shall bear 11760  
on its face a statement to that effect. Chapter 154. of the 11761  
Revised Code does not permit, and no provision of that chapter 11762  
shall be applied to authorize or grant, a pledge of charges for 11763  
the treatment or care of mental hygiene and retardation patients 11764  
to bond service charges on obligations other than those issued for 11765  
capital facilities for mental hygiene and retardation, or a pledge 11766  
of any receipts of or on behalf of state supported or state 11767  
assisted institutions of higher education to bond service charges 11768  
on obligations other than those issued for capital facilities for 11769  
state supported or state assisted institutions of higher 11770  
education, or a pledge of receipts with respect to parks and 11771  
recreation to bond service charges on obligations other than those 11772

issued for capital facilities for parks and recreation, or a 11773  
pledge of revenues or receipts received by or on behalf of any 11774  
state agency to bond service charges on obligations other than 11775  
those issued for capital facilities which are in whole or in part 11776  
useful to, constructed by, or financed by the state agency that 11777  
receives the revenues or receipts so pledged. 11778

Sec. 154.24. (A) In addition to the definitions provided in 11779  
section 154.01 of the Revised Code: 11780

(1) "Capital facilities" includes, for purposes of this 11781  
section, storage and parking facilities related to such capital 11782  
facilities. 11783

(2) "Costs of capital facilities" includes, for purposes of 11784  
this section, the costs of assessing, planning, and altering 11785  
capital facilities, and the financing thereof, all related direct 11786  
administrative expenses and allocable portions of direct costs of 11787  
lessee state agencies, and all other expenses necessary or 11788  
incident to the assessment, planning, alteration, maintenance, 11789  
equipment, or furnishing of capital facilities and the placing of 11790  
the same in use and operation, including any one, part of, or 11791  
combination of such classes of costs and expenses. 11792

(3) "Governmental agency" includes, for purposes of this 11793  
section, any state of the United States or any department, 11794  
division, or agency of any state. 11795

(4) "State agency" includes, for purposes of this section, 11796  
branches, authorities, courts, the general assembly, counties, 11797  
municipal corporations, and any other governmental entities of 11798  
this state that enter into leases with the commission pursuant to 11799  
this section or that are designated by law as state agencies for 11800  
the purpose of performing a state function that is to be housed by 11801  
a capital facility for which the issuing authority is authorized 11802  
to issue revenue obligations pursuant to this section. 11803

(B) Subject to authorization by the general assembly under section 154.02 of the Revised Code, the issuing authority may issue obligations pursuant to this chapter to pay costs of capital facilities for housing branches and agencies of state government, including capital facilities for the purpose of housing personnel, equipment, or functions, or any combination thereof that a state agency is responsible for housing, including obligations to pay the costs of capital facilities described in section 307.021 of the Revised Code, and the costs of capital facilities in which one or more state agencies are participating with the federal government, municipal corporations, counties, or other governmental entities, or any one or more of them, and in which that portion of the facility allocated to the participating state agencies is to be used for the purpose of housing branches and agencies of state government including housing personnel, equipment, or functions, or any combination thereof. Such participation may be by grants, loans, or contributions to other participating governmental agencies for any of those capital facilities.

(C) The commission may lease any capital facilities for housing branches and agencies of state government to, and make or provide for other agreements with respect to the use or purchase of such capital facilities with, any state agency or governmental agency having authority under law to operate such capital facilities.

(D)(1) For purposes of this division, "available receipts" means fees, charges, revenues, grants, subsidies, income from the investment of moneys, proceeds from the sale of goods or services, and all other revenues or receipts derived from the operation, leasing, or other disposition of capital facilities financed with obligations issued under this section or received by or on behalf of any state agency for which capital facilities are financed with

obligations issued under this section or any state agency 11836  
participating in or by which the capital facilities are 11837  
constructed or financed; the proceeds of obligations issued under 11838  
this section and sections 154.11 or 154.12 of the Revised Code; 11839  
and any moneys appropriated by a governmental agency, and gifts, 11840  
grants, donations, and pledges, and receipts therefrom, available 11841  
for the payment of bond service charges on such obligations. 11842

(2) The issuing authority may pledge all, or such portion as 11843  
it determines, of the available receipts to the payment of bond 11844  
service charges on obligations issued under this section and 11845  
section 154.11 or 154.12 of the Revised Code and for the 11846  
establishment and maintenance of any reserves, as provided in the 11847  
bond proceedings, and make other provisions therein with respect 11848  
to such available receipts as authorized by this chapter, which 11849  
provisions shall be controlling notwithstanding any other 11850  
provision of law pertaining thereto. 11851

(E) There is hereby created one or more funds, as determined 11852  
by the issuing authority in the bond proceedings, with identifying 11853  
names as the issuing authority determines, which shall be in the 11854  
custody of the treasurer of state but shall be separate and apart 11855  
from and not a part of the state treasury. All money received by 11856  
or on account of the issuing authority or the commission and 11857  
required by the applicable bond proceedings to be deposited, 11858  
transferred, or credited to a bond service fund created pursuant 11859  
to this section, and all other money transferred or allocated to 11860  
or received for the purposes of that fund, shall be deposited with 11861  
the treasurer of state and credited to the applicable fund, 11862  
subject to applicable provisions of the bond proceedings, but 11863  
without necessity of any act or appropriation. Any bond service 11864  
fund created pursuant to this section is a trust fund hereby 11865  
pledged to the payment of bond service charges on the applicable 11866  
obligations issued pursuant to this section and section 154.11 or 11867

154.12 of the Revised Code to the extent provided in the 11868  
applicable bond proceedings, and payment thereof from such funds 11869  
shall be made or provided for by the treasurer of state in 11870  
accordance with the applicable bond proceedings without necessity 11871  
for any act or appropriation. The director of budget and 11872  
management may also create one or more improvement funds, with 11873  
identifying names as the director determines, which shall be in 11874  
the state treasury, to receive the proceeds of obligations issued 11875  
under this section appropriated to fund costs of capital 11876  
facilities. 11877

(F) This section is to be applied with other applicable 11878  
provisions of this chapter. 11879

**Sec. 154.25.** (A) As used in this section: 11880

(1) "Available community or technical college receipts" means 11881  
all money received by a community or technical college or 11882  
community or technical college district, including income, 11883  
revenues, and receipts from the operation, ownership, or control 11884  
of facilities, grants, gifts, donations, and pledges and receipts 11885  
therefrom, receipts from fees and charges, the allocated state 11886  
share of instruction as defined in section 3333.90 of the Revised 11887  
Code, and the proceeds of the sale of obligations, including 11888  
proceeds of obligations issued to refund obligations previously 11889  
issued, but excluding any special fee, and receipts therefrom, 11890  
charged pursuant to division (D) of section 154.21 of the Revised 11891  
Code. 11892

(2) "Community or technical college," "college," "community 11893  
or technical college district," and "district" have the same 11894  
meanings as in section 3333.90 of the Revised Code. 11895

(3) "Community or technical college capital facilities" means 11896  
auxiliary facilities, education facilities, and housing and dining 11897  
facilities, as those terms are defined in section 3345.12 of the 11898

Revised Code, to the extent permitted to be financed by the 11899  
issuance of obligations under division (A)(2) of section 3357.112 11900  
of the Revised Code, that are authorized by sections 3354.121, 11901  
3357.112, and 3358.10 of the Revised Code to be financed by 11902  
obligations issued by a community or technical college district, 11903  
and for which the issuing authority is authorized to issue 11904  
obligations pursuant to this section, and includes any one, part 11905  
of, or any combination of the foregoing, and further includes site 11906  
improvements, utilities, machinery, furnishings, and any separate 11907  
or connected buildings, structures, improvements, sites, open 11908  
space and green space areas, utilities, or equipment to be used 11909  
in, or in connection with the operation or maintenance of, or 11910  
supplementing or otherwise related to the services or facilities 11911  
to be provided by, such facilities. 11912

(4) "Cost of community or technical college capital 11913  
facilities" means the costs of acquiring, constructing, 11914  
reconstructing, rehabilitating, remodeling, renovating, enlarging, 11915  
improving, equipping, or furnishing community or technical college 11916  
capital facilities, and the financing thereof, including the cost 11917  
of clearance and preparation of the site and of any land to be 11918  
used in connection with community or technical college capital 11919  
facilities, the cost of any indemnity and surety bonds and 11920  
premiums on insurance, all related direct administrative expenses 11921  
and allocable portions of direct costs of the commission and the 11922  
issuing authority, community or technical college or community or 11923  
technical college district, cost of engineering, architectural 11924  
services, design, plans, specifications and surveys, estimates of 11925  
cost, legal fees, fees and expenses of trustees, depositories, 11926  
bond registrars, and paying agents for obligations, cost of 11927  
issuance of obligations and financing costs and fees and expenses 11928  
of financial advisers and consultants in connection therewith, 11929  
interest on obligations from the date thereof to the time when 11930  
interest is to be covered by available receipts or other sources 11931



other than proceeds of those obligations, amounts necessary to 11932  
establish reserves as required by the bond proceedings, costs of 11933  
audits, the reimbursements of all moneys advanced or applied by or 11934  
borrowed from the community or technical college, community or 11935  
technical college district, or others, from whatever source 11936  
provided, including any temporary advances from state 11937  
appropriations, for the payment of any item or items of cost of 11938  
community or technical college facilities, and all other expenses 11939  
necessary or incident to planning or determining feasibility or 11940  
practicability with respect to such facilities, and such other 11941  
expenses as may be necessary or incident to the acquisition, 11942  
construction, reconstruction, rehabilitation, remodeling, 11943  
renovation, enlargement, improvement, equipment, and furnishing of 11944  
community or technical college capital facilities, the financing 11945  
thereof and the placing of them in use and operation, including 11946  
any one, part of, or combination of such classes of costs and 11947  
expenses. 11948

(5) "Capital facilities" includes community or technical 11949  
college capital facilities. 11950

(6) "Obligations" has the same meaning as in section 154.01 11951  
or 3345.12 of the Revised Code, as the context requires. 11952

(B) The issuing authority is authorized to issue revenue 11953  
obligations under Section 2i of Article VIII, Ohio Constitution, 11954  
on behalf of a community or technical college district and shall 11955  
cause the net proceeds thereof, after any deposits of accrued 11956  
interest for the payment of bond service charges and after any 11957  
deposit of all or such lesser portion as the issuing authority may 11958  
direct of the premium received upon the sale of those obligations 11959  
for the payment of the bond service charges, to be applied to the 11960  
cost of community or technical college capital facilities, 11961  
provided that the issuance of such obligations is subject to the 11962  
execution of a written agreement in accordance with division (C) 11963

of section 3333.90 of the Revised Code for the withholding and 11964  
depositing of funds otherwise due the district, or the college it 11965  
operates, in respect of its allocated state share of instruction. 11966

(C) The bond service charges and all other payments required 11967  
to be made by the trust agreement or indenture securing the 11968  
obligations shall be payable solely from available community or 11969  
technical college receipts pledged thereto as provided in the 11970  
resolution. The available community or technical college receipts 11971  
pledged and thereafter received by the commission are immediately 11972  
subject to the lien of such pledge without any physical delivery 11973  
thereof or further act, and the lien of any such pledge is valid 11974  
and binding against all parties having claims of any kind against 11975  
the authority, irrespective of whether those parties have notice 11976  
thereof, and creates a perfected security interest for all 11977  
purposes of Chapter 1309. of the Revised Code and a perfected lien 11978  
for purposes of any real property interest, all without the 11979  
necessity for separation or delivery of funds or for the filing or 11980  
recording of the resolution, trust agreement, indenture, or other 11981  
agreement by which such pledge is created or any certificate, 11982  
statement, or other document with respect thereto; and the pledge 11983  
of such available community or technical college receipts is 11984  
effective and the money therefrom and thereof may be applied to 11985  
the purposes for which pledged. Every pledge, and every covenant 11986  
and agreement made with respect to the pledge, made in the 11987  
resolution may therein be extended to the benefit of the owners 11988  
and holders of obligations authorized by this section, and to any 11989  
trustee therefor, for the further securing of the payment of the 11990  
bond service charges, and all or any rights under any agreement or 11991  
lease made under this section may be assigned for such purpose. 11992

(D) This section is to be applied with other applicable 11993  
provisions of this chapter. 11994

Sec. 164.02. (A) There is hereby created the Ohio public 11995  
works commission consisting of seven members who shall be 11996  
appointed as follows: two persons shall be appointed by the 11997  
speaker of the house of representatives; one person shall be 11998  
appointed by the minority leader of the house of representatives; 11999  
two persons shall be appointed by the president of the senate; one 12000  
person shall be appointed by the minority leader of the senate; 12001  
and one person from the private sector, who shall have at least 12002  
eight years experience in matters of public finance, shall be 12003  
appointed alternately by the speaker of the house of 12004  
representatives and the president of the senate, with the speaker 12005  
of the house making the first appointment. The director of 12006  
transportation, the director of environmental protection, the 12007  
director of development, the director of natural resources, and 12008  
the chairperson of the Ohio water development authority shall be 12009  
nonvoting, ex officio members of the commission. The initial 12010  
appointments made to the commission by the minority leaders of the 12011  
senate and house of representatives and one of the initial 12012  
appointments made by the speaker of the house of representatives 12013  
and the president of the senate shall be for terms ending December 12014  
31, 1989; one of the initial appointments made by the speaker of 12015  
the house of representatives and the president of the senate shall 12016  
be for terms ending December 31, 1990; and the initial term of the 12017  
appointment to the commission that is alternately made by the 12018  
speaker of the house of representatives and the president of the 12019  
senate shall be for a term ending December 31, 1989. Thereafter, 12020  
terms of office shall be for three years, each term ending on the 12021  
same day of the same month of the year as did the term which it 12022  
succeeds. Each member shall hold office from the date of 12023  
appointment until the end of the term for which the member is 12024  
appointed. Members may be reappointed one time. Vacancies shall be 12025  
filled in the same manner provided for original appointments. Any 12026

member appointed to fill a vacancy occurring prior to the 12027  
expiration date of the term for which the member's predecessor was 12028  
appointed shall hold office for the remainder of that term. A 12029  
member shall continue in office subsequent to the expiration date 12030  
of the member's term until the member's successor takes office or 12031  
until a period of sixty days has elapsed, whichever occurs first. 12032

The commission shall elect a chairperson, vice-chairperson, 12033  
and other officers as it considers advisable. Four members 12034  
constitute a quorum. Members of the commission shall serve without 12035  
compensation but shall be reimbursed for their actual and 12036  
necessary expenses incurred in the performance of their duties. 12037

(B) The Ohio public works commission shall: 12038

(1) Review and evaluate persons who will be recommended to 12039  
the governor for appointment to the position of director of the 12040  
Ohio public works commission, and, when the commission considers 12041  
it appropriate, recommend the removal of a director; 12042

(2) Provide the governor with a list of names of three 12043  
persons who are, in the judgment of the commission, qualified to 12044  
be appointed to the position of director. The commission shall 12045  
provide the list, which may include the name of the incumbent 12046  
director to the governor, not later than sixty days prior to the 12047  
expiration of the term of such incumbent director. A director 12048  
shall serve a two-year term upon initial appointment, and 12049  
four-year terms if subsequently reappointed by the governor; 12050  
however, the governor may remove a director at any time following 12051  
the commission's recommendation of such action. Upon the 12052  
expiration of a director's term, or in the case of the 12053  
resignation, death, or removal of a director, the commission shall 12054  
provide such list of the names of three persons to the governor 12055  
within thirty days of such expiration, resignation, death, or 12056  
removal. Nothing in this section shall prevent the governor, in 12057  
the governor's discretion, from rejecting all of the nominees of 12058

the commission and requiring the commission to select three 12059  
additional nominees. However, when the governor has requested and 12060  
received a second list of three additional names, the governor 12061  
shall make the appointment from one of the names on the first list 12062  
or the second list. Appointment by the governor is subject to the 12063  
advice and consent of the senate. 12064

In the case of the resignation, removal, or death of the 12065  
director during the director's term of office, a successor shall 12066  
be chosen for the remainder of the term in the same manner as is 12067  
provided for an original appointment. 12068

(3) Provide oversight to the director and advise in the 12069  
development of policy guidelines for the implementation of this 12070  
chapter, and report and make recommendations to the general 12071  
assembly with respect to such implementation; 12072

(4) Adopt bylaws to govern the conduct of the commission's 12073  
business; 12074

(5) Appoint the members of the Ohio small government capital 12075  
improvements commission in accordance with division (C) of this 12076  
section. 12077

(C)(1) There is hereby created the Ohio small government 12078  
capital improvements commission. The commission shall consist of 12079  
ten members, including the director of transportation, the 12080  
director of environmental protection, and the chairperson of the 12081  
Ohio water development authority as nonvoting, ex officio members 12082  
and seven voting members appointed by the Ohio public works 12083  
commission. Each such appointee shall be a member of a ~~district~~ 12084  
~~public works~~ local government integrating and innovation committee 12085  
who was appointed to the integrating and innovation committee 12086  
pursuant to the majority vote of the chief executive officers of 12087  
the villages of the appointee's district or by a majority of the 12088  
boards of township trustees of the appointee's district. 12089

(2) Two of the initial appointments shall be for terms ending 12090  
two years after March 29, 1988. The remaining initial appointments 12091  
shall be for terms ending three years after March 29, 1988. 12092  
Thereafter, terms of office shall be for two years, with each term 12093  
ending on the same date of the same month as did the term that it 12094  
succeeds. Each member shall hold office from the date of 12095  
appointment until the end of the term for which the member is 12096  
appointed. Vacancies shall be filled in the same manner as 12097  
original appointments. Any member appointed to fill a vacancy 12098  
occurring prior to the expiration date of the term for which the 12099  
member's predecessor was appointed shall hold office as a member 12100  
for the remainder of that term. A member shall continue in office 12101  
subsequent to the expiration of the member's term until the 12102  
member's successor takes office or until a period of sixty days 12103  
has elapsed, whichever occurs first. Members of the commission may 12104  
be reappointed to serve two additional terms, except that no 12105  
member appointed to an initial term of three years may be 12106  
reappointed to more than one additional term. No more than two 12107  
members of the commission may be members of the same ~~district~~ 12108  
~~public works~~ local government integrating and innovation 12109  
committee. 12110

(3) The Ohio small government capital improvements commission 12111  
shall elect one of its appointed members as chairperson and 12112  
another as vice-chairperson. Four voting members of the commission 12113  
constitute a quorum, and the affirmative vote of four appointed 12114  
members is required for any action taken by vote of the 12115  
commission. No vacancy in the membership of the commission shall 12116  
impair the right of a quorum by an affirmative vote of four 12117  
appointed members to exercise all rights and perform all duties of 12118  
the commission. Members of the commission shall serve without 12119  
compensation, but shall be reimbursed for their actual and 12120  
necessary expenses incurred in the performance of their duties. 12121

(D) The Ohio small government capital improvements commission shall: 12122  
12123

(1) Advise the general assembly on the development of policy guidelines for the implementation of this chapter, especially as it relates to the interests of small governments and the use of the portion of bond proceeds set aside for the exclusive use of townships and villages; 12124  
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(2) Advise the township and village subcommittees of the various ~~district public works~~ local government integrating and innovation committees concerning the selection of projects for which the use of such proceeds will be authorized; 12129  
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(3) Affirm or overrule the recommendations of its administrator made in accordance with section 164.051 of the Revised Code concerning requests from townships and villages for financial assistance for capital improvement projects. 12133  
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(E) Membership on the Ohio public works commission or the Ohio small government capital improvements commission does not constitute the holding of a public office. No appointed member shall be required, by reason of section 101.26 of the Revised Code, to resign from or forfeit membership in the general assembly. 12137  
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Notwithstanding any provision of law to the contrary, a county, municipal, or township public official may serve as a member of the Ohio public works commission or the Ohio small government capital improvements commission. 12143  
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Members of the commissions established by this section do not have an unlawful interest in a public contract under section 2921.42 of the Revised Code solely by virtue of the receipt of financial assistance under this chapter by the local subdivision of which they are also a public official or appointee. 12147  
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(F) The director of the Ohio public works commission shall 12152

administer the small counties capital improvement program, which 12153  
is hereby created. The program shall provide financial assistance 12154  
to county governments of counties that have a population of less 12155  
than eighty-five thousand according to the most recent decennial 12156  
census. Under the program, the director shall review and may 12157  
approve projects submitted by subcommittees of ~~district public~~ 12158  
~~works~~ local government integrating and innovation committees under 12159  
division (E) of section 164.06 of the Revised Code. In approving 12160  
projects, the director shall be guided by the provisions of 12161  
division (B) of that section, while taking into consideration the 12162  
special capital improvement needs of small counties. 12163

**Sec. 164.04.** (A) In each of the districts created in section 12164  
164.03 of the Revised Code, a ~~district public works~~ local 12165  
government integrating and innovation committee shall be 12166  
established as follows: 12167

(1) In district one, the district committee shall consist of 12168  
seven members appointed as follows: two members shall be appointed 12169  
by the board of county commissioners or the chief executive 12170  
officer of the county; two members shall be appointed by the chief 12171  
executive officer of the most populous municipal corporation in 12172  
the district; two members shall be appointed by a majority of the 12173  
chief executive officers of the other municipal corporations 12174  
located within the district; and one member, who shall have 12175  
experience in local infrastructure planning and economic 12176  
development and who shall represent the interests of private 12177  
industry within the district, shall be appointed by a majority of 12178  
the members of the district committee or their alternates. Except 12179  
with respect to the selection of the private sector member of the 12180  
committee, the affirmative vote of at least five committee members 12181  
or their alternates is required for any action taken by a vote of 12182  
the committee. 12183



(2) In district two, the district committee shall consist of 12184  
nine members appointed as follows: two members shall be appointed 12185  
by the board of county commissioners; three members shall be 12186  
appointed by the chief executive officer of the most populous 12187  
municipal corporation in the district; two members shall be 12188  
appointed by a majority of the other chief executive officers of 12189  
municipal corporations in the district; and two members shall be 12190  
appointed by a majority of the boards of township trustees in the 12191  
district. Of the members appointed by the board of county 12192  
commissioners, one member shall have experience in local 12193  
infrastructure planning and economic development, and one member 12194  
shall be either a county commissioner or a county engineer of the 12195  
district. The affirmative vote of at least seven members of the 12196  
committee or their alternates is required for any action taken by 12197  
a vote of the committee. 12198

(3) In districts three, four, eight, twelve, and nineteen, 12199  
the district committee shall consist of nine members appointed as 12200  
follows: two members shall be appointed by the board of county 12201  
commissioners or by the chief executive officer of the county; two 12202  
members shall be appointed by the chief executive officer of the 12203  
most populous municipal corporation located within the district; 12204  
two members shall be appointed by a majority of the other chief 12205  
executive officers of the municipal corporations located in the 12206  
district; two members shall be appointed by a majority of the 12207  
boards of township trustees located in the district; and one 12208  
member, who shall have experience in local infrastructure planning 12209  
and economic development and who shall represent the interests of 12210  
private industry within the district, shall be appointed by a 12211  
majority of the members of the committee or their alternates. 12212  
Except with respect to the selection of the private sector member 12213  
of the committee, the affirmative vote of at least seven committee 12214  
members or their alternates is required for any action taken by a 12215  
vote of the committee. 12216

(4) In district six, the district committee shall consist of 12217  
nine members appointed as follows: one member shall be appointed 12218  
by the board of county commissioners of each county in the 12219  
district; one member shall be appointed by the chief executive 12220  
officer of the most populous municipal corporation in each county 12221  
in the district; one member shall be appointed alternately by a 12222  
majority of the chief executives of the municipal corporations, 12223  
other than the largest municipal corporation, within one of the 12224  
counties of the district; and one member shall be appointed 12225  
alternately by a majority of the boards of township trustees 12226  
within one of the counties in the district. The two persons who 12227  
are the county engineers of the counties in the district also 12228  
shall be members of the committee. At least six of these members 12229  
or their alternates shall agree upon the appointment to the 12230  
committee of a private sector person who shall have experience in 12231  
local infrastructure planning and economic development. The 12232  
affirmative vote of seven committee members or their alternates is 12233  
required for any action taken by a vote of the committee. 12234

The first appointment to the committee made by the majority 12235  
of the boards of township trustees of a county shall be made by 12236  
the boards of township trustees located in the least populous 12237  
county of the district, and the first appointment made by the 12238  
majority of the chief executives of municipal corporations, other 12239  
than the largest municipal corporation, of a county shall be made 12240  
by the chief executives of municipal corporations, other than the 12241  
largest municipal corporation, from the most populous county in 12242  
the district. 12243

Notwithstanding division (C) of this section, the members of 12244  
the district committee appointed alternately by a majority of the 12245  
chief executive officers of municipal corporations, other than the 12246  
largest municipal corporation, of a county and a majority of 12247  
boards of township trustees of a county shall serve five-year 12248

terms. 12249

(5) In districts seven, nine, and ten, the district committee 12250  
shall consist of two members appointed by the board of county 12251  
commissioners of each county in the district, two members 12252  
appointed by a majority of the chief executive officers of all 12253  
cities within each county in the district, three members appointed 12254  
by a majority of the boards of township trustees of all townships 12255  
in the district, three members appointed by a majority of chief 12256  
executive officers of all villages in the district, one member who 12257  
is appointed by a majority of the county engineers in the district 12258  
and who shall be a county engineer, and one member, who shall have 12259  
experience in local infrastructure planning and economic 12260  
development, shall be appointed by a majority of all other 12261  
committee members or their alternates. If there is a county in the 12262  
district in which there are no cities, the member that is to be 12263  
appointed by the chief executive officers of the cities within 12264  
that county shall be appointed by the chief executive officer of 12265  
the village with the largest population in that county. 12266

(6) In districts five, eleven, and thirteen through eighteen, 12267  
the members of each district committee shall be appointed as 12268  
follows: one member shall be appointed by each board of county 12269  
commissioners; one member shall be appointed by the majority of 12270  
the chief executive officers of the cities located in each county; 12271  
three members shall be appointed by a majority of the chief 12272  
executive officers of villages located within the district; three 12273  
members shall be appointed by a majority of the boards of township 12274  
trustees located within the district; one member shall be 12275  
appointed by a majority of the county engineers of the district 12276  
and shall be a county engineer; and one member, who shall have 12277  
experience in local infrastructure planning and economic 12278  
development and who shall represent the interests of private 12279  
industry within the district, shall be appointed by a majority of 12280

the members of the committee or their alternates. If there is a 12281  
county in the district in which there are no cities, the member 12282  
that is to be appointed by the chief executive officers of the 12283  
cities within that county shall be appointed by the chief 12284  
executive officer of the village with the largest population in 12285  
that county. 12286

(7) In districts five, seven, nine, ten, eleven, thirteen, 12287  
fourteen, sixteen, and seventeen organized in accordance with 12288  
divisions (A)(5) and (6) of this section, a nine-member executive 12289  
committee shall be established that shall include at least one of 12290  
the persons appointed to the district committee by the chief 12291  
executive officers of the villages within the district, at least 12292  
one of the persons appointed to the district committee by the 12293  
boards of township trustees within the district, the person 12294  
appointed to the district committee to represent the interests of 12295  
private industry, and six additional district committee members 12296  
selected to serve on the executive committee by a majority of the 12297  
members of the district committee or their alternates, except that 12298  
not more than three persons who were appointed to the district 12299  
committee by a board of county commissioners and not more than 12300  
three persons who were appointed to the district committee by the 12301  
chief executives of the cities located in the district shall serve 12302  
on the executive committee. 12303

(8) In districts fifteen and eighteen organized in accordance 12304  
with division (A)(6) of this section, an eleven-member executive 12305  
committee shall be established that shall include at least one of 12306  
the persons appointed to the district committee by the chief 12307  
executive officers of the villages within the district, at least 12308  
one of the persons appointed to the district committee by the 12309  
boards of township trustees within the district, the person 12310  
appointed to the district committee to represent the interests of 12311  
private industry, and eight additional district committee members 12312

selected to serve on the executive committee by a majority of the 12313  
members of the district committee or their alternates, except that 12314  
not more than four persons who were appointed to the district 12315  
committee by a board of county commissioners and not more than 12316  
four persons who were appointed to the district committee by the 12317  
chief executives of the cities located in the district shall serve 12318  
on the executive committee. No more than two persons from each 12319  
county shall be on the executive committee. 12320

All decisions of a district committee required to be 12321  
organized in accordance with divisions (A)(5) and (6) of this 12322  
section shall be approved by its executive committee. The 12323  
affirmative vote of at least seven executive committee members or 12324  
their alternates for executive committees formed under division 12325  
(A)(7) of this section and at least nine members or their 12326  
alternates for executive committees formed under division (A)(8) 12327  
of this section is required for any action taken by vote of the 12328  
executive committee, except that any decision of the executive 12329  
committee may be rejected by a vote of at least two-thirds of the 12330  
full membership of the district committee within thirty days of 12331  
the executive committee action. Only projects approved by the 12332  
executive committee may be submitted to the director of the Ohio 12333  
public works commission pursuant to section 164.05 of the Revised 12334  
Code. 12335

(B) Appointing authorities that appoint district committee 12336  
members also may appoint an alternate for each committee member 12337  
appointed under divisions (A)(1) to (6) of this section. If a 12338  
district committee member is absent from a district or executive 12339  
committee or subcommittee meeting, the alternate has the right to 12340  
vote and participate in all proceedings and actions at that 12341  
meeting. 12342

(C) Terms of office for members of district committees and 12343  
their alternates shall be for three years, with each term ending 12344

on the same day of the same month as did the term that it 12345  
succeeds. Each member and that member's alternate shall hold 12346  
office from the date of appointment until the end of the term for 12347  
which the member is appointed, except that, with respect to any 12348  
member who was an elected or appointed official of a township, 12349  
county, or municipal corporation or that member's alternate, the 12350  
term of office for that person under this section shall not extend 12351  
beyond the member's term as an elected or appointed official 12352  
unless the member was appointed by a group of officials of more 12353  
than one political subdivision or the members of the district 12354  
committee, in which case the member's alternate shall continue to 12355  
serve for the full term. Members and their alternates may be 12356  
reappointed. Vacancies shall be filled in the same manner provided 12357  
for original appointments. Any member or that member's alternate 12358  
appointed to fill a vacancy occurring prior to the expiration date 12359  
of the term for which the member's or alternate's predecessor was 12360  
appointed shall hold office for the remainder of that term. A 12361  
member or that member's alternate shall continue in office 12362  
subsequent to the expiration date of the member's or alternate's 12363  
term until the member's or alternate's successor takes office or 12364  
until a period of sixty days has elapsed, whichever occurs first. 12365  
Each ~~district public works~~ local government integrating and 12366  
innovation committee shall elect a chairperson, vice-chairperson, 12367  
and other officers it considers advisable. 12368

(D) For purposes of this chapter, if a subdivision is located 12369  
in more than one county or in more than one district, the 12370  
subdivision shall be deemed to be a part of the county or district 12371  
in which the largest number of its population is located. However, 12372  
if after a decennial census the change in a subdivision's 12373  
population would result in the subdivision becoming part of a 12374  
different county or district, the legislative authority of the 12375  
subdivision may, by resolution, choose to remain a part of the 12376  
county or district of which the subdivision was originally deemed 12377

to be a part. Such a decision is not revocable unless similar 12378  
conditions arise following the next decennial census. 12379

(E) Notwithstanding any provision of law to the contrary, a 12380  
county, municipal, or township public official may serve as a 12381  
member of a ~~district public works~~ local government integrating and 12382  
innovation committee. 12383

(F) A member of a district committee or that member's 12384  
alternate does not have an unlawful interest in a public contract 12385  
under section 2921.42 of the Revised Code solely by virtue of the 12386  
receipt of financial assistance under this chapter by the local 12387  
subdivision of which the member or that member's alternate is also 12388  
a public official or appointee. 12389

**Sec. 164.05.** (A) The director of the Ohio public works 12390  
commission shall do all of the following: 12391

(1) Approve requests for financial assistance from ~~district~~ 12392  
~~public works~~ local government integrating and innovation 12393  
committees and enter into agreements with one or more local 12394  
subdivisions to provide loans, grants, and local debt support and 12395  
credit enhancements for a capital improvement project if the 12396  
director determines that: 12397

(a) The project is an eligible project pursuant to this 12398  
chapter; 12399

(b) The financial assistance for the project has been 12400  
properly approved and requested by the district committee of the 12401  
district which includes the recipient of the loan or grant; 12402

(c) The amount of the financial assistance, when added to all 12403  
other financial assistance provided during the fiscal year for 12404  
projects within the district, does not exceed that district's 12405  
allocation of money from the state capital improvements fund for 12406  
that fiscal year; 12407

(d) The district committee has provided such documentation 12408  
and other evidence as the director may require that the district 12409  
committee has satisfied the requirements of section 164.06 or 12410  
164.14 of the Revised Code; 12411

(e) The portion of a district's annual allocation which the 12412  
director approves in the form of loans and local debt support and 12413  
credit enhancements for eligible projects is consistent with 12414  
divisions (E) and (F) of this section. 12415

(2) Authorize payments to local subdivisions or their 12416  
contractors for costs incurred for capital improvement projects 12417  
which have been approved pursuant to this chapter. All requests 12418  
for payments shall be submitted to the director on forms and in 12419  
accordance with procedures specified in rules adopted by the 12420  
director pursuant to division (A)(4) of this section. 12421

(3) Retain the services of or employ financial consultants, 12422  
engineers, accountants, attorneys, and such other employees as the 12423  
director determines are necessary to carry out the director's 12424  
duties under this chapter and fix the compensation for their 12425  
services; 12426

(4) Adopt rules establishing the procedures for making 12427  
applications, reviewing, approving, and rejecting projects for 12428  
which assistance is authorized under this chapter, and any other 12429  
rules needed to implement the provisions of this chapter. Such 12430  
rules shall be adopted under Chapter 119. of the Revised Code. 12431

(5) Provide information and other assistance to local 12432  
subdivisions and ~~district public works~~ local government 12433  
integrating and innovation committees in developing their requests 12434  
for financial assistance for capital improvements under this 12435  
chapter and encourage cooperation and coordination of requests and 12436  
the development of multisubdivision and multidistrict projects in 12437  
order to maximize the benefits that may be derived by districts 12438



from each year's allocation;	12439
(6) Require local subdivisions, to the extent practicable, to use Ohio products, materials, services, and labor in connection with any capital improvement project financed in whole or in part under this chapter;	12440 12441 12442 12443
(7) Notify the director of budget and management of all approved projects, and supply all information necessary to track approved projects through the state accounting system;	12444 12445 12446
(8) Appoint the administrator of the Ohio small government capital improvements commission;	12447 12448
(9) Do all other acts, enter into contracts, and execute all instruments necessary or appropriate to carry out this chapter;	12449 12450
(10) Develop a standardized methodology for evaluating capital improvement needs which will be used by local subdivisions in preparing the plans required by division (C) of section 164.06 of the Revised Code. The director shall develop this methodology not later than July 1, 1991.	12451 12452 12453 12454 12455
(11) Establish a program to provide local subdivisions with technical assistance in preparing project applications. The program shall be designed to assist local subdivisions that lack the financial or technical resources to prepare project applications on their own.	12456 12457 12458 12459 12460
(B) When the director of the Ohio public works commission decides to conditionally approve or disapprove projects, the director's decisions and the reasons for which they are made shall be made in writing. These written decisions shall be conclusive for the purposes of the validity and enforceability of such determinations.	12461 12462 12463 12464 12465 12466
(C) Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and	12467 12468

provisions of and security for financial assistance provided 12469  
pursuant to the provisions of this chapter shall be such as the 12470  
director determines to be appropriate. If any payments required by 12471  
a loan agreement entered into pursuant to this chapter are not 12472  
paid, the funds which would otherwise be apportioned to the local 12473  
subdivision from the county undivided local government fund, 12474  
pursuant to sections 5747.51 to 5747.53 of the Revised Code, may, 12475  
at the direction of the director of the Ohio public works 12476  
commission, be reduced by the amount payable. The county treasurer 12477  
shall, at the direction of the director, pay the amount of such 12478  
reductions to the state capital improvements revolving loan fund. 12479  
The director may renegotiate a loan repayment schedule with a 12480  
local subdivision whose payments from the county undivided local 12481  
government fund could be reduced pursuant to this division, but 12482  
such a renegotiation may occur only one time with respect to any 12483  
particular loan agreement. 12484

(D) Grants approved for the repair and replacement of 12485  
existing infrastructure pursuant to this chapter shall not exceed 12486  
ninety per cent of the estimated total cost of the capital 12487  
improvement project. Grants approved for new or expanded 12488  
infrastructure shall not exceed fifty per cent of the estimated 12489  
cost of the new or expansion elements of the capital improvement 12490  
project. A local subdivision share of the estimated cost of a 12491  
capital improvement may consist of any of the following: 12492

(1) The reasonable value, as determined by the director or 12493  
the administrator, of labor, materials, and equipment that will be 12494  
contributed by the local subdivision in performing the capital 12495  
improvement project; 12496

(2) Moneys received by the local subdivision in any form from 12497  
an authority, commission, or agency of the United States for use 12498  
in performing the capital improvement project; 12499

(3) Loans made to the local subdivision under this chapter; 12500

(4) Engineering costs incurred by the local subdivision in performing engineering activities related to the project. 12501  
12502

A local subdivision share of the cost of a capital improvement shall not include any amounts awarded to it from the local transportation improvement program fund created in section 164.14 of the Revised Code. 12503  
12504  
12505  
12506

(E) The following portion of a ~~district public works~~ local government integrating and innovation committee's annual allocation share pursuant to section 164.08 of the Revised Code may be awarded to subdivisions only in the form of interest-free, low-interest, market rate of interest, or blended-rate loans: 12507  
12508  
12509  
12510  
12511

YEAR IN WHICH	PORTION USED FOR	
MONEYS ARE ALLOCATED	LOANS	
Year 1	0%	12514
Year 2	0%	12515
Year 3	10%	12516
Year 4	12%	12517
Year 5	15%	12518
Year 6	20%	12519
Year 7, 8, 9, and 10	22%	12520

(F) The following portion of a ~~district public works~~ local government integrating and innovation committee's annual allocation pursuant to section 164.08 of the Revised Code shall be awarded to subdivisions in the form of local debt supported and credit enhancements: 12521  
12522  
12523  
12524  
12525

YEAR IN WHICH	PORTIONS USED FOR	
MONEYS ARE ALLOCATED	LOCAL DEBT SUPPORT	
	AND CREDIT ENHANCEMENTS	
Year 1	0%	12529
Year 2	0%	12530
Year 3	3%	12531
Year 4	5%	12532

Year 5	5%	12533
Year 6	7%	12534
Year 7	7%	12535
Year 8	8%	12536
Year 9	8%	12537
Year 10	8%	12538

(G) For the period commencing on March 29, 1988 and ending on 12539  
 June 30, 1993, for the period commencing July 1, 1993, and ending 12540  
 June 30, 1999, and for each five-year period thereafter, the total 12541  
 amount of financial assistance awarded under sections 164.01 to 12542  
 164.08 of the Revised Code for capital improvement projects 12543  
 located wholly or partially within a county shall be equal to at 12544  
 least thirty per cent of the amount of what the county would have 12545  
 been allocated from the obligations authorized to be sold under 12546  
 this chapter during each period, if such amounts had been 12547  
 allocable to each county on a per capita basis. 12548

(H) The amount of the annual allocations made pursuant to 12549  
 divisions (B)(1) and (6) of section 164.08 of the Revised Code 12550  
 which can be used for new or expanded infrastructure is limited as 12551  
 follows: 12552

YEAR IN WHICH	PORTION WHICH MAY	
MONEYS ARE ALLOCATED	BE USED FOR NEW OR	
	EXPANSION INFRASTRUCTURE	
Year 1	5%	12553
Year 2	5%	12554
Year 3	10%	12555
Year 4	10%	12556
Year 5	10%	12557
Year 6	15%	12558
Year 7	15%	12559
Year 8	20%	12560
Year 9	20%	12561

Year 10 and each year 12565  
thereafter 20% 12566

(I) The following portion of a ~~district public works~~ local 12567  
government integrating and innovation committee's annual 12568  
allocation share pursuant to section 164.08 of the Revised Code 12569  
shall be awarded to subdivisions in the form of interest-free, 12570  
low-interest, market rate of interest, or blended-rate loans, or 12571  
local debt support and credit enhancements: 12572

YEAR IN WHICH	PORTION USED FOR LOANS	OR LOCAL DEBT SUPPORT
MONEYS ARE ALLOCATED	AND CREDIT ENHANCEMENTS	
Year 11 and each year		
thereafter	20%	

(J) No project shall be approved under this section unless 12578  
the project is designed to have a useful life of at least seven 12579  
years. In addition, the average useful life of all projects for 12580  
which grants or loans are awarded in each district during a 12581  
program year shall not be less than twenty years. 12582

**Sec. 164.051.** (A) The administrator of the Ohio small 12583  
government capital improvements commission shall review projects 12584  
submitted to ~~him~~ the administrator by subcommittees of ~~district~~ 12585  
~~public works~~ local government integrating and innovation 12586  
committees in accordance with section 164.06 of the Revised Code. 12587  
If ~~he~~ the administrator determines that a project satisfies the 12588  
criteria of division (B) of that section, while taking into 12589  
consideration the special needs of villages and townships, the 12590  
administrator shall recommend to the Ohio small government capital 12591  
improvements commission that the project be approved. If ~~he~~ the 12592  
administrator determines that a project should not be approved or 12593  
that a decision on the project should be delayed, such 12594  
determinations and an explanation should also be sent to the Ohio 12595  
small government capital improvements commission for final 12596

resolution. 12597

(B) With respect to projects which the Ohio small government 12598  
capital improvements commission approves, the administrator is 12599  
authorized to: 12600

(1) Enter into agreements to provide financial assistance in 12601  
the form of loans, grants, or local debt support and credit 12602  
enhancements to villages or townships with populations in the 12603  
unincorporated areas of the township of less than five thousand; 12604

(2) Authorize payments to such villages or townships or their 12605  
contractors for the costs incurred for capital improvement 12606  
projects which have been approved in accordance with this chapter. 12607  
All requests for payments shall be submitted to the administrator 12608  
on forms and in accordance with procedures specified in rules 12609  
adopted pursuant to division (A)(4) of section 164.05 of the 12610  
Revised Code. 12611

(3) Notify the director of budget and management of all 12612  
approved projects, and supply all information necessary to track 12613  
the approved projects through the state accounting system. 12614

(4) Do all other acts and enter into contracts and execute 12615  
all instruments necessary or appropriate to carry out this 12616  
section. 12617

(C) Fees, charges, rates of interest, times of payment of 12618  
interest and principal, and other terms, conditions, and 12619  
provisions of and security for financial assistance provided 12620  
pursuant to the provisions of this section shall be such as the 12621  
administrator determines to be appropriate. If any payments 12622  
required by a loan agreement entered into pursuant to this section 12623  
are not paid, the funds which would otherwise be apportioned to 12624  
the local subdivision from the county undivided local government 12625  
fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, 12626  
may, at the direction of the Ohio small government capital 12627

improvements commission, be reduced by the amount payable. The 12628  
county treasurer shall, at the direction of the commission, pay 12629  
the amount of such reductions to the state capital improvements 12630  
revolving loan fund. Subject to the approval of the Ohio small 12631  
government capital improvements commission, the administrator may 12632  
renegotiate a loan repayment schedule with a local subdivision 12633  
whose payments from the county undivided local government fund 12634  
could be reduced pursuant to this division, but such a 12635  
renegotiation may occur only one time with respect to any 12636  
particular loan agreement. 12637

**Sec. 164.06.** (A) Each ~~district public works~~ local government 12638  
integrating and innovation committee shall evaluate materials 12639  
submitted to it by the local subdivisions located in the district 12640  
concerning capital improvements for which assistance is sought 12641  
from the state capital improvements fund and shall, pursuant to 12642  
division (B) of this section, select the requests for financial 12643  
assistance that will be formally submitted by the district to the 12644  
director of the Ohio public works commission. In order to provide 12645  
for the efficient use of the district's state capital improvements 12646  
fund allocation each year, a district committee shall assist its 12647  
subdivisions in the preparation and coordination of project plans. 12648

(B) In selecting the requests for assistance for capital 12649  
improvement projects which will be submitted to the director, and 12650  
in determining the nature, amount, and terms of the assistance 12651  
that will be requested, a ~~district public works~~ local government 12652  
integrating and innovation committee shall give priority to 12653  
capital improvement projects for the repair or replacement of 12654  
existing infrastructure and which would be unlikely to be 12655  
undertaken without assistance under this chapter, and shall 12656  
specifically consider all of the following factors: 12657

(1) The infrastructure repair and replacement needs of the 12658

district;	12659
(2) The age and condition of the system to be repaired or replaced;	12660 12661
(3) Whether the project would generate revenue in the form of user fees or assessments;	12662 12663
(4) The importance of the project to the health and safety of the citizens of the district;	12664 12665
(5) The cost of the project and whether it is consistent with division (G) of section 164.05 of the Revised Code and the district's allocation for grants, loans, and local debt support and credit enhancements for that year;	12666 12667 12668 12669
(6) The effort and ability of the benefited local subdivisions to assist in financing the project;	12670 12671
(7) The availability of federal or other funds for the project;	12672 12673
(8) The overall economic health of the particular local subdivision;	12674 12675
(9) The adequacy of the planning for the project and the readiness of the applicant to proceed should the project be approved;	12676 12677 12678
(10) Any other factors relevant to a particular project.	12679
(C) Prior to filing an application with its <del>district public works</del> <u>local government</u> integrating <u>and innovation</u> committee for assistance in financing a capital improvement project under this section, a local subdivision shall conduct a study of its existing capital improvements, the condition of those improvements, and the projected capital improvement needs of the subdivision in the ensuing five-year period. After completing this study, the subdivision shall compile a report that includes an inventory of its existing capital improvements, a plan detailing the capital	12680 12681 12682 12683 12684 12685 12686 12687 12688



improvement needs of the subdivision in the ensuing five-year 12689  
period, and a list of the subdivision's priorities with respect to 12690  
addressing those needs. Each year, the report shall be reviewed 12691  
and updated by the subdivision to reflect capital improvement 12692  
projects undertaken or completed in the past year and any changes 12693  
in the subdivision's plan or priorities. The report and annual 12694  
updates shall be made available upon request to the Ohio public 12695  
works commission, the Ohio small government capital improvements 12696  
commission, and the ~~district public works~~ local government 12697  
integrating and innovation committee of the district of which the 12698  
subdivision is a part. 12699

(D) In addition to reviewing and selecting the projects for 12700  
which approval will be sought from the director of the Ohio public 12701  
works commission for financial assistance from the state capital 12702  
improvements fund, each ~~district public works~~ local government 12703  
integrating and innovation committee shall appoint a subcommittee 12704  
of its members that will represent the interests of villages and 12705  
townships and that will review and select the capital improvement 12706  
projects which will be submitted by the subcommittee to the 12707  
administrator of the Ohio small government capital improvements 12708  
commission for consideration of assistance from the portion of the 12709  
net proceeds of obligations issued and sold by the treasurer of 12710  
state which is allocated pursuant to division (B)(1) of section 12711  
164.08 of the Revised Code. In reviewing and approving the 12712  
projects selected by its subcommittee, the administrator, and the 12713  
Ohio small government capital improvements commission shall be 12714  
guided by the provisions of division (B) of this section, and 12715  
shall also take into account the fact that villages and townships 12716  
may have different public infrastructure needs than larger 12717  
subdivisions. 12718

(E) The ~~district public works~~ local government integrating 12719  
and innovation committee for each district that includes at least 12720

one county with a population of less than eighty-five thousand 12721  
according to the most recent decennial census shall appoint a 12722  
subcommittee of its members for the purposes of the small counties 12723  
capital improvement program created under division (F) of section 12724  
164.02 of the Revised Code. The subcommittee shall select and 12725  
submit to the director the projects that will be considered for 12726  
assistance from the money allocated to the program under division 12727  
(B)(4) of section 164.08 of the Revised Code. 12728

**Sec. 164.08.** (A) Except as provided in sections 151.01 and 12729  
151.08 or section 164.09 of the Revised Code, the net proceeds of 12730  
obligations issued and sold by the treasurer of state pursuant to 12731  
section 164.09 of the Revised Code before September 30, 2000, or 12732  
pursuant to sections 151.01 and 151.08 of the Revised Code, for 12733  
the purpose of financing or assisting in the financing of the cost 12734  
of public infrastructure capital improvement projects of local 12735  
subdivisions, as provided for in Section 2k, 2m, or 2p of Article 12736  
VIII, Ohio Constitution, and this chapter, shall be paid into the 12737  
state capital improvements fund, which is hereby created in the 12738  
state treasury. Investment earnings on moneys in the fund shall be 12739  
credited to the fund. 12740

(B) Beginning July 1, 2011, each program year the amount of 12741  
obligations authorized by the general assembly in accordance with 12742  
sections 151.01 and 151.08 or section 164.09 of the Revised Code, 12743  
excluding the proceeds of refunding or renewal obligations, shall 12744  
be allocated by the director of the Ohio public works commission 12745  
as follows: 12746

(1) First, fifteen million dollars of the amount of 12747  
obligations authorized shall be allocated to provide financial 12748  
assistance to villages and to townships with populations in the 12749  
unincorporated areas of the township of less than five thousand 12750  
persons, for capital improvements in accordance with section 12751

164.051 and division (D) of section 164.06 of the Revised Code. As 12752  
used in division (B)(1) of this section, "capital improvements" 12753  
includes resurfacing and improving roads. 12754

(2) Following the allocation required by division (B)(1) of 12755  
this section, the director may allocate three million dollars of 12756  
the authorized obligations to provide financial assistance to 12757  
local subdivisions for capital improvement projects which in the 12758  
judgment of the director of the Ohio public works commission are 12759  
necessary for the immediate preservation of the health, safety, 12760  
and welfare of the citizens of the local subdivision requesting 12761  
assistance. 12762

(3) For the second, third, fourth, and fifth years that 12763  
obligations are authorized and are available for allocation under 12764  
this chapter, one million dollars shall be allocated to the sewer 12765  
and water fund created in section 1525.11 of the Revised Code. 12766  
Money from this allocation shall be transferred to that fund when 12767  
needed to support specific payments from that fund. 12768

(4) For program years twelve and fourteen that obligations 12769  
are authorized and available for allocation under this chapter, 12770  
two million dollars each program year shall be allocated to the 12771  
small county capital improvement program for use in providing 12772  
financial assistance under division (F) of section 164.02 of the 12773  
Revised Code. 12774

(5) After the allocation required by division (B)(3) of this 12775  
section is made, the director shall determine the amount of the 12776  
remaining obligations authorized to be issued and sold that each 12777  
county would receive if such amounts were allocated on a per 12778  
capita basis each year. If a county's per capita share for the 12779  
year would be less than three hundred thousand dollars, the 12780  
director shall allocate to the district in which that county is 12781  
located an amount equal to the difference between three hundred 12782  
thousand dollars and the county's per capita share. 12783

(6) After making the allocation required by division (B)(5) 12784  
of this section, the director shall allocate the remaining amount 12785  
to each district on a per capita basis. 12786

(C)(1) There is hereby created in the state treasury the 12787  
state capital improvements revolving loan fund, into which shall 12788  
be deposited all repayments of loans made to local subdivisions 12789  
for capital improvements pursuant to this chapter. Investment 12790  
earnings on moneys in the fund shall be credited to the fund. 12791

(2) There may also be deposited in the state capital 12792  
improvements revolving loan fund moneys obtained from federal or 12793  
private grants, or from other sources, which are to be used for 12794  
any of the purposes authorized by this chapter. Such moneys shall 12795  
be allocated each year in accordance with division (B)(6) of this 12796  
section. 12797

(3) Moneys deposited into the state capital improvements 12798  
revolving loan fund shall be used to make loans for the purpose of 12799  
financing or assisting in the financing of the cost of capital 12800  
improvement projects of local subdivisions. 12801

(4) Investment earnings credited to the state capital 12802  
improvements revolving loan fund that exceed the amounts required 12803  
to meet estimated federal arbitrage rebate requirements shall be 12804  
used to pay costs incurred by the public works commission in 12805  
administering this section. Investment earnings credited to the 12806  
state capital improvements revolving loan fund that exceed the 12807  
amounts required to pay for the administrative costs and estimated 12808  
rebate requirements shall be allocated to each district on a per 12809  
capita basis. 12810

(5) Each program year, loan repayments received and on 12811  
deposit in the state capital improvements revolving loan fund 12812  
shall be allocated as follows: 12813

(a) Each ~~district public works~~ local government integrating 12814

and innovation committee shall be allocated an amount equal to the 12815  
sum of all loan repayments made to the state capital improvements 12816  
revolving loan fund by local subdivisions that are part of the 12817  
district. Moneys not used in a program year may be used in the 12818  
next program year in the same manner and for the same purpose as 12819  
originally allocated. 12820

(b) Loan repayments made pursuant to projects approved under 12821  
division (B)(1) of this section shall be used to make loans in 12822  
accordance with section 164.051 and division (D) of section 164.06 12823  
of the Revised Code. Allocations for this purpose made pursuant to 12824  
division (C)(5) of this section shall be in addition to the 12825  
allocation provided in division (B)(1) of this section. 12826

(c) Loan repayments made pursuant to projects approved under 12827  
division (B)(2) of this section shall be used to make loans in 12828  
accordance with division (B)(2) of this section. Allocations for 12829  
this purpose made pursuant to division (C)(5) of this section 12830  
shall be in addition to the allocation provided in division (B)(2) 12831  
of this section. 12832

(d) Loans made from the state capital improvements revolving 12833  
loan fund shall not be limited in their usage by divisions (E), 12834  
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 12835

(D) Investment earnings credited to the state capital 12836  
improvements fund that exceed the amounts required to meet 12837  
estimated federal arbitrage rebate requirements shall be used to 12838  
pay costs incurred by the public works commission in administering 12839  
sections 164.01 to 164.12 of the Revised Code. 12840

(E) The director of the Ohio public works commission shall 12841  
notify the director of budget and management of the amounts 12842  
allocated pursuant to this section and such information shall be 12843  
entered into the state accounting system. The director of budget 12844  
and management shall establish appropriation line items as needed 12845

to track these allocations. 12846

(F) If the amount of a district's allocation in a program 12847  
year exceeds the amount of financial assistance approved for the 12848  
district by the commission for that year, the remaining portion of 12849  
the district's allocation shall be added to the district's 12850  
allocation pursuant to division (B) of this section for the next 12851  
succeeding year for use in the same manner and for the same 12852  
purposes as it was originally allocated, except that any portion 12853  
of a district's allocation which was available for use on new or 12854  
expanded infrastructure pursuant to division (H) of section 164.05 12855  
of the Revised Code shall be available in succeeding years only 12856  
for the repair and replacement of existing infrastructure. 12857

(G) When an allocation based on population is made by the 12858  
director pursuant to division (B) of this section, the director 12859  
shall use the most recent decennial census statistics, and shall 12860  
not make any reallocations based upon a change in a district's 12861  
population. 12862

**Sec. 164.14.** (A) The local transportation improvement program 12863  
fund is hereby created in the state treasury. The fund shall 12864  
consist of moneys credited to it pursuant to sections 117.16 and 12865  
5735.23 of the Revised Code, and, subject to the limitations of 12866  
section 5735.05 of the Revised Code, shall be used to make grants 12867  
to local subdivisions for projects that have been approved by 12868  
~~district public works~~ local government integrating and innovation 12869  
committees and the Ohio public works commission in accordance with 12870  
this section. The fund shall be administered by the Ohio public 12871  
works commission, and shall be allocated each fiscal year on a per 12872  
capita basis to ~~district public works~~ local government integrating 12873  
and innovation committees in accordance with the most recent 12874  
decennial census statistics. Money in the fund may be used to pay 12875  
reasonable costs incurred by the commission in administering this 12876

section. Investment earnings on moneys credited to the fund shall 12877  
be retained by the fund. 12878

(B) Grants awarded under this section may provide up to one 12879  
hundred per cent of the estimated total cost of the project. 12880

(C) No grant shall be awarded for a project under this 12881  
section unless the project is designed to have a useful life of at 12882  
least seven years, except that the average useful life of all such 12883  
projects for which grants are awarded in each district during a 12884  
fiscal year shall be not less than twenty years. 12885

(D) For the period beginning on July 1, 1989, and ending on 12886  
June 30, 1994, and for each succeeding five-year period, at least 12887  
one-third of the total amount of money allocated to each district 12888  
from the local transportation improvement program fund shall be 12889  
awarded as follows: 12890

(1) Forty-two and eight-tenths per cent for projects of 12891  
municipal corporations; 12892

(2) Thirty-seven and two-tenths per cent for projects of 12893  
counties; 12894

(3) Twenty per cent for projects of townships, except that 12895  
the requirement of division (D)(3) of this section shall not apply 12896  
in districts where the combined population of the townships in the 12897  
district is less than five per cent of the population of the 12898  
district. 12899

(E) Each ~~district public works~~ local government integrating 12900  
and innovation committee shall review, and approve or disapprove 12901  
requests submitted to it by local subdivisions for assistance from 12902  
the local transportation improvement program fund. In reviewing 12903  
projects submitted to it, a ~~district public works~~ local government 12904  
integrating and innovation committee shall consider the following 12905  
factors: 12906

(1) Whether the project is of critical importance to the safety of the residents of the local subdivision;	12907 12908
(2) Whether the project would alleviate serious traffic problems or hazards or would respond to needs caused by rapid growth and development;	12909 12910 12911
(3) Whether the project would assist the local subdivision in attaining the transportation infrastructure needed to pursue significant and specific economic development opportunities;	12912 12913 12914
(4) The availability of other sources of funding for the project;	12915 12916
(5) The adequacy of the planning for the project and the readiness of the local subdivision to proceed should the project be approved;	12917 12918 12919
(6) The local subdivision's ability to pay for and history of investing in bridge and highway improvements;	12920 12921
(7) The impact of the project on the multijurisdictional highway and bridge needs of the district;	12922 12923
(8) The requirements of divisions (A), (B), (C), and (D) of this section;	12924 12925
(9) The condition of the infrastructure system proposed for improvement;	12926 12927
(10) Any other factors related to the safety, orderly growth, or economic development of the district or local subdivision that the <del>district public works</del> <u>local government</u> integrating and <u>innovation</u> committee considers relevant.	12928 12929 12930 12931
A <del>district public works</del> <u>local government</u> integrating and <u>innovation</u> committee or its executive committee may appoint a subcommittee to assist it in carrying out its responsibilities under this section.	12932 12933 12934 12935
(F) Every project approved by a <del>district public works</del> <u>local</u>	12936



government integrating and innovation committee shall be submitted 12937  
to the Ohio public works commission for its review and approval or 12938  
disapproval. The commission shall not approve any project that 12939  
fails to meet the requirements of this section. 12940

(G) Grants awarded from the local transportation improvement 12941  
program fund shall not be limited in their usage by divisions (D), 12942  
(E), (F), (G), (H), and (I) of section 164.05 of the Revised Code. 12943

(H) As used in this section, "local subdivision" means a 12944  
county, municipal corporation, or township. 12945

(I) The director of the Ohio public works commission shall 12946  
notify the director of budget and management of the amounts 12947  
allocated pursuant to this section, and the allocation information 12948  
shall be entered into the state accounting system. The director of 12949  
budget and management shall establish appropriation line items as 12950  
needed to track these allocations. 12951

**Sec. 164.21.** (A) Each ~~district public works~~ local government 12952  
integrating and innovation committee or, if applicable, the 12953  
executive committee of the integrating and innovation committee 12954  
shall appoint a natural resources assistance council consisting of 12955  
eleven members. Of the eleven members, one shall be a member of 12956  
the appointing integrating and innovation committee and one shall 12957  
represent a soil and water conservation district that is located 12958  
within the geographical jurisdiction of the appointing integrating 12959  
and innovation committee. The nine other members of the council 12960  
shall be appointed from the following categories of organizations, 12961  
units of government, or agencies and shall include at least one 12962  
member from each of those categories: 12963

(1) A county, municipal corporation, township, conservancy 12964  
district, regional or joint district or unit of local government, 12965  
or regional or joint political subdivision that is located within 12966  
the geographical jurisdiction of the appointing integrating and 12967

innovation committee; 12968

(2) A conservation organization, an environmental advocacy 12969  
organization, an organization with a primary interest in watershed 12970  
protection and restoration, the department of natural resources, 12971  
the environmental protection agency, or the United States natural 12972  
resources conservation service; 12973

(3) A city park system or metropolitan park system or a board 12974  
of park commissioners from a county that is located within the 12975  
geographical jurisdiction of the appointing integrating and 12976  
innovation committee, a statewide parks and recreation 12977  
organization, or the United States national park service; 12978

(4) A statewide organization representing agriculture, an 12979  
organization representing forestry interests, the department of 12980  
agriculture, or the United States department of agriculture; 12981

(5) An organization representing business, local realtors, or 12982  
a planning agency, including a port authority, located within the 12983  
geographical jurisdiction of the appointing integrating and 12984  
innovation committee. 12985

No organization, unit of government, or agency that is listed 12986  
in divisions (A)(1) to (5) of this section shall be represented by 12987  
more than one member on the council at any given time. The 12988  
membership of a natural resources assistance council shall reflect 12989  
the demographic and economic diversity of the population located 12990  
within the geographical area represented by the council. 12991

A council shall be appointed by the appropriate integrating 12992  
and innovation committee not later than ninety days after ~~the~~ 12993  
~~effective date of this section~~ July 26, 2001. Of the initial 12994  
members appointed to the council, four shall be appointed for one 12995  
year, four shall be appointed for two years, and three shall be 12996  
appointed for three years. Thereafter, terms of office for members 12997  
of the council shall be for three years, with each term ending on 12998

the same day of the same month as did the term that it succeeds. 12999  
Each member shall hold office from the date of appointment until 13000  
the end of the term for which the member is appointed, except 13001  
that, with respect to any member who is an elected or appointed 13002  
official of a township, municipal corporation, or county, the term 13003  
of office for that person on the council shall not extend beyond 13004  
the member's term as an elected or appointed official. 13005

Members may be reappointed. Vacancies shall be filled in the 13006  
same manner provided for original appointments. Any member 13007  
appointed to fill a vacancy occurring prior to the expiration date 13008  
of the term for which the member was appointed shall hold office 13009  
for the remainder of that term. A member shall continue in office 13010  
subsequent to the expiration date of the member's term until the 13011  
member's successor takes office or until a period of sixty days 13012  
has elapsed, whichever occurs first. Members may be removed by the 13013  
~~district public works~~ local government integrating and innovation 13014  
committee for misfeasance, malfeasance, or nonfeasance in office. 13015

(B) A natural resources assistance council shall elect a 13016  
chairperson, a vice-chairperson, and other officers that the 13017  
council considers appropriate. A council may adopt bylaws 13018  
governing its operation, including bylaws that establish the 13019  
frequency of regular meetings and any necessary procedures. All 13020  
meetings of a council are subject to section 121.22 of the Revised 13021  
Code. 13022

(C) Serving as a member of a natural resources assistance 13023  
council under this section does not constitute holding a public 13024  
office or position of employment under the laws of this state and 13025  
does not confer a right to compensation from any agency of this 13026  
state. A member of a natural resources assistance council does not 13027  
have an unlawful interest in a public contract under section 13028  
2921.42 of the Revised Code solely by virtue of the receipt of 13029  
financial assistance under sections 164.20 to 164.27 of the 13030

Revised Code by the local political subdivision of which the 13031  
member is also a public official or appointee. 13032

(D) Sections 101.82 to 101.87 of the Revised Code do not 13033  
apply to natural resources assistance councils. 13034

Sec. 164.30. (A) There is hereby created in the state 13035  
treasury the local government integrating and innovation fund. The 13036  
fund shall be composed of credits to the fund from revenue from 13037  
the commercial activity tax under section 5751.20 of the Revised 13038  
Code. The purpose of the fund is to provide grants to local 13039  
subdivisions to implement and enhance the sharing of services. 13040

(B) Money in the fund shall be allocated among the local 13041  
government integrating and innovation committees created under 13042  
section 164.03 of the Revised Code beginning in fiscal year 2012. 13043  
The amount allocated to each such committee each fiscal year shall 13044  
be proportionate to the amount distributed in the most recently 13045  
closed program year from the state capital improvements fund to 13046  
local subdivisions within the district represented by that 13047  
committee. 13048

(C) Local subdivisions in each district may apply to the 13049  
district's local government integrating and innovation committee 13050  
for grants from the local government integrating and innovation 13051  
fund to assist with the payment of allowable expenses of 13052  
implementing or enhancing service sharing among local 13053  
subdivisions. For the purposes of this section, allowable expenses 13054  
include costs of making the transition to shared services, 13055  
establishing shared services, and paying for the initial 13056  
operations of the shared services; allowable expenses does not 13057  
include costs of ongoing operations of shared services. The 13058  
applications shall describe, in the manner and as directed by the 13059  
committee, the shared services, the projected cost savings of the 13060  
shared services, and any other matters the committee requires. 13061

(D) Each local government integrating and innovation committee shall accept and review such applications and award grants to the applicants the committee determines to be proposing shared services resulting in the greatest cost efficiencies, subject to the following: 13062  
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(1) Not less than twenty per cent of the grant money available to each district shall be awarded to townships. 13067  
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(2) Up to thirty per cent of the grant money available to each district may be awarded to local subdivisions determined to be in fiscal emergency under Chapter 118. of the Revised Code, the primary cause of the emergency being, in the opinion of the committee, reductions in revenue from federal, state, or local government sources since 2008. 13069  
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(3) Not more than two hundred fifty thousand dollars may be awarded to each applicant for each service-sharing proposal. 13075  
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Upon approval of a grant application, a committee shall forward the application and evidence of the committee's approval to the director of the Ohio public works commission, who shall review the materials and, if the director finds that the application was properly approved under the terms of this section, the director shall authorize the award of the grant to the local subdivision. 13077  
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(E) Not more than three per cent of the money credited to the local government integrating and innovation fund may be used by the director of the Ohio public works commission to defray the costs of the commission or of local government integrating and innovation committees in administering this section. 13084  
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**Sec. 166.02.** (A) The general assembly finds that many local areas throughout the state are experiencing economic stagnation or decline, and that the economic development programs provided for 13089  
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13091

in this chapter will constitute deserved, necessary reinvestment 13092  
by the state in those areas, materially contribute to their 13093  
economic revitalization, and result in improving the economic 13094  
welfare of all the people of the state. Accordingly, it is 13095  
declared to be the public policy of the state, through the 13096  
operations of this chapter and other applicable laws adopted 13097  
pursuant to Section 2p or 13 of Article VIII, Ohio Constitution, 13098  
and other authority vested in the general assembly, to assist in 13099  
and facilitate the establishment or development of eligible 13100  
projects or assist and cooperate with any governmental agency in 13101  
achieving such purpose. 13102

(B) In furtherance of such public policy and to implement 13103  
such purpose, the director of development may: 13104

(1) After consultation with appropriate governmental 13105  
agencies, enter into agreements with persons engaged in industry, 13106  
commerce, distribution, or research and with governmental agencies 13107  
to induce such persons to acquire, construct, reconstruct, 13108  
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 13109  
otherwise develop, eligible projects and make provision therein 13110  
for project facilities and governmental actions, as authorized by 13111  
this chapter and other applicable laws, subject to any required 13112  
actions by the general assembly or the controlling board and 13113  
subject to applicable local government laws and regulations; 13114

(2) Provide for the guarantees and loans as provided for in 13115  
sections 166.06 and 166.07 of the Revised Code; 13116

(3) Subject to release of such moneys by the controlling 13117  
board, contract for labor and materials needed for, or contract 13118  
with others, including governmental agencies, to provide, project 13119  
facilities the allowable costs of which are to be paid for or 13120  
reimbursed from moneys in the facilities establishment fund, and 13121  
contract for the operation of such project facilities; 13122

(4) Subject to release thereof by the controlling board, from 13123  
moneys in the facilities establishment fund acquire or contract to 13124  
acquire by gift, exchange, or purchase, including the obtaining 13125  
and exercise of purchase options, property, and convey or 13126  
otherwise dispose of, or provide for the conveyance or disposition 13127  
of, property so acquired or contracted to be acquired by sale, 13128  
exchange, lease, lease purchase, conditional or installment sale, 13129  
transfer, or other disposition, including the grant of an option 13130  
to purchase, to any governmental agency or to any other person 13131  
without necessity for competitive bidding and upon such terms and 13132  
conditions and manner of consideration pursuant to and as the 13133  
director determines to be appropriate to satisfy the objectives of 13134  
sections 166.01 to 166.11 of the Revised Code; 13135

(5) Retain the services of or employ financial consultants, 13136  
appraisers, consulting engineers, superintendents, managers, 13137  
construction and accounting experts, attorneys, and employees, 13138  
agents, and independent contractors as are necessary in the 13139  
director's judgment and fix the compensation for their services; 13140

(6) Receive and accept from any person grants, gifts, and 13141  
contributions of money, property, labor, and other things of 13142  
value, to be held, used and applied only for the purpose for which 13143  
such grants, gifts, and contributions are made; 13144

(7) Enter into appropriate arrangements and agreements with 13145  
any governmental agency for the taking or provision by that 13146  
governmental agency of any governmental action; 13147

(8) Do all other acts and enter into contracts and execute 13148  
all instruments necessary or appropriate to carry out the 13149  
provisions of this chapter; 13150

(9) Adopt rules to implement any of the provisions of this 13151  
chapter applicable to the director. 13152

(C) The determinations by the director that facilities 13153

constitute eligible projects, that facilities are project 13154  
facilities, that costs of such facilities are allowable costs, and 13155  
all other determinations relevant thereto or to an action taken or 13156  
agreement entered into shall be conclusive for purposes of the 13157  
validity and enforceability of rights of parties arising from 13158  
actions taken and agreements entered into under this chapter. 13159

(D) Except as otherwise prescribed in this chapter, all 13160  
expenses and obligations incurred by the director in carrying out 13161  
the director's powers and in exercising the director's duties 13162  
under this chapter, shall be payable solely from, as appropriate, 13163  
moneys in the facilities establishment fund, the loan guarantee 13164  
fund, the innovation Ohio loan guarantee fund, the innovation Ohio 13165  
loan fund, the research and development loan fund, the logistics 13166  
and distribution infrastructure fund, the logistics and 13167  
distribution infrastructure taxable bond fund, or moneys 13168  
appropriated for such purpose by the general assembly. This 13169  
chapter does not authorize the director or the issuing authority 13170  
under section 166.08 of the Revised Code to incur bonded 13171  
indebtedness of the state or any political subdivision thereof, or 13172  
to obligate or pledge moneys raised by taxation for the payment of 13173  
any bonds or notes issued or guarantees made pursuant to this 13174  
chapter. 13175

~~(E) No financial assistance for project facilities shall be 13176  
provided under this chapter unless the provisions of the agreement 13177  
providing for such assistance specify that all wages paid to 13178  
laborers and mechanics employed on such project facilities for 13179  
which the assistance is granted shall be paid at the prevailing 13180  
rates of wages of laborers and mechanics for the class of work 13181  
called for by such project facilities, which wages shall be 13182  
determined in accordance with the requirements of Chapter 4115. of 13183  
the Revised Code for determination of prevailing wage rates, 13184  
provided that the requirements of this division do not apply where 13185~~



~~the federal government or any of its agencies provides financing 13186  
assistance as to all or any part of the funds used in connection 13187  
with such project facilities and prescribes predetermined minimum 13188  
wages to be paid to such laborers and mechanics; and provided 13189  
further that should a nonpublic user beneficiary of the eligible 13190  
project undertake, as part of the eligible project, construction 13191  
to be performed by its regular bargaining unit employees who are 13192  
covered under a collective bargaining agreement which was in 13193  
existence prior to the date of the document authorizing such 13194  
assistance then, in that event, the rate of pay provided under the 13195  
collective bargaining agreement may be paid to such employees. 13196~~

~~(F) Any governmental agency may enter into an agreement with 13197  
the director, any other governmental agency, or a person to be 13198  
assisted under this chapter, to take or provide for the purposes 13199  
of this chapter any governmental action it is authorized to take 13200  
or provide, and to undertake on behalf and at the request of the 13201  
director any action which the director is authorized to undertake 13202  
pursuant to divisions (B)(3), (4), and (5) of this section or 13203  
divisions (B)(3), (4), and (5) of section 166.12 of the Revised 13204  
Code. Governmental agencies of the state shall cooperate with and 13205  
provide assistance to the director of development and the 13206  
controlling board in the exercise of their respective functions 13207  
under this chapter. 13208~~

**Sec. 173.14.** As used in sections 173.14 to 173.27 of the 13209  
Revised Code: 13210

(A)(1) Except as otherwise provided in division (A)(2) of 13211  
this section, "long-term care facility" includes any residential 13212  
facility that provides personal care services for more than 13213  
twenty-four hours for two or more unrelated adults, including all 13214  
of the following: 13215

(a) A "nursing home," "residential care facility," or "home 13216

for the aging" as defined in section 3721.01 of the Revised Code; 13217

(b) A facility authorized to provide extended care services 13218  
under Title XVIII of the "Social Security Act," 49 Stat. 620 13219  
(1935), 42 U.S.C. 301, as amended, including a long-term acute 13220  
care hospital that provides medical and rehabilitative care to 13221  
patients who require an average length of stay greater than 13222  
twenty-five days and is classified by the centers for medicare and 13223  
medicaid services as a long-term care hospital pursuant to 42 13224  
C.F.R. 412.23(e); 13225

(c) A county home or district home operated pursuant to 13226  
Chapter 5155. of the Revised Code; 13227

(d) An "adult care facility" as defined in section ~~3722.01~~ 13228  
5119.70 of the Revised Code; 13229

(e) A facility approved by the veterans administration under 13230  
section 104(a) of the "Veterans Health Care Amendments of 1983," 13231  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 13232  
the placement and care of veterans; 13233

(f) An adult foster home certified under section ~~173.36~~ 13234  
5119.692 of the Revised Code. 13235

(2) "Long-term care facility" does not include a "residential 13236  
facility" as defined in section 5119.22 of the Revised Code or a 13237  
"residential facility" as defined in section 5123.19 of the 13238  
Revised Code. 13239

(B) "Resident" means a resident of a long-term care facility 13240  
and, where appropriate, includes a prospective, previous, or 13241  
deceased resident of a long-term care facility. 13242

(C) "Community-based long-term care services" means health 13243  
and social services provided to persons in their own homes or in 13244  
community care settings, and includes any of the following: 13245

(1) Case management; 13246

(2) Home health care;	13247
(3) Homemaker services;	13248
(4) Chore services;	13249
(5) Respite care;	13250
(6) Adult day care;	13251
(7) Home-delivered meals;	13252
(8) Personal care;	13253
(9) Physical, occupational, and speech therapy;	13254
(10) Transportation;	13255
(11) Any other health and social services provided to persons that allow them to retain their independence in their own homes or in community care settings.	13256 13257 13258
(D) "Recipient" means a recipient of community-based long-term care services and, where appropriate, includes a prospective, previous, or deceased recipient of community-based long-term care services.	13259 13260 13261 13262
(E) "Sponsor" means an adult relative, friend, or guardian who has an interest in or responsibility for the welfare of a resident or a recipient.	13263 13264 13265
(F) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code.	13266 13267
(G) "Regional long-term care ombudsperson program" means an entity, either public or private and nonprofit, designated as a regional long-term care ombudsperson program by the state long-term care ombudsperson.	13268 13269 13270 13271
(H) "Representative of the office of the state long-term care ombudsperson program" means the state long-term care ombudsperson or a member of the ombudsperson's staff, or a person certified as a representative of the office under section 173.21 of the Revised	13272 13273 13274 13275

Code.	13276
(I) "Area agency on aging" means an area agency on aging established under the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C.A. 3001, as amended.	13277 13278 13279
<b>Sec. 173.21.</b> (A) The office of the state long-term care <del>ombudsman</del> <u>ombudsperson</u> program, through the state long-term care <del>ombudsman</del> <u>ombudsperson</u> and the regional long-term care <del>ombudsman</del> <u>ombudsperson</u> programs, shall require each representative of the office to complete a training and certification program in accordance with this section and to meet the continuing education requirements established under this section.	13280 13281 13282 13283 13284 13285 13286
(B) The department of aging shall adopt rules under Chapter 119. of the Revised Code specifying the content of training programs for representatives of the office of the state long-term care <del>ombudsman</del> <u>ombudsperson</u> program. Training for representatives other than those who are volunteers providing services through regional long-term care <del>ombudsman</del> <u>ombudsperson</u> programs shall include instruction regarding federal, state, and local laws, rules, and policies on long-term care facilities and community-based long-term care services; investigative techniques; and other topics considered relevant by the department and shall consist of the following:	13287 13288 13289 13290 13291 13292 13293 13294 13295 13296 13297
(1) A minimum of forty clock hours of basic instruction, which shall be completed before the trainee is permitted to handle complaints without the supervision of a representative of the office certified under this section;	13298 13299 13300 13301
(2) An additional sixty clock hours of instruction, which shall be completed within the first fifteen months of employment;	13302 13303
(3) An internship of twenty clock hours, which shall be completed within the first twenty-four months of employment,	13304 13305

including instruction in, and observation of, basic nursing care 13306  
and long-term care provider operations and procedures. The 13307  
internship shall be performed at a site that has been approved as 13308  
an internship site by the state long-term care ~~ombudsman~~ 13309  
ombudsperson. 13310

(4) One of the following, which shall be completed within the 13311  
first twenty-four months of employment: 13312

(a) Observation of a survey conducted by the director of 13313  
health to certify a facility to receive funds under sections 13314  
5111.20 to 5111.32 of the Revised Code; 13315

(b) Observation of an inspection conducted by the director of 13316  
mental health to license an adult care facility under section 13317  
~~3722.04~~ 5119.73 of the Revised Code. 13318

(5) Any other training considered appropriate by the 13319  
department. 13320

(C) Persons who for a period of at least six months prior to 13321  
June 11, 1990, served as ombudsmen through the long-term care 13322  
~~ombudsman~~ ombudsperson program established by the department of 13323  
aging under division (M) of section 173.01 of the Revised Code 13324  
shall not be required to complete a training program. These 13325  
persons and persons who complete a training program shall take an 13326  
examination administered by the department of aging. On attainment 13327  
of a passing score, the person shall be certified by the 13328  
department as a representative of the office. The department shall 13329  
issue the person an identification card, which the representative 13330  
shall show at the request of any person with whom ~~he~~ the 13331  
representative deals while performing ~~his~~ the representative's 13332  
duties and which ~~he~~ shall ~~surrender~~ be surrendered at the time ~~he~~ 13333  
the representative separates from the office. 13334

(D) The state ~~ombudsman~~ ombudsperson and each regional 13335  
program shall conduct training programs for volunteers on their 13336

respective staffs in accordance with the rules of the department 13337  
of aging adopted under division (B) of this section. Training 13338  
programs may be conducted that train volunteers to complete some, 13339  
but not all, of the duties of a representative of the office. Each 13340  
regional office shall bear the cost of training its 13341  
representatives who are volunteers. On completion of a training 13342  
program, the representative shall take an examination administered 13343  
by the department of aging. On attainment of a passing score, ~~he a~~ 13344  
volunteer shall be certified by the department as a representative 13345  
authorized to perform services specified in the certification. The 13346  
department shall issue an identification card, which the 13347  
representative shall show at the request of any person with whom 13348  
~~he the representative~~ deals while performing ~~his the~~ 13349  
representative's duties and which ~~he shall surrender~~ be 13350  
surrendered at the time ~~he the representative~~ separates from the 13351  
office. Except as a supervised part of a training program, no 13352  
volunteer shall perform any duty unless he is certified as a 13353  
representative having received appropriate training for that duty. 13354

(E) The state ~~ombudsman~~ ombudsperson shall provide technical 13355  
assistance to regional programs conducting training programs for 13356  
volunteers and shall monitor the training programs. 13357

(F) Prior to scheduling an observation of a certification 13358  
survey or licensing inspection for purposes of division (B)(4) of 13359  
this section, the state ~~ombudsman~~ ombudsperson shall obtain 13360  
permission to have the survey or inspection observed from both the 13361  
director of health and the long-term care facility at which the 13362  
survey or inspection is to take place. 13363

(G) The department of aging shall establish continuing 13364  
education requirements for representatives of the office. 13365

**Sec. 173.26.** (A) Each of the following facilities shall 13366  
annually pay to the department of aging six dollars for each bed 13367

maintained by the facility for use by a resident during any part 13368  
of the previous year: 13369

(1) Nursing homes, residential care facilities, and homes for 13370  
the aging as defined in section 3721.01 of the Revised Code; 13371

(2) Facilities authorized to provide extended care services 13372  
under Title XVIII of the "Social Security Act," 49 Stat. 620 13373  
(1935), 42 U.S.C. 301, as amended, including a long-term acute 13374  
care hospital that provides medical and rehabilitative care to 13375  
patients who require an average length of stay greater than 13376  
twenty-five days and is classified by the centers for medicare and 13377  
medicaid services as a long-term care hospital pursuant to 42 13378  
C.F.R. 412.23(e); 13379

(3) County homes and district homes operated pursuant to 13380  
Chapter 5155. of the Revised Code; 13381

(4) Adult care facilities as defined in section ~~3722.01~~ 13382  
5119.70 of the Revised Code; 13383

(5) Facilities approved by the Veterans Administration under 13384  
Section 104(a) of the "Veterans Health Care Amendments of 1983," 13385  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 13386  
the placement and care of veterans. 13387

The department shall, by rule adopted in accordance with 13388  
Chapter 119. of the Revised Code, establish deadlines for payments 13389  
required by this section. A facility that fails, within ninety 13390  
days after the established deadline, to pay a payment required by 13391  
this section shall be assessed at two times the original invoiced 13392  
payment. 13393

(B) All money collected under this section shall be deposited 13394  
in the state treasury to the credit of the office of the state 13395  
long-term care ombudsperson program fund, which is hereby created. 13396  
Money credited to the fund shall be used solely to pay the costs 13397  
of operating the regional long-term care ombudsperson programs. 13398

(C) The state long-term care ombudsperson and the regional programs may solicit and receive contributions to support the operation of the office or a regional program, except that no contribution shall be solicited or accepted that would interfere with the independence or objectivity of the office or program.

**Sec. 173.391.** (A) The department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:

(1) Certify a person or government entity to provide community-based long-term care services under a program the department administers if the person or government entity satisfies the requirements for certification established by rules adopted under division (B) of this section and pays the fee, if any, established by rules adopted under division (G) of this section;

(2) When required to do so by rules adopted under division (B) of this section, take one or more of the following disciplinary actions against a person or government entity ~~issued a certificate~~ certified under division (A)(1) of this section:

(a) Issue a written warning;

(b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department;

(c) Suspend referrals;

(d) Remove clients;

(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;

(f) Suspend the certification;

(g) Revoke the ~~certificate~~ certification;



~~(g)~~(h) Impose another sanction. 13428

(3) ~~Hold~~ Except as provided in division (E) of this section, 13429  
hold hearings when there is a dispute between the department or 13430  
its designee and a person or government entity concerning actions 13431  
the department or its designee takes ~~or does not take~~ regarding a 13432  
decision not to certify the person or government entity under 13433  
division (A)(1) of this section or a disciplinary action under 13434  
division (A)~~(1)~~ ~~or~~ (2)~~(c)~~(e) to ~~(g)~~(h) of this section. 13435

(B) The director of aging shall adopt rules in accordance 13436  
with Chapter 119. of the Revised Code establishing certification 13437  
requirements and standards for determining which type of 13438  
disciplinary action to take under division (A)(2) of this section 13439  
in individual situations. The rules shall establish procedures for 13440  
all of the following: 13441

(1) Ensuring that community-based long-term care agencies 13442  
comply with section 173.394 of the Revised Code; 13443

(2) Evaluating the services provided by the agencies to 13444  
ensure that ~~they~~ the services are provided in a quality manner 13445  
advantageous to the individual receiving the services; 13446

(3) Determining when to take disciplinary action under 13447  
division (A)(2) of this section and which disciplinary action to 13448  
take; 13449

(4) Determining what constitutes another sanction for 13450  
purposes of division (A)(2)(h) of this section. 13451

(C) The procedures established in rules adopted under 13452  
division (B)(2) of this section shall require that all of the 13453  
following be considered as part of an evaluation described in 13454  
division (B)(2) of this section: 13455

(1) The ~~service provider's~~ community-based long-term care 13456  
agency's experience and financial responsibility; 13457

(2) The ~~service provider's~~ agency's ability to comply with 13458  
standards for the community-based long-term care services that the 13459  
~~provider~~ agency provides under a program the department 13460  
administers; 13461

(3) The ~~service provider's~~ agency's ability to meet the needs 13462  
of the individuals served; 13463

(4) Any other factor the director considers relevant. 13464

(D) The rules adopted under division (B)(3) of this section 13465  
shall specify that the reasons disciplinary action may be taken 13466  
under division (A)(2) of this section include good cause, 13467  
including misfeasance, malfeasance, nonfeasance, confirmed abuse 13468  
or neglect, financial irresponsibility, or other conduct the 13469  
director determines is injurious, or poses a threat, to the health 13470  
or safety of individuals being served. 13471

(E) Subject to division (F) of this section, the department 13472  
is not required to hold hearings under division (A)(3) of this 13473  
section if any of the following conditions apply: 13474

(1) Rules adopted by the director of aging pursuant to this 13475  
chapter require the community-based long-term care agency to be a 13476  
party to a provider agreement; hold a license, certificate, or 13477  
permit; or maintain a certification, any of which is required or 13478  
issued by a state or federal government entity other than the 13479  
department of aging, and either of the following is the case: 13480

(a) The provider agreement has not been entered into or the 13481  
license, certificate, permit, or certification has not been 13482  
obtained or maintained. 13483

(b) The provider agreement, license, certificate, permit, or 13484  
certification has been denied, revoked, not renewed, or suspended 13485  
or has been otherwise restricted. 13486

(2) The agency's certification under this section has been 13487

denied, suspended, or revoked for any of the following reasons: 13488

(a) A government entity of this state, other than the 13489  
department of aging, has terminated or refused to renew any of the 13490  
following held by, or has denied any of the following sought by, a 13491  
community-based long-term care agency: a provider agreement, 13492  
license, certificate, permit, or certification. Division (E)(2)(a) 13493  
of this section applies regardless of whether the agency has 13494  
entered into a provider agreement in, or holds a license, 13495  
certificate, permit, or certification issued by, another state. 13496

(b) The agency or a principal owner or manager of the agency 13497  
who provides direct care has entered a guilty plea for, or has 13498  
been convicted of, an offense materially related to the medicaid 13499  
program. 13500

(c) The agency or a principal owner or manager of the agency 13501  
who provides direct care has entered a guilty plea for, or been 13502  
convicted of, an offense listed in division (C)(1)(a) of section 13503  
173.394 of the Revised Code, but only if none of the personal 13504  
character standards established by the department in rules adopted 13505  
under division (F) of section 173.394 of the Revised Code apply. 13506

(d) The United States department of health and human services 13507  
has taken adverse action against the agency and that action 13508  
impacts the agency's participation in the medicaid program. 13509

(e) The agency has failed to enter into or renew a provider 13510  
agreement with the PASSPORT administrative agency, as that term is 13511  
defined in section 173.42 of the Revised Code, that administers 13512  
programs on behalf of the department of aging in the region of the 13513  
state in which the agency is certified to provide services. 13514

(f) The agency has not billed or otherwise submitted a claim 13515  
to the department for payment under the medicaid program in at 13516  
least two years. 13517

(g) The agency denied or failed to provide the department or 13518

its designee access to the agency's facilities during the agency's normal business hours for purposes of conducting an audit or structural compliance review. 13519  
13520  
13521

(h) The agency has ceased doing business. 13522

(i) The agency has voluntarily relinquished its certification for any reason. 13523  
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(3) The agency's provider agreement with the department of job and family services has been suspended under division (C) of section 5111.031 of the Revised Code. 13525  
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(4) The agency's provider agreement with the department of job and family services is denied or revoked because the agency or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5111.031 of the Revised Code. 13528  
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(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department may send a notice to the agency describing a decision not to certify the agency under division (A)(1) of this section or the disciplinary action the department proposes to take under division (A)(2)(e) to (h) of this section. The notice shall be sent to the agency's address that is on record with the department and may be sent by regular mail. 13534  
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(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under this section. 13542  
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All fees collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for 13546  
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community-based long-term care services, administrative costs 13550  
associated with community-based long-term care agency 13551  
certification under this section, and administrative costs related 13552  
to the publication of the Ohio long-term care consumer guide. 13553

**Sec. 173.40.** (A) As used in sections 173.40 to 173.402 of the 13554  
Revised Code, "PASSPORT: 13555

"Medicaid waiver component" has the same meaning as in 13556  
section 5111.85 of the Revised Code. 13557

"PASSPORT program" means the program created under this 13558  
section. 13559

"PASSPORT waiver" means the federal medicaid waiver granted 13560  
by the United States secretary of health and human services that 13561  
authorizes the medicaid-funded component of the PASSPORT program. 13562

"Unified long-term services and support medicaid waiver 13563  
component" means the medicaid waiver component authorized by 13564  
section 5111.863 of the Revised Code. 13565

(B) There is hereby created the preadmission screening system 13566  
providing options and resources today program, or PASSPORT. The 13567  
PASSPORT program shall provide home and community-based services 13568  
as an alternative to nursing facility placement for individuals 13569  
who are aged and disabled medicaid recipients and meet the 13570  
program's applicable eligibility requirements. The Subject to 13571  
division (C) of this section, the program shall have a 13572  
medicaid-funded component and a state-funded component. 13573

(C)(1) Unless the medicaid-funded component of the PASSPORT 13574  
program is terminated under division (C)(2) of this section, all 13575  
of the following apply: 13576

(a) The department of aging shall administer the 13577  
medicaid-funded component through a contract entered into with the 13578  
department of job and family services under section 5111.91 of the 13579

Revised Code. 13580

(b) The medicaid-funded component shall be operated as a 13581  
separate medicaid waiver component, as defined in section 5111.85 13582  
of the Revised Code, until the United States secretary of health 13583  
and human services approves the consolidated federal medicaid 13584  
waiver sought under section 5111.861 of the Revised Code. The 13585  
program shall be part of the consolidated federal medicaid waiver 13586  
sought under that section if the United States secretary approves 13587  
the waiver. The department of aging shall administer the program 13588  
through a contract entered into with the department of job and 13589  
family services under section 5111.91 of the Revised Code. The 13590

(c) For an individual to be eligible for the medicaid-funded 13591  
component, the individual must be a medicaid recipient and meet 13592  
the additional eligibility requirements applicable to the 13593  
individual established in rules adopted under division (C)(1)(d) 13594  
of this section. 13595

(d) The director of job and family services shall adopt rules 13596  
under section 5111.85 of the Revised Code and the director of 13597  
aging shall adopt rules in accordance with Chapter 119. of the 13598  
Revised Code to implement the program medicaid-funded component. 13599

(2) If the unified long-term services and support medicaid 13600  
waiver component is created, the departments of aging and job and 13601  
family services shall work together to determine whether the 13602  
medicaid-funded component of the PASSPORT program should continue 13603  
to operate as a separate medicaid waiver component or be 13604  
terminated. If the departments determine that the medicaid-funded 13605  
component of the PASSPORT program should be terminated, the 13606  
medicaid-funded component shall cease to exist on a date the 13607  
departments shall specify. 13608

(D)(1) The department of aging shall administer the 13609  
state-funded component of the PASSPORT program. The state-funded 13610

component shall not be administered as part of the medicaid 13611  
program. 13612

(2) For an individual to be eligible for the state-funded 13613  
component, the individual must meet one of the following 13614  
requirements and meet the additional eligibility requirements 13615  
applicable to the individual established in rules adopted under 13616  
division (D)(4) of this section: 13617

(a) The individual must have been enrolled in the 13618  
state-funded component on September 1, 1991, (as the state-funded 13619  
component was authorized by uncodified law in effect at that time) 13620  
and have had one or more applications for enrollment in the 13621  
medicaid-funded component (or, if the medicaid-funded component is 13622  
terminated under division (C)(2) of this section, the unified 13623  
long-term services and support medicaid waiver component) denied. 13624

(b) The individual must have had the individual's enrollment 13625  
in the medicaid-funded component (or, if the medicaid-funded 13626  
component is terminated under division (C)(2) of this section, the 13627  
unified long-term services and support medicaid waiver component) 13628  
terminated and the individual must still need the home and 13629  
community-based services provided under the PASSPORT program to 13630  
protect the individual's health and safety. 13631

(c) The individual must have an application for the 13632  
medicaid-funded component (or, if the medicaid-funded component is 13633  
terminated under division (C)(2) of this section, the unified 13634  
long-term services and support medicaid waiver component) pending 13635  
and the department or the department's designee must have 13636  
determined that the individual meets the nonfinancial eligibility 13637  
requirements of the medicaid-funded component (or, if the 13638  
medicaid-funded component is terminated under division (C)(2) of 13639  
this section, the unified long-term services and support medicaid 13640  
waiver component) and not have reason to doubt that the individual 13641  
meets the financial eligibility requirements of the 13642

medicaid-funded component (or, if the medicaid-funded component is 13643  
terminated under division (C)(2) of this section, the unified 13644  
long-term services and support medicaid waiver component). 13645

(3) An individual who is eligible for the state-funded 13646  
component because the individual meets the requirement of division 13647  
(D)(2)(c) of this section may participate in the component for not 13648  
more than three months. 13649

(4) The director of aging shall adopt rules in accordance 13650  
with section 111.15 of the Revised Code to implement the 13651  
state-funded component. The additional eligibility requirements 13652  
established in the rules may vary for the different groups of 13653  
individuals specified in divisions (D)(2)(a), (b), and (c) of this 13654  
section. 13655

**Sec. 173.401.** (A) As used in this section: 13656

"Area agency on aging" has the same meaning as in section 13657  
173.14 of the Revised Code. 13658

"Long-term care consultation program" means the program the 13659  
department of aging is required to develop under section 173.42 of 13660  
the Revised Code. 13661

"Long-term care consultation program administrator" or 13662  
"administrator" means the department of aging or, if the 13663  
department contracts with an area agency on aging or other entity 13664  
to administer the long-term care consultation program for a 13665  
particular area, that agency or entity. 13666

"Nursing facility" has the same meaning as in section 5111.20 13667  
of the Revised Code. 13668

~~"PASSPORT waiver" means the federal medicaid waiver granted~~ 13669  
~~by the United States secretary of health and human services that~~ 13670  
~~authorizes the PASSPORT program.~~ 13671

(B) The Subject to division (C)(2) of section 173.40 of the 13672



Revised Code, the department shall establish a home first 13673  
component of the PASSPORT program under which eligible individuals 13674  
may be enrolled in the medicaid-funded component of the PASSPORT 13675  
program in accordance with this section. An individual is eligible 13676  
for the PASSPORT program's home first component if ~~all~~ both of the 13677  
following apply: 13678

(1) The individual ~~is~~ has been determined to be eligible for 13679  
the medicaid-funded component of the PASSPORT program. 13680

~~(2) The individual is on the unified waiting list established 13681  
under section 173.404 of the Revised Code. 13682~~

~~(3)~~ At least one of the following applies: 13683

(a) The individual has been admitted to a nursing facility. 13684

(b) A physician has determined and documented in writing that 13685  
the individual has a medical condition that, unless the individual 13686  
is enrolled in home and community-based services such as the 13687  
PASSPORT program, will require the individual to be admitted to a 13688  
nursing facility within thirty days of the physician's 13689  
determination. 13690

(c) The individual has been hospitalized and a physician has 13691  
determined and documented in writing that, unless the individual 13692  
is enrolled in home and community-based services such as the 13693  
PASSPORT program, the individual is to be transported directly 13694  
from the hospital to a nursing facility and admitted. 13695

(d) Both of the following apply: 13696

(i) The individual is the subject of a report made under 13697  
section 5101.61 of the Revised Code regarding abuse, neglect, or 13698  
exploitation or such a report referred to a county department of 13699  
job and family services under section 5126.31 of the Revised Code 13700  
or has made a request to a county department for protective 13701  
services as defined in section 5101.60 of the Revised Code. 13702

(ii) A county department of job and family services and an area agency on aging have jointly documented in writing that, unless the individual is enrolled in home and community-based services such as the PASSPORT program, the individual should be admitted to a nursing facility.

(C) Each month, each area agency on aging shall identify individuals residing in the area that the agency serves who are eligible for the home first component of the PASSPORT program. When an area agency on aging identifies such an individual, the agency shall notify the long-term care consultation program administrator serving the area in which the individual resides. The administrator shall determine whether the PASSPORT program is appropriate for the individual and whether the individual would rather participate in the PASSPORT program than continue or begin to reside in a nursing facility. If the administrator determines that the PASSPORT program is appropriate for the individual and the individual would rather participate in the PASSPORT program than continue or begin to reside in a nursing facility, the administrator shall so notify the department of aging. On receipt of the notice from the administrator, the department shall approve the individual's enrollment in the medicaid-funded component of the PASSPORT program regardless of the unified waiting list established under section 173.404 of the Revised Code, unless the enrollment would cause the PASSPORT program component to exceed any limit on the number of individuals who may be enrolled in the program component as set by the United States secretary of health and human services in the PASSPORT waiver.

~~(D) Each quarter, the department of aging shall certify to the director of budget and management the estimated increase in costs of the PASSPORT program resulting from enrollment of individuals in the PASSPORT program pursuant to this section.~~

Sec. 173.403. ~~Choices~~ (A) As used in this section: 13734

"Choices program" means the program created under this 13735  
section. 13736

~~There~~ "Medicaid waiver component" has the same meaning as in 13737  
section 5111.85 of the Revised Code. 13738

"Unified long-term services and support medicaid waiver 13739  
component" means the medicaid waiver component authorized by 13740  
section 5111.863 of the Revised Code. 13741

(B) Subject to division (C) of this section, there is hereby 13742  
created the choices program. The program shall provide home and 13743  
community-based services. ~~The choices program shall be operated as~~ 13744  
~~a separate medicaid waiver component, as defined in section~~ 13745  
~~5111.85 of the Revised Code, until the United States secretary of~~ 13746  
~~health and human services approves the consolidated federal~~ 13747  
~~medicaid waiver sought under section 5111.861 of the Revised Code.~~ 13748  
~~The program shall be part of the consolidated federal medicaid~~ 13749  
~~waiver sought under that section if the United States secretary~~ 13750  
~~approves the waiver.~~ The department of aging shall administer the 13751  
program through a contract entered into with the department of job 13752  
and family services under section 5111.91 of the Revised Code. 13753  
Subject to federal approval, the program shall be available 13754  
statewide. 13755

(C) If the unified long-term services and support medicaid 13756  
waiver component is created, the departments of aging and job and 13757  
family services shall work together to determine whether the 13758  
choices program should continue to operate as a separate medicaid 13759  
waiver component or be terminated. If the departments determine 13760  
that the choices program should be terminated, the program shall 13761  
cease to exist on a date the departments shall specify. 13762

Sec. 173.404. (A) As used in this section: 13763

(1) "Department of aging-administered medicaid waiver component" means each of the following:	13764
	13765
(a) The <u>medicaid-funded component of the</u> PASSPORT program created under section 173.40 of the Revised Code;	13766
	13767
(b) The choices program created under section 173.403 of the Revised Code;	13768
	13769
(c) The <u>medicaid-funded component of the</u> assisted living program created under section 5111.89 of the Revised Code.	13770
	13771
(2) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code.	13772
	13773
	13774
(B) <u>The If the department of aging determines that there are insufficient funds to enroll all individuals who have applied and been determined eligible for department of aging-administered medicaid waiver components and the PACE program, the department of</u>	13775
<u>aging shall establish a unified waiting list for department of aging-administered medicaid waiver the components and the PACE</u>	13776
<u>program. Only individuals eligible for a department of</u>	13777
<u>aging-administered medicaid waiver component or the PACE program may be placed on the unified waiting list. An individual who may be enrolled in a department of aging-administered medicaid waiver component or the PACE program through a home first component established under section 173.401, 173.501, or 5111.894 of the Revised Code may be so enrolled without being placed on the unified waiting list.</u>	13778
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<u>Sec. 173.41. (A) The department of aging shall promote the development of a statewide aging and disabilities resource network through which older adults, adults with disabilities, and their caregivers are provided with both of the following:</u>	13789
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	13792
(1) <u>Information on any long-term care service options</u>	13793

available to the individuals; 13794

(2) Streamlined access to long-term care services, both 13795  
publicly funded services and services available through private 13796  
payment. 13797

(B) Area agencies on aging shall establish the network 13798  
throughout the state. In doing so, the agencies shall collaborate 13799  
with centers for independent living and other locally funded 13800  
organizations to establish a cost-effective and consumer-friendly 13801  
network that builds on existing, local infrastructures of services 13802  
that support consumers in their communities. 13803

**Sec. 173.42.** (A) As used in sections 173.42 to 173.434 of the 13804  
Revised Code: 13805

(1) "Area agency on aging" means a public or private 13806  
nonprofit entity designated under section 173.011 of the Revised 13807  
Code to administer programs on behalf of the department of aging. 13808

(2) "Department of aging-administered medicaid waiver 13809  
component" means each of the following: 13810

(a) The medicaid-funded component of the PASSPORT program 13811  
created under section 173.40 of the Revised Code; 13812

(b) The choices program created under section 173.403 of the 13813  
Revised Code; 13814

(c) The medicaid-funded component of the assisted living 13815  
program created under section 5111.89 of the Revised Code; 13816

(d) Any other medicaid waiver component, as defined in 13817  
section 5111.85 of the Revised Code, that the department of aging 13818  
administers pursuant to an interagency agreement with the 13819  
department of job and family services under section 5111.91 of the 13820  
Revised Code. 13821

(3) "Home and community-based services covered by medicaid 13822

components the department of aging administers" means all of the	13823
following:	13824
(a) Medicaid waiver services available to a participant in a	13825
department of aging-administered medicaid waiver component;	13826
(b) The following medicaid state plan services available to a	13827
participant in a department of aging-administered medicaid waiver	13828
component as specified in rules adopted under section 5111.02 of	13829
the Revised Code:	13830
(i) Home health services;	13831
(ii) Private duty nursing services;	13832
(iii) Durable medical equipment;	13833
(iv) Services of a clinical nurse specialist;	13834
(v) Services of a certified nurse practitioner.	13835
(c) Services available to a participant of the PACE program.	13836
(4) "Long-term care consultation" or "consultation" means the	13837
consultation service made available by the department of aging or	13838
a program administrator through the long-term care consultation	13839
program established pursuant to this section.	13840
(5) "Medicaid" means the medical assistance program	13841
established under Chapter 5111. of the Revised Code.	13842
(6) "Nursing facility" has the same meaning as in section	13843
5111.20 of the Revised Code.	13844
(7) "PACE program" means the component of the medicaid	13845
program the department of aging administers pursuant to section	13846
173.50 of the Revised Code.	13847
(8) "PASSPORT administrative agency" means an entity under	13848
contract with the department of aging to provide administrative	13849
services regarding the PASSPORT program.	13850
(9) "Program administrator" means an area agency on aging or	13851

other entity under contract with the department of aging to 13852  
administer the long-term care consultation program in a geographic 13853  
region specified in the contract. 13854

(10) "Representative" means a person acting on behalf of an 13855  
individual specified in division (G) of this section. A 13856  
representative may be a family member, attorney, hospital social 13857  
worker, or any other person chosen to act on behalf of the 13858  
individual. 13859

(B) The department of aging shall develop a long-term care 13860  
consultation program whereby individuals or their representatives 13861  
are provided with long-term care consultations and receive through 13862  
these professional consultations information about options 13863  
available to meet long-term care needs and information about 13864  
factors to consider in making long-term care decisions. The 13865  
long-term care consultations provided under the program may be 13866  
provided at any appropriate time, as permitted or required under 13867  
this section and the rules adopted under it, including either 13868  
prior to or after the individual who is the subject of a 13869  
consultation has been admitted to a nursing facility or granted 13870  
assistance in receiving home and community-based services covered 13871  
by medicaid components the department of aging administers. 13872

(C) The long-term care consultation program shall be 13873  
administered by the department of aging, except that the 13874  
department may have the program administered on a regional basis 13875  
by one or more program administrators. The department and each 13876  
program administrator shall administer the program in such a 13877  
manner that all of the following are included: 13878

(1) Coordination and collaboration with respect to all 13879  
available funding sources for long-term care services; 13880

(2) Assessments of individuals regarding their long-term care 13881  
service needs; 13882

(3) Assessments of individuals regarding their on-going eligibility for long-term care services;	13883 13884
(4) Procedures for assisting individuals in obtaining access to, and coordination of, health and supportive services, including department of aging-administered medicaid waiver components;	13885 13886 13887
(5) Priorities for using available resources efficiently and effectively.	13888 13889
(D) The program's long-term care consultations shall be provided by individuals certified by the department under section 173.422 of the Revised Code.	13890 13891 13892
(E) The information provided through a long-term care consultation shall be appropriate to the individual's needs and situation and shall address all of the following:	13893 13894 13895
(1) The availability of any long-term care options open to the individual;	13896 13897
(2) Sources and methods of both public and private payment for long-term care services;	13898 13899
(3) Factors to consider when choosing among the available programs, services, and benefits;	13900 13901
(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community.	13902 13903 13904
(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5111.202, 5119.061, and 5123.021 of the Revised Code and may be provided concurrently with the assessment required under section 5111.204 of the Revised Code.	13905 13906 13907 13908 13909 13910
(G)(1) Unless an exemption specified in division (I) of this section is applicable, each of the following shall be provided	13911 13912



with a long-term care consultation: 13913

(a) An individual who applies or indicates an intention to 13914  
apply for admission to a nursing facility, regardless of the 13915  
source of payment to be used for the individual's care in a 13916  
nursing facility; 13917

(b) An individual who requests a long-term care consultation; 13918

(c) An individual identified by the department or a program 13919  
administrator as being likely to benefit from a long-term care 13920  
consultation. 13921

(2) In addition to the individuals specified in division 13922  
(G)(1) of this section, a long-term care consultation may be 13923  
provided to a nursing facility resident regardless of the source 13924  
of payment being used for the resident's care in the nursing 13925  
facility. 13926

(H)(1) Except as provided in division (H)(2) or (3) of this 13927  
section, a long-term care consultation provided pursuant to 13928  
division (G) of this section shall be provided as follows: 13929

(a) If the individual for whom the consultation is being 13930  
provided has applied for medicaid and the consultation is being 13931  
provided concurrently with the assessment required under section 13932  
5111.204 of the Revised Code, the consultation shall be completed 13933  
in accordance with the applicable time frames specified in that 13934  
section for providing a level of care determination based on the 13935  
assessment. 13936

(b) In all other cases, the consultation shall be provided 13937  
not later than five calendar days after the department or program 13938  
administrator receives notice of the reason for which the 13939  
consultation is to be provided pursuant to division (G) of this 13940  
section. 13941

(2) An individual or the individual's representative may 13942

request that a long-term care consultation be provided on a date 13943  
that is later than the date required under division (H)(1)(a) or 13944  
(b) of this section. 13945

(3) If a long-term care consultation cannot be completed 13946  
within the number of days required by division (H)(1) or (2) of 13947  
this section, the department or program administrator may do any 13948  
of the following: 13949

(a) In the case of an individual specified in division (G)(1) 13950  
of this section, exempt the individual from the consultation 13951  
pursuant to rules that may be adopted under division (L) of this 13952  
section; 13953

(b) In the case of an applicant for admission to a nursing 13954  
facility, provide the consultation after the individual is 13955  
admitted to the nursing facility; 13956

(c) In the case of a resident of a nursing facility, provide 13957  
the consultation as soon as practicable. 13958

(I) An individual is not required to be provided a long-term 13959  
care consultation under division (G)(1) of this section if any of 13960  
the following apply: 13961

(1) The department or program administrator has attempted to 13962  
provide the consultation, but the individual or the individual's 13963  
representative refuses to cooperate; 13964

(2) The individual is to receive care in a nursing facility 13965  
under a contract for continuing care as defined in section 173.13 13966  
of the Revised Code; 13967

(3) The individual has a contractual right to admission to a 13968  
nursing facility operated as part of a system of continuing care 13969  
in conjunction with one or more facilities that provide a less 13970  
intensive level of services, including a residential care facility 13971  
licensed under Chapter 3721. of the Revised Code, an adult care 13972

facility licensed under ~~Chapter 3722~~, sections 5119.70 to 5119.88 13973  
of the Revised Code, or an independent living arrangement; 13974

(4) The individual is to receive continual care in a home for 13975  
the aged exempt from taxation under section 5701.13 of the Revised 13976  
Code; 13977

(5) The individual is seeking admission to a facility that is 13978  
not a nursing facility with a provider agreement under section 13979  
5111.22, 5111.671, or 5111.672 of the Revised Code; 13980

(6) The individual is exempted from the long-term care 13981  
consultation requirement by the department or the program 13982  
administrator pursuant to rules that may be adopted under division 13983  
(L) of this section. 13984

(J) As part of the long-term care consultation program, the 13985  
department or program administrator shall assist an individual or 13986  
individual's representative in accessing all sources of care and 13987  
services that are appropriate for the individual and for which the 13988  
individual is eligible, including all available home and 13989  
community-based services covered by medicaid components the 13990  
department of aging administers. The assistance shall include 13991  
providing for the conduct of assessments or other evaluations and 13992  
the development of individualized plans of care or services under 13993  
section 173.424 of the Revised Code. 13994

(K) No nursing facility for which an operator has a provider 13995  
agreement under section 5111.22, 5111.671, or 5111.672 of the 13996  
Revised Code shall admit any individual as a resident, unless the 13997  
nursing facility has received evidence that a long-term care 13998  
consultation has been completed for the individual or division (I) 13999  
of this section is applicable to the individual. 14000

(L) The director of aging may adopt any rules the director 14001  
considers necessary for the implementation and administration of 14002  
this section. The rules shall be adopted in accordance with 14003

Chapter 119. of the Revised Code and may specify any or all of the following:	14004 14005
(1) Procedures for providing long-term care consultations pursuant to this section;	14006 14007
(2) Information to be provided through long-term care consultations regarding long-term care services that are available;	14008 14009 14010
(3) Criteria and procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;	14011 14012 14013
(4) Criteria for exempting individuals from the long-term care consultation requirement;	14014 14015
(5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission;	14016 14017 14018 14019
(6) Criteria for identifying nursing facility residents who would benefit from the provision of a long-term care consultation;	14020 14021
(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;	14022 14023 14024
(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services;	14025 14026 14027 14028
(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section.	14029 14030
(M) To assist the department and each program administrator with identifying individuals who are likely to benefit from a long-term care consultation, the department and program	14031 14032 14033

administrator may ask to be given access to nursing facility 14034  
resident assessment data collected through the use of the resident 14035  
assessment instrument specified in rules adopted under section 14036  
5111.02 of the Revised Code for purposes of the medicaid program. 14037  
Except when prohibited by state or federal law, the department of 14038  
health, department of job and family services, or nursing facility 14039  
holding the data shall grant access to the data on receipt of the 14040  
request from the department of aging or program administrator. 14041

(N)(1) The director of aging, after providing notice and an 14042  
opportunity for a hearing, may fine a nursing facility an amount 14043  
determined by rules the director shall adopt in accordance with 14044  
Chapter 119. of the Revised Code for any of the following reasons: 14045

(a) The nursing facility admits an individual, without 14046  
evidence that a long-term care consultation has been provided, as 14047  
required by this section; 14048

(b) The nursing facility denies a person attempting to 14049  
provide a long-term care consultation access to the facility or a 14050  
resident of the facility; 14051

(c) The nursing facility denies the department of aging or 14052  
program administrator access to the facility or a resident of the 14053  
facility, as the department or administrator considers necessary 14054  
to administer the program. 14055

(2) In accordance with section 5111.62 of the Revised Code, 14056  
all fines collected under division (N)(1) of this section shall be 14057  
deposited into the state treasury to the credit of the residents 14058  
protection fund. 14059

**Sec. 173.45.** As used in this section and in sections 173.46 14060  
to 173.49 of the Revised Code: 14061

(A) "Adult care facility" has the same meaning as in section 14062  
5119.70 of the Revised Code. 14063

(B) "Community-based long-term care services" has the same meaning as in section 173.14 of the Revised Code. 14064  
14065

(C) "Long-term care facility" means a nursing home or residential care facility. 14066  
14067

~~(B)~~(D) "Nursing home" and "residential care facility" have the same meanings as in section 3721.01 of the Revised Code. 14068  
14069

~~(C)~~(E) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 14070  
14071

**Sec. 173.46.** (A) The department of aging shall develop and publish a guide to long-term care facilities for use by individuals considering long-term care facility admission and their families, friends, and advisors. The guide, which shall be titled the Ohio long-term care consumer guide, may be published in printed form or in electronic form for distribution over the internet. The guide may be developed as a continuation or modification of the guide published by the department prior to ~~the effective date of this section~~ September 29, 2005, under rules adopted under section 173.02 of the Revised Code. 14072  
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(B) The Ohio long-term care consumer guide shall include information on each long-term care facility in this state. For each facility, the guide shall include the following information, as applicable to the facility: 14082  
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14084  
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(1) Information regarding the facility's compliance with state statutes and rules and federal statutes and regulations; 14086  
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(2) Information generated by the centers for medicare and medicaid services of the United States department of health and human services from the quality measures developed as part of its nursing home quality initiative; 14088  
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(3) Results of the customer satisfaction surveys conducted under section 173.47 of the Revised Code; 14092  
14093

(4) Any other information the department specifies in rules adopted under section 173.49 of the Revised Code. 14094  
14095

(C) The Ohio long-term care consumer guide may include information on adult care facilities and providers of community-based long-term care services. The department may adopt rules under section 173.49 of the Revised Code to specify the information to be included in the guide pursuant to this division. 14096  
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**Sec. 173.47.** (A) For purposes of publishing the Ohio long-term care consumer guide, the department of aging shall conduct or provide for the conduct of an annual customer satisfaction survey of each long-term care facility. The results of the surveys may include information obtained from long-term care facility residents, their families, or both. 14101  
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~~(B)(1) The department may charge fees for the conduct of annual customer satisfaction surveys. The department may contract with any person or government entity to collect the fees on its behalf. All fees collected under this section shall be deposited in accordance with section 173.48 of the Revised Code.~~ 14107  
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~~(2) The fees charged under this section shall not exceed the following amounts:~~ 14112  
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~~(a) Four hundred dollars for the customer satisfaction survey of a long term care facility that is a nursing home;~~ 14114  
14115

~~(b) Three hundred dollars for the customer satisfaction survey pertaining to a long term care facility that is a residential care facility.~~ 14116  
14117  
14118

~~(3) Fees paid by a long term care facility that is a nursing facility shall be reimbursed through the medicaid program operated under Chapter 5111. of the Revised Code.~~ 14119  
14120  
14121

~~(C) Each long-term care facility shall cooperate in the conduct of its annual customer satisfaction survey.~~ 14122  
14123

Sec. 173.48. (A)(1) The department of aging may charge annual fees to long-term care facilities for the publication of the Ohio long-term care consumer guide. The department may contract with any person or government entity to collect the fees on its behalf. All fees collected under this section shall be deposited in accordance with division (B) of this section.

(2) The annual fees charged under this section shall not exceed the following amounts:

(a) Six hundred fifty dollars for each long-term care facility that is a nursing home;

(b) Three hundred dollars for each long-term care facility that is a residential care facility.

(3) Fees paid by a long-term care facility that is a nursing facility shall be reimbursed through the medicaid program operated under Chapter 5111. of the Revised Code.

(B) There is hereby created in the state treasury the long-term care consumer guide fund. Money collected from the fees charged for the ~~conduct of customer satisfaction surveys~~ publication of the Ohio long-term care consumer guide under ~~division (A) of this section 173.47 of the Revised Code~~ shall be credited to the fund. The department of ~~aging~~ shall use money in the fund for costs associated with publishing the Ohio long-term care consumer guide, including, but not limited to, costs incurred in conducting or providing for the conduct of customer satisfaction surveys.

**Sec. 173.501. (A) As used in this section:**

"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

"PACE provider" has the same meaning as in 42 U.S.C.



1396u-4(a)(3).	14153
(B) The department of aging shall establish a home first component of the PACE program under which eligible individuals may be enrolled in the PACE program in accordance with this section. An individual is eligible for the PACE program's home first component if <del>all</del> <u>both</u> of the following apply:	14154 14155 14156 14157 14158
(1) The individual <del>is</del> <u>has been determined to be</u> eligible for the PACE program.	14159 14160
(2) <del>The individual is on the unified waiting list established under section 173.404 of the Revised Code.</del>	14161 14162
<del>(3)</del> At least one of the following applies:	14163
(a) The individual has been admitted to a nursing facility.	14164
(b) A physician has determined and documented in writing that the individual has a medical condition that, unless the individual is enrolled in home and community-based services such as the PACE program, will require the individual to be admitted to a nursing facility within thirty days of the physician's determination.	14165 14166 14167 14168 14169
(c) The individual has been hospitalized and a physician has determined and documented in writing that, unless the individual is enrolled in home and community-based services such as the PACE program, the individual is to be transported directly from the hospital to a nursing facility and admitted.	14170 14171 14172 14173 14174
(d) Both of the following apply:	14175
(i) The individual is the subject of a report made under section 5101.61 of the Revised Code regarding abuse, neglect, or exploitation or such a report referred to a county department of job and family services under section 5126.31 of the Revised Code or has made a request to a county department for protective services as defined in section 5101.60 of the Revised Code.	14176 14177 14178 14179 14180 14181
(ii) A county department of job and family services and an	14182

area agency on aging have jointly documented in writing that, 14183  
unless the individual is enrolled in home and community-based 14184  
services such as the PACE program, the individual should be 14185  
admitted to a nursing facility. 14186

(C) Each month, the department of aging shall identify 14187  
individuals who are eligible for the home first component of the 14188  
PACE program. When the department identifies such an individual, 14189  
the department shall notify the PACE provider serving the area in 14190  
which the individual resides. The PACE provider shall determine 14191  
whether the PACE program is appropriate for the individual and 14192  
whether the individual would rather participate in the PACE 14193  
program than continue or begin to reside in a nursing facility. If 14194  
the PACE provider determines that the PACE program is appropriate 14195  
for the individual and the individual would rather participate in 14196  
the PACE program than continue or begin to reside in a nursing 14197  
facility, the PACE provider shall so notify the department of 14198  
aging. On receipt of the notice from the PACE provider, the 14199  
department of aging shall approve the individual's enrollment in 14200  
the PACE program in accordance with priorities established in 14201  
rules adopted under section 173.50 of the Revised Code. 14202

~~(D) Each quarter, the department of aging shall certify to 14203  
the director of budget and management the estimated increase in 14204  
costs of the PACE program resulting from enrollment of individuals 14205  
in the PACE program pursuant to this section. 14206~~

**Sec. 183.151.** (A) As used in this section, "eligible 14207  
institution of higher education" includes any of the following: 14208

(1) A state institution of higher education as defined in 14209  
section 3345.011 of the Revised Code; 14210

(2) A private, nonprofit college or university that holds a 14211  
certificate of authorization issued under Chapter 1713. of the 14212  
Revised Code; 14213

<u>(3) An institution that has a certificate of registration</u>	14214
<u>from the state board of career colleges and schools;</u>	14215
<u>(4) A private institution exempt from regulation under</u>	14216
<u>Chapter 3332. of the Revised Code as prescribed in section</u>	14217
<u>3333.046 of the Revised Code;</u>	14218
<u>(5) An institution of higher education located outside of the</u>	14219
<u>state, but within fifty miles of the borders of this state.</u>	14220
<u>(B) Grants or loans awarded by the southern Ohio agricultural</u>	14221
<u>and community development foundation to provide education and</u>	14222
<u>training assistance pursuant to section 183.15 of the Revised Code</u>	14223
<u>shall be limited to applicants who are enrolled in an eligible</u>	14224
<u>institution of higher education. This section applies to grants</u>	14225
<u>and loans awarded by the foundation after the effective date of</u>	14226
<u>this section.</u>	14227
<b>Sec. 183.30.</b> (A) <u>(1)</u> Except as provided in division <del>(C)</del> <u>(A)(2)</u>	14228
of this section, no more than five per cent of the total	14229
disbursements, encumbrances, and obligations of the southern Ohio	14230
agricultural and community development foundation in a fiscal year	14231
shall be for administrative expenses of the foundation in the same	14232
fiscal year.	14233
<del>(B) Except as provided in division (C) of this section, no</del>	14234
<del>more than five per cent of the total disbursements, encumbrances,</del>	14235
<del>and obligations of the biomedical research and technology transfer</del>	14236
<del>trust fund in a fiscal year shall be for expenses relating to the</del>	14237
<del>administration of the trust fund by the third frontier commission</del>	14238
<del>in the same fiscal year.</del>	14239
<del>(C) This section's</del> <u>(2)</u> The five per cent limitation on	14240
administrative expenses does not apply to any fiscal year for	14241
which the controlling board approves a spending plan that the	14242
foundation <del>or commission</del> submits to the board.	14243

(B) Payments may be made from the biomedical research and 14244  
technology transfer trust fund for third frontier commission 14245  
expenses related to the administration of awards made from the 14246  
fund prior to the effective date of this section. No such payments 14247  
shall be made after June 30, 2013. 14248

**Sec. 183.51.** (A) As used in this section and in the 14249  
applicable bond proceedings unless otherwise provided: 14250

(1) "Bond proceedings" means the resolutions, orders, 14251  
indentures, purchase and sale and trust and other agreements 14252  
including any amendments or supplements to them, and credit 14253  
enhancement facilities, and amendments and supplements to them, or 14254  
any one or more or combination of them, authorizing, awarding, or 14255  
providing for the terms and conditions applicable to or providing 14256  
for the security or liquidity of, the particular obligations, and 14257  
the provisions contained in those obligations. 14258

(2) "Bond service fund" means the bond service fund created 14259  
in the bond proceedings for the obligations. 14260

(3) "Capital facilities" means, as applicable, capital 14261  
facilities or projects as referred to in section 151.03 or 151.04 14262  
of the Revised Code. 14263

(4) "Consent decree" means the consent decree and final 14264  
judgment entered November 25, 1998, in the court of common pleas 14265  
of Franklin county, Ohio, as the same may be amended or 14266  
supplemented from time to time. 14267

(5) "Cost of capital facilities" has the same meaning as in 14268  
section 151.01 of the Revised Code, as applicable. 14269

(6) "Credit enhancement facilities," "financing costs," and 14270  
"interest" or "interest equivalent" have the same meanings as in 14271  
section 133.01 of the Revised Code. 14272

(7) "Debt service" means principal, including any mandatory 14273

sinking fund or redemption requirements for retirement of 14274  
obligations, interest and other accreted amounts, interest 14275  
equivalent, and any redemption premium, payable on obligations. If 14276  
not prohibited by the applicable bond proceedings, "debt service" 14277  
may include costs relating to credit enhancement facilities that 14278  
are related to and represent, or are intended to provide a source 14279  
of payment of or limitation on, other debt service. 14280

(8) "Improvement fund" means, as applicable, the school 14281  
building program assistance fund created in section 3318.25 of the 14282  
Revised Code and the higher education improvement fund created in 14283  
section 154.21 of the Revised Code. 14284

(9) "Issuing authority" means the buckeye tobacco settlement 14285  
financing authority created in section 183.52 of the Revised Code. 14286

(10) "Net proceeds" means amounts received from the sale of 14287  
obligations, excluding amounts used to refund or retire 14288  
outstanding obligations, amounts required to be deposited into 14289  
special funds pursuant to the applicable bond proceedings, and 14290  
amounts to be used to pay financing costs. 14291

(11) "Obligations" means bonds, notes, or other evidences of 14292  
obligation of the issuing authority, including any appertaining 14293  
interest coupons, issued by the issuing authority under this 14294  
section and Section 2i of Article VIII, Ohio Constitution, for the 14295  
purpose of providing funds to the state, in exchange for the 14296  
assignment and sale described in division (B) of this section, for 14297  
the purpose of paying costs of capital facilities for: (a) housing 14298  
branches and agencies of state government limited to facilities 14299  
for a system of common schools throughout the state and (b) 14300  
state-supported or state-assisted institutions of higher 14301  
education. 14302

(12) "Pledged receipts" means, as and to the extent provided 14303  
for in the applicable bond proceedings: 14304

(a) Pledged tobacco settlement receipts;	14305
(b) Accrued interest received from the sale of obligations;	14306
(c) Income from the investment of the special funds;	14307
(d) Additional or any other specific revenues or receipts	14308
lawfully available to be pledged, and pledged, pursuant to the	14309
bond proceedings, including but not limited to amounts received	14310
under credit enhancement facilities, to the payment of debt	14311
service.	14312
(13) "Pledged tobacco settlement receipts" means all amounts	14313
received by the issuing authority pursuant to division (B) of this	14314
section.	14315
(14) "Principal amount" means the aggregate of the amount as	14316
stated or provided for in the applicable bond proceedings as the	14317
amount on which interest or interest equivalent on particular	14318
obligations is initially calculated. "Principal amount" does not	14319
include any premium paid to the issuing authority by the initial	14320
purchaser of the obligations. "Principal amount" of a capital	14321
appreciation bond, as defined in division (C) of section 3334.01	14322
of the Revised Code, means its original face amount and not its	14323
accreted value, and "principal amount" of a zero coupon bond, as	14324
defined in division (J) of section 3334.01 of the Revised Code,	14325
means the discounted offering price at which the bond is initially	14326
sold to the public, disregarding any purchase price discount to	14327
the original purchaser, if provided in or for pursuant to the bond	14328
proceedings.	14329
(15) "Special funds" or "funds," unless the context indicates	14330
otherwise, means the bond service fund, and any other funds,	14331
including any reserve funds, created under the bond proceedings	14332
and stated to be special funds in those proceedings, including	14333
moneys and investments, and earnings from investments, credited	14334
and to be credited to the particular fund. "Special funds" does	14335

not include any improvement fund or investment earnings on amounts 14336  
in any improvement fund, or other funds created by the bond 14337  
proceedings that are not stated by those proceedings to be special 14338  
funds. 14339

(B) The state may assign and sell to the issuing authority, 14340  
and the issuing authority may accept and purchase, all or a 14341  
portion of the amounts to be received by the state under the 14342  
tobacco master settlement agreement for a purchase price payable 14343  
by the issuing authority to the state consisting of the net 14344  
proceeds of obligations and any residual interest, if any. Any 14345  
such assignment and sale shall be irrevocable in accordance with 14346  
its terms during the period any obligations secured by amounts so 14347  
assigned and sold are outstanding under the applicable bond 14348  
proceedings, and shall constitute a contractual obligation to the 14349  
holders or owners of those obligations. Any such assignment and 14350  
sale shall also be treated as an absolute transfer and true sale 14351  
for all purposes, and not as a pledge or other security interest. 14352  
The characterization of any such assignment and sale as a true 14353  
sale and absolute transfer shall not be negated or adversely 14354  
affected by only a portion of the amounts to be received under the 14355  
tobacco master settlement agreement being transferred, the 14356  
acquisition or retention by the state of a residual interest, the 14357  
participation of any state officer or employee as a member or 14358  
officer of, or providing staff support to, the issuing authority, 14359  
any responsibility of an officer or employee of the state for 14360  
collecting the amounts to be received under the tobacco master 14361  
settlement agreement or otherwise enforcing that agreement or 14362  
retaining any legal title to or interest in any portion of the 14363  
amounts to be received under that agreement for the purpose of 14364  
these collection activities, any characterization of the issuing 14365  
authority or its obligations for purposes of accounting, taxation, 14366  
or securities regulation, or by any other factors whatsoever. A 14367  
true sale shall exist under this section regardless of whether the 14368

issuing authority has any recourse against the state or any other 14369  
term of the bond proceedings or the treatment or characterization 14370  
of the transfer as a financing for any purpose. Upon and following 14371  
the assignment and sale, the state shall not have any right, 14372  
title, or interest in the portion of the receipts under the 14373  
tobacco master settlement agreement so assigned and sold, other 14374  
than any residual interest that may be described in the applicable 14375  
bond proceedings for those obligations, and that portion, if any, 14376  
shall be the property of the issuing authority and not of the 14377  
state, and shall be paid directly to the issuing authority, and 14378  
shall be owned, received, held, and disbursed by the issuing 14379  
authority and not by the state. 14380

The state may covenant, pledge, and agree in the bond 14381  
proceedings, with and for the benefit of the issuing authority, 14382  
the holders and owners of obligations, and providers of any credit 14383  
enhancement facilities, that it shall: (1) maintain statutory 14384  
authority for, and cause to be collected and paid directly to the 14385  
issuing authority or its assignee, the pledged receipts, (2) 14386  
enforce the rights of the issuing authority to receive the 14387  
receipts under the tobacco master settlement agreement assigned 14388  
and sold to the issuing authority, (3) not materially impair the 14389  
rights of the issuing authority to fulfill the terms of its 14390  
agreements with the holders or owners of outstanding obligations 14391  
under the bond proceedings, (4) not materially impair the rights 14392  
and remedies of the holders or owners of outstanding obligations 14393  
or materially impair the security for those outstanding 14394  
obligations, and (5) enforce Chapter 1346. of the Revised Code, 14395  
the tobacco master settlement agreement, and the consent decree to 14396  
effectuate the collection of the pledged tobacco settlement 14397  
receipts. The bond proceedings may provide or authorize the manner 14398  
for determining material impairment of the security for any 14399  
outstanding obligations, including by assessing and evaluating the 14400  
pledged receipts in the aggregate. 14401



As further provided for in division (H) of this section, the 14402  
bond proceedings may also include such other covenants, pledges, 14403  
and agreements by the state to protect and safeguard the security 14404  
and rights of the holders and owners of the obligations, and of 14405  
the providers of any credit enhancement facilities, including, 14406  
without limiting the generality of the foregoing, any covenant, 14407  
pledge, or agreement customary in transactions involving the 14408  
issuance of securities the debt service on which is payable from 14409  
or secured by amounts received under the tobacco master settlement 14410  
agreement. Notwithstanding any other provision of law, any 14411  
covenant, pledge, and agreement of the state, if and when made in 14412  
the bond proceedings, shall be controlling and binding upon, and 14413  
enforceable against the state in accordance with its terms for so 14414  
long as any obligations are outstanding under the applicable bond 14415  
proceedings. The bond proceedings may also include limitations on 14416  
the remedies available to the issuing authority, the holders and 14417  
owners of the obligations, and the providers of any credit 14418  
enhancement facilities, including, without limiting the generality 14419  
of the foregoing, a provision that those remedies may be limited 14420  
to injunctive relief in circumstances where there has been no 14421  
prior determination by a court of competent jurisdiction that the 14422  
state has not enforced Chapter 1346. of the Revised Code, the 14423  
tobacco master settlement agreement, or the consent decree as may 14424  
have been covenanted or agreed in the bond proceedings under 14425  
division (B)(5) of this section. 14426

Nothing in this section or the bond proceedings shall 14427  
preclude or limit, or be construed to preclude or limit, the state 14428  
from regulating or authorizing or permitting the regulation of 14429  
smoking or from taxing and regulating the sale of cigarettes or 14430  
other tobacco products, or from defending or prosecuting cases or 14431  
other actions relating to the sale or use of cigarettes or other 14432  
tobacco products. Except as otherwise may be agreed in writing by 14433  
the attorney general, nothing in this section or the bond 14434

proceedings shall modify or limit, or be construed to modify or 14435  
limit, the responsibility, power, judgment, and discretion of the 14436  
attorney general to protect and discharge the duties, rights, and 14437  
obligations of the state under the tobacco master settlement 14438  
agreement, the consent decree, or Chapter 1346. of the Revised 14439  
Code. 14440

The governor and the director of budget and management, in 14441  
consultation with the attorney general, on behalf of the state, 14442  
and any member or officer of the issuing authority as authorized 14443  
by that issuing authority, on behalf of the issuing authority, may 14444  
take any action and execute any documents, including any purchase 14445  
and sale agreements, necessary to effect the assignment and sale 14446  
and the acceptance of the assignment and title to the receipts 14447  
including, providing irrevocable direction to the escrow agent 14448  
acting under the tobacco master settlement agreement to transfer 14449  
directly to the issuing authority the amounts to be received under 14450  
that agreement that are subject to such assignment and sale. Any 14451  
purchase and sale agreement or other bond proceedings may contain 14452  
the terms and conditions established by the state and the issuing 14453  
authority to carry out and effectuate the purposes of this 14454  
section, including, without limitation, covenants binding the 14455  
state in favor of the issuing authority and its assignees and the 14456  
owners of the obligations. Any such purchase and sale agreement 14457  
shall be sufficient to effectuate such purchase and sale without 14458  
regard to any other laws governing other property sales or 14459  
financial transactions by the state. 14460

Not later than two years following the date on which there 14461  
are no longer any obligations outstanding under the bond 14462  
proceedings, all assets of the issuing authority shall vest in the 14463  
state, the issuing authority shall execute any necessary 14464  
assignments or instruments, including any assignment of any right, 14465  
title, or ownership to the state for receipt of amounts under the 14466

tobacco master settlement agreement, and the issuing authority 14467  
shall be dissolved. 14468

(C) The issuing authority is authorized to issue and to sell 14469  
obligations as provided in this section. The aggregate principal 14470  
amount of obligations issued under this section shall not exceed 14471  
six billion dollars, exclusive of obligations issued under 14472  
division (M)(1) of this section to refund, renew, or advance 14473  
refund other obligations issued or incurred. At least seventy-five 14474  
per cent of the aggregate net proceeds of the obligations issued 14475  
under the authority of this section, exclusive of obligations 14476  
issued to refund, renew, or advance refund other obligations, 14477  
shall be paid to the state for deposit into the school building 14478  
program assistance fund created in section 3318.25 of the Revised 14479  
Code. 14480

(D) Each issue of obligations shall be authorized by 14481  
resolution or order of the issuing authority. The bond proceedings 14482  
shall provide for or authorize the manner for determining the 14483  
principal amount or maximum principal amount of obligations of an 14484  
issue, the principal maturity or maturities, the interest rate or 14485  
rates, the date of and the dates of payment of interest on the 14486  
obligations, their denominations, and the place or places of 14487  
payment of debt service which may be within or outside the state. 14488  
Unless otherwise provided by law, the latest principal maturity 14489  
may not be later than the earlier of the thirty-first day of 14490  
December of the fiftieth calendar year after the year of issuance 14491  
of the particular obligations or of the fiftieth calendar year 14492  
after the year in which the original obligation to pay was issued 14493  
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 14494  
the Revised Code apply to the obligations. 14495

The purpose of the obligations may be stated in the bond 14496  
proceedings in general terms, such as, as applicable, "paying 14497  
costs of capital facilities for a system of common schools" and 14498

"paying costs of facilities for state-supported and state-assisted 14499  
institutions of higher education." Unless otherwise provided in 14500  
the bond proceedings or in division (C) of this section, the net 14501  
proceeds from the issuance of the obligations shall be paid to the 14502  
state for deposit into the applicable improvement fund. In 14503  
addition to the investments authorized in Chapter 135. of the 14504  
Revised Code, the net proceeds held in an improvement fund may be 14505  
invested by the treasurer of state in guaranteed investment 14506  
contracts with providers rated at the time of any investment in 14507  
the three highest rating categories by two nationally recognized 14508  
rating agencies, all subject to the terms and conditions set forth 14509  
in those agreements or the bond proceedings. Notwithstanding 14510  
~~division (B)(4) of section 3318.38~~ anything to the contrary in 14511  
Chapter 3318. of the Revised Code, net proceeds of obligations 14512  
deposited into the school building program assistance fund created 14513  
in section 3318.25 of the Revised Code may be used to pay basic 14514  
project costs under ~~section 3318.38 of the Revised Code~~ that 14515  
chapter at the times determined by the Ohio school facilities 14516  
commission without regard to whether those expenditures are in 14517  
proportion to the state's and the school district's respective 14518  
shares of that basic project cost; provided that this shall not 14519  
result in any change in the state or school district shares of the 14520  
basic project costs ~~provided under Chapter 3318. of the Revised~~ 14521  
~~Code~~ as determined under that chapter. As used in the preceding 14522  
sentence, "Ohio school facilities commission" and "basic project 14523  
costs" have the same meanings as in section 3318.01 of the Revised 14524  
Code. 14525

(E) The issuing authority may, without need for any other 14526  
approval, appoint or provide for the appointment of paying agents, 14527  
bond registrars, securities depositories, credit enhancement 14528  
providers or counterparties, clearing corporations, and transfer 14529  
agents, and retain or contract for the services of underwriters, 14530  
investment bankers, financial advisers, accounting experts, 14531

marketing, remarketing, indexing, and administrative agents, other 14532  
consultants, and independent contractors, including printing 14533  
services, as are necessary in the judgment of the issuing 14534  
authority to carry out the issuing authority's functions under 14535  
this section and section 183.52 of the Revised Code. The attorney 14536  
general as counsel to the issuing authority shall represent the 14537  
authority in the execution of its powers and duties, and shall 14538  
institute and prosecute all actions on its behalf. The issuing 14539  
authority, in consultation with the attorney general, shall select 14540  
counsel, and the attorney general shall appoint the counsel 14541  
selected, for the purposes of carrying out the functions under 14542  
this section and related sections of the Revised Code. Financing 14543  
costs are payable, as may be provided in the bond proceedings, 14544  
from the proceeds of the obligations, from special funds, or from 14545  
other moneys available for the purpose, including as to future 14546  
financing costs, from the pledged receipts. 14547

(F) The issuing authority may irrevocably pledge and assign 14548  
all, or such portion as the issuing authority determines, of the 14549  
pledged receipts to the payment of the debt service charges on 14550  
obligations issued under this section, and for the establishment 14551  
and maintenance of any reserves, as provided in the bond 14552  
proceedings, and make other provisions in the bond proceedings 14553  
with respect to pledged receipts as authorized by this section, 14554  
which provisions are controlling notwithstanding any other 14555  
provisions of law pertaining to them. Any and all pledged receipts 14556  
received by the issuing authority and required by the bond 14557  
proceedings, consistent with this section, to be deposited, 14558  
transferred, or credited to the bond service fund, and all other 14559  
money transferred or allocated to or received for the purposes of 14560  
that fund, shall be deposited and credited to the bond service 14561  
fund created in the bond proceedings for the obligations, subject 14562  
to any applicable provisions of those bond proceedings, but 14563  
without necessity for any act of appropriation. Those pledged 14564

receipts shall immediately be subject to the lien of that pledge 14565  
without any physical delivery thereof or further act, and shall 14566  
not be subject to other court judgments. The lien of the pledge of 14567  
those pledged receipts shall be valid and binding against all 14568  
parties having claims of any kind against the issuing authority, 14569  
irrespective of whether those parties have notice thereof. The 14570  
pledge shall create a perfected security interest for all purposes 14571  
of Chapter 1309. of the Revised Code and a perfected lien for 14572  
purposes of any other interest, all without the necessity for 14573  
separation or delivery of funds or for the filing or recording of 14574  
the applicable bond proceedings by which that pledge is created or 14575  
any certificate, statement, or other document with respect 14576  
thereto. The pledge of the pledged receipts shall be effective and 14577  
the money therefrom and thereof may be applied to the purposes for 14578  
which pledged. 14579

(G) Obligations may be further secured, as determined by the 14580  
issuing authority, by an indenture or a trust agreement between 14581  
the issuing authority and a corporate trustee, which may be any 14582  
trust company or bank having a place of business within the state. 14583  
Any indenture or trust agreement may contain the resolution or 14584  
order authorizing the issuance of the obligations, any provisions 14585  
that may be contained in any bond proceedings, and other 14586  
provisions that are customary or appropriate in an agreement of 14587  
that type, including, but not limited to: 14588

(1) Maintenance of each pledge, indenture, trust agreement, 14589  
or other instrument comprising part of the bond proceedings until 14590  
the issuing authority has fully paid or provided for the payment 14591  
of debt service on the obligations secured by it; 14592

(2) In the event of default in any payments required to be 14593  
made by the bond proceedings, enforcement of those payments or 14594  
agreements by mandamus, the appointment of a receiver, suit in 14595  
equity, action at law, or any combination of them; 14596

(3) The rights and remedies of the holders or owners of obligations and of the trustee and provisions for protecting and enforcing them, including limitations on rights of individual holders and owners.

(H) The bond proceedings may contain additional provisions customary or appropriate to the financing or to the obligations or to particular obligations including, but not limited to, provisions for:

(1) The redemption of obligations prior to maturity at the option of the issuing authority or of the holder or upon the occurrence of certain conditions, and at a particular price or prices and under particular terms and conditions;

(2) The form of and other terms of the obligations;

(3) The establishment, deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, in lieu of the applicability of provisions of Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this section with respect to the application of particular funds or moneys. Any financial institution that acts as a depository of any moneys in special funds or other funds under the bond proceedings may furnish indemnifying bonds or pledge securities as required by the issuing authority.

(4) Any or every provision of the bond proceedings being binding upon the issuing authority and upon such governmental agency or entity, officer, board, authority, agency, department, institution, district, or other person or body as may from time to time be authorized to take actions as may be necessary to perform all or any part of the duty required by the provision;

(5) The maintenance of each pledge or instrument comprising part of the bond proceedings until the issuing authority has fully paid or provided for the payment of the debt service on the

obligations or met other stated conditions; 14628

(6) In the event of default in any payments required to be 14629  
made by the bond proceedings, or by any other agreement of the 14630  
issuing authority made as part of a contract under which the 14631  
obligations were issued or secured, including a credit enhancement 14632  
facility, the enforcement of those payments by mandamus, a suit in 14633  
equity, an action at law, or any combination of those remedial 14634  
actions; 14635

(7) The rights and remedies of the holders or owners of 14636  
obligations or of book-entry interests in them, and of third 14637  
parties under any credit enhancement facility, and provisions for 14638  
protecting and enforcing those rights and remedies, including 14639  
limitations on rights of individual holders or owners; 14640

(8) The replacement of mutilated, destroyed, lost, or stolen 14641  
obligations; 14642

(9) The funding, refunding, or advance refunding, or other 14643  
provision for payment, of obligations that will then no longer be 14644  
outstanding for purposes of this section or of the applicable bond 14645  
proceedings; 14646

(10) Amendment of the bond proceedings; 14647

(11) Any other or additional agreements with the owners of 14648  
obligations, and such other provisions as the issuing authority 14649  
determines, including limitations, conditions, or qualifications, 14650  
relating to any of the foregoing or the activities of the issuing 14651  
authority in connection therewith. 14652

The bond proceedings shall make provision for the payment of 14653  
the expenses of the enforcement activity of the attorney general 14654  
referred to in division (B) of this section from the amounts from 14655  
the tobacco master settlement agreement assigned and sold to the 14656  
issuing authority under that division or from the proceeds of 14657  
obligations, or a combination thereof, which may include provision 14658



for both annual payments and a special fund providing reserve 14659  
amounts for the payment of those expenses. 14660

The issuing authority shall not, and shall covenant in the 14661  
bond proceedings that it shall not, be authorized to and shall not 14662  
file a voluntary petition under the United States Bankruptcy Code, 14663  
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 14664  
similar bankruptcy proceeding under state law including, without 14665  
limitation, consenting to the appointment of a receiver or trustee 14666  
or making a general or specific assignment for the benefit of 14667  
creditors, and neither any public officer or any organization, 14668  
entity, or other person shall authorize the issuing authority to 14669  
be or become a debtor under the United States Bankruptcy Code or 14670  
take any of those actions under the United States Bankruptcy Code 14671  
or state law. The state hereby covenants, and the issuing 14672  
authority shall covenant, with the holders or owners of the 14673  
obligations, that the state shall not permit the issuing authority 14674  
to file a voluntary petition under the United States Bankruptcy 14675  
Code or take any of those actions under the United States 14676  
Bankruptcy Code or state law during the period obligations are 14677  
outstanding and for any additional period for which the issuing 14678  
authority covenants in the bond proceedings, which additional 14679  
period may, but need not, be a period of three hundred sixty-seven 14680  
days or more. 14681

(I) The obligations requiring execution by or for the issuing 14682  
authority shall be signed as provided in the bond proceedings, and 14683  
may bear the official seal of the issuing authority or a facsimile 14684  
thereof. Any obligation may be signed by the individual who, on 14685  
the date of execution, is the authorized signer even though, on 14686  
the date of the obligations, that individual is not an authorized 14687  
signer. In case the individual whose signature or facsimile 14688  
signature appears on any obligation ceases to be an authorized 14689  
signer before delivery of the obligation, that signature or 14690

facsimile is nevertheless valid and sufficient for all purposes as 14691  
if that individual had remained the authorized signer until 14692  
delivery. 14693

(J) Obligations are investment securities under Chapter 1308. 14694  
of the Revised Code. Obligations may be issued in bearer or in 14695  
registered form, registrable as to principal alone or as to both 14696  
principal and interest, or both, or in certificated or 14697  
uncertificated form, as the issuing authority determines. 14698  
Provision may be made for the exchange, conversion, or transfer of 14699  
obligations and for reasonable charges for registration, exchange, 14700  
conversion, and transfer. Pending preparation of final 14701  
obligations, the issuing authority may provide for the issuance of 14702  
interim instruments to be exchanged for the final obligations. 14703

(K) Obligations may be sold at public sale or at private 14704  
sale, in such manner, and at such price at, above, or below par, 14705  
all as determined by and provided by the issuing authority in the 14706  
bond proceedings. 14707

(L) Except to the extent that rights are restricted by the 14708  
bond proceedings, any owner of obligations or provider of or 14709  
counterparty to a credit enhancement facility may by any suitable 14710  
form of legal proceedings protect and enforce any rights relating 14711  
to obligations or that facility under the laws of this state or 14712  
granted by the bond proceedings. Those rights include the right to 14713  
compel the performance of all applicable duties of the issuing 14714  
authority and the state. Each duty of the issuing authority and 14715  
that issuing authority's officers, staff, and employees, and of 14716  
each state entity or agency, or using district or using 14717  
institution, and its officers, members, staff, or employees, 14718  
undertaken pursuant to the bond proceedings, is hereby established 14719  
as a duty of the entity or individual having authority to perform 14720  
that duty, specifically enjoined by law and resulting from an 14721  
office, trust, or station within the meaning of section 2731.01 of 14722

the Revised Code. The individuals who are from time to time 14723  
members of the issuing authority, or their designees acting 14724  
pursuant to section 183.52 of the Revised Code, or the issuing 14725  
authority's officers, staff, agents, or employees, when acting 14726  
within the scope of their employment or agency, shall not be 14727  
liable in their personal capacities on any obligations or 14728  
otherwise under the bond proceedings, or for otherwise exercising 14729  
or carrying out any purposes or powers of the issuing authority. 14730

(M)(1) Subject to any applicable limitations in division (C) 14731  
of this section, the issuing authority may also authorize and 14732  
provide for the issuance of: 14733

(a) Obligations in the form of bond anticipation notes, and 14734  
may authorize and provide for the renewal of those notes from time 14735  
to time by the issuance of new notes. The holders of notes or 14736  
appertaining interest coupons have the right to have debt service 14737  
on those notes paid solely from the moneys and special funds, and 14738  
all or any portion of the pledged receipts, that are or may be 14739  
pledged to that payment, including the proceeds of bonds or 14740  
renewal notes or both, as the issuing authority provides in the 14741  
bond proceedings authorizing the notes. Notes may be additionally 14742  
secured by covenants of the issuing authority to the effect that 14743  
the issuing authority will do all things necessary for the 14744  
issuance of bonds or renewal notes in such principal amount and 14745  
upon such terms as may be necessary to provide moneys to pay when 14746  
due the debt service on the notes, and apply their proceeds to the 14747  
extent necessary, to make full and timely payment of debt service 14748  
on the notes as provided in the applicable bond proceedings. In 14749  
the bond proceedings authorizing the issuance of bond anticipation 14750  
notes the issuing authority shall set forth for the bonds 14751  
anticipated an estimated schedule of annual principal payments the 14752  
latest of which shall be no later than provided in division (D) of 14753  
this section. While the notes are outstanding there shall be 14754

deposited, as shall be provided in the bond proceedings for those 14755  
notes, from the sources authorized for payment of debt service on 14756  
the bonds, amounts sufficient to pay the principal of the bonds 14757  
anticipated as set forth in that estimated schedule during the 14758  
time the notes are outstanding, which amounts shall be used solely 14759  
to pay the principal of those notes or of the bonds anticipated. 14760

(b) Obligations for the refunding, including funding and 14761  
retirement, and advance refunding, with or without payment or 14762  
redemption prior to maturity, of any obligations previously issued 14763  
under this section and any bonds or notes previously issued for 14764  
the purpose of paying costs of capital facilities for: (i) 14765  
state-supported or state-assisted institutions of higher education 14766  
as authorized by sections 151.01 and 151.04 of the Revised Code, 14767  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, 14768  
and (ii) housing branches and agencies of state government limited 14769  
to facilities for a system of common schools throughout the state 14770  
as authorized by sections 151.01 and 151.03 of the Revised Code, 14771  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. 14772  
Refunding obligations may be issued in amounts sufficient to pay 14773  
or to provide for repayment of the principal amount, including 14774  
principal amounts maturing prior to the redemption of the 14775  
remaining prior obligations or bonds or notes, any redemption 14776  
premium, and interest accrued or to accrue to the maturity or 14777  
redemption date or dates, payable on the prior obligations or 14778  
bonds or notes, and related financing costs and any expenses 14779  
incurred or to be incurred in connection with that issuance and 14780  
refunding. Subject to the applicable bond proceedings, the portion 14781  
of the proceeds of the sale of refunding obligations issued under 14782  
division (M)(1)(b) of this section to be applied to debt service 14783  
on the prior obligations or bonds or notes shall be credited to an 14784  
appropriate separate account in the bond service fund and held in 14785  
trust for the purpose by the issuing authority or by a corporate 14786  
trustee, and may be invested as provided in the bond proceedings. 14787

Obligations authorized under this division shall be considered to 14788  
be issued for those purposes for which the prior obligations or 14789  
bonds or notes were issued. 14790

(2) The principal amount of refunding, advance refunding, or 14791  
renewal obligations issued pursuant to division (M) of this 14792  
section shall be in addition to the amount authorized in division 14793  
(C) of this section. 14794

(N) Obligations are lawful investments for banks, savings and 14795  
loan associations, credit union share guaranty corporations, trust 14796  
companies, trustees, fiduciaries, insurance companies, including 14797  
domestic for life and domestic not for life, trustees or other 14798  
officers having charge of sinking and bond retirement or other 14799  
special funds of the state and political subdivisions and taxing 14800  
districts of this state, notwithstanding any other provisions of 14801  
the Revised Code or rules adopted pursuant to those provisions by 14802  
any state agency with respect to investments by them, and are also 14803  
acceptable as security for the repayment of the deposit of public 14804  
moneys. The exemptions from taxation in Ohio as provided for in 14805  
particular sections of the Ohio Constitution and section 5709.76 14806  
of the Revised Code apply to the obligations. 14807

(O)(1) Unless otherwise provided or provided for in any 14808  
applicable bond proceedings, moneys to the credit of or in a 14809  
special fund shall be disbursed on the order of the issuing 14810  
authority. No such order is required for the payment, from the 14811  
bond service fund or other special fund, when due of debt service 14812  
or required payments under credit enhancement facilities. 14813

(2) Payments received by the issuing authority under interest 14814  
rate hedges entered into as credit enhancement facilities under 14815  
this section shall be deposited as provided in the applicable bond 14816  
proceedings. 14817

(P) The obligations shall not be general obligations of the 14818

state and the full faith and credit, revenue, and taxing power of 14819  
the state shall not be pledged to the payment of debt service on 14820  
them or to any guarantee of the payment of that debt service. The 14821  
holders or owners of the obligations shall have no right to have 14822  
any moneys obligated or pledged for the payment of debt service 14823  
except as provided in this section and in the applicable bond 14824  
proceedings. The rights of the holders and owners to payment of 14825  
debt service are limited to all or that portion of the pledged 14826  
receipts, and those special funds, pledged to the payment of debt 14827  
service pursuant to the bond proceedings in accordance with this 14828  
section, and each obligation shall bear on its face a statement to 14829  
that effect. 14830

(Q) Each bond service fund is a trust fund and is hereby 14831  
pledged to the payment of debt service on the applicable 14832  
obligations. Payment of that debt service shall be made or 14833  
provided for by the issuing authority in accordance with the bond 14834  
proceedings without necessity for any act of appropriation. The 14835  
bond proceedings may provide for the establishment of separate 14836  
accounts in the bond service fund and for the application of those 14837  
accounts only to debt service on specific obligations, and for 14838  
other accounts in the bond service fund within the general 14839  
purposes of that fund. 14840

(R) Subject to the bond proceedings pertaining to any 14841  
obligations then outstanding in accordance with their terms, the 14842  
issuing authority may in the bond proceedings pledge all, or such 14843  
portion as the issuing authority determines, of the moneys in the 14844  
bond service fund to the payment of debt service on particular 14845  
obligations, and for the establishment and maintenance of any 14846  
reserves for payment of particular debt service. 14847

(S)(1) Unless otherwise provided in any applicable bond 14848  
proceedings, moneys to the credit of special funds may be invested 14849  
by or on behalf of the issuing authority only in one or more of 14850

the following: 14851

(a) Notes, bonds, or other direct obligations of the United States or of any agency or instrumentality of the United States, or in no-front-end-load money market mutual funds consisting exclusively of those obligations, or in repurchase agreements, including those issued by any fiduciary, secured by those obligations, or in collective investment funds consisting exclusively of those obligations; 14852  
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(b) Obligations of this state or any political subdivision of this state; 14859  
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(c) Certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions; 14861  
14862  
14863  
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(d) The treasurer of state's pooled investment program under section 135.45 of the Revised Code; 14865  
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(e) Other investment agreements or repurchase agreements that are consistent with the ratings on the obligations. 14867  
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(2) The income from investments referred to in division (S)(1) of this section shall be credited to special funds or otherwise as the issuing authority determines in the bond proceedings. Those investments may be sold or exchanged at times as the issuing authority determines, provides for, or authorizes. 14869  
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(T) The treasurer of state shall have responsibility for keeping records, making reports, and making payments, relating to any arbitrage rebate requirements under the applicable bond proceedings. 14874  
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(U) The issuing authority shall make quarterly reports to the general assembly of the amounts in, and activities of, each improvement fund, including amounts and activities on the subfund 14878  
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level. Each report shall include a detailed description and 14881  
analysis of the amount of proceeds remaining in each fund from the 14882  
sale of obligations pursuant to this section, and any other 14883  
deposits, credits, interest earnings, disbursements, expenses, 14884  
transfers, or activities of each fund. 14885

(V) The costs of the annual audit of the authority conducted 14886  
pursuant to section 117.112 of the Revised Code are payable, as 14887  
may be provided in the bond proceedings, from the proceeds of the 14888  
obligations, from special funds, or from other moneys available 14889  
for the purpose, including as to future financing costs, from the 14890  
pledged receipts. 14891

**Sec. 185.01.** As used in this chapter: 14892

(A) "Advanced practice nurse" has the same meaning as in 14893  
section 4723.01 of the Revised Code. 14894

(B) "Collaboration" has the same meaning as in section 14895  
4723.01 of the Revised Code. 14896

~~(C) "Health care coverage and quality council" means the 14897  
entity established under section 3923.90 of the Revised Code. 14898~~

~~(D)~~ "Patient centered medical home education advisory group" 14899  
means the entity established under section 185.03 of the Revised 14900  
Code to implement and administer the patient centered medical home 14901  
education pilot project. 14902

~~(E)~~(D) "Patient centered medical home education pilot 14903  
project" means the pilot project established under section 185.02 14904  
of the Revised Code. 14905

**Sec. 185.03.** (A) The patient centered medical home education 14906  
advisory group is hereby created for the purpose of implementing 14907  
and administering the patient centered medical home pilot project. 14908  
The advisory group shall develop a set of expected outcomes for 14909



the pilot project. 14910

(B) The advisory group shall consist of the following voting 14911  
members: 14912

(1) One individual with expertise in the training and 14913  
education of primary care physicians who is appointed by the dean 14914  
of the university of Toledo college of medicine; 14915

(2) One individual with expertise in the training and 14916  
education of primary care physicians who is appointed by the dean 14917  
of the Boonshoft school of medicine at Wright state university; 14918

(3) One individual with expertise in the training and 14919  
education of primary care physicians who is appointed by the 14920  
president and dean of the northeastern Ohio universities colleges 14921  
of medicine and pharmacy; 14922

(4) One individual with expertise in the training and 14923  
education of primary care physicians who is appointed by the dean 14924  
of the Ohio university college of osteopathic medicine; 14925

(5) Two individuals appointed by the governing board of the 14926  
Ohio academy of family physicians; 14927

(6) One individual appointed by the governing board of the 14928  
Ohio chapter of the American college of physicians; 14929

(7) One individual appointed by the governing board of the 14930  
American academy of pediatrics; 14931

(8) One individual appointed by the governing board of the 14932  
Ohio osteopathic association; 14933

(9) One individual with expertise in the training and 14934  
education of advanced practice nurses who is appointed by the 14935  
governing board of the Ohio council of deans and directors of 14936  
baccalaureate and higher degree programs in nursing; 14937

(10) One individual appointed by the governing board of the 14938  
Ohio nurses association; 14939

(11) One individual appointed by the governing board of the Ohio association of advanced practice nurses;	14940 14941
(12) <del>A member of the health care coverage and quality council, other than the advisory group member specified in division (C)(2) of this section,</del> <u>One individual appointed by the governing board of the Ohio council for home care and hospice;</u>	14942 14943 14944 14945
<u>(13) One individual</u> appointed by the superintendent of insurance.	14946 14947
(C) The advisory group shall consist of the following nonvoting, ex officio members:	14948 14949
(1) The executive director of the state medical board, or the director's designee;	14950 14951
(2) The executive director of the board of nursing or the director's designee;	14952 14953
(3) The chancellor of the Ohio board of regents, or the chancellor's designee;	14954 14955
(4) The individual within the department of job and family services who serves as the director of medicaid, or the director's designee;	14956 14957 14958
(5) The director of health or the director's designee.	14959
(D) Advisory group members who are appointed shall serve at the pleasure of their appointing authorities. Terms of office of appointed members shall be three years, except that a member's term ends if the pilot project ceases operation during the member's term.	14960 14961 14962 14963 14964
Vacancies shall be filled in the manner provided for original appointments.	14965 14966
Members shall serve without compensation, except to the extent that serving on the advisory group is considered part of their regular employment duties.	14967 14968 14969

(E) The advisory group shall select from among its members a chairperson and vice-chairperson. The advisory group may select any other officers it considers necessary to conduct its business.

A majority of the members of the advisory group constitutes a quorum for the transaction of official business. A majority of a quorum is necessary for the advisory group to take any action, except that when one or more members of a quorum are required to abstain from voting as provided in division (C)(1)(d) or (C)(2)(c) of section 185.05 of the Revised Code, the number of members necessary for a majority of a quorum shall be reduced accordingly.

The advisory group shall meet as necessary to fulfill its duties. The times and places for the meetings shall be selected by the chairperson.

(F) Sections 101.82 to 101.87 of the Revised Code do not apply to the advisory group.

**Sec. 185.06.** (A) To be eligible for inclusion in the patient centered medical home education pilot project, a physician practice shall meet all of the following requirements:

(1) Consist of physicians who are board-certified in family medicine, general pediatrics, or internal medicine, as those designations are issued by a medical specialty certifying board recognized by the American board of medical specialties or American osteopathic association;

(2) Be capable of adapting the practice during the period in which the practice receives funding from the patient centered medical home education advisory group in such a manner that the practice is fully compliant with the minimum standards for operation of a patient centered medical home, as those standards are established by the advisory group;

(3) ~~Comply with any reporting requirements recommended by the~~

~~health care coverage and quality council under division (A)(12) of~~ 15000  
~~section 3923.91 of the Revised Code;~~ 15001

~~(4)~~ Meet any other criteria established by the advisory group 15002  
as part of the selection process. 15003

(B) To be eligible for inclusion in the pilot project, an 15004  
advanced practice nurse primary care practice shall meet all of 15005  
the following requirements: 15006

(1) Consist of advanced practice nurses who meet all of the 15007  
following requirements: 15008

(a) Hold a certificate to prescribe issued under section 15009  
4723.48 of the Revised Code; 15010

(b) Are board-certified as a family nurse practitioner or 15011  
adult nurse practitioner by the American academy of nurse 15012  
practitioners or American nurses credentialing center, 15013  
board-certified as a geriatric nurse practitioner or women's 15014  
health nurse practitioner by the American nurses credentialing 15015  
center, or is board-certified as a pediatric nurse practitioner by 15016  
the American nurses credentialing center or pediatric nursing 15017  
certification board; 15018

(c) Has a collaboration agreement with a physician with board 15019  
certification as specified in division (A)(1) of this section and 15020  
who is an active participant on the health care team. 15021

(2) Be capable of adapting the primary care practice during 15022  
the period in which the practice receives funding from the 15023  
advisory group in such a manner that the practice is fully 15024  
compliant with the minimum standards for operation of a patient 15025  
centered medical home, as those standards are established by the 15026  
advisory group; 15027

~~(3) Comply with any reporting requirements recommended by the~~ 15028  
~~health care coverage and quality council under division (A)(12) of~~ 15029

~~section 3923.91 of the Revised Code;~~ 15030

(4) Meet any other criteria established by the advisory group 15031  
as part of the selection process. 15032

**Sec. 185.10.** The patient centered medical home education 15033  
advisory group shall seek funding sources for the patient centered 15034  
medical home education pilot project. In doing so, the advisory 15035  
group may apply for grants, seek federal funds, seek private 15036  
donations, or seek any other type of funding that may be available 15037  
for the pilot project. ~~To ensure that appropriate sources of and 15038~~  
~~opportunities for funding are identified and pursued, the advisory 15039~~  
~~group may ask for assistance from the health care coverage and 15040~~  
~~quality council.~~ 15041

**Sec. 301.02.** Previous to the presentation of a petition to 15042  
the general assembly praying that a new county be erected, or for 15043  
the location or relocation of a county seat, notice of the 15044  
intention to present such petition shall be given, at least thirty 15045  
days before the ensuing session of the general assembly, by 15046  
advertisement in a newspaper published of general circulation in 15047  
each county from which such new county is intended to be taken. If 15048  
no paper newspaper is printed of general circulation within the 15049  
county, notice shall be given by advertisement affixed to the door 15050  
of the house where courts are held for such county, for such 15051  
period of thirty days. The notice shall set forth the boundary 15052  
lines of the new county, or the place where it is proposed to 15053  
locate such county seat. 15054

**Sec. 301.15.** Within sixty days after their appointment, the 15055  
commissioners provided for by section 301.14 of the Revised Code, 15056  
or any two of them, shall assemble at some convenient place in the 15057  
new county. Twenty days' notice of the time, place, and purpose of 15058  
such meeting shall be given by publication in a newspaper 15059

~~published in and circulated~~ of general circulation in ~~such the~~ 15060  
county, or by being posted in three of the most public places in 15061  
such county. When assembled, after having taken the oath of office 15062  
prescribed by sections 3.22 and 3.23 of the Revised Code, such 15063  
commissioners shall proceed to examine and select the most proper 15064  
place as a seat of justice, as near the center of the county as 15065  
possible, having regard to the situation, extent of population, 15066  
quality of land, and the convenience and interest of the 15067  
inhabitants. 15068

**Sec. 301.28.** (A) As used in this section: 15069

(1) "Financial transaction device" includes a credit card, 15070  
debit card, charge card, or prepaid or stored value card, or 15071  
automated clearinghouse network credit, debit, or e-check entry 15072  
that includes, but is not limited to, accounts receivable and 15073  
internet-initiated, point of purchase, and telephone-initiated 15074  
applications or any other device or method for making an 15075  
electronic payment or transfer of funds. 15076

(2) "County expenses" includes fees, costs, taxes, 15077  
assessments, fines, penalties, payments, or any other expense a 15078  
person owes to a county office under the authority of a county 15079  
official other than dog registration and kennel fees required to 15080  
be paid under Chapter 955. of the Revised Code. 15081

(3) "County official" includes the county auditor, county 15082  
treasurer, county engineer, county recorder, county prosecuting 15083  
attorney, county sheriff, county coroner, county park district and 15084  
board of county commissioners, the clerk of the probate court, the 15085  
clerk of the juvenile court, the clerks of court for all divisions 15086  
of the courts of common pleas, and the clerk of the court of 15087  
common pleas, the clerk of a county-operated municipal court, and 15088  
the clerk of a county court. 15089

The term "county expenses" includes county expenses owed to 15090

the board of health of the general health district or a combined health district in the county. If the board of county commissioners authorizes county expenses to be paid by financial transaction devices under this section, then the board of health and the general health district and the combined health district may accept payments by financial transaction devices under this section as if the board were a "county official" and the district were a county office. However, in the case of a general health district formed by unification of general health districts under section 3709.10 of the Revised Code, this entitlement applies only if all the boards of county commissioners of all counties in the district have authorized payments to be accepted by financial transaction devices.

(B) Notwithstanding any other section of the Revised Code and except as provided in division (D) of this section, a board of county commissioners may adopt a resolution authorizing the acceptance of payments by financial transaction devices for county expenses. The resolution shall include the following:

(1) A specification of those county officials who, and of the county offices under those county officials that, are authorized to accept payments by financial transaction devices;

(2) A list of county expenses that may be paid for through the use of a financial transaction device;

(3) Specific identification of financial transaction devices that the board authorizes as acceptable means of payment for county expenses. Uniform acceptance of financial transaction devices among different types of county expenses is not required.

(4) The amount, if any, authorized as a surcharge or convenience fee under division (E) of this section for persons using a financial transaction device. Uniform application of surcharges or convenience fees among different types of county

expenses is not required. 15122

(5) A specific provision as provided in division (G) of this 15123  
section requiring the payment of a penalty if a payment made by 15124  
means of a financial transaction device is returned or dishonored 15125  
for any reason. 15126

The board's resolution shall also designate the county 15127  
treasurer as an administrative agent to solicit proposals, within 15128  
guidelines established by the board in the resolution and in 15129  
compliance with the procedures provided in division (C) of this 15130  
section, from financial institutions, issuers of financial 15131  
transaction devices, and processors of financial transaction 15132  
devices, to make recommendations about those proposals to the 15133  
board, and to assist county offices in implementing the county's 15134  
financial transaction devices program. The county treasurer may 15135  
decline this responsibility within thirty days after receiving a 15136  
copy of the board's resolution by notifying the board in writing 15137  
within that period. If the treasurer so notifies the board, the 15138  
board shall perform the duties of the administrative agent. 15139

If the county treasurer is the administrative agent and fails 15140  
to administer the county financial transaction devices program in 15141  
accordance with the guidelines in the board's resolution, the 15142  
board shall notify the treasurer in writing of the board's 15143  
findings, explain the failures, and give the treasurer six months 15144  
to correct the failures. If the treasurer fails to make the 15145  
appropriate corrections within that six-month period, the board 15146  
may pass a resolution declaring the board to be the administrative 15147  
agent. The board may later rescind that resolution at its 15148  
discretion. 15149

(C) The county shall follow the procedures provided in this 15150  
division whenever it plans to contract with financial 15151  
institutions, issuers of financial transaction devices, or 15152  
processors of financial transaction devices for the purposes of 15153



this section. The administrative agent shall request proposals 15154  
from at least three financial institutions, issuers of financial 15155  
transaction devices, or processors of financial transaction 15156  
devices, as appropriate in accordance with the resolution adopted 15157  
under division (B) of this section. Prior to sending any financial 15158  
institution, issuer, or processor a copy of any such request, the 15159  
county shall advertise its intent to request proposals in a 15160  
newspaper of general circulation in the county once a week for two 15161  
consecutive weeks or as provided in section 7.16 of the Revised 15162  
Code. The notice shall state that the county intends to request 15163  
proposals; specify the purpose of the request; indicate the date, 15164  
which shall be at least ten days after the second publication, on 15165  
which the request for proposals will be mailed to financial 15166  
institutions, issuers, or processors; and require that any 15167  
financial institution, issuer, or processor, whichever is 15168  
appropriate, interested in receiving the request for proposals 15169  
submit written notice of this interest to the county not later 15170  
than noon of the day on which the request for proposals will be 15171  
mailed. 15172

Upon receiving the proposals, the administrative agent shall 15173  
review them and make a recommendation to the board of county 15174  
commissioners on which proposals to accept. The board of county 15175  
commissioners shall consider the agent's recommendation and review 15176  
all proposals submitted, and then may choose to contract with any 15177  
or all of the entities submitting proposals, as appropriate. The 15178  
board shall provide any financial institution, issuer, or 15179  
processor that submitted a proposal, but with which the board does 15180  
not enter into a contract, notice that its proposal is rejected. 15181  
The notice shall state the reasons for the rejection, indicate 15182  
whose proposals were accepted, and provide a copy of the terms and 15183  
conditions of the successful bids. 15184

(D) A board of county commissioners adopting a resolution 15185

under this section shall send a copy of the resolution to each 15186  
county official in the county who is authorized by the resolution 15187  
to accept payments by financial transaction devices. After 15188  
receiving the resolution and before accepting payments by 15189  
financial transaction devices, a county official shall provide 15190  
written notification to the board of county commissioners of the 15191  
official's intent to implement the resolution within the 15192  
official's office. Each county office subject to the board's 15193  
resolution adopted under division (B) of this section may use only 15194  
the financial institutions, issuers of financial transaction 15195  
devices, and processors of financial transaction devices with 15196  
which the board of county commissioners contracts, and each such 15197  
office is subject to the terms of those contracts. 15198

If a county office under the authority of a county official 15199  
is directly responsible for collecting one or more county expenses 15200  
and the county official determines not to accept payments by 15201  
financial transaction devices for one or more of those expenses, 15202  
the office shall not be required to accept payments by financial 15203  
transaction devices, notwithstanding the adoption of a resolution 15204  
by the board of county commissioners under this section. 15205

Any office of a clerk of the court of common pleas that 15206  
accepts financial transaction devices on or before July 1, 1999, 15207  
and any other county office that accepted such devices before 15208  
January 1, 1998, may continue to accept such devices without being 15209  
subject to any resolution passed by the board of county 15210  
commissioners under division (B) of this section, or any other 15211  
oversight by the board of the office's financial transaction 15212  
devices program. Any such office may use surcharges or convenience 15213  
fees in any manner the county official in charge of the office 15214  
determines to be appropriate, and, if the county treasurer 15215  
consents, may appoint the county treasurer to be the office's 15216  
administrative agent for purposes of accepting financial 15217

transaction devices. In order not to be subject to the resolution 15218  
of the board of county commissioners adopted under division (B) of 15219  
this section, a county office shall notify the board in writing 15220  
within thirty days after March 30, 1999, that it accepted 15221  
financial transaction devices prior to January 1, 1998, or, in the 15222  
case of the office of a clerk of the court of common pleas, the 15223  
clerk has accepted or will accept such devices on or before July 15224  
1, 1999. Each such notification shall explain how processing costs 15225  
associated with financial transaction devices are being paid and 15226  
shall indicate whether surcharge or convenience fees are being 15227  
passed on to consumers. 15228

(E) A board of county commissioners may establish a surcharge 15229  
or convenience fee that may be imposed upon a person making 15230  
payment by a financial transaction device. The surcharge or 15231  
convenience fee shall not be imposed unless authorized or 15232  
otherwise permitted by the rules prescribed by an agreement 15233  
governing the use and acceptance of the financial transaction 15234  
device. 15235

If a surcharge or convenience fee is imposed, every county 15236  
office accepting payment by a financial transaction device, 15237  
regardless of whether that office is subject to a resolution 15238  
adopted by a board of county commissioners, shall clearly post a 15239  
notice in that office and shall notify each person making a 15240  
payment by such a device about the surcharge or fee. Notice to 15241  
each person making a payment shall be provided regardless of the 15242  
medium used to make the payment and in a manner appropriate to 15243  
that medium. Each notice shall include all of the following: 15244

(1) A statement that there is a surcharge or convenience fee 15245  
for using a financial transaction device; 15246

(2) The total amount of the charge or fee expressed in 15247  
dollars and cents for each transaction, or the rate of the charge 15248  
or fee expressed as a percentage of the total amount of the 15249

transaction, whichever is applicable; 15250

(3) A clear statement that the surcharge or convenience fee 15251  
is nonrefundable. 15252

(F) If a person elects to make a payment to the county by a 15253  
financial transaction device and a surcharge or convenience fee is 15254  
imposed, the payment of the surcharge or fee shall be considered 15255  
voluntary and the surcharge or fee is not refundable. 15256

(G) If a person makes payment by financial transaction device 15257  
and the payment is returned or dishonored for any reason, the 15258  
person is liable to the county for payment of a penalty over and 15259  
above the amount of the expense due. The board of county 15260  
commissioners shall determine the amount of the penalty, which may 15261  
be either a fee not to exceed twenty dollars or payment of the 15262  
amount necessary to reimburse the county for banking charges, 15263  
legal fees, or other expenses incurred by the county in collecting 15264  
the returned or dishonored payment. The remedies and procedures 15265  
provided in this section are in addition to any other available 15266  
civil or criminal remedies provided by law. 15267

(H) No person making any payment by financial transaction 15268  
device to a county office shall be relieved from liability for the 15269  
underlying obligation except to the extent that the county 15270  
realizes final payment of the underlying obligation in cash or its 15271  
equivalent. If final payment is not made by the financial 15272  
transaction device issuer or other guarantor of payment in the 15273  
transaction, the underlying obligation shall survive and the 15274  
county shall retain all remedies for enforcement that would have 15275  
applied if the transaction had not occurred. 15276

(I) A county official or employee who accepts a financial 15277  
transaction device payment in accordance with this section and any 15278  
applicable state or local policies or rules is immune from 15279  
personal liability for the final collection of such payments. 15280

Sec. 305.23. (A) As used in this section, "county office" 15281  
means the offices of the county commissioner, county auditor, 15282  
county treasurer, county engineer, county recorder, county 15283  
prosecuting attorney, county sheriff, county coroner, county park 15284  
district, clerk of the juvenile court, clerks of court for all 15285  
divisions of the courts of common pleas, including the clerk of 15286  
the court of common pleas, clerk of a county-operated municipal 15287  
court, and clerk of a county court, and any agency or department 15288  
under the authority of, or receiving funding in whole or in part 15289  
from, any of those county offices. 15290

(B) A board of county commissioners may adopt a resolution 15291  
establishing centralized purchasing, printing, transportation, 15292  
vehicle maintenance, human resources, revenue collection, and mail 15293  
operation services for a county office. The resolution shall 15294  
specify all of the following: 15295

(1) Which county offices are required to use the centralized 15296  
services; 15297

(2) If not all of the centralized services, which centralized 15298  
service each county office must use; 15299

(3) A list of rates and charges the county office shall pay 15300  
for the centralized services; 15301

(4) The date upon which each county office specified in the 15302  
resolution shall begin using the centralized services. 15303

Not later than ten days after a resolution is adopted under 15304  
this section, the clerk of the board of county commissioners shall 15305  
send a copy of the resolution to each county office that is 15306  
specified in the resolution. 15307

Sec. 306.322. (A) For any regional transit authority that 15308  
levies a property tax and that includes a county having a 15309  
population of at least four hundred thousand according to the most 15310

recent federal census, the procedures of this section apply until 15311  
November 5, 2013, and are in addition to and an alternative to 15312  
those established in sections 306.32 and 306.321 for joining to 15313  
the regional transit authority additional counties, municipal 15314  
corporations, or townships. 15315

(B) Any county, municipal corporation, or township may adopt 15316  
a resolution or ordinance proposing to join a regional transit 15317  
authority described in division (A) of this section. In its 15318  
resolution or ordinance, the political subdivision may propose 15319  
joining the regional transit authority for a limited period of 15320  
three years or without a time limit. 15321

(C) The political subdivision proposing to join the regional 15322  
transit authority shall submit a copy of its resolution or 15323  
ordinance to the board of the county commissioners of each county, 15324  
the legislative authority of each municipal corporation, and the 15325  
board of trustees of each township comprising the regional transit 15326  
authority. Within thirty days of receiving the resolution or 15327  
ordinance for inclusion in the regional transit authority, the 15328  
board of the county commissioners of each county, the legislative 15329  
authority of each municipal corporation, and the board of trustees 15330  
of each township shall consider the question of whether to include 15331  
the additional subdivision in the regional transit authority, 15332  
shall adopt a resolution or ordinance approving or rejecting the 15333  
inclusion of the additional subdivision, and shall present its 15334  
resolution or ordinance to the board of trustees of the regional 15335  
transit authority. 15336

(D) If a majority of the political subdivisions comprising 15337  
the regional transit authority approve the inclusion of the 15338  
additional political subdivision, the board of trustees of the 15339  
regional transit authority, not later than the tenth day following 15340  
the day on which the last ordinance or resolution is presented, 15341

shall notify the subdivision proposing to join the regional transit authority that it may certify the proposal to the board of elections for the purpose of having the proposal placed on the ballot at the next general election or at a special election conducted on the day of the next primary election that occurs not less than seventy-five days after the resolution or ordinance is certified to the board of elections. 15342  
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(E) Upon certification of a proposal to the board of elections pursuant to this section, the board of elections shall make the necessary arrangements for the submission of the question to the electors of the territory to be included in the regional transit authority qualified to vote on the question, and the election shall be held, canvassed, and certified in the same manner as regular elections for the election of officers of the subdivision proposing to join the regional transit authority, except that, if the resolution proposed the inclusion without a time limitation the question appearing on the ballot shall read: 15349  
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"Shall the territory within the .....  
(Name or names of political subdivisions to be joined) be added to ..... (Name) regional transit authority?" and shall a(n) ..... (here insert type of tax or taxes) at a rate of taxation not to exceed ..... (here insert maximum tax rate or rates) be levied for all transit purposes?" 15359  
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If the resolution proposed the inclusion with a three-year time limitation, the question appearing on the ballot shall read: 15365  
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"Shall the territory within the .....  
(Name or names of political subdivisions to be joined) be added to ..... (Name) regional transit authority?" for three years and shall a(n) ..... (here insert type of tax or taxes) at a rate of taxation not to exceed ..... (here insert maximum tax rate or rates) be levied for all transit purposes for three years?" 15367  
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(F) If the question is approved by at least a majority of the electors voting on the question, the addition of the new territory is immediately effective, and the regional transit authority may extend the levy of the tax against all the taxable property within the territory that was added. If the question is approved at a general election or at a special election occurring prior to the general election but after the fifteenth day of July, the regional transit authority may amend its budget and resolution adopted pursuant to section 5705.34 of the Revised Code, and the levy shall be placed on the current tax list and duplicate and collected as other taxes are collected from all taxable property within the territorial boundaries of the regional transit authority, including the territory within the political subdivision added as a result of the election. If the budget of the regional transit authority is amended pursuant to this paragraph, the county auditor shall prepare and deliver an amended certificate of estimated resources to reflect the change in anticipated revenues of the regional transit authority.

(G) If the question is approved by at least a majority of the electors voting on the question, the board of trustees of the regional transit authority immediately shall amend the resolution or ordinance creating the regional transit authority to include the additional political subdivision.

(H) If the question approved by a majority of the electors voting on the question added the subdivision for three years, the territory of the additional county, municipal corporation, or township in the regional transit authority shall be removed from the territory of the regional transit authority three years after the date the territory was added, as determined in the effective date of the election, and shall no longer be a part of that authority without any further action by either the political subdivisions that were included in the authority prior to



submitting the question to the electors or of the political 15406  
subdivision added to the authority as a result of the election. 15407  
The regional transit authority reduced to its territory as it 15408  
existed prior to the inclusion of the additional county, municipal 15409  
corporation, or township, shall be entitled to levy and collect 15410  
any property taxes that it was authorized to levy and collect 15411  
prior to the enlargement of its territory and for which 15412  
authorization has not expired, as if the enlargement had not 15413  
occurred. 15414

**Sec. 306.35.** Upon the creation of a regional transit 15415  
authority as provided by section 306.32 of the Revised Code, and 15416  
upon the qualifying of its board of trustees and the election of a 15417  
president and a vice-president, the authority shall exercise in 15418  
its own name all the rights, powers, and duties vested in and 15419  
conferred upon it by sections 306.30 to 306.53 of the Revised 15420  
Code. Subject to any reservations, limitations, and qualifications 15421  
that are set forth in those sections, the regional transit 15422  
authority: 15423

(A) May sue or be sued in its corporate name; 15424

(B) May make contracts in the exercise of the rights, powers, 15425  
and duties conferred upon it; 15426

(C) May adopt and at will alter a seal and use such seal by 15427  
causing it to be impressed, affixed, reproduced, or otherwise 15428  
used, but failure to affix the seal shall not affect the validity 15429  
of any instrument; 15430

(D)(1) May adopt, amend, and repeal bylaws for the 15431  
administration of its affairs and rules for the control of the 15432  
administration and operation of transit facilities under its 15433  
jurisdiction, and for the exercise of all of its rights of 15434  
ownership in those transit facilities; 15435

(2) The regional transit authority also may adopt bylaws and rules for the following purposes:	15436 15437
(a) To prohibit selling, giving away, or using any beer or intoxicating liquor on transit vehicles or transit property;	15438 15439
(b) For the preservation of good order within or on transit vehicles or transit property;	15440 15441
(c) To provide for the protection and preservation of all property and life within or on transit vehicles or transit property;	15442 15443 15444
(d) To regulate and enforce the collection of fares.	15445
(3) Before a bylaw or rule adopted under division (D)(2) of this section takes effect, the regional transit authority shall provide for a notice of its adoption to be published once a week for two consecutive weeks in a newspaper of general circulation within the territorial boundaries of the regional transit authority, <u>or as provided in section 7.16 of the Revised Code.</u>	15446 15447 15448 15449 15450 15451
(4) No person shall violate any bylaw or rule of a regional transit authority adopted under division (D)(2) of this section.	15452 15453
(E) May fix, alter, and collect fares, rates, and rentals and other charges for the use of transit facilities under its jurisdiction to be determined exclusively by it for the purpose of providing for the payment of the expenses of the regional transit authority, the acquisition, construction, improvement, extension, repair, maintenance, and operation of transit facilities under its jurisdiction, the payment of principal and interest on its obligations, and to fulfill the terms of any agreements made with purchasers or holders of any such obligations, or with any person or political subdivision;	15454 15455 15456 15457 15458 15459 15460 15461 15462 15463
(F) Shall have jurisdiction, control, possession, and supervision of all property, rights, easements, licenses, moneys,	15464 15465

contracts, accounts, liens, books, records, maps, or other	15466
property rights and interests conveyed, delivered, transferred, or	15467
assigned to it;	15468
(G) May acquire, construct, improve, extend, repair, lease,	15469
operate, maintain, or manage transit facilities within or without	15470
its territorial boundaries, considered necessary to accomplish the	15471
purposes of its organization and make charges for the use of	15472
transit facilities;	15473
(H) May levy and collect taxes as provided in sections 306.40	15474
and 306.49 of the Revised Code;	15475
(I) May issue bonds secured by its general credit as provided	15476
in section 306.40 of the Revised Code;	15477
(J) May hold, encumber, control, acquire by donation, by	15478
purchase for cash or by installment payments, by lease-purchase	15479
agreement, by lease with option to purchase, or by condemnation,	15480
and may construct, own, lease as lessee or lessor, use, and sell,	15481
real and personal property, or any interest or right in real and	15482
personal property, within or without its territorial boundaries,	15483
for the location or protection of transit facilities and	15484
improvements and access to transit facilities and improvements,	15485
the relocation of buildings, structures, and improvements situated	15486
on lands acquired by the regional transit authority, or for any	15487
other necessary purpose, or for obtaining or storing materials to	15488
be used in constructing, maintaining, and improving transit	15489
facilities under its jurisdiction;	15490
(K) May exercise the power of eminent domain to acquire	15491
property or any interest in property, within or without its	15492
territorial boundaries, that is necessary or proper for the	15493
construction or efficient operation of any transit facility or	15494
access to any transit facility under its jurisdiction in	15495
accordance with section 306.36 of the Revised Code;	15496

(L) May provide by agreement with any county, including the 15497  
counties within its territorial boundaries, or any municipal 15498  
corporation or any combination of counties or municipal 15499  
corporations for the making of necessary surveys, appraisals, and 15500  
examinations preliminary to the acquisition or construction of any 15501  
transit facility and the amount of the expense for the surveys, 15502  
appraisals, and examinations to be paid by each such county or 15503  
municipal corporation; 15504

(M) May provide by agreement with any county, including the 15505  
counties within its territorial boundaries, or any municipal 15506  
corporation or any combination of those counties or municipal 15507  
corporations for the acquisition, construction, improvement, 15508  
extension, maintenance, or operation of any transit facility owned 15509  
or to be owned and operated by it or owned or to be owned and 15510  
operated by any such county or municipal corporation and the terms 15511  
on which it shall be acquired, leased, constructed, maintained, or 15512  
operated, and the amount of the cost and expense of the 15513  
acquisition, lease, construction, maintenance, or operation to be 15514  
paid by each such county or municipal corporation; 15515

(N) May issue revenue bonds for the purpose of acquiring, 15516  
replacing, improving, extending, enlarging, or constructing any 15517  
facility or permanent improvement that it is authorized to 15518  
acquire, replace, improve, extend, enlarge, or construct, 15519  
including all costs in connection with and incidental to the 15520  
acquisition, replacement, improvement, extension, enlargement, or 15521  
construction, and their financing, as provided by section 306.37 15522  
of the Revised Code; 15523

(O) May enter into and supervise franchise agreements for the 15524  
operation of a transit system; 15525

(P) May accept the assignment of and supervise an existing 15526  
franchise agreement for the operation of a transit system; 15527

(Q) May exercise a right to purchase a transit system in 15528  
accordance with the acquisition terms of an existing franchise 15529  
agreement; and in connection with the purchase the regional 15530  
transit authority may issue revenue bonds as provided by section 15531  
306.37 of the Revised Code or issue bonds secured by its general 15532  
credit as provided in section 306.40 of the Revised Code; 15533

(R) May apply for and accept grants or loans from the United 15534  
States, the state, or any other public body for the purpose of 15535  
providing for the development or improvement of transit 15536  
facilities, mass transportation facilities, equipment, techniques, 15537  
methods, or services, and grants or loans needed to exercise a 15538  
right to purchase a transit system pursuant to agreement with the 15539  
owner of those transit facilities, or for providing lawful 15540  
financial assistance to existing transit systems; and may provide 15541  
any consideration that may be required in order to obtain those 15542  
grants or loans from the United States, the state, or other public 15543  
body, either of which grants or loans may be evidenced by the 15544  
issuance of revenue bonds as provided by section 306.37 of the 15545  
Revised Code or general obligation bonds as provided by section 15546  
306.40 of the Revised Code; 15547

(S) May employ and fix the compensation of consulting 15548  
engineers, superintendents, managers, and such other engineering, 15549  
construction, accounting and financial experts, attorneys, and 15550  
other employees and agents necessary for the accomplishment of its 15551  
purposes; 15552

(T) May procure insurance against loss to it by reason of 15553  
damages to its properties resulting from fire, theft, accident, or 15554  
other casualties or by reason of its liability for any damages to 15555  
persons or property occurring in the construction or operation of 15556  
transit facilities under its jurisdiction or the conduct of its 15557  
activities; 15558

(U) May maintain funds that it considers necessary for the 15559

efficient performance of its duties; 15560

(V) May direct its agents or employees, when properly 15561  
identified in writing, after at least five days' written notice, 15562  
to enter upon lands within or without its territorial boundaries 15563  
in order to make surveys and examinations preliminary to the 15564  
location and construction of transit facilities, without liability 15565  
to it or its agents or employees except for actual damage done; 15566

(W) On its own motion, may request the appropriate zoning 15567  
board, as defined in section 4563.03 of the Revised Code, to 15568  
establish and enforce zoning regulations pertaining to any transit 15569  
facility under its jurisdiction in the manner prescribed by 15570  
sections 4563.01 to 4563.21 of the Revised Code; 15571

(X) If it acquires any existing transit system, shall assume 15572  
all the employer's obligations under any existing labor contract 15573  
between the employees and management of the system. If the board 15574  
acquires, constructs, controls, or operates any such facilities, 15575  
it shall negotiate arrangements to protect the interests of 15576  
employees affected by the acquisition, construction, control, or 15577  
operation. The arrangements shall include, but are not limited to: 15578

(1) The preservation of rights, privileges, and benefits 15579  
under existing collective bargaining agreements or otherwise, the 15580  
preservation of rights and benefits under any existing pension 15581  
plans covering prior service, and continued participation in 15582  
social security in addition to participation in the public 15583  
employees retirement system as required in Chapter 145. of the 15584  
Revised Code; 15585

(2) The continuation of collective bargaining rights; 15586

(3) The protection of individual employees against a 15587  
worsening of their positions with respect to their employment; 15588

(4) Assurances of employment to employees of those transit 15589  
systems and priority reemployment of employees terminated or laid 15590

off; 15591

(5) Paid training or retraining programs; 15592

(6) Signed written labor agreements. 15593

The arrangements may include provisions for the submission of 15594  
labor disputes to final and binding arbitration. 15595

(Y) May provide for and maintain security operations, 15596  
including a transit police department, subject to section 306.352 15597  
of the Revised Code. Regional transit authority police officers 15598  
shall have the power and duty to act as peace officers within 15599  
transit facilities owned, operated, or leased by the transit 15600  
authority to protect the transit authority's property and the 15601  
person and property of passengers, to preserve the peace, and to 15602  
enforce all laws of the state and ordinances and regulations of 15603  
political subdivisions in which the transit authority operates. 15604  
Regional transit authority police officers also shall have the 15605  
power and duty to act as peace officers when they render emergency 15606  
assistance outside their jurisdiction to any other peace officer 15607  
who is not a regional transit authority police officer and who has 15608  
arrest authority under section 2935.03 of the Revised Code. 15609  
Regional transit authority police officers may render emergency 15610  
assistance if there is a threat of imminent physical danger to the 15611  
peace officer, a threat of physical harm to another person, or any 15612  
other serious emergency situation and if either the peace officer 15613  
who is assisted requests emergency assistance or it appears that 15614  
the peace officer who is assisted is unable to request emergency 15615  
assistance and the circumstances observed by the regional transit 15616  
authority police officer reasonably indicate that emergency 15617  
assistance is appropriate. 15618

Before exercising powers of arrest and the other powers and 15619  
duties of a peace officer, each regional transit authority police 15620  
officer shall take an oath and give bond to the state in a sum 15621

that the board of trustees prescribes for the proper performance 15622  
of the officer's duties. 15623

Persons employed as regional transit authority police 15624  
officers shall complete training for the position to which they 15625  
have been appointed as required by the Ohio peace officer training 15626  
commission as authorized in section 109.77 of the Revised Code, or 15627  
be otherwise qualified. The cost of the training shall be provided 15628  
by the regional transit authority. 15629

(Z) May procure a policy or policies insuring members of its 15630  
board of trustees against liability on account of damages or 15631  
injury to persons and property resulting from any act or omission 15632  
of a member in the member's official capacity as a member of the 15633  
board or resulting solely out of the member's membership on the 15634  
board; 15635

(AA) May enter into any agreement for the sale and leaseback 15636  
or lease and leaseback of transit facilities, which agreement may 15637  
contain all necessary covenants for the security and protection of 15638  
any lessor or the regional transit authority including, but not 15639  
limited to, indemnification of the lessor against the loss of 15640  
anticipated tax benefits arising from acts, omissions, or 15641  
misrepresentations of the regional transit authority. In 15642  
connection with that transaction, the regional transit authority 15643  
may contract for insurance and letters of credit and pay any 15644  
premiums or other charges for the insurance and letters of credit. 15645  
The fiscal officer shall not be required to furnish any 15646  
certificate under section 5705.41 of the Revised Code in 15647  
connection with the execution of any such agreement. 15648

(BB) In regard to any contract entered into on or after March 15649  
19, 1993, for the rendering of services or the supplying of 15650  
materials or for the construction, demolition, alteration, repair, 15651  
or reconstruction of transit facilities in which a bond is 15652  
required for the faithful performance of the contract, may permit 15653



the person awarded the contract to utilize a letter of credit 15654  
issued by a bank or other financial institution in lieu of the 15655  
bond; 15656

(CC) May enter into agreements with municipal corporations 15657  
located within the territorial jurisdiction of the regional 15658  
transit authority permitting regional transit authority police 15659  
officers employed under division (Y) of this section to exercise 15660  
full arrest powers, as provided in section 2935.03 of the Revised 15661  
Code, for the purpose of preserving the peace and enforcing all 15662  
laws of the state and ordinances and regulations of the municipal 15663  
corporation within the areas that may be agreed to by the regional 15664  
transit authority and the municipal corporation. 15665

**Sec. 306.43.** (A) The board of trustees of a regional transit 15666  
authority or any officer or employee designated by such board may 15667  
make any contract for the purchase of goods or services, the cost 15668  
of which does not exceed one hundred thousand dollars. When an 15669  
expenditure, other than for the acquisition of real estate, the 15670  
discharge of claims, or the acquisition of goods or services under 15671  
the circumstances described in division (H) of this section, is 15672  
expected to exceed one hundred thousand dollars, such expenditure 15673  
shall be made through full and open competition by the use of 15674  
competitive procedures. The regional transit authority shall use 15675  
the competitive procedure, as set forth in divisions (B), (C), 15676  
(D), and (E) of this section, that is most appropriate under the 15677  
circumstances of the procurement. 15678

(B) Competitive sealed bidding is the preferred method of 15679  
procurement and a regional transit authority shall use that method 15680  
if all of the following conditions exist: 15681

(1) A clear, complete and adequate description of the goods, 15682  
services, or work is available; 15683

(2) Time permits the solicitation, submission, and evaluation 15684

of sealed bids; 15685

(3) The award will be made on the basis of price and other 15686  
price-related factors; 15687

(4) It is not necessary to conduct discussions with 15688  
responding offerors about their bids; 15689

(5) There is a reasonable expectation of receiving more than 15690  
one sealed bid. 15691

A regional transit authority shall publish a notice calling 15692  
for bids once a week for no less than two consecutive weeks in ~~at~~ 15693  
~~least one~~ a newspaper of general circulation within the 15694  
territorial boundaries of the regional transit authority, or as 15695  
provided in section 7.16 of the Revised Code. A regional transit 15696  
authority may require that a bidder for any contract other than a 15697  
construction contract provide a bid guaranty in the form, quality, 15698  
and amount considered appropriate by the regional transit 15699  
authority. The board may let the contract to the lowest responsive 15700  
and responsible bidder. Where fewer than two responsive bids are 15701  
received, a regional transit authority may negotiate price with 15702  
the sole responsive bidder or may rescind the solicitation and 15703  
procure under division (H)(2) of this section. 15704

(C) A regional transit authority may use two-step competitive 15705  
bidding, consisting of a technical proposal and a separate, 15706  
subsequent sealed price bid from those submitting acceptable 15707  
technical proposals, if both of the following conditions exist: 15708

(1) A clear, complete, and adequate description of the goods, 15709  
services, or work is not available, but definite criteria exist 15710  
for the evaluation of technical proposals; 15711

(2) It is necessary to conduct discussions with responding 15712  
offerors. 15713

A regional transit authority shall publish a notice calling 15714

for technical proposals once a week for no less than two 15715  
consecutive weeks in ~~at least one~~ a newspaper of general 15716  
circulation within the territorial boundaries of the regional 15717  
transit authority, or as provided in section 7.16 of the Revised 15718  
Code. A regional transit authority may require a bid guaranty in 15719  
the form, quality, and amount the regional transit authority 15720  
considers appropriate. The board may let the contract to the 15721  
lowest responsive and responsible bidder. Where fewer than two 15722  
responsive and responsible bids are received, a regional transit 15723  
authority may negotiate price with the sole responsive and 15724  
responsible bidder or may rescind the solicitation and procure 15725  
under division (H)(2) of this section. 15726

(D) A regional transit authority shall make a procurement by 15727  
competitive proposals if competitive sealed bidding or two-step 15728  
competitive bidding is not appropriate. 15729

A regional transit authority shall publish a notice calling 15730  
for proposals once a week for no less than two consecutive weeks 15731  
in ~~at least one~~ a newspaper of general circulation within the 15732  
territorial boundaries of the regional transit authority, or as 15733  
provided in section 7.16 of the Revised Code. A regional transit 15734  
authority may require a proposal guaranty in the form, quality, 15735  
and amount considered appropriate by the regional transit 15736  
authority. The board may let the contract to the proposer making 15737  
the offer considered most advantageous to the authority. Where 15738  
fewer than two competent proposals are received, a regional 15739  
transit authority may negotiate price and terms with the sole 15740  
proposer or may rescind the solicitation and procure under 15741  
division (H)(2) of this section. 15742

(E)(1) A regional transit authority shall procure the 15743  
services of an architect or engineer in the manner prescribed by 15744  
the "Federal Mass Transportation Act of 1987," Public Law No. 15745  
100-17, section 316, 101 Stat. 227, 232-234, 49 U.S.C.A. app. 1608 15746

and the services of a construction manager in the manner 15747  
prescribed by sections 9.33 to 9.332 of the Revised Code. 15748

(2) A regional transit authority may procure revenue rolling 15749  
stock in the manner prescribed by division (B), (C), or (D) of 15750  
this section. 15751

(3) All contracts for construction in excess of one hundred 15752  
thousand dollars shall be made only after the regional transit 15753  
authority has published a notice calling for bids once a week for 15754  
two consecutive weeks in ~~at least one~~ a newspaper of general 15755  
circulation within the territorial boundaries of the regional 15756  
transit authority, or as provided in section 7.16 of the Revised 15757  
Code. The board may award a contract to the lowest responsive and 15758  
responsible bidder. Where only one responsive and responsible bid 15759  
is received, the regional transit authority may negotiate price 15760  
with the sole responsive bidder or may rescind the solicitation. 15761  
The regional transit authority shall award construction contracts 15762  
in accordance with sections 153.12 to 153.14 and 153.54 of the 15763  
Revised Code. Divisions (B) and (C) of this section shall not 15764  
apply to the award of contracts for construction. 15765

(F) All contracts involving expenditures in excess of one 15766  
hundred thousand dollars shall be in writing and shall be 15767  
accompanied by or shall refer to plans and specifications for the 15768  
work to be done. The plans and specifications shall at all times 15769  
be made and considered part of the contract. For all contracts 15770  
other than construction contracts, a regional transit authority 15771  
may require performance, payment, or maintenance guaranties or any 15772  
combination of such guaranties in the form, quality, and amount it 15773  
considers appropriate. The contract shall be approved by the board 15774  
and signed on behalf of the regional transit authority and by the 15775  
contractor. 15776

(G) In making a contract, a regional transit authority may 15777  
give preference to goods produced in the United States in 15778

accordance with the Buy America requirements in the "Surface 15779  
Transportation Assistance Act of 1982," Public Law No. 97-424, 15780  
section 165, 96 Stat. 2097, 23 U.S.C.A. 101 note, as amended, and 15781  
the rules adopted thereunder. The regional transit authority also 15782  
may give preference to providers of goods produced in and services 15783  
provided in labor surplus areas as defined by the United States 15784  
department of labor in 41 U.S.C.A. 401 note, Executive Order No. 15785  
12073, August 16, 1978, 43 Fed. Reg. 36873, as amended. 15786

(H) Competitive procedures under this section are not 15787  
required in any of the following circumstances: 15788

(1) The board of trustees of a regional transit authority, by 15789  
a two-thirds affirmative vote of its members, determines that a 15790  
real and present emergency exists under any of the following 15791  
conditions, and the board enters its determination and the reasons 15792  
for it in its proceedings: 15793

(a) Affecting safety, welfare, or the ability to deliver 15794  
transportation services; 15795

(b) Arising out of an interruption of contracts essential to 15796  
the provision of daily transit services; 15797

(c) Involving actual physical damage to structures, supplies, 15798  
equipment, or property. 15799

(2) The purchase consists of goods or services, or any 15800  
combination thereof, and after reasonable inquiry the board or any 15801  
officer or employee the board designates finds that only one 15802  
source of supply is reasonably available. 15803

(3) The expenditure is for a renewal or renegotiation of a 15804  
lease or license for telecommunications or electronic data 15805  
processing equipment, services, or systems, or for the upgrade of 15806  
such equipment, services, or systems, or for the maintenance 15807  
thereof as supplied by the original source or its successors or 15808  
assigns. 15809

(4) The purchase of goods or services is made from another political subdivision, public agency, public transit system, regional transit authority, the state, or the federal government, or as a third-party beneficiary under a state or federal procurement contract, or as a participant in a department of administrative services contract under division (B) of section 125.04 of the Revised Code.

(5) The sale and leaseback or lease and leaseback of transit facilities is made as provided in division (AA) of section 306.35 of the Revised Code.

(6) The purchase substantially involves services of a personal, professional, highly technical, or scientific nature, including but not limited to the services of an attorney, physician, surveyor, appraiser, investigator, court reporter, adjuster, advertising consultant, or licensed broker, or involves the special skills or proprietary knowledge required for the servicing of specialized equipment owned by the regional transit authority.

(7) Services or supplies are available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code.

(8) The purchase consists of the product or services of a public utility.

(9) The purchase is for the services of individuals with disabilities to work in the authority's commissaries or cafeterias, and those individuals are supplied by a nonprofit corporation or association whose purpose is to assist individuals with disabilities, whether or not that corporation or association is funded entirely or in part by the federal government, or the purchase is for services provided by a nonprofit corporation or association whose purpose is to assist individuals with

disabilities, whether or not that corporation or association is 15841  
funded entirely or in part by the federal government. For purposes 15842  
of division (H)(9) of this section, "disability" has the same 15843  
meaning as in section 4112.01 of the Revised Code. 15844

(I) A regional transit authority may enter into blanket 15845  
purchase agreements for purchases of maintenance, operating, or 15846  
repair goods or services where the item cost does not exceed five 15847  
hundred dollars and the annual expenditure does not exceed one 15848  
hundred thousand dollars. 15849

(J) Nothing contained in this section prohibits a regional 15850  
transit authority from participating in intergovernmental 15851  
cooperative purchasing arrangements. 15852

(K) Except as otherwise provided in this chapter, a regional 15853  
transit authority shall make a sale or other disposition of 15854  
property through full and open competition. Except as provided in 15855  
division (L) of this section, all dispositions of personal 15856  
property and all grants of real property for terms exceeding five 15857  
years shall be made by public auction or competitive procedure. 15858

(L) The competitive procedures required by division (K) of 15859  
this section are not required in any of the following 15860  
circumstances: 15861

(1) The grant is a component of a joint development between 15862  
public and private entities and is intended to enhance or benefit 15863  
public transit. 15864

(2) The grant of a limited use or of a license affecting land 15865  
is made to an owner of abutting real property. 15866

(3) The grant of a limited use is made to a public utility. 15867

(4) The grant or disposition is to a department of the 15868  
federal or state government, to a political subdivision of the 15869  
state, or to any other governmental entity. 15870

(5) Used equipment is traded on the purchase of equipment and 15871  
the value of the used equipment is a price-related factor in the 15872  
basis for award for the purchase. 15873

(6) The value of the personal property is such that 15874  
competitive procedures are not appropriate and the property either 15875  
is sold at its fair market value or is disposed of by gift to a 15876  
nonprofit entity having the general welfare or education of the 15877  
public as one of its principal objects. 15878

(M) The board of trustees of a regional transit authority, 15879  
when making a contract funded exclusively by state or local moneys 15880  
or any combination thereof, shall make a good faith effort to use 15881  
disadvantaged business enterprise participation to the same extent 15882  
required under Section 105(f) of the "Surface Transportation 15883  
Assistance Act of 1982," Public Law No. 97-424, 96 Stat. 2100, and 15884  
Section 106(c) of the "Surface Transportation and Uniform 15885  
Relocation Assistance Act of 1987," Public Law No. 100-17, 101 15886  
Stat. 145, and the rules adopted thereunder. 15887

(N) As used in this section: 15888

(1) "Goods" means all things, including specially 15889  
manufactured goods, that are movable at the time of identification 15890  
to the contract for sale other than the money in which the price 15891  
is to be paid, investment securities, and things in action. 15892  
"Goods" also includes other identified things attached to realty 15893  
as described in section 1302.03 of the Revised Code. 15894

(2) "Services" means the furnishing of labor, time, or effort 15895  
by a contractor, not involving the delivery of goods or reports 15896  
other than goods or reports that are merely incidental to the 15897  
required performance, including but not limited to insurance, 15898  
bonding, or routine operation, routine repair, or routine 15899  
maintenance of existing structures, buildings, real property, or 15900  
equipment, but does not include employment agreements, collective 15901



bargaining agreements, or personal services. 15902

(3) "Construction" means the process of building, altering, 15903  
repairing, improving, painting, decorating, or demolishing any 15904  
structure or building, or other improvements of any kind to any 15905  
real property owned or leased by a regional transit authority. 15906

(4) "Full and open competition" has the same meaning as in 15907  
the "Office of Federal Procurement Policy Act," Public Law No. 15908  
98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403. 15909

(5) A bidder is "responsive" if, applying the criteria of 15910  
division (A) of section 9.312 of the Revised Code, the bidder is 15911  
"responsive" as described in that section. 15912

(6) A bidder is "responsible" if, applying the criteria of 15913  
division (A) of section 9.312 of the Revised Code and of the 15914  
"Office of Federal Procurement Policy Act," Public Law No. 98-369, 15915  
section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403, the bidder is 15916  
"responsible" as described in those sections. 15917

Sec. 306.55. Beginning July 1, 2011 and until November 5, 15918  
2013, any county, municipal corporation, or township that has 15919  
created or joined a regional transit authority that levies a 15920  
property tax and that includes a county having a population of at 15921  
least four hundred thousand according to the most recent federal 15922  
census, may withdraw from the regional transit authority in the 15923  
manner provided in this section. The board of county 15924  
commissioners, legislative authority of the municipal corporation, 15925  
or board of township trustees of the township proposing to 15926  
withdraw shall adopt a resolution to submit the question of 15927  
withdrawing from the regional transit authority to the electors of 15928  
the territory to be withdrawn and shall certify the proposal to 15929  
the board of elections for the purpose of having the proposal 15930  
placed on the ballot at the next general election or at a special 15931  
election conducted on the day of the next primary election that 15932

occurs not less than seventy-five days after the resolution is certified to the board of elections. 15933  
15934

Upon certification of a proposal to the board of elections pursuant to this section, the board of elections shall make the necessary arrangements for the submission of the question to the electors of the territory to be withdrawn from the regional transit authority qualified to vote on the question, and the election shall be held, canvassed, and certified in the same manner as regular elections for the election of officers of the subdivision proposing to withdraw from the regional transit authority, except that the question appearing on the ballot shall read: 15935  
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"Shall the territory within the .....  
(Name of political subdivision to be withdrawn) be withdrawn from ..... (Name) regional transit authority?" 15945  
15946  
15947  
15948

If the question is approved by at least a majority of the electors voting on the question, the withdrawal is effective one year from the date of the certification of its passage. 15949  
15950  
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The board of elections to which the resolution was certified shall certify the results of the election to the board or legislative authority of the subdivision that submitted the resolution to withdraw and to the board of trustees of the regional transit authority from which the subdivision proposed to withdraw. 15952  
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If the question of withdrawing from the regional transit authority is approved, the power of the regional transit authority to levy a tax on taxable property in the withdrawing subdivision terminates. 15958  
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Sec. 306.551. Any county, municipal corporation, or township 15962

that withdraws from a regional transit authority under section 15963  
306.55 of the Revised Code may enter into a contract with a 15964  
regional transit authority or other provider of transit services 15965  
to provide transportation service for handicapped, disabled, or 15966  
elderly persons and for any other service the legislative 15967  
authority of the county, municipal corporation, or township may 15968  
determine to be appropriate. 15969

**Sec. 306.70.** A tax proposed to be levied by a board of county 15970  
commissioners or by the board of trustees of a regional transit 15971  
authority pursuant to sections 5739.023 and 5741.022 of the 15972  
Revised Code shall not become effective until it is submitted to 15973  
the electors residing within the county or within the territorial 15974  
boundaries of the regional transit authority and approved by a 15975  
majority of the electors voting on it. Such question shall be 15976  
submitted at a general election or at a special election on a day 15977  
specified in the resolution levying the tax and occurring not less 15978  
than ninety days after such resolution is certified to the board 15979  
of elections, in accordance with section 3505.071 of the Revised 15980  
Code. 15981

The board of elections of the county or of each county in 15982  
which any territory of the regional transit authority is located 15983  
shall make the necessary arrangements for the submission of such 15984  
question to the electors of the county or regional transit 15985  
authority, and the election shall be held, canvassed, and 15986  
certified in the same manner as regular elections for the election 15987  
of county officers. Notice of the election shall be published in 15988  
~~one or more newspapers which in the aggregate are a newspaper of~~ 15989  
general circulation in the territory of the county or of the 15990  
regional transit authority once a week for two consecutive weeks 15991  
prior to the election ~~and, if~~ or as provided in section 7.16 of 15992  
the Revised Code. If the board of elections operates and maintains 15993  
a web site, notice of the election also shall be posted on that 15994

web site for thirty days prior to the election. The notice shall 15995  
state the type, rate, and purpose of the tax to be levied, the 15996  
length of time during which the tax will be in effect, and the 15997  
time and place of the election. 15998

More than one such question may be submitted at the same 15999  
election. The form of the ballots cast at such election shall be: 16000

"Shall a(n) ..... (sales and use) ..... 16001  
tax be levied for all transit purposes of the ..... 16002  
(here insert name of the county or regional transit authority) at 16003  
a rate not exceeding ..... (here insert percentage) 16004  
per cent for ..... (here insert number of years the tax 16005  
is to be in effect, or that it is to be in effect for a continuing 16006  
period of time)?" 16007

If the tax proposed to be levied is a continuation of an 16008  
existing tax, whether at the same rate or at an increased or 16009  
reduced rate, or an increase in the rate of an existing tax, the 16010  
notice and ballot form shall so state. 16011

The board of elections to which the resolution was certified 16012  
shall certify the results of the election to the county auditor of 16013  
the county or secretary-treasurer of the regional transit 16014  
authority levying the tax and to the tax commissioner of the 16015  
state. 16016

**Sec. 307.022.** (A) The board of county commissioners of any 16017  
county may do both of the following without following the 16018  
competitive bidding requirements of section 307.86 of the Revised 16019  
Code: 16020

(1) Enter into a lease, including a lease with an option to 16021  
purchase, of correctional facilities for a term not in excess of 16022  
forty years. Before entering into the lease, the board shall 16023  
publish, once a week for three consecutive weeks in a newspaper of 16024

general circulation in the county or as provided in section 7.16 16025  
of the Revised Code, a notice that the board is accepting 16026  
proposals for a lease pursuant to this division. The notice shall 16027  
state the date before which the proposals are required to be 16028  
submitted in order to be considered by the board. 16029

(2) Subject to compliance with this section, grant leases, 16030  
easements, and licenses with respect to, or sell, real property 16031  
owned by the county if the real property is to be leased back by 16032  
the county for use as correctional facilities. 16033

The lease under division (A)(1) of this section shall require 16034  
the county to contract, in accordance with Chapter 153., sections 16035  
307.86 to 307.92, and Chapter 4115. of the Revised Code, for the 16036  
construction, improvement, furnishing, and equipping of 16037  
correctional facilities to be leased pursuant to this section. 16038  
Prior to the board's execution of the lease, it may require the 16039  
lessor under the lease to cause sufficient money to be made 16040  
available to the county to enable the county to comply with the 16041  
certification requirements of division (D) of section 5705.41 of 16042  
the Revised Code. 16043

A lease entered into pursuant to division (A)(1) of this 16044  
section by a board may provide for the county to maintain and 16045  
repair the correctional facility during the term of the leasehold, 16046  
may provide for the county to make rental payments prior to or 16047  
after occupation of the correctional facilities by the county, and 16048  
may provide for the board to obtain and maintain any insurance 16049  
that the lessor may require, including, but not limited to, public 16050  
liability, casualty, builder's risk, and business interruption 16051  
insurance. The obligations incurred under a lease entered into 16052  
pursuant to division (A)(1) of this section shall not be 16053  
considered to be within the debt limitations of section 133.07 of 16054  
the Revised Code. 16055

(B) The correctional facilities leased under division (A)(1) 16056

of this section may include any or all of the following: 16057

(1) Facilities in which one or more other governmental 16058  
entities are participating or in which other facilities of the 16059  
county are included; 16060

(2) Facilities acquired, constructed, renovated, or financed 16061  
by the Ohio building authority and leased to the county pursuant 16062  
to section 307.021 of the Revised Code; 16063

(3) Correctional facilities that are under construction or 16064  
have been completed and for which no permanent financing has been 16065  
arranged. 16066

(C) As used in this section: 16067

(1) "Correctional facilities" includes, but is not limited 16068  
to, jails, detention facilities, workhouses, community-based 16069  
correctional facilities, and family court centers. 16070

(2) "Construction" has the same meaning as in division (B) of 16071  
section 4115.03 of the Revised Code. 16072

**Sec. 307.041.** (A) As used in this section, "energy 16073  
conservation measure" means an installation or modification of an 16074  
installation in, or remodeling of, an existing building, to reduce 16075  
energy consumption. "Energy conservation measure" includes the 16076  
following: 16077

(1) Insulation of the building structure and of systems 16078  
within the building; 16079

(2) Storm windows and doors, multiglazed windows and doors, 16080  
heat-absorbing or heat-reflective glazed and coated window and 16081  
door systems, additional glazing, reductions in glass area, and 16082  
other window and door system modifications that reduce energy 16083  
consumption; 16084

(3) Automatic energy control systems; 16085

(4) Heating, ventilating, or air conditioning system	16086
modifications or replacements;	16087
(5) Caulking and weatherstripping;	16088
(6) Replacement or modification of lighting fixtures to	16089
increase the energy efficiency of the system without increasing	16090
the overall illumination of a facility, unless such an increase in	16091
illumination is necessary to conform to the applicable state or	16092
local building code for the proposed lighting system;	16093
(7) Energy recovery systems;	16094
(8) Cogeneration systems that produce steam or forms of	16095
energy such as heat, as well as electricity, for use primarily	16096
within a building or complex of buildings;	16097
(9) Acquiring, constructing, furnishing, equipping, improving	16098
the site of, and otherwise improving a central utility plant to	16099
provide heating and cooling services to a building or buildings	16100
together with distribution piping and ancillary distribution	16101
controls, equipment, and related facilities from the central	16102
utility plant to the building or buildings;	16103
(10) Any other modification, installation, or remodeling	16104
approved by the board of county commissioners as an energy	16105
conservation measure.	16106
(B) For the purpose of evaluating county buildings for energy	16107
conservation measures, a county may contract with an architect,	16108
professional engineer, energy services company, contractor, or	16109
other person experienced in the design and implementation of	16110
energy conservation measures for an energy conservation report.	16111
The report shall include all of the following:	16112
(1) Analyses of the buildings' energy needs and	16113
recommendations for building installations, modifications of	16114
existing installations, or building remodeling that would	16115

significantly reduce energy consumption in the buildings owned by that county;	16116 16117
(2) Estimates of all costs of those installations, those modifications, or that remodeling, including costs of design, engineering, installation, maintenance, and repairs;	16118 16119 16120
(3) Estimates of the amounts by which energy consumption could be reduced;	16121 16122
(4) The interest rate used to estimate the costs of any energy conservation measures that are to be financed;	16123 16124
(5) The average system life of the energy conservation measures;	16125 16126
(6) Estimates of the likely savings that will result from the reduction in energy consumption over the average system life of the energy conservation measure, including the methods used to estimate the savings;	16127 16128 16129 16130
(7) A certification under the seal of a registered professional engineer that the energy conservation report uses reasonable methods of analysis and estimation.	16131 16132 16133
(C)(1) A county desiring to implement energy conservation measures may proceed under either of the following methods:	16134 16135
(a) Using a report or any part of an energy conservation report prepared under division (B) of this section, advertise for bids and, except as otherwise provided in this section, comply with sections 307.86 to 307.92 of the Revised Code;	16136 16137 16138 16139
(b) Notwithstanding sections 307.86 to 307.92 of the Revised Code, request proposals from at least three vendors for the implementation of energy conservation measures. A request for proposals shall require the installer that is awarded a contract under division (C)(2)(b) of this section to prepare an energy conservation report in accordance with division (B) of this	16140 16141 16142 16143 16144 16145



section. Prior to sending any installer of energy conservation 16146  
measures a copy of any request for proposals, the county shall 16147  
advertise its intent to request proposals for the installation of 16148  
energy conservation measures in a newspaper of general circulation 16149  
in the county once a week for two consecutive weeks or as provided 16150  
in section 7.16 of the Revised Code. The notice shall state that 16151  
the county intends to request proposals for the installation of 16152  
energy conservation measures; indicate the date, which shall be at 16153  
least ten days after the second publication, on which the request 16154  
for proposals will be mailed to installers of energy conservation 16155  
measures; and state that any installer of energy conservation 16156  
measures interested in receiving the request for proposals shall 16157  
submit written notice to the county not later than noon of the day 16158  
on which the request for proposals will be mailed. 16159

16160

(2)(a) Upon receiving bids under division (C)(1)(a) of this 16161  
section, the county shall analyze them and select the lowest and 16162  
best bid or bids most likely to result in the greatest energy 16163  
savings considering the cost of the project and the county's 16164  
ability to pay for the improvements with current revenues or by 16165  
financing the improvements. 16166

(b) Upon receiving proposals under division (C)(1)(b) of this 16167  
section, the county shall analyze the proposals and the 16168  
installers' qualifications and select the most qualified installer 16169  
to prepare an energy conservation report in accordance with 16170  
division (B) of this section. After receipt and review of the 16171  
energy conservation report, the county may award a contract to the 16172  
selected installer to install the energy conservation measures 16173  
that are most likely to result in the greatest energy savings 16174  
considering the cost of the project and the county's ability to 16175  
pay for the improvements with current revenues or by financing the 16176  
improvements. 16177

(c) The awarding of a contract to install energy conservation 16178  
measures under division (C)(2)(a) or (b) of this section shall be 16179  
conditioned upon a finding by the contracting authority that the 16180  
amount of money spent on the energy conservation measures is not 16181  
likely to exceed the amount of money the county would save in 16182  
energy, operating, maintenance, and avoided capital costs over the 16183  
average system life of the energy conservation measures as 16184  
specified in the energy conservation report. In making such a 16185  
finding, the contracting authority may take into account increased 16186  
costs due to inflation as shown in the energy conservation report. 16187  
Nothing in this division prohibits a county from rejecting all 16188  
bids or proposals under division (C)(1)(a) or (b) of this section 16189  
or from selecting more than one bid or proposal. 16190

(D) A board of county commissioners may enter into an 16191  
installment payment contract for the purchase and installation of 16192  
energy conservation measures. Provisions of installment payment 16193  
contracts that deal with interest charges and financing terms 16194  
shall not be subject to the competitive bidding requirements of 16195  
section 307.86 of the Revised Code, and shall be on the following 16196  
terms: 16197

(1) Not less than a specified percentage, as determined and 16198  
approved by the board of county commissioners, of the costs of the 16199  
contract shall be paid within two years from the date of purchase. 16200

(2) The remaining balance of the costs of the contract shall 16201  
be paid within the lesser of the average system life of the energy 16202  
conservation measures as specified in the energy conservation 16203  
report or thirty years. 16204

(E) The board of county commissioners may issue the notes of 16205  
the county specifying the terms of a purchase of energy 16206  
conservation measures under this section and securing any deferred 16207  
payments provided for in division (D) of this section. The notes 16208  
shall be payable at the times provided and bear interest at a rate 16209

not exceeding the rate determined as provided in section 9.95 of 16210  
the Revised Code. The notes may contain an option for prepayment 16211  
and shall not be subject to Chapter 133. of the Revised Code. 16212  
Revenues derived from local taxes or otherwise for the purpose of 16213  
conserving energy or for defraying the current operating expenses 16214  
of the county may be pledged and applied to the payment of 16215  
interest and the retirement of the notes. The notes may be sold at 16216  
private sale or given to the contractor under an installment 16217  
payment contract authorized by division (D) of this section. 16218

(F) Debt incurred under this section shall not be included in 16219  
the calculation of the net indebtedness of a county under section 16220  
133.07 of the Revised Code. 16221

**Sec. 307.10.** (A) No sale of real property, or lease of real 16222  
property used or to be used for the purpose of airports, landing 16223  
fields, or air navigational facilities, or parts thereof, as 16224  
provided by section 307.09 of the Revised Code shall be made 16225  
unless it is authorized by a resolution adopted by a majority of 16226  
the board of county commissioners. When a sale of real property as 16227  
provided by section 307.09 of the Revised Code is authorized, the 16228  
board may either deed the property to the highest responsible 16229  
bidder, after advertisement once a week for four consecutive weeks 16230  
in a newspaper of general circulation in the county or as provided 16231  
in section 7.16 of the Revised Code, or offer the real property 16232  
for sale at a public auction, after giving at least thirty days' 16233  
notice of the auction by publication in a newspaper of general 16234  
circulation in the county. The board may reject any and all bids. 16235  
The board may, as it considers best, sell real property pursuant 16236  
to this section as an entire tract or in parcels. The board, by 16237  
resolution adopted by a majority of the board, may lease real 16238  
property, in accordance with division (A) of section 307.09 of the 16239  
Revised Code, without advertising for bids. 16240

(B) The board, by resolution, may transfer real property in fee simple belonging to the county and not needed for public use to the United States government, to the state or any department or agency thereof, to municipal corporations or other political subdivisions of the state, to the county board of developmental disabilities, or to a county land reutilization corporation organized under Chapter 1724. of the Revised Code for public purposes upon the terms and in the manner that it may determine to be in the best interests of the county, without advertising for bids. The board shall execute a deed or other proper instrument when such a transfer is approved.

(C) The board, by resolution adopted by a majority of the board, may grant leases, rights, or easements to the United States government, to the state or any department or agency thereof, or to municipal corporations and other political subdivisions of the state, or to privately owned electric light and power companies, natural gas companies, or telephone or telegraph companies for purposes of rendering their several public utilities services, in accordance with division (B) of section 307.09 of the Revised Code, without advertising for bids. When such grant of lease, right, or easement is authorized, a deed or other proper instrument therefor shall be executed by the board.

**Sec. 307.12.** (A) Except as otherwise provided in divisions (D), (E), and (G) of this section, when the board of county commissioners finds, by resolution, that the county has personal property, including motor vehicles acquired for the use of county officers and departments, and road machinery, equipment, tools, or supplies, that is not needed for public use, is obsolete, or is unfit for the use for which it was acquired, and when the fair market value of the property to be sold or donated under this division is, in the opinion of the board, in excess of two thousand five hundred dollars, the board may do either of the

following: 16273

(1) Sell the property at public auction or by sealed bid to 16274  
the highest bidder. Notice of the time, place, and manner of the 16275  
sale shall be published in a newspaper of general circulation in 16276  
the county at least ten days prior to the sale, and a typewritten 16277  
or printed notice of the time, place, and manner of the sale shall 16278  
be posted at least ten days before the sale in the offices of the 16279  
county auditor and the board of county commissioners. 16280

If a board conducts a sale of property by sealed bid, the 16281  
form of the bid shall be as prescribed by the board, and each bid 16282  
shall contain the name of the person submitting it. Bids received 16283  
shall be opened and tabulated at the time stated in the notice. 16284  
The property shall be sold to the highest bidder, except that the 16285  
board may reject all bids and hold another sale, by public auction 16286  
or sealed bid, in the manner prescribed by this section. 16287

(2) Donate any motor vehicle that does not exceed four 16288  
thousand five hundred dollars in value to a nonprofit organization 16289  
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 16290  
and (c)(3) for the purpose of meeting the transportation needs of 16291  
participants in the Ohio works first program established under 16292  
Chapter 5107. of the Revised Code and participants in the 16293  
prevention, retention, and contingency program established under 16294  
Chapter 5108. of the Revised Code. 16295

(B) When the board of county commissioners finds, by 16296  
resolution, that the county has personal property, including motor 16297  
vehicles acquired for the use of county officers and departments, 16298  
and road machinery, equipment, tools, or supplies, that is not 16299  
needed for public use, is obsolete, or is unfit for the use for 16300  
which it was acquired, and when the fair market value of the 16301  
property to be sold or donated under this division is, in the 16302  
opinion of the board, two thousand five hundred dollars or less, 16303  
the board may do either of the following: 16304

(1) Sell the property by private sale, without advertisement 16305  
or public notification; 16306

(2) Donate the property to an eligible nonprofit organization 16307  
that is located in this state and is exempt from federal income 16308  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 16309  
any property under this division, the board shall adopt a 16310  
resolution expressing its intent to make unneeded, obsolete, or 16311  
unfit-for-use county personal property available to these 16312  
organizations. The resolution shall include guidelines and 16313  
procedures the board considers necessary to implement a donation 16314  
program under this division and shall indicate whether the county 16315  
will conduct the donation program or the board will contract with 16316  
a representative to conduct it. If a representative is known when 16317  
the resolution is adopted, the resolution shall provide contact 16318  
information such as the representative's name, address, and 16319  
telephone number. 16320

The resolution shall include within its procedures a 16321  
requirement that any nonprofit organization desiring to obtain 16322  
donated property under this division shall submit a written notice 16323  
to the board or its representative. The written notice shall 16324  
include evidence that the organization is a nonprofit organization 16325  
that is located in this state and is exempt from federal income 16326  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 16327  
the organization's primary purpose; a description of the type or 16328  
types of property the organization needs; and the name, address, 16329  
and telephone number of a person designated by the organization's 16330  
governing board to receive donated property and to serve as its 16331  
agent. 16332

After adoption of the resolution, the board shall publish, in 16333  
a newspaper of general circulation in the county, notice of its 16334  
intent to donate unneeded, obsolete, or unfit-for-use county 16335  
personal property to eligible nonprofit organizations. The notice 16336

shall include a summary of the information provided in the 16337  
resolution and shall be published ~~at least~~ twice or as provided in 16338  
section 7.16 of the Revised Code. The second and any subsequent 16339  
notice shall be published not less than ten nor more than twenty 16340  
days after the previous notice. A similar notice also shall be 16341  
posted continually in a conspicuous place in the offices of the 16342  
county auditor and the board of county commissioners, ~~and, if~~. If 16343  
the county maintains a web site on the internet, the notice shall 16344  
be posted continually at that web site. 16345

The board or its representative shall maintain a list of all 16346  
nonprofit organizations that notify the board or its 16347  
representative of their desire to obtain donated property under 16348  
this division and that the board or its representative determines 16349  
to be eligible, in accordance with the requirements set forth in 16350  
this section and in the donation program's guidelines and 16351  
procedures, to receive donated property. 16352

The board or its representatives also shall maintain a list 16353  
of all county personal property the board finds to be unneeded, 16354  
obsolete, or unfit for use and to be available for donation under 16355  
this division. The list shall be posted continually in a 16356  
conspicuous location in the offices of the county auditor and the 16357  
board of county commissioners, and, if the county maintains a web 16358  
site on the internet, the list shall be posted continually at that 16359  
web site. An item of property on the list shall be donated to the 16360  
eligible nonprofit organization that first declares to the board 16361  
or its representative its desire to obtain the item unless the 16362  
board previously has established, by resolution, a list of 16363  
eligible nonprofit organizations that shall be given priority with 16364  
respect to the item's donation. Priority may be given on the basis 16365  
that the purposes of a nonprofit organization have a direct 16366  
relationship to specific public purposes of programs provided or 16367  
administered by the board. A resolution giving priority to certain 16368

nonprofit organizations with respect to the donation of an item of 16369  
property shall specify the reasons why the organizations are given 16370  
that priority. 16371

(C) Members of the board of county commissioners shall 16372  
consult with the Ohio ethics commission, and comply with the 16373  
provisions of Chapters 102. and 2921. of the Revised Code, with 16374  
respect to any sale or donation under division (A) or (B) of this 16375  
section to a nonprofit organization of which a county 16376  
commissioner, any member of the county commissioner's family, or 16377  
any business associate of the county commissioner is a trustee, 16378  
officer, board member, or employee. 16379

(D) Notwithstanding anything to the contrary in division (A), 16380  
(B), or (E) of this section and regardless of the property's 16381  
value, the board of county commissioners may sell or donate county 16382  
personal property, including motor vehicles, to the federal 16383  
government, the state, any political subdivision of the state, or 16384  
a county land reutilization corporation without advertisement or 16385  
public notification. 16386

(E) Notwithstanding anything to the contrary in division (A), 16387  
(B), or (G) of this section and regardless of the property's 16388  
value, the board of county commissioners may sell personal 16389  
property, including motor vehicles acquired for the use of county 16390  
officers and departments, and road machinery, equipment, tools, or 16391  
supplies, that is not needed for public use, is obsolete, or is 16392  
unfit for the use for which it was acquired, by internet auction. 16393  
The board shall adopt, during each calendar year, a resolution 16394  
expressing its intent to sell that property by internet auction. 16395  
The resolution shall include a description of how the auctions 16396  
will be conducted and shall specify the number of days for bidding 16397  
on the property, which shall be no less than ten days, including 16398  
Saturdays, Sundays, and legal holidays. The resolution shall 16399  
indicate whether the county will conduct the auction or the board 16400



will contract with a representative to conduct the auction and 16401  
shall establish the general terms and conditions of sale. If a 16402  
representative is known when the resolution is adopted, the 16403  
resolution shall provide contact information such as the 16404  
representative's name, address, and telephone number. 16405

After adoption of the resolution, the board shall publish, in 16406  
a newspaper of general circulation in the county, notice of its 16407  
intent to sell unneeded, obsolete, or unfit-for-use county 16408  
personal property by internet auction. The notice shall include a 16409  
summary of the information provided in the resolution and shall be 16410  
published ~~at least~~ twice or as provided in section 7.16 of the 16411  
Revised Code. The second and any subsequent notice shall be 16412  
published not less than ten nor more than twenty days after the 16413  
previous notice. A similar notice also shall be posted continually 16414  
throughout the calendar year in a conspicuous place in the offices 16415  
of the county auditor and the board of county commissioners, ~~and,~~ 16416  
~~if.~~ If the county maintains a web site on the internet, the notice 16417  
shall be posted continually throughout the calendar year at that 16418  
web site. 16419

When property is to be sold by internet auction, the board or 16420  
its representative may establish a minimum price that will be 16421  
accepted for specific items and may establish any other terms and 16422  
conditions for the particular sale, including requirements for 16423  
pick-up or delivery, method of payment, and sales tax. This type 16424  
of information shall be provided on the internet at the time of 16425  
the auction and may be provided before that time upon request 16426  
after the terms and conditions have been determined by the board 16427  
or its representative. 16428

(F) When a county officer or department head determines that 16429  
county-owned personal property under the jurisdiction of the 16430  
officer or department head, including motor vehicles, road 16431  
machinery, equipment, tools, or supplies, is not of immediate 16432

need, the county officer or department head may notify the board 16433  
of county commissioners, and the board may lease that personal 16434  
property to any municipal corporation, township, other political 16435  
subdivision of the state, or to a county land reutilization 16436  
corporation. The lease shall require the county to be reimbursed 16437  
under terms, conditions, and fees established by the board, or 16438  
under contracts executed by the board. 16439

(G) If the board of county commissioners finds, by 16440  
resolution, that the county has vehicles, equipment, or machinery 16441  
that is not needed, or is unfit for public use, and the board 16442  
desires to sell the vehicles, equipment, or machinery to the 16443  
person or firm from which it proposes to purchase other vehicles, 16444  
equipment, or machinery, the board may offer to sell the vehicles, 16445  
equipment, or machinery to that person or firm, and to have the 16446  
selling price credited to the person or firm against the purchase 16447  
price of other vehicles, equipment, or machinery. 16448

(H) If the board of county commissioners advertises for bids 16449  
for the sale of new vehicles, equipment, or machinery to the 16450  
county, it may include in the same advertisement a notice of the 16451  
willingness of the board to accept bids for the purchase of 16452  
county-owned vehicles, equipment, or machinery that is obsolete or 16453  
not needed for public use, and to have the amount of those bids 16454  
subtracted from the selling price of the other vehicles, 16455  
equipment, or machinery as a means of determining the lowest 16456  
responsible bidder. 16457

(I) If a board of county commissioners determines that county 16458  
personal property is not needed for public use, or is obsolete or 16459  
unfit for the use for which it was acquired, and that the property 16460  
has no value, the board may discard or salvage that property. 16461

(J) A county engineer, in the engineer's discretion, may 16462  
dispose of scrap construction materials on such terms as the 16463  
engineer determines reasonable, including disposal without 16464

recovery of costs, if the total value of the materials does not 16465  
exceed twenty-five thousand dollars. The engineer shall maintain 16466  
records of all dispositions made under this division, including 16467  
identification of the origin of the materials, the final 16468  
disposition, and copies of all receipts resulting from the 16469  
dispositions. 16470

As used in division (I) of this section, "scrap construction 16471  
materials" means construction materials that result from a road or 16472  
bridge improvement, remain after the improvement is completed, and 16473  
are not reusable. Construction material that is metal and that 16474  
results from a road or bridge improvement and remains after the 16475  
improvement is completed is scrap construction material only if it 16476  
cannot be used in any other road or bridge improvement or other 16477  
project in its current state. 16478

**Sec. 307.676.** (A) As used in this section: 16479

(1) "Food and beverages" means any raw, cooked, or processed 16480  
edible substance used or intended for use in whole or in part for 16481  
human consumption, including ice, water, spirituous liquors, wine, 16482  
mixed beverages, beer, soft drinks, soda, and other beverages. 16483

(2) "Convention facilities authority" has the same meaning as 16484  
in section 351.01 of the Revised Code. 16485

(3) "Convention center" has the same meaning as in section 16486  
307.695 of the Revised Code. 16487

(B) The legislative authority of a county with a population 16488  
of one million or more according to the most recent federal 16489  
decennial census may, by resolution adopted on or before August 16490  
30, 2004, by a majority of the members of the legislative 16491  
authority and with the subsequent approval of a majority of the 16492  
electors of the county voting upon it, levy a tax of not more than 16493  
two per cent on every retail sale in the county of food and 16494

beverages to be consumed on the premises where sold to pay the 16495  
expenses of administering the tax and to provide revenues for the 16496  
county general fund. Such resolution shall direct the board of 16497  
elections to submit the question of levying the tax to the 16498  
electors of the county at the next primary or general election in 16499  
the county occurring not less than ninety days after the 16500  
resolution is certified to the board of elections, and such 16501  
resolution may further direct the board of elections to include 16502  
upon the ballot submitted to the electors any specific purposes 16503  
for which the tax will be used. The legislative authority shall 16504  
establish all regulations necessary to provide for the 16505  
administration and allocation of the tax. The regulations may 16506  
prescribe the time for payment of the tax and may provide for 16507  
imposition of a penalty, interest, or both for late payments, 16508  
provided that any such penalty may not exceed ten per cent of the 16509  
amount of tax due and the rate at which interest accrues may not 16510  
exceed the rate per annum required under section 5703.47 of the 16511  
Revised Code. 16512

(C) A tax levied under this section shall remain in effect 16513  
for the period of time specified in the resolution or ordinance 16514  
levying the tax, but in no case for a longer period than forty 16515  
years. 16516

(D) A tax levied under this section is in addition to any 16517  
other tax levied under Chapter 307., 4301., 4305., 5739., 5741., 16518  
or any other chapter of the Revised Code. "Price," as defined in 16519  
sections 5739.01 and 5741.01 of the Revised Code, does not include 16520  
any tax levied under this section and any tax levied under this 16521  
section does not include any tax imposed under Chapter 5739. or 16522  
5741. of the Revised Code. 16523

(E)(1) No amount collected from a tax levied under this 16524  
section shall be contributed to a convention facilities authority, 16525  
corporation, or other entity created after July 1, 2003, for the 16526

principal purpose of constructing, improving, expanding, 16527  
equipping, financing, or operating a convention center unless the 16528  
mayor of the municipal corporation in which the convention center 16529  
is to be operated by that convention facilities authority, 16530  
corporation, or other entity has consented to the creation of that 16531  
convention facilities authority, corporation, or entity. 16532  
Notwithstanding any contrary provision of section 351.04 of the 16533  
Revised Code, if a tax is levied by a county under this section, 16534  
the board of county commissioners of that county may determine the 16535  
manner of selection, the qualifications, the number, and terms of 16536  
office of the members of the board of directors of any convention 16537  
facilities authority, corporation, or other entity described in 16538  
division (E)(1) of this section. 16539

(2)(a) No amount collected from a tax levied under this 16540  
section may be used for any purpose other than paying the direct 16541  
and indirect costs of constructing, improving, expanding, 16542  
equipping, financing, or operating a convention center and for the 16543  
real and actual costs of administering the tax, unless, prior to 16544  
the adoption of the resolution of the legislative authority of the 16545  
county directing the board of elections to submit the question of 16546  
the levy, extension, or increase to the electors of the county, 16547  
the county and the mayor of the most populous municipal 16548  
corporation in that county have entered into an agreement as to 16549  
the use of such amounts, provided that such agreement has been 16550  
approved by a majority of the mayors of the other municipal 16551  
corporations in that county. The agreement shall provide that the 16552  
amounts to be used for purposes other than paying the convention 16553  
center or administrative costs described in division (E)(2)(a) of 16554  
this section be used only for the direct and indirect costs of 16555  
capital improvements in accordance with the agreement, including 16556  
the financing of capital improvements. Immediately following the 16557  
execution of the agreement, the county shall: 16558

(i) In accordance with section 7.12 of the Revised Code, 16559  
cause the agreement to be published ~~at least~~ once in a newspaper 16560  
of general circulation in that county; or 16561

(ii) Post the agreement in at least five public places in the 16562  
county, as determined by the legislative authority, for a period 16563  
not less than fifteen days. 16564

(b) If the county in which the tax is levied has an 16565  
association of mayors and city managers, the approval of that 16566  
association of an agreement described in division (E)(2)(a) of 16567  
this section shall be considered to be the approval of the 16568  
majority of the mayors of the other municipal corporations for 16569  
purposes of that division. 16570

(F) Each year, the auditor of state shall conduct an audit of 16571  
the uses of any amounts collected from taxes levied under this 16572  
section and shall prepare a report of the auditor of state's 16573  
findings. The auditor of state shall submit the report to the 16574  
legislative authority of the county that has levied the tax, the 16575  
speaker of the house of representatives, the president of the 16576  
senate, and the leaders of the minority parties of the house of 16577  
representatives and the senate. 16578

(G) The levy of any taxes under Chapter 5739. of the Revised 16579  
Code on the same transactions subject to a tax under this section 16580  
does not prevent the levy of a tax under this section. 16581

**Sec. 307.70.** In any county electing a county charter 16582  
commission, the board of county commissioners shall appropriate 16583  
money for the expenses of such commission in the preparation of a 16584  
county charter, or charter amendment, and the study of problems 16585  
involved. No appropriation shall be made for the compensation of 16586  
members of the commission for their services. The board shall 16587  
appropriate money for the printing and mailing or otherwise 16588  
distributing to each elector in the county, as far as may be 16589

reasonably possible, a copy of a charter submitted to the electors 16590  
of the county by a charter commission or by the board pursuant to 16591  
petition as provided by Section 4 of Article X, Ohio Constitution. 16592  
The copy of the charter shall be mailed or otherwise distributed 16593  
at least thirty days prior to the election. The board shall 16594  
appropriate money for the printing and distribution or publication 16595  
of proposed amendments to a charter submitted by a charter 16596  
commission pursuant to Section 4 of Article X, Ohio Constitution. 16597  
Notice of amendments to a county charter shall be given by mailing 16598  
or otherwise distributing a copy of each proposed amendment to 16599  
each elector in the county, as far as may be reasonably possible, 16600  
at least thirty days prior to the election or, if the board so 16601  
determines, by publishing the full text of the proposed amendments 16602  
once a week for at least two consecutive weeks in a newspaper 16603  
~~published in the county. If no newspaper is published in the~~ 16604  
~~county or the board is unable to obtain publication in a newspaper~~ 16605  
~~published in the county, the proposed amendments may be published~~ 16606  
~~in a newspaper~~ of general circulation within the county, or as 16607  
provided in section 7.16 of the Revised Code. No public officer is 16608  
precluded, because of being a public officer, from also holding 16609  
office as a member of a county charter commission, except that not 16610  
more than four officeholders may be elected to a county charter 16611  
commission at the same time. No member of a county charter 16612  
commission, because of charter commission membership, is precluded 16613  
from seeking or holding other public office. 16614

**Sec. 307.79.** (A) The board of county commissioners may adopt, 16615  
amend, and rescind rules establishing technically feasible and 16616  
economically reasonable standards to achieve a level of management 16617  
and conservation practices that will abate wind or water erosion 16618  
of the soil or abate the degradation of the waters of the state by 16619  
soil sediment in conjunction with land grading, excavating, 16620  
filling, or other soil disturbing activities on land used or being 16621

developed for nonfarm commercial, industrial, residential, or 16622  
other nonfarm purposes, and establish criteria for determination 16623  
of the acceptability of those management and conservation 16624  
practices. The rules shall be designed to implement the applicable 16625  
areawide waste treatment management plan prepared under section 16626  
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 16627  
(1972), 33 U.S.C.A. 1228, as amended, and to implement phase II of 16628  
the storm water program of the national pollutant discharge 16629  
elimination system established in 40 C.F.R. Part 122. The rules to 16630  
implement phase II of the storm water program of the national 16631  
pollutant discharge elimination system shall not be inconsistent 16632  
with, more stringent than, or broader in scope than the rules or 16633  
regulations adopted by the environmental protection agency under 16634  
40 C.F.R. Part 122. The rules adopted under this section shall not 16635  
apply inside the limits of municipal corporations or the limits of 16636  
townships with a limited home rule government that have adopted 16637  
rules under section 504.21 of the Revised Code, to lands being 16638  
used in a strip mine operation as defined in section 1513.01 of 16639  
the Revised Code, or to land being used in a surface mine 16640  
operation as defined in section 1514.01 of the Revised Code. 16641

16642  
The rules adopted under this section may require persons to 16643  
file plans governing erosion control, sediment control, and water 16644  
management before clearing, grading, excavating, filling, or 16645  
otherwise wholly or partially disturbing one or more contiguous 16646  
acres of land owned by one person or operated as one development 16647  
unit for the construction of nonfarm buildings, structures, 16648  
utilities, recreational areas, or other similar nonfarm uses. If 16649  
the rules require plans to be filed, the rules shall do all of the 16650  
following: 16651

(1) Designate the board itself, its employees, or another 16652  
agency or official to review and approve or disapprove the plans; 16653



(2) Establish procedures and criteria for the review and approval or disapproval of the plans; 16654  
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(3) Require the designated entity to issue a permit to a person for the clearing, grading, excavating, filling, or other project for which plans are approved and to deny a permit to a person whose plans have been disapproved; 16656  
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(4) Establish procedures for the issuance of the permits; 16660

(5) Establish procedures under which a person may appeal the denial of a permit. 16661  
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Areas of less than one contiguous acre shall not be exempt from compliance with other provisions of this section or rules adopted under this section. The rules adopted under this section may impose reasonable filing fees for plan review, permit processing, and field inspections. 16663  
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No permit or plan shall be required for a public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water resources in the department of natural resources. 16668  
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(B) Rules or amendments may be adopted under this section only after public hearings at not fewer than two regular sessions of the board. The board of county commissioners shall cause to be published, in a newspaper of general circulation in the county, notice of the public hearings, including time, date, and place, once a week for two weeks immediately preceding the hearings, or as provided in section 7.16 of the Revised Code. The proposed rules or amendments shall be made available by the board to the public at the board office or other location indicated in the notice. The rules or amendments shall take effect on the 16675  
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thirty-first day following the date of their adoption. 16685

(C) The board of county commissioners may employ personnel to 16686  
assist in the administration of this section and the rules adopted 16687  
under it. The board also, if the action does not conflict with the 16688  
rules, may delegate duties to review sediment control and water 16689  
management plans to its employees, and may enter into agreements 16690  
with one or more political subdivisions, other county officials, 16691  
or other government agencies, in any combination, in order to 16692  
obtain reviews and comments on plans governing erosion control, 16693  
sediment control, and water management or to obtain other services 16694  
for the administration of the rules adopted under this section. 16695

(D) The board of county commissioners or any duly authorized 16696  
representative of the board may, upon identification to the owner 16697  
or person in charge, enter any land upon obtaining agreement with 16698  
the owner, tenant, or manager of the land in order to determine 16699  
whether there is compliance with the rules adopted under this 16700  
section. If the board or its duly authorized representative is 16701  
unable to obtain such an agreement, the board or representative 16702  
may apply for, and a judge of the court of common pleas for the 16703  
county where the land is located may issue, an appropriate 16704  
inspection warrant as necessary to achieve the purposes of this 16705  
chapter. 16706

(E)(1) If the board of county commissioners or its duly 16707  
authorized representative determines that a violation of the rules 16708  
adopted under this section exists, the board or representative may 16709  
issue an immediate stop work order if the violator failed to 16710  
obtain any federal, state, or local permit necessary for sediment 16711  
and erosion control, earth movement, clearing, or cut and fill 16712  
activity. In addition, if the board or representative determines 16713  
such a rule violation exists, regardless of whether or not the 16714  
violator has obtained the proper permits, the board or 16715  
representative may authorize the issuance of a notice of 16716

violation. If, after a period of not less than thirty days has  
elapsed following the issuance of the notice of violation, the  
violation continues, the board or its duly authorized  
representative shall issue a second notice of violation. Except as  
provided in division (E)(3) of this section, if, after a period of  
not less than fifteen days has elapsed following the issuance of  
the second notice of violation, the violation continues, the board  
or its duly authorized representative may issue a stop work order  
after first obtaining the written approval of the prosecuting  
attorney of the county if, in the opinion of the prosecuting  
attorney, the violation is egregious.

Once a stop work order is issued, the board or its duly  
authorize representative shall request, in writing, the  
prosecuting attorney of the county to seek an injunction or other  
appropriate relief in the court of common pleas to abate excessive  
erosion or sedimentation and secure compliance with the rules  
adopted under this section. If the prosecuting attorney seeks an  
injunction or other appropriate relief, then, in granting relief,  
the court of common pleas may order the construction of sediment  
control improvements or implementation of other control measures  
and may assess a civil fine of not less than one hundred or more  
than five hundred dollars. Each day of violation of a rule or stop  
work order issued under this section shall be considered a  
separate violation subject to a civil fine.

(2) The person to whom a stop work order is issued under this  
section may appeal the order to the court of common pleas of the  
county in which it was issued, seeking any equitable or other  
appropriate relief from that order.

(3) No stop work order shall be issued under this section  
against any public highway, transportation, or drainage  
improvement or maintenance project undertaken by a government  
agency or political subdivision in accordance with a statement of

its standard sediment control policies that is approved by the 16749  
board or the chief of the division of soil and water resources in 16750  
the department of natural resources. 16751

(F) No person shall violate any rule adopted or order issued 16752  
under this section. Notwithstanding division (E) of this section, 16753  
if the board of county commissioners determines that a violation 16754  
of any rule adopted or administrative order issued under this 16755  
section exists, the board may request, in writing, the prosecuting 16756  
attorney of the county to seek an injunction or other appropriate 16757  
relief in the court of common pleas to abate excessive erosion or 16758  
sedimentation and secure compliance with the rules or order. In 16759  
granting relief, the court of common pleas may order the 16760  
construction of sediment control improvements or implementation of 16761  
other control measures and may assess a civil fine of not less 16762  
than one hundred or more than five hundred dollars. Each day of 16763  
violation of a rule adopted or administrative order issued under 16764  
this section shall be considered a separate violation subject to a 16765  
civil fine. 16766

**Sec. 307.791.** The question of repeal of a county sediment 16767  
control rule adopted under section 307.79 of the Revised Code may 16768  
be initiated by filing with the board of elections of the county 16769  
not less than ninety days before the general or primary election 16770  
in any year a petition requesting that an election be held on such 16771  
question. Such petition shall be signed by qualified electors 16772  
residing in the county equal in number to ten per cent of those 16773  
voting for governor at the most recent gubernatorial election in 16774  
the county. 16775

After determination by it that such petition is valid, the 16776  
board of elections shall submit the question to the electors of 16777  
the county at the next general or primary election. The election 16778  
shall be conducted, canvassed, and certified in the same manner as 16779

regular elections for county offices in the county. Notice of the 16780  
election shall be published in a newspaper of general circulation 16781  
in the county once a week for two consecutive weeks prior to the 16782  
election ~~and, if~~ or as provided in section 7.16 of the Revised 16783  
Code. If the board of elections operates and maintains a web site, 16784  
notice of the election also shall be posted on that web site for 16785  
thirty days prior to the election. The notice shall state the 16786  
purpose, time, and place of the election and ~~the complete text a~~ 16787  
succinct summary of each rule sought to be repealed. The form of 16788  
the ballot cast at such election shall be prescribed by the 16789  
secretary of state. The question covered by such petition shall be 16790  
submitted as a separate proposition, but it may be printed on the 16791  
same ballot with any other proposition submitted at the same 16792  
election other than the election of officers. If a majority of the 16793  
qualified electors voting on the question of repeal approve the 16794  
repeal, the result of the election shall be certified immediately 16795  
after the canvass by the board of elections to the board of county 16796  
commissioners, who shall thereupon rescind the rule. 16797

**Sec. 307.81.** (A) Where lands have been dedicated to or for 16798  
the use of the public for parks or park lands, and where such 16799  
lands have remained unimproved and unused by the public and there 16800  
appears to be little or no possibility that such lands will be 16801  
improved and used by the public, the board of county commissioners 16802  
of the county in which the lands are located may, by resolution, 16803  
declare such parks or park lands vacated upon the petition of a 16804  
majority of the abutting freeholders. No such parks or park lands 16805  
shall be vacated unless notice of the pendency and prayer of the 16806  
petition is given in a newspaper of general circulation in the 16807  
county in which such lands are situated for three consecutive 16808  
weeks preceding action on such petition or as provided in section 16809  
7.16 of the Revised Code. No such lands shall be vacated prior to 16810  
a public hearing had thereon. 16811

(B) Before the board of county commissioners may act on a petition to vacate unimproved and unused parks or park lands under division (A) of this section, the board shall offer such parks or park lands to all political subdivisions described in division (C) of this section. The board shall give notice to those political subdivisions by first class mail that the parks or park lands may be declared vacated unless the board of county commissioners accepts an offer from another political subdivision to buy or lease the lands. The failure of delivery of any such notice does not invalidate any proceedings for the disposition of parks or park lands under this division. Any such political subdivision that wishes to buy or lease the parks or park lands shall make an offer for the lands to the board in writing not later than ninety days after receiving the notice. The board may reject any offer, except that if it receives an offer in which the political subdivision agrees to use the lands for park purposes and in which the board finds all of the other terms acceptable, the board shall accept that offer. No offer shall be accepted until notice of the offer is published for three consecutive weeks in a newspaper of general circulation in the county in which the lands are situated or as provided in section 7.16 of the Revised Code, and a public hearing is held. Proceeds from the sale or lease of the lands shall be placed in the general fund of the county and be disbursed as prescribed in section 307.82 of the Revised Code. Any deed conveying the lands shall be executed as provided in that section.

(C) In order to receive a notice or to make an offer regarding parks or park lands under division (B) of this section, a political subdivision must meet both of the following conditions:

(1) Have the authority to acquire, develop, and maintain public parks or recreation areas;

(2) Contain the parks or park lands in question within its

boundaries, or adjoin a political subdivision that contains those 16844  
parks or park lands within its boundaries. 16845

**Sec. 307.82.** Upon the vacation of parks or park lands, the 16846  
board of county commissioners shall offer such lands for sale at a 16847  
public auction at the courthouse of the county in which such lands 16848  
are situated. No lands shall be sold until the board gives notice 16849  
of intention to sell such lands. Such notice shall be published 16850  
once a week for four consecutive weeks in a newspaper of general 16851  
circulation in the county in which sale is to be had or as 16852  
provided in section 7.16 of the Revised Code. The board shall sell 16853  
such lands to the highest and best bidder, provided, the board may 16854  
reject any and all bids made hereunder. 16855

When such sale is made, the auditor of the county in which 16856  
sale is had and in which such lands are located, shall enter into 16857  
a deed, conveying said lands to the purchaser thereof. At the time 16858  
of sale, the auditor shall place the lands sold hereunder on the 16859  
tax duplicate of the county at a value to be established by ~~him~~ 16860  
the auditor as in cases where ~~he~~ the auditor re-enters property 16861  
which has been tax exempt on the taxable list of the county. 16862

The proceeds from the sale of lands sold pursuant to this 16863  
section shall be placed in the general fund of the county in which 16864  
such lands are located and may be disbursed as other general fund 16865  
moneys. 16866

**Sec. 307.83.** When real estate which has been dedicated to or 16867  
for the use of the public for parks or park lands is vacated by 16868  
the board of county commissioners pursuant to division (A) of 16869  
section 307.81 of the Revised Code or is to be sold or leased for 16870  
nonpark use under division (B) of that section, and where 16871  
reversionary interests have been set up in the event of the 16872  
non-use of such lands for the dedicated purpose, such reversionary 16873

interests shall accelerate and vest in the holders thereof upon 16874  
such vacation, or prior to the acceptance of an offer to buy or 16875  
lease the land. Thereupon the auditor of the county shall place 16876  
the lands on the tax duplicate of the county in the names of such 16877  
reversioners as are known to the board of county commissioners. If 16878  
the board is unable to establish the names of such reversioners, 16879  
it shall fix a date on or before which claims to such real estate 16880  
may be asserted and after which such real estate shall be sold or 16881  
leased. The board shall give notice of such date and of the sale 16882  
or lease to be held thereafter, once each week for four 16883  
consecutive weeks in a newspaper of general circulation in the 16884  
county wherein such lands are located or as provided in section 16885  
7.16 of the Revised Code. In the event that no claims to such 16886  
lands are asserted or found to be valid, the lands shall be sold 16887  
pursuant to section 307.82 of the Revised Code in the case of a 16888  
vacation of the lands pursuant to division (A) of section 307.81 16889  
of the Revised Code, or be sold or leased pursuant to division (B) 16890  
of section 307.81 of the Revised Code if an agreement with a 16891  
political subdivision is entered into under that division, and the 16892  
title of any holders of reversionary interests shall be 16893  
extinguished. 16894

**Sec. 307.86.** Anything to be purchased, leased, leased with an 16895  
option or agreement to purchase, or constructed, including, but 16896  
not limited to, any product, structure, construction, 16897  
reconstruction, improvement, maintenance, repair, or service, 16898  
except the services of an accountant, architect, attorney at law, 16899  
physician, professional engineer, construction project manager, 16900  
consultant, surveyor, or appraiser, by or on behalf of the county 16901  
or contracting authority, as defined in section 307.92 of the 16902  
Revised Code, at a cost in excess of twenty-five thousand dollars, 16903  
except as otherwise provided in division (D) of section 713.23 and 16904  
in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 16905



307.861, 339.05, 340.03, 340.033, 4115.31 to 4115.35, 5119.16, 16906  
5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, shall 16907  
be obtained through competitive bidding. However, competitive 16908  
bidding is not required when any of the following applies: 16909

(A) The board of county commissioners, by a unanimous vote of 16910  
its members, makes a determination that a real and present 16911  
emergency exists, and that determination and the reasons for it 16912  
are entered in the minutes of the proceedings of the board, when 16913  
either of the following applies: 16914

(1) The estimated cost is less than fifty thousand dollars. 16915

(2) There is actual physical disaster to structures, radio 16916  
communications equipment, or computers. 16917

For purposes of this division, "unanimous vote" means all 16918  
three members of a board of county commissioners when all three 16919  
members are present, or two members of the board if only two 16920  
members, constituting a quorum, are present. 16921

Whenever a contract of purchase, lease, or construction is 16922  
exempted from competitive bidding under division (A)(1) of this 16923  
section because the estimated cost is less than fifty thousand 16924  
dollars, but the estimated cost is twenty-five thousand dollars or 16925  
more, the county or contracting authority shall solicit informal 16926  
estimates from no fewer than three persons who could perform the 16927  
contract, before awarding the contract. With regard to each such 16928  
contract, the county or contracting authority shall maintain a 16929  
record of such estimates, including the name of each person from 16930  
whom an estimate is solicited. The county or contracting authority 16931  
shall maintain the record for the longer of at least one year 16932  
after the contract is awarded or the amount of time the federal 16933  
government requires. 16934

(B)(1) The purchase consists of supplies or a replacement or 16935  
supplemental part or parts for a product or equipment owned or 16936

leased by the county, and the only source of supply for the 16937  
supplies, part, or parts is limited to a single supplier. 16938

(2) The purchase consists of services related to information 16939  
technology, such as programming services, that are proprietary or 16940  
limited to a single source. 16941

(C) The purchase is from the federal government, the state, 16942  
another county or contracting authority of another county, or a 16943  
board of education, educational service center, township, or 16944  
municipal corporation. 16945

(D) The purchase is made by a county department of job and 16946  
family services under section 329.04 of the Revised Code and 16947  
consists of family services duties or workforce development 16948  
activities or is made by a county board of developmental 16949  
disabilities under section 5126.05 of the Revised Code and 16950  
consists of program services, such as direct and ancillary client 16951  
services, child care, case management services, residential 16952  
services, and family resource services. 16953

(E) The purchase consists of criminal justice services, 16954  
social services programs, family services, or workforce 16955  
development activities by the board of county commissioners from 16956  
nonprofit corporations or associations under programs funded by 16957  
the federal government or by state grants. 16958

(F) The purchase consists of any form of an insurance policy 16959  
or contract authorized to be issued under Title XXXIX of the 16960  
Revised Code or any form of health care plan authorized to be 16961  
issued under Chapter 1751. of the Revised Code, or any combination 16962  
of such policies, contracts, plans, or services that the 16963  
contracting authority is authorized to purchase, and the 16964  
contracting authority does all of the following: 16965

(1) Determines that compliance with the requirements of this 16966  
section would increase, rather than decrease, the cost of the 16967

purchase; 16968

(2) Requests issuers of the policies, contracts, plans, or 16969  
services to submit proposals to the contracting authority, in a 16970  
form prescribed by the contracting authority, setting forth the 16971  
coverage and cost of the policies, contracts, plans, or services 16972  
as the contracting authority desires to purchase; 16973

(3) Negotiates with the issuers for the purpose of purchasing 16974  
the policies, contracts, plans, or services at the best and lowest 16975  
price reasonably possible. 16976

(G) The purchase consists of computer hardware, software, or 16977  
consulting services that are necessary to implement a computerized 16978  
case management automation project administered by the Ohio 16979  
prosecuting attorneys association and funded by a grant from the 16980  
federal government. 16981

(H) Child care services are purchased for provision to county 16982  
employees. 16983

(I)(1) Property, including land, buildings, and other real 16984  
property, is leased for offices, storage, parking, or other 16985  
purposes, and all of the following apply: 16986

(a) The contracting authority is authorized by the Revised 16987  
Code to lease the property. 16988

(b) The contracting authority develops requests for proposals 16989  
for leasing the property, specifying the criteria that will be 16990  
considered prior to leasing the property, including the desired 16991  
size and geographic location of the property. 16992

(c) The contracting authority receives responses from 16993  
prospective lessors with property meeting the criteria specified 16994  
in the requests for proposals by giving notice in a manner 16995  
substantially similar to the procedures established for giving 16996  
notice under section 307.87 of the Revised Code. 16997

(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.

(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.

(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanor delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, community residential care, day treatment, services to children in their home, or electronic monitoring.

(K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children.

(L) The purchase is to obtain the services of emergency medical service organizations under a contract made by the board of county commissioners pursuant to section 307.05 of the Revised Code with a joint emergency medical services district.

(M) The county contracting authority determines that the use of competitive sealed proposals would be advantageous to the county and the contracting authority complies with section 307.862 of the Revised Code.

Any issuer of policies, contracts, plans, or services listed 17029  
in division (F) of this section and any prospective lessor under 17030  
division (I) of this section may have the issuer's or prospective 17031  
lessor's name and address, or the name and address of an agent, 17032  
placed on a special notification list to be kept by the 17033  
contracting authority, by sending the contracting authority that 17034  
name and address. The contracting authority shall send notice to 17035  
all persons listed on the special notification list. Notices shall 17036  
state the deadline and place for submitting proposals. The 17037  
contracting authority shall mail the notices at least six weeks 17038  
prior to the deadline set by the contracting authority for 17039  
submitting proposals. Every five years the contracting authority 17040  
may review this list and remove any person from the list after 17041  
mailing the person notification of that action. 17042

Any contracting authority that negotiates a contract under 17043  
division (F) of this section shall request proposals and negotiate 17044  
with issuers in accordance with that division at least every three 17045  
years from the date of the signing of such a contract, unless the 17046  
parties agree upon terms for extensions or renewals of the 17047  
contract. Such extension or renewal periods shall not exceed six 17048  
years from the date the initial contract is signed. 17049

Any real estate appraiser employed pursuant to division (I) 17050  
of this section shall disclose any fees or compensation received 17051  
from any source in connection with that employment. 17052

**Sec. 308.13.** (A) The board of trustees of a regional airport 17053  
authority or any officer or employee designated by such board may 17054  
make any contract for the purchase of supplies or material or for 17055  
labor for any work, under the supervision of the board, the cost 17056  
of which shall not exceed fifteen thousand dollars. Except where 17057  
the contract is for equipment, materials, or supplies available 17058  
from a qualified nonprofit agency pursuant to sections 4115.31 to 17059

4115.35 of the Revised Code, when an expenditure, other than for 17060  
the acquisition of real estate, the discharge of noncontractual 17061  
claims, personal services, or for the product or services of 17062  
public utilities, exceeds fifteen thousand dollars, such 17063  
expenditure shall be made only after a notice calling for bids has 17064  
been published once a week for three consecutive weeks in ~~at least~~ 17065  
~~one~~ a newspaper of general circulation within the territorial 17066  
boundaries of the regional airport authority, or as provided in 17067  
section 7.16 of the Revised Code. If the bid is for a contract for 17068  
the construction, demolition, alteration, repair, or 17069  
reconstruction of an improvement, it shall meet the requirements 17070  
of section 153.54 of the Revised Code. If the bid is for any other 17071  
contract authorized by this section, it shall be accompanied by a 17072  
good and approved bond with ample security conditioned on the 17073  
carrying out of the contract. The board may let the contract to 17074  
the lowest and best bidder. Such contract shall be in writing and 17075  
shall be accompanied by or shall refer to plans and specifications 17076  
for the work to be done, approved by the board. The plans and 17077  
specifications shall at all times be made and considered part of 17078  
the contract. Said contract shall be approved by the board and 17079  
signed by its chief executive officer and by the contractor, and 17080  
shall be executed in duplicate. 17081

(B) Whenever a board of trustees of a regional airport 17082  
authority or any officer or employee designated by the board makes 17083  
a contract for the purchase of supplies or material or for labor 17084  
for any work, the cost of which is greater than one thousand 17085  
dollars but no more than fifteen thousand dollars, the board or 17086  
designated officer or employee shall solicit informal estimates 17087  
from no fewer than three potential suppliers before awarding the 17088  
contract. With regard to each such contract, the board shall 17089  
maintain a record of such estimates, including the name of each 17090  
person from whom an estimate is solicited, for no less than one 17091  
year after the contract is awarded. 17092

Sec. 317.20. (A) When, in the opinion of the board of county commissioners, sectional indexes are needed and it so directs, in addition to the alphabetical indexes provided for in section 317.18 of the Revised Code, the board may provide for making, in books prepared for that purpose, sectional indexes to the records of all real estate in the county beginning with some designated year and continuing through the period of years that the board specifies. The sectional indexes shall place under the heads of the original surveyed sections or surveys, parts of a section or survey, squares, subdivisions, permanent parcel numbers provided for under section 319.28 of the Revised Code, or lots, on the left-hand page or on the upper portion of that page of the index book, the name of the grantor, then the name of the grantee, then the number and page of the record in which the instrument is found recorded, then the character of the instrument, and then a pertinent description of the interest in property conveyed by the deed, lease, or assignment of lease and shall place under similar headings on the right-hand page or on the lower portion of that page of the index book, beginning at the bottom, all the mortgages, liens, notices provided for in sections 5301.51, 5301.52, and 5301.56 of the Revised Code, or other encumbrances affecting the real estate.

(B) The compensation for the services rendered under this section shall be paid from the general revenue fund of the county, and no additional levy shall be made in consequence of the services.

(C) If the board of county commissioners decides to have sectional indexes made, it shall advertise for three consecutive weeks in one newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code for sealed proposals to do the work provided for in this section, shall contract with the lowest and best bidder, and shall require the successful

bidder to give a bond for the faithful performance of the contract 17125  
in the sum that the board fixes. The work shall be done to the 17126  
acceptance of the auditor of state upon allowance by the board. 17127  
The board may reject any and all bids for the work, provided that 17128  
no more than five cents shall be paid for each entry of each tract 17129  
or lot of land. 17130

(D) When the sectional indexes are brought up and completed, 17131  
the county recorder shall maintain the indexes and comply with 17132  
division (E) of this section in connection with registered land. 17133

(E)(1) As used in division (E) of this section, "housing 17134  
accommodations" and "restrictive covenant" have the same meanings 17135  
as in section 4112.01 of the Revised Code. 17136

(2) In connection with any transfer of registered land that 17137  
occurs on and after ~~the effective date of this amendment~~ March 30, 17138  
1999, in accordance with Chapters 5309. and 5310. of the Revised 17139  
Code, the county recorder shall delete from the sectional indexes 17140  
maintained under this section all references to any restrictive 17141  
covenant that appears to apply to the transferred registered land, 17142  
if any inclusion of the restrictive covenant in a transfer, 17143  
rental, or lease of housing accommodations, any honoring or 17144  
exercising of the restrictive covenant, or any attempt to honor or 17145  
exercise the restrictive covenant constitutes an unlawful 17146  
discriminatory practice under division (H)(9) of section 4112.02 17147  
of the Revised Code. 17148

**Sec. 319.11.** The county auditor shall, on or before ninety 17149  
days after the close of the fiscal year, prepare a financial 17150  
report of the county for the preceding fiscal year in such form as 17151  
prescribed by the auditor of state. Upon completing the report, 17152  
the county auditor shall publish notice that the report has been 17153  
completed and is available for public inspection at the office of 17154  
the county auditor. The notice shall be published once in ~~two~~ 17155



~~newspapers~~ a newspaper of general circulation ~~published~~ in the 17156  
county, ~~except that if only one newspaper is published in the~~ 17157  
~~county, then publication in only one newspaper is required, and~~ 17158  
~~if.~~ If there are is no newspapers newspaper of general circulation 17159  
in the county, then publication is required in the newspaper of 17160  
general circulation in an adjoining county that has the largest 17161  
circulation in ~~the~~ that adjoining county. The report shall contain 17162  
at least the information required by section 117.38 of the Revised 17163  
Code, and a copy shall be filed with the auditor of state. 17164

No county auditor shall fail or neglect to prepare the report 17165  
or publish notice of completion of the report as required by this 17166  
section. 17167

**Sec. 319.301.** (A) The reductions required by division (D) of 17168  
this section do not apply to any of the following: 17169

(1) Taxes levied at whatever rate is required to produce a 17170  
specified amount of tax money, including a tax levied under 17171  
section 5705.199 or 5705.211 of the Revised Code, or an amount to 17172  
pay debt charges; 17173

(2) Taxes levied within the one per cent limitation imposed 17174  
by Section 2 of Article XII, Ohio Constitution; 17175

(3) Taxes provided for by the charter of a municipal 17176  
corporation. 17177

(B) As used in this section: 17178

(1) "Real property" includes real property owned by a 17179  
railroad. 17180

(2) "Carryover property" means all real property on the 17181  
current year's tax list except: 17182

(a) Land and improvements that were not taxed by the district 17183  
in both the preceding year and the current year; 17184

(b) Land and improvements that were not in the same class in both the preceding year and the current year. 17185  
17186

(3) "Effective tax rate" means with respect to each class of property: 17187  
17188

(a) The sum of the total taxes that would have been charged and payable for current expenses against real property in that class if each of the district's taxes were reduced for the current year under division (D)(1) of this section without regard to the application of division (E)(3) of this section divided by 17189  
17190  
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(b) The taxable value of all real property in that class. 17194

(4) "Taxes charged and payable" means the taxes charged and payable prior to any reduction required by section 319.302 of the Revised Code. 17195  
17196  
17197

(C) The tax commissioner shall make the determinations required by this section each year, without regard to whether a taxing district has territory in a county to which section 5715.24 of the Revised Code applies for that year. Separate determinations shall be made for each of the two classes established pursuant to section 5713.041 of the Revised Code. 17198  
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(D) With respect to each tax authorized to be levied by each taxing district, the tax commissioner, annually, shall do both of the following: 17204  
17205  
17206

(1) Determine by what percentage, if any, the sums levied by such tax against the carryover property in each class would have to be reduced for the tax to levy the same number of dollars against such property in that class in the current year as were charged against such property by such tax in the preceding year subsequent to the reduction made under this section but before the reduction made under section 319.302 of the Revised Code. In the case of a tax levied for the first time that is not a renewal of an existing tax, the commissioner shall determine by what 17207  
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percentage the sums that would otherwise be levied by such tax 17216  
against carryover property in each class would have to be reduced 17217  
to equal the amount that would have been levied if the full rate 17218  
thereof had been imposed against the total taxable value of such 17219  
property in the preceding tax year. A tax or portion of a tax that 17220  
is designated a replacement levy under section 5705.192 of the 17221  
Revised Code is not a renewal of an existing tax for purposes of 17222  
this division. 17223

(2) Certify each percentage determined in division (D)(1) of 17224  
this section, as adjusted under division (E) of this section, and 17225  
the class of property to which that percentage applies to the 17226  
auditor of each county in which the district has territory. The 17227  
auditor, after complying with section 319.30 of the Revised Code, 17228  
shall reduce the sum to be levied by such tax against each parcel 17229  
of real property in the district by the percentage so certified 17230  
for its class. Certification shall be made by the first day of 17231  
September except in the case of a tax levied for the first time, 17232  
in which case certification shall be made within fifteen days of 17233  
the date the county auditor submits the information necessary to 17234  
make the required determination. 17235

(E)(1) As used in division (E)(2) of this section, "pre-1982 17236  
joint vocational taxes" means, with respect to a class of 17237  
property, the difference between the following amounts: 17238

(a) The taxes charged and payable in tax year 1981 against 17239  
the property in that class for the current expenses of the joint 17240  
vocational school district of which the school district is a part 17241  
after making all reductions under this section; 17242

(b) The following percentage of the taxable value of all real 17243  
property in that class: 17244

(i) In 1987, five one-hundredths of one per cent; 17245

(ii) In 1988, one-tenth of one per cent; 17246

(iii) In 1989, fifteen one-hundredths of one per cent;	17247
(iv) In 1990 and each subsequent year, two-tenths of one per cent.	17248 17249
If the amount in division (E)(1)(b) of this section exceeds the amount in division (E)(1)(a) of this section, the pre-1982 joint vocational taxes shall be zero.	17250 17251 17252
As used in divisions (E)(2) and (3) of this section, "taxes charged and payable" has the same meaning as in division (B)(4) of this section and excludes any tax charged and payable in 1985 or thereafter under sections 5705.194 to 5705.197 or section 5705.199, 5705.213, or 5705.219 of the Revised Code.	17253 17254 17255 17256 17257
(2) If in the case of a school district other than a joint vocational or cooperative education school district any percentage required to be used in division (D)(2) of this section for either class of property could cause the total taxes charged and payable for current expenses to be less than two per cent of the taxable value of all real property in that class that is subject to taxation by the district, the commissioner shall determine what percentages would cause the district's total taxes charged and payable for current expenses against that class, after all reductions that would otherwise be made under this section, to equal, when combined with the pre-1982 joint vocational taxes against that class, the lesser of the following:	17258 17259 17260 17261 17262 17263 17264 17265 17266 17267 17268 17269
(a) The sum of the rates at which those taxes are authorized to be levied;	17270 17271
(b) Two per cent of the taxable value of the property in that class. The auditor shall use such percentages in making the reduction required by this section for that class.	17272 17273 17274
(3)(a) If in the case of a joint vocational school district any percentage required to be used in division (D)(2) of this section for either class of property could cause the total taxes	17275 17276 17277

charged and payable for current expenses for that class to be less 17278  
than the designated amount, the commissioner shall determine what 17279  
percentages would cause the district's total taxes charged and 17280  
payable for current expenses for that class, after all reductions 17281  
that would otherwise be made under this section, to equal the 17282  
designated amount. The auditor shall use such percentages in 17283  
making the reductions required by this section for that class. 17284

(b) As used in division (E)(3)(a) of this section, the 17285  
designated amount shall equal the taxable value of all real 17286  
property in the class that is subject to taxation by the district 17287  
times the lesser of the following: 17288

(i) Two-tenths of one per cent; 17289

(ii) The district's effective rate plus the following 17290  
percentage for the year indicated: 17291

WHEN COMPUTING THE	ADD THE FOLLOWING	
TAXES CHARGED FOR	PERCENTAGE:	
1987	0.025%	17294
1988	0.05%	17295
1989	0.075%	17296
1990	0.1%	17297
1991	0.125%	17298
1992	0.15%	17299
1993	0.175%	17300
1994 and thereafter	0.2%	17301

(F) No reduction shall be made under this section in the rate 17302  
at which any tax is levied. 17303

(G) The commissioner may order a county auditor to furnish 17304  
any information the commissioner needs to make the determinations 17305  
required under division (D) or (E) of this section, and the 17306  
auditor shall supply the information in the form and by the date 17307  
specified in the order. If the auditor fails to comply with an 17308

order issued under this division, except for good cause as 17309  
determined by the commissioner, the commissioner shall withhold 17310  
from such county or taxing district therein fifty per cent of 17311  
state revenues to local governments pursuant to section 5747.50 of 17312  
the Revised Code or shall direct the department of education to 17313  
withhold therefrom fifty per cent of state revenues to school 17314  
districts pursuant to ~~Chapters 3306.~~ and Chapter 3317. of the 17315  
Revised Code. The commissioner shall withhold the distribution of 17316  
such revenues until the county auditor has complied with this 17317  
division, and the department shall withhold the distribution of 17318  
such revenues until the commissioner has notified the department 17319  
that the county auditor has complied with this division. 17320

(H) If the commissioner is unable to certify a tax reduction 17321  
factor for either class of property in a taxing district located 17322  
in more than one county by the last day of November because 17323  
information required under division (G) of this section is 17324  
unavailable, the commissioner may compute and certify an estimated 17325  
tax reduction factor for that district for that class. The 17326  
estimated factor shall be based upon an estimate of the 17327  
unavailable information. Upon receipt of the actual information 17328  
for a taxing district that received an estimated tax reduction 17329  
factor, the commissioner shall compute the actual tax reduction 17330  
factor and use that factor to compute the taxes that should have 17331  
been charged and payable against each parcel of property for the 17332  
year for which the estimated reduction factor was used. The amount 17333  
by which the estimated factor resulted in an overpayment or 17334  
underpayment in taxes on any parcel shall be added to or 17335  
subtracted from the amount due on that parcel in the ensuing tax 17336  
year. 17337

A percentage or a tax reduction factor determined or computed 17338  
by the commissioner under this section shall be used solely for 17339  
the purpose of reducing the sums to be levied by the tax to which 17340

it applies for the year for which it was determined or computed. 17341  
It shall not be used in making any tax computations for any 17342  
ensuing tax year. 17343

(I) In making the determinations under division (D)(1) of 17344  
this section, the tax commissioner shall take account of changes 17345  
in the taxable value of carryover property resulting from 17346  
complaints filed under section 5715.19 of the Revised Code for 17347  
determinations made for the tax year in which such changes are 17348  
reported to the commissioner. Such changes shall be reported to 17349  
the commissioner on the first abstract of real property filed with 17350  
the commissioner under section 5715.23 of the Revised Code 17351  
following the date on which the complaint is finally determined by 17352  
the board of revision or by a court or other authority with 17353  
jurisdiction on appeal. The tax commissioner shall account for 17354  
such changes in making the determinations only for the tax year in 17355  
which the change in valuation is reported. Such a valuation change 17356  
shall not be used to recompute the percentages determined under 17357  
division (D)(1) of this section for any prior tax year. 17358

**Sec. 319.54.** (A) On all moneys collected by the county 17359  
treasurer on any tax duplicate of the county, other than estate 17360  
tax duplicates, and on all moneys received as advance payments of 17361  
personal property and classified property taxes, the county 17362  
auditor, on settlement with the treasurer and tax commissioner, on 17363  
or before the date prescribed by law for such settlement or any 17364  
lawful extension of such date, shall be allowed as compensation 17365  
for the county auditor's services the following percentages: 17366

(1) On the first one hundred thousand dollars, two and 17367  
one-half per cent; 17368

(2) On the next two million dollars, eight thousand three 17369  
hundred eighteen ten-thousandths of one per cent; 17370

(3) On the next two million dollars, six thousand six hundred 17371

fifty-five ten-thousandths of one per cent; 17372

(4) On all further sums, one thousand six hundred sixty-three 17373  
ten-thousandths of one per cent. 17374

If any settlement is not made on or before the date 17375  
prescribed by law for such settlement or any lawful extension of 17376  
such date, the aggregate compensation allowed to the auditor shall 17377  
be reduced one per cent for each day such settlement is delayed 17378  
after the prescribed date. No penalty shall apply if the auditor 17379  
and treasurer grant all requests for advances up to ninety per 17380  
cent of the settlement pursuant to section 321.34 of the Revised 17381  
Code. The compensation allowed in accordance with this section on 17382  
settlements made before the dates prescribed by law, or the 17383  
reduced compensation allowed in accordance with this section on 17384  
settlements made after the date prescribed by law or any lawful 17385  
extension of such date, shall be apportioned ratably by the 17386  
auditor and deducted from the shares or portions of the revenue 17387  
payable to the state as well as to the county, townships, 17388  
municipal corporations, and school districts. 17389

(B) For the purpose of reimbursing county auditors for the 17390  
expenses associated with the increased number of applications for 17391  
reductions in real property taxes under sections 323.152 and 17392  
4503.065 of the Revised Code that result from the amendment of 17393  
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 17394  
there shall be paid from the state's general revenue fund to the 17395  
county treasury, to the credit of the real estate assessment fund 17396  
created by section 325.31 of the Revised Code, an amount equal to 17397  
one per cent of the total annual amount of property tax relief 17398  
reimbursement paid to that county under sections 323.156 and 17399  
4503.068 of the Revised Code for the preceding tax year. Payments 17400  
made under this division shall be made at the same times and in 17401  
the same manner as payments made under section 323.156 of the 17402  
Revised Code. 17403



(C) From all moneys collected by the county treasurer on any tax duplicate of the county, other than estate tax duplicates, and on all moneys received as advance payments of personal property and classified property taxes, there shall be paid into the county treasury to the credit of the real estate assessment fund created by section 325.31 of the Revised Code, an amount to be determined by the county auditor, which shall not exceed the percentages prescribed in divisions (C)(1) and (2) of this section.

(1) For payments made after June 30, 2007, and before 2011, the following percentages:

(a) On the first five hundred thousand dollars, four per cent;

(b) On the next five million dollars, two per cent;

(c) On the next five million dollars, one per cent;

(d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;

(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.

(2) For payments made in or after 2011, the following percentages:

(a) On the first five hundred thousand dollars, four per cent;

(b) On the next ten million dollars, two per cent;

(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.

Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.

(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.

(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement semiannually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:

(1) Four per cent on the first one hundred thousand dollars;

(2) One-half of one per cent on all additional sums.

Such percentages shall be computed upon the amount collected and reported at each semiannual settlement, and shall be for the use of the general fund of the county.

(F) On all cigarette license moneys collected by the county treasurer, the county auditor, on settlement semiannually with the treasurer, shall be allowed as compensation for the auditor's services in the issuing of such licenses one-half of one per cent of such moneys, to be apportioned ratably and deducted from the shares of the revenue payable to the county and subdivisions, for the use of the general fund of the county.

(G) The county auditor shall charge and receive fees as follows:

(1) For deeds of land sold for taxes to be paid by the purchaser, five dollars;

(2) For the transfer or entry of land, lot, or part of lot, or the transfer or entry on or after January 1, 2000, of a used manufactured home or mobile home as defined in section 5739.0210 of the Revised Code, fifty cents for each transfer or entry, to be paid by the person requiring it;

(3) For receiving statements of value and administering 17463  
section 319.202 of the Revised Code, one dollar, or ten cents for 17464  
each one hundred dollars or fraction of one hundred dollars, 17465  
whichever is greater, of the value of the real property 17466  
transferred or, for sales occurring on or after January 1, 2000, 17467  
the value of the used manufactured home or used mobile home, as 17468  
defined in section 5739.0210 of the Revised Code, transferred, 17469  
except no fee shall be charged when the transfer is made: 17470

(a) To or from the United States, this state, or any 17471  
instrumentality, agency, or political subdivision of the United 17472  
States or this state; 17473

(b) Solely in order to provide or release security for a debt 17474  
or obligation; 17475

(c) To confirm or correct a deed previously executed and 17476  
recorded or when a current owner on any record made available to 17477  
the general public on the internet or a publicly accessible 17478  
database and the general tax list of real and public utility 17479  
property and the general duplicate of real and public utility 17480  
property is a peace officer, parole officer, prosecuting attorney, 17481  
assistant prosecuting attorney, correctional employee, youth 17482  
services employee, firefighter, EMT, or investigator of the bureau 17483  
of criminal identification and investigation and is changing the 17484  
current owner name listed on any record made available to the 17485  
general public on the internet or a publicly accessible database 17486  
and the general tax list of real and public utility property and 17487  
the general duplicate of real and public utility property to the 17488  
initials of the current owner as prescribed in division (B)(1) of 17489  
section 319.28 of the Revised Code; 17490

(d) To evidence a gift, in trust or otherwise and whether 17491  
revocable or irrevocable, between husband and wife, or parent and 17492  
child or the spouse of either; 17493

(e) On sale for delinquent taxes or assessments;	17494
(f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order;	17495 17496 17497
(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation;	17498 17499 17500 17501 17502 17503
(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;	17504 17505 17506
(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;	17507 17508
(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars;	17509 17510 17511
(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home;	17512 17513 17514 17515 17516 17517
(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others;	17518 17519 17520 17521
(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or	17522 17523

to be paid for the real estate or manufactured or mobile home and 17524  
the transaction is not a gift; 17525

(n) Pursuant to division (B) of section 317.22 of the Revised 17526  
Code, or section 2113.61 of the Revised Code, between spouses or 17527  
to a surviving spouse pursuant to section 5302.17 of the Revised 17528  
Code as it existed prior to April 4, 1985, between persons 17529  
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 17530  
after April 4, 1985, to a person who is a surviving, survivorship 17531  
tenant pursuant to section 5302.17 of the Revised Code on or after 17532  
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 17533

(o) To a trustee acting on behalf of minor children of the 17534  
deceased; 17535

(p) Of an easement or right-of-way when the value of the 17536  
interest conveyed does not exceed one thousand dollars; 17537

(q) Of property sold to a surviving spouse pursuant to 17538  
section 2106.16 of the Revised Code; 17539

(r) To or from an organization exempt from federal income 17540  
taxation under section 501(c)(3) of the "Internal Revenue Code of 17541  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such 17542  
transfer is without consideration and is in furtherance of the 17543  
charitable or public purposes of such organization; 17544

(s) Among the heirs at law or devisees, including a surviving 17545  
spouse, of a common decedent, when no consideration in money is 17546  
paid or to be paid for the real property or manufactured or mobile 17547  
home; 17548

(t) To a trustee of a trust, when the grantor of the trust 17549  
has reserved an unlimited power to revoke the trust; 17550

(u) To the grantor of a trust by a trustee of the trust, when 17551  
the transfer is made to the grantor pursuant to the exercise of 17552  
the grantor's power to revoke the trust or to withdraw trust 17553

assets; 17554

(v) To the beneficiaries of a trust if the fee was paid on 17555  
the transfer from the grantor of the trust to the trustee or if 17556  
the transfer is made pursuant to trust provisions which became 17557  
irrevocable at the death of the grantor; 17558

(w) To a corporation for incorporation into a sports facility 17559  
constructed pursuant to section 307.696 of the Revised Code; 17560

(x) Between persons pursuant to section 5302.18 of the 17561  
Revised Code; 17562

(y) From a county land reutilization corporation organized 17563  
under Chapter 1724. of the Revised Code to a third party. 17564

(4) For the cost of publishing the delinquent manufactured 17565  
home tax list, the delinquent tax list, and the delinquent vacant 17566  
land tax list, a flat fee, as determined by the county auditor, to 17567  
be charged to the owner of a home on the delinquent manufactured 17568  
home tax list or the property owner of land on the delinquent tax 17569  
list or the delinquent vacant land tax list. 17570

The auditor shall compute and collect the fee. The auditor 17571  
shall maintain a numbered receipt system, as prescribed by the tax 17572  
commissioner, and use such receipt system to provide a receipt to 17573  
each person paying a fee. The auditor shall deposit the receipts 17574  
of the fees on conveyances in the county treasury daily to the 17575  
credit of the general fund of the county, except that fees charged 17576  
and received under division (G)(3) of this section for a transfer 17577  
of real property to a county land reutilization corporation shall 17578  
be credited to the county land reutilization corporation fund 17579  
established under section 321.263 of the Revised Code. 17580

The real property transfer fee provided for in division 17581  
(G)(3) of this section shall be applicable to any conveyance of 17582  
real property presented to the auditor on or after January 1, 17583  
1968, regardless of its time of execution or delivery. 17584

The transfer fee for a used manufactured home or used mobile home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer.

**Sec. 321.18.** As soon as sufficient funds are in the county treasury to redeem the warrants drawn on the treasury, and on which interest is accruing, the county treasurer shall give notice in a newspaper ~~published in and circulating~~ of general circulation in ~~his~~ the county that ~~he~~ the treasurer is ready to redeem such warrants, and from the date of the notice the interest on such warrants shall cease.

**Sec. 322.02.** (A) For the purpose of paying the costs of enforcing and administering the tax and providing additional general revenue for the county, any county may levy and collect a tax to be known as the real property transfer tax on each deed conveying real property or any interest in real property located wholly or partially within the boundaries of the county at a rate not to exceed thirty cents per hundred dollars for each one hundred dollars or fraction thereof of the value of the real property or interest in real property located within the boundaries of the county granted, assigned, transferred, or otherwise conveyed by the deed. The tax shall be levied pursuant to a resolution adopted by the board of county commissioners of the county and, except as provided in division (A) of section 322.07 of the Revised Code, shall be levied at a uniform rate upon all deeds as defined in division (D) of section 322.01 of the Revised Code. Prior to the adoption of any such resolution, the board of county commissioners shall conduct two public hearings thereon, the second hearing to be not less than three nor more than ten days after the first. Notice of the date, time, and place of the hearings shall be given by publication in a newspaper of

general circulation in the county once a week on the same day of 17616  
the week for two consecutive weeks, ~~the~~ or as provided in section 17617  
7.16 of the Revised Code. The second publication ~~being~~ shall be 17618  
not less than ten nor more than thirty days prior to the first 17619  
hearing. The tax shall be levied upon the grantor named in the 17620  
deed and shall be paid by the grantor for the use of the county to 17621  
the county auditor at the time of the delivery of the deed as 17622  
provided in section 319.202 of the Revised Code and prior to the 17623  
presentation of the deed to the recorder of the county for 17624  
recording. 17625

(B) No resolution levying a real property transfer tax 17626  
pursuant to this section or a manufactured home transfer tax 17627  
pursuant to section 322.06 of the Revised Code shall be effective 17628  
sooner than thirty days following its adoption. Such a resolution 17629  
is subject to a referendum as provided in sections 305.31 to 17630  
305.41 of the Revised Code, unless the resolution is adopted as an 17631  
emergency measure necessary for the immediate preservation of the 17632  
public peace, health, or safety, in which case it shall go into 17633  
immediate effect. An emergency measure must receive an affirmative 17634  
vote of all of the members of the board of commissioners, and 17635  
shall state the reasons for the necessity. A resolution may direct 17636  
the board of elections to submit the question of levying the tax 17637  
to the electors of the county at the next primary or general 17638  
election in the county occurring not less than ninety days after 17639  
the resolution is certified to the board. No such resolution shall 17640  
go into effect unless approved by a majority of those voting upon 17641  
it. 17642

**Sec. 322.021.** The question of a repeal of a county permissive 17643  
tax adopted as an emergency measure pursuant to division (B) of 17644  
section 322.02 of the Revised Code may be initiated by filing with 17645  
the board of elections of the county not less than ninety days 17646  
before the general election in any year a petition requesting that 17647



an election be held on such question. Such petition shall be 17648  
signed by qualified electors residing in the county equal in 17649  
number to ten per cent of those voting for governor at the most 17650  
recent gubernatorial election. 17651

After determination by it that such petition is valid, the 17652  
board of elections shall submit the question to the electors of 17653  
the county at the next general election. The election shall be 17654  
conducted, canvassed, and certified in the same manner as regular 17655  
elections for county offices in the county. Notice of the election 17656  
shall be published in a newspaper of general circulation in the 17657  
district once a week for two consecutive weeks prior to the 17658  
election ~~and, if~~ or as provided in section 7.16 of the Revised 17659  
Code. If the board of elections operates and maintains a web site, 17660  
notice of the election also shall be posted on that web site for 17661  
thirty days prior to the election. The notice shall state the 17662  
purpose, time, and place of the election. The form of the ballot 17663  
cast at such election shall be prescribed by the secretary of 17664  
state. The question covered by such petition shall be submitted as 17665  
a separate proposition, but it may be printed on the same ballot 17666  
with any other proposition submitted at the same election other 17667  
than the election of officers. If a majority of the qualified 17668  
electors voting on the question of repeal approve the repeal, the 17669  
result of the election shall be certified immediately after the 17670  
canvass by the board of elections to the board of county 17671  
commissioners, who shall thereupon, after the current year, cease 17672  
to levy the tax. 17673

**Sec. 323.08.** After certifying the tax list and duplicate 17674  
pursuant to section 319.28 of the Revised Code, the county auditor 17675  
shall deliver a list of the tax rates, tax reduction factors, and 17676  
effective tax rates assessed and applied against each of the two 17677  
classes of property of the county to the county treasurer, who 17678  
shall immediately cause a schedule of such tax rates and effective 17679

rates to be published in a newspaper of ~~the type described in~~ 17680  
~~section 5721.01 of the Revised Code having~~ general circulation in 17681  
the county or, in lieu of such publication, the county treasurer 17682  
may insert a copy of such schedule with each tax bill mailed. Such 17683  
schedule shall specify particularly the rates and effective rates 17684  
of taxation levied for all purposes on the tax list and duplicate 17685  
for the support of the various taxing units within the county, 17686  
expressed in dollars and cents for each one thousand dollars of 17687  
valuation. The effective tax rates shall be printed in boldface 17688  
type. 17689

The county treasurer shall publish notice of the date of the 17690  
last date for payment of each installment of taxes once a week for 17691  
two successive weeks prior to such date in ~~two newspapers a~~ 17692  
newspaper of general circulation within the county or as provided 17693  
in section 7.16 of the Revised Code. ~~If only one such newspaper~~ 17694  
~~exists, the notice shall be published in it.~~ The notice shall be 17695  
inserted in a conspicuous place in ~~each~~ the newspaper and shall 17696  
also contain notice that any taxes paid after such date will 17697  
accrue a penalty and interest and that failure to receive a tax 17698  
bill will not avoid such penalty and interest. The notice shall 17699  
contain a telephone number that may be called by taxpayers who 17700  
have not received tax bills. 17701

As used in this section and section 323.131 of the Revised 17702  
Code, "effective tax rate" means the effective rate after making 17703  
the reduction required by section 319.301, but before making the 17704  
reduction required by section 319.302 of the Revised Code. 17705

**Sec. 323.73.** (A) Except as provided in division (G) of this 17706  
section or section 323.78 of the Revised Code, a parcel of 17707  
abandoned land that is to be disposed of under this section shall 17708  
be disposed of at a public auction scheduled and conducted as 17709  
described in this section. At least twenty-one days prior to the 17710

date of the public auction, the clerk of court or sheriff of the 17711  
county shall advertise the public auction in a newspaper of 17712  
general circulation that meets the requirements of section 7.12 of 17713  
the Revised Code in the county in which the land is located. The 17714  
advertisement shall include the date, time, and place of the 17715  
auction, the permanent parcel number of the land if a permanent 17716  
parcel number system is in effect in the county as provided in 17717  
section 319.28 of the Revised Code or, if a permanent parcel 17718  
number system is not in effect, any other means of identifying the 17719  
parcel, and a notice stating that the abandoned land is to be sold 17720  
subject to the terms of sections 323.65 to 323.79 of the Revised 17721  
Code. 17722

(B) The sheriff of the county or a designee of the sheriff 17723  
shall conduct the public auction at which the abandoned land will 17724  
be offered for sale. To qualify as a bidder, a person shall file 17725  
with the sheriff on a form provided by the sheriff a written 17726  
acknowledgment that the abandoned land being offered for sale is 17727  
to be conveyed in fee simple to the successful bidder. At the 17728  
auction, the sheriff of the county or a designee of the sheriff 17729  
shall begin the bidding at an amount equal to the total of the 17730  
impositions against the abandoned land, plus the costs apportioned 17731  
to the land under section 323.75 of the Revised Code. The 17732  
abandoned land shall be sold to the highest bidder. The county 17733  
sheriff or designee may reject any and all bids not meeting the 17734  
minimum bid requirements specified in this division. 17735

(C) Except as otherwise permitted under section 323.74 of the 17736  
Revised Code, the successful bidder at a public auction conducted 17737  
under this section shall pay the sheriff of the county or a 17738  
designee of the sheriff a deposit of at least ten per cent of the 17739  
purchase price in cash, or by bank draft or official bank check, 17740  
at the time of the public auction, and shall pay the balance of 17741  
the purchase price within thirty days after the day on which the 17742

auction was held. Notwithstanding section 321.261 of the Revised Code, with respect to any proceedings initiated pursuant to sections 323.65 to 323.79 of the Revised Code, from the total proceeds arising from the sale, transfer, or redemption of abandoned land, twenty per cent of such proceeds shall be deposited to the credit of the delinquent tax and assessment collection fund to reimburse the fund for costs paid from the fund for the transfer, redemption, or sale of abandoned land at public auction. Not more than one-half of the twenty per cent may be used by the treasurer for community development, nuisance abatement, foreclosure prevention, demolition, and related services or distributed by the treasurer to a land reutilization corporation. The balance of the proceeds, if any, shall be distributed to the appropriate political subdivisions and other taxing units in proportion to their respective claims for taxes, assessments, interest, and penalties on the land. Upon the sale of foreclosed lands, the clerk of court shall hold any surplus proceeds in excess of the impositions until the clerk receives an order of priority and amount of distribution of the surplus that are adjudicated by a court of competent jurisdiction or receives a certified copy of an agreement between the parties entitled to a share of the surplus providing for the priority and distribution of the surplus. Any party to the action claiming a right to distribution of surplus shall have a separate cause of action in the county or municipal court of the jurisdiction in which the land reposes, provided the board confirms the transfer or regularity of the sale. Any dispute over the distribution of the surplus shall not affect or revive the equity of redemption after the board confirms the transfer or sale.

(D) Upon the sale or transfer of abandoned land pursuant to this section, the owner's fee simple interest in the land shall be conveyed to the purchaser. A conveyance under this division is free and clear of any liens and encumbrances of the parties named

in the complaint for foreclosure attaching before the sale or 17776  
transfer, and free and clear of any liens for taxes, except for 17777  
federal tax liens and covenants and easements of record attaching 17778  
before the sale. 17779

(E) The county board of revision shall reject the sale of 17780  
abandoned land to any person if it is shown by a preponderance of 17781  
the evidence that the person is delinquent in the payment of taxes 17782  
levied by or pursuant to Chapter 307., 322., 324., 5737., 5739., 17783  
5741., or 5743. of the Revised Code or any real property taxing 17784  
provision of the Revised Code. The board also shall reject the 17785  
sale of abandoned land to any person if it is shown by a 17786  
preponderance of the evidence that the person is delinquent in the 17787  
payment of property taxes on any parcel in the county, or to a 17788  
member of any of the following classes of parties connected to 17789  
that person: 17790

(1) A member of that person's immediate family; 17791

(2) Any other person with a power of attorney appointed by 17792  
that person; 17793

(3) A sole proprietorship owned by that person or a member of 17794  
that person's immediate family; 17795

(4) A partnership, trust, business trust, corporation, 17796  
association, or other entity in which that person or a member of 17797  
that person's immediate family owns or controls directly or 17798  
indirectly any beneficial or legal interest. 17799

(F) If the purchase of abandoned land sold pursuant to this 17800  
section or section 323.74 of the Revised Code is for less than the 17801  
sum of the impositions against the abandoned land and the costs 17802  
apportioned to the land under division (A) of section 323.75 of 17803  
the Revised Code, then, upon the sale or transfer, all liens for 17804  
taxes due at the time the deed of the property is conveyed to the 17805  
purchaser following the sale or transfer, and liens subordinate to 17806

liens for taxes, shall be deemed satisfied and discharged. 17807

(G) If the county board of revision finds that the total of 17808  
the impositions against the abandoned land are greater than the 17809  
fair market value of the abandoned land as determined by the 17810  
auditor's then-current valuation of that land, the board, at any 17811  
final hearing under section 323.70 of the Revised Code, may order 17812  
the property foreclosed and, without an appraisal or public 17813  
auction, order the sheriff to execute a deed to the certificate 17814  
holder or county land reutilization corporation that filed a 17815  
complaint under section 323.69 of the Revised Code, or to a 17816  
community development organization, school district, municipal 17817  
corporation, county, or township, whichever is applicable, as 17818  
provided in section 323.74 of the Revised Code. Upon a transfer 17819  
under this division, all liens for taxes due at the time the deed 17820  
of the property is transferred to the certificate holder, 17821  
community development organization, school district, municipal 17822  
corporation, county, or township following the conveyance, and 17823  
liens subordinate to liens for taxes, shall be deemed satisfied 17824  
and discharged. 17825

**Sec. 323.78.** Notwithstanding anything in Chapters 323., 17826  
5721., and 5723. of the Revised Code, if the county treasurer of a 17827  
county in which a county land reutilization operates, in any 17828  
petition for foreclosure of abandoned lands, or for foreclosure as 17829  
a result of unpaid community development charges as described in 17830  
section 349.17 of the Revised Code, elects to invoke the 17831  
alternative redemption period, then upon any adjudication of 17832  
foreclosure by any court or the board of revision in any 17833  
proceeding under section 323.25, sections 323.65 to 323.79, or 17834  
section 5721.18 of the Revised Code, the following apply: 17835

(A) Unless otherwise ordered by a motion of the court or 17836  
board of revision, the petition shall assert, and any notice of 17837

final hearing shall include, that upon foreclosure of the parcel, 17838  
the equity of redemption in any parcel by its owner shall be 17839  
forever terminated after the expiration of the alternative 17840  
redemption period, that the parcel thereafter may be sold at 17841  
sheriff's sale either by itself or together with other parcels as 17842  
permitted by law; or that the parcel may, by order of the court or 17843  
board of revision, be transferred directly to a municipal 17844  
corporation, township, county, new community authority, school 17845  
district, or county land reutilization corporation without 17846  
appraisal and without a sale, free and clear of all impositions 17847  
and any other liens on the property, which shall be deemed forever 17848  
satisfied and discharged. 17849

(B) After the expiration of the alternative redemption period 17850  
following an adjudication of foreclosure, by order of the court or 17851  
board of revision, any equity of redemption is forever 17852  
extinguished, and the parcel may be transferred individually or in 17853  
lots with other tax-foreclosed properties to a municipal 17854  
corporation, township, county, new community authority, school 17855  
district, or county land reutilization corporation without 17856  
appraisal and without a sale, upon which all impositions and any 17857  
other liens subordinate to liens for impositions due at the time 17858  
the deed to the property is conveyed to a purchaser or transferred 17859  
to a community development organization, county land reutilization 17860  
corporation, municipal corporation, county, new community 17861  
authority, township, or school district, shall be deemed satisfied 17862  
and discharged. Other than the order of the court or board of 17863  
revision so ordering the transfer of the parcel, no further act of 17864  
confirmation or other order shall be required for such a transfer, 17865  
or for the extinguishment of any right of redemption. 17866

(C) Upon the expiration of the alternative redemption period 17867  
in cases to which the alternative redemption period has been 17868  
ordered, if no community development organization, county land 17869

reutilization corporation, municipal corporation, county, new 17870  
community authority, township, or school district has requested 17871  
title to the parcel, the court or board of revision may order the 17872  
property sold as otherwise provided in Chapters 323. and 5721. of 17873  
the Revised Code, and, failing any bid at any such sale, the 17874  
parcel shall be forfeited to the state and otherwise disposed of 17875  
pursuant to Chapter 5723. of the Revised Code. 17876

**Sec. 324.02.** For the purpose of providing additional general 17877  
revenues for the county and paying the expense of administering 17878  
such levy, any county may levy a county excise tax to be known as 17879  
the utilities service tax on the charge for every utility service 17880  
to customers within the county at a rate not to exceed two per 17881  
cent of such charge. On utility service to customers engaged in 17882  
business, the tax shall be imposed at a rate of one hundred fifty 17883  
per cent of the rate imposed upon all other consumers within the 17884  
county. The tax shall be levied pursuant to a resolution adopted 17885  
by the board of county commissioners of the county and shall be 17886  
levied at uniform rates required by this section upon all charges 17887  
for utility service except as provided in section 324.03 of the 17888  
Revised Code. The tax shall be levied upon the customer and shall 17889  
be paid by the customer to the utility supplying the service at 17890  
the time the customer pays the utility for the service. If the 17891  
charge for utility service is billed to a person other than the 17892  
customer at the request of such person, the tax commissioner of 17893  
the state may, in accordance with section 324.04 of the Revised 17894  
Code, provide for the levy of the tax against and the payment of 17895  
the tax by such other person. Each utility furnishing a utility 17896  
service the charge for which is subject to the tax shall set forth 17897  
the tax as a separate item on each bill or statement rendered to 17898  
the customer. 17899

Prior to the adoption of any resolution levying a utilities 17900  
service tax the board of county commissioners shall conduct two 17901



public hearings thereon, the second hearing to be not less than 17902  
three nor more than ten days after the first. Notice of the date, 17903  
time, and place of such hearings shall be given by publication in 17904  
a newspaper of general circulation in the county once a week on 17905  
the same day of the week for two consecutive weeks, ~~the~~ or as 17906  
provided in section 7.16 of the Revised Code. The second 17907  
publication ~~being~~ shall be not less than ten nor more than thirty 17908  
days prior to the first hearing. No resolution levying a utilities 17909  
service tax pursuant to this section of the Revised Code shall be 17910  
effective sooner than thirty days following its adoption and such 17911  
resolution is subject to a referendum as provided in sections 17912  
305.31 to 305.41 of the Revised Code, unless such resolution is 17913  
adopted as an emergency measure necessary for the immediate 17914  
preservation of the public peace, health, or safety, in which case 17915  
it shall go into immediate effect. Such emergency measure must 17916  
receive an affirmative vote of all of the members of the board of 17917  
commissioners, and shall state the reasons for such necessity. A 17918  
resolution may direct the board of elections to submit the 17919  
question of levying the tax to the electors of the county at the 17920  
next primary or general election in the county occurring not less 17921  
than ninety days after such resolution is certified to the board. 17922  
No such resolution shall go into effect unless approved by a 17923  
majority of those voting upon it. The tax levied by such 17924  
resolution shall apply to all bills rendered subsequent to the 17925  
sixtieth day after the effective date of the resolution. No bills 17926  
shall be rendered out of the ordinary course of business to avoid 17927  
payment of the tax. 17928

**Sec. 324.021.** The question of repeal of a county permissive 17929  
tax adopted as an emergency measure pursuant to section 324.02 of 17930  
the Revised Code may be initiated by filing with the board of 17931  
elections of the county not less than ninety days before the 17932  
general election in any year a petition requesting that an 17933

election be held on such question. Such petition shall be signed 17934  
by qualified electors residing in the county equal in number to 17935  
ten per cent of those voting for governor at the most recent 17936  
gubernatorial election. 17937

After determination by it that such petition is valid, the 17938  
board of elections shall submit the question to the electors of 17939  
the county at the next general election. The election shall be 17940  
conducted, canvassed, and certified in the same manner as regular 17941  
elections for county offices in the county. Notice of the election 17942  
shall be published in a newspaper of general circulation in the 17943  
district once a week for two consecutive weeks prior to the 17944  
election ~~and, if~~ or as provided in section 7.16 of the Revised 17945  
Code. If the board of elections operates and maintains a web site, 17946  
notice of the election also shall be posted on that web site for 17947  
thirty days prior to the election. The notice shall state the 17948  
purpose, time, and place of the election. The form of the ballot 17949  
cast at such election shall be prescribed by the secretary of 17950  
state. The question covered by such petition shall be submitted as 17951  
a separate proposition, but it may be printed on the same ballot 17952  
with any other proposition submitted at the same election other 17953  
than the election of officers. If a majority of the qualified 17954  
electors voting on the question of repeal approve the repeal, the 17955  
result of the election shall be certified immediately after the 17956  
canvass by the board of elections to the board of county 17957  
commissioners, who shall thereupon, after the current year, cease 17958  
to levy the tax. 17959

**Sec. 340.02.** As used in this section, "mental health 17960  
professional" means a person who is qualified to work with 17961  
mentally ill persons, pursuant to standards established by the 17962  
director of mental health under section 5119.611 of the Revised 17963  
Code. 17964

For each alcohol, drug addiction, and mental health service 17965  
district, there shall be appointed a board of alcohol, drug 17966  
addiction, and mental health services of eighteen members. Nine 17967  
members shall be interested in mental health programs and 17968  
facilities and nine other members shall be interested in alcohol 17969  
or drug addiction programs. All members shall be residents of the 17970  
service district. The membership shall, as nearly as possible, 17971  
reflect the composition of the population of the service district 17972  
as to race and sex. 17973

The director of mental health shall appoint four members of 17974  
the board, the director of alcohol and drug addiction services 17975  
shall appoint four members, and the board of county commissioners 17976  
shall appoint ten members. In a joint-county district, the county 17977  
commissioners of each participating county shall appoint members 17978  
in as nearly as possible the same proportion as that county's 17979  
population bears to the total population of the district, except 17980  
that at least one member shall be appointed from each 17981  
participating county. 17982

The director of mental health shall ensure that at least one 17983  
member of the board is a psychiatrist and one member of the board 17984  
is a mental health professional. If the appointment of a 17985  
psychiatrist is not possible, as determined under rules adopted by 17986  
the director, a licensed physician may be appointed in place of 17987  
the psychiatrist. If the appointment of a licensed physician is 17988  
not possible, the director of mental health may waive the 17989  
requirement that the psychiatrist or licensed physician be a 17990  
resident of the service district and appoint a psychiatrist or 17991  
licensed physician from a contiguous county. The director of 17992  
mental health shall ensure that at least one member of the board 17993  
is a person who has received or is receiving mental health 17994  
services paid for by public funds and at least one member is a 17995  
parent or other relative of such a person. 17996

The director of alcohol and drug addiction services shall 17997  
ensure that at least one member of the board is a professional in 17998  
the field of alcohol or drug addiction services and one member of 17999  
the board is an advocate for persons receiving treatment for 18000  
alcohol or drug addiction. Of the members appointed by the 18001  
director of alcohol and drug addiction services, at least one 18002  
shall be a person who has received or is receiving services for 18003  
alcohol or drug addiction, and at least one shall be a parent or 18004  
other relative of such a person. 18005

~~No member or employee of a board of alcohol, drug addiction,~~ 18006  
~~and mental health services shall serve as a member of the board of~~ 18007  
~~any agency with which the board of alcohol, drug addiction, and~~ 18008  
~~mental health services has entered into a contract for the~~ 18009  
~~provision of services or facilities. No member of a board of~~ 18010  
~~alcohol, drug addiction, and mental health services shall be an~~ 18011  
~~employee of any agency with which the board has entered into a~~ 18012  
~~contract for the provision of services or facilities. No person~~ 18013  
~~shall be an employee of a board and such an agency unless the~~ 18014  
~~board and agency both agree in writing.~~ 18015

~~No person shall serve as a member of the board of alcohol,~~ 18016  
~~drug addiction, and mental health services whose spouse, child,~~ 18017  
~~parent, brother, sister, grandchild, stepparent, stepchild,~~ 18018  
~~stepbrother, stepsister, father in law, mother in law, son in law,~~ 18019  
~~daughter in law, brother in law, or sister in law serves as a~~ 18020  
~~member of the board of any agency with which the board of alcohol,~~ 18021  
~~drug addiction, and mental health services has entered into a~~ 18022  
~~contract for the provision of services or facilities. No person~~ 18023  
shall serve as a member or employee of the board whose spouse, 18024  
child, parent, brother, sister, stepparent, stepchild, 18025  
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 18026  
daughter-in-law, brother-in-law, or sister-in-law serves as a 18027  
county commissioner of a county or counties in the alcohol, drug 18028

addiction, and mental health service district. 18029

Each year each board member shall attend at least one 18030  
inservice training session provided or approved by the department 18031  
of mental health or the department of alcohol and drug addiction 18032  
services. Such training sessions shall not be considered to be 18033  
regularly scheduled meetings of the board. 18034

Each member shall be appointed for a term of four years, 18035  
commencing the first day of July, except that one-third of initial 18036  
appointments to a newly established board, and to the extent 18037  
possible to expanded boards, shall be for terms of two years, 18038  
one-third of initial appointments shall be for terms of three 18039  
years, and one-third of initial appointments shall be for terms of 18040  
four years. No member shall serve more than two consecutive 18041  
four-year terms. A member may serve for three consecutive terms 18042  
only if one of the terms is for less than two years. A member who 18043  
has served two consecutive four-year terms or three consecutive 18044  
terms totaling less than ten years is eligible for reappointment 18045  
one year following the end of the second or third term, 18046  
respectively. 18047

When a vacancy occurs, appointment for the expired or 18048  
unexpired term shall be made in the same manner as an original 18049  
appointment. The appointing authority shall be notified by 18050  
certified mail of any vacancy and shall fill the vacancy within 18051  
sixty days following that notice. 18052

Any member of the board may be removed from office by the 18053  
appointing authority for neglect of duty, misconduct, or 18054  
malfeasance in office, and shall be removed by the appointing 18055  
authority if the member's spouse, child, parent, brother, sister, 18056  
stepparent, stepchild, stepbrother, stepsister, father-in-law, 18057  
mother-in-law, son-in-law, daughter-in-law, brother-in-law, or 18058  
sister-in-law serves as a county commissioner of a county or 18059  
counties in the service district ~~or serves as a member or employee~~ 18060

~~of the board of an agency with which the board of alcohol, drug  
addiction, and mental health services has entered a contract for  
the provision of services or facilities.~~ The member shall be  
informed in writing of the charges and afforded an opportunity for  
a hearing. Upon the absence of a member within one year from  
either four board meetings or from two board meetings without  
prior notice, the board shall notify the appointing authority,  
which may vacate the appointment and appoint another person to  
complete the member's term.

Members of the board shall serve without compensation, but  
shall be reimbursed for actual and necessary expenses incurred in  
the performance of their official duties, as defined by rules of  
the departments of mental health and alcohol and drug addiction  
services.

**Sec. 340.03.** (A) Subject to rules issued by the director of  
mental health after consultation with relevant constituencies as  
required by division ~~(A)(11)~~(L) of section 5119.06 of the Revised  
Code, with regard to mental health services, the board of alcohol,  
drug addiction, and mental health services shall:

(1) Serve as the community mental health planning agency for  
the county or counties under its jurisdiction, and in so doing it  
shall:

(a) Evaluate the need for facilities and community mental  
health services;

(b) In cooperation with other local and regional planning and  
funding bodies and with relevant ethnic organizations, assess the  
community mental health needs, set priorities, and develop plans  
for the operation of facilities and community mental health  
services;

(c) In accordance with guidelines issued by the director of

mental health after consultation with board representatives, 18091  
annually develop and submit to the department of mental health, ~~no~~ 18092  
~~later than six months prior to the conclusion of the fiscal year~~ 18093  
~~in which the board's current plan is scheduled to expire,~~ a 18094  
community mental health plan listing community mental health 18095  
needs, including the needs of all residents of the district now 18096  
residing in state mental institutions and severely mentally 18097  
disabled adults, children, and adolescents; all children subject 18098  
to a determination made pursuant to section 121.38 of the Revised 18099  
Code; and all the facilities and community mental health services 18100  
that are or will be in operation or provided during the period for 18101  
which the plan will be in operation in the service district to 18102  
meet such needs. 18103

The plan shall include, but not be limited to, a statement of 18104  
which of the services listed in section 340.09 of the Revised Code 18105  
the board intends to make available. The board must include crisis 18106  
intervention services for individuals in an emergency situation in 18107  
the plan and explain how the board intends to make such services 18108  
available. The plan must also include ~~an explanation of how the~~ 18109  
~~board intends to make any payments that it may be required to pay~~ 18110  
~~under section 5119.62 of the Revised Code,~~ a statement of the 18111  
inpatient and community-based services the board proposes that the 18112  
department operate, an assessment of the number and types of 18113  
residential facilities needed, such other information as the 18114  
department requests, and a budget for moneys the board expects to 18115  
receive. ~~The board shall also submit an allocation request for~~ 18116  
~~state and federal funds. Within sixty days after the department's~~ 18117  
~~determination that the plan and allocation request are complete,~~ 18118  
~~the~~ department shall approve or disapprove the plan ~~and request,~~ 18119  
in whole or in part, according to the criteria developed pursuant 18120  
to section 5119.61 of the Revised Code. The department's statement 18121  
of approval or disapproval shall specify the inpatient and the 18122  
community-based services that the department will operate for the 18123

board. Eligibility for state and federal funding shall be 18124  
contingent upon an approved plan or relevant part of a plan. 18125

~~If the director disapproves all or part of any plan, the 18126  
director shall inform the board of the reasons for the disapproval 18127  
and of the criteria that must be met before the plan may be 18128  
approved. The director shall provide the board an opportunity to 18129  
present its case on behalf of the plan. The director shall give 18130  
the board a reasonable time in which to meet the criteria, and 18131  
shall offer the board technical assistance to help it meet the 18132  
criteria. 18133~~

~~If the approval of a plan remains in dispute thirty days 18134  
prior to the conclusion of the fiscal year in which the board's 18135  
current plan is scheduled to expire, the board or the director may 18136  
request that the dispute be submitted to a mutually agreed upon 18137  
third party mediator with the cost to be shared by the board and 18138  
the department. The mediator shall issue to the board and the 18139  
department recommendations for resolution of the dispute. Prior to 18140  
the conclusion of the fiscal year in which the current plan is 18141  
scheduled to expire, the director, taking into consideration the 18142  
recommendations of the mediator, shall make a final determination 18143  
and approve or disapprove the plan, in whole or in part. 18144~~

If a board determines that it is necessary to amend a plan or 18145  
an allocation request that has been approved under division 18146  
(A)(1)(c) of this section, the board shall submit a proposed 18147  
amendment to the director. The director may approve or disapprove 18148  
all or part of the amendment. ~~If the director does not approve all 18149  
or part of the amendment within thirty days after it is submitted, 18150  
the amendment or part of it shall be considered to have been 18151  
approved. The director shall inform the board of the reasons for 18152  
disapproval of all or part of an amendment and of the criteria 18153  
that must be met before the amendment may be approved. The 18154  
director shall provide the board an opportunity to present its 18155~~



case on behalf of the amendment. The director shall give the board 18156  
a reasonable time in which to meet the criteria, and shall offer 18157  
the board technical assistance to help it meet the criteria. 18158

The board shall implement the plan approved by the 18159  
department. 18160

~~(d) Receive, compile, and transmit to the department of 18161  
mental health applications for state reimbursement; 18162~~

~~(e) Promote, arrange, and implement working agreements with 18163  
social agencies, both public and private, and with judicial 18164  
agencies. 18165~~

(2) Investigate, or request another agency to investigate, 18166  
any complaint alleging abuse or neglect of any person receiving 18167  
services from a community mental health agency as defined in 18168  
section 5122.01 of the Revised Code, or from a residential 18169  
facility licensed under section 5119.22 of the Revised Code. If 18170  
the investigation substantiates the charge of abuse or neglect, 18171  
the board shall take whatever action it determines is necessary to 18172  
correct the situation, including notification of the appropriate 18173  
authorities. Upon request, the board shall provide information 18174  
about such investigations to the department. 18175

(3) For the purpose of section 5119.611 of the Revised Code, 18176  
cooperate with the director of mental health in visiting and 18177  
evaluating whether the services of a community mental health 18178  
agency satisfy the certification standards established by rules 18179  
adopted under that section; 18180

(4) In accordance with criteria established under division 18181  
~~(G)~~(E) of section 5119.61 of the Revised Code, review and evaluate 18182  
the quality, effectiveness, and efficiency of services provided 18183  
through its community mental health plan and submit its findings 18184  
and recommendations to the department of mental health; 18185

(5) In accordance with section 5119.22 of the Revised Code, 18186

review applications for residential facility licenses and 18187  
recommend to the department of mental health approval or 18188  
disapproval of applications; 18189

(6) Audit, in accordance with rules adopted by the auditor of 18190  
state pursuant to section 117.20 of the Revised Code, at least 18191  
annually all programs and services provided under contract with 18192  
the board. In so doing, the board may contract for or employ the 18193  
services of private auditors. A copy of the fiscal audit report 18194  
shall be provided to the director of mental health, the auditor of 18195  
state, and the county auditor of each county in the board's 18196  
district. 18197

(7) Recruit and promote local financial support for mental 18198  
health programs from private and public sources; 18199

(8)(a) Enter into contracts with public and private 18200  
facilities for the operation of facility services included in the 18201  
board's community mental health plan and enter into contracts with 18202  
public and private community mental health agencies for the 18203  
provision of community mental health services that are listed in 18204  
section 340.09 of the Revised Code and included in the board's 18205  
community mental health plan. The board may not contract with a 18206  
community mental health agency to provide community mental health 18207  
services included in the board's community mental health plan 18208  
unless the services are certified by the director of mental health 18209  
under section 5119.611 of the Revised Code. Section 307.86 of the 18210  
Revised Code does not apply to contracts entered into under this 18211  
division. In contracting with a community mental health agency, a 18212  
board shall consider the cost effectiveness of services provided 18213  
by that agency and the quality and continuity of care, and may 18214  
review cost elements, including salary costs, of the services to 18215  
be provided. A utilization review process shall be established as 18216  
part of the contract for services entered into between a board and 18217  
a community mental health agency. The board may establish this 18218

process in a way that is most effective and efficient in meeting 18219  
local needs. ~~In the case of~~ Until July 1, 2012, a contract with a 18220  
community mental health agency or facility, as defined in section 18221  
5111.023 of the Revised Code, to provide services listed in 18222  
division (B) of that section, ~~the contract~~ shall provide for the 18223  
agency or facility to be paid in accordance with the contract 18224  
entered into between the departments of job and family services 18225  
and mental health under section 5111.91 of the Revised Code and 18226  
any rules adopted under division (A) of section 5119.61 of the 18227  
Revised Code. 18228

If either the board or a facility or community mental health 18229  
agency with which the board contracts under division (A)(8)(a) of 18230  
this section proposes not to renew the contract or proposes 18231  
substantial changes in contract terms, the other party shall be 18232  
given written notice at least one hundred twenty days before the 18233  
expiration date of the contract. During the first sixty days of 18234  
this one hundred twenty-day period, both parties shall attempt to 18235  
resolve any dispute through good faith collaboration and 18236  
negotiation in order to continue to provide services to persons in 18237  
need. If the dispute has not been resolved sixty days before the 18238  
expiration date of the contract, either party may ~~notify the~~ 18239  
~~department of mental health of the unresolved dispute. The~~ 18240  
~~director may require~~ request that both parties ~~to~~ submit the 18241  
dispute to a third party with the cost to be shared by the board 18242  
and the facility or community mental health agency. The third 18243  
party shall issue to the board, ~~the~~ and facility or agency, ~~and~~ 18244  
~~the department~~ recommendations on how the dispute may be resolved 18245  
twenty days prior to the expiration date of the contract, unless 18246  
both parties agree to a time extension. ~~The director shall adopt~~ 18247  
~~rules establishing the procedures of this dispute resolution~~ 18248  
~~process.~~ 18249

(b) With the prior approval of the director of mental health, 18250

a board may operate a facility or provide a community mental health service as follows, if there is no other qualified private or public facility or community mental health agency that is immediately available and willing to operate such a facility or provide the service:

(i) In an emergency situation, any board may operate a facility or provide a community mental health service in order to provide essential services for the duration of the emergency;

(ii) In a service district with a population of at least one hundred thousand but less than five hundred thousand, a board may operate a facility or provide a community mental health service for no longer than one year;

(iii) In a service district with a population of less than one hundred thousand, a board may operate a facility or provide a community mental health service for no longer than one year, except that such a board may operate a facility or provide a community mental health service for more than one year with the prior approval of the director and the prior approval of the board of county commissioners, or of a majority of the boards of county commissioners if the district is a joint-county district.

The director shall not give a board approval to operate a facility or provide a community mental health service under division (A)(8)(b)(ii) or (iii) of this section unless the director determines that it is not feasible to have the department operate the facility or provide the service.

The director shall not give a board approval to operate a facility or provide a community mental health service under division (A)(8)(b)(iii) of this section unless the director determines that the board will provide greater administrative efficiency and more or better services than would be available if the board contracted with a private or public facility or

community mental health agency. 18282

The director shall not give a board approval to operate a 18283  
facility previously operated by a person or other government 18284  
entity unless the board has established to the director's 18285  
satisfaction that the person or other government entity cannot 18286  
effectively operate the facility or that the person or other 18287  
government entity has requested the board to take over operation 18288  
of the facility. The director shall not give a board approval to 18289  
provide a community mental health service previously provided by a 18290  
community mental health agency unless the board has established to 18291  
the director's satisfaction that the agency cannot effectively 18292  
provide the service or that the agency has requested the board 18293  
take over providing the service. 18294

The director shall review and evaluate a board's operation of 18295  
a facility and provision of community mental health service under 18296  
division (A)(8)(b) of this section. 18297

Nothing in division (A)(8)(b) of this section authorizes a 18298  
board to administer or direct the daily operation of any facility 18299  
or community mental health agency, but a facility or agency may 18300  
contract with a board to receive administrative services or staff 18301  
direction from the board under the direction of the governing body 18302  
of the facility or agency. 18303

(9) Approve fee schedules and related charges or adopt a unit 18304  
cost schedule or other methods of payment for contract services 18305  
provided by community mental health agencies in accordance with 18306  
guidelines issued by the department as necessary to comply with 18307  
state and federal laws pertaining to financial assistance; 18308

(10) Submit to the director and the county commissioners of 18309  
the county or counties served by the board, and make available to 18310  
the public, an annual report of the programs under the 18311  
jurisdiction of the board, including a fiscal accounting; 18312

(11) Establish, to the extent resources are available, a community support system, which provides for treatment, support, and rehabilitation services and opportunities. The essential elements of the system include, but are not limited to, the following components in accordance with section 5119.06 of the Revised Code:

(a) To locate persons in need of mental health services to inform them of available services and benefits mechanisms;

(b) Assistance for clients to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;

(c) Mental health care, including, but not limited to, outpatient, partial hospitalization, and, where appropriate, inpatient care;

(d) Emergency services and crisis intervention;

(e) Assistance for clients to obtain vocational services and opportunities for jobs;

(f) The provision of services designed to develop social, community, and personal living skills;

(g) Access to a wide range of housing and the provision of residential treatment and support;

(h) Support, assistance, consultation, and education for families, friends, consumers of mental health services, and others;

(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and meaningful employment as natural supports for consumers of mental health services;

(j) Grievance procedures and protection of the rights of

consumers of mental health services; 18343

(k) Case management, which includes continual individualized 18344  
assistance and advocacy to ensure that needed services are offered 18345  
and procured. 18346

(12) Designate the treatment program, agency, or facility for 18347  
each person involuntarily committed to the board pursuant to 18348  
Chapter 5122. of the Revised Code and authorize payment for such 18349  
treatment. The board shall provide the least restrictive and most 18350  
appropriate alternative that is available for any person 18351  
involuntarily committed to it and shall assure that the services 18352  
listed in section 340.09 of the Revised Code are available to 18353  
severely mentally disabled persons residing within its service 18354  
district. The board shall establish the procedure for authorizing 18355  
payment for services, which may include prior authorization in 18356  
appropriate circumstances. The board may provide for services 18357  
directly to a severely mentally disabled person when life or 18358  
safety is endangered and when no community mental health agency is 18359  
available to provide the service. 18360

(13) Establish a method for evaluating referrals for 18361  
involuntary commitment and affidavits filed pursuant to section 18362  
5122.11 of the Revised Code in order to assist the probate 18363  
division of the court of common pleas in determining whether there 18364  
is probable cause that a respondent is subject to involuntary 18365  
hospitalization and what alternative treatment is available and 18366  
appropriate, if any; 18367

(14) Ensure that apartments or rooms built, subsidized, 18368  
renovated, rented, owned, or leased by the board or a community 18369  
mental health agency have been approved as meeting minimum fire 18370  
safety standards and that persons residing in the rooms or 18371  
apartments are receiving appropriate and necessary services, 18372  
including culturally relevant services, from a community mental 18373  
health agency. This division does not apply to residential 18374

facilities licensed pursuant to section 5119.22 of the Revised Code. 18375  
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(15) Establish a mechanism for involvement of consumer recommendation and advice on matters pertaining to mental health services in the alcohol, drug addiction, and mental health service district; 18377  
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(16) Perform the duties under section ~~3722.18~~ 5119.88 of the Revised Code required by rules adopted under section 5119.61 of the Revised Code regarding referrals by the board or mental health agencies under contract with the board of individuals with mental illness or severe mental disability to adult care facilities and effective arrangements for ongoing mental health services for the individuals. The board is accountable in the manner specified in the rules for ensuring that the ongoing mental health services are effectively arranged for the individuals. 18381  
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(B) The board shall establish such rules, operating procedures, standards, and bylaws, and perform such other duties as may be necessary or proper to carry out the purposes of this chapter. 18390  
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(C) A board of alcohol, drug addiction, and mental health services may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established, and may hold and apply it according to the terms of the gift, grant, or bequest. All money received, including accrued interest, by gift, grant, or bequest shall be deposited in the treasury of the county, the treasurer of which is custodian of the alcohol, drug addiction, and mental health services funds to the credit of the board and shall be available for use by the board for purposes stated by the donor or grantor. 18394  
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(D) No board member or employee of a board of alcohol, drug 18405



addiction, and mental health services shall be liable for injury 18406  
or damages caused by any action or inaction taken within the scope 18407  
of the board member's official duties or the employee's 18408  
employment, whether or not such action or inaction is expressly 18409  
authorized by this section, section 340.033, or any other section 18410  
of the Revised Code, unless such action or inaction constitutes 18411  
willful or wanton misconduct. Chapter 2744. of the Revised Code 18412  
applies to any action or inaction by a board member or employee of 18413  
a board taken within the scope of the board member's official 18414  
duties or employee's employment. For the purposes of this 18415  
division, the conduct of a board member or employee shall not be 18416  
considered willful or wanton misconduct if the board member or 18417  
employee acted in good faith and in a manner that the board member 18418  
or employee reasonably believed was in or was not opposed to the 18419  
best interests of the board and, with respect to any criminal 18420  
action or proceeding, had no reasonable cause to believe the 18421  
conduct was unlawful. 18422

(E) The meetings held by any committee established by a board 18423  
of alcohol, drug addiction, and mental health services shall be 18424  
considered to be meetings of a public body subject to section 18425  
121.22 of the Revised Code. 18426

**Sec. 340.05.** A community mental health agency that receives a 18427  
complaint under section ~~3722.17~~ 5119.87 of the Revised Code 18428  
alleging abuse or neglect of an individual with mental illness or 18429  
severe mental disability who resides in an adult care facility 18430  
shall report the complaint to the board of alcohol, drug 18431  
addiction, and mental health services serving the alcohol, drug 18432  
addiction, and mental health service district in which the adult 18433  
care facility is located. A board of alcohol, drug addiction, and 18434  
mental health services that receives such a complaint or a report 18435  
from a community mental health agency of such a complaint shall 18436  
report the complaint to the director of mental health for the 18437

purpose of the director conducting an investigation under section 18438  
~~3722.17~~ 5119.87 of the Revised Code. The board may enter the adult 18439  
care facility with or without the director and, if the health and 18440  
safety of a resident is in immediate danger, take any necessary 18441  
action to protect the resident. The board's action shall not 18442  
violate any resident's rights under section ~~3722.12~~ 5119.81 of the 18443  
Revised Code and rules adopted by the ~~public health council~~ 18444  
department of mental health under ~~that chapter~~ sections 5119.70 to 18445  
5119.88 of the Revised Code. The board shall immediately report to 18446  
the director regarding the board's actions under this section. 18447

**Sec. 340.091.** Each board of alcohol, drug addiction, and 18448  
mental health services shall contract with a community mental 18449  
health agency under division (A)(8)(a) of section 340.03 of the 18450  
Revised Code for the agency to do all of the following in 18451  
accordance with rules adopted under section 5119.61 of the Revised 18452  
Code for an individual referred to the agency under division 18453  
(C)(2) of section ~~173.35~~ 5119.69 of the Revised Code: 18454

(A) Assess the individual to determine whether to recommend 18455  
that a ~~PASSPORT~~ residential state supplement administrative agency 18456  
designated under section 5119.69 of the Revised Code determine 18457  
that the environment in which the individual will be living while 18458  
receiving residential state supplement payments is appropriate for 18459  
the individual's needs and, if it determines the environment is 18460  
appropriate, issue the recommendation to the ~~PASSPORT~~ residential 18461  
state supplement administrative agency; 18462

(B) Provide ongoing monitoring to ensure that services 18463  
provided under section 340.09 of the Revised Code are available to 18464  
the individual; 18465

(C) Provide discharge planning to ensure the individual's 18466  
earliest possible transition to a less restrictive environment. 18467

Sec. 340.11. ~~(A)~~ A board of alcohol, drug addiction, and 18468  
mental health services may procure a policy or policies of 18469  
insurance insuring board members or employees of the board or 18470  
agencies with which the board contracts against liability arising 18471  
from the performance of their official duties. If the liability 18472  
insurance is unavailable or the amount a board has procured or is 18473  
able to procure is insufficient to cover the amount of a claim, 18474  
the board may indemnify a board member or employee as follows: 18475

~~(1)(A)~~ For any action or inaction in ~~his~~ the capacity ~~as a~~ of 18476  
board member or employee or at the request of the board, whether 18477  
or not the action or inaction is expressly authorized by this or 18478  
any other section of the Revised Code, if: 18479

~~(a)(1)~~ The board member or employee acted in good faith and 18480  
in a manner that ~~he~~ the board member or employee reasonably 18481  
believed was in or was not opposed to the best interests of the 18482  
board; and 18483

~~(b)(2)~~ With respect to any criminal action or proceeding, the 18484  
board member or employee had no reason to believe ~~his~~ the board 18485  
member's or employee's conduct was unlawful. 18486

~~(2)(B)~~ Against any expenses, including attorneys' fees, the 18487  
board member or employee actually and reasonably incurs as a 18488  
result of a suit or other proceeding involving the defense of any 18489  
action or inaction in ~~his~~ the capacity ~~as a~~ of board member or 18490  
employee or at the request of the board, or in defense of any 18491  
claim, issue, or matter raised in connection with the defense of 18492  
such an action or inaction, to the extent that the board member or 18493  
employee is successful on the merits or otherwise. 18494

~~(B)~~ ~~The board may utilize up to that per cent of its budget~~ 18495  
~~as approved by the department of mental health to purchase~~ 18496  
~~insurance and to pool with funds of other boards of alcohol, drug~~ 18497  
~~addiction, and mental health services, as provided in division (E)~~ 18498

~~of section 5119.62 of the Revised Code, to pay expenditures for 18499  
utilization of state hospital facilities that exceed the amount 18500  
allocated to the board under the formula developed under that 18501  
section. 18502~~

**Sec. 341.192.** (A) As used in this section: 18503

(1) "Jail" means a county jail, or a multicounty, 18504  
municipal-county, or multicounty-municipal correctional center. 18505

(2) "Medical assistance program" has the same meaning as in 18506  
section 2913.40 of the Revised Code. 18507

~~(2)~~(3) "Medical provider" means a physician, hospital, 18508  
laboratory, pharmacy, or other health care provider that is not 18509  
employed by or under contract to a county, municipal corporation, 18510  
township, the department of youth services, or the department of 18511  
rehabilitation and correction to provide medical services to 18512  
persons confined in ~~the county~~ a jail or a state correctional 18513  
institution, or is in the custody of a law enforcement officer. 18514

~~(3)~~(4) "Necessary care" means medical care of a nonelective 18515  
nature that cannot be postponed until after the period of 18516  
confinement of a person who is confined in a ~~county~~ jail or a 18517  
state correctional institution, or is in the custody of a law 18518  
enforcement officer without endangering the life or health of the 18519  
person. 18520

(B) If a physician employed by or under contract to a county, 18521  
municipal corporation, township, the department of youth services, 18522  
or the department of rehabilitation and correction to provide 18523  
medical services to persons confined in ~~the county~~ a jail or state 18524  
correctional institution determines that a person who is confined 18525  
in the ~~county~~ jail or a state correctional institution or who is 18526  
in the custody of a law enforcement officer prior to the person's 18527  
confinement in ~~the county~~ a jail or a state correctional 18528

institution requires necessary care that the physician cannot 18529  
provide, the necessary care shall be provided by a medical 18530  
provider. The county, municipal corporation, township, the 18531  
department of youth services, or the department of rehabilitation 18532  
and correction shall pay a medical provider for necessary care an 18533  
amount not exceeding the authorized reimbursement rate for the 18534  
same service established by the department of job and family 18535  
services under the medical assistance program. 18536

**Sec. 343.08.** (A) The board of county commissioners of a 18537  
county solid waste management district and the board of directors 18538  
of a joint solid waste management district may fix reasonable 18539  
rates or charges to be paid by every person, municipal 18540  
corporation, township, or other political subdivision that owns 18541  
premises to which solid waste collection, storage, transfer, 18542  
disposal, recycling, processing, or resource recovery service is 18543  
provided by the district and may change the rates or charges 18544  
whenever it considers it advisable. Charges for collection, 18545  
storage, transfer, disposal, recycling, processing, or resource 18546  
recovery service shall be made only against lots or parcels that 18547  
are improved, or in the process of being improved, with at least 18548  
one permanent, portable, or temporary building. The rates or 18549  
charges may be collected by either of the following means: 18550

(1) Periodic billings made by the district directly or in 18551  
conjunction with billings for public utility rates or charges by a 18552  
county water district established under section 6103.02 of the 18553  
Revised Code, a county sewer district established under section 18554  
6117.02 of the Revised Code, or a municipal corporation or other 18555  
political subdivision authorized by law to provide public utility 18556  
service. When any such charges that are so billed are not paid, 18557  
the board shall certify them to the county auditor of the county 18558  
where the lots or parcels are located, who shall place them upon 18559  
the real property duplicate against the property served by the 18560

collection, storage, transfer, disposal, recycling, processing, or 18561  
resource recovery service. The charges shall be a lien on the 18562  
property from the date they are placed upon the real property 18563  
duplicate by the auditor and shall be collected in the same manner 18564  
as other taxes. 18565

(2) Certifying the rates or charges to the county auditor of 18566  
the county where the lots or parcels are located, who shall place 18567  
them on the real property duplicate against the lots or parcels. 18568  
The rates or charges are a lien on the property from the date they 18569  
are placed upon the real property duplicate by the auditor and 18570  
shall be collected in the same manner as other taxes. 18571

The county or joint district need not fix a rate or charge 18572  
against property if the district does not operate a collection 18573  
system. 18574

Where a county or joint district owns or operates a solid 18575  
waste facility, either without a collection system or in 18576  
conjunction therewith, the board of county commissioners or board 18577  
of directors may fix reasonable rates or charges for the use of 18578  
the facility by persons, municipal corporations, townships, and 18579  
other political subdivisions, may contract with any public 18580  
authority or person for the collection of solid wastes in any part 18581  
of any district for collection, storage, disposal, transfer, 18582  
recycling, processing, or resource recovery in any solid waste 18583  
facility, or may lease the facility to any public authority or 18584  
person. The cost of collection, storage, transfer, disposal, 18585  
recycling, processing, or resource recovery under such contracts 18586  
may be paid by rates or charges fixed and collected under this 18587  
section or by rates and charges fixed under those contracts and 18588  
collected by the contractors. 18589

All moneys collected by or on behalf of a county or joint 18590  
district as rates or charges for solid waste collection, storage, 18591  
transfer, disposal, recycling, processing, or resource recovery 18592

service in any district shall be paid to the county treasurer in a 18593  
county district or to the county treasurer or other official 18594  
designated by the board of directors in a joint district and kept 18595  
in a separate and distinct fund to the credit of the district. The 18596  
fund shall be used for the payment of the cost of the management, 18597  
maintenance, and operation of the solid waste collection or other 18598  
solid waste facilities of the district and, if applicable, the 18599  
payment of the cost of collecting the rates or charges of the 18600  
district pursuant to division (A)(1) or (2) of this section. Prior 18601  
to the approval of the district's initial solid waste management 18602  
plan under section 3734.55 of the Revised Code or the issuance of 18603  
an order under that section requiring the district to implement an 18604  
initial plan prepared by the director, as appropriate, the fund 18605  
also may be used for the purposes of division (G)(1) or (3) of 18606  
section 3734.57 of the Revised Code. On and after the approval of 18607  
the district's initial plan under section 3734.521 or 3734.55 of 18608  
the Revised Code or the issuance of an order under either of those 18609  
sections, as appropriate, requiring the district to implement an 18610  
initial plan prepared by the director, the fund also may be used 18611  
for the purposes of divisions (G)(1) to (10) of section 3734.57 of 18612  
the Revised Code. Those uses may include, in accordance with a 18613  
cost allocation plan adopted under division (B) of this section, 18614  
the payment of all allowable direct and indirect costs of the 18615  
district, the sanitary engineer or sanitary engineering 18616  
department, or a federal or state grant program, incurred for the 18617  
purposes of this chapter and sections 3734.52 to 3734.572 of the 18618  
Revised Code. Any surplus remaining after those uses of the fund 18619  
may be used for the enlargement, modification, or replacement of 18620  
such facilities and for the payment of the interest and principal 18621  
on bonds and bond anticipation notes issued pursuant to section 18622  
343.07 of the Revised Code. In no case shall money so collected be 18623  
expended otherwise than for the use and benefit of the district. 18624

A board of county commissioners or directors, instead of 18625

operating and maintaining solid waste collection or other solid 18626  
waste facilities of the district with county or joint district 18627  
personnel, may enter into a contract with a municipal corporation 18628  
having territory within the district pursuant to which the 18629  
operation and maintenance of the facilities will be performed by 18630  
the municipal corporation. 18631

The products of any solid waste collection or other solid 18632  
waste facility owned under this chapter shall be sold through 18633  
competitive bidding in accordance with section 307.12 of the 18634  
Revised Code, except when a board of county commissioners or 18635  
directors determines by resolution that it is in the public 18636  
interest to sell those products in a commercially reasonable 18637  
manner without competitive bidding. 18638

(B) A board of county commissioners or directors may adopt a 18639  
cost allocation plan that identifies, accumulates, and distributes 18640  
allowable direct and indirect costs that may be paid from the fund 18641  
of the district created in division (A) of this section and 18642  
prescribes methods for allocating those costs. The plan shall 18643  
authorize payment from the fund for only those costs incurred by 18644  
the district, the sanitary engineer or sanitary engineering 18645  
department, or a federal or state grant program, and those costs 18646  
incurred by the general and other funds of the county for a common 18647  
or joint purpose, that are necessary and reasonable for the proper 18648  
and efficient administration of the district under this chapter 18649  
and sections 3734.52 to 3734.572 of the Revised Code. The plan 18650  
shall not authorize payment from the fund of any general 18651  
government expense required to carry out the overall governmental 18652  
responsibilities of a county. The plan shall conform to United 18653  
States office of management and budget Circular A-87 "Cost 18654  
Principles for State and Local Governments," published January 15, 18655  
1983. 18656

(C) A board of county commissioners or directors shall fix 18657



rates or charges, or enter into contracts fixing the rates or 18658  
charges to be collected by the contractor, for solid waste 18659  
collection, storage, transfer, disposal, recycling, processing, or 18660  
resource recovery services at a public meeting held in accordance 18661  
with section 121.22 of the Revised Code. In addition to fulfilling 18662  
the requirements of section 121.22 of the Revised Code, the board, 18663  
before fixing or changing rates or charges for solid waste 18664  
collection, storage, transfer, disposal, recycling, processing, or 18665  
resource recovery services, or before entering into a contract 18666  
that fixes rates or charges to be collected by the contractor 18667  
providing the services, shall hold at least three public hearings 18668  
on the proposed rates, charges, or contract. Prior to the first 18669  
public hearing, the board shall publish notice of the public 18670  
hearings as provided in section 7.16 of the Revised Code or once a 18671  
week for three consecutive weeks in a newspaper of general 18672  
circulation in the county or counties that would be affected by 18673  
the proposed rates, charges, or contract. The notice shall include 18674  
a listing of the proposed rates or charges to be fixed and 18675  
collected by the board or fixed pursuant to the contract and 18676  
collected by the contractor, and the dates, time, and place of 18677  
each of the three hearings thereon. The board shall hear any 18678  
person who wishes to testify on the proposed rates, charges, or 18679  
contract. 18680

**Sec. 345.03.** A copy of any resolution adopted under section 18681  
345.01 of the Revised Code shall be certified within five days by 18682  
the taxing authority and not later than four p. m. of the 18683  
ninetieth day before the day of the election, to the county board 18684  
of elections, and such board shall submit the proposal to the 18685  
electors of the subdivision at the succeeding general election. 18686  
The board shall make the necessary arrangements for the submission 18687  
of such question to the electors of the subdivision, and the 18688  
election shall be conducted, canvassed, and certified in like 18689

manner as regular elections in such subdivision. 18690

Notice of the election shall be published once in a newspaper 18691  
of general circulation in the subdivision, ~~at least once~~, not less 18692  
than two weeks prior to such election. The notice shall set out 18693  
the purpose of the proposed increase in rate, the amount of the 18694  
increase expressed in dollars and cents for each one hundred 18695  
dollars of valuation as well as in mills for each one dollar of 18696  
property valuation, the number of years during which such increase 18697  
will be in effect, and the time and place of holding such 18698  
election. 18699

**Sec. 349.01.** As used in this chapter: 18700

(A) "New community" means a community or an addition to an 18701  
existing community planned pursuant to this chapter so that it 18702  
includes facilities for the conduct of industrial, commercial, 18703  
residential, cultural, educational, and recreational activities, 18704  
and designed in accordance with planning concepts for the 18705  
placement of utility, open space, and other supportive facilities. 18706

~~In the case of a new community authority established on or~~ 18707  
~~after the effective date of this amendment and before January 1,~~ 18708  
~~2012, "new community" may mean~~ a community or development of 18709  
property planned under this chapter in relation to an existing 18710  
community so that the community includes facilities for the 18711  
conduct of community activities, and is designed in accordance 18712  
with planning concepts for the placement of utility, open space, 18713  
and other supportive facilities for the community. 18714

(B) "New community development program" means a program for 18715  
the development of a new community characterized by well-balanced 18716  
and diversified land use patterns and which includes land 18717  
acquisition and land development, the acquisition, construction, 18718  
operation, and maintenance of community facilities, and the 18719  
provision of services authorized in this chapter. 18720

~~In the case of a new community authority established on or~~ 18721  
~~after the effective date of this amendment and before January 1,~~ 18722  
~~2012,~~ a A new community development program may take into account 18723  
any existing community in relation to which a new community is 18724  
developed for purposes of being characterized by well-balanced and 18725  
diversified land use patterns. 18726

(C) "New community district" means the area of land described 18727  
by the developer in the petition as set forth in division (A) of 18728  
section 349.03 of the Revised Code for development as a new 18729  
community and any lands added to the district by amendment of the 18730  
resolution establishing the community authority. 18731

(D) "New community authority" means a body corporate and 18732  
politic in this state, established pursuant to section 349.03 of 18733  
the Revised Code and governed by a board of trustees as provided 18734  
in section 349.04 of the Revised Code. 18735

(E) "Developer" means any person, organized for carrying out 18736  
a new community development program who owns or controls, through 18737  
leases of at least ~~seventy-five~~ forty years' duration, options, or 18738  
contracts to purchase, the land within a new community district, 18739  
or any municipal corporation, county, or port authority that owns 18740  
the land within a new community district, or has the ability to 18741  
acquire such land, either by voluntary acquisition or condemnation 18742  
in order to eliminate slum, blighted, and deteriorated or 18743  
deteriorating areas and to prevent the recurrence thereof. ~~In the~~ 18744  
~~case of a new community authority established on or after the~~ 18745  
~~effective date of this amendment and before January 1, 2012,~~ 18746  
~~"developer" may mean a person, municipal corporation, county, or~~ 18747  
~~port authority that controls land within a new community district~~ 18748  
~~through leases of at least forty years' duration.~~ 18749

(F) "Organizational board of commissioners" means, if the new 18750  
community district is located in only one county, the board of 18751  
county commissioners of such county; if located in more than one 18752

county, a board consisting of the members of the board of county 18753  
commissioners of each of the counties in which the district is 18754  
located, provided that action of such board shall require a 18755  
majority vote of the members of each separate board of county 18756  
commissioners; or, if more than half of the new community district 18757  
is located within the boundaries of ~~the most populous~~ a municipal 18758  
corporation ~~of a county~~, the legislative authority of the 18759  
municipal corporation. 18760

(G) "Land acquisition" means the acquisition of real property 18761  
and interests in real property as part of a new community 18762  
development program. 18763

(H) "Land development" means the process of clearing and 18764  
grading land, making, installing, or constructing water 18765  
distribution systems, sewers, sewage collection systems, steam, 18766  
gas, and electric lines, roads, streets, curbs, gutters, 18767  
sidewalks, storm drainage facilities, and other installations or 18768  
work, whether within or without the new community district, and 18769  
the construction of community facilities. 18770

(I)~~(I)~~ "Community facilities" means all real property, 18771  
buildings, structures, or other facilities, including related 18772  
fixtures, equipment, and furnishings, to be owned, operated, 18773  
financed, constructed, and maintained under this chapter, 18774  
including public, community, village, neighborhood, or town 18775  
buildings, centers and plazas, auditoriums, day care centers, 18776  
recreation halls, educational facilities, hospital facilities as 18777  
defined in section 140.01 of the Revised Code, recreational 18778  
facilities, natural resource facilities, including parks and other 18779  
open space land, lakes and streams, cultural facilities, community 18780  
streets, including off-street parking facilities, pathway and 18781  
bikeway systems, pedestrian underpasses and overpasses, lighting 18782  
facilities, design amenities, or other community facilities, and 18783  
buildings needed in connection with water supply or sewage 18784

disposal installations or steam, gas, or electric lines or 18785  
installation- 18786

~~(2) In the case of a new community authority established on 18787  
or after the effective date of this amendment and before January 1, 2012, "community facilities" may mean, in addition to the 18788  
facilities authorized in division (I)(1) of this section, any 18789  
other community facilities that are owned, operated, financed, 18790  
constructed, or maintained for, relating to, or in furtherance of 18792  
community activities, including, but not limited to, town 18793  
buildings or other facilities, and health care facilities 18794  
including, but limited to, hospital facilities, ~~and off street 18795  
parking facilities.~~ 18796~~

(J) "Cost" as applied to a new community development program 18797  
means all costs related to land acquisition and land development, 18798  
the acquisition, construction, maintenance, and operation of 18799  
community facilities and offices of the community authority, and 18800  
of providing furnishings and equipment therefor, financing charges 18801  
including interest prior to and during construction and for the 18802  
duration of the new community development program, planning 18803  
expenses, engineering expenses, administrative expenses including 18804  
working capital, and all other expenses necessary and incident to 18805  
the carrying forward of the new community development program. 18806

(K) "Income source" means any and all sources of income to 18807  
the community authority, including community development charges 18808  
of which the new community authority is the beneficiary as 18809  
provided in section 349.07 of the Revised Code, rentals, user fees 18810  
and other charges received by the new community authority, any 18811  
gift or grant received, any moneys received from any funds 18812  
invested by or on behalf of the new community authority, and 18813  
proceeds from the sale or lease of land and community facilities. 18814

(L) "Community development charge" means: 18815

(1) A dollar amount ~~which~~ that shall be determined on the 18816  
basis of the assessed valuation of real property or interests in 18817  
real property in a new community district sold, leased, or 18818  
otherwise conveyed by the developer or the new community 18819  
authority, the income of the residents of such property subject to 18820  
such charge under section 349.07 of the Revised Code, if such 18821  
property is devoted to residential uses or to the profits of any 18822  
business, a uniform fee on each parcel of such real property 18823  
originally sold, leased, or otherwise conveyed by the developer or 18824  
new community authority, or any combination of the foregoing 18825  
bases. 18826

(2) ~~For a new community authority that is established on or~~ 18827  
~~after the effective date of this amendment and before January 1,~~ 18828  
~~2012, "community development charge" includes, in addition to the~~ 18829  
~~charges authorized in division (L)(1) of this section, a~~ A charge 18830  
determined on the basis of all or a part of the income of the 18831  
residents of real property within the new community district if 18832  
such property is devoted to residential uses, or all or a part of 18833  
the profits, gross receipts, or other revenues of any business 18834  
operating in the new community district. 18835

(M) "Proximate city" means, as of the date of filing of the 18836  
petition under section 349.03 of the Revised Code, any municipal 18837  
corporation in which any portion of the proposed new community 18838  
district is located, or if more than one-half of the proposed new 18839  
community district is contained within a joint economic 18840  
development district under sections 715.70 to 715.83 of the 18841  
Revised Code, "proximate city" means the township containing the 18842  
greatest portion of such district. Otherwise, "proximate city" 18843  
means any city that, as of the date of filing of the petition 18844  
under section 349.03 of the Revised Code, is the city with the 18845  
greatest population located in the county in which the proposed 18846  
new community district is located, is the city with the greatest 18847

population located in an adjoining county if any portion of such 18848  
city is within five miles of any part of the boundaries of such 18849  
district, or exercises extraterritorial subdivision authority 18850  
under section 711.09 of the Revised Code with respect to any part 18851  
of such district. 18852

(N) "Community activities" means cultural, educational, 18853  
governmental, recreational, residential, industrial, commercial, 18854  
distribution and research activities, or any combination thereof 18855  
that includes residential activities. 18856

**Sec. 349.03.** (A) Proceedings for the organization of a new 18857  
community authority shall be initiated by a petition filed by the 18858  
developer ~~in the office of~~ with the clerk of the organizational 18859  
board of ~~county~~ commissioners ~~of one of the counties in which all~~ 18860  
~~or part of~~ for the proposed new community district ~~is located~~. 18861  
Such petition shall be signed by the developer and may be signed 18862  
by each proximate city. The legislative authorities of each such 18863  
proximate city shall act in behalf of such proximate city. Such 18864  
petition shall contain: 18865

(1) The name of the proposed new community authority; 18866

(2) The address where the principal office of the authority 18867  
will be located or the manner in which the location will be 18868  
selected; 18869

(3) A map and a full and accurate description of the 18870  
boundaries of the new community district together with a 18871  
description of the properties within such boundaries, if any, 18872  
which will not be included in the new community district. Unless 18873  
more than one-half of the proposed new community district is or 18874  
was contained within a joint economic development district under 18875  
sections 715.70 to 715.83 of the Revised Code or the district is 18876  
wholly contained within municipalities, the total acreage included 18877  
in such district shall not be less than one thousand acres, all of 18878

which acreage shall be owned by, or under the control through 18879  
leases of at least ~~seventy-five~~ forty years' duration, options, or 18880  
contracts to purchase, of the developer, if the developer is a 18881  
private entity. Such acreage shall be developable as one 18882  
functionally interrelated community. ~~In the case of a new~~ 18883  
~~community authority established on or after the effective date of~~ 18884  
~~this amendment and before January 1, 2012, such leases may be of~~ 18885  
~~not less than forty years' duration, and the acreage may be~~ 18886  
developable so that the community is one functionally interrelated 18887  
community. 18888

(4) A statement setting forth the zoning regulations proposed 18889  
for zoning the area within the boundaries of the new community 18890  
district for comprehensive development as a new community, and if 18891  
the area has been zoned for such development, a certified copy of 18892  
the applicable zoning regulations therefor; 18893

(5) A current plan indicating the proposed development 18894  
program for the new community district, the land acquisition and 18895  
land development activities, community facilities, services 18896  
proposed to be undertaken by the new community authority under 18897  
such program, the proposed method of financing such activities and 18898  
services, including a description of the bases, timing, and manner 18899  
of collecting any proposed community development charges, and the 18900  
projected total residential population of, and employment within, 18901  
the new community; 18902

(6) A suggested number of members, consistent with section 18903  
349.04 of the Revised Code, for the board of trustees; 18904

(7) A preliminary economic feasibility analysis, including 18905  
the area development pattern and demand, location and proposed new 18906  
community district size, present and future socio-economic 18907  
conditions, public services provision, financial plan, and the 18908  
developer's management capability; 18909



(8) A statement that the development will comply with all applicable environmental laws and regulations.

Upon the filing of such petition, the organizational board of commissioners shall determine whether such petition complies with the requirements of this section as to form and substance. The board in subsequent proceedings may at any time permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the proposed new community district or in any other particular.

Upon the determination of the organizational board of commissioners that a sufficient petition has been filed in accordance with this section, the board shall fix the time and place of a hearing on the petition for the establishment of the proposed new community authority. Such ~~hearing shall be held not less than ninety five nor more than one hundred fifteen days after the petition filing date, except that if the petition has been signed by all proximate cities,~~ such hearing shall be held not less than thirty nor more than forty-five days after the petition filing date. The clerk of the organizational board of ~~county~~ commissioners with which the petition was filed shall give notice thereof by publication once each week for three consecutive weeks, or as provided in section 7.16 of the Revised Code, in a newspaper of general circulation in any county of which a portion is within the proposed new community district. Such clerk shall also give written notice of the date, time, and place of the hearing and furnish a certified copy of the petition to the clerk of the legislative authority of each proximate city which has not signed such petition. In the event that the legislative authority of a proximate city which did not sign the petition ~~does not approve~~ disapproves by ordinance, resolution, or motion the establishment of the proposed new community authority and ~~does not deliver~~ delivers such ordinance, resolution, or motion to the clerk of the

organizational board of ~~county~~ commissioners with which the 18942  
petition was filed within ~~ninety~~ twenty-eight days following the 18943  
date of the ~~first publication of the~~ notice delivered to the clerk 18944  
of the ~~public hearing~~ legislative authority of the proximate city, 18945  
the organizational board of commissioners shall cancel such public 18946  
hearing and terminate the proceedings for the establishment of the 18947  
new community authority. Any disapproval by the proximate city 18948  
must be for good cause shown that the proposed new community 18949  
district will not be conducive to the public health, safety, 18950  
convenience, and welfare, and is not intended to result in the 18951  
development of a new community. 18952

Upon the hearing, if the organizational board of 18953  
commissioners determines by resolution that the proposed new 18954  
community district will be conducive to the public health, safety, 18955  
convenience, and welfare, and is intended to result in the 18956  
development of a new community, and if at least twenty-eight days 18957  
have elapsed following the date of the notice delivered to the 18958  
clerk of the legislative authority of each proximate city that has 18959  
not signed the petition and no disapproval of a proximate city for 18960  
good cause shown has been received by the clerk of the 18961  
organizational board of commissioners, the board shall by its 18962  
resolution, entered of record in its journal ~~and the journal of~~ 18963  
~~the board of county commissioners with which the petition was~~ 18964  
~~filed,~~ declare the new community authority to be organized and a 18965  
body politic and corporate with the corporate name designated in 18966  
the resolution, and define the boundary of the new community 18967  
district. In addition, the resolution shall provide the method of 18968  
selecting the board of trustees of the new community authority and 18969  
fix the surety for their bonds in accordance with section 349.04 18970  
of the Revised Code. 18971

If the organizational board of commissioners finds that the 18972  
establishment of the district will not be conducive to the public 18973

health, safety, convenience, or welfare, or is not intended to 18974  
result in the development of a new community, or if the clerk of 18975  
the organizational board of commissioners has received a 18976  
disapproval for good cause shown from a proximate city, it shall 18977  
reject the petition thereby terminating the proceedings for the 18978  
establishment of the new community authority. 18979

(B) At any time after the creation of a new community 18980  
authority, the developer may file an application with the ~~clerk of~~ 18981  
~~the organizational~~ board of ~~county~~ commissioners ~~of the county in~~ 18982  
with which the original petition was filed, setting forth a 18983  
general description of territory it desires to add or to delete 18984  
from such district, that such change will be conducive to the 18985  
public health, safety, convenience, and welfare, and will be 18986  
consistent with the development of a new community and will not 18987  
jeopardize the plan of the new community. If the developer is not 18988  
a municipal corporation, port authority, or county, all of such an 18989  
addition to such a district shall be owned by, or under the 18990  
control through leases of at least ~~seventy-five~~ forty years' 18991  
duration, options, or contracts to purchase, of the developer. ~~In~~ 18992  
~~the case of a new community authority established on or after the~~ 18993  
~~effective date of this amendment and before January 1, 2012, such~~ 18994  
~~leases may be of not less than forty years' duration.~~ Upon the 18995  
filing of the application, the organizational board of 18996  
commissioners shall follow the same procedure as required by this 18997  
section in relation to the petition for the establishment of the 18998  
proposed new community. 18999

(C) If all or any part of the new community district is 19000  
annexed to one or more existing municipal corporations, their 19001  
legislative authorities may appoint persons to replace any 19002  
appointed citizen member of the board of trustees. The number of 19003  
such trustees to be replaced by the municipal corporation shall be 19004  
the number, rounded to the lowest integer, bearing the 19005

proportionate relationship to the number of existing appointed 19006  
citizen members as the acreage of the new community district 19007  
within such municipal corporation bears to the total acreage of 19008  
the new community district. If any such municipal corporation 19009  
chooses to replace an appointed citizen member, it shall do so by 19010  
ordinance, the term of the trustee being replaced shall terminate 19011  
thirty days from the date of passage of such ordinance, and the 19012  
trustee to be replaced shall be determined by lot. Each newly 19013  
appointed member shall assume the term of the member's 19014  
predecessor. 19015

**Sec. 349.04.** The following method of selecting a board of 19016  
trustees is deemed to be a compelling state interest. Within ten 19017  
days after the new community authority has been established, as 19018  
provided in section 349.03 of the Revised Code, an initial board 19019  
of trustees shall be appointed as follows: the organizational 19020  
board of commissioners shall appoint by resolution at least three, 19021  
but not more than six, citizen members of the board of trustees to 19022  
represent the interests of present and future residents and 19023  
employers of the new community district and one member to serve as 19024  
a representative of local government, and the developer shall 19025  
appoint a number of members equal to the number of citizen members 19026  
to serve as representatives of the developer. ~~In the case of a new~~ 19027  
~~community authority established on or after the effective date of~~ 19028  
~~this amendment and before January 1, 2012, the citizen members may~~ 19029  
~~represent present and future employers within the new community~~ 19030  
~~district and any present or future residents of the district.~~ 19031

Members shall serve two-year overlapping terms, with two of 19032  
each of the initial citizen and developer members appointed to 19033  
serve initial one year terms. The organizational board of 19034  
commissioners shall adopt, by further resolution adopted within 19035  
one year of such resolution establishing such initial board of 19036  
trustees ~~adopt~~, a method for selection of successor members 19037

thereof which determines the projected total population of the 19038  
projected new community and meets the following criteria: 19039

(A) The appointed citizen members shall be replaced by 19040  
elected citizen members according to a schedule established by the 19041  
organizational board of commissioners calculated to achieve one 19042  
such replacement each time the new community district gains a 19043  
proportion, having a numerator of one and a denominator of twice 19044  
the number of citizen members, of its projected total population 19045  
until such time as all of the appointed citizen members are 19046  
replaced. 19047

(B) Representatives of the developer shall be replaced by 19048  
elected citizen members according to a schedule established by the 19049  
organizational board of commissioners calculated to achieve one 19050  
such replacement each time the new community district gains a 19051  
proportion, having a numerator of one and a denominator equal to 19052  
the number of developer members, of its projected total population 19053  
until such time as all of the developer's representatives are 19054  
replaced. 19055

(C) The representative of local government shall be replaced 19056  
by an elected citizen member at the time the new community 19057  
district gains three-quarters of its projected total population. 19058

Elected citizen members of the board of trustees shall be 19059  
elected by a majority of the residents of the new community 19060  
district voting at elections held on the first Tuesday after the 19061  
first Monday in December of each year. Each citizen member except 19062  
an appointed citizen member shall be a qualified elector who 19063  
resides within the new community district. ~~In the case of a new~~ 19064  
~~community authority established on or after the effective date of~~ 19065  
~~this amendment and before January 1, 2012, The petition or the~~ 19066  
organizational board of ~~directors~~ commissioners, by resolution, 19067  
may adopt an alternative method of selection or election of 19068  
successor members of the board of trustees. If the alternative 19069

method provides for the election of citizen members, the elections 19070  
may be held at the times and in the manner provided in a the 19071  
petition or resolution of the organizational board of 19072  
commissioners, and ~~the~~ any elected citizen members shall be 19073  
qualified electors who ~~resides~~ reside in the new community 19074  
district. 19075

Citizen members shall not be employees of or have financial 19076  
interest in the developer. If a vacancy occurs in the office of a 19077  
member other than a member appointed by the developer, the 19078  
organizational board of commissioners may appoint a successor 19079  
member for the remainder of the unexpired term. Any appointed 19080  
member of the board of trustees may at any time be removed by the 19081  
organizational board of commissioners for misfeasance, 19082  
nonfeasance, or malfeasance in office. Members appointed by the 19083  
developer may also at any time be removed by the developer without 19084  
a showing of cause. 19085

Each member of the board of trustees, before entering upon 19086  
official duties, shall take and subscribe to an oath before an 19087  
officer authorized to administer oaths in Ohio that the member 19088  
will honestly and faithfully perform the duties of the member's 19089  
office. Such oath shall be filed in the office of the clerk of the 19090  
organizational board of ~~county~~ commissioners ~~in which the petition~~ 19091  
~~was filed~~. Upon taking the oath, the board of trustees shall elect 19092  
one of its number as chairperson and another as vice-chairperson, 19093  
and shall appoint suitable persons as secretary and treasurer who 19094  
need not be members of the board. The treasurer shall be the 19095  
fiscal officer of the authority. The board shall adopt by-laws 19096  
governing the administration of the affairs of the new community 19097  
authority. Each member of the board shall post a bond for the 19098  
faithful performance of official duties and give surety therefor 19099  
in such amount, but not less than ten thousand dollars, as the 19100  
resolution creating such board shall prescribe. 19101

All of the powers of the new community authority shall be exercised by its board of trustees, but without relief of such responsibility, such powers may be delegated to committees of the board or its officers and employees in accordance with its by-laws. A majority of the board shall constitute a quorum, and a concurrence of a majority of a quorum in any matter within the board's duties is sufficient for its determination, provided a quorum is present when such concurrence is had and a majority of those members constituting such quorum are trustees not appointed by the developer. All trustees shall be empowered to vote on all matters within the authority of the board of trustees, and no vote by a member appointed by the developer shall be construed to give rise to civil or criminal liability for conflict of interest on the part of public officials.

**Sec. 349.06.** In furtherance of the purposes of this chapter, a new community authority may:

(A) Acquire by purchase, lease, gift, or otherwise, on such terms and in such manner as it considers proper, real and personal property or any estate, interest, or right therein, within or without the new community district;

(B) Improve, maintain, sell, lease or otherwise dispose of real and personal property and community facilities, on such terms and in such manner as it considers proper;

(C) Landscape and otherwise aesthetically improve areas within the new community district, including but not limited to maintenance, landscaping and other community improvement services;

(D) Provide, engage in, or otherwise sponsor recreational, educational, health, social, vocational, cultural, beautification, and amusement activities and related services primarily for ~~residents of the district. In the case of a new community authority established on or after the effective date of this~~

~~amendment and before January 1, 2012, such activities and services~~ 19133  
~~may be for~~ residents of, visitors to, employees working within, or 19134  
employers operating businesses in the district, or any combination 19135  
thereof. 19136

(E) Fix, alter, impose, collect and receive service and user 19137  
fees, rentals, and other charges to cover all costs in carrying 19138  
out the new community development program; 19139

(F) Adopt, modify, and enforce reasonable rules and 19140  
regulations governing the use of community facilities; 19141

(G) Employ such managers, administrative officers, agents, 19142  
engineers, architects, attorneys, contractors, sub-contractors, 19143  
and employees as may be appropriate in the exercise of the rights, 19144  
powers and duties conferred upon it, prescribe the duties and 19145  
compensation for such persons, require bonds to be given by any 19146  
such persons and by officers of the authority for the faithful 19147  
performance of their duties, and fix the amount and surety 19148  
therefor; and pay the same; 19149

(H) Sue and be sued in its corporate name; 19150

(I) Make and enter into all contracts and agreements and 19151  
execute all instruments relating to a new community development 19152  
program, including contracts with the developer and other persons 19153  
or entities related thereto for land acquisition and land 19154  
development; acquisition, construction, and maintenance of 19155  
community facilities; the provision of community services and 19156  
management and coordinating services; with federal, state, 19157  
interstate, regional, and local agencies and political 19158  
subdivisions or combinations thereof in connection with the 19159  
financing of such program, and with any municipal corporation or 19160  
other public body, or combination thereof, providing for the 19161  
acquisition, construction, improvement, extension, maintenance or 19162  
operation of joint lands or facilities or for the provision of any 19163



services or activities relating to and in furtherance of a new 19164  
community development program, including the creation of or 19165  
participation in a regional transit authority created pursuant to 19166  
the Revised Code; 19167

(J) Apply for and accept grants, loans or commitments of 19168  
guarantee or insurance including any guarantees of community 19169  
authority bonds and notes, from the United States, the state, or 19170  
other public body or other sources, and provide any consideration 19171  
which may be required in order to obtain such grants, loans or 19172  
contracts of guarantee or insurance. Such loans or contracts of 19173  
guarantee or insurance may be evidenced by the issuance of bonds 19174  
as provided in section 349.08 of the Revised Code; 19175

(K) Procure insurance against loss to it by reason of damage 19176  
to its properties resulting from fire, theft, accident, or other 19177  
casualties, or by reason of its liability for any damages to 19178  
persons or property occurring in the construction or operation of 19179  
facilities or areas under its jurisdiction or the conduct of its 19180  
activities; 19181

(L) Maintain such funds or reserves as it considers necessary 19182  
for the efficient performance of its duties; 19183

(M) Enter agreements with the boards of education of any 19184  
school districts in which all or part of the new community 19185  
district lies, whereby the community authority may acquire 19186  
property for, may construct and equip, and may sell, lease, 19187  
dedicate, with or without consideration, or otherwise transfer 19188  
lands, schools, classrooms, or other facilities, whether or not 19189  
within the new community district, from the authority to the 19190  
school district for school and related purposes; 19191

(N) Prepare plans for acquisition and development of lands 19192  
and facilities, and enter into agreements with city, county, or 19193  
regional planning commissions to perform or obtain all or any part 19194

of planning services for the new community district; 19195

(O) Engage in planning for the new community district, which 19196  
may be predominantly residential and open space, and prepare or 19197  
approve a development plan or plans therefor, and engage in land 19198  
acquisitions and land development in accordance with such plan or 19199  
plans; 19200

(P) Issue new community authority bonds and notes and 19201  
community authority refunding bonds, payable solely from the 19202  
income source provided in section 349.08 of the Revised Code, 19203  
unless the bonds are refunded by refunding bonds, for the purpose 19204  
of paying any part of the cost as applied to the new community 19205  
development program or parts thereof; 19206

(Q) Enforce any covenants running with the land of which the 19207  
new community authority is the beneficiary, including but not 19208  
limited to the collection by any and all appropriate means of any 19209  
community development charge deemed to be a covenant running with 19210  
the land and enforceable by the new community authority pursuant 19211  
to section 349.07 of the Revised Code; and to waive, reduce, or 19212  
terminate any community development charge of which it is the 19213  
beneficiary to the extent not needed for any of the purposes 19214  
provided in section 349.07 of the Revised Code, the procedure for 19215  
which shall be provided in such covenants, and if new community 19216  
authority bonds have been issued pledging any such community 19217  
development charge, to the extent not prohibited in the resolution 19218  
authorizing the issuance of such new community authority bonds or 19219  
the trust agreement or indenture of mortgage securing the bonds; 19220

(R) Appropriate for its use, under sections 163.01 to 163.22 19221  
of the Revised Code, any land, easement, rights, rights-of-way, 19222  
franchises, or other property in the new community district 19223  
required by the authority for community facilities. The authority 19224  
may not so appropriate any land, easement, rights, rights-of-way, 19225  
franchises, or other property that is not included in the new 19226

community district. 19227

~~(S) In the case of a new community authority established on~~ 19228  
~~or after the effective date of this amendment and before January~~ 19229  
~~1, 2012, enter~~ Enter into any agreements as may be necessary, 19230  
appropriate, or useful to support a new community development 19231  
program, including, but not limited to, cooperative agreements or 19232  
other agreements with political subdivisions for services, 19233  
materials, or products; for the administration, calculation, or 19234  
collection of community development charges; or for sharing of 19235  
revenue derived from community development charges, community 19236  
facilities, or other sources. The agreements may be made with or 19237  
without consideration as the parties determine. 19238

**Sec. 349.07. (A)** Notwithstanding any other rule of law, any 19239  
covenant or agreement in deeds, land contracts, leases and any 19240  
other instruments or conveyance by which real estate or any 19241  
interest in real estate is conveyed by or to the developer or by 19242  
the new community authority to any person or entity, including the 19243  
developer, whereby such person or entity agrees, by acceptance of 19244  
any such instrument of conveyance containing said covenant of 19245  
agreement, to pay annually or semiannually a community development 19246  
charge for the benefit and use of the new community authority to 19247  
cover all or part of the cost of the acquisition, construction, 19248  
operation and maintenance of land, land development and community 19249  
facilities, the debt service thereof and any other cost incurred 19250  
by the authority in the exercise of the powers granted by Chapter 19251  
349. of the Revised Code shall be deemed to be a covenant running 19252  
with the land and shall, in any event and without regard to 19253  
technical classification, after such instrument has been duly 19254  
recorded in the land records of the county, be fully binding on 19255  
behalf of and enforceable by the new community authority against 19256  
each such person or entity and all successors and assigns of the 19257  
property conveyed by such instrument of conveyance. 19258

(B) No purchase agreement for any real estate or interest in 19259  
real estate upon which a community development charge exists by 19260  
reason of a covenant running with the land shall be enforceable by 19261  
the seller or binding upon the purchaser unless such purchase 19262  
agreement specifically refers to such community development charge 19263  
and identifies the volume and page number of the deed records of 19264  
the county in which the covenant running with the land 19265  
establishing such community development charge is recorded, 19266  
provided that in the event a conveyance of such real estate or 19267  
interest in real estate is made pursuant to a purchase agreement 19268  
which does not make such reference and identification, the 19269  
covenant shall continue to be deemed to be a covenant running with 19270  
the land fully binding on behalf of and enforceable by the 19271  
community authority against such person or entity accepting the 19272  
conveyance pursuant to such purchase agreement. 19273

(C) When any community development charge is not paid when 19274  
due, in addition to any other remedies the new community authority 19275  
shall have with respect to collection of such charges, the new 19276  
community authority may certify the charge to the county auditor, 19277  
who shall enter the unpaid charge on the tax list and duplicates 19278  
of real property opposite the parcel against which it is charged, 19279  
and certify the charge to the county treasurer. An unpaid 19280  
community development charge is a lien on property against which 19281  
it is charged from the date the charge is entered on the tax list, 19282  
and shall be collected in the manner provided for the collection 19283  
of real property taxes. Once the charge is collected, it shall be 19284  
paid immediately to the new community district. 19285

(D) No community development charge established pursuant to 19286  
this chapter shall be construed as prohibiting or limiting the 19287  
taxing power of municipal corporations. 19288

**Sec. 349.09.** The issuance of new community authority bonds 19289

and notes or new community authority refunding bonds under this 19290  
chapter need not comply with any other law applicable to the 19291  
issuance of bonds or notes; however, sections 9.98 and 9.981 to 19292  
9.983 and division (A) of section 133.03 of the Revised Code apply 19293  
to such bonds and notes. 19294

**Sec. 349.14.** Except as provided in section 349.03 of the 19295  
Revised Code, or as otherwise provided in a resolution adopted by 19296  
the organizational board of commissioners, ~~of a new community~~ 19297  
~~authority established on or after the effective date of this~~ 19298  
~~amendment and before January 1, 2012,~~ a new community authority 19299  
organized under this chapter may be dissolved only on the vote of 19300  
a majority of the voters of the new community district at a 19301  
special election called by the board of trustees on the question 19302  
of dissolution. Such an election may be called only after the 19303  
board has determined that the new community development program 19304  
has been completed, when no community authority bonds or notes are 19305  
outstanding, and other legal indebtedness of the authority has 19306  
been discharged or provided for, and only after there has been 19307  
filed with the board of trustees a petition requesting such 19308  
election, signed by a number of qualified electors residing in the 19309  
new community district equal to not less than eight per cent of 19310  
the total vote cast for all candidates for governor in the new 19311  
community district at the most recent general election at which a 19312  
governor was elected. If a majority of the votes cast favor 19313  
dissolution, the board of trustees shall, by resolution, declare 19314  
the authority dissolved and thereupon the community authority 19315  
shall be dissolved. A certified copy of the resolution shall, 19316  
within fifteen days after its adoption, be filed with the clerk of 19317  
the organizational board of ~~county~~ commissioners ~~of the county in~~ 19318  
with which the petition for the organization of the new community 19319  
authority was filed. 19320

Upon dissolution of a new community authority, the powers 19321

thereof shall cease to exist. Any property of the new community authority ~~which~~ that is located within the corporate limits of a municipality shall vest in that municipal corporation and all other property of the community authority shall vest in the county or township in which said property is located, as provided in the resolution or petition providing for dissolution. Any vesting of property in a township shall be subject to acceptance of the property by resolution of the board of township trustees. Any funds of the community authority at the time of dissolution shall be transferred to the municipal corporation and county or township, as provided in the resolution or petition providing for dissolution, in which the new community district is located in the proportion to the assessed valuation of taxable real property of the new community authority within such municipal corporation and county or township as said valuation appears on the current assessment rolls.

Sec. 349.17. (A) Any county, notwithstanding any other provision of law, may enter into an agreement with a new community authority within its boundaries for the purpose of designating the new community authority to act on behalf of the county in exercising the powers and performing the duties described in Chapter 5721. of the Revised Code with respect to delinquent property within the boundaries of the new community authority and the county, in the case that all or a portion of the community development charges related to the property are not paid when due.

(B) An agreement as described in division (A) of this section may permit a new community authority to, on behalf of the county, elect that the alternative redemption period following an adjudication of foreclosure as set forth in section 323.78 of the Revised Code apply to foreclosures of property within the new community district as a result of nonpayment of community development charges, taxes, or other charges.

(C) The powers extended to a community authority in this section shall not be construed as a limitation on the powers granted to a community authority under Chapter 349. of the Revised Code, but shall be construed as additional powers. 19354  
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**Sec. 501.07.** Lands described in division (A) of section 501.06 of the Revised Code shall continue to be leased under the terms granted until such time as the lease may expire. At the time of expiration, subject to section 501.04 of the Revised Code, the land may be leased again by the board of education of the school district for whose benefit the land has been allocated or be offered for sale by public auction or by the receipt of sealed bids with the sale awarded by the school board to the highest bidder. Prior to the offering of these lands for sale, the school board shall have an appraisal made of these lands by at least two disinterested appraisers. Notification of the sale of these lands, including the minerals in or on these or other lands, shall be advertised ~~at least~~ once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, in a newspaper of general circulation in the county in which the land is located. No bids shall be accepted for less than the appraised value of the land. 19358  
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**Sec. 503.05.** When a boundary line between townships is in dispute, the board of county commissioners, upon application of the board of township trustees of one of such townships, and upon notice in writing to the board of township trustees of such civil township, and on thirty days' public notice printed in a newspaper published of general circulation within the county, shall establish such boundary line and make a record thereof as provided by section 503.04 of the Revised Code. 19375  
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**Sec. 503.162.** (A) After certification of a resolution as 19383

provided in section 503.161 of the Revised Code, the board of 19384  
elections shall submit the question of whether the township's name 19385  
shall be changed to the electors of the unincorporated area of the 19386  
township in accordance with division (C) of that section, and the 19387  
ballot language shall be substantially as follows: 19388

"Shall the township of ..... (name) change its name to 19389  
..... (proposed name)? 19390

..... For name change 19391

..... Against name change" 19392

(B)(1) At least forty-five days before the election on this 19393  
question, the board of township trustees shall provide notice of 19394  
the election and an explanation of the proposed name change in a 19395  
newspaper of general circulation in the township once a week for 19396  
two consecutive weeks ~~and~~ or as provided in section 7.16 of the 19397  
Revised Code. The board of township trustees shall post the notice 19398  
and explanation in five conspicuous places in the unincorporated 19399  
area of the township. 19400

(2) If the board of elections operates and maintains a web 19401  
site, notice of the election and an explanation of the proposed 19402  
name change shall be posted on that web site for at least thirty 19403  
days before the election on this question. 19404

(C) If a majority of the votes cast on the proposition of 19405  
changing the township's name is in the affirmative, the name 19406  
change is adopted and becomes effective ninety days after the 19407  
board of elections certifies the election results to the fiscal 19408  
officer of the township. Upon receipt of the certification of the 19409  
election results from the board of elections, the fiscal officer 19410  
of the township shall send a copy of that certification to the 19411  
secretary of state. 19412

(D) A change in the name of a township shall not alter the 19413  
rights or liabilities of the township as previously named. 19414



Sec. 503.41. (A) A board of township trustees, by resolution, 19415  
may regulate and require the registration of massage 19416  
establishments and their employees within the unincorporated 19417  
territory of the township. In accordance with sections 503.40 to 19418  
503.49 of the Revised Code, for that purpose, the board, by a 19419  
majority vote of all members, may adopt, amend, administer, and 19420  
enforce regulations within the unincorporated territory of the 19421  
township. 19422

(B) A board may adopt regulations and amendments under this 19423  
section only after public hearing at not fewer than two regular 19424  
sessions of the board. The board shall cause to be published in ~~at~~ 19425  
~~least one~~ a newspaper of general circulation in the township, or 19426  
as provided in section 7.16 of the Revised Code, notice of the 19427  
public hearings, including the time, date, and place, once a week 19428  
for two weeks immediately preceding the hearings. The board shall 19429  
make available proposed regulations or amendments to the public at 19430  
the office of the board. 19431

(C) Regulations or amendments adopted by the board are 19432  
effective thirty days after the date of adoption unless, within 19433  
thirty days after the adoption of the regulations or amendments, 19434  
the township fiscal officer receives a petition, signed by a 19435  
number of qualified electors residing in the unincorporated area 19436  
of the township equal to not less than ten per cent of the total 19437  
vote cast for all candidates for governor in the area at the most 19438  
recent general election at which a governor was elected, 19439  
requesting the board to submit the regulations or amendments to 19440  
the electors of the area for approval or rejection at the next 19441  
primary or general election occurring at least ninety days after 19442  
the board receives the petition. 19443

No regulation or amendment for which the referendum vote has 19444  
been requested is effective unless a majority of the votes cast on 19445

the issue is in favor of the regulation or amendment. Upon 19446  
certification by the board of elections that a majority of the 19447  
votes cast on the issue was in favor of the regulation or 19448  
amendment, the regulation or amendment takes immediate effect. 19449

(D) The board shall make available regulations it adopts or 19450  
amends to the public at the office of the board and shall cause to 19451  
be published once a notice of the availability of the regulations 19452  
in ~~at least one~~ a newspaper of general circulation in the township 19453  
within ten days after their adoption or amendment. 19454

(E) Nothing in sections 503.40 to 503.49 of the Revised Code 19455  
shall be construed to allow a board of township trustees to 19456  
regulate the practice of any limited branch of medicine specified 19457  
in section 4731.15 of the Revised Code or the practice of 19458  
providing therapeutic massage by a licensed physician, a licensed 19459  
chiropractor, a licensed podiatrist, a licensed nurse, or any 19460  
other licensed health professional. As used in this division, 19461  
"licensed" means licensed, certified, or registered to practice in 19462  
this state. 19463

**Sec. 504.02.** (A) After certification of a resolution as 19464  
provided in division (A) of section 504.01 of the Revised Code, 19465  
the board of elections shall submit the question of whether to 19466  
adopt a limited home rule government to the electors of the 19467  
unincorporated area of the township, and the ballot language shall 19468  
be substantially as follows: 19469

"Shall the township of ..... (name) adopt a limited 19470  
home rule government, under which government the board of township 19471  
trustees, by resolution, may exercise limited powers of local 19472  
self-government and limited police powers? 19473

..... For adoption of a limited home rule government 19474

..... Against adoption of a limited home rule government" 19475

(B)(1) At least forty-five days before the election on this 19476

question, the board of township trustees shall have notice of the 19477  
election and a description of the proposed limited home rule 19478  
government published in a newspaper of general circulation in the 19479  
township once a week for two consecutive weeks or as provided in 19480  
section 7.16 of the Revised Code, and shall have the notice and 19481  
description posted in five conspicuous places in the 19482  
unincorporated area of the township. 19483

(2) If a board of elections operates and maintains a web 19484  
site, notice of the election and a description of the proposed 19485  
limited home rule government shall be posted on that web site for 19486  
at least thirty days before the election on this question. 19487

(C) If a majority of the votes cast on the proposition of 19488  
adopting a limited home rule government is in the affirmative, 19489  
that government is adopted and becomes the government of the 19490  
township on the first day of January immediately following the 19491  
election. 19492

**Sec. 504.03.** (A)(1) If a limited home rule government is 19493  
adopted pursuant to section 504.02 of the Revised Code, it shall 19494  
remain in effect for at least three years except as otherwise 19495  
provided in division (B) of this section. At the end of that 19496  
period, if the board of township trustees determines that that 19497  
government is not in the best interests of the township, it may 19498  
adopt a resolution causing the board of elections to submit to the 19499  
electors of the unincorporated area of the township the question 19500  
of whether the township should continue the limited home rule 19501  
government. The question shall be voted upon at the next general 19502  
election occurring at least ninety days after the certification of 19503  
the resolution to the board of elections. After certification of 19504  
the resolution, the board of elections shall submit the question 19505  
to the electors of the unincorporated area of the township, and 19506  
the ballot language shall be substantially as follows: 19507

"Shall the township of ..... (name) continue the limited home rule government under which it is operating? ..... For continuation of the limited home rule government ..... Against continuation of the limited home rule government" (2)(a) At least forty-five days before the election on the question of continuing the limited home rule government, the board of township trustees shall have notice of the election published in a newspaper of general circulation in the township once a week for two consecutive weeks or as provided in section 7.16 of the Revised Code, and shall have the notice posted in five conspicuous places in the unincorporated area of the township. (b) If a board of elections operates and maintains a web site, notice of the election shall be posted on that web site for at least thirty days before the election on the question of continuing the limited home rule government. (B) The electors of a township that has adopted a limited home rule government may propose at any time by initiative petition, in accordance with section 504.14 of the Revised Code, a resolution submitting to the electors in the unincorporated area of the township, in an election, the question set forth in division (A)(1) of this section. (C) If a majority of the votes cast under division (A) or (B) of this section on the proposition of continuing the limited home rule government is in the negative, that government is terminated effective on the first day of January immediately following the election, and a limited home rule government shall not be adopted in the unincorporated area of the township pursuant to section 504.02 of the Revised Code for at least three years after that date. (D) If a limited home rule government is terminated under this section, the board of township trustees immediately shall

adopt a resolution repealing all resolutions adopted pursuant to 19539  
this chapter that are not authorized by any other section of the 19540  
Revised Code outside this chapter, effective on the first day of 19541  
January immediately following the election described in division 19542  
(A) or (B) of this section. However, no resolution adopted under 19543  
this division shall affect or impair the obligations of the 19544  
township under any security issued or contracts entered into by 19545  
the township in connection with the financing of any water supply 19546  
facility or sewer improvement under sections 504.18 to 504.20 of 19547  
the Revised Code or the authority of the township to collect or 19548  
enforce any assessments or other revenues constituting security 19549  
for or source of payments of debt service charges of those 19550  
securities. 19551

(E) Upon the termination of a limited home rule government 19552  
under this section, if the township had converted its board of 19553  
township trustees to a five-member board before September 26, 19554  
2003, the current board member who received the lowest number of 19555  
votes of the current board members who were elected at the most 19556  
recent election for township trustees, and the current board 19557  
member who received the lowest number of votes of the current 19558  
board members who were elected at the second most recent election 19559  
for township trustees, shall cease to be township trustees on the 19560  
date that the limited home rule government terminates. Their 19561  
offices likewise shall cease to exist at that time, and the board 19562  
shall continue as a three-member board as provided in section 19563  
505.01 of the Revised Code. 19564

**Sec. 504.12.** No resolution and no section or numbered or 19565  
lettered division of a section shall be revised or amended unless 19566  
the new resolution contains the entire resolution, section, or 19567  
division as revised or amended, and the resolution, section, or 19568  
division so amended shall be repealed. This requirement does not 19569  
prevent the amendment of a resolution by the addition of a new 19570

section, or division, and in this case the full text of the former 19571  
resolution need not be set forth, nor does this section prevent 19572  
repeals by implication. Except in the case of a codification or 19573  
recodification of resolutions, a separate vote shall be taken on 19574  
each resolution proposed to be amended. Resolutions that have been 19575  
introduced and have received their first reading or their first 19576  
and second readings, but have not been voted on for passage, may 19577  
be amended or revised by a majority vote of the members of the 19578  
board of township trustees, and the amended or revised resolution 19579  
need not receive additional readings. 19580

The board of township trustees of a limited home rule 19581  
township may revise, codify, and publish in book form the 19582  
resolutions of the township in the same manner as provided in 19583  
section 731.23 of the Revised Code for municipal corporations. 19584  
Resolutions adopted by the board shall be published in the same 19585  
manner as provided by sections 731.21, 731.22, 731.24, 731.25, and 19586  
731.26 of the Revised Code for municipal corporations, except that 19587  
they shall be published in ~~newspapers circulating~~ a newspaper of 19588  
general circulation within the township. The fiscal officer of the 19589  
township shall perform the duties that the clerk of the 19590  
legislative authority of a municipal corporation is required to 19591  
perform under those sections. 19592

The procedures provided in this section apply only to 19593  
resolutions adopted pursuant to a township's limited home rule 19594  
powers as authorized by this chapter. 19595

**Sec. 504.21.** (A) The board of township trustees of a township 19596  
that has adopted a limited home rule government may, for the 19597  
unincorporated territory in the township, adopt, amend, and 19598  
rescind rules establishing technically feasible and economically 19599  
reasonable standards to achieve a level of management and 19600  
conservation practices that will abate wind or water erosion of 19601

the soil or abate the degradation of the waters of the state by 19602  
soil sediment in conjunction with land grading, excavating, 19603  
filling, or other soil disturbing activities on land used or being 19604  
developed in the township for nonfarm commercial, industrial, 19605  
residential, or other nonfarm purposes, and establish criteria for 19606  
determination of the acceptability of those management and 19607  
conservation practices. The rules shall be designed to implement 19608  
the applicable areawide waste treatment management plan prepared 19609  
under section 208 of the "Federal Water Pollution Control Act," 86 19610  
Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement 19611  
phase II of the storm water program of the national pollutant 19612  
discharge elimination system established in 40 C.F.R. Part 122. 19613  
The rules to implement phase II of the storm water program of the 19614  
national pollutant discharge elimination system shall not be 19615  
inconsistent with, more stringent than, or broader in scope than 19616  
the rules or regulations adopted by the environmental protection 19617  
agency under 40 C.F.R. Part 122. The rules adopted under this 19618  
section shall not apply inside the limits of municipal 19619  
corporations, to lands being used in a strip mine operation as 19620  
defined in section 1513.01 of the Revised Code, or to land being 19621  
used in a surface mine operation as defined in section 1514.01 of 19622  
the Revised Code. 19623

The rules adopted under this section may require persons to 19624  
file plans governing erosion control, sediment control, and water 19625  
management before clearing, grading, excavating, filling, or 19626  
otherwise wholly or partially disturbing one or more contiguous 19627  
acres of land owned by one person or operated as one development 19628  
unit for the construction of nonfarm buildings, structures, 19629  
utilities, recreational areas, or other similar nonfarm uses. If 19630  
the rules require plans to be filed, the rules shall do all of the 19631  
following: 19632

(1) Designate the board itself, its employees, or another 19633

agency or official to review and approve or disapprove the plans; 19634

(2) Establish procedures and criteria for the review and 19635  
approval or disapproval of the plans; 19636

(3) Require the designated entity to issue a permit to a 19637  
person for the clearing, grading, excavating, filling, or other 19638  
project for which plans are approved and to deny a permit to a 19639  
person whose plans have been disapproved; 19640

(4) Establish procedures for the issuance of the permits; 19641

(5) Establish procedures under which a person may appeal the 19642  
denial of a permit. 19643

Areas of less than one contiguous acre shall not be exempt 19644  
from compliance with other provisions of this section or rules 19645  
adopted under this section. The rules adopted under this section 19646  
may impose reasonable filing fees for plan review, permit 19647  
processing, and field inspections. 19648

No permit or plan shall be required for a public highway, 19649  
transportation, or drainage improvement or maintenance project 19650  
undertaken by a government agency or political subdivision in 19651  
accordance with a statement of its standard sediment control 19652  
policies that is approved by the board or the chief of the 19653  
division of soil and water resources in the department of natural 19654  
resources. 19655

(B) Rules or amendments may be adopted under this section 19656  
only after public hearings at not fewer than two regular sessions 19657  
of the board of township trustees. The board shall cause to be 19658  
published, in a newspaper of general circulation in the township, 19659  
notice of the public hearings, including time, date, and place, 19660  
once a week for two weeks immediately preceding the hearings, or 19661  
as provided in section 7.16 of the Revised Code. The proposed 19662  
rules or amendments shall be made available by the board to the 19663  
public at the board office or other location indicated in the 19664



notice. The rules or amendments shall take effect on the 19665  
thirty-first day following the date of their adoption. 19666

(C) The board of township trustees may employ personnel to 19667  
assist in the administration of this section and the rules adopted 19668  
under it. The board also, if the action does not conflict with the 19669  
rules, may delegate duties to review sediment control and water 19670  
management plans to its employees, and may enter into agreements 19671  
with one or more political subdivisions, other township officials, 19672  
or other government agencies, in any combination, in order to 19673  
obtain reviews and comments on plans governing erosion control, 19674  
sediment control, and water management or to obtain other services 19675  
for the administration of the rules adopted under this section. 19676

(D) The board of township trustees or any duly authorized 19677  
representative of the board may, upon identification to the owner 19678  
or person in charge, enter any land upon obtaining agreement with 19679  
the owner, tenant, or manager of the land in order to determine 19680  
whether there is compliance with the rules adopted under this 19681  
section. If the board or its duly authorized representative is 19682  
unable to obtain such an agreement, the board or representative 19683  
may apply for, and a judge of the court of common pleas for the 19684  
county where the land is located may issue, an appropriate 19685  
inspection warrant as necessary to achieve the purposes of this 19686  
section. 19687

(E)(1) If the board of township trustees or its duly 19688  
authorized representative determines that a violation of the rules 19689  
adopted under this section exists, the board or representative may 19690  
issue an immediate stop work order if the violator failed to 19691  
obtain any federal, state, or local permit necessary for sediment 19692  
and erosion control, earth movement, clearing, or cut and fill 19693  
activity. In addition, if the board or representative determines 19694  
such a rule violation exists, regardless of whether or not the 19695  
violator has obtained the proper permits, the board or 19696

representative may authorize the issuance of a notice of 19697  
violation. If, after a period of not less than thirty days has 19698  
elapsed following the issuance of the notice of violation, the 19699  
violation continues, the board or its duly authorized 19700  
representative shall issue a second notice of violation. Except as 19701  
provided in division (E)(3) of this section, if, after a period of 19702  
not less than fifteen days has elapsed following the issuance of 19703  
the second notice of violation, the violation continues, the board 19704  
or its duly authorized representative may issue a stop work order 19705  
after first obtaining the written approval of the prosecuting 19706  
attorney of the county in which the township is located if, in the 19707  
opinion of the prosecuting attorney, the violation is egregious. 19708

Once a stop work order is issued, the board or its duly 19709  
authorized representative shall request, in writing, the 19710  
prosecuting attorney to seek an injunction or other appropriate 19711  
relief in the court of common pleas to abate excessive erosion or 19712  
sedimentation and secure compliance with the rules adopted under 19713  
this section. If the prosecuting attorney seeks an injunction or 19714  
other appropriate relief, then, in granting relief, the court of 19715  
common pleas may order the construction of sediment control 19716  
improvements or implementation of other control measures and may 19717  
assess a civil fine of not less than one hundred or more than five 19718  
hundred dollars. Each day of violation of a rule or stop work 19719  
order issued under this section shall be considered a separate 19720  
violation subject to a civil fine. 19721

(2) The person to whom a stop work order is issued under this 19722  
section may appeal the order to the court of common pleas of the 19723  
county in which it was issued, seeking any equitable or other 19724  
appropriate relief from that order. 19725

(3) No stop work order shall be issued under this section 19726  
against any public highway, transportation, or drainage 19727  
improvement or maintenance project undertaken by a government 19728

agency or political subdivision in accordance with a statement of 19729  
its standard sediment control policies that is approved by the 19730  
board or the chief of the division of soil and water resources in 19731  
the department of natural resources. 19732

(F) No person shall violate any rule adopted or order issued 19733  
under this section. Notwithstanding division (E) of this section, 19734  
if the board of township trustees determines that a violation of 19735  
any rule adopted or administrative order issued under this section 19736  
exists, the board may request, in writing, the prosecuting 19737  
attorney of the county in which the township is located, to seek 19738  
an injunction or other appropriate relief in the court of common 19739  
pleas to abate excessive erosion or sedimentation and secure 19740  
compliance with the rules or order. In granting relief, the court 19741  
of common pleas may order the construction of sediment control 19742  
improvements or implementation of other control measures and may 19743  
assess a civil fine of not less than one hundred or more than five 19744  
hundred dollars. Each day of violation of a rule adopted or 19745  
administrative order issued under this section shall be considered 19746  
a separate violation subject to a civil fine. 19747

**Sec. 505.101.** The board of township trustees of any township 19748  
may, by resolution, enter into a contract, without advertising or 19749  
bidding, for the purchase or sale of materials, equipment, or 19750  
supplies from or to any department, agency, or political 19751  
subdivision of the state, for the purchase of services with a soil 19752  
and water conservation district established under Chapter 1515. of 19753  
the Revised Code, ~~or~~ for the purchase of supplies, services, 19754  
materials, and equipment with a regional planning commission 19755  
pursuant to division (D) of section 713.23 of the Revised Code, or 19756  
for the purchase of services from an educational service center 19757  
under section 3313.846 of the Revised Code. The resolution shall: 19758

(A) Set forth the maximum amount to be paid as the purchase 19759

price for the materials, equipment, supplies, or services; 19760

(B) Describe the type of materials, equipment, supplies, or 19761  
services that are to be purchased; 19762

(C) Appropriate sufficient funds to pay the purchase price 19763  
for the materials, equipment, supplies, or services, except that 19764  
no such appropriation is necessary if funds have been previously 19765  
appropriated for the purpose and remain unencumbered at the time 19766  
the resolution is adopted. 19767

**Sec. 505.108.** Except as otherwise provided in this section 19768  
and unless the property involved is required to be disposed of 19769  
pursuant to another section of the Revised Code, property that is 19770  
unclaimed for ninety days or more shall be sold by the chief of 19771  
police or other head of the organized police department of the 19772  
township, township police district, joint township police 19773  
district, or office of a township constable at public auction, 19774  
after notice of the sale has been provided by publication once a 19775  
week for three successive weeks in a newspaper of general 19776  
circulation, or as provided in section 7.16 of the Revised Code, 19777  
in the county, or counties, if appropriate, in the case of a joint 19778  
township police district. The proceeds of the sale shall be paid 19779  
to the fiscal officer of the township and credited to the township 19780  
general fund, except that, in the case of a joint township police 19781  
district, the proceeds of a sale shall be paid to the fiscal 19782  
officer of the most populous participating township and credited 19783  
to the appropriate township general fund or funds according to 19784  
agreement of the participating townships. 19785

If authorized to do so by a resolution adopted by the board 19786  
of township trustees or, in the case of a joint township police 19787  
district, each participating board of township trustees, and if 19788  
the property involved is not required to be disposed of pursuant 19789  
to another section of the Revised Code, the head of the 19790

department, district, or office may contribute property that is 19791  
unclaimed for ninety days or more to one or more public agencies, 19792  
to one or more nonprofit organizations no part of the net income 19793  
of which inures to the benefit of any private shareholder or 19794  
individual and no substantial part of the activities of which 19795  
consists of carrying on propaganda or otherwise attempting to 19796  
influence legislation, or to one or more organizations satisfying 19797  
section 501(c)(3) or (c)(19) of the Internal Revenue Code of 1986. 19798

**Sec. 505.17.** (A) Except in a township or portion of a 19799  
township that is within the limits of a municipal corporation, the 19800  
board of township trustees may make regulations and orders as are 19801  
necessary to control passenger car, motorcycle, and internal 19802  
combustion engine noise, as permitted under section 4513.221 of 19803  
the Revised Code, and all vehicle parking in the township. This 19804  
authorization includes, among other powers, the power to regulate 19805  
parking on established roadways proximate to buildings on private 19806  
property as necessary to provide access to the property by public 19807  
safety vehicles and equipment, if the property is used for 19808  
commercial purposes, the public is permitted to use the parking 19809  
area, and accommodation for more than ten motor vehicles is 19810  
provided, and the power to authorize the issuance of orders 19811  
limiting or prohibiting parking on any township street or highway 19812  
during a snow emergency declared pursuant to a snow-emergency 19813  
authorization adopted under this division. All such regulations 19814  
and orders shall be subject to the limitations, restrictions, and 19815  
exceptions in sections 4511.01 to 4511.76 and 4513.02 to 4513.37 19816  
of the Revised Code. 19817

A board of township trustees may adopt a general 19818  
snow-emergency authorization, which becomes effective under 19819  
division (B)(1) of this section, allowing the president of the 19820  
board or some other person specified in the authorization to issue 19821  
an order declaring a snow emergency and limiting or prohibiting 19822

parking on any township street or highway during the snow 19823  
emergency. Any such order becomes effective under division (B)(2) 19824  
of this section. Each general snow-emergency authorization adopted 19825  
under this division shall specify the weather conditions under 19826  
which a snow emergency may be declared in that township. 19827

(B)(1) All regulations and orders, including any 19828  
snow-emergency authorization established by the board under this 19829  
section, except for an order declaring a snow emergency as 19830  
provided in division (B)(2) of this section, shall be posted by 19831  
the township fiscal officer in five conspicuous public places in 19832  
the township for thirty days before becoming effective, and shall 19833  
be published in a newspaper of general circulation in the township 19834  
for three consecutive weeks or as provided in section 7.16 of the 19835  
Revised Code. In addition to these requirements, no general 19836  
snow-emergency authorization shall become effective until 19837  
permanent signs giving notice that parking is limited or 19838  
prohibited during a snow emergency are properly posted, in 19839  
accordance with any applicable standards adopted by the department 19840  
of transportation, along streets or highways specified in the 19841  
authorization. 19842

(2) Pursuant to the adoption of a snow-emergency 19843  
authorization under this section, an order declaring a snow 19844  
emergency becomes effective two hours after the president of the 19845  
board or the other person specified in the general snow-emergency 19846  
authorization makes an announcement of a snow emergency to the 19847  
local news media. The president or other specified person shall 19848  
request the local news media to announce that a snow emergency has 19849  
been declared, the time the declaration will go into effect, and 19850  
whether the snow emergency will remain in effect for a specified 19851  
period of time or indefinitely until canceled by a subsequent 19852  
announcement to the local news media by the president or other 19853  
specified person. 19854

(C) Such regulations and orders may be enforced where traffic control devices conforming to section 4511.09 of the Revised Code are prominently displayed. Parking regulations authorized by this section do not apply to any state highway unless the parking regulations are approved by the director of transportation.

(D) A board of township trustees or its designated agent may order into storage any vehicle parked in violation of a township parking regulation or order, if the violation is not one that is required to be handled pursuant to Chapter 4521. of the Revised Code. The owner or any lienholder of a vehicle ordered into storage may claim the vehicle upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, and payment of all expenses, charges, and fines incurred as a result of the parking violation and removal and storage of the vehicle.

(E) Whoever violates any regulation or order adopted pursuant to this section is guilty of a minor misdemeanor, unless the township has enacted a regulation pursuant to division (A) of section 4521.02 of the Revised Code, that specifies that the violation shall not be considered a criminal offense and shall be handled pursuant to Chapter 4521. of the Revised Code. Fines levied and collected under this section shall be paid into the township general revenue fund.

**Sec. 505.264.** (A) As used in this section, "energy conservation measure" means an installation or modification of an installation in, or remodeling of, an existing building, to reduce energy consumption. It includes the following:

(1) Insulation of the building structure and of systems within the building;

(2) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective glazed and coated window and

door systems, additional glazing, reductions in glass area, and	19886
other window and door system modifications that reduce energy	19887
consumption;	19888
(3) Automatic energy control systems;	19889
(4) Heating, ventilating, or air conditioning system	19890
modifications or replacements;	19891
(5) Caulking and weatherstripping;	19892
(6) Replacement or modification of lighting fixtures to	19893
increase the energy efficiency of the system without increasing	19894
the overall illumination of a facility, unless an increase in	19895
illumination is necessary to conform to the applicable state or	19896
local building code for the proposed lighting system;	19897
(7) Energy recovery systems;	19898
(8) Cogeneration systems that produce steam or forms of	19899
energy such as heat, as well as electricity, for use primarily	19900
within a building or complex of buildings;	19901
(9) Any other modification, installation, or remodeling	19902
approved by the board of township trustees as an energy	19903
conservation measure.	19904
(B) For the purpose of evaluating township buildings for	19905
energy conservation measures, a township may contract with an	19906
architect, professional engineer, energy services company,	19907
contractor, or other person experienced in the design and	19908
implementation of energy conservation measures for a report that	19909
analyzes the buildings' energy needs and presents recommendations	19910
for building installations, modifications of existing	19911
installations, or building remodeling that would significantly	19912
reduce energy consumption in the buildings owned by that township.	19913
The report shall include estimates of all costs of the	19914
installations, modifications, or remodeling, including costs of	19915



design, engineering, installation, maintenance, and repairs, and 19916  
estimates of the amounts by which energy consumption could be 19917  
reduced. 19918

(C) A township desiring to implement energy conservation 19919  
measures may proceed under either of the following methods: 19920

(1) Using a report or any part of a report prepared under 19921  
division (B) of this section, advertise for bids and comply with 19922  
the bidding procedures set forth in sections 307.86 to 307.92 of 19923  
the Revised Code; 19924

(2) Request proposals from at least three vendors for the 19925  
implementation of energy conservation measures. Prior to sending 19926  
any installer of energy conservation measures a copy of any such 19927  
request, the township shall advertise its intent to request 19928  
proposals for the installation of energy conservation measures in 19929  
a newspaper of general circulation in the township once a week for 19930  
two consecutive weeks or as provided in section 7.16 of the 19931  
Revised Code. The notice shall state that the township intends to 19932  
request proposals for the installation of energy conservation 19933  
measures; indicate the date, which shall be at least ten days 19934  
after the second publication, on which the request for proposals 19935  
will be mailed to installers of energy conservation measures; and 19936  
state that any installer of energy conservation measures 19937  
interested in receiving the request for proposal shall submit 19938  
written notice to the township not later than noon of the day on 19939  
which the request for proposal will be mailed. 19940

Upon receiving the proposals, the township shall analyze them 19941  
and select the proposal or proposals most likely to result in the 19942  
greatest energy savings considering the cost of the project and 19943  
the township's ability to pay for the improvements with current 19944  
revenues or by financing the improvements. The awarding of a 19945  
contract to install energy conservation measures under division 19946  
(C)(2) of this section shall be conditioned upon a finding by the 19947

township that the amount of money spent on energy savings measures 19948  
is not likely to exceed the amount of money the township would 19949  
save in energy and operating costs over ten years or a lesser 19950  
period as determined by the township or, in the case of contracts 19951  
for cogeneration systems, over five years or a lesser period as 19952  
determined by the township. Nothing in this section prohibits a 19953  
township from rejecting all proposals or from selecting more than 19954  
one proposal. 19955

(D) A board of township trustees may enter into an 19956  
installment payment contract for the purchase and installation of 19957  
energy conservation measures. Any provisions of those installment 19958  
payment contracts that deal with interest charges and financing 19959  
terms shall not be subject to the competitive bidding procedures 19960  
of section 307.86 of the Revised Code. Unless otherwise approved 19961  
by a resolution of the board, an installment payment contract 19962  
entered into by a board of township trustees under this section 19963  
shall require the board to contract in accordance with the 19964  
procedures set forth in section 307.86 of the Revised Code for the 19965  
installation, modification, or remodeling of energy conservation 19966  
measures pursuant to this section. 19967

(E) The board may issue securities of the township specifying 19968  
the terms of the purchase and securing the deferred payments, 19969  
payable at the times provided and bearing interest at a rate not 19970  
exceeding the rate determined as provided in section 9.95 of the 19971  
Revised Code. The maximum maturity of the securities shall be as 19972  
provided in division (B)(7)(g) of section 133.20 of the Revised 19973  
Code. The securities may contain an option for prepayment and 19974  
shall not be subject to Chapter 133. of the Revised Code. Revenues 19975  
derived from local taxes or otherwise, for the purpose of 19976  
conserving energy or for defraying the current operating expenses 19977  
of the township, may be applied to the payment of interest and the 19978  
retirement of the securities. The securities may be sold at 19979

private sale or given to the contractor under the installment 19980  
payment contract authorized by division (D) of this section. 19981

(F) Debt incurred under this section shall not be included in 19982  
the calculation of the net indebtedness of a township under 19983  
section 133.09 of the Revised Code. 19984

**Sec. 505.28.** The board of township trustees may create a 19985  
waste disposal district under sections 505.27 to 505.33 of the 19986  
Revised Code, by a unanimous vote of the board and give notice 19987  
thereof by a publication in ~~two newspapers~~ a newspaper of general 19988  
circulation in the township. If, within thirty days after such 19989  
publication, a protest petition is filed with the board, signed by 19990  
at least fifty per cent of the electors residing in the district, 19991  
the act of the board in creating such district shall be void. If a 19992  
petition is filed with the board asking for the creation of such a 19993  
district in the township, accompanied by a map clearly showing the 19994  
boundaries of such district, and signed by at least sixty-five per 19995  
cent of the electors residing therein, with addresses of such 19996  
signers, the board shall, within sixty days, create such a 19997  
district. 19998

Each district shall be given a name, and the entire cost of 19999  
any necessary equipment and labor shall be apportioned against 20000  
each district by the respective boards. 20001

**Sec. 505.373.** The board of township trustees may, by 20002  
resolution, adopt by incorporation by reference a standard code 20003  
pertaining to fire, fire hazards, and fire prevention prepared and 20004  
promulgated by the state or any department, board, or other agency 20005  
of the state, or any such code prepared and promulgated by a 20006  
public or private organization that publishes a model or standard 20007  
code. 20008

After the adoption of the code by the board, a notice clearly 20009

identifying the code, stating the purpose of the code, and stating 20010  
that a complete copy of the code is on file with the township 20011  
fiscal officer for inspection by the public and also on file in 20012  
the law library of the county in which the township is located and 20013  
that the fiscal officer has copies available for distribution to 20014  
the public at cost, shall be posted by the fiscal officer in five 20015  
conspicuous places in the township for thirty days before becoming 20016  
effective. The notice required by this section shall also be 20017  
published in a newspaper of general circulation in the township 20018  
once a week for three consecutive weeks or as provided in section 20019  
7.16 of the Revised Code. If the adopting township amends or 20020  
deletes any provision of the code, the notice shall contain a 20021  
brief summary of the deletion or amendment. 20022

If the agency that originally promulgated or published the 20023  
code thereafter amends the code, any township that has adopted the 20024  
code pursuant to this section may adopt the amendment or change by 20025  
incorporation by reference in the same manner as provided for 20026  
adoption of the original code. 20027

**Sec. 505.55.** In the event that need for a township police 20028  
district ceases to exist, the township trustees by a two-thirds 20029  
vote of the board shall adopt a resolution specifying the date 20030  
that the township police district shall cease to exist and provide 20031  
for the disposal of all property belonging to the district by 20032  
public sale. Such sale must be by public auction and upon notice 20033  
thereof being published once a week for three weeks in a newspaper 20034  
~~published, or~~ of general circulation in such township, the or as 20035  
provided in section 7.16 of the Revised Code. The last of such 20036  
publications ~~to~~ shall be made at least five days before the date 20037  
of the sale. Any moneys remaining after the dissolution of the 20038  
district or received from the public sale of property shall be 20039  
paid into the treasury of the township and may be expended for any 20040  
public purpose when duly authorized by the township board of 20041

trustees. 20042

**Sec. 505.73.** (A) The board of township trustees may, by 20043  
resolution, adopt by incorporation by reference, administer, and 20044  
enforce within the unincorporated area of the township an existing 20045  
structures code pertaining to the repair and continued maintenance 20046  
of structures and the premises of those structures. For that 20047  
purpose, the board shall adopt any model or standard code prepared 20048  
and promulgated by this state, any department, board, or agency of 20049  
this state, or any public or private organization that publishes a 20050  
recognized model or standard code on the subject. The board shall 20051  
ensure that the code adopted governs subject matter not addressed 20052  
by the state residential building code and that it is fully 20053  
compatible with the state residential and nonresidential building 20054  
codes the board of building standards adopts pursuant to section 20055  
3781.10 of the Revised Code. 20056

(B) The board shall assign the duties of administering and 20057  
enforcing the existing structures code to a township officer or 20058  
employee who is trained and qualified for those duties and shall 20059  
establish by resolution the minimum qualifications necessary to 20060  
perform those duties. 20061

(C)(1) After the board adopts an existing structures code, 20062  
the township fiscal officer shall post a notice that clearly 20063  
identifies the code, states the code's purpose, and states that a 20064  
complete copy of the code is on file for inspection by the public 20065  
with the fiscal officer and in the county law library and that the 20066  
fiscal officer has copies available for distribution to the public 20067  
at cost. 20068

(2) The township fiscal officer shall post the notice in five 20069  
conspicuous places in the township for thirty days before the code 20070  
becomes effective and shall publish the notice in a newspaper of 20071  
general circulation in the township for three consecutive weeks or 20072

as provided in section 7.16 of the Revised Code. If the adopting township amends or deletes any provision of the code, the notice shall contain a brief summary of the deletion or amendment.

(D) If the agency that originally promulgated or published the existing structures code amends the code, the board may adopt the amendment or change by incorporation by reference in the manner provided for the adoption of the original code.

**Sec. 507.09.** (A) Except as otherwise provided in division (D) of this section, the township fiscal officer shall be entitled to compensation as follows:

(1) In townships having a budget of fifty thousand dollars or less, three thousand five hundred dollars;

(2) In townships having a budget of more than fifty thousand but not more than one hundred thousand dollars, five thousand five hundred dollars;

(3) In townships having a budget of more than one hundred thousand but not more than two hundred fifty thousand dollars, seven thousand seven hundred dollars;

(4) In townships having a budget of more than two hundred fifty thousand but not more than five hundred thousand dollars, nine thousand nine hundred dollars;

(5) In townships having a budget of more than five hundred thousand but not more than seven hundred fifty thousand dollars, eleven thousand dollars;

(6) In townships having a budget of more than seven hundred fifty thousand but not more than one million five hundred thousand dollars, thirteen thousand two hundred dollars;

(7) In townships having a budget of more than one million five hundred thousand but not more than three million five hundred thousand dollars, fifteen thousand four hundred dollars;

(8) In townships having a budget of more than three million 20103  
five hundred thousand dollars but not more than six million 20104  
dollars, sixteen thousand five hundred dollars; 20105

(9) In townships having a budget of more than six million 20106  
dollars, seventeen thousand six hundred dollars. 20107

(B) Any township fiscal officer may elect to receive less 20108  
than the compensation the fiscal officer is entitled to under 20109  
division (A) of this section. Any township fiscal officer electing 20110  
to do this shall so notify the board of township trustees in 20111  
writing, and the board shall include this notice in the minutes of 20112  
its next board meeting. 20113

(C) The compensation of the township fiscal officer shall be 20114  
paid in equal monthly payments. If the office of township fiscal 20115  
officer is held by more than one person during any calendar year, 20116  
each person holding the office shall receive payments for only 20117  
those months, and any fractions of those months, during which the 20118  
person holds the office. 20119

The board of township trustees may establish, by resolution, 20120  
a method of compensating the township fiscal officer from the 20121  
township general fund or from other township funds based on the 20122  
proportion of time the township fiscal officer spends providing 20123  
services related to each fund. If the board adopts such a 20124  
resolution, the board shall require the township fiscal officer to 20125  
document and to notify the board periodically of the amount of 20126  
time the township fiscal officer spends providing services related 20127  
to each fund. 20128

(D) Beginning in calendar year 1999, the township fiscal 20129  
officer shall be entitled to compensation as follows: 20130

(1) In calendar year 1999, the compensation specified in 20131  
division (A) of this section increased by three per cent; 20132

(2) In calendar year 2000, the compensation determined under 20133

division (D)(1) of this section increased by three per cent;	20134
(3) In calendar year 2001, the compensation determined under division (D)(2) of this section increased by three per cent;	20135 20136
(4) In calendar year 2002, except in townships having a budget of more than six million dollars, the compensation determined under division (D)(3) of this section increased by three per cent; in townships having a budget of more than six million but not more than ten million dollars, nineteen thousand eight hundred ten dollars; and in townships having a budget of more than ten million dollars, twenty thousand nine hundred dollars;	20137 20138 20139 20140 20141 20142 20143 20144
(5) In calendar year 2003, the compensation determined under division (D)(4) of this section increased by three per cent or the percentage increase in the consumer price index as described in division (D)(7)(b) of this section, whichever percentage is lower;	20145 20146 20147 20148
(6) In calendar year 2004, except in townships having a budget of more than six million dollars, the compensation determined under division (D)(5) of this section for the calendar year 2003 increased by three per cent or the percentage increase in the consumer price index as described in division (D)(7)(b) of this section, whichever percentage is lower; in townships having a budget of more than six million but not more than ten million dollars, twenty-two thousand eighty-seven dollars; and in townships having a budget of more than ten million dollars, twenty-five thousand five hundred fifty-three dollars;	20149 20150 20151 20152 20153 20154 20155 20156 20157 20158
(7) In calendar years 2005 through 2008, the compensation determined under division (D) of this section for the immediately preceding calendar year increased by the lesser of the following:	20159 20160 20161
(a) Three per cent;	20162
(b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day	20163 20164



of September of the immediately preceding calendar year, rounded 20165  
to the nearest one-tenth of one per cent; 20166

(8) In calendar year 2009 and thereafter, the amount 20167  
determined under division (D) of this section for calendar year 20168  
2008. 20169

As used in this division, "consumer price index" has the same 20170  
meaning as in section 325.18 of the Revised Code. 20171

**Sec. 511.23.** (A) When the vote under section 511.22 of the 20172  
Revised Code is in favor of establishing one or more public parks, 20173  
the board of park commissioners shall constitute a board, to be 20174  
called the board of park commissioners of that township park 20175  
district, and they shall be a body politic and corporate. Their 20176  
office is not a township office within the meaning of section 20177  
703.22 of the Revised Code but is an office of the township park 20178  
district. The members of the board shall serve without 20179  
compensation but shall be allowed their actual and necessary 20180  
expenses incurred in the performance of their duties. 20181

(B) The board may locate, establish, improve, maintain, and 20182  
operate a public park or parks in accordance with division (B) of 20183  
section 511.18 of the Revised Code, with or without recreational 20184  
facilities. Any township park district that contains only 20185  
unincorporated territory and that operated a public park or parks 20186  
outside the township immediately prior to July 18, 1990, may 20187  
continue to improve, maintain, and operate these parks outside the 20188  
township, but further acquisitions of land shall not affect the 20189  
boundaries of the park district itself or the appointing authority 20190  
for the board of park commissioners. 20191

The board may lease, accept a conveyance of, or purchase 20192  
suitable lands for cash, by purchase by installment payments with 20193  
or without a mortgage, by lease or lease-purchase agreements, or 20194  
by lease with option to purchase, may acquire suitable lands 20195

through an exchange under section 511.241 of the Revised Code, or 20196  
may appropriate suitable lands and materials for park district 20197  
purposes. The board also may lease facilities from other political 20198  
subdivisions or private sources. The board shall have careful 20199  
surveys and plats made of the lands acquired for park district 20200  
purposes and shall establish permanent monuments on the boundaries 20201  
of the lands. Those plats, when executed according to sections 20202  
711.01 to 711.38 of the Revised Code, shall be recorded in the 20203  
office of the county recorder, and those records shall be 20204  
admissible in evidence for the purpose of locating and 20205  
ascertaining the true boundaries of the park or parks. 20206

(C) In furtherance of the use and enjoyment of the lands 20207  
controlled by it, the board may accept donations of money or other 20208  
property or act as trustees of land, money, or other property, and 20209  
may use and administer the land, money, or other property as 20210  
stipulated by the donor or as provided in the trust agreement. 20211

The board may receive and expend grants for park purposes 20212  
from agencies and instrumentalities of the United States and this 20213  
state and may enter into contracts or agreements with those 20214  
agencies and instrumentalities to carry out the purposes for which 20215  
the grants were furnished. 20216

(D) In exercising any powers conferred upon the board under 20217  
divisions (B) and (C) of this section and for other types of 20218  
assistance that the board finds necessary in carrying out its 20219  
duties, the board may hire and contract for professional, 20220  
technical, consulting, and other special services and may purchase 20221  
goods and award contracts. The procuring of goods and awarding of 20222  
contracts shall be done in accordance with the procedures 20223  
established for the board of county commissioners by sections 20224  
307.86 to 307.91 of the Revised Code. 20225

(E) The board may appoint an executive for the park or parks 20226  
and may designate the executive or another person as the clerk of 20227

the board. It may appoint all other necessary officers and 20228  
employees, fix their compensation, and prescribe their duties, or 20229  
it may require the executive to appoint all other necessary 20230  
officers and employees, and to fix their compensation and 20231  
prescribe their duties, in accordance with guidelines and policies 20232  
adopted by the board. 20233

(F) The board may adopt bylaws and rules that it considers 20234  
advisable for the following purposes: 20235

(1) To prohibit selling, giving away, or using any 20236  
intoxicating liquors in the park or parks; 20237

(2) For the government and control of the park or parks and 20238  
the operation of motor vehicles in the park or parks; 20239

(3) To provide for the protection and preservation of all 20240  
property and natural life within its jurisdiction. 20241

Before the bylaws and rules take effect, the board shall 20242  
provide for a notice of their adoption to be published once a week 20243  
for two consecutive weeks or as provided in section 7.16 of the 20244  
Revised Code, in a newspaper of general circulation in the county 20245  
within which the park district is located. 20246

No person shall violate any of the bylaws or rules. Fines 20247  
levied and collected for violations shall be paid into the 20248  
treasury of the township park district. The board may use moneys 20249  
collected from those fines for any purpose that is not 20250  
inconsistent with sections 511.18 to 511.37 of the Revised Code. 20251

(G) The board may do either of the following: 20252

(1) Establish and charge fees for the use of any facilities 20253  
and services of the park or parks regardless of whether the park 20254  
or parks were acquired before, on, or after ~~the effective date of~~ 20255  
~~this amendment~~ September 21, 2000; 20256

(2) Enter into a lease agreement with an individual or 20257

organization that provides for the exclusive use of a specified 20258  
portion of the park or parks within the township park district by 20259  
that individual or organization for the duration of an event 20260  
produced by the individual or organization. The board, for the 20261  
specific portion of the park or parks covered by the lease 20262  
agreement, may charge a fee to, or permit the individual or 20263  
organization to charge a fee to, participants in and spectators at 20264  
the event covered by the agreement. 20265

(H) If the board finds that real or personal property owned 20266  
by the township park district is not currently needed for park 20267  
purposes, the board may lease that property to other persons or 20268  
organizations during any period of time the board determines the 20269  
property will not be needed. If the board finds that competitive 20270  
bidding on a lease is not feasible, it may lease the property 20271  
without taking bids. 20272

(I) The board may exchange property owned by the township 20273  
park district for property owned by the state, another political 20274  
subdivision, or the federal government on terms that it considers 20275  
desirable, without the necessity of competitive bidding. 20276

(J) Any rights or duties established under this section may 20277  
be modified, shared, or assigned by an agreement pursuant to 20278  
section 755.16 of the Revised Code. 20279

**Sec. 511.25.** If the board of park commissioners of a township 20280  
park district finds that any lands that the board has acquired are 20281  
not necessary for the purposes for which they were acquired, it 20282  
may sell and dispose of those lands upon terms that the board 20283  
considers advisable and may reject any purchase bid received under 20284  
this section that the board determines does not meet its terms for 20285  
sale. 20286

Except as otherwise provided in this section, no lands shall 20287  
be sold without first giving notice of the board's intention to 20288

sell the lands by publication once a week for four consecutive 20289  
weeks in a newspaper of general circulation in the township or as 20290  
provided in section 7.16 of the Revised Code. The notice shall 20291  
contain an accurate description of the lands being offered for 20292  
sale and shall state the time and place at which sealed bids for 20293  
the lands will be received. If the board rejects all of the 20294  
purchase bids, it may reoffer the lands for sale in accordance 20295  
with this section. 20296

The board also may sell park lands not necessary for district 20297  
purposes to another political subdivision, the state, or the 20298  
federal government without giving the notices or taking bids as 20299  
otherwise required by this section. 20300

No lands acquired by a township park district may be sold 20301  
without the approval of the court of common pleas of the county in 20302  
which the park district is located, if the court appointed the 20303  
board under section 511.18 of the Revised Code, or the approval of 20304  
the board of township trustees, if the board of township trustees 20305  
appointed the board of park commissioners under section 511.18 of 20306  
the Revised Code. 20307

**Sec. 511.28.** A copy of any resolution for a tax levy adopted 20308  
by the township board of park commissioners as provided in section 20309  
511.27 of the Revised Code shall be certified by the clerk of the 20310  
board of park commissioners to the board of elections of the 20311  
proper county, together with a certified copy of the resolution 20312  
approving the levy, passed by the board of township trustees if 20313  
such a resolution is required by division (C) of section 511.27 of 20314  
the Revised Code, not less than ninety days before a general or 20315  
primary election in any year. The board of elections shall submit 20316  
the proposal to the electors as provided in section 511.27 of the 20317  
Revised Code at the succeeding general or primary election. A 20318  
resolution to renew an existing levy may not be placed on the 20319

ballot unless the question is submitted at the general election 20320  
held during the last year the tax to be renewed may be extended on 20321  
the real and public utility property tax list and duplicate, or at 20322  
any election held in the ensuing year. The board of park 20323  
commissioners shall cause notice that the vote will be taken to be 20324  
published once a week for two consecutive weeks prior to the 20325  
election in a newspaper of general circulation, or as provided in 20326  
section 7.16 of the Revised Code, in the county within which the 20327  
park district is located. Additionally, if the board of elections 20328  
operates and maintains a web site, the board of elections shall 20329  
post that notice on its web site for thirty days prior to the 20330  
election. The notice shall state the purpose of the proposed levy, 20331  
the annual rate proposed expressed in dollars and cents for each 20332  
one hundred dollars of valuation as well as in mills for each one 20333  
dollar of valuation, the number of consecutive years during which 20334  
the levy shall be in effect, and the time and place of the 20335  
election. 20336

The form of the ballots cast at the election shall be: "An 20337  
additional tax for the benefit of (name of township park district) 20338  
..... for the purpose of (purpose stated in the order of the 20339  
board) ..... at a rate not exceeding ..... mills for 20340  
each one dollar of valuation, which amounts to (rate expressed in 20341  
dollars and cents) .....for each one hundred dollars of 20342  
valuation, for (number of years the levy is to run) .....

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

20344  
20345  
20346  
20347  
If the levy submitted is a proposal to renew, increase, or 20348  
decrease an existing levy, the form of the ballot specified in 20349  
this section may be changed by substituting for the words "An 20350  
additional" at the beginning of the form, the words "A renewal of 20351

a" in the case of a proposal to renew an existing levy in the same amount; the words "A renewal of ..... mills and an increase of ..... mills to constitute a" in the case of an increase; or the words "A renewal of part of an existing levy, being a reduction of ..... mills, to constitute a" in the case of a decrease in the rate of the existing levy.

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase ", commencing in ..... (first year the tax is to be levied), first due in calendar year ..... (first calendar year in which the tax shall be due)."

The question covered by the order shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers. More than one such question may be submitted at the same election.

**Sec. 511.34.** In townships composed of islands, and on one of which islands lands have been conveyed in trust for the benefit of the inhabitants of the island for use as a park, and a board of park trustees has been provided for the control of the park, the board of township trustees may create a tax district of the island to raise funds by taxation as provided under divisions (A) and (B) of this section.

(A) For the care and maintenance of parks on the island, the board of township trustees annually may levy a tax, not to exceed one mill, upon all the taxable property in the district. The tax shall be in addition to all other levies authorized by law, and subject to no limitation on tax rates except as provided in this division.

The proceeds of the tax levy shall be expended by the board

of township trustees for the purpose of the care and maintenance 20383  
of the parks, and shall be paid out of the township treasury upon 20384  
the orders of the board of park trustees. 20385

(B) For the purpose of acquiring additional land for use as a 20386  
park, the board of township trustees may levy a tax in excess of 20387  
the ten-mill limitation on all taxable property in the district. 20388  
The tax shall be proposed by resolution adopted by two-thirds of 20389  
the members of the board of township trustees. The resolution 20390  
shall specify the purpose and rate of the tax and the number of 20391  
years the tax will be levied, which shall not exceed five years, 20392  
and which may include a levy on the current tax list and 20393  
duplicate. The resolution shall go into immediate effect upon its 20394  
passage, and no publication of the resolution is necessary other 20395  
than that provided for in the notice of election. The board of 20396  
township trustees shall certify a copy of the resolution to the 20397  
proper board of elections not later than ninety days before the 20398  
primary or general election in the township, and the board of 20399  
elections shall submit the question of the tax to the voters of 20400  
the district at the succeeding primary or general election. The 20401  
board of elections shall make the necessary arrangements for the 20402  
submission of the question to the electors of the district, and 20403  
the election shall be conducted, canvassed, and certified in the 20404  
same manner as regular elections in the township for the election 20405  
of officers. Notice of the election shall be published in a 20406  
newspaper of general circulation in the township once a week for 20407  
two consecutive weeks, or as provided in section 7.16 of the 20408  
Revised Code prior to the election ~~and, if.~~ If the board of 20409  
elections operates and maintains a web site, notice of the 20410  
election also shall be posted on that web site for thirty days 20411  
prior to the election. The notice shall state the purpose of the 20412  
tax, the proposed rate of the tax expressed in dollars and cents 20413  
for each one hundred dollars of valuation and mills for each one 20414  
dollar of valuation, the number of years the tax will be in 20415



effect, the first year the tax will be levied, and the time and 20416  
 place of the election. 20417

The form of the ballots cast at an election held under this 20418  
 division shall be as follows: 20419

"An additional tax for the benefit of ..... (name of the 20420  
 township) for the purpose of acquiring additional park land at a 20421  
 rate of ..... mills for each one dollar of valuation, which 20422  
 amounts to ..... (rate expressed in dollars and cents) for each 20423  
 one hundred dollars of valuation, for ..... (number of years 20424  
 the levy is to run) beginning in ..... (first year the tax 20425  
 will be levied). 20426

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

20427  
 20428  
 20429  
 20430

The question shall be submitted as a separate proposition but 20431  
 may be printed on the same ballot with any other proposition 20432  
 submitted at the same election other than the election of 20433  
 officers. More than one such question may be submitted at the same 20434  
 election. 20435

If the levy is approved by a majority of electors voting on 20436  
 the question, the board of elections shall certify the result of 20437  
 the election to the tax commissioner. In the first year of the 20438  
 levy, the tax shall be extended on the tax lists after the 20439  
 February settlement following the election. If the tax is to be 20440  
 placed on the tax lists of the current year as specified in the 20441  
 resolution, the board of elections shall certify the result of the 20442  
 election immediately after the canvass to the board of township 20443  
 trustees, which shall forthwith make the necessary levy and 20444  
 certify the levy to the county auditor, who shall extend the levy 20445  
 on the tax lists for collection. After the first year of the levy, 20446

the levy shall be included in the annual tax budget that is 20447  
certified to the county budget commission. 20448

**Sec. 513.14.** The board of elections shall advertise the 20449  
proposed tax levy question mentioned in section 513.13 of the 20450  
Revised Code in ~~two newspapers of opposite political faith, if two~~ 20451  
~~such newspapers are published in the joint township hospital~~ 20452  
~~district, or otherwise in one a newspaper, published or of general~~ 20453  
circulation in the proposed township hospital district, once a 20454  
week for two consecutive weeks, or as provided in section 7.16 of 20455  
the Revised Code, prior to the election ~~and, if.~~ If the board 20456  
operates and maintains a web site, the board also shall advertise 20457  
that proposed tax levy question on its web site for thirty days 20458  
prior to the election. 20459

**Sec. 515.04.** The township fiscal officer shall fix a day, not 20460  
more than thirty days from the date of notice to the board of 20461  
township trustees, for the hearing of the petition authorized by 20462  
section 515.02 or 515.16 of the Revised Code. The township fiscal 20463  
officer or the fiscal officer's designee shall prepare and deliver 20464  
to any of the petitioners a notice in writing directed to the lot 20465  
and land owners and to the corporations, either public or private, 20466  
affected by the improvement. The notice shall set forth the 20467  
substance, pendency, and prayer of the petition and the time and 20468  
place of the hearing on it. 20469

A copy of the notice shall be served upon each lot or land 20470  
owner or left at the lot or land owner's usual place of residence, 20471  
and upon an officer or agent of each corporation having its place 20472  
of business in the district or area, at least fifteen days before 20473  
the date set for the hearing. On or before the day of the hearing, 20474  
the person serving the notice shall make return on it, under oath, 20475  
of the time and manner of service and shall file the return with 20476  
the township fiscal officer. 20477

The township fiscal officer or the fiscal officer's designee 20478  
shall give the notice to each nonresident lot or land owner, by 20479  
publication once, in a newspaper ~~published in and~~ of general 20480  
circulation in the county in which the district or area is 20481  
situated, at least two weeks before the day set for hearing. The 20482  
notice shall be verified by affidavit of the printer or other 20483  
person knowing the fact and shall be filed with the township 20484  
fiscal officer or the fiscal officer's designee on or before the 20485  
day of hearing. No further notice of the petition or the 20486  
proceedings under it shall thereafter be required. 20487

**Sec. 517.12.** The board of township trustees may make rules 20488  
specifying the times when cemeteries under its control shall be 20489  
closed to the public. The board shall cause the rules to be 20490  
published once a week for two consecutive weeks in a newspaper of 20491  
general circulation within the township or as provided in section 20492  
7.16 of the Revised Code, and may post appropriate notice in the 20493  
township as considered necessary. 20494

The purposes of such rules shall be to assure a reasonable 20495  
time of access to the cemeteries in view of the differences in 20496  
attendance anticipated from past experience as to each, to exclude 20497  
attendance at times when no proper purposes could normally be 20498  
expected, to permit exceptions to the normal hours of access on 20499  
reasonable request with adequate reason provided, and to 20500  
facilitate the task of protecting the premises from vandalism, 20501  
desecration, and other improper usage. 20502

Whoever violates these rules is guilty of a minor 20503  
misdemeanor. 20504

**Sec. 517.22.** The board of township trustees or the trustees 20505  
or directors of a cemetery association, after notice has first 20506  
been given in ~~two newspapers~~ a newspaper of general circulation in 20507

the county, may dispose of, at public sale, and convey any 20508  
cemetery under their control that they have determined to 20509  
discontinue as burial grounds, but possession of the cemetery 20510  
shall not be given to a grantee until after the remains buried in 20511  
that cemetery, together with stones and monuments, have been 20512  
removed as provided by section 517.21 of the Revised Code. 20513

**Sec. 521.03.** On receiving a petition filed under section 20514  
521.02 of the Revised Code, or at the request of the board of 20515  
township trustees, the township fiscal officer shall fix a time, 20516  
not more than thirty days after the date of giving notice of the 20517  
filing to the board or the date of receiving the request from the 20518  
board, and place for a hearing on the issue of repair or 20519  
maintenance of the tiles. The township fiscal officer shall 20520  
prepare a notice in writing directed to the lot and land owners 20521  
and to the corporations, either public or private, affected by the 20522  
improvement. The notice shall set forth the substance of the 20523  
petition or board request, and the time and place of the hearing 20524  
on it. 20525

If the hearing is to be held in response to a petition, the 20526  
township fiscal officer shall deliver a copy of the notice to any 20527  
of the petitioners, who shall see that the notice is served on 20528  
each lot or land owner or left at the lot or land owner's usual 20529  
place of residence, and served on an officer or agent of each 20530  
corporation affected by the improvement, at least fifteen days 20531  
before the date set for the hearing. If the hearing is to be held 20532  
at the request of the board, the board shall see that the notice 20533  
is so served. On or before the day of the hearing, the person 20534  
serving the notice shall certify, under oath, the time and manner 20535  
of service, and shall file this certification with the township 20536  
fiscal officer. 20537

The township fiscal officer shall give notice of the hearing 20538

to each nonresident lot or land owner, by publication once, in a newspaper ~~published in and~~ of general circulation in the county in which the township is situated, at least two weeks before the day set for the hearing. This notice shall be verified by affidavit of the printer or other person knowing the fact, and shall be filed with the township fiscal officer on or before the day of the hearing. No further notice of the petition or the proceedings under it shall thereafter be required.

Sec. 523.01. The territory of one or more townships may be merged with that of a contiguous township to create a new township, in the manner provided under this chapter. The new township shall have all of, and only, the rights, powers, and responsibilities afforded by law to townships.

Sec. 523.02. (A) The boards of township trustees of two or more townships may propose a merger under section 523.01 of the Revised Code by adopting resolutions, by a majority vote of each board of township trustees of each township proposed for merger. Resolutions adopted under this section shall state all of the following:

(1) The necessity for merger;

(2) The townships that are to merge;

(3) The official name by which the new township shall be known;

(4) The boundaries of the new township created as the result of the merger.

(B) A copy of each resolution adopted under this section shall be filed with the respective township fiscal officer of each township that is subject to the merger. The merger shall become effective on the sixtieth day after the last such filing is accomplished, unless prior to the expiration of the sixty-day

period, a referendum petition is filed under section 523.03 of the 20569  
Revised Code. 20570

Sec. 523.03. (A) A qualified elector of a township proposed 20571  
for merger, not later than sixty days after the filing of a 20572  
resolution under division (B) of section 523.02 of the Revised 20573  
Code regarding that township, may present to the board of township 20574  
trustees of that township a referendum petition, signed by a 20575  
number of qualified electors residing in the township, equal in 20576  
number to not less than ten per cent of the total vote cast in the 20577  
township for governor at the most recent general election at which 20578  
a governor was elected, requesting the board to submit the 20579  
question of the merger to the electors of the township for 20580  
approval or rejection at a special election to be held on the day 20581  
of the next primary or general election occurring at least ninety 20582  
days after the petition is submitted. The referendum petition 20583  
shall be governed by section 3501.38 of the Revised Code. 20584

(B) The referendum petition shall be filed at the office of 20585  
the township fiscal officer of the township that is the subject of 20586  
the petition. The person presenting the petition shall be given a 20587  
receipt containing on it the time of the day, the date, and the 20588  
purpose of the petition. The township fiscal officer shall cause 20589  
the appropriate board of elections to check the sufficiency of 20590  
signatures on the referendum petition and if the signatures are 20591  
found to be sufficient, shall present the petition to the board of 20592  
township trustees at a meeting of the board that occurs not later 20593  
than thirty days following the filing of the petition. Upon 20594  
presentation to the board of township trustees of a referendum 20595  
petition, the board shall promptly certify the petition to the 20596  
board of elections for the purpose of having the question of the 20597  
merger placed on the ballot at a special election to be held on 20598  
the day of the next general or primary election that occurs not 20599  
less than ninety days after the date of the meeting of the board, 20600

the date of which shall be specified in the certification. 20601

(C) Signatures on a referendum petition may be withdrawn up 20602  
to and including the meeting of the board of township trustees 20603  
certifying the proposal to the appropriate board of elections. 20604

(D) Upon certification of the referendum petition to the 20605  
appropriate board of elections, the board of elections shall make 20606  
the necessary arrangements for the submission of the question of 20607  
merger to the qualified electors of the township proposed for 20608  
merger that is the subject of the petition. The election shall be 20609  
conducted, canvassed, and certified in the same manner as regular 20610  
elections in the township for the election of township officers. 20611  
Notice of the election shall be published in a newspaper of 20612  
general circulation in the township once a week for two 20613  
consecutive weeks prior to the election. If the board of elections 20614  
operates and maintains a web site, the board shall post notice of 20615  
the election on the web site for thirty days prior to the 20616  
election. The notice shall state the necessity for merger, the 20617  
townships that are proposed for merger, the official name by which 20618  
the new township shall be known, the boundaries of the new 20619  
township created as the result of the merger, and the time and 20620  
place of the election. The form of the ballots cast at the 20621  
election shall read as follows: 20622

"Shall the townships of ..... (Names of all of the 20623  
townships to be merged) be merged to create the new township of 20624  
..... (Name of new township)?" 20625

(E) No merger for which a referendum vote has been requested 20626  
shall be put into effect unless a majority of the votes cast on 20627  
the issue in the township that is the subject of the referendum 20628  
petition is in favor of the merger. The merger shall take effect 20629  
sixty days after certification by the board of elections that the 20630  
merger has been approved by the electors. 20631

Sec. 523.04. (A) A resolution for a merger under this chapter 20632  
may be proposed by initiative petition by the electors of each 20633  
township being proposed for merger, and adopted by election by 20634  
these electors under the same circumstances, in the same manner, 20635  
and subject to the same penalties as provided by sections 731.28 20636  
to 731.40 and 731.99 of the Revised Code for municipal 20637  
corporations, except that all of the following apply: 20638

(1) Each board of township trustees shall perform the duties 20639  
imposed on the legislative authority of the municipal corporation 20640  
under those sections; 20641

(2) Initiative petitions shall be filed with the township 20642  
fiscal officer of each township proposed for merger, who shall 20643  
perform the duties imposed under those sections upon the city 20644  
auditor or village clerk; 20645

(3) Initiative petitions shall contain the signatures of not 20646  
less than ten per cent of the total number of electors in a 20647  
township proposed for merger who voted for the office of governor 20648  
at the most recent general election in the township for that 20649  
office; 20650

(4) Each signer of an initiative petition shall be an elector 20651  
of the township in which the election on the proposed resolution 20652  
is to be held. 20653

(B) The merger shall take effect sixty days after 20654  
certification by the board or boards of elections that the merger 20655  
has been approved by the electors of each township proposed for 20656  
merger. 20657

Sec. 523.05. (A) The boards of township trustees of two or 20658  
more townships, by adopting resolutions by unanimous vote of the 20659  
board of township trustees of each township, may cause the 20660  
appropriate board of elections for each township to submit to the 20661



electors of each township the question of merger under section 20662  
523.01 of the Revised Code. The question shall be voted upon at 20663  
the next general election occurring not less than ninety days 20664  
after the certification of the resolutions to the appropriate 20665  
board of elections. 20666

(B) In submitting to the electors of each township the 20667  
question of merger, the board of elections shall submit the 20668  
question in language substantially as follows: 20669

"Shall the townships of ..... (Names of all of the 20670  
townships to be merged) be merged to create the new township of 20671  
..... (Name of the new township)?" 20672

(C) The merger shall take effect sixty days after 20673  
certification by the board or boards of elections that the merger 20674  
has been approved by the electors of each township proposed for 20675  
merger. 20676

**Sec. 523.06.** (A) Within sixty days after a merger takes 20677  
effect under division (B) of section 523.02 of the Revised Code, 20678  
or after approval of the merger by the electors under section 20679  
523.04 or 523.05 of the Revised Code, each board of township 20680  
trustees of the townships merged, by adopting a joint resolution 20681  
approved by a majority of the members of each board, shall enter 20682  
into a merger agreement that contains the specific terms and 20683  
conditions of the merger. At a minimum, the merger agreement shall 20684  
set forth all of the following: 20685

(1) The names of the former townships that were merged; 20686

(2) The name of the new township; 20687

(3) The place in which the principal office of the new 20688  
township will be located or the manner in which it may be 20689  
selected; 20690

<u>(4) The territorial boundaries of the new township;</u>	20691
<u>(5) The date on which the merger took effect;</u>	20692
<u>(6) The governmental organization for the new township,</u>	20693
<u>including a plan for electing officers at the next general</u>	20694
<u>election that is held not later than ninety days after the merger</u>	20695
<u>agreement is finalized;</u>	20696
<u>(7) A procedure for the efficient and timely transition of</u>	20697
<u>specific services, functions, and responsibilities from each</u>	20698
<u>township and its respective offices to the new township;</u>	20699
<u>(8) Terms for the disposition of the assets and property of</u>	20700
<u>each township, if necessary;</u>	20701
<u>(9) The liquidation of existing indebtedness for each</u>	20702
<u>township, if necessary;</u>	20703
<u>(10) A plan for the common administration and enforcement of</u>	20704
<u>resolutions of the townships merged, and of ordinances, if a</u>	20705
<u>township is located in a municipal corporation, to be enforced</u>	20706
<u>uniformly within the new township;</u>	20707
<u>(11) A provision that specifies whether there will be any</u>	20708
<u>zoning changes as a result of the merger, if applicable;</u>	20709
<u>(12) A plan to conform the boundaries of an existing special</u>	20710
<u>purpose district with the new township, to dissolve the special</u>	20711
<u>purpose district, or to absorb the special purpose district into</u>	20712
<u>the new township. As used in this division, "special purpose</u>	20713
<u>district" has the meaning in division (F) of section 523.08 of the</u>	20714
<u>Revised Code.</u>	20715
<u>(B) A copy of the joint resolution and the merger agreement</u>	20716
<u>adopted under this section shall be filed with the township fiscal</u>	20717
<u>officer of the new township. The merger agreement shall take</u>	20718
<u>effect on the day on which such filing is made.</u>	20719
<u>(C) If no merger agreement, or if only a partial merger</u>	20720

agreement, is entered into within the time period prescribed by 20721  
division (A) of this section, the new township shall comply with 20722  
and operate under a merger agreement that contains the terms and 20723  
conditions required by section 523.08 of the Revised Code. 20724

**Sec. 523.07.** (A) A new township created by merger under this 20725  
chapter shall succeed to the following interests of each township 20726  
merged: 20727

(1) All money, taxes, and special assessments, whether in the 20728  
township treasury or in the process of collection; 20729

(2) All property and interests in property, whether real or 20730  
personal; 20731

(3) All rights and interests in contracts, or in securities, 20732  
bonds, notes, or other instruments; 20733

(4) All accounts receivable and rights of action; 20734

(5) All other matters not included in this section that are 20735  
not addressed in the merger agreement. 20736

(B) A new township created by merger under this chapter is 20737  
liable for all outstanding franchises, contracts, debts, and other 20738  
legal claims, actions, and obligations of each township merged. 20739

**Sec. 523.08.** If a merger agreement is entered into as 20740  
required by section 523.06 of the Revised Code, this section does 20741  
not apply. If a merger agreement is not entered into under section 20742  
523.05 of the Revised Code, the merger agreement shall contain all 20743  
of the terms and conditions specified in this section. If a 20744  
partial merger agreement is entered into under section 523.05 of 20745  
the Revised Code, this section applies only to the extent any term 20746  
or condition that is required by section 523.05 of the Revised 20747  
Code to be addressed in the merger agreement is not addressed 20748  
therein. 20749

The terms and conditions of a merger agreement to which this 20750  
section applies shall be as follows: 20751

(A) All members of each board of township trustees shall 20752  
serve as board members of the new township. At the first general 20753  
election held after a merger is approved, the electors of the new 20754  
township shall elect three township trustees for an even number of 20755  
years not to exceed four, with staggered terms of office. 20756

(B) The township fiscal officer of the largest township, by 20757  
population, shall be the township fiscal officer for the new 20758  
township. At the second election held after the merger, the 20759  
electors shall elect a township fiscal officer, whose first term 20760  
of office shall be modified to an even number of years not to 20761  
exceed four to allow subsequent elections for that office to be 20762  
held in the same year as other township fiscal officers. 20763

(C) Voted property tax levies shall remain in effect for the 20764  
parcels of real property to which they applied prior to the 20765  
merger, and the merger shall not affect the proceeds of a tax levy 20766  
pledged for the retirement of any debt obligation. Upon expiration 20767  
of a property tax levy, the levy may only be replaced or renewed 20768  
by vote of the electors in the manner provided by law, to apply to 20769  
real property within the boundaries of the new township. If the 20770  
millage levied inside the ten-mill limitation of each township 20771  
merged is different, the board of township trustees of the new 20772  
township shall immediately equalize the millage for the entire new 20773  
township. 20774

(D) For purposes of the retirement of all debt obligations of 20775  
each township merged, the township fiscal officer shall continue 20776  
to track parcels of real property and the tax revenue generated on 20777  
those parcels by the tax districts that were in place prior to the 20778  
merger, and shall provide that information on an annual basis to 20779  
the board of township trustees of the new township. Debt 20780  
obligations that existed at the time of the merger shall be 20781

retired from the revenue generated from the parcels of real 20782  
property that made up the township that incurred the debt before 20783  
the merger. 20784

(E)(1) With respect to any agreement entered into under 20785  
Chapter 4117. of the Revised Code that covers any of the employees 20786  
of the townships merged under this chapter, the state employment 20787  
relations board, within sixty days after the date the merger is 20788  
approved, shall designate the appropriate bargaining units for the 20789  
employees of the new township in accordance with section 4117.06 20790  
of the Revised Code. Notwithstanding the recognition procedures 20791  
prescribed in section 4117.05 and division (A) of section 4117.07 20792  
of the Revised Code, the board shall conduct a representation 20793  
election with respect to each bargaining unit designated under 20794  
this division in accordance with divisions (B) and (C) of section 20795  
4117.07 of the Revised Code. If an exclusive representative is 20796  
selected through this election, the exclusive representative shall 20797  
negotiate and enter into an agreement with the new township in 20798  
accordance with Chapter 4117. of the Revised Code. Until the 20799  
parties reach an agreement, any agreement in effect on the date of 20800  
the merger shall apply to the employees that were in the 20801  
bargaining unit that is covered by the agreement. An agreement in 20802  
existence on the date of the merger is terminated on the effective 20803  
date of an agreement negotiated under this division. 20804

(2) If an exclusive representative is not selected, any 20805  
agreement in effect on the date of the merger shall apply to the 20806  
employees that were in the bargaining unit that is covered by the 20807  
agreement and shall expire on its terms. 20808

(3) Each agreement entered into under Chapter 4117. of the 20809  
Revised Code on or after the effective date of this section 20810  
involving a new township shall contain a provision regarding the 20811  
designation of an exclusive representative and bargaining units 20812  
for the new township as described in division (E) of this section. 20813

(4) In addition to the laws listed in division (A) of section 4117.10 of the Revised Code that prevail over conflicting agreements between employee organizations and public employers, division (E) of this section prevails over any conflicting provisions of agreements between employee organizations and public employers that are entered into on or after the effective date of this section pursuant to Chapter 4117. of the Revised Code.

(5) As used in division (E) of this section, "employee organization" and "exclusive representative" have the same meanings as in section 4117.01 of the Revised Code.

(F)(1) If the boundaries of the new township are coextensive with a special purpose district that existed at the time of the merger, the special purpose district shall be dissolved into the new township. If the boundaries of the new township are not coextensive with a special purpose district, the new township shall remain in the existing special purpose district as a successor to the original township, unless the special purpose district is dissolved. The board of township trustees of the new township may place a question on the ballot at the next general election held after the merger to conform the boundaries, dissolve the special purpose district, or absorb the special purpose district into the new township on the terms specified in the resolution that places the question on the ballot for approval of the electors of the new township.

(2) As used in division (F) of this section, "special purpose district" means any geographic or political jurisdiction that is created under law by a township merged.

(G) Zoning codes that existed at the time of the merger shall remain in effect after the merger, and the townships that existed before the merger shall be treated as administrative districts within the new township for the purposes of zoning.

Sec. 705.16. (A) All ordinances or resolutions shall be in 20845  
effect after thirty days from the date of their passage, except as 20846  
provided in section 705.75 of the Revised Code. 20847

(B) ~~Notwithstanding any conflicting provision of section 7.12~~ 20848  
~~of the Revised Code, A succinct summary of each ordinance and~~ 20849  
resolution of a general nature, or providing for public 20850  
improvements, or assessing property, ~~or a succinct summary of each~~ 20851  
~~such ordinance or resolution,~~ shall, upon passage of the ordinance 20852  
or resolution, be promptly published one time in ~~not more than two~~ 20853  
~~newspapers~~ a newspaper of general circulation in the municipal 20854  
corporation. Such publication shall be made in the body type of 20855  
the paper under headlines in eighteen point type, which headlines 20856  
shall specify the nature of such legislation. ~~If a summary of an~~ 20857  
~~ordinance or resolution is published, the~~ The publication shall 20858  
contain notice that the complete text of each such ordinance or 20859  
resolution may be obtained or viewed at the office of the clerk of 20860  
the legislative authority of the municipal corporation and may be 20861  
viewed at any other location designated by the legislative 20862  
authority of the municipal corporation. The city director of law, 20863  
village solicitor, or other chief legal officer of the municipal 20864  
corporation shall review ~~any~~ the summary of an ordinance or 20865  
resolution published under this section prior to forwarding it to 20866  
the clerk for publication, to ensure that the summary is legally 20867  
accurate and sufficient. 20868

(C) Upon publication of a summary of an ordinance or 20869  
resolution in accordance with this section, the clerk of the 20870  
legislative authority shall supply a copy of the complete text of 20871  
each such ordinance or resolution to any person, upon request, and 20872  
may charge a reasonable fee, set by the legislative authority, for 20873  
each copy supplied. The clerk shall post a copy of the text at ~~his~~ 20874  
the clerk's office and at every other location designated by the 20875  
legislative authority. 20876

(D) No newspaper shall be paid a higher price for the 20877  
publication of summaries of ordinances than its ~~maximum bona fide~~ 20878  
~~commercial~~ government rate established under section 7.10 of the 20879  
Revised Code. 20880

**Sec. 711.35.** Upon the filing of the application provided for 20881  
in section 711.34 of the Revised Code, the county auditor shall 20882  
give notice of the filing, by publication, for two consecutive 20883  
weeks in a newspaper ~~published and~~ of general circulation in the 20884  
county, ~~of the filing thereof, and~~ or as provided in section 7.16 20885  
of the Revised Code. The county auditor shall also notify the 20886  
board of county commissioners of such filing. 20887

**Sec. 715.011.** Each municipal corporation may lease for a 20888  
period not to exceed forty years, pursuant to a contract providing 20889  
for the construction thereof under a lease-purchase plan, 20890  
buildings, structures, and other improvements for any authorized 20891  
municipal purpose, and in conjunction therewith, may grant leases, 20892  
easements, or licenses for lands under the control of the 20893  
municipal corporation for a period not to exceed forty years. The 20894  
lease shall provide that at the end of the lease period the 20895  
buildings, structures, and related improvements together with the 20896  
land on which they are situate shall become the property of the 20897  
municipal corporation without cost. 20898

Whenever any building, structure, or other improvement is to 20899  
be so leased by a municipal corporation, the appropriate 20900  
contracting officer of the municipal corporation shall file with 20901  
the clerk of the council such basic plans, specifications, bills 20902  
of materials, and estimates of cost with sufficient detail to 20903  
afford bidders all needed information, or alternatively, shall 20904  
file the following plans, details, bills of materials, and 20905  
specifications: 20906



(A) Full and accurate plans, suitable for the use of mechanics and other builders in such construction, improvement, addition, alteration, or installation;

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

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

(D) Definite and complete specifications of the work to be performed, together with such directions as will enable a competent mechanic or other builder to carry them out and afford bidders all needed information;

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

The council of the municipal corporation shall give public notice, in ~~the~~ a newspaper of general circulation in the municipal corporation, and in the form and with the phraseology as the council orders, published once each week for four consecutive weeks or as provided in section 7.16 of the Revised Code, of the time and place, when and where bids will be received for entering into an agreement to lease to the municipal corporation a building, structure, or other improvement, the last publication to be at least eight days preceding the day for opening the bids. The bids shall contain the terms upon which the builder would propose to lease the building, structure, or other improvement to the municipal corporation. The form of the bid approved by the council of the municipal corporation shall be used and a bid shall be invalid and not considered unless such form is used without change, alteration, or addition. Before submitting bids pursuant to this section, any builder shall have complied with sections 153.50 to 153.52 of the Revised Code.

On the day and at the place named for receiving bids for

entering into lease agreements with the municipal corporation, the 20938  
appropriate contracting officer of the municipal corporation shall 20939  
open the bids, and shall publicly proceed immediately to tabulate 20940  
the bids upon triplicate sheets, one of each of which sheets shall 20941  
be filed with the clerk of the council. No lease agreement shall 20942  
be entered into until the bureau of workers' compensation has 20943  
certified that the corporation, partnership, or person to be 20944  
awarded the lease agreement has complied with Chapter 4123. of the 20945  
Revised Code, and until, if the builder submitting the lowest and 20946  
best bid is a foreign corporation, the secretary of state has 20947  
certified that the corporation is authorized to do business in 20948  
this state, and until, if the builder submitting the lowest and 20949  
best bid is a person or partnership nonresident of this state, the 20950  
person or partnership has filed with the secretary of state a 20951  
power of attorney designating the secretary of state as its agent 20952  
for the purpose of accepting service of summons in any action 20953  
brought under Chapter 4123. of the Revised Code, and until the 20954  
agreement is submitted to the village solicitor or city director 20955  
of law of the municipal corporation and ~~his~~ the solicitor's or 20956  
director's approval is certified thereon. Within thirty days after 20957  
the day on which the bids are received, the council shall 20958  
investigate the bids received and shall determine that the bureau 20959  
and the secretary of state have made the certifications required 20960  
by this section of the builder who has submitted the lowest and 20961  
best bid. Within ten days of the completion of the investigation 20962  
of the bids the council may award the lease agreement to the 20963  
builder who has submitted the lowest and best bid and who has been 20964  
certified by the bureau and secretary of state as required by this 20965  
section. If bidding for the lease agreement has been conducted 20966  
upon the basis of basic plans, specifications, bills of materials, 20967  
and estimates of costs, upon the award to the builder, the 20968  
council, or the builder with the approval of the council, shall 20969  
appoint an architect or engineer licensed in this state to prepare 20970

such further detailed plans, specifications, and bills of 20971  
materials as are required to construct the building, structure, or 20972  
improvement. 20973

The council may reject any bid. Where there is reason to 20974  
believe there is collusion or combination among bidders, the bids 20975  
of those concerned therein shall be rejected. 20976

**Sec. 715.47.** A municipal corporation may fill or drain any 20977  
lot or land within its limits on which water at any time becomes 20978  
stagnant, remove all putrid substances from any lot, and remove 20979  
all obstructions from culverts, covered drains, or private 20980  
property, laid in any natural watercourse, creek, brook, or 20981  
branch, which obstruct the water naturally flowing therein, 20982  
causing it to flow back or become stagnant, in a way prejudicial 20983  
to the health, comfort, or convenience of any of the citizens of 20984  
the neighborhood. If such culverts or drains are of insufficient 20985  
capacity, the municipal corporation may make them of such capacity 20986  
as reasonably to accommodate the flow of such water at all times. 20987  
The legislative authority of such municipal corporation may, by 20988  
resolution, direct the owner to fill or drain such lot, remove 20989  
such putrid substance or such obstructions, and if necessary, 20990  
enlarge such culverts or covered drains to meet the requirements 20991  
thereof. 20992

After service of a copy of such resolution, or after a 20993  
publication thereof, in a newspaper of general circulation in such 20994  
municipal corporation or as provided in section 7.16 of the 20995  
Revised Code, for two consecutive weeks, such owner, or ~~his~~ such 20996  
owner's agent or attorney, shall comply with the directions of the 20997  
resolution within the time therein specified. 20998

In case of the failure or refusal of such owner to comply 20999  
with the resolution, the work required thereby may be done at the 21000  
expense of the municipal corporation, and the amount of money so 21001

expended shall be recovered from the owner before any court of 21002  
competent jurisdiction. Such expense from the time of the adoption 21003  
of the resolution shall be a lien on such lot, which may be 21004  
enforced by suit in the court of common pleas, and like 21005  
proceedings may be had as directed in relation to the improvement 21006  
of streets. 21007

The officers connected with the health department of every 21008  
such municipal corporation shall see that this section is strictly 21009  
and promptly enforced. 21010

Sec. 717.08. The largest municipal corporation located in the 21011  
Southwestern portion of the state that has a retirement system for 21012  
its employees may enter into an agreement with the board of 21013  
trustees of the retirement system for a single payment by the 21014  
municipal corporation of all or a portion of the municipal 21015  
corporation's accrued liability to the retirement system. The 21016  
agreement may provide for a reduction in the amount of the accrued 21017  
liability based on the value to the retirement system of receiving 21018  
a single payment. 21019

The legislative authority of the municipal corporation may 21020  
issue securities under Section 3 of Article XVIII, Ohio 21021  
Constitution, or under Chapter 133. of the Revised Code, including 21022  
Chapter 133. special obligation securities that pledge taxes, 21023  
other than ad valorem property taxes, or other revenues for the 21024  
purpose of providing some or all of the funds required to satisfy 21025  
the municipal corporation's obligation under the agreement. 21026

**Sec. 718.01.** (A) As used in this chapter: 21027

(1) "Adjusted federal taxable income" means a C corporation's 21028  
federal taxable income before net operating losses and special 21029  
deductions as determined under the Internal Revenue Code, adjusted 21030  
as follows: 21031

(a) Deduct intangible income to the extent included in 21032  
federal taxable income. The deduction shall be allowed regardless 21033  
of whether the intangible income relates to assets used in a trade 21034  
or business or assets held for the production of income. 21035

(b) Add an amount equal to five per cent of intangible income 21036  
deducted under division (A)(1)(a) of this section, but excluding 21037  
that portion of intangible income directly related to the sale, 21038  
exchange, or other disposition of property described in section 21039  
1221 of the Internal Revenue Code; 21040

(c) Add any losses allowed as a deduction in the computation 21041  
of federal taxable income if the losses directly relate to the 21042  
sale, exchange, or other disposition of an asset described in 21043  
section 1221 or 1231 of the Internal Revenue Code; 21044

(d)(i) Except as provided in division (A)(1)(d)(ii) of this 21045  
section, deduct income and gain included in federal taxable income 21046  
to the extent the income and gain directly relate to the sale, 21047  
exchange, or other disposition of an asset described in section 21048  
1221 or 1231 of the Internal Revenue Code; 21049

(ii) Division (A)(1)(d)(i) of this section does not apply to 21050  
the extent the income or gain is income or gain described in 21051  
section 1245 or 1250 of the Internal Revenue Code. 21052

(e) Add taxes on or measured by net income allowed as a 21053  
deduction in the computation of federal taxable income; 21054

(f) In the case of a real estate investment trust and 21055  
regulated investment company, add all amounts with respect to 21056  
dividends to, distributions to, or amounts set aside for or 21057  
credited to the benefit of investors and allowed as a deduction in 21058  
the computation of federal taxable income; 21059

(g) ~~If~~ Deduct, to the extent not otherwise deducted or 21060  
excluded in computing federal taxable income, any income derived 21061  
from providing public services under a contract through a project 21062

owned by the state, as described in section 126.604 of the Revised Code or derived from a contract entered into under section 9.06 of the Revised Code and described in division (J) of that section, or derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

If the taxpayer is not a C corporation and is not an individual, the taxpayer shall compute adjusted federal taxable income as if the taxpayer were a C corporation, except+ guaranteed

~~(i) Guaranteed~~ payments and other similar amounts paid or accrued to a partner, former partner, member, or former member shall not be allowed as a deductible expense; ~~and~~ amounts

~~(ii) Amounts~~ paid or accrued to a qualified self-employed retirement plan with respect to an owner or owner-employee of the taxpayer, amounts paid or accrued to or for health insurance for an owner or owner-employee, and amounts paid or accrued to or for life insurance for an owner or owner-employee shall not be allowed as a deduction.

Nothing in division (A)(1) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

Nothing in this chapter shall be construed as limiting or removing the ability of any municipal corporation to administer, audit, and enforce the provisions of its municipal income tax.

(2) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended.

(3) "Schedule C" means internal revenue service schedule C filed by a taxpayer pursuant to the Internal Revenue Code.

- (4) "Form 2106" means internal revenue service form 2106 21093  
filed by a taxpayer pursuant to the Internal Revenue Code. 21094
- (5) "Intangible income" means income of any of the following 21095  
types: income yield, interest, capital gains, dividends, or other 21096  
income arising from the ownership, sale, exchange, or other 21097  
disposition of intangible property including, but not limited to, 21098  
investments, deposits, money, or credits as those terms are 21099  
defined in Chapter 5701. of the Revised Code, and patents, 21100  
copyrights, trademarks, tradenames, investments in real estate 21101  
investment trusts, investments in regulated investment companies, 21102  
and appreciation on deferred compensation. "Intangible income" 21103  
does not include prizes, awards, or other income associated with 21104  
any lottery winnings or other similar games of chance. 21105
- (6) "S corporation" means a corporation that has made an 21106  
election under subchapter S of Chapter 1 of Subtitle A of the 21107  
Internal Revenue Code for its taxable year. 21108
- (7) For taxable years beginning on or after January 1, 2004, 21109  
"net profit" for a taxpayer other than an individual means 21110  
adjusted federal taxable income and "net profit" for a taxpayer 21111  
who is an individual means the individual's profit required to be 21112  
reported on schedule C, schedule E, or schedule F, other than any 21113  
amount allowed as a deduction under division (E)(2) or (3) of this 21114  
section or amounts described in division (H) of this section. 21115
- (8) "Taxpayer" means a person subject to a tax on income 21116  
levied by a municipal corporation. Except as provided in division 21117  
(L) of this section, "taxpayer" does not include any person that 21118  
is a disregarded entity or a qualifying subchapter S subsidiary 21119  
for federal income tax purposes, but "taxpayer" includes any other 21120  
person who owns the disregarded entity or qualifying subchapter S 21121  
subsidiary. 21122
- (9) "Taxable year" means the corresponding tax reporting 21123

period as prescribed for the taxpayer under the Internal Revenue Code.	21124 21125
(10) "Tax administrator" means the individual charged with direct responsibility for administration of a tax on income levied by a municipal corporation and includes:	21126 21127 21128
(a) The central collection agency and the regional income tax agency and their successors in interest, and other entities organized to perform functions similar to those performed by the central collection agency and the regional income tax agency;	21129 21130 21131 21132
(b) A municipal corporation acting as the agent of another municipal corporation; and	21133 21134
(c) Persons retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis.	21135 21136 21137 21138
(11) "Person" includes individuals, firms, companies, business trusts, estates, trusts, partnerships, limited liability companies, associations, corporations, governmental entities, and any other entity.	21139 21140 21141 21142
(12) "Schedule E" means internal revenue service schedule E filed by a taxpayer pursuant to the Internal Revenue Code.	21143 21144
(13) "Schedule F" means internal revenue service schedule F filed by a taxpayer pursuant to the Internal Revenue Code.	21145 21146
(B) No municipal corporation shall tax income at other than a uniform rate.	21147 21148
(C) No municipal corporation shall levy a tax on income at a rate in excess of one per cent without having obtained the approval of the excess by a majority of the electors of the municipality voting on the question at a general, primary, or special election. The legislative authority of the municipal	21149 21150 21151 21152 21153



corporation shall file with the board of elections at least ninety 21154  
days before the day of the election a copy of the ordinance 21155  
together with a resolution specifying the date the election is to 21156  
be held and directing the board of elections to conduct the 21157  
election. The ballot shall be in the following form: "Shall the 21158  
Ordinance providing for a ... per cent levy on income for (Brief 21159  
description of the purpose of the proposed levy) be passed? 21160

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX

"

21161  
21162  
21163  
21164

In the event of an affirmative vote, the proceeds of the levy 21165  
may be used only for the specified purpose. 21166

(D)(1) Except as otherwise provided in this section, no 21167  
municipal corporation shall exempt from a tax on income 21168  
compensation for personal services of individuals over eighteen 21169  
years of age or the net profit from a business or profession. 21170

(2)(a) For taxable years beginning on or after January 1, 21171  
2004, no municipal corporation shall tax the net profit from a 21172  
business or profession using any base other than the taxpayer's 21173  
adjusted federal taxable income. 21174

(b) Division (D)(2)(a) of this section does not apply to any 21175  
taxpayer required to file a return under section 5745.03 of the 21176  
Revised Code or to the net profit from a sole proprietorship. 21177

(E)(1) The legislative authority of a municipal corporation 21178  
may, by ordinance or resolution, exempt from withholding and from 21179  
a tax on income the following: 21180

(a) Compensation arising from the sale, exchange, or other 21181  
disposition of a stock option, the exercise of a stock option, or 21182  
the sale, exchange, or other disposition of stock purchased under 21183

a stock option; or 21184

(b) Compensation attributable to a nonqualified deferred 21185  
compensation plan or program described in section 3121(v)(2)(C) of 21186  
the Internal Revenue Code. 21187

(2) The legislative authority of a municipal corporation may 21188  
adopt an ordinance or resolution that allows a taxpayer who is an 21189  
individual to deduct, in computing the taxpayer's municipal income 21190  
tax liability, an amount equal to the aggregate amount the 21191  
taxpayer paid in cash during the taxable year to a health savings 21192  
account of the taxpayer, to the extent the taxpayer is entitled to 21193  
deduct that amount on internal revenue service form 1040. 21194

(3) The legislative authority of a municipal corporation may 21195  
adopt an ordinance or resolution that allows a taxpayer who has a 21196  
net profit from a business or profession that is operated as a 21197  
sole proprietorship to deduct from that net profit the amount that 21198  
the taxpayer paid during the taxable year for medical care 21199  
insurance premiums for the taxpayer, the taxpayer's spouse, and 21200  
dependents as defined in section 5747.01 of the Revised Code. The 21201  
deduction shall be allowed to the same extent the taxpayer is 21202  
entitled to deduct the premiums on internal revenue service form 21203  
1040. The deduction allowed under this division shall be net of 21204  
any related premium refunds, related premium reimbursements, or 21205  
related insurance premium dividends received by the taxpayer 21206  
during the taxable year. 21207

(F) If an individual's taxable income includes income against 21208  
which the taxpayer has taken a deduction for federal income tax 21209  
purposes as reportable on the taxpayer's form 2106, and against 21210  
which a like deduction has not been allowed by the municipal 21211  
corporation, the municipal corporation shall deduct from the 21212  
taxpayer's taxable income an amount equal to the deduction shown 21213  
on such form allowable against such income, to the extent not 21214  
otherwise so allowed as a deduction by the municipal corporation. 21215

(G)(1) In the case of a taxpayer who has a net profit from a business or profession that is operated as a sole proprietorship, no municipal corporation may tax or use as the base for determining the amount of the net profit that shall be considered as having a taxable situs in the municipal corporation, an amount other than the net profit required to be reported by the taxpayer on schedule C or F from such sole proprietorship for the taxable year.

(2) In the case of a taxpayer who has a net profit from rental activity required to be reported on schedule E, no municipal corporation may tax or use as the base for determining the amount of the net profit that shall be considered as having a taxable situs in the municipal corporation, an amount other than the net profit from rental activities required to be reported by the taxpayer on schedule E for the taxable year.

(H) A municipal corporation shall not tax any of the following:

(1) The military pay or allowances of members of the armed forces of the United States and of members of their reserve components, including the Ohio national guard;

(2) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities;

(3) Except as otherwise provided in division (I) of this section, intangible income;

(4) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars annually. Such compensation in excess of one thousand

dollars may be subjected to taxation by a municipal corporation. A 21247  
municipal corporation shall not require the payer of such 21248  
compensation to withhold any tax from that compensation. 21249

(5) Compensation paid to an employee of a transit authority, 21250  
regional transit authority, or regional transit commission created 21251  
under Chapter 306. of the Revised Code for operating a transit bus 21252  
or other motor vehicle for the authority or commission in or 21253  
through the municipal corporation, unless the bus or vehicle is 21254  
operated on a regularly scheduled route, the operator is subject 21255  
to such a tax by reason of residence or domicile in the municipal 21256  
corporation, or the headquarters of the authority or commission is 21257  
located within the municipal corporation; 21258

(6) The income of a public utility, when that public utility 21259  
is subject to the tax levied under section 5727.24 or 5727.30 of 21260  
the Revised Code, except a municipal corporation may tax the 21261  
following, subject to Chapter 5745. of the Revised Code: 21262

(a) Beginning January 1, 2002, the income of an electric 21263  
company or combined company; 21264

(b) Beginning January 1, 2004, the income of a telephone 21265  
company. 21266

As used in division (H)(6) of this section, "combined 21267  
company," "electric company," and "telephone company" have the 21268  
same meanings as in section 5727.01 of the Revised Code. 21269

(7) On and after January 1, 2003, items excluded from federal 21270  
gross income pursuant to section 107 of the Internal Revenue Code; 21271

(8) On and after January 1, 2001, compensation paid to a 21272  
nonresident individual to the extent prohibited under section 21273  
718.011 of the Revised Code; 21274

(9)(a) Except as provided in division (H)(9)(b) and (c) of 21275  
this section, an S corporation shareholder's distributive share of 21276

net profits of the S corporation, other than any part of the 21277  
distributive share of net profits that represents wages as defined 21278  
in section 3121(a) of the Internal Revenue Code or net earnings 21279  
from self-employment as defined in section 1402(a) of the Internal 21280  
Revenue Code. 21281

(b) If, pursuant to division (H) of former section 718.01 of 21282  
the Revised Code as it existed before March 11, 2004, a majority 21283  
of the electors of a municipal corporation voted in favor of the 21284  
question at an election held on November 4, 2003, the municipal 21285  
corporation may continue after 2002 to tax an S corporation 21286  
shareholder's distributive share of net profits of an S 21287  
corporation. 21288

(c) If, on December 6, 2002, a municipal corporation was 21289  
imposing, assessing, and collecting a tax on an S corporation 21290  
shareholder's distributive share of net profits of the S 21291  
corporation to the extent the distributive share would be 21292  
allocated or apportioned to this state under divisions (B)(1) and 21293  
(2) of section 5733.05 of the Revised Code if the S corporation 21294  
were a corporation subject to taxes imposed under Chapter 5733. of 21295  
the Revised Code, the municipal corporation may continue to impose 21296  
the tax on such distributive shares to the extent such shares 21297  
would be so allocated or apportioned to this state only until 21298  
December 31, 2004, unless a majority of the electors of the 21299  
municipal corporation voting on the question of continuing to tax 21300  
such shares after that date vote in favor of that question at an 21301  
election held November 2, 2004. If a majority of those electors 21302  
vote in favor of the question, the municipal corporation may 21303  
continue after December 31, 2004, to impose the tax on such 21304  
distributive shares only to the extent such shares would be so 21305  
allocated or apportioned to this state. 21306

(d) For the purposes of division (D) of section 718.14 of the 21307  
Revised Code, a municipal corporation shall be deemed to have 21308

elected to tax S corporation shareholders' distributive shares of 21309  
net profits of the S corporation in the hands of the shareholders 21310  
if a majority of the electors of a municipal corporation vote in 21311  
favor of a question at an election held under division (H)(9)(b) 21312  
or (c) of this section. The municipal corporation shall specify by 21313  
ordinance or rule that the tax applies to the distributive share 21314  
of a shareholder of an S corporation in the hands of the 21315  
shareholder of the S corporation. 21316

(10) Employee compensation that is not "qualifying wages" as 21317  
defined in section 718.03 of the Revised Code; 21318

(11) Beginning August 1, 2007, compensation paid to a person 21319  
employed within the boundaries of a United States air force base 21320  
under the jurisdiction of the United States air force that is used 21321  
for the housing of members of the United States air force and is a 21322  
center for air force operations, unless the person is subject to 21323  
taxation because of residence or domicile. If the compensation is 21324  
subject to taxation because of residence or domicile, municipal 21325  
income tax shall be payable only to the municipal corporation of 21326  
residence or domicile. 21327

(I) Any municipal corporation that taxes any type of 21328  
intangible income on March 29, 1988, pursuant to Section 3 of 21329  
Amended Substitute Senate Bill No. 238 of the 116th general 21330  
assembly, may continue to tax that type of income after 1988 if a 21331  
majority of the electors of the municipal corporation voting on 21332  
the question of whether to permit the taxation of that type of 21333  
intangible income after 1988 vote in favor thereof at an election 21334  
held on November 8, 1988. 21335

(J) Nothing in this section or section 718.02 of the Revised 21336  
Code shall authorize the levy of any tax on income that a 21337  
municipal corporation is not authorized to levy under existing 21338  
laws or shall require a municipal corporation to allow a deduction 21339  
from taxable income for losses incurred from a sole proprietorship 21340

or partnership. 21341

(K)(1) Nothing in this chapter prohibits a municipal 21342  
corporation from allowing, by resolution or ordinance, a net 21343  
operating loss carryforward. 21344

(2) Nothing in this chapter requires a municipal corporation 21345  
to allow a net operating loss carryforward. 21346

(L)(1) A single member limited liability company that is a 21347  
disregarded entity for federal tax purposes may elect to be a 21348  
separate taxpayer from its single member in all Ohio municipal 21349  
corporations in which it either filed as a separate taxpayer or 21350  
did not file for its taxable year ending in 2003, if all of the 21351  
following conditions are met: 21352

(a) The limited liability company's single member is also a 21353  
limited liability company; 21354

(b) The limited liability company and its single member were 21355  
formed and doing business in one or more Ohio municipal 21356  
corporations for at least five years before January 1, 2004; 21357

(c) Not later than December 31, 2004, the limited liability 21358  
company and its single member each make an election to be treated 21359  
as a separate taxpayer under division (L) of this section; 21360

(d) The limited liability company was not formed for the 21361  
purpose of evading or reducing Ohio municipal corporation income 21362  
tax liability of the limited liability company or its single 21363  
member; 21364

(e) The Ohio municipal corporation that is the primary place 21365  
of business of the sole member of the limited liability company 21366  
consents to the election. 21367

(2) For purposes of division (L)(1)(e) of this section, a 21368  
municipal corporation is the primary place of business of a 21369  
limited liability company if, for the limited liability company's 21370

taxable year ending in 2003, its income tax liability is greater 21371  
in that municipal corporation than in any other municipal 21372  
corporation in Ohio, and that tax liability to that municipal 21373  
corporation for its taxable year ending in 2003 is at least four 21374  
hundred thousand dollars. 21375

**Sec. 718.09.** (A) This section applies to either of the 21376  
following: 21377

(1) A municipal corporation that shares the same territory as 21378  
a city, local, or exempted village school district, to the extent 21379  
that not more than five per cent of the territory of the municipal 21380  
corporation is located outside the school district and not more 21381  
than five per cent of the territory of the school district is 21382  
located outside the municipal corporation; 21383

(2) A municipal corporation that shares the same territory as 21384  
a city, local, or exempted village school district, to the extent 21385  
that not more than five per cent of the territory of the municipal 21386  
corporation is located outside the school district, more than five 21387  
per cent but not more than ten per cent of the territory of the 21388  
school district is located outside the municipal corporation, and 21389  
that portion of the territory of the school district that is 21390  
located outside the municipal corporation is located entirely 21391  
within another municipal corporation having a population of four 21392  
hundred thousand or more according to the federal decennial census 21393  
most recently completed before the agreement is entered into under 21394  
division (B) of this section. 21395

(B) The legislative authority of a municipal corporation to 21396  
which this section applies may propose to the electors an income 21397  
tax, one of the purposes of which shall be to provide financial 21398  
assistance to the school district through payment to the district 21399  
of not less than twenty-five per cent of the revenue generated by 21400  
the tax, except that the legislative authority may not propose to 21401



levy the income tax on the incomes of nonresident individuals. 21402  
Prior to proposing the tax, the legislative authority shall 21403  
negotiate and enter into a written agreement with the board of 21404  
education of the school district specifying the tax rate, the 21405  
percentage of tax revenue to be paid to the school district, the 21406  
purpose for which the school district will use the money, the 21407  
first year the tax will be levied, the date of the special 21408  
election on the question of the tax, and the method and schedule 21409  
by which the municipal corporation will make payments to the 21410  
school district. The special election shall be held on a day 21411  
specified in division (D) of section 3501.01 of the Revised Code, 21412  
except that the special election may not be held on the day for 21413  
holding a primary election as authorized by the municipal 21414  
corporation's charter unless the municipal corporation is to have 21415  
a primary election on that day. 21416

After the legislative authority and board of education have 21417  
entered into the agreement, the legislative authority shall 21418  
provide for levying the tax by ordinance. The ordinance shall 21419  
state the tax rate, the percentage of tax revenue to be paid to 21420  
the school district, the purpose for which the municipal 21421  
corporation will use its share of the tax revenue, the first year 21422  
the tax will be levied, and that the question of the income tax 21423  
will be submitted to the electors of the municipal corporation. 21424  
The legislative authority also shall adopt a resolution specifying 21425  
the regular or special election date the election will be held and 21426  
directing the board of elections to conduct the election. At least 21427  
ninety days before the date of the election, the legislative 21428  
authority shall file certified copies of the ordinance and 21429  
resolution with the board of elections. 21430

(C) The board of elections shall make the necessary 21431  
arrangements for the submission of the question to the electors of 21432  
the municipal corporation, and shall conduct the election in the 21433

same manner as any other municipal income tax election. Notice of 21434  
the election shall be published in a newspaper of general 21435  
circulation in the municipal corporation once a week for four 21436  
consecutive weeks, or as provided in section 7.16 of the Revised 21437  
Code, prior to the election, and shall include statements of the 21438  
rate and municipal corporation and school district purposes of the 21439  
income tax, the percentage of tax revenue that will be paid to the 21440  
school district, and the first year the tax will be levied. The 21441  
ballot shall be in the following form: 21442

"Shall the ordinance providing for a ..... per cent levy on 21443  
income for (brief description of the municipal corporation and 21444  
school district purposes of the levy, including a statement of the 21445  
percentage of tax revenue that will be paid to the school 21446  
district) be passed? The income tax, if approved, will not be 21447  
levied on the incomes of individuals who do not reside in (the 21448  
name of the municipal corporation). 21449

	For the income tax	
	Against the income tax	"

21450  
21451  
21452  
21453

(D) If the question is approved by a majority of the 21454  
electors, the municipal corporation shall impose the income tax 21455  
beginning in the year specified in the ordinance. The proceeds of 21456  
the levy may be used only for the specified purposes, including 21457  
payment of the specified percentage to the school district. 21458

**Sec. 718.10.** (A) This section applies to a group of two or 21459  
more municipal corporations that, taken together, share the same 21460  
territory as a single city, local, or exempted village school 21461  
district, to the extent that not more than five per cent of the 21462  
territory of the municipal corporations as a group is located 21463  
outside the school district and not more than five per cent of the 21464

territory of the school district is located outside the municipal 21465  
corporations as a group. 21466

(B) The legislative authorities of the municipal corporations 21467  
in a group of municipal corporations to which this section applies 21468  
each may propose to the electors an income tax, to be levied in 21469  
concert with income taxes in the other municipal corporations of 21470  
the group, except that a legislative authority may not propose to 21471  
levy the income tax on the incomes of individuals who do not 21472  
reside in the municipal corporation. One of the purposes of such a 21473  
tax shall be to provide financial assistance to the school 21474  
district through payment to the district of not less than 21475  
twenty-five per cent of the revenue generated by the tax. Prior to 21476  
proposing the taxes, the legislative authorities shall negotiate 21477  
and enter into a written agreement with each other and with the 21478  
board of education of the school district specifying the tax rate, 21479  
the percentage of the tax revenue to be paid to the school 21480  
district, the first year the tax will be levied, and the date of 21481  
the election on the question of the tax, all of which shall be the 21482  
same for each municipal corporation. The agreement also shall 21483  
state the purpose for which the school district will use the 21484  
money, and specify the method and schedule by which each municipal 21485  
corporation will make payments to the school district. The special 21486  
election shall be held on a day specified in division (D) of 21487  
section 3501.01 of the Revised Code, including a day on which all 21488  
of the municipal corporations are to have a primary election. 21489

After the legislative authorities and board of education have 21490  
entered into the agreement, each legislative authority shall 21491  
provide for levying its tax by ordinance. Each ordinance shall 21492  
state the rate of the tax, the percentage of tax revenue to be 21493  
paid to the school district, the purpose for which the municipal 21494  
corporation will use its share of the tax revenue, and the first 21495  
year the tax will be levied. Each ordinance also shall state that 21496

the question of the income tax will be submitted to the electors 21497  
of the municipal corporation on the same date as the submission of 21498  
questions of an identical tax to the electors of each of the other 21499  
municipal corporations in the group, and that unless the electors 21500  
of all of the municipal corporations in the group approve the tax 21501  
in their respective municipal corporations, none of the municipal 21502  
corporations in the group shall levy the tax. Each legislative 21503  
authority also shall adopt a resolution specifying the regular or 21504  
special election date the election will be held and directing the 21505  
board of elections to conduct the election. At least ninety days 21506  
before the date of the election, each legislative authority shall 21507  
file certified copies of the ordinance and resolution with the 21508  
board of elections. 21509

(C) For each of the municipal corporations, the board of 21510  
elections shall make the necessary arrangements for the submission 21511  
of the question to the electors, and shall conduct the election in 21512  
the same manner as any other municipal income tax election. For 21513  
each of the municipal corporations, notice of the election shall 21514  
be published in a newspaper of general circulation in the 21515  
municipal corporation once a week for four consecutive weeks, or 21516  
as provided in section 7.16 of the Revised Code, prior to the 21517  
election. The notice shall include a statement of the rate and 21518  
municipal corporation and school district purposes of the income 21519  
tax, the percentage of tax revenue that will be paid to the school 21520  
district, and the first year the tax will be levied, and an 21521  
explanation that the tax will not be levied unless an identical 21522  
tax is approved by the electors of each of the other municipal 21523  
corporations in the group. The ballot shall be in the following 21524  
form: 21525

"Shall the ordinance providing for a ... per cent levy on 21526  
income for (brief description of the municipal corporation and 21527  
school district purposes of the levy, including a statement of the 21528

percentage of income tax revenue that will be paid to the school district) be passed? The income tax, if approved, will not be levied on the incomes of individuals who do not reside in (the name of the municipal corporation). In order for the income tax to be levied, the voters of (the other municipal corporations in the group), which are also in the (name of the school district) school district, must approve an identical income tax and agree to pay the same percentage of the tax revenue to the school district.

	For the income tax
	Against the income tax

"

(D) If the question is approved by a majority of the electors and identical taxes are approved by a majority of the electors in each of the other municipal corporations in the group, the municipal corporation shall impose the tax beginning in the year specified in the ordinance. The proceeds of the levy may be used only for the specified purposes, including payment of the specified percentage to the school district.

**Sec. 719.012.** In order to rehabilitate a building or structure that a municipal corporation determines to be a blighted property as defined in section 1.08 of the Revised Code, a municipal corporation may appropriate, in the manner provided in sections 163.01 to 163.22 of the Revised Code, any such building or structure and the real property of which it is a part. The municipal corporation shall rehabilitate the building or structure or cause it to be rehabilitated within two years after the appropriation, so that the building or structure is no longer a public nuisance, insecure, unsafe, structurally defective, unhealthful, or unsanitary, or a threat to the public health, safety, or welfare, or in violation of a building code or

ordinance adopted under section 731.231 of the Revised Code. Any 21560  
building or structure appropriated pursuant to this section which 21561  
is not rehabilitated within two years shall be demolished. 21562

If during the rehabilitation process the municipal 21563  
corporation retains title to the building or structure and the 21564  
real property of which it is a part, then within one hundred 21565  
eighty days after the rehabilitation is complete, the municipal 21566  
corporation shall appraise the rehabilitated building or structure 21567  
and the real property of which it is a part, and shall sell the 21568  
building or structure and property at public auction. The 21569  
municipal corporation shall advertise the public auction in a 21570  
newspaper of general circulation in the municipal corporation once 21571  
a week for three consecutive weeks, or as provided in section 7.16 21572  
of the Revised Code, prior to the date of sale. The municipal 21573  
corporation shall sell the building or structure and real property 21574  
to the highest and best bidder. No property that a municipal 21575  
corporation acquires pursuant to this section shall be leased. 21576

**Sec. 719.05.** The mayor of a municipal corporation shall, 21577  
immediately upon the passage of a resolution under section 719.04 21578  
of the Revised Code, declaring an intent to appropriate property, 21579  
for which but one reading is necessary, cause written notice to be 21580  
given to the owner of, person in possession of, or person having 21581  
an interest of record in, every piece of property sought to be 21582  
appropriated, or to ~~his~~ the authorized agent of the owner or other 21583  
such person. Such notice shall be served by a person designated 21584  
for the purpose and return made in the manner provided for the 21585  
service and return of summons in civil actions. If such owner, 21586  
person, or agent cannot be found, notice shall be given by 21587  
publication once a week for three consecutive weeks in a newspaper 21588  
of general circulation in the municipal corporation or as provided 21589  
in section 7.16 of the Revised Code, and the legislative authority 21590  
may thereupon pass an ordinance by a two-thirds vote of all 21591

members elected thereto, directing such appropriation to proceed. 21592

**Sec. 721.03.** No contract, except as provided in section 21593  
721.28 of the Revised Code, for the sale or lease of real estate 21594  
belonging to a municipal corporation shall be made unless 21595  
authorized by an ordinance, approved by a two-thirds vote of the 21596  
members of the legislative authority of such municipal 21597  
corporation, and by the board or officer having supervision or 21598  
management of such real estate. When the contract is so 21599  
authorized, it shall be made in writing by such board or officer, 21600  
and, except as provided in section 721.27 of the Revised Code, 21601  
only with the highest bidder, after advertisement once a week for 21602  
five consecutive weeks in a newspaper of general circulation 21603  
within the municipal corporation or as provided in section 7.16 of 21604  
the Revised Code. Such board or officer may reject any bids and 21605  
readvertise until all such real estate is sold or leased. 21606

**Sec. 721.15.** (A) Personal property not needed for municipal 21607  
purposes, the estimated value of which is less than one thousand 21608  
dollars, may be sold by the board or officer having supervision or 21609  
management of that property. If the estimated value of that 21610  
property is one thousand dollars or more, it shall be sold only 21611  
when authorized by an ordinance of the legislative authority of 21612  
the municipal corporation and approved by the board, officer, or 21613  
director having supervision or management of that property. When 21614  
so authorized, the board, officer, or director shall make a 21615  
written contract with the highest and best bidder after 21616  
advertisement for not less than two ~~or~~ nor more than four 21617  
consecutive weeks in a newspaper of general circulation within the 21618  
municipal corporation or as provided in section 7.16 of the 21619  
Revised Code, or with a board of county commissioners upon such 21620  
lawful terms as are agreed upon, as provided by division (B)(1) of 21621  
section 721.27 of the Revised Code. 21622

(B) When the legislative authority finds, by resolution, that 21623  
the municipal corporation has vehicles, equipment, or machinery 21624  
which is obsolete, or is not needed or is unfit for public use, 21625  
that the municipal corporation has need of other vehicles, 21626  
equipment, or machinery of the same type, and that it will be in 21627  
the best interest of the municipal corporation that the sale of 21628  
obsolete, unneeded, or unfit vehicles, equipment, or machinery be 21629  
made simultaneously with the purchase of the new vehicles, 21630  
equipment, or machinery of the same type, the legislative 21631  
authority may offer to sell, or authorize a board, officer, or 21632  
director of the municipal corporation having supervision or 21633  
management of the property to offer to sell, those vehicles, 21634  
equipment, or machinery and to have the selling price credited 21635  
against the purchase price of other vehicles, equipment, or 21636  
machinery and to consummate the sale and purchase by a single 21637  
contract with the lowest and best bidder to be determined by 21638  
subtracting from the selling price of the vehicles, equipment, or 21639  
machinery to be purchased by the municipal corporation the 21640  
purchase price offered for the municipally-owned vehicles, 21641  
equipment, or machinery. When the legislative authority or the 21642  
authorized board, officer, or director of a municipal corporation 21643  
advertises for bids for the sale of new vehicles, equipment, or 21644  
machinery to the municipal corporation, they may include in the 21645  
same advertisement a notice of willingness to accept bids for the 21646  
purchase of municipally-owned vehicles, equipment, or machinery 21647  
which is obsolete, or is not needed or is unfit for public use, 21648  
and to have the amount of those bids subtracted from the selling 21649  
price as a means of determining the lowest and best bidder. 21650

(C) If the legislative authority of the municipal corporation 21651  
determines that municipal personal property is not needed for 21652  
public use, or is obsolete or unfit for the use for which it was 21653  
acquired, and that the property has no value, the legislative 21654  
authority may discard or salvage that property. 21655



(D) Notwithstanding anything to the contrary in division (A) 21656  
or (B) of this section and regardless of the property's value, the 21657  
legislative authority of a municipal corporation may sell personal 21658  
property, including motor vehicles acquired for the use of 21659  
municipal officers and departments, and road machinery, equipment, 21660  
tools, or supplies, which is not needed for public use, or is 21661  
obsolete or unfit for the use for which it was acquired, by 21662  
internet auction. The legislative authority shall adopt, during 21663  
each calendar year, a resolution expressing its intent to sell 21664  
that property by internet auction. The resolution shall include a 21665  
description of how the auctions will be conducted and shall 21666  
specify the number of days for bidding on the property, which 21667  
shall be no less than ten days, including Saturdays, Sundays, and 21668  
legal holidays. The resolution shall indicate whether the 21669  
municipal corporation will conduct the auction or the legislative 21670  
authority will contract with a representative to conduct the 21671  
auction and shall establish the general terms and conditions of 21672  
sale. If a representative is known when the resolution is adopted, 21673  
the resolution shall provide contact information such as the 21674  
representative's name, address, and telephone number. 21675

After adoption of the resolution, the legislative authority 21676  
shall publish, in a newspaper of general circulation in the 21677  
municipal corporation or as provided in section 7.16 of the 21678  
Revised Code, notice of its intent to sell unneeded, obsolete, or 21679  
unfit municipal personal property by internet auction. The notice 21680  
shall include a summary of the information provided in the 21681  
resolution and shall be published ~~at least~~ twice. The second ~~and~~ 21682  
~~any subsequent~~ notice shall be published not less than ten nor 21683  
more than twenty days after the previous notice. A similar notice 21684  
also shall be posted continually throughout the calendar year in a 21685  
conspicuous place in the offices of the village clerk or city 21686  
auditor, and the legislative authority, ~~and, if.~~ If the municipal 21687  
corporation maintains a ~~website~~ web site on the internet, the 21688

notice shall be posted continually throughout the calendar year at 21689  
that ~~website~~ web site. 21690

When the property is to be sold by internet auction, the 21691  
legislative authority or its representative may establish a 21692  
minimum price that will be accepted for specific items and may 21693  
establish any other terms and conditions for the particular sale, 21694  
including requirements for pick-up or delivery, method of payment, 21695  
and sales tax. This type of information shall be provided on the 21696  
internet at the time of the auction and may be provided before 21697  
that time upon request after the terms and conditions have been 21698  
determined by the legislative authority or its representative. 21699

**Sec. 721.20.** Notice of the filing, pendency, and prayer of 21700  
the petition provided for by section 721.19 of the Revised Code 21701  
shall be published for four consecutive weeks or as provided in 21702  
section 7.16 of the Revised Code, prior to the day of hearing, in 21703  
a newspaper ~~published in the municipal corporation, or if there is~~ 21704  
~~none, then in a newspaper published in the county, and~~ of general 21705  
circulation in such municipal corporation. 21706

**Sec. 723.07.** No street or alley shall be vacated or narrowed 21707  
unless notice of the pendency and prayer of the petition under 21708  
section 723.04 of the Revised Code is given by publishing, in a 21709  
newspaper ~~published or~~ of general circulation in such municipal 21710  
corporation, for six consecutive weeks preceding action on such 21711  
petition, or, ~~where~~ as provided in section 7.16 of the Revised 21712  
Code preceding action on the petition. Where no newspaper is 21713  
~~published~~ of general circulation in the municipal corporation, 21714  
notice shall be given by posting the notice in three public places 21715  
therein six weeks preceding such action. Action thereon shall take 21716  
place within three months after the completion of the notice. 21717

**Sec. 727.011.** For the purpose of controlling the blight and 21718

disease of shade trees within public rights-of-way, and for 21719  
planting, maintaining, trimming, and removing shade trees in and 21720  
along the streets of a municipality, the legislative authority of 21721  
such municipal corporation may establish one or more districts in 21722  
the municipality designating the boundaries thereof, and may each 21723  
year thereafter, by ordinance, designate the district in which 21724  
such control, planting, care, and maintenance shall be effected, 21725  
setting forth an estimate of the cost and providing for the levy 21726  
of a special assessment upon all the real property in the 21727  
district, in the amount and in the manner provided in section 21728  
727.01 of the Revised Code, for planting, maintaining, trimming, 21729  
and removing shade trees. The ordinance shall be adopted ~~and~~ 21730  
~~published~~ as other ordinances and a succinct summary of the 21731  
ordinance shall be published in the manner provided in section 21732  
731.21 of the Revised Code. Bonds and anticipatory notes may be 21733  
issued in anticipation of the collection of such special 21734  
assessments, under section 133.17 of the Revised Code. 21735

**Sec. 727.012.** For the purpose of constructing, maintaining, 21736  
repairing, cleaning, and enclosing ditches, the legislative 21737  
authority of such municipal corporation may establish one or more 21738  
districts in the municipality designating the boundaries thereof, 21739  
and may each year thereafter, by ordinance, designate the district 21740  
in which such constructing, maintaining, repairing, cleaning, and 21741  
enclosing of ditches shall be effected, setting forth an estimate 21742  
of the cost and providing for the levying of a special assessment 21743  
upon all the real property in the district, in the amount and in 21744  
the manner provided in section 727.01 of the Revised Code, for 21745  
constructing, maintaining, repairing, cleaning, and enclosing 21746  
ditches. The ordinance shall be adopted ~~and published~~ as other 21747  
ordinances and a succinct summary of the ordinance shall be 21748  
published in the manner provided in section 731.21 of the Revised 21749  
Code. Bonds and anticipatory notes may be issued in anticipation 21750

of the collection of such special assessments, under section 21751  
133.17 of the Revised Code. 21752

**Sec. 727.08.** The cost of any public improvement to be paid 21753  
for directly or indirectly, in whole or in part, by funds derived 21754  
from special assessments may include but not be limited to: 21755

(A) The purchase price of real estate or any interest therein 21756  
when acquired by purchase, or not more than fifty per cent of the 21757  
cost of acquiring such real estate or any interest therein when 21758  
acquired by appropriation; 21759

(B) The cost of preliminary and other surveys; 21760

(C) The cost of preparing plans, specifications, profiles, 21761  
and estimates except, to the extent that costs of plans, 21762  
specifications, and estimates of cost have been paid for by the 21763  
levy of assessments under section 729.11 of the Revised Code, such 21764  
costs shall not be included in determining the cost of the 21765  
improvement under this section; 21766

(D) The cost of printing, serving, and publishing notices, ~~7~~ 21767  
and summaries of resolutions, ~~7~~ and ordinances; 21768

(E) The cost of all special proceedings; 21769

(F) The cost of labor and material, whether furnished by 21770  
contract or otherwise; 21771

(G) Interest on securities issued in anticipation of the levy 21772  
and collection of the special assessments or, if securities in 21773  
anticipation of the levy of the special assessments are not 21774  
issued, interest, at a rate to be determined by the legislative 21775  
authority in the resolution of necessity adopted pursuant to 21776  
section 727.12 of the Revised Code, on moneys advanced by the 21777  
municipal corporation for the cost of the public improvement in 21778  
anticipation of the levy of the special assessments; 21779

(H) The total amount of damages, resulting from the 21780

improvement, assessed in favor of any owner of lands affected by 21781  
the improvement, and interest thereon; 21782

(I) The cost incurred in connection with the preparation, 21783  
levy, and collection of the special assessments, including legal 21784  
expenses incurred by reason of the improvement; 21785

(J) Incidental costs directly connected with the improvement. 21786

**Sec. 727.14.** In lieu of the procedure provided in section 21787  
727.13 of the Revised Code, the legislative authority may provide 21788  
for notice of the passage of a resolution of necessity providing 21789  
for the lighting, sprinkling, sweeping, or cleaning of any street, 21790  
alley, public road, or place, or parts thereof or for treating the 21791  
surface of the same with dust-laying or preservative substances, 21792  
or for the planting, maintaining, and removing of shade trees, or 21793  
for the constructing, maintaining, repairing, cleaning, and 21794  
enclosing of ditches, and the filing of the estimated assessment 21795  
under section 727.12 of the Revised Code, to be given by 21796  
publication of such notice once a week for two consecutive weeks 21797  
in a newspaper of general circulation in the municipal corporation 21798  
or as provided in section 7.16 of the Revised Code. When it 21799  
appears from the estimated assessment filed as provided by section 21800  
727.12 of the Revised Code, that the assessment against the owner 21801  
of any lot or parcel of land will exceed two hundred fifty 21802  
dollars, such owner shall be notified of the assessment in the 21803  
manner provided in section 727.13 of the Revised Code. 21804

**Sec. 727.46.** When a general plan has been prepared under 21805  
section 727.44 of the Revised Code and reported to the legislative 21806  
authority, it shall be filed with the clerk of the legislative 21807  
authority and the legislative authority shall cause its clerk to 21808  
publish, once a week for two consecutive weeks in a newspaper of 21809  
general circulation in the municipal corporation or as provided in 21810

section 7.16 of the Revised Code, a notice stating that such 21811  
general plan has been prepared and is on file in the office of the 21812  
clerk of the legislative authority for examination by interested 21813  
persons and that written objections to such plan may be filed in 21814  
the office of such clerk before the date specified in the notice, 21815  
which shall not be earlier than the seventeenth day following the 21816  
date of the first publication in said newspaper. Any person having 21817  
an objection to the general plan shall file such objection in 21818  
writing, with the clerk of the legislative authority within the 21819  
time specified. 21820

**Sec. 729.08.** The legislative authority of the municipal 21821  
corporation shall cause a notice to be published for three 21822  
consecutive weeks in a newspaper of general circulation in the 21823  
municipal corporation or as provided in section 7.16 of the 21824  
Revised Code, stating that such list of estimated assessments has 21825  
been made and is on file in the office of the clerk of the 21826  
legislative authority for the inspection and examination of 21827  
persons interested therein. 21828

If any person objects to an assessment on such list, ~~he~~ the 21829  
person shall file ~~his~~ the objection in writing with the clerk of 21830  
the legislative authority within two weeks after the expiration of 21831  
the notice provided in this section. 21832

**Sec. 729.11.** In addition to the power conferred upon 21833  
municipal corporations under section 727.01 of the Revised Code to 21834  
levy and collect special assessments, the legislative authority of 21835  
a municipal corporation may, whenever it has determined by 21836  
ordinance that it is necessary to construct, enlarge, or improve a 21837  
system of storm or sanitary sewerage for the municipal corporation 21838  
or any part thereof, including sewage disposal works, treatment 21839  
plants, and sewage pumping stations, or a water supply system for 21840  
the municipal corporation or any part thereof including mains, 21841

dams, reservoirs, wells, intakes, purification works, and pumping 21842  
stations, and that any such improvement shall be constructed, 21843  
enlarged, or improved, may levy upon property to be benefited in 21844  
the municipal corporation or any designated part thereof, which 21845  
property shall be described in the ordinance, a preliminary 21846  
assessment upon the benefited lots and lands within the 21847  
corporation or such part thereof, apportioned according to 21848  
benefits or to the tax valuation or partly by one method and 21849  
partly by the other, as the legislative authority determines for 21850  
the purpose of paying the costs of general and detailed plans, 21851  
specifications, estimates, preparation of the tentative 21852  
assessment, financing, and legal services incident to the 21853  
preparation of such plans, and a plan for financing the proposed 21854  
improvements. 21855

Prior to the adoption of such ordinance, the legislative 21856  
authority of such municipal corporation shall give notice of the 21857  
pendency thereof and of the proposed determination of the 21858  
necessity of the improvement therein generally described, which 21859  
notice shall set forth the description of the benefited property 21860  
as designated in the ordinance and the time and place of hearing 21861  
of objections to and endorsements of the improvement. Such notice 21862  
shall be given by publication in a newspaper of general 21863  
circulation in the municipal corporation once a week for two 21864  
consecutive weeks or as provided in section 7.16 of the Revised 21865  
Code, the first publication to be at least two weeks prior to the 21866  
date set for the hearing. At such hearing, or at any adjournment 21867  
thereof, of which no further published notice need be given, the 21868  
legislative authority shall hear all persons whose properties are 21869  
proposed to be assessed, and such evidence as is deemed to be 21870  
necessary, and shall then determine the necessity of the proposed 21871  
improvement and in addition shall determine whether the 21872  
improvement shall be made by the municipal corporation, and shall 21873  
direct the preparation of tentative assessments upon the benefited 21874

properties and by whom they shall be prepared. 21875

Such assessments shall be in the amount determined to be 21876  
necessary by the legislative authority to pay the costs of general 21877  
and detailed plans, specifications, estimates of cost, preparation 21878  
of the tentative assessment, financing and legal services incident 21879  
to the preparation of such plans, and a plan of financing the 21880  
proposed improvements, and shall be payable in such number of 21881  
years as the legislative authority determines, not to exceed 21882  
twenty, together with interest on any notes which may be issued in 21883  
anticipation of the collection of such assessments. 21884

The legislative authority may at any time levy additional 21885  
assessments according to benefits or to tax valuation or partly by 21886  
one method and partly by the other as the legislative authority 21887  
determines for such purposes upon such properties to complete the 21888  
payment of such costs or to pay the cost of any additional plans, 21889  
specifications, estimates of cost, tentative assessments, and the 21890  
cost of financing and legal services incident to the preparation 21891  
of such plans and such plan of financing, which additional 21892  
assessments shall be payable in such number of years as the 21893  
legislative authority determines, not to exceed twenty years, 21894  
together with interest on any notes and bonds which may be issued 21895  
in anticipation of the collection thereof. 21896

Upon completion of the tentative assessments or any 21897  
additional assessments, they shall be filed with the clerk of the 21898  
legislative authority and shall be and remain open to public 21899  
inspection, and thereupon, the legislative authority shall give at 21900  
least ten days' notice of the filing thereof in one newspaper of 21901  
general circulation in the municipal corporation, or shall give 21902  
notice as provided in section 7.16 of the Revised Code, which 21903  
notice shall state the time and place when and where such 21904  
tentative assessments shall be taken up for consideration. At such 21905  
time and place or at any adjournment thereof, of which no further 21906



published notice need be given, the legislative authority shall 21907  
hear all persons whose properties are proposed to be assessed, 21908  
shall correct any errors and make any revisions that appear to be 21909  
necessary or just, and may then pass an ordinance levying upon the 21910  
properties determined to be benefited such assessments as so 21911  
corrected and revised. 21912

The assessments levied by such ordinance shall be certified 21913  
to the county auditor for collection as other taxes in the year or 21914  
years in which they are payable; provided any such assessment in 21915  
the amount of five dollars or less, or any unpaid balance of any 21916  
such assessment which is five dollars or less, shall be paid in 21917  
full, and not in installments, at the time the first or next 21918  
installment would otherwise become due and payable. 21919

Upon the adoption of such ordinance levying assessments the 21920  
legislative authority may authorize contracts to carry out the 21921  
purposes for which such assessments have been levied without the 21922  
prior issuance of notes and bonds; provided that the payments due 21923  
by the municipal corporation do not fall due prior to the times in 21924  
which such assessments shall be collected. The municipal 21925  
corporation may also issue and sell its bonds with a maximum 21926  
maturity of twenty years in anticipation of the collection of such 21927  
assessments and may issue its notes in anticipation of the 21928  
issuance of such bonds, which notes and bonds shall be issued and 21929  
sold as provided in Chapter 133. of the Revised Code. 21930

**Sec. 731.141.** In those villages that have established the 21931  
position of village administrator, as provided by section 735.271 21932  
of the Revised Code, the village administrator shall make 21933  
contracts, purchase supplies and materials, and provide labor for 21934  
any work under the administrator's supervision involving not more 21935  
than twenty-five thousand dollars. When an expenditure, other than 21936  
the compensation of persons employed by the village, exceeds 21937

twenty-five thousand dollars, the expenditure shall first be 21938  
authorized and directed by ordinance of the legislative authority 21939  
of the village. When so authorized and directed, except where the 21940  
contract is for equipment, services, materials, or supplies to be 21941  
purchased under division (D) of section 713.23 or section 125.04 21942  
or 5513.01 of the Revised Code, available from a qualified 21943  
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 21944  
Revised Code, or required to be purchased from a qualified 21945  
nonprofit agency under sections 125.60 to 125.6012 of the Revised 21946  
Code, the village administrator shall make a written contract with 21947  
the lowest and best bidder after advertisement for not less than 21948  
two nor more than four consecutive weeks in a newspaper of general 21949  
circulation within the village or as provided in section 7.16 of 21950  
the Revised Code. The bids shall be opened and shall be publicly 21951  
read by the village administrator or a person designated by the 21952  
village administrator at the time, date, and place as specified in 21953  
the advertisement to bidders or specifications. The time, date, 21954  
and place of bid openings may be extended to a later date by the 21955  
village administrator, provided that written or oral notice of the 21956  
change shall be given to all persons who have received or 21957  
requested specifications no later than ninety-six hours prior to 21958  
the original time and date fixed for the opening. All contracts 21959  
shall be executed in the name of the village and signed on its 21960  
behalf by the village administrator and the clerk. 21961

The legislative authority of a village may provide, by 21962  
ordinance, for central purchasing for all offices, departments, 21963  
divisions, boards, and commissions of the village, under the 21964  
direction of the village administrator, who shall make contracts, 21965  
purchase supplies or materials, and provide labor for any work of 21966  
the village in the manner provided by this section. 21967

**Sec. 731.20.** Ordinances, resolutions, and bylaws shall be 21968  
authenticated by the signature of the presiding officer and clerk 21969

of the legislative authority of the municipal corporation. 21970  
~~Ordinances~~ A succinct summary of ordinances of a general nature or 21971  
providing for improvements shall be published as provided by 21972  
sections 731.21 and 731.22 of the Revised Code before going into 21973  
operation. No ordinance shall take effect until the expiration of 21974  
ten days after the first publication of such notice. As soon as a 21975  
bylaw, resolution, or ordinance is passed and signed, it shall be 21976  
recorded by the clerk in a book furnished by the legislative 21977  
authority for that purpose. 21978

**Sec. 731.21.** (A) ~~Notwithstanding any conflicting provision of~~ 21979  
~~section 7.12 of the Revised Code,~~ A succinct summary of each 21980  
~~municipal ordinance or resolution, or a succinct summary of each~~ 21981  
~~municipal ordinance and resolution,~~ and all statements, orders, 21982  
proclamations, notices, and reports required by law or ordinance 21983  
to be published shall be published ~~as follows:~~ 21984

~~(1) In two English language newspapers of opposite politics,~~ 21985  
~~published and~~ in a newspaper of general circulation in the 21986  
municipal corporation, ~~if there are any such newspapers;~~ 21987

~~(2) If two English language newspapers of opposite politics~~ 21988  
~~are not published and of general circulation in the municipal~~ 21989  
~~corporation, then in one such political newspaper and one other~~ 21990  
~~English language newspaper published and of general circulation~~ 21991  
~~therein;~~ 21992

~~(3) If only one english language newspaper is published and~~ 21993  
~~of general circulation in the municipal corporation, then in that~~ 21994  
~~newspaper;~~ 21995

~~(4) If no english language newspaper is published and of~~ 21996  
~~general circulation in the municipal corporation, then in any~~ 21997  
~~English language newspaper of general circulation therein or by~~ 21998  
~~posting as provided in section 731.25 of the Revised Code, at the~~ 21999  
~~option of the legislative authority of such municipal corporation.~~ 22000

Proof of the publication and required circulation of any newspaper 22001  
used as a medium of publication as provided by this section shall 22002  
be made by affidavit of the proprietor of ~~either of such~~ 22003  
~~newspapers~~ the newspaper, and shall be filed with the clerk of the 22004  
legislative authority. 22005

~~(B) If a summary of an ordinance or resolution is published~~ 22006  
~~under division (A) of this section, the~~ The publication shall 22007  
contain notice that the complete text of each such ordinance or 22008  
resolution may be obtained or viewed at the office of the clerk of 22009  
the legislative authority of the municipal corporation and may be 22010  
viewed at any other location designated by the legislative 22011  
authority of the municipal corporation. The city director of law, 22012  
village solicitor, or other chief legal officer of the municipal 22013  
corporation shall review ~~any~~ the summary of an ordinance or 22014  
resolution published under this section prior to forwarding it to 22015  
the clerk for publication, to ensure that the summary is legally 22016  
accurate and sufficient. 22017

(C) Upon publication of a summary of an ordinance or 22018  
resolution in accordance with this section, the clerk of the 22019  
legislative authority shall supply a copy of the complete text of 22020  
each such ordinance or resolution to any person, upon request, and 22021  
may charge a reasonable fee, set by the legislative authority, for 22022  
each copy supplied. The clerk shall post a copy of the text at ~~his~~ 22023  
the clerk's office and at every other location designated by the 22024  
legislative authority. 22025

**Sec. 731.211.** In accordance with Section 9 of Article XVIII, 22026  
Ohio Constitution, notice of proposed amendments to municipal 22027  
charters shall be given in one of the following ways: 22028

(A) Not less than thirty days prior to the election at which 22029  
the amendment is to be submitted to the electors, the clerk of the 22030  
municipality shall mail a copy of the proposed charter amendment 22031

to each elector whose name appears upon the poll or registration 22032  
books of the last regular or general election held therein. 22033

(B) The full text of the proposed charter amendment shall be 22034  
published once a week for not less than two consecutive weeks in a 22035  
newspaper ~~published of general circulation~~ in the municipal 22036  
corporation or as provided in section 7.16 of the Revised Code, 22037  
with the first publication being at least fifteen days prior to 22038  
the election at which the amendment is to be submitted to the 22039  
electors. ~~If no newspaper is published in the municipal~~ 22040  
~~corporation, then such publication shall be made in a newspaper of~~ 22041  
~~general circulation within the municipal corporation.~~ 22042

**Sec. 731.22.** The publication required in section 731.21 of 22043  
the Revised Code shall be for the following times: 22044

(A) ~~Ordinances and resolutions, or summaries~~ Summaries of 22045  
ordinances or resolutions, and proclamations of elections, once a 22046  
week for two consecutive weeks or as provided in section 7.16 of 22047  
the Revised Code; 22048

(B) Notices, not less than two nor more than four consecutive 22049  
weeks or as provided in section 7.16 of the Revised Code; 22050

(C) All other matters shall be published once. 22051

**Sec. 731.23.** When ordinances are revised, codified, 22052  
rearranged, published in book form, and certified as correct by 22053  
the clerk of the legislative authority of a municipal corporation 22054  
and the mayor, such publication shall be a sufficient publication, 22055  
and the ordinances so published, under appropriate titles, 22056  
chapters, and sections, shall be held the same in law as though 22057  
they had been published in a newspaper. A new ordinance so 22058  
published in book form, a summary of which has not been published 22059  
as required by sections 731.21 and 731.22 of the Revised Code, and 22060  
which contains entirely new matter, shall be published as required 22061

by such sections. If such revision or codification is made by a 22062  
municipal corporation and contains new matter, it shall be a 22063  
sufficient publication of such codification, including the new 22064  
matter, to publish, in the manner required by such sections, a 22065  
notice of the enactment of such codifying ordinance, containing 22066  
the title of the ordinance and a summary of the new matters 22067  
covered by it. Such revision and codification may be made under 22068  
appropriate titles, chapters, and sections and in one ordinance 22069  
containing one or more subjects. 22070

Except as provided by this section, a succinct summary of all 22071  
ordinances, including emergency ordinances, shall be published in 22072  
accordance with section 731.21 of the Revised Code. 22073

**Sec. 731.24.** Immediately after the expiration of the period 22074  
of publication ~~for ordinances or of~~ summaries of ordinances 22075  
required by section 731.22 of the Revised Code, the clerk of the 22076  
legislative authority of a municipal corporation shall enter on 22077  
the record of ordinances, in a blank to be left for such purpose 22078  
under the recorded ordinance, a certificate stating in which 22079  
newspaper and on what dates such publication was made, and shall 22080  
sign ~~his~~ the clerk's name thereto officially. Such certificate 22081  
shall be prima-facie evidence that legal publication of the 22082  
~~ordinance or~~ summary of the ordinance was made. 22083

**Sec. 731.25.** ~~Notwithstanding any conflicting provision of~~ 22084  
~~section 7.12 of the Revised Code, in~~ In municipal corporations in 22085  
which no newspaper is ~~published~~ generally circulated, publication 22086  
of ~~ordinances and resolutions, or~~ summaries of ordinances and 22087  
resolutions, and publication of all statements, orders, 22088  
proclamations, notices, and reports, required by law or ordinance 22089  
to be published, shall be accomplished ~~in either of the following~~ 22090  
~~methods, as determined by the legislative authority:~~ 22091

~~(A) By~~ by posting copies in not less than five of the most 22092  
public places in the municipal corporation, as determined by the 22093  
legislative authority, for a period of not less than fifteen days 22094  
prior to the effective date thereof. 22095

~~(B) By publication in any newspaper printed in this state and 22096  
of general circulation in such municipal corporation. 22097~~

Notices to bidders for the construction of public 22098  
improvements and notices of the sale of bonds shall be published 22099  
in ~~not more than two newspapers, printed in this state and a~~ 22100  
newspaper of general circulation in such municipal corporation, 22101  
for the time prescribed in section 731.22 of the Revised Code. 22102

Where such publication is by posting, the clerk shall make a 22103  
certificate as to such posting, and as to the times when and the 22104  
places where such posting is done, in the manner provided in 22105  
section 731.24 of the Revised Code, and such certificate shall be 22106  
prima-facie evidence that the copies were posted as required. 22107

**Sec. 735.05.** The director of public service may make any 22108  
contract, purchase supplies or material, or provide labor for any 22109  
work under the supervision of the department of public service 22110  
involving not more than twenty-five thousand dollars. When an 22111  
expenditure within the department, other than the compensation of 22112  
persons employed in the department, exceeds twenty-five thousand 22113  
dollars, the expenditure shall first be authorized and directed by 22114  
ordinance of the city legislative authority. When so authorized 22115  
and directed, except where the contract is for equipment, 22116  
services, materials, or supplies to be purchased under division 22117  
(D) of section 713.23 or section 125.04 or 5513.01 of the Revised 22118  
Code or available from a qualified nonprofit agency pursuant to 22119  
sections 4115.31 to 4115.35 of the Revised Code, the director 22120  
shall make a written contract with the lowest and best bidder 22121  
after advertisement for not less than two nor more than four 22122

consecutive weeks in a newspaper of general circulation within the city or as provided in section 7.16 of the Revised Code.

**Sec. 735.20.** When a whole plan, or any portion thereof, as provided in section 735.19 of the Revised Code is completed, or when the location of any avenue, street, roadway, or alley has been finally determined by the platting commissioner of a city, a plat of the plan, avenue, street, roadway, or alley shall be placed in the office of the city engineer for the inspection of persons interested, and notice that it is ready for inspection shall be published in ~~one or more newspapers,~~ a newspaper of general circulation within the city, for six consecutive weeks, or as provided in section 7.16 of the Revised Code.

**Sec. 737.32.** Except as otherwise provided in this section and unless the property involved is required to be disposed of pursuant to another section of the Revised Code, property that is unclaimed for ninety days or more shall be sold by the chief of police of the municipal corporation, marshal of the village, or licensed auctioneer at public auction, after notice of the sale has been provided by publication once a week for three successive weeks in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code. The proceeds of the sale shall be paid to the treasurer of the municipal corporation and shall be credited to the general fund of the municipal corporation.

If authorized to do so by an ordinance adopted by the legislative authority of the municipal corporation and if the property involved is not required to be disposed of pursuant to another section of the Revised Code, the chief of police or marshal may contribute property that is unclaimed for ninety days or more to one or more public agencies, to one or more nonprofit organizations no part of the net income of which inures to the



benefit of any private shareholder or individual and no 22154  
substantial part of the activities of which consists of carrying 22155  
on propaganda or otherwise attempting to influence legislation, or 22156  
to one or more organizations satisfying section 501(c)(3) or 22157  
(c)(19) of the Internal Revenue Code of 1986. 22158

**Sec. 742.41.** (A) As used in this section: 22159

(1) "Other system retirant" has the same meaning as in 22160  
section 742.26 of the Revised Code. 22161

(2) "Personal history record" includes a member's, former 22162  
member's, or other system retirant's name, address, telephone 22163  
number, social security number, record of contributions, 22164  
correspondence with the Ohio police and fire pension fund, status 22165  
of any application for benefits, and any other information deemed 22166  
confidential by the trustees of the fund. 22167

(B) The treasurer of state shall furnish annually to the 22168  
board of trustees of the fund a sworn statement of the amount of 22169  
the funds in the treasurer of state's custody belonging to the 22170  
Ohio police and fire pension fund. The records of the fund shall 22171  
be open for public inspection except for the following, which 22172  
shall be excluded, except with the written authorization of the 22173  
individual concerned: 22174

(1) The individual's personal history record; 22175

(2) Any information identifying, by name and address, the 22176  
amount of a monthly allowance or benefit paid to the individual. 22177

(C) All medical reports and recommendations required are 22178  
privileged, except that copies of such medical reports or 22179  
recommendations shall be made available to the personal physician, 22180  
attorney, or authorized agent of the individual concerned upon 22181  
written release received from the individual or the individual's 22182  
agent or, when necessary for the proper administration of the 22183

fund, to the board-assigned physician. 22184

(D) Any person who is a member of the fund or an other system 22185  
retirant shall be furnished with a statement of the amount to the 22186  
credit of the person's individual account upon the person's 22187  
written request. The fund need not answer more than one such 22188  
request of a person in any one year. 22189

(E) Notwithstanding the exceptions to public inspection in 22190  
division (B) of this section, the fund may furnish the following 22191  
information: 22192

(1) If a member, former member, or other system retirant is 22193  
subject to an order issued under section 2907.15 of the Revised 22194  
Code or an order issued under division (A) or (B) of section 22195  
2929.192 of the Revised Code or is convicted of or pleads guilty 22196  
to a violation of section 2921.41 of the Revised Code, on written 22197  
request of a prosecutor as defined in section 2935.01 of the 22198  
Revised Code, the fund shall furnish to the prosecutor the 22199  
information requested from the individual's personal history 22200  
record. 22201

(2) Pursuant to a court order issued pursuant to Chapter 22202  
3119., 3121., 3123., or 3125. of the Revised Code, the fund shall 22203  
furnish to a court or child support enforcement agency the 22204  
information required under that section. 22205

(3) At the request of any organization or association of 22206  
members of the fund, the fund shall provide a list of the names 22207  
and addresses of members of the fund and other system retirants. 22208  
The fund shall comply with the request of such organization or 22209  
association at least once a year and may impose a reasonable 22210  
charge for the list. 22211

(4) Within fourteen days after receiving from the director of 22212  
job and family services a list of the names and social security 22213  
numbers of recipients of public assistance pursuant to section 22214

5101.181 of the Revised Code, the fund shall inform the auditor of 22215  
state of the name, current or most recent employer address, and 22216  
social security number of each member or other system retirant 22217  
whose name and social security number are the same as that of a 22218  
person whose name or social security number was submitted by the 22219  
director. The fund and its employees shall, except for purposes of 22220  
furnishing the auditor of state with information required by this 22221  
section, preserve the confidentiality of recipients of public 22222  
assistance in compliance with ~~division (A)~~ of section 5101.181 of 22223  
the Revised Code. 22224

(5) The fund shall comply with orders issued under section 22225  
3105.87 of the Revised Code. 22226

On the written request of an alternate payee, as defined in 22227  
section 3105.80 of the Revised Code, the fund shall furnish to the 22228  
alternate payee information on the amount and status of any 22229  
amounts payable to the alternate payee under an order issued under 22230  
section 3105.171 or 3105.65 of the Revised Code. 22231

(6) At the request of any person, the fund shall make 22232  
available to the person copies of all documents, including 22233  
resumes, in the fund's possession regarding filling a vacancy of a 22234  
police officer employee member, firefighter employee member, 22235  
police retirant member, or firefighter retirant member of the 22236  
board of trustees. The person who made the request shall pay the 22237  
cost of compiling, copying, and mailing the documents. The 22238  
information described in this division is a public record. 22239

(F) A statement that contains information obtained from the 22240  
fund's records that is signed by the secretary of the board of 22241  
trustees of the Ohio police and fire pension fund and to which the 22242  
board's official seal is affixed, or copies of the fund's records 22243  
to which the signature and seal are attached, shall be received as 22244  
true copies of the fund's records in any court or before any 22245  
officer of this state. 22246

**Sec. 745.07.** An ordinance passed pursuant to section 745.06 22247  
of the Revised Code shall not take effect until submitted to the 22248  
electors of the municipal corporation, at a special or general 22249  
election held in the municipal corporation at such time as the 22250  
legislative authority determines, and approved by a majority of 22251  
the electors voting on it. The ordinance shall be passed by an 22252  
affirmative vote of not less than a majority of the members of the 22253  
legislative authority and shall be subject to the approval of the 22254  
mayor as provided by law. The ordinance shall specify the form or 22255  
phrasing of the question to be placed upon the ballot. Thirty 22256  
days' notice of the election shall be given by publication once a 22257  
week for two consecutive weeks in ~~two daily or weekly newspapers~~ 22258  
~~published or circulated~~ a newspaper of general circulation in the 22259  
municipal corporation ~~and, if~~ or as provided in section 7.16 of 22260  
the Revised Code. If the board of elections operates and maintains 22261  
a web site, notice of the election also shall be posted on that 22262  
web site for thirty days prior to the election. The notice shall 22263  
contain the full form or phrasing of the question to be submitted. 22264  
The clerk of the legislative authority shall certify the passage 22265  
of the ordinance to the officers having control of elections in 22266  
the municipal corporation, who shall cause the question to be 22267  
voted on at the general or special election as specified in the 22268  
ordinance. 22269

**Sec. 747.05.** The board of rapid transit commissioners shall 22270  
have control of the expenditure of all moneys appropriated by the 22271  
legislative authority of the city, received from the sale of bonds 22272  
provided for in sections 747.01 to 747.13, ~~inclusive,~~ of the 22273  
Revised Code, or from any other source, for the purchase, 22274  
construction, improvement, maintenance, equipment, or enjoyment of 22275  
all such rapid transit property, but no liability shall be 22276  
incurred or expenditure made unless the money required therefor is 22277

in the city treasury to the credit of the board of rapid transit 22278  
commissioners' fund and not appropriated for any other purpose. 22279  
Moneys to be derived from the sale of bonds, the issue of which 22280  
has been authorized, shall be deemed to be in the treasury to the 22281  
credit of such fund. 22282

All moneys expended for the construction and acquisition of 22283  
parkways or boulevards, as authorized by such sections, shall be 22284  
provided for partly by special appropriation or bond issue and 22285  
partly by assessments, as specified in section 747.06 of the 22286  
Revised Code, and such funds shall be separately accounted for, 22287  
and such expenditure shall not be considered a part of the rapid 22288  
transit expenditure authorized by this section. The board may let 22289  
contracts for any part of the work to the lowest and best bidder 22290  
after three weeks' advertisement in ~~two newspapers~~ a newspaper of 22291  
general circulation in the city or as provided in section 7.16 of 22292  
the Revised Code. 22293

The board may reject any bid, and the proceedings for such 22294  
contracts and payment therefor shall be the same as provided for 22295  
the director of public service except the requirement of the 22296  
approval of the board of control. 22297

**Sec. 747.11.** The board of rapid transit commissioners may 22298  
grant to any corporation organized for street or interurban 22299  
railway purposes the right to operate, by lease or otherwise, the 22300  
depots, terminals, and railways mentioned in section 747.08 of the 22301  
Revised Code upon such terms as the board is authorized by 22302  
ordinance to agree upon with such corporation, subject to the 22303  
approval of a majority of the electors of the city voting on the 22304  
question. 22305

The board of rapid transit commissioners shall certify such 22306  
lease or agreement to the board of elections, which shall then 22307  
submit the question of the approval of such lease or agreement to 22308

the qualified electors of the city at either a special or general 22309  
election as the ordinance specifies. Thirty days' notice of the 22310  
election shall be given by publication in ~~one or more of the~~ 22311  
~~newspapers published~~ a newspaper of general circulation in the 22312  
city once a week for two consecutive weeks prior to the election, 22313  
~~and, if~~ or as provided in section 7.16 of the Revised Code. If the 22314  
board of elections operates and maintains a web site, the board of 22315  
elections shall post notice of the election for thirty days prior 22316  
to the election on its web site. The notice shall set forth the 22317  
terms of the lease or agreement and the time of holding the 22318  
election. On the approval by a majority of the voters voting at 22319  
the election, the corporation may operate such depots, terminals, 22320  
and railways as provided in the lease or agreement, and 22321  
corporations organized under the laws of this state for street or 22322  
interurban railway purposes may lease and operate such depots, 22323  
terminals, and railways. 22324

**Sec. 747.12.** Whenever the board of rapid transit 22325  
commissioners of a city declares by resolution that real estate of 22326  
the city acquired for rapid transit purposes is not needed for the 22327  
proper conduct and maintenance of such rapid transit system, such 22328  
real estate may be sold or leased by the board to the highest 22329  
bidder after advertisement once a week for three consecutive weeks 22330  
in a newspaper of general circulation within the city or as 22331  
provided in section 7.16 of the Revised Code. The board may reject 22332  
any bid and readvertise until all such property is sold or leased. 22333  
When the board has twice so offered to sell or lease such 22334  
property, and it is not sold or leased, the board may privately 22335  
sell or lease it. 22336

Moneys arising from such sales or leases shall be deposited 22337  
in the treasury of the city to the credit of the board of rapid 22338  
transit commissioners' fund, and may be expended for the purchase, 22339  
construction, improvement, maintenance, equipment, and enjoyment 22340

of the city's rapid transit property, as such board directs. 22341

Contracts, leases, deeds, bills of sale, or other instruments 22342  
in writing pertaining to such sales or leases shall be executed on 22343  
behalf of the city by the board, by its president and secretary. 22344

**Sec. 755.16.** (A) Any ~~municipal corporation, township,~~ 22345  
~~township park district, county, or school district~~ contracting 22346  
subdivision, jointly with one or more other ~~municipal~~ 22347  
~~corporations, townships, township park districts, counties, or~~ 22348  
~~school districts or with an educational service center~~ contracting 22349  
subdivisions, in any combination, ~~and a joint recreation district,~~ 22350  
may acquire property for, construct, operate, and maintain any 22351  
parks, playgrounds, playfields, gymnasiums, public baths, swimming 22352  
pools, indoor recreation centers, educational facilities, or 22353  
community centers. Any school district ~~or~~ educational service 22354  
~~center, or state institution of higher education~~ may provide by 22355  
the erection of any school ~~or~~ educational service center, or 22356  
state institution of higher education building or premises, or by 22357  
the enlargement of, addition to, or reconstruction or improvement 22358  
of any school ~~or~~ educational service center, or state institution 22359  
of higher education building or premises, for the inclusion of any 22360  
such parks, recreational facilities, educational facilities, and 22361  
community centers to be jointly acquired, constructed, operated, 22362  
and maintained. Any ~~municipal corporation, township, township park~~ 22363  
~~district, county, or school district~~ contracting subdivision, 22364  
jointly with one or more other ~~municipal corporations, townships,~~ 22365  
~~township park districts, counties, or school districts or with an~~ 22366  
~~educational service center~~ contracting subdivisions, in any 22367  
combination, ~~and a joint recreation district,~~ may equip, operate, 22368  
and maintain those parks, recreational facilities, educational 22369  
facilities, and community centers and may appropriate money for 22370  
them those purposes. ~~An educational service center also may~~ 22371  
~~appropriate money for purposes of equipping, operating, and~~ 22372

~~maintaining those parks, recreational facilities, and community~~ 22373  
~~centers.~~ 22374

~~Any municipal corporation, township, township park district,~~ 22375  
~~county, school district, or educational service center~~ contracting 22376  
subdivision agreeing to jointly acquire, construct, operate, or 22377  
maintain parks, recreational facilities, educational facilities, 22378  
and community centers pursuant to this section may contribute 22379  
lands, money, other personal property, or services to the joint 22380  
venture, as may be agreed upon. Any agreement shall specify the 22381  
rights of the parties in any lands or personal property 22382  
contributed. 22383

Any lands acquired by a township park district pursuant to 22384  
Chapter 511. of the Revised Code and established as a public park 22385  
or parks may be contributed to a joint venture authorized by this 22386  
section. Fees may be charged in connection with the use of any 22387  
recreational facilities, educational facilities, and community 22388  
centers that may be constructed on those lands. 22389

(B) Any township may, jointly with a private land owner, 22390  
construct, operate, equip, and maintain free public playgrounds 22391  
and playfields. Any equipment provided by a township pursuant to 22392  
this division shall remain township property and shall be used 22393  
subject to a right of removal by the township. 22394

(C) As used in this section and in sections 755.17 and 755.18 22395  
of the Revised Code: 22396

(1) "Community centers" means facilities characterized by all 22397  
of the following: 22398

(a) They are acquired, constructed, operated, or maintained 22399  
by ~~political~~ contracting subdivisions ~~or an educational service~~ 22400  
~~center~~ pursuant to division (A) of this section. 22401

(b) They may be used for governmental, civic, or educational 22402  
operations or purposes, or recreational activities. 22403



(c) They may be used only by the ~~entities~~ contracting subdivisions that acquire, construct, operate, or maintain them or by any other person upon terms and conditions determined by those ~~entities~~ contracting subdivisions. 22404  
22405  
22406  
22407

(2) "Educational service center" has the same meaning as in division (A) of section 3311.05 of the Revised Code. 22408  
22409

(3) "Contracting subdivision" means a municipal corporation, township, joint recreation district, township park district, county, school district, educational service center, or state institution of higher education. 22410  
22411  
22412  
22413

(4) "School district" means any of the school districts or joint vocational school districts referred to in section 3311.01 of the Revised Code. 22414  
22415  
22416

(5) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 22417  
22418

**Sec. 755.29.** The board of park trustees, before entering into any contract for the performance of any work, the cost of which exceeds ~~ten~~ twenty-five thousand dollars, shall cause plans and specifications and forms of bids to be prepared, and when adopted by the board, ~~it~~ shall have them printed for distribution among bidders. 22419  
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**Sec. 755.41.** When lands lying within the limits of a municipal corporation have been dedicated to or for the use of the public for parks or park lands, and where such lands have remained unimproved and unused by the public for a period of twenty-one years and there appears to be little or no possibility that such lands will be improved and used by the public, the legislative authority of a municipal corporation in which said lands are located may, by ordinance, declare such parks or park lands vacated upon the petition of a majority of the abutting 22425  
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freeholders. No such parks or park lands shall be vacated unless 22434  
notice of the pendency and prayer of the petition is given, in a 22435  
newspaper of general circulation in the municipal corporation in 22436  
which such lands are situated for three consecutive weeks, or as 22437  
provided in section 7.16 of the Revised Code, preceding action on 22438  
such petition. No such lands shall be vacated prior to a public 22439  
hearing had thereon. 22440

**Sec. 755.42.** Upon the vacation of parks or park lands as 22441  
provided by section 755.41 of the Revised Code, the legislative 22442  
authority of a municipal corporation shall offer such lands for 22443  
sale at a public auction. No lands shall be sold until the 22444  
legislative authority of such municipal corporation gives notice 22445  
of intention to sell such lands. Such notice shall be published as 22446  
provided in section 7.16 of the Revised Code or once a week for 22447  
four consecutive weeks in a newspaper of general circulation in a 22448  
municipal corporation in which the sale is to be had. The 22449  
legislative authority of such municipal corporation or the board 22450  
or officer having supervision or management of such real estate 22451  
shall sell such lands to the highest and best bidder, provided 22452  
that any and all bids made hereunder may be rejected. 22453

When such sale is made, the mayor or other officer of a 22454  
municipal corporation in which sale is had and in which such lands 22455  
are located, shall enter into a deed, conveying said lands to the 22456  
purchaser thereof. At or after the time of sale, the auditor of 22457  
the county shall place the lands sold hereunder on the tax 22458  
duplicate of the county at a value to be established by ~~him~~ the 22459  
auditor as in cases where ~~he~~ the auditor re-enters property which 22460  
has been tax exempt on the taxable list of the county. 22461

The proceeds from the sale of lands sold pursuant to this 22462  
section shall be placed in the general fund of the treasury of the 22463  
municipal corporation in which such lands are located and may be 22464

disbursed as other general fund moneys. 22465

**Sec. 755.43.** When real estate ~~which~~ that has been dedicated 22466  
to or for the use of the public for parks or park lands is vacated 22467  
by the legislative authority of a municipal corporation pursuant 22468  
to section 755.41 of the Revised Code, and where reversionary 22469  
interests have been set up in the event of the non-use of such 22470  
lands for the dedicated purpose, such reversionary interests shall 22471  
accelerate and vest in the holders thereof upon such vacation. 22472  
Thereupon, the auditor of the county shall place the lands on the 22473  
tax duplicate of the county in the names of such reversionaries as 22474  
are known to and supplied by the legislative authority of the 22475  
municipal corporation or the board or officer having supervision 22476  
or management of such real estate. If the legislative authority of 22477  
such board or officer is unable to furnish the names of such 22478  
reversioners, the legislative authority of a municipal corporation 22479  
shall fix a date on or before which claims to such real estate may 22480  
be asserted and after which such real estate shall be sold. Notice 22481  
shall be given of such date and of the sale to be held thereafter, 22482  
as provided in section 7.16 of the Revised Code or once each week 22483  
for four consecutive weeks in a newspaper of general circulation 22484  
in the municipal corporation wherein such lands are located. In 22485  
the event that no claims to such lands are asserted or found to be 22486  
valid, the lands shall be sold pursuant to section 755.42 of the 22487  
Revised Code, and the title of any holders of reversionary 22488  
interests shall be extinguished. 22489

Nothing contained in sections 755.41, 755.42, or 755.43 of 22490  
the Revised Code shall be construed as limiting any of the home 22491  
rule powers conferred upon municipalities by Article XVIII of the 22492  
Constitution of the State of Ohio. 22493

**Sec. 759.47.** Land belonging to a public cemetery and used for 22494  
an approach thereto, and which is, in the judgment of a majority 22495

of the officers having control or management thereof, unnecessary 22496  
for cemetery purposes, may be sold by them at public sale to the 22497  
highest bidder after advertisement as provided in section 7.16 of 22498  
the Revised Code or once a week for five consecutive weeks in a 22499  
newspaper of general circulation within the county in which the 22500  
cemetery is situated. The board of township trustees or board of 22501  
cemetery trustees of a municipal corporation making such sale 22502  
shall execute in the name of the township or municipal corporation 22503  
owning such cemetery proper conveyances for the land so sold. 22504  
22505

**Sec. 901.09.** (A) The director of agriculture may employ and 22506  
establish a compensation rate for seasonal produce graders and 22507  
seasonal gypsy mothtrap tenders, who shall be in the unclassified 22508  
civil service. 22509

(B) In lieu of employing seasonal gypsy moth tenders as 22510  
provided in division (A) of this section, the director may 22511  
contract with qualified individuals or entities to perform gypsy 22512  
moth trapping. 22513

**Sec. 924.52.** (A) The Ohio grape industries committee may: 22514

(1) Conduct, and contract with others to conduct, research, 22515  
including the study, analysis, dissemination, and accumulation of 22516  
information obtained from the research or elsewhere, concerning 22517  
the marketing and distribution of grapes and grape products, the 22518  
storage, refrigeration, processing, and transportation of them, 22519  
and the production and product development of grapes and grape 22520  
products. The committee shall expend for these activities ~~no less~~ 22521  
~~than thirty per cent~~ and no more than seventy per cent of all 22522  
money it receives from the Ohio grape industries fund created 22523  
under section 924.54 of the Revised Code. 22524

(2) Provide the wholesale and retail trade with information 22525

relative to proper methods of handling and selling grapes and 22526  
grape products; 22527

(3) Make or contract for market surveys and analyses, 22528  
undertake any other similar activities that it determines are 22529  
appropriate for the maintenance and expansion of present markets 22530  
and the creation of new and larger markets for grapes and grape 22531  
products, and make, in the name of the committee, contracts to 22532  
render service in formulating and conducting plans and programs 22533  
and such other contracts or agreements as the committee considers 22534  
necessary for the promotion of the sale of grapes and grape 22535  
products. The committee shall expend for these activities ~~no less~~ 22536  
~~than thirty per cent~~ and no more than seventy per cent of all 22537  
money it receives from the fund. 22538

(4) Publish and distribute to producers and others 22539  
information relating to the grape and grape product industries; 22540

(5) Propose to the director of agriculture for adoption, 22541  
rescission, or amendment, pursuant to Chapter 119. of the Revised 22542  
Code, rules necessary for the exercise of its powers and the 22543  
performance of its duties; 22544

(6) Advertise for, post notices seeking, or otherwise solicit 22545  
applicants to serve in administrative positions in the department 22546  
of agriculture as employees who support the administrative 22547  
functions of the committee. Applications shall be submitted to the 22548  
committee. The committee shall select applicants that it wishes to 22549  
recommend for employment and shall submit a list of the 22550  
recommended applicants to the director. 22551

(B) The committee shall: 22552

(1) Promote the sale of grapes and grape products for the 22553  
purpose of maintaining and expanding present markets and creating 22554  
new and larger intrastate, interstate, and foreign markets for 22555  
grapes and grape products, and inform the public of the uses and 22556

benefits of grapes and grape products; 22557

(2) Perform all acts and exercise all powers incidental to, 22558  
in connection with, or considered reasonably necessary, proper, or 22559  
advisable to effectuate the purposes of this section. 22560

**Sec. 927.69.** To effect the purpose of sections 927.51 to 22561  
927.73 of the Revised Code, the director of agriculture or the 22562  
director's authorized representative may: 22563

(A) Make reasonable inspection of any premises in this state 22564  
and any property therein or thereon; 22565

(B) Stop and inspect in a reasonable manner, any means of 22566  
conveyance moving within this state upon probable cause to believe 22567  
it contains or carries any pest, host, commodity, or other article 22568  
that is subject to sections 927.51 to 927.72 of the Revised Code; 22569

(C) Conduct inspections of agricultural products that are 22570  
required by other states, the United States department of 22571  
agriculture, other federal agencies, or foreign countries to 22572  
determine whether the products are infested. If, upon making such 22573  
an inspection, the director or the director's authorized 22574  
representative determines that an agricultural product is not 22575  
infested, the director or the director's authorized representative 22576  
may issue a certificate, as required by other states, the United 22577  
States department of agriculture, other federal agencies, or 22578  
foreign countries, indicating that the product is not infested. 22579

If the director charges fees for any of the certificates, 22580  
agreements, or inspections specified in this section, the fees 22581  
shall be as follows: 22582

(1) ~~Phyto-sanitary~~ Phytopsanitary certificates, twenty-five 22583  
dollars for ~~those collectors or dealers that are licensed under~~ 22584  
~~section 927.53 of the Revised Code~~ shipments comprised exclusively 22585  
of nursery stock; 22586

(2) <del>Phyto-sanitary</del> <u>Phytosanitary</u> certificates, one hundred dollars for all others;	22587 22588
(3) <u>Phytosanitary certificates, twenty-five dollars for replacement of an issued certificate because of a mistake on the certificate or a change made by the shipper if no additional inspection is required;</u>	22589 22590 22591 22592
<u>(4)</u> Compliance agreements, forty dollars;	22593
<del>(4)</del> <u>(5)</u> Agricultural products and their conveyances inspections, an amount equal to the hourly rate of pay in the highest step in the pay range, including fringe benefits, of a plant pest control specialist multiplied by the number of hours worked by such a specialist in conducting an inspection.	22594 22595 22596 22597 22598
The director may adopt rules under section 927.52 of the Revised Code that define the certificates, agreements, and inspections.	22599 22600 22601
The fees shall be credited to the plant pest program fund created in section 927.54 of the Revised Code.	22602 22603
<b>Sec. 951.11.</b> A person finding an animal at large in violation of section 951.01 or 951.02 of the Revised Code, may, and a law enforcement officer of a county, township, city, or village, on view or information, shall, take and confine such animal, forthwith giving notice thereof to the owner or keeper, if known, and, if not known, by publishing a notice describing such animal <del>at least</del> once in a newspaper of general circulation in the county, township, city, or village wherein the animal was found. If the owner or keeper does not appear and claim the animal and pay the compensation prescribed in section 951.13 of the Revised Code for so taking, advertising, and keeping it within ten days from the date of such notice, such person or the county shall have a lien therefor and the animal may be sold at public auction as provided	22604 22605 22606 22607 22608 22609 22610 22611 22612 22613 22614 22615 22616

in section 1311.49 of the Revised Code, and the residue of the 22617  
proceeds of sale shall be paid and deposited by the treasurer in 22618  
the general fund of the county. 22619

**Sec. 1309.528.** ~~(A)~~ All fees collected by the secretary of 22620  
state for filings under Title XIII or XVII of the Revised Code 22621  
shall be deposited into the state treasury to the credit of the 22622  
corporate and uniform commercial code filing fund, which is hereby 22623  
created. All moneys credited to the fund, ~~subject to division (B)~~ 22624  
~~of this section,~~ shall be used for the purpose of paying for the 22625  
operations of the office of the secretary of state and for the 22626  
purpose of paying for expenses relating to the processing of 22627  
filings under Title XIII or XVII of the Revised Code. 22628

~~(B) There is hereby created in the state treasury the 22629  
secretary of state business technology fund. One per cent of the 22630  
money credited to the corporate and uniform commercial code filing 22631  
fund created in division (A) of this section shall be transferred 22632  
to the credit of this fund. All moneys credited to this fund shall 22633  
be used only for the upkeep, improvement, or replacement of 22634  
equipment, or for the purpose of training employees in the use of 22635  
equipment, used to conduct business of the secretary of state's 22636  
office under Title XIII or XVII of the Revised Code. 22637~~

**Sec. 1327.46.** ~~(A)~~ As used in sections 1327.46 to 1327.61 of 22638  
the Revised Code: 22639

(A) "Weights and measures" means all weights and measures of 22640  
every kind, instruments and devices for weighing and measuring, 22641  
and any appliances and accessories associated with any such 22642  
instruments and devices, except that ~~the term~~ "weights and 22643  
measures" shall not be construed to include meters for the 22644  
measurement of electricity, gas, whether natural or manufactured, 22645  
or water when the same are operated in a public utility system. 22646



Such electricity, gas, and water meters, and appliances or 22647  
accessories associated therewith, are specifically excluded from 22648  
the purview of the weights and measures laws. 22649

(B) "Intrastate commerce" means all commerce or trade that is 22650  
begun, carried on, and completed wholly within the limits of this 22651  
state, and "introduced into intrastate commerce" defines the time 22652  
and place in which the first sale and delivery of a commodity is 22653  
made within the state, the delivery being made either directly to 22654  
the purchaser or to a common carrier for shipment to the 22655  
purchaser. 22656

(C) "Package" means any commodity put up or packaged in any 22657  
manner in advance of sale in units suitable for either wholesale 22658  
or retail sale. 22659

(D) "Consumer package" means a package that is customarily 22660  
produced or distributed for sale through a retail sales agency for 22661  
consumption by an individual or use by an individual. 22662

(E) "Weight" as used in connection with any commodity means 22663  
net weight. 22664

(F) "Correct" as used in connection with weights and measures 22665  
means conformity with all applicable requirements of sections 22666  
1327.46 to 1327.61 of the Revised Code and rules adopted pursuant 22667  
to those sections. 22668

(G) "Primary standards" means the physical standards of the 22669  
state that serve as the legal reference from which all other 22670  
standards and weights and measures are derived. 22671

(H) "Secondary standards" means the physical standards that 22672  
are traceable to the primary standards through comparisons, using 22673  
acceptable laboratory procedures, and used in the enforcement of 22674  
weights and measures laws and rules. 22675

(I) "Sale from bulk" means the sale of commodities when the 22676

quantity is determined at the time of sale. 22677

(J) "Net weight" means the weight of a commodity, excluding 22678  
any materials, substances, or items not considered to be a part of 22679  
the commodity. Materials, substances, or items not considered to 22680  
be part of the commodity include, but are not limited to, 22681  
containers, conveyances, bags, wrappers, packaging materials, 22682  
labels, individual piece coverings, decorative accompaniments, and 22683  
coupons. 22684

(K) "Random weight package" means a package that is one of a 22685  
lot, shipment, or delivery of packages of the same commodity with 22686  
no fixed pattern of weights. 22687

(L) "Sold" includes keeping, offering, or exposing for sale. 22688

(M) "Commercially used weighing and measuring device" means a 22689  
device described in the national institute of standards and 22690  
technology handbook 44 or its supplements and revisions and any 22691  
other weighing and measuring device designated by rules adopted 22692  
under division (C) of section 1327.50 of the Revised Code. 22693  
"Commercially used weighing and measuring device" includes, but is 22694  
not limited to, a livestock scale, vehicle scale, railway scale, 22695  
vehicle tank meter, bulk rack meter, and LPG meter. 22696

(N) "Livestock scale" means a scale equipped with stock racks 22697  
and gates that is adapted to weighing livestock standing on the 22698  
scale platform. 22699

(O) "Vehicle scale" means a scale that is adapted to weighing 22700  
highway, farm, or other large industrial vehicles other than 22701  
railroad cars. 22702

(P) "Railway scale" means a rail scale that is designed to 22703  
weigh railroad cars. 22704

(Q) "Vehicle tank meter" means a vehicle mounted device that 22705  
is designed for the measurement and delivery of liquid products 22706

<u>from a tank.</u>	22707
<u>(R) "Bulk rack meter" means a wholesale device, usually</u>	22708
<u>mounted on a rack, that is designed for the measurement and</u>	22709
<u>delivery of liquid products.</u>	22710
<u>(S) "LPG meter" means a system, including a mechanism or</u>	22711
<u>machine of the meter type, that is designed to measure and deliver</u>	22712
<u>liquefied petroleum gas in the liquid state by a definite quantity</u>	22713
<u>whether installed in a permanent location or mounted on a vehicle.</u>	22714
<b>Sec. 1327.50.</b> The director of agriculture shall:	22715
(A) Maintain traceability of the state standards to those of	22716
the national institute of standards and technology;	22717
(B) Enforce sections 1327.46 to 1327.61 of the Revised Code;	22718
(C) Issue reasonable rules for the uniform enforcement of	22719
sections 1327.46 to 1327.61 of the Revised Code, which rules shall	22720
have the force and effect of law;	22721
(D) Establish standards of weight, measure, or count,	22722
reasonable standards of fill, and standards for the voluntary	22723
presentation of cost per unit information for any package;	22724
(E) Grant any exemptions from sections 1327.46 to 1327.61 of	22725
the Revised Code, or any rules adopted under those sections, when	22726
appropriate to the maintenance of good commercial practices in the	22727
state;	22728
(F) Conduct investigations to ensure compliance with sections	22729
1327.46 to 1327.61 of the Revised Code;	22730
(G) Delegate to appropriate personnel any of these	22731
responsibilities for the proper administration of the director's	22732
office;	22733
(H) Test as often as is prescribed by rule the standards of	22734
weight and measure used by any municipal corporation or county	22735

within the state, and approve the same when found to be correct; 22736

(I) Inspect and test weights and measures ~~kept, offered, or~~ 22737  
~~exposed for sale~~ that are sold; 22738

(J) Inspect and test to ascertain if they are correct, 22739  
weights and measures commercially used either: 22740

(1) In determining the weight, measure, or count of 22741  
commodities or things sold, ~~or offered or exposed for sale,~~ on the 22742  
basis of weight, measure, or count; 22743

(2) In computing the basic charge or payment for goods or 22744  
services rendered on the basis of weight, measure, or count. 22745

(K) Test all weights and measures used in checking the 22746  
receipt or disbursement of supplies in every institution, for the 22747  
maintenance of which funds are appropriated by the general 22748  
assembly; 22749

(L) Approve for use, and may mark, such weights and measures 22750  
as the director finds to be correct, and shall reject and mark as 22751  
rejected such weights and measures as the director finds to be 22752  
incorrect. Weights and measures that have been rejected may be 22753  
seized if not corrected within the time specified or if used or 22754  
disposed of in a manner not specifically authorized, and may be 22755  
condemned and seized if found to be incorrect and not capable of 22756  
being made correct. 22757

(M) Weigh, measure, or inspect packaged commodities ~~kept,~~ 22758  
~~offered, or exposed for sale,~~ that are sold, or in the process of 22759  
delivery to determine whether they contain the amounts represented 22760  
and whether they are ~~kept, offered, or exposed for sale~~ sold in 22761  
accordance with sections 1327.46 to 1327.61 of the Revised Code or 22762  
rules adopted under those sections. In carrying out this section, 22763  
the director shall employ recognized sampling procedures, such as 22764  
those designated in the national institute of standards and 22765  
technology handbook 133 "checking the net contents of packaged 22766

goods." 22767

(N) Prescribe by rule the appropriate term or unit of weight 22768  
or measure to be used, whenever the director determines in the 22769  
case of a specific commodity that an existing practice of 22770  
declaring the quantity by weight, measure, numerical count, or 22771  
combination thereof, does not facilitate value comparisons by 22772  
consumers, or offers an opportunity for consumer confusion; 22773

(O) Allow reasonable variations from the stated quantity of 22774  
contents, which shall include those caused by unavoidable 22775  
deviations in good manufacturing practice and by loss or gain of 22776  
moisture during the course of good distribution practice, only 22777  
after the commodity has entered intrastate commerce; 22778

(P) Provide for the weights and measures training of 22779  
inspector personnel and establish minimum training requirements, 22780  
which shall be met by all inspector personnel, whether county, 22781  
municipal, or state; 22782

(Q) Prescribe the methods of tests and inspections to be 22783  
employed in the enforcement of sections 1327.46 to 1327.61 of the 22784  
Revised Code. The director may prescribe the official test and 22785  
inspection forms to be used. 22786

(R) Provide by rule for voluntary registration with the 22787  
director of private weighing and measuring device servicing 22788  
agencies, and personnel; 22789

(S) In conjunction with the national institute of standards 22790  
and technology, operate a type evaluation program for 22791  
certification of weighing and measuring devices as part of the 22792  
national type evaluation program. The director shall establish a 22793  
schedule of fees for services rendered by the department of 22794  
agriculture for type evaluation services. The director may require 22795  
any weighing or measuring instrument or device to be traceable to 22796  
a national type evaluation program certificate of conformance 22797

prior to use for commercial or law enforcement purposes. 22798

Sec. 1327.501. (A) No person shall operate in this state a 22799  
commercially used weighing and measuring device, for which a fee 22800  
is established in division (G) of this section unless the operator 22801  
of the device obtains a permit issued by the director of 22802  
agriculture or the director's designee. 22803

(B) An application for a permit shall be submitted to the 22804  
director on a form that the director prescribes and provides. The 22805  
applicant shall include with the application any information that 22806  
is specified on the application form as well as the application 22807  
fee established in this section. 22808

(C) Upon receipt of a completed application and the required 22809  
fee from an applicant, the director or the director's designee 22810  
shall issue or deny the permit to operate the commercially used 22811  
weighing and measuring device that was the subject of the 22812  
application. 22813

(D) A permit issued under this section expires on the 22814  
thirtieth day of June of the year following its issuance and may 22815  
be renewed annually on or before the first day of July of that 22816  
year upon payment of a permit renewal fee established in this 22817  
section. 22818

(E) If a permit renewal fee is more than sixty days past due, 22819  
the director may assess a late penalty in an amount established 22820  
under this section. 22821

(F) The director shall do both of the following: 22822

(1) Establish procedures and requirements governing the 22823  
issuance or denial of permits under this section; 22824

(2) Establish late penalties to be assessed for the late 22825  
payment of a permit renewal fee and fees for the replacement of 22826  
lost or destroyed permits. 22827

<u>(G) An applicant for a permit to operate under this section</u>	22828
<u>shall pay an application fee in the following applicable amount:</u>	22829
<u>(1) Seventy-five dollars for a livestock scale;</u>	22830
<u>(2) Seventy-five dollars for a vehicle scale;</u>	22831
<u>(3) Seventy-five dollars for a railway scale;</u>	22832
<u>(4) Seventy-five dollars for a vehicle tank meter;</u>	22833
<u>(5) Seventy-five dollars for a bulk rack meter;</u>	22834
<u>(6) Seventy-five dollars for a LPG meter.</u>	22835
<u>A person who is issued a permit under this section and who</u>	22836
<u>seeks to renew that permit shall pay an annual permit renewal fee.</u>	22837
<u>The amount of a permit renewal fee shall be equal to the</u>	22838
<u>application fee for that permit established in this division.</u>	22839
<u>(H) All money collected through the payment of fees and the</u>	22840
<u>imposition of penalties under this section shall be credited to</u>	22841
<u>the metrology and scale certification and device permitting fund</u>	22842
<u>created in section 1327.511 of the Revised Code.</u>	22843
<b>Sec. 1327.51.</b> (A) When necessary for the enforcement of	22844
sections 1327.46 to 1327.61 of the Revised Code or rules adopted	22845
pursuant thereto, the director of agriculture and any weights and	22846
measures official acting under the authority of section 1327.52 of	22847
the Revised Code may do any of the following:	22848
(1) Enter any commercial premises during normal business	22849
hours, except that in the event such premises are not open to the	22850
public, <del>he</del> <u>the director or official</u> shall first present <del>his</del> <u>the</u>	22851
<u>director's or official's</u> credentials and obtain consent before	22852
making entry thereto, unless a search warrant previously has been	22853
obtained;	22854
(2) Issue stop-use, hold, and removal orders with respect to	22855
any weights and measures commercially used, and stop-sale, hold,	22856

and removal orders with respect to any packaged commodities or 22857  
bulk commodity observed to be or believed to be ~~kept, offered, or~~ 22858  
~~exposed for sale~~ sold; 22859

(3) Seize for use as evidence any incorrect or unapproved 22860  
weight or measure or any package or commodity found to be used, 22861  
retained, ~~offered or exposed for sale,~~ or sold in violation of 22862  
sections 1327.46 to 1327.61 of the Revised Code or rules 22863  
~~promulgated~~ adopted pursuant thereto. 22864

(B) The director shall afford an opportunity for a hearing in 22865  
accordance with Chapter 119. of the Revised Code to any owner or 22866  
operator whose property is seized by the ~~Ohio~~ department of 22867  
agriculture. 22868

**Sec. 1327.511.** All money collected under ~~section~~ sections 22869  
1327.50 and 1327.501 of the Revised Code from fees and for 22870  
services rendered by the department of agriculture in operating 22871  
the type evaluation program, a metrology laboratory program, and 22872  
the device permitting program shall be deposited in the state 22873  
treasury to the credit of the metrology and scale certification 22874  
and device permitting fund, which is hereby created. Money 22875  
credited to the fund shall be used to pay operating costs incurred 22876  
by the department in administering the ~~program~~ programs. 22877

**Sec. 1327.54.** No person shall misrepresent the price of any 22878  
commodity or service sold, ~~offered, exposed,~~ or advertised for 22879  
sale by weight, measure, or count, nor represent the price in any 22880  
manner calculated or tending to mislead or in any way deceive a 22881  
person. 22882

**Sec. 1327.57.** (A) Except as otherwise provided by law, any 22883  
consumer package or commodity in package form introduced or 22884  
delivered for introduction into or received in intrastate 22885  
commerce, ~~kept for the purpose of sale, or offered or exposed for~~ 22886



~~sale~~ sold in intrastate commerce shall bear on the outside of the package a definite, plain, and conspicuous declaration, as may be prescribed by rule adopted by the director of agriculture, of any of the following, as applicable:

(1) The identity of the commodity in the package unless the same can easily be identified through the wrapper or container;

(2) The net quantity of the contents in terms of weight, measure, or count;

(3) In the case of any package ~~kept, or offered or exposed for sale, or~~ sold at any place other than on the premises where packed, the name and place of business of the manufacturer, packer, or distributor.

This section does not apply to beer or intoxicating liquor as defined in section 4301.01 of the Revised Code, or packages thereof, or to malt or brewer's wort, or packages thereof.

(B) Under division (A)(2) of this section, neither the qualifying term "when packed" or any words of similar import, nor any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity in a package, shall be used.

(C) In addition to the declarations required by division (A) of this section, any package or commodity in package form, if the package is one of a lot containing random weights, measures, or counts of the same commodity and bears the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count.

(D) No package or commodity in package form shall be so wrapped, nor shall it be in a container so made, formed, or filled, as to mislead the purchaser as to the quantity of the contents of the package, and the contents of a container shall not fall below any reasonable standard of fill that may have been

prescribed for the commodity in question by the director. 22918

**Sec. 1327.62.** Whenever the director of agriculture, or ~~his~~ 22919  
the director's designee, has cause to believe that any person has 22920  
violated, or is violating, ~~section~~ any provision of sections 22921  
~~1327.54 or~~ 1327.46 to 1327.61 of the Revised Code or a rule 22922  
adopted under them, he the director, or ~~his~~ the director's 22923  
designee, may conduct a hearing in accordance with Chapter 119. of 22924  
the Revised Code to determine whether a violation has occurred. If 22925  
the director or ~~his~~ the director's designee determines that the 22926  
person has violated or is violating ~~section 1327.54 or~~ any 22927  
provision of sections 1327.46 to 1327.61 of the Revised Code or a 22928  
rule adopted under it, he the director or the director's designee 22929  
may assess a civil penalty against the person. The person is 22930  
liable for a civil penalty of not more than five hundred dollars 22931  
for a first violation; for a second violation the person is liable 22932  
for a civil penalty of not more than two thousand five hundred 22933  
dollars; for each subsequent violation that occurs within five 22934  
years after the second violation, the person is liable for a civil 22935  
penalty of not more than ten thousand dollars. 22936

Any person assessed a civil penalty under this section shall 22937  
pay the amount prescribed to the department of agriculture. The 22938  
department shall remit all moneys collected under this section to 22939  
the treasurer of state for deposit in the general revenue fund. 22940

**Sec. 1327.99.** Whoever violates section 1327.501 or 1327.54 or 22941  
division (A), (B), (C), or (D) of section 1327.61 of the Revised 22942  
Code or a rule adopted under sections 1327.46 to 1327.61 of the 22943  
Revised Code is guilty of a misdemeanor of the second degree on a 22944  
first offense; on each subsequent offense within seven years after 22945  
the first offense, such person is guilty of a misdemeanor of the 22946  
first degree. 22947

**Sec. 1329.04.** Registration of a trade name or report of a fictitious name, under sections 1329.01 to 1329.10 of the Revised Code, shall be effective for a term of five years from the date of registration or report. Upon application filed within six months prior to the expiration of such term, on a form furnished by the secretary of state, the registration or report may be renewed at the end of each five-year period for a like term, provided that a general partnership shall renew its registration or report whenever any partner named on its registration or report ceases to be a partner. Such a renewal shall extend the registration or report for five years, unless further changes occur in the interim. The renewal fee specified in division (S)(3) of section 111.16 of the Revised Code, payable to the secretary of state, shall accompany the application for renewal of the registration or report.

The secretary of state shall notify persons who have registered trade names or reported fictitious names, within the six months next preceding the expiration of the five years from the date of registration or report, of the necessity of renewal by writing ordinary or electronic mail to the last known physical or electronic mail address of such persons.

**Sec. 1329.42.** A person who uses in this state a name, mark, or device to indicate ownership of articles or supplies may file in the office of the secretary of state, on a form to be prescribed by the secretary of state, a verified statement setting forth, but not limited to, the following information:

(A) The name and business address of the person filing the statement; and, if a corporation, the state of incorporation;

(B) The nature of the business of the applicant;

(C) The type of articles or supplies in connection with which

the name, mark, or device is used. 22978

The statement shall include or be accompanied by a specimen 22979  
evidencing actual use of the name, mark, or device, together with 22980  
the filing fee specified in division (U)(1) of section 111.16 of 22981  
the Revised Code. The registration of a name, mark, or device 22982  
pursuant to this section is effective for a ten-year period 22983  
beginning on the date of registration. If an application for 22984  
renewal is filed within six months prior to the expiration of the 22985  
ten-year period on a form prescribed by the secretary of state, 22986  
the registration may be renewed at the end of each ten-year period 22987  
for an additional ten-year period. The renewal fee specified in 22988  
division (U)(2) of section 111.16 of the Revised Code shall 22989  
accompany the application for renewal. The secretary of state 22990  
shall notify a registrant within the six months next preceding the 22991  
expiration of ten years from the date of registration of the 22992  
necessity of renewal by ~~writing~~ ordinary or electronic mail to the 22993  
last known physical or electronic mail address of the registrant. 22994

**Sec. 1332.24.** (A)(1) In accordance with section 1332.25 of 22995  
the Revised Code, the director of commerce may issue to any 22996  
person, or renew, a video service authorization, which 22997  
authorization confers on the person the authority, subject to 22998  
sections 1332.21 to 1332.34 of the Revised Code, to provide video 22999  
service in its video service area; construct and operate a video 23000  
service network in, along, across, or on public rights-of-way for 23001  
the provision of video service; and, when necessary to provide 23002  
that service, exercise the power of a telephone company under 23003  
section 4931.04 of the Revised Code. The term of a video service 23004  
authorization or authorization renewal shall be ten years. 23005

(2) For the purposes of the "Cable Communications Policy Act 23006  
of 1984," Pub. L. No. 98-549, 98 Stat. 2779, 47 U.S.C. 521 et 23007  
seq., a video service authorization shall constitute a franchise 23008

under that law, and the director shall be the sole franchising 23009  
authority under that law for video service authorizations in this 23010  
state. 23011

(3) The director may impose upon and collect an annual 23012  
assessment on video service providers. All money collected under 23013  
division (A)(3) of this section shall be deposited in the state 23014  
treasury to the credit of the ~~division of administration video~~ 23015  
service authorization fund created under section ~~121.08~~ 1332.25 of 23016  
the Revised Code. The total amount assessed in a fiscal year shall 23017  
not exceed the lesser of four hundred fifty thousand dollars or, 23018  
as shall be determined annually by the director, the department's 23019  
actual, current fiscal year administrative costs in carrying out 23020  
its duties under sections 1332.21 to 1332.34 of the Revised Code. 23021  
The director shall allocate that total amount proportionately 23022  
among the video service providers to be assessed, using a formula 23023  
based on subscriber counts as of the thirty-first day of December 23024  
of the preceding calendar year, which counts shall be submitted to 23025  
the director not later than the thirty-first day of January of 23026  
each year, via a notarized statement signed by an authorized 23027  
officer. Any information submitted by a video service provider to 23028  
the director for the purpose of determining subscriber counts 23029  
shall be considered trade secret information, shall not be 23030  
disclosed except by court order, and shall not constitute a public 23031  
record under section 149.43 of the Revised Code. On or about the 23032  
first day of June of each year, the director shall send to each 23033  
video service provider to be assessed written notice of its 23034  
proportional amount of the total assessment. The provider shall 23035  
pay that amount on a quarterly basis not later than forty-five 23036  
days after the end of each calendar quarter. After the initial 23037  
assessment, the director annually shall reconcile the amount 23038  
collected with the total, current amount assessed pursuant to this 23039  
section, and either shall charge each assessed video service 23040  
provider its respective proportion of any insufficiency or 23041

proportionately credit the provider's next assessment for any 23042  
excess collected. 23043

(B)(1) The director may investigate alleged violations of or 23044  
failures to comply with division (A) of section 1332.23, division 23045  
(A) of this section, division (C) of section 1332.25, division (C) 23046  
or (D) of section 1332.26, division (A), (B), or (C) of section 23047  
1332.27, division (A) of section 1332.28, division (A) or (B) of 23048  
section 1332.29, or section 1332.30 or 1332.31 of the Revised 23049  
Code, or complaints concerning any such violation or failure. 23050  
Except as provided in this section, the director has no authority 23051  
to regulate video service in this state, including, but not 23052  
limited to, the rates, terms, or conditions of that service. 23053

(2) In conducting an investigation under division (B)(1) of 23054  
this section, the director, by subpoena, may compel witnesses to 23055  
testify in relation to any matter over which the director has 23056  
jurisdiction and may require the production of any book, record, 23057  
or other document pertaining to that matter. If a person fails to 23058  
file any statement or report, obey any subpoena, give testimony, 23059  
produce any book, record, or other document as required by a 23060  
subpoena, or permit photocopying of any book, record, or other 23061  
document subpoenaed, the court of common pleas of any county in 23062  
this state, upon application made to it by the director, shall 23063  
compel obedience by attachment proceedings for contempt, as in the 23064  
case of disobedience of the requirements of a subpoena issued from 23065  
the court or a refusal to testify. 23066

(C)(1) If the director finds that a person has violated or 23067  
failed to comply with division (A) of section 1332.23, division 23068  
(A) of this section, division (C) of section 1332.25, division (C) 23069  
or (D) of section 1332.26, division (A), (B), or (C) of section 23070  
1332.27, division (A) of section 1332.28, division (A) or (B) of 23071  
section 1332.29, or section 1332.30 or 1332.31 of the Revised 23072  
Code, and the person has failed to cure the violation or failure 23073

after reasonable, written notice and reasonable time to cure, the 23074  
director may do any of the following: 23075

(a) Apply to the court of common pleas of any county in this 23076  
state for an order enjoining the activity or requiring compliance. 23077  
Such an action shall be commenced not later than three years after 23078  
the date the alleged violation or failure occurred or was 23079  
reasonably discovered. Upon a showing by the director that the 23080  
person has engaged in a violation or failure to comply, the court 23081  
shall grant an injunction, restraining order, or other appropriate 23082  
relief. 23083

(b) Enter into a written assurance of voluntary compliance 23084  
with the person; 23085

(c) Pursuant to an adjudication under Chapter 119. of the 23086  
Revised Code, assess a civil penalty in an amount determined by 23087  
the director, including for any failure to comply with an 23088  
assurance of voluntary compliance under division (C)(1)(b) of this 23089  
section. The amount shall be not more than one thousand dollars 23090  
for each day of violation or noncompliance, not to exceed a total 23091  
of ten thousand dollars, counting all subscriber impacts as a 23092  
single violation or act of noncompliance. In determining whether a 23093  
civil penalty is appropriate under division (C)(1)(c) of this 23094  
section, the director shall consider all of the following factors: 23095

(i) The seriousness of the noncompliance; 23096

(ii) The good faith efforts of the person to comply; 23097

(iii) The person's history of noncompliance; 23098

(iv) The financial resources of the person; 23099

(v) Any other matter that justice requires. 23100

Civil penalties collected pursuant to division (C)(1)(c) of 23101  
this section shall be deposited to the credit of the video service 23102  
enforcement fund in the state treasury, which is hereby created, 23103

to be used by the department of commerce in carrying out its 23104  
duties under this section. 23105

(2) Pursuant to an adjudication under Chapter 119. of the 23106  
Revised Code, the director may revoke, in whole or in part, the 23107  
video service authorization of any person that has repeatedly and 23108  
knowingly violated or failed to comply with division (A) of 23109  
section 1332.23, division (A) of this section, division (C) of 23110  
section 1332.25, division (C) or (D) of section 1332.26, division 23111  
(A), (B), or (C) of section 1332.27, division (A) of section 23112  
1332.28, division (A) or (B) of section 1332.29, or section 23113  
1332.30 or 1332.31 of the Revised Code and that has failed to cure 23114  
the violations or noncompliances after reasonable written notice 23115  
and reasonable time to cure. Such person acts knowingly, 23116  
regardless of the person's purpose, when the person is aware that 23117  
the person's conduct will probably cause a certain result or will 23118  
probably be of a certain nature. A person has knowledge of 23119  
circumstances when the person is aware that such circumstances 23120  
probably exist. 23121

(3) The court shall conduct a de novo review in any appeal 23122  
from an adjudication under division (C)(1)(c) or (C)(2) of this 23123  
section. 23124

(D) The public utilities commission has no authority over a 23125  
video service provider in its offering of video service or a cable 23126  
operator in its offering of cable or video service, or over any 23127  
person in its offering of video service pursuant to a competitive 23128  
video service agreement. 23129

**Sec. 1501.022.** There is hereby created in the state treasury 23130  
the injection well review fund consisting of moneys transferred to 23131  
it under section 6111.046 of the Revised Code. Moneys in the fund 23132  
shall be used by the chiefs of the divisions of mineral resources 23133  
management, oil and gas resources management, geological survey, 23134



and soil and water resources in the department of natural 23135  
resources exclusively for the purpose of executing their duties 23136  
under sections 6111.043 to 6111.047 of the Revised Code. 23137

**Sec. 1501.40.** The department of natural resources is the 23138  
designated state agency responsible for the coordination and 23139  
administration of sections 120 to 136 of the "National and 23140  
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 23141  
12401 to 12456, as amended. With the assistance of the Ohio 23142  
community commission on service council and volunteerism created 23143  
in section 121.40 of the Revised Code, the director of natural 23144  
resources shall coordinate with other state agencies to apply for 23145  
funding under the act when appropriate and shall administer any 23146  
federal funds the state receives under sections 120 to 136 of the 23147  
act. 23148

**Sec. 1503.05.** (A) The chief of the division of forestry may 23149  
sell timber and other forest products from the state forest and 23150  
state forest nurseries whenever the chief considers such a sale 23151  
desirable and, with the approval of the attorney general and the 23152  
director of natural resources, may sell portions of the state 23153  
forest lands when such a sale is advantageous to the state. 23154

(B) Except as otherwise provided in this section, a timber 23155  
sale agreement shall not be executed unless the person or 23156  
governmental entity bidding on the sale executes and files a 23157  
surety bond conditioned on completion of the timber sale in 23158  
accordance with the terms of the agreement in an amount equal to 23159  
twenty-five per cent of the highest value cutting section. All 23160  
bonds shall be given in a form prescribed by the chief and shall 23161  
run to the state as obligee. 23162

The chief shall not approve any bond until it is personally 23163  
signed and acknowledged by both principal and surety, or as to 23164

either by the attorney in fact thereof, with a certified copy of 23165  
the power of attorney attached. The chief shall not approve the 23166  
bond unless there is attached a certificate of the superintendent 23167  
of insurance that the company is authorized to transact a fidelity 23168  
and surety business in this state. 23169

In lieu of a bond, the bidder may deposit any of the 23170  
following: 23171

(1) Cash in an amount equal to the amount of the bond; 23172

(2) United States government securities having a par value 23173  
equal to or greater than the amount of the bond; 23174

(3) Negotiable certificates of deposit or irrevocable letters 23175  
of credit issued by any bank organized or transacting business in 23176  
this state having a par value equal to or greater than the amount 23177  
of the bond. 23178

The cash or securities shall be deposited on the same terms 23179  
as bonds. If one or more certificates of deposit are deposited in 23180  
lieu of a bond, the chief shall require the bank that issued any 23181  
of the certificates to pledge securities of the aggregate market 23182  
value equal to the amount of the certificate or certificates that 23183  
is in excess of the amount insured by the federal deposit 23184  
insurance corporation. The securities to be pledged shall be those 23185  
designated as eligible under section 135.18 of the Revised Code. 23186  
The securities shall be security for the repayment of the 23187  
certificate or certificates of deposit. 23188

Immediately upon a deposit of cash, securities, certificates 23189  
of deposit, or letters of credit, the chief shall deliver them to 23190  
the treasurer of state, who shall hold them in trust for the 23191  
purposes for which they have been deposited. The treasurer of 23192  
state is responsible for the safekeeping of the deposits. A bidder 23193  
making a deposit of cash, securities, certificates of deposit, or 23194  
letters of credit may withdraw and receive from the treasurer of 23195

state, on the written order of the chief, all or any portion of 23196  
the cash, securities, certificates of deposit, or letters of 23197  
credit upon depositing with the treasurer of state cash, other 23198  
United States government securities, or other negotiable 23199  
certificates of deposit or irrevocable letters of credit issued by 23200  
any bank organized or transacting business in this state, equal in 23201  
par value to the par value of the cash, securities, certificates 23202  
of deposit, or letters of credit withdrawn. 23203

A bidder may demand and receive from the treasurer of state 23204  
all interest or other income from any such securities or 23205  
certificates as it becomes due. If securities so deposited with 23206  
and in the possession of the treasurer of state mature or are 23207  
called for payment by their issuer, the treasurer of state, at the 23208  
request of the bidder who deposited them, shall convert the 23209  
proceeds of the redemption or payment of the securities into other 23210  
United States government securities, negotiable certificates of 23211  
deposit, or cash as the bidder designates. 23212

When the chief finds that a person or governmental agency has 23213  
failed to comply with the conditions of the person's or 23214  
governmental agency's bond, the chief shall make a finding of that 23215  
fact and declare the bond, cash, securities, certificates, or 23216  
letters of credit forfeited. The chief thereupon shall certify the 23217  
total forfeiture to the attorney general, who shall proceed to 23218  
collect the amount of the bond, cash, securities, certificates, or 23219  
letters of credit. 23220

In lieu of total forfeiture, the surety, at its option, may 23221  
cause the timber sale to be completed or pay to the treasurer of 23222  
state the cost thereof. 23223

All moneys collected as a result of forfeitures of bonds, 23224  
cash, securities, certificates, and letters of credit under this 23225  
section shall be credited to the state forest fund created in this 23226  
section. 23227

(C) The chief may grant easements and leases on portions of 23228  
the state forest lands and state forest nurseries under terms that 23229  
are advantageous to the state, and the chief may grant mineral 23230  
rights on a royalty basis on those lands and nurseries, with the 23231  
approval of the attorney general and the director. 23232

(D) All moneys received from the sale of state forest lands, 23233  
or in payment for easements or leases on or as rents from those 23234  
lands or from state forest nurseries, shall be paid into the state 23235  
treasury to the credit of the state forest fund, which is hereby 23236  
created. In addition, all moneys received from federal grants, 23237  
payments, and reimbursements, from the sale of reforestation tree 23238  
stock, from the sale of forest products, other than standing 23239  
timber, and from the sale of minerals taken from the state forest 23240  
lands and state forest nurseries, together with royalties from 23241  
mineral rights, shall be paid into the state treasury to the 23242  
credit of the state forest fund. Any other revenues derived from 23243  
the operation of the state forests and related facilities or 23244  
equipment also shall be paid into the state treasury to the credit 23245  
of the state forest fund, as shall contributions received for the 23246  
issuance of Smokey Bear license plates under section 4503.574 of 23247  
the Revised Code and any other moneys required by law to be 23248  
deposited in the fund. 23249

The state forest fund shall not be expended for any purpose 23250  
other than the administration, operation, maintenance, 23251  
development, or utilization of the state forests, forest 23252  
nurseries, and forest programs, for facilities or equipment 23253  
incident to them, or for the further purchase of lands for state 23254  
forest or forest nursery purposes and, in the case of 23255  
contributions received pursuant to section 4503.574 of the Revised 23256  
Code, for fire prevention purposes. 23257

All moneys received from the sale of standing timber taken 23258  
from state forest lands and state forest nurseries shall be 23259

deposited into the state treasury to the credit of the forestry 23260  
holding account redistribution fund, which is hereby created. The 23261  
moneys shall remain in the fund until they are redistributed in 23262  
accordance with this division. 23263

The redistribution shall occur at least once each year. To 23264  
begin the redistribution, the chief first shall determine the 23265  
amount of all standing timber sold from state forest lands and 23266  
state forest nurseries, together with the amount of the total sale 23267  
proceeds, in each county, in each township within the county, and 23268  
in each school district within the county. The chief next shall 23269  
determine the amount of the direct costs that the division of 23270  
forestry incurred in association with the sale of that standing 23271  
timber. The amount of the direct costs shall be subtracted from 23272  
the amount of the total sale proceeds and shall be transferred 23273  
from the forestry holding account redistribution fund to the state 23274  
forest fund. 23275

The remaining amount of the total sale proceeds equals the 23276  
net value of the standing timber that was sold. The chief shall 23277  
determine the net value of standing timber sold from state forest 23278  
lands and state forest nurseries in each county, in each township 23279  
within the county, and in each school district within the county 23280  
and shall send to each county treasurer a copy of the 23281  
determination at the time that moneys are paid to the county 23282  
treasurer under this division. 23283

Twenty-five per cent of the net value of standing timber sold 23284  
from state forest lands and state forest nurseries located in a 23285  
county shall be transferred from the forestry holding account 23286  
redistribution fund to the state forest fund. Ten per cent of that 23287  
net value shall be transferred from the forestry holding account 23288  
redistribution fund to the general revenue fund. The remaining 23289  
sixty-five per cent of the net value shall be transferred from the 23290  
forestry holding account redistribution fund and paid to the 23291

county treasurer for the use of the general fund of that county. 23292

The county auditor shall do all of the following: 23293

(1) Retain for the use of the general fund of the county 23294  
one-fourth of the amount received by the county under division (D) 23295  
of this section; 23296

(2) Pay into the general fund of any township located within 23297  
the county and containing such lands and nurseries one-fourth of 23298  
the amount received by the county from standing timber sold from 23299  
lands and nurseries located in the township; 23300

(3) Request the board of education of any school district 23301  
located within the county and containing such lands and nurseries 23302  
to identify which fund or funds of the district should receive the 23303  
moneys available to the school district under division (D)(3) of 23304  
this section. After receiving notice from the board, the county 23305  
auditor shall pay into the fund or funds so identified one-half of 23306  
the amount received by the county from standing timber sold from 23307  
lands and nurseries located in the school district, distributed 23308  
proportionately as identified by the board. 23309

The division of forestry shall not supply logs, lumber, or 23310  
other forest products or minerals, taken from the state forest 23311  
lands or state forest nurseries, to any other agency or 23312  
subdivision of the state unless payment is made therefor in the 23313  
amount of the actual prevailing value thereof. This section is 23314  
applicable to the moneys so received. 23315

(E) The chief may enter into a personal service contract for 23316  
consulting services to assist the chief with the sale of timber or 23317  
other forest products and related inventory. Compensation for 23318  
consulting services shall be paid from the proceeds of the sale of 23319  
timber or other forest products and related inventory that are the 23320  
subject of the personal service contract. 23321

Sec. 1505.01. The division of geological survey: 23322

(A) Shall collect, study, and interpret all available 23323  
information pertaining to the geomorphology, stratigraphy, 23324  
paleontology, mineralogy, and geologic structure of the state and 23325  
shall publish reports on the same; 23326

(B) Shall collect, study, and interpret all available data 23327  
pertaining to the origin, distribution, extent, use, and valuation 23328  
of mineralogical and geological raw materials and natural 23329  
resources such as: clays, coals, building stones, gypsum, salt, 23330  
limestones ~~and, dolomite, aggregates, sand, gravel,~~ shales ~~for~~ 23331  
~~cement and other uses, petroleum, oil, natural~~ gas, brines, ~~saline~~ 23332  
~~deposits,~~ molding sands, and other natural substances of use and 23333  
value, excluding only those pertaining to water usable as such for 23334  
agricultural, industrial, commercial, and domestic purposes, but 23335  
not excluding other rock fluids such as natural and artificial 23336  
brines and oil-well fluids; 23337

(C) Shall make special studies and reports of resources of 23338  
geological nature within the state ~~which~~ that in its discretion 23339  
are of current or potential economic, environmental, or 23340  
educational significance or of significance to the health, 23341  
welfare, and safety of the public; 23342

(D) May examine the technological processes by which mining, 23343  
quarrying, or other extracting processes may be improved, or by 23344  
which materials now uneconomical to exploit may be extracted and 23345  
used commercially for the public welfare; 23346

(E) Shall make, store, catalog, and have available ~~for~~ 23347  
~~distribution in perpetuity~~ data, maps, diagrams, records, rock 23348  
cores, samples, profiles, and geologic sections portraying the 23349  
geological characteristics and topography of the state, both of 23350  
general nature and of specific localities; 23351

(F) ~~May, or at the request of other agencies of the state~~ 23352  
~~government shall, advise and, consult, or collaborate with~~ 23353  
~~representatives of these agencies of the state, other state~~ 23354  
~~governments, or the United States government on problems or issues~~ 23355  
~~of a geological nature;~~ 23356

(G) Shall advise, consult, or collaborate with 23357  
representatives of agencies of the state, other state governments, 23358  
or the United States government on problems or issues of a 23359  
geological nature when requested by such an agency or government; 23360

(H) May create custom maps, custom data sets, or other custom 23361  
products for government agencies, colleges and universities, and 23362  
persons; 23363

(I) May provide information on the geological nature of the 23364  
state to government agencies, colleges and universities, and 23365  
persons. 23366

**Sec. 1505.011.** (A) Custom maps, custom data sets, and other 23367  
custom products created and information provided pursuant to 23368  
divisions (H) and (I) of section 1505.01 of the Revised Code for 23369  
use by governmental agencies and colleges and universities are 23370  
intellectual property records as defined in section 149.43 of the 23371  
Revised Code and may be held confidential pursuant to a contract. 23372

(B) Custom maps, custom data sets, and other custom products 23373  
created and information provided pursuant to divisions (H) and (I) 23374  
of section 1505.01 of the Revised Code for use by persons are 23375  
intellectual property records as defined in section 149.43 of the 23376  
Revised Code and shall be held confidential pursuant to a 23377  
contract. 23378

**Sec. 1505.04.** (A) Any person, firm, government agency, or 23379  
corporation who, for hire, or by its own forces for economic use 23380  
or exploration, drills, bores, or digs within the state a well for 23381



the production or extraction of any gas or liquid, excluding only 23382  
water to be used as such, but including natural or artificial 23383  
brines and oil-filled waters, or who drills wells, bores, or digs 23384  
within the state a well to explore geological formations, shall 23385  
keep a careful and accurate log of ~~such~~ the activity and report 23386  
the same together with the results of any rock or fluid analyses 23387  
or of any production test results or pressure tests in such form 23388  
as is designated by the division of geological survey to the chief 23389  
of the division of geological survey. 23390

(B) The division may file such well logs and establish and 23391  
observe such regulations regarding their availability and use as 23392  
will meet the legitimate requirements of the owner or lessee of 23393  
the well. Personnel of the division ~~of~~ may examine any such well 23394  
during its construction to confirm the accuracy of the log and to 23395  
collect samples of the cores, chips, fluids, gases, or sludge. 23396

(C) No person, firm, agency, or corporation shall fail to 23397  
keep an accurate log or file a report as required in division (A) 23398  
of this section. 23399

**Sec. 1505.05.** (A) Notwithstanding any other provision of the 23400  
Revised Code to the contrary, the chief of the division of 23401  
geological survey shall adopt rules under Chapter 119. of the 23402  
Revised Code that establish a fee schedule for requests for 23403  
manipulated, interpreted, or analyzed data from the geologic 23404  
records, data, maps, rock cores, and samples archived by the 23405  
division. The fee schedule may include the cost of specialized 23406  
storage requirements, programming, labor, research, retrieval, 23407  
data manipulation, and copying and mailing of records requested 23408  
from the archives. In addition, the rules shall establish 23409  
procedures for the levying and collection of the fees in the fee 23410  
schedule. 23411

(B) For purposes of divisions (H) and (I) of section 1505.01 23412

of the Revised Code, the chief shall adopt rules under Chapter 23413  
119. of the Revised Code that establish a fee schedule to be paid 23414  
for creating custom maps, custom data sets, and other custom 23415  
products and for providing geological information of the state. 23416  
The fee schedule may include the costs of labor, research, 23417  
analysis, equipment, and technology. In addition, the rules shall 23418  
establish procedures for the levying and collection of the fees in 23419  
the fee schedule. 23420

(C) The chief may reduce or waive a fee in a fee schedule 23421  
established in rules adopted under division (A) or (B) of this 23422  
section for a student that is enrolled in an institution of higher 23423  
education. 23424

(D) Any revision to a fee schedule established in rules 23425  
adopted under division (A) or (B) of this section shall be 23426  
established in rules adopted under Chapter 119. of the Revised 23427  
Code. A revision to a fee schedule is subject to review by the 23428  
Ohio geology advisory council created in section 1505.11 of the 23429  
Revised Code and to approval by the director of natural resources. 23430

(E) All fees collected under this section shall be credited 23431  
to the geological mapping fund created in section 1505.09 of the 23432  
Revised Code. 23433

**Sec. 1505.06.** The chief of the division of geological survey 23434  
in the discharge of ~~his~~ official duties under ~~section~~ sections 23435  
1505.01 to 1505.08, ~~inclusive,~~ of the Revised Code, may call to 23436  
~~his~~ the chief's assistance, temporarily, any engineers or other 23437  
employees in any state department, or in the Ohio state 23438  
university, or other educational institutions financed wholly or 23439  
in part by the state, for the purpose of making studies, surveys, 23440  
maps, and plans for ~~erosion~~ economic development or geologic 23441  
hazards projects. 23442

Such engineers and employees shall not receive any additional 23443

compensation over that which they receive from the departments by 23444  
which they are employed, but they shall be reimbursed for their 23445  
actual necessary expenses incurred while working under the 23446  
direction of the chief on ~~erosion~~ the projects. 23447

**Sec. 1505.09.** There is hereby created in the state treasury 23448  
the geological mapping fund, to be administered by the chief of 23449  
the division of geological survey. The fund shall be used 23450  
~~exclusively~~ for the purposes of performing the necessary field, 23451  
laboratory, and administrative tasks to map and make public 23452  
reports on the geology, geologic hazards, and energy and mineral 23453  
resources ~~of each county~~ of the state. The source of moneys for 23454  
the fund shall include, but not be limited to, the mineral 23455  
severance tax as specified in section 5749.02 of the Revised Code 23456  
and the fees collected under rules adopted under section 1505.05 23457  
of the Revised Code. The chief may seek federal or other moneys in 23458  
addition to the mineral severance tax and fees to carry out the 23459  
purposes of this section. If the chief receives federal moneys for 23460  
the purposes of this section, ~~he~~ the chief shall deposit those 23461  
moneys into the state treasury to the credit of a fund ~~which shall~~ 23462  
~~be created at that time~~ by the controlling board to carry out 23463  
those purposes. Other moneys received by the chief for the 23464  
purposes of this section in addition to the mineral severance tax, 23465  
fees, and federal moneys shall be credited to the geological 23466  
mapping fund. 23467

**Sec. 1505.11.** There is hereby created in the department of 23468  
natural resources the Ohio geology advisory council consisting of 23469  
seven members to be appointed by the governor with the advice and 23470  
consent of the senate. No more than four of the members shall be 23471  
of the same political party. Members shall be persons who have a 23472  
demonstrated interest in ~~Ohio~~ the geology and mineral resources of 23473  
this state and whose expertise reflects the various 23474

responsibilities of the division of geological survey. The council 23475  
shall include at least one representative from each of the 23476  
following: the oil and gas industry, the industrial minerals 23477  
industry, the coal industry, hydrogeology interests, environmental 23478  
geology interests, and an institution of higher education in this 23479  
state. The chief of the division of geological survey may 23480  
participate in the deliberations of the council, but shall not 23481  
vote. 23482

Within ninety days after ~~the effective date of this section~~ 23483  
May 3, 1990, the governor shall make initial appointments to the 23484  
council. Of the initial appointments, three shall be for a term 23485  
ending one year after ~~the effective date of this section~~ May 3, 23486  
1990, three shall be for a term ending two years after ~~the~~ 23487  
~~effective date of this section~~ May 3, 1990, and one shall be for a 23488  
term ending three years after ~~the effective date of this section~~ 23489  
May 3, 1990. Thereafter, terms of office shall be for three years, 23490  
with each term ending on the same day of the same month as did the 23491  
term that it succeeds. Members may be reappointed. The governor 23492  
may remove any member at any time for inefficiency, neglect of 23493  
duty, or malfeasance in office. Vacancies shall be filled in the 23494  
manner provided for original appointments. Any member appointed to 23495  
fill a vacancy prior to the expiration date of the term for which 23496  
~~his~~ the member's predecessor was appointed shall hold office as a 23497  
member for the remainder of that term. A member shall continue in 23498  
office subsequent to the expiration date of ~~his~~ the member's term 23499  
until ~~his~~ the member's successor takes office or until a period of 23500  
sixty days has elapsed, whichever occurs first. 23501

Serving as an appointed member on the council does not 23502  
constitute holding a public office or position of employment under 23503  
the laws of this state and does not constitute grounds for removal 23504  
of public officers or employees from their offices or positions of 23505  
employment. 23506

Members shall serve without compensation, but shall be 23507  
reimbursed for their actual and necessary expenses incurred in the 23508  
performance of their official duties from moneys appropriated to 23509  
the division. 23510

The council annually shall select from its members a ~~chairman~~ 23511  
chairperson and a ~~vice-chairman~~ vice-chairperson. The council 23512  
shall hold at least one meeting each calendar quarter and shall 23513  
keep a record of its proceedings, which shall be open to public 23514  
inspection. Special meetings may be called by the ~~chairman~~ 23515  
chairperson and shall be called upon the written request of two or 23516  
more members. A majority of the members constitutes a quorum. The 23517  
division shall furnish clerical, technical, legal, and other 23518  
services required by the council in the performance of its duties. 23519

The council shall do all of the following: 23520

(A) Advise the chief ~~of the division of geological survey~~ in 23521  
carrying out the duties of the division under this chapter; 23522

(B) Recommend policy and legislation with respect to geology, 23523  
resource analysis, and management that will promote the economic 23524  
and industrial development of the state while minimizing threats 23525  
to the natural environment of the state; 23526

(C) Review and make recommendations on the development of 23527  
plans and programs for long-term, comprehensive geologic mapping 23528  
and analysis throughout the state; 23529

(D) Recommend ways to enhance cooperation among governmental 23530  
agencies having an interest in ~~Ohio~~ the geology of the state to 23531  
encourage wise use and management of the geology and mineral 23532  
resources of the state. To this end, the council shall request 23533  
nonvoting representation from appropriate governmental agencies. 23534

(E) Review and make recommendations with respect to changes 23535  
in the fee schedules established in rules adopted under section 23536  
1505.05 of the Revised Code. 23537

**Sec. 1505.99.** (A) Whoever violates section 1505.07 of the Revised Code shall be fined not less than one thousand nor more than two thousand dollars on a first offense; on each subsequent offense, the person shall be fined not less than two thousand nor more than five thousand dollars.

(B) Whoever violates section 1505.04 or 1505.10 of the Revised Code shall be fined not less than one hundred nor more than one thousand dollars on a first offense; on each subsequent offense, the person shall be fined not less than one thousand nor more than two thousand dollars. Notwithstanding any section of the Revised Code relating to the distribution or crediting of fines for violations of the Revised Code, all fines imposed under this division shall be paid into the geological mapping fund created in section 1505.09 of the Revised Code.

**Sec. 1509.01.** As used in this chapter:

(A) "Well" means any borehole, whether drilled or bored, within the state for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters.

(B) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate.

(D) "Condensate" means liquid hydrocarbons that were originally in the gaseous phase in the reservoir.

(E) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas

storage reservoir. Each zone of a geological structure that is 23568  
completely separated from any other zone in the same structure may 23569  
contain a separate pool. 23570

(F) "Field" means the general area underlaid by one or more 23571  
pools. 23572

(G) "Drilling unit" means the minimum acreage on which one 23573  
well may be drilled, but does not apply to a well for injecting 23574  
gas into or removing gas from a gas storage reservoir. 23575

(H) "Waste" includes all of the following: 23576

(1) Physical waste, as that term generally is understood in 23577  
the oil and gas industry; 23578

(2) Inefficient, excessive, or improper use, or the 23579  
unnecessary dissipation, of reservoir energy; 23580

(3) Inefficient storing of oil or gas; 23581

(4) Locating, drilling, equipping, operating, or producing an 23582  
oil or gas well in a manner that reduces or tends to reduce the 23583  
quantity of oil or gas ultimately recoverable under prudent and 23584  
proper operations from the pool into which it is drilled or that 23585  
causes or tends to cause unnecessary or excessive surface loss or 23586  
destruction of oil or gas; 23587

(5) Other underground or surface waste in the production or 23588  
storage of oil, gas, or condensate, however caused. 23589

(I) "Correlative rights" means the reasonable opportunity to 23590  
every person entitled thereto to recover and receive the oil and 23591  
gas in and under the person's tract or tracts, or the equivalent 23592  
thereof, without having to drill unnecessary wells or incur other 23593  
unnecessary expense. 23594

(J) "Tract" means a single, individually taxed parcel of land 23595  
appearing on the tax list. 23596

(K) "Owner," unless referring to a mine, means the person who 23597

has the right to drill on a tract or drilling unit, to drill into 23598  
and produce from a pool, and to appropriate the oil or gas 23599  
produced therefrom either for the person or for others, except 23600  
that a person ceases to be an owner with respect to a well when 23601  
the well has been plugged in accordance with applicable rules 23602  
adopted and orders issued under this chapter. "Owner" does not 23603  
include a person who obtains a lease of the mineral rights for oil 23604  
and gas on a parcel of land if the person does not attempt to 23605  
produce or produce oil or gas from a well or obtain a permit under 23606  
this chapter for a well or if the entire interest of a well is 23607  
transferred to the person in accordance with division (B) of 23608  
section 1509.31 of the Revised Code. 23609

(L) "Royalty interest" means the fee holder's share in the 23610  
production from a well. 23611

(M) "Discovery well" means the first well capable of 23612  
producing oil or gas in commercial quantities from a pool. 23613

(N) "Prepared clay" means a clay that is plastic and is 23614  
thoroughly saturated with fresh water to a weight and consistency 23615  
great enough to settle through saltwater in the well in which it 23616  
is to be used, except as otherwise approved by the chief of the 23617  
division of ~~mineral~~ oil and gas resources management. 23618

(O) "Rock sediment" means the combined cutting and residue 23619  
from drilling sedimentary rocks and formation. 23620

(P) "Excavations and workings," "mine," and "pillar" have the 23621  
same meanings as in section 1561.01 of the Revised Code. 23622

(Q) "Coal bearing township" means a township designated as 23623  
such by the chief of the division of mineral resources management 23624  
under section 1561.06 of the Revised Code. 23625

(R) "Gas storage reservoir" means a continuous area of a 23626  
subterranean porous sand or rock stratum or strata into which gas 23627  
is or may be injected for the purpose of storing it therein and 23628



removing it therefrom and includes a gas storage reservoir as 23629  
defined in section 1571.01 of the Revised Code. 23630

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 23631  
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 23632  
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 23633  
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 23634  
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 23635  
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 23636  
regulations adopted under those acts. 23637

(T) "Person" includes any political subdivision, department, 23638  
agency, or instrumentality of this state; the United States and 23639  
any department, agency, or instrumentality thereof; and any legal 23640  
entity defined as a person under section 1.59 of the Revised Code. 23641

(U) "Brine" means all saline geological formation water 23642  
resulting from, obtained from, or produced in connection with 23643  
exploration, drilling, well stimulation, production of oil or gas, 23644  
or plugging of a well. 23645

(V) "Waters of the state" means all streams, lakes, ponds, 23646  
marshes, watercourses, waterways, springs, irrigation systems, 23647  
drainage systems, and other bodies of water, surface or 23648  
underground, natural or artificial, that are situated wholly or 23649  
partially within this state or within its jurisdiction, except 23650  
those private waters that do not combine or effect a junction with 23651  
natural surface or underground waters. 23652

(W) "Exempt Mississippian well" means a well that meets all 23653  
of the following criteria: 23654

(1) Was drilled and completed before January 1, 1980; 23655

(2) Is located in an unglaciated part of the state; 23656

(3) Was completed in a reservoir no deeper than the 23657  
Mississippian Big Injun sandstone in areas underlain by 23658

Pennsylvanian or Permian stratigraphy, or the Mississippian Berea sandstone in areas directly underlain by Permian stratigraphy;	23659 23660
(4) Is used primarily to provide oil or gas for domestic use.	23661
(X) "Exempt domestic well" means a well that meets all of the following criteria:	23662 23663
(1) Is owned by the owner of the surface estate of the tract on which the well is located;	23664 23665
(2) Is used primarily to provide gas for the owner's domestic use;	23666 23667
(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;	23668 23669 23670 23671
(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.	23672 23673 23674 23675
(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.	23676 23677 23678 23679 23680 23681
(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.	23682 23683 23684
(AA) "Production operation" means <u>all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are</u>	23685 23686 23687 23688

regulated under this chapter, including operations and activities 23689  
associated with site preparation, site construction, access roads 23690  
road construction, well drilling, well completion, well 23691  
stimulation, well ~~operation~~ site activities, ~~site~~ reclamation, and 23692  
~~well~~ plugging. "Production operation" also includes all of the 23693  
following: 23694

(1) The piping ~~and~~, equipment, and facilities used for the 23695  
production and preparation of hydrocarbon gas or liquids for 23696  
transportation or delivery; 23697

(2) The processes of extraction and recovery, lifting, 23698  
stabilization, treatment, separation, production processing, 23699  
storage, waste disposal, and measurement of hydrocarbon gas and 23700  
liquids, including related equipment and facilities; 23701

(3) The processes and related equipment and facilities 23702  
associated with production compression, gas lift, gas injection, 23703  
~~and~~ fuel gas supply, well drilling, well stimulation, and well 23704  
completion activities, including dikes, pits, and earthen and 23705  
other impoundments used for the temporary storage of fluids and 23706  
waste substances associated with well drilling, well stimulation, 23707  
and well completion activities. 23708

(BB) "Annular overpressurization" means the accumulation of 23709  
fluids within an annulus with sufficient pressure to allow 23710  
migration of annular fluids into underground sources of drinking 23711  
water. 23712

(CC) "Idle and orphaned well" means a well for which a bond 23713  
has been forfeited or an abandoned well for which no money is 23714  
available to plug the well in accordance with this chapter and 23715  
rules adopted under it. 23716

(DD) "Temporarily inactive well" means a well that has been 23717  
granted temporary inactive status under section 1509.062 of the 23718  
Revised Code. 23719

(EE) "Material and substantial violation" means any of the following:	23720
	23721
(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter;	23722
	23723
(2) Failure to obtain or maintain insurance coverage that is required under this chapter;	23724
	23725
(3) Failure to obtain or maintain a surety bond that is required under this chapter;	23726
	23727
(4) Failure to plug an abandoned well or idle and orphaned well unless the well has been granted temporary inactive status under section 1509.062 of the Revised Code or the chief <u>of the division of oil and gas resources management</u> has approved another option concerning the abandoned well or idle and orphaned well;	23728
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(5) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;	23733
	23734
(6) Failure to reimburse the oil and gas <u>well</u> fund pursuant to a final order issued under section 1509.071 of the Revised Code;	23735
	23736
	23737
(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code.	23738
	23739
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	23740
	23741
<b>Sec. 1509.02.</b> There is hereby created in the department of natural resources the division of <del>mineral</del> <u>oil and gas</u> resources management, which shall be administered by the chief of the division of <del>mineral</del> <u>oil and gas</u> resources management. The division has sole and exclusive authority to regulate the permitting, location, and spacing of oil and gas wells and production operations within the state. The regulation of oil and gas activities is a matter of general statewide interest that requires	23742
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uniform statewide regulation, and this chapter and rules adopted 23750  
under it constitute a comprehensive plan with respect to all 23751  
aspects of the locating, drilling, well stimulation, completing, 23752  
and operating of oil and gas wells within this state, including 23753  
site construction and restoration, the permitting of discharges 23754  
related to those activities, and the disposal of wastes from those 23755  
wells. Nothing in this section affects the authority granted to 23756  
the director of transportation and local authorities in section 23757  
723.01 or 4513.34 of the Revised Code, provided that the authority 23758  
granted under those sections shall not be exercised in a manner 23759  
that discriminates against, unfairly impedes, or obstructs oil and 23760  
gas activities and operations regulated under this chapter. 23761

23762

The chief shall not hold any other public office, nor shall 23763  
the chief be engaged in any occupation or business that might 23764  
interfere with or be inconsistent with the duties as chief. 23765

All moneys collected by the chief pursuant to sections 23766  
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.221, 23767  
1509.222, 1509.34, and 1509.50 of the Revised Code, ninety per 23768  
cent of moneys received by the treasurer of state from the tax 23769  
levied in divisions (A)(5) and (6) of section 5749.02 of the 23770  
Revised Code, all civil penalties paid under section 1509.33 of 23771  
the Revised Code, and, notwithstanding any section of the Revised 23772  
Code relating to the distribution or crediting of fines for 23773  
violations of the Revised Code, all fines imposed under divisions 23774  
(A) and (B) of section 1509.99 of the Revised Code and fines 23775  
imposed under divisions (C) and (D) of section 1509.99 of the 23776  
Revised Code for all violations prosecuted by the attorney general 23777  
and for violations prosecuted by prosecuting attorneys that do not 23778  
involve the transportation of brine by vehicle shall be deposited 23779  
into the state treasury to the credit of the oil and gas well 23780  
fund, which is hereby created. Fines imposed under divisions (C) 23781

and (D) of section 1509.99 of the Revised Code for violations 23782  
prosecuted by prosecuting attorneys that involve the 23783  
transportation of brine by vehicle and penalties associated with a 23784  
compliance agreement entered into pursuant to this chapter shall 23785  
be paid to the county treasury of the county where the violation 23786  
occurred. 23787

The fund shall be used solely and exclusively for the 23788  
purposes enumerated in division (B) of section 1509.071 of the 23789  
Revised Code, for the expenses of the division associated with the 23790  
administration of this chapter and Chapter 1571. of the Revised 23791  
Code and rules adopted under them, and for expenses that are 23792  
critical and necessary for the protection of human health and 23793  
safety and the environment related to oil and gas production in 23794  
this state. The expenses of the division in excess of the moneys 23795  
available in the fund shall be paid from general revenue fund 23796  
appropriations to the department. 23797

**Sec. 1509.021.** On and after ~~the effective date of this~~ 23798  
~~section~~ June 30, 2010, all of the following apply: 23799

(A) The surface location of a new well or a tank battery of a 23800  
well shall not be within one hundred fifty feet of an occupied 23801  
dwelling that is located in an urbanized area unless the owner of 23802  
the land on which the occupied dwelling is located consents in 23803  
writing to the surface location of the well or tank battery of a 23804  
well less than one hundred fifty feet from the occupied dwelling 23805  
and the chief of the division of ~~mineral~~ oil and gas resources 23806  
management approves the written consent of that owner. However, 23807  
the chief shall not approve the written consent of such an owner 23808  
when the surface location of a new well or a tank battery of a 23809  
well will be within one hundred feet of an occupied dwelling that 23810  
is located in an urbanized area. 23811

(B) The surface location of a new well shall not be within 23812

one hundred fifty feet from the property line of a parcel of land 23813  
that is not in the drilling unit of the well if the parcel of land 23814  
is located in an urbanized area and directional drilling will be 23815  
used to drill the new well unless the owner of the parcel of land 23816  
consents in writing to the surface location of the well less than 23817  
one hundred fifty feet from the property line of the parcel of 23818  
land and the chief approves the written consent of that owner. 23819  
However, the chief shall not approve the written consent of such 23820  
an owner when the surface location of a new well will be less than 23821  
one hundred feet from the property line of the owner's parcel of 23822  
land that is not in the drilling unit of the well if the parcel of 23823  
land is located in an urbanized area and directional drilling will 23824  
be used. 23825

(C) The surface location of a new well shall not be within 23826  
two hundred feet of an occupied dwelling that is located in an 23827  
urbanized area and that is located on land that has become part of 23828  
the drilling unit of the well pursuant to a mandatory pooling 23829  
order issued under section 1509.27 of the Revised Code unless the 23830  
owner of the land on which the occupied dwelling is located 23831  
consents in writing to the surface location of the well at a 23832  
distance that is less than two hundred feet from the occupied 23833  
dwelling. However, if the owner of the land on which the occupied 23834  
dwelling is located provides such written consent, the surface 23835  
location of the well shall not be within one hundred feet of the 23836  
occupied dwelling. 23837

If an applicant cannot identify an owner of land or if an 23838  
owner of land is not responsive to attempts by the applicant to 23839  
contact the owner, the applicant may submit an affidavit to the 23840  
chief attesting to such an unidentifiable owner or to such 23841  
unresponsiveness of an owner and attempts by the applicant to 23842  
contact the owner and include a written request to reduce the 23843  
distance of the location of the well from the occupied dwelling to 23844

less than two hundred feet. If the chief receives such an 23845  
affidavit and written request, the chief shall reduce the distance 23846  
of the location of the well from the occupied dwelling to a 23847  
distance of not less than one hundred feet. 23848

(D) Except as otherwise provided in division (L) of this 23849  
section, the surface location of a new well shall not be within 23850  
one hundred fifty feet of the property line of a parcel of land 23851  
that is located in an urbanized area and that has become part of 23852  
the drilling unit of the well pursuant to a mandatory pooling 23853  
order issued under section 1509.27 of the Revised Code unless the 23854  
owner of the land consents in writing to the surface location of 23855  
the well at a distance that is less than one hundred fifty feet 23856  
from the owner's property line. However, if the owner of the land 23857  
provides such written consent, the surface location of the well 23858  
shall not be within seventy-five feet of the property line of the 23859  
owner's parcel of land. 23860

If an applicant cannot identify an owner of land or if an 23861  
owner of land is not responsive to attempts by the applicant to 23862  
contact the owner, the applicant may submit an affidavit to the 23863  
chief attesting to such an unidentifiable owner or to such 23864  
unresponsiveness of an owner and attempts by the applicant to 23865  
contact the owner and include a written request to reduce the 23866  
distance of the location of the well from the property line of the 23867  
owner's parcel of land to less than one hundred fifty feet. If the 23868  
chief receives such an affidavit and written request, the chief 23869  
shall reduce the distance of the location of the well from the 23870  
property line to a distance of not less than seventy-five feet. 23871

(E) The surface location of a new tank battery of a well 23872  
shall not be within one hundred fifty feet of an occupied dwelling 23873  
that is located in an urbanized area and that is located on land 23874  
that has become part of the drilling unit of the well pursuant to 23875  
a mandatory pooling order issued under section 1509.27 of the 23876



Revised Code unless the owner of the land on which the occupied dwelling is located consents in writing to the location of the tank battery at a distance that is less than one hundred fifty feet from the occupied dwelling. However, if the owner of the land on which the occupied dwelling is located provides such written consent, the location of the tank battery shall not be within one hundred feet of the occupied dwelling.

If an applicant cannot identify an owner of land or if an owner of land is not responsive to attempts by the applicant to contact the owner, the applicant may submit an affidavit to the chief attesting to such an unidentifiable owner or to such unresponsiveness of an owner and attempts by the applicant to contact the owner and include a written request to reduce the distance of the location of the tank battery from the occupied dwelling to less than one hundred fifty feet. If the chief receives such an affidavit and written request, the chief shall reduce the distance of the location of the tank battery from the occupied dwelling to a distance of not less than one hundred feet.

(F) Except as otherwise provided in division (L) of this section, the location of a new tank battery of a well shall not be within seventy-five feet of the property line of a parcel of land that is located in an urbanized area and that has become part of the drilling unit of the well pursuant to a mandatory pooling order issued under section 1509.27 of the Revised Code unless the owner of the land consents in writing to the location of the tank battery at a distance that is less than seventy-five feet from the owner's property line. However, if the owner of the land provides such written consent, the location of the tank battery shall not be within the property line of the owner's parcel of land.

If an applicant cannot identify an owner of land or if an owner of land is not responsive to attempts by the applicant to contact the owner, the applicant may submit an affidavit to the

chief attesting to such an unidentifiable owner or to such 23909  
unresponsiveness of an owner and attempts by the applicant to 23910  
contact the owner and include a written request to reduce the 23911  
distance of the location of the tank battery from the property 23912  
line of the owner's parcel of land to less than seventy-five feet. 23913  
If the chief receives such an affidavit and written request, the 23914  
chief shall reduce the distance of the location of the tank 23915  
battery from the property line, provided that the tank battery 23916  
shall not be within the property line of the owner's parcel of 23917  
land. 23918

(G) For purposes of divisions (C) to (F) of this section, 23919  
written consent of an owner of land may be provided by any of the 23920  
following: 23921

(1) A copy of an original lease agreement as recorded in the 23922  
office of the county recorder of the county in which the occupied 23923  
dwelling or property is located that expressly provides for the 23924  
reduction of the distance of the location of a well or a tank 23925  
battery, as applicable, from an occupied dwelling or a property 23926  
line; 23927

(2) A copy of a deed severing the oil or gas mineral rights, 23928  
as applicable, from the owner's parcel of land as recorded in the 23929  
office of the county recorder of the county in which the property 23930  
is located that expressly provides for the reduction of the 23931  
distance of the location of a well or a tank battery, as 23932  
applicable, from an occupied dwelling or a property line; 23933

(3) A written statement that consents to the proposed 23934  
location of a well or a tank battery, as applicable, and that is 23935  
approved by the chief. For purposes of division (G)(3) of this 23936  
section, an applicant shall submit a copy of a written statement 23937  
to the chief. 23938

(H) For areas that are not urbanized areas, the surface 23939

location of a new well shall not be within one hundred feet of an 23940  
occupied private dwelling or of a public building that may be used 23941  
as a place of assembly, education, entertainment, lodging, trade, 23942  
manufacture, repair, storage, or occupancy by the public. This 23943  
division does not apply to a building or other structure that is 23944  
incidental to agricultural use of the land on which the building 23945  
or other structure is located unless the building or other 23946  
structure is used as an occupied private dwelling or for retail 23947  
trade. 23948

(I) The surface location of a new well shall not be within 23949  
one hundred feet of any other well. However, an applicant may 23950  
submit a written statement to request the chief to authorize a new 23951  
well to be located at a distance that is less than one hundred 23952  
feet from another well. If the chief receives such a written 23953  
statement, the chief may authorize a new well to be located within 23954  
one hundred feet of another well if the chief determines that the 23955  
applicant satisfactorily has demonstrated that the location of the 23956  
new well at a distance that is less than one hundred feet from 23957  
another well is necessary to reduce impacts to the owner of the 23958  
land on which the well is to be located or to the surface of the 23959  
land on which the well is to be located. 23960

(J) For areas that are not urbanized areas, the location of a 23961  
new tank battery of a well shall not be within one hundred feet of 23962  
an existing inhabited structure. 23963

(K) The location of a new tank battery of a well shall not be 23964  
within fifty feet of any other well. 23965

(L) The location of a new well or a new tank battery of a 23966  
well shall not be within fifty feet of a stream, river, 23967  
watercourse, water well, pond, lake, or other body of water. 23968  
However, the chief may authorize a new well or a new tank battery 23969  
of a well to be located at a distance that is less than fifty feet 23970  
from a stream, river, watercourse, water well, pond, lake, or 23971

other body of water if the chief determines that the reduction in 23972  
the distance is necessary to reduce impacts to the owner of the 23973  
land on which the well or tank battery of a well is to be located 23974  
or to protect public safety or the environment. 23975

(M) The surface location of a new well or a new tank battery 23976  
of a well shall not be within fifty feet of a railroad track or of 23977  
the traveled portion of a public street, road, or highway. This 23978  
division applies regardless of whether the public street, road, or 23979  
highway has become part of the drilling unit of the well pursuant 23980  
to a mandatory pooling order issued under section 1509.27 of the 23981  
Revised Code. 23982

~~(M)~~(N) A new oil tank shall not be within three feet of 23983  
another oil tank. 23984

~~(N)~~(O) The surface location of a mechanical separator shall 23985  
not be within any of the following: 23986

(1) Fifty feet of a well; 23987

(2) Ten feet of an oil tank; 23988

(3) One hundred feet of an existing inhabited structure. 23989

~~(O)~~(P) A vessel that is equipped in such a manner that the 23990  
contents of the vessel may be heated shall not be within any of 23991  
the following: 23992

(1) Fifty feet of an oil production tank; 23993

(2) Fifty feet of a well; 23994

(3) One hundred feet of an existing inhabited structure; 23995

(4) If the contents of the vessel are heated by a direct fire 23996  
heater, fifty feet of a mechanical separator. 23997

**Sec. 1509.022.** Except as provided in section 1509.021 of the 23998  
Revised Code, the surface location of a new well that will be 23999  
drilled using directional drilling may be located on a parcel of 24000

land that is not in the drilling unit of the well. 24001

**Sec. 1509.03.** (A) The chief of the division of ~~mineral oil~~ oil 24002  
and gas resources management shall adopt, rescind, and amend, in 24003  
accordance with Chapter 119. of the Revised Code, rules for the 24004  
administration, implementation, and enforcement of this chapter. 24005  
The rules shall include an identification of the subjects that the 24006  
chief shall address when attaching terms and conditions to a 24007  
permit with respect to a well and production facilities of a well 24008  
that are located within an urbanized area. The subjects shall 24009  
include all of the following: 24010

(1) Safety concerning the drilling or operation of a well; 24011

(2) Protection of the public and private water supply; 24012

(3) Fencing and screening of surface facilities of a well; 24013

(4) Containment and disposal of drilling and production 24014  
wastes; 24015

(5) Construction of access roads for purposes of the drilling 24016  
and operation of a well; 24017

(6) Noise mitigation for purposes of the drilling of a well 24018  
and the operation of a well, excluding safety and maintenance 24019  
operations. 24020

No person shall violate any rule of the chief adopted under 24021  
this chapter. 24022

(B) Any order issuing, denying, or modifying a permit or 24023  
notices required to be made by the chief pursuant to this chapter 24024  
shall be made in compliance with Chapter 119. of the Revised Code, 24025  
except that personal service may be used in lieu of service by 24026  
mail. Every order issuing, denying, or modifying a permit under 24027  
this chapter and described as such shall be considered an 24028  
adjudication order for purposes of Chapter 119. of the Revised 24029

Code. 24030

Where notice to the owners is required by this chapter, the 24031  
notice shall be given as prescribed by a rule adopted by the chief 24032  
to govern the giving of notices. The rule shall provide for notice 24033  
by publication except in those cases where other types of notice 24034  
are necessary in order to meet the requirements of the law. 24035

(C) The chief or the chief's authorized representative may at 24036  
any time enter upon lands, public or private, for the purpose of 24037  
administration or enforcement of this chapter, the rules adopted 24038  
or orders made thereunder, or terms or conditions of permits or 24039  
registration certificates issued thereunder and may examine and 24040  
copy records pertaining to the drilling, conversion, or operation 24041  
of a well for injection of fluids and logs required by division 24042  
(C) of section 1509.223 of the Revised Code. No person shall 24043  
prevent or hinder the chief or the chief's authorized 24044  
representative in the performance of official duties. If entry is 24045  
prevented or hindered, the chief or the chief's authorized 24046  
representative may apply for, and the court of common pleas may 24047  
issue, an appropriate inspection warrant necessary to achieve the 24048  
purposes of this chapter within the court's territorial 24049  
jurisdiction. 24050

(D) The chief may issue orders to enforce this chapter, rules 24051  
adopted thereunder, and terms or conditions of permits issued 24052  
thereunder. Any such order shall be considered an adjudication 24053  
order for the purposes of Chapter 119. of the Revised Code. No 24054  
person shall violate any order of the chief issued under this 24055  
chapter. No person shall violate a term or condition of a permit 24056  
or registration certificate issued under this chapter. 24057

(E) Orders of the chief denying, suspending, or revoking a 24058  
registration certificate; approving or denying approval of an 24059  
application for revision of a registered transporter's plan for 24060  
disposal; or to implement, administer, or enforce division (A) of 24061

section 1509.224 and sections 1509.22, 1509.222, 1509.223,  
1509.225, and 1509.226 of the Revised Code pertaining to the  
transportation of brine by vehicle and the disposal of brine so  
transported are not adjudication orders for purposes of Chapter  
119. of the Revised Code. The chief shall issue such orders under  
division (A) or (B) of section 1509.224 of the Revised Code, as  
appropriate.

**Sec. 1509.04.** (A) The chief of the division of ~~mineral oil~~  
and gas resources management, or the chief's authorized  
representatives, shall enforce this chapter and the rules, terms  
and conditions of permits and registration certificates, and  
orders adopted or issued pursuant thereto, except that any peace  
officer, as defined in section 2935.01 of the Revised Code, may  
arrest for violations of this chapter involving transportation of  
brine by vehicle. The enforcement authority of the chief includes  
the authority to issue compliance notices and to enter into  
compliance agreements.

(B)(1) The chief or the chief's authorized representative may  
issue an administrative order to an owner for a violation of this  
chapter or rules adopted under it, terms and conditions of a  
permit issued under it, a registration certificate that is  
required under this chapter, or orders issued under this chapter.

(2) The chief may issue an order finding that an owner has  
committed a material and substantial violation.

(C) The chief, by order, immediately may suspend drilling,  
operating, or plugging activities that are related to a material  
and substantial violation and suspend and revoke an unused permit  
after finding either of the following:

(1) An owner has failed to comply with an order issued under  
division (B)(2) of this section that is final and nonappealable.

(2) An owner is causing, engaging in, or maintaining a condition or activity that the chief determines presents an imminent danger to the health or safety of the public or that results in or is likely to result in immediate substantial damage to the natural resources of this state.

(D)(1) The chief may issue an order under division (C) of this section without prior notification if reasonable attempts to notify the owner have failed or if the owner is currently in material breach of a prior order, but in such an event notification shall be given as soon thereafter as practical.

(2) Not later than five days after the issuance of an order under division (C) of this section, the chief shall provide the owner an opportunity to be heard and to present evidence that one of the following applies:

(a) The condition or activity does not present an imminent danger to the public health or safety or is not likely to result in immediate substantial damage to natural resources.

(b) Required records, reports, or logs have been submitted.

(3) If the chief, after considering evidence presented by the owner under division (D)(2)(a) of this section, determines that the activities do not present such a threat or that the required records, reports, or logs have been submitted under division (D)(2)(b) of this section, the chief shall revoke the order. The owner may appeal an order to the court of common pleas of the county in which the activity that is the subject of the order is located.

(E) The chief may issue a bond forfeiture order pursuant to section 1509.071 of the Revised Code for failure to comply with a final nonappealable order issued or compliance agreement entered into under this section.

(F) The chief may notify drilling contractors, transporters,



service companies, or other similar entities of the compliance 24123  
status of an owner. 24124

If the owner fails to comply with a prior enforcement action 24125  
of the chief, the chief may issue a suspension order without prior 24126  
notification, but in such an event the chief shall give notice as 24127  
soon thereafter as practical. Not later than five calendar days 24128  
after the issuance of an order, the chief shall provide the owner 24129  
an opportunity to be heard and to present evidence that required 24130  
records, reports, or logs have been submitted. If the chief, after 24131  
considering the evidence presented by the owner, determines that 24132  
the requirements have been satisfied, the chief shall revoke the 24133  
suspension order. The owner may appeal a suspension order to the 24134  
court of common pleas of the county in which the activity that is 24135  
the subject of the suspension order is located. 24136

(G) The prosecuting attorney of the county or the attorney 24137  
general, upon the request of the chief, may apply to the court of 24138  
common pleas in the county in which any of the provisions of this 24139  
chapter or any rules, terms or conditions of a permit or 24140  
registration certificate, or orders adopted or issued pursuant to 24141  
this chapter are being violated for a temporary restraining order, 24142  
preliminary injunction, or permanent injunction restraining any 24143  
person from such violation. 24144

**Sec. 1509.041.** The chief of the division of ~~mineral oil and~~ 24145  
~~gas~~ resources management shall maintain a database on the division 24146  
of ~~mineral oil and gas~~ resources management's web site that is 24147  
accessible to the public. The database shall list each final 24148  
nonappealable order issued for a material and substantial 24149  
violation under this chapter. The list shall identify the 24150  
violator, the date on which the violation occurred, and the date 24151  
on which the violation was corrected. 24152

**Sec. 1509.05.** No person shall drill a new well, drill an existing well any deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a source of supply different from the existing pool, without having a permit to do so issued by the chief of the division of ~~mineral oil~~ and gas resources management, and until the original permit or a photostatic copy thereof is posted or displayed in a conspicuous and easily accessible place at the well site, with the name, current address, and telephone number of the permit holder and the telephone numbers for fire and emergency medical services maintained on the posted permit or copy. The permit or a copy shall be continuously displayed in that manner at all times during the work authorized by the permit.

**Sec. 1509.06.** (A) An application for a permit to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply, including associated production operations, shall be filed with the chief of the division of ~~mineral oil and gas~~ resources management upon such form as the chief prescribes and shall contain each of the following that is applicable:

(1) The name and address of the owner and, if a corporation, the name and address of the statutory agent;

(2) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent.

(3) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is to be drilled or within a proposed drilling unit;

(4) The location of the tract or drilling unit on which the

well is located or is to be drilled identified by section or lot 24183  
number, city, village, township, and county; 24184

(5) Designation of the well by name and number; 24185

(6) The geological formation to be tested or used and the 24186  
proposed total depth of the well; 24187

(7) The type of drilling equipment to be used; 24188

(8) If the well is for the injection of a liquid, identity of 24189  
the geological formation to be used as the injection zone and the 24190  
composition of the liquid to be injected; 24191

(9) For an application for a permit to drill a new well 24192  
within an urbanized area, a sworn statement that the applicant has 24193  
provided notice by regular mail of the application to the owner of 24194  
each parcel of real property that is located within five hundred 24195  
feet of the surface location of the well and to the executive 24196  
authority of the municipal corporation or the board of township 24197  
trustees of the township, as applicable, in which the well is to 24198  
be located. In addition, the notice shall contain a statement that 24199  
informs an owner of real property who is required to receive the 24200  
notice under division (A)(9) of this section that within five days 24201  
of receipt of the notice, the owner is required to provide notice 24202  
under section 1509.60 of the Revised Code to each residence in an 24203  
occupied dwelling that is located on the owner's parcel of real 24204  
property. The notice shall contain a statement that an application 24205  
has been filed with the division of ~~mineral~~ oil and gas resources 24206  
management, identify the name of the applicant and the proposed 24207  
well location, include the name and address of the division, and 24208  
contain a statement that comments regarding the application may be 24209  
sent to the division. The notice may be provided by hand delivery 24210  
or regular mail. The identity of the owners of parcels of real 24211  
property shall be determined using the tax records of the 24212  
municipal corporation or county in which a parcel of real property 24213

is located as of the date of the notice. 24214

(10) A plan for restoration of the land surface disturbed by 24215  
drilling operations. The plan shall provide for compliance with 24216  
the restoration requirements of division (A) of section 1509.072 24217  
of the Revised Code and any rules adopted by the chief pertaining 24218  
to that restoration. 24219

(11) A description by name or number of the county, township, 24220  
and municipal corporation roads, streets, and highways that the 24221  
applicant anticipates will be used for access to and egress from 24222  
the well site; 24223

(12) Such other relevant information as the chief prescribes 24224  
by rule. 24225

Each application shall be accompanied by a map, on a scale 24226  
not smaller than four hundred feet to the inch, prepared by an 24227  
Ohio registered surveyor, showing the location of the well and 24228  
containing such other data as may be prescribed by the chief. If 24229  
the well is or is to be located within the excavations and 24230  
workings of a mine, the map also shall include the location of the 24231  
mine, the name of the mine, and the name of the person operating 24232  
the mine. 24233

(B) The chief shall cause a copy of the weekly circular 24234  
prepared by the division to be provided to the county engineer of 24235  
each county that contains active or proposed drilling activity. 24236  
The weekly circular shall contain, in the manner prescribed by the 24237  
chief, the names of all applicants for permits, the location of 24238  
each well or proposed well, the information required by division 24239  
(A)(11) of this section, and any additional information the chief 24240  
prescribes. In addition, the chief promptly shall transfer an 24241  
electronic copy or facsimile, or if those methods are not 24242  
available to a municipal corporation or township, a copy via 24243  
regular mail, of a drilling permit application to the clerk of the 24244

legislative authority of the municipal corporation or to the clerk 24245  
of the township in which the well or proposed well is or is to be 24246  
located if the legislative authority of the municipal corporation 24247  
or the board of township trustees has asked to receive copies of 24248  
such applications and the appropriate clerk has provided the chief 24249  
an accurate, current electronic mailing address or facsimile 24250  
number, as applicable. 24251

(C)(1) Except as provided in division (C)(2) of this section, 24252  
the chief shall not issue a permit for at least ten days after the 24253  
date of filing of the application for the permit unless, upon 24254  
reasonable cause shown, the chief waives that period or a request 24255  
for expedited review is filed under this section. However, the 24256  
chief shall issue a permit within twenty-one days of the filing of 24257  
the application unless the chief denies the application by order. 24258

(2) If the location of a well or proposed well will be or is 24259  
within an urbanized area, the chief shall not issue a permit for 24260  
at least eighteen days after the date of filing of the application 24261  
for the permit unless, upon reasonable cause shown, the chief 24262  
waives that period or the chief at the chief's discretion grants a 24263  
request for an expedited review. However, the chief shall issue a 24264  
permit for a well or proposed well within an urbanized area within 24265  
thirty days of the filing of the application unless the chief 24266  
denies the application by order. 24267

(D) An applicant may file a request with the chief for 24268  
expedited review of a permit application if the well is not or is 24269  
not to be located in a gas storage reservoir or reservoir 24270  
protective area, as "reservoir protective area" is defined in 24271  
section 1571.01 of the Revised Code. If the well is or is to be 24272  
located in a coal bearing township, the application shall be 24273  
accompanied by the affidavit of the landowner prescribed in 24274  
section 1509.08 of the Revised Code. 24275

In addition to a complete application for a permit that meets 24276

the requirements of this section and the permit fee prescribed by 24277  
this section, a request for expedited review shall be accompanied 24278  
by a separate nonrefundable filing fee of two hundred fifty 24279  
dollars. Upon the filing of a request for expedited review, the 24280  
chief shall cause the county engineer of the county in which the 24281  
well is or is to be located to be notified of the filing of the 24282  
permit application and the request for expedited review by 24283  
telephone or other means that in the judgment of the chief will 24284  
provide timely notice of the application and request. The chief 24285  
shall issue a permit within seven days of the filing of the 24286  
request unless the chief denies the application by order. 24287  
Notwithstanding the provisions of this section governing expedited 24288  
review of permit applications, the chief may refuse to accept 24289  
requests for expedited review if, in the chief's judgment, the 24290  
acceptance of the requests would prevent the issuance, within 24291  
twenty-one days of their filing, of permits for which applications 24292  
are pending. 24293

(E) A well shall be drilled and operated in accordance with 24294  
the plans, sworn statements, and other information submitted in 24295  
the approved application. 24296

(F) The chief shall issue an order denying a permit if the 24297  
chief finds that there is a substantial risk that the operation 24298  
will result in violations of this chapter or rules adopted under 24299  
it that will present an imminent danger to public health or safety 24300  
or damage to the environment, provided that where the chief finds 24301  
that terms or conditions to the permit can reasonably be expected 24302  
to prevent such violations, the chief shall issue the permit 24303  
subject to those terms or conditions, including, if applicable, 24304  
terms and conditions regarding subjects identified in rules 24305  
adopted under section 1509.03 of the Revised Code. The issuance of 24306  
a permit shall not be considered an order of the chief. 24307

(G) Each application for a permit required by section 1509.05 24308

of the Revised Code, except an application to plug back an existing well that is required by that section and an application for a well drilled or reopened for purposes of section 1509.22 of the Revised Code, also shall be accompanied by a nonrefundable fee as follows:

(1) Five hundred dollars for a permit to conduct activities in a township with a population of fewer than ten thousand;

(2) Seven hundred fifty dollars for a permit to conduct activities in a township with a population of ten thousand or more, but fewer than fifteen thousand;

(3) One thousand dollars for a permit to conduct activities in either of the following:

(a) A township with a population of fifteen thousand or more;

(b) A municipal corporation regardless of population.

(4) If the application is for a permit that requires mandatory pooling, an additional five thousand dollars.

For purposes of calculating fee amounts, populations shall be determined using the most recent federal decennial census.

Each application for the revision or reissuance of a permit shall be accompanied by a nonrefundable fee of two hundred fifty dollars.

(H) Prior to the issuance of a permit to drill a proposed well that is to be located in an urbanized area, the division shall conduct a site review to identify and evaluate any site-specific terms and conditions that may be attached to the permit. At the site review, a representative of the division shall consider fencing, screening, and landscaping requirements, if any, for similar structures in the community in which the well is proposed to be located. The terms and conditions that are attached to the permit shall include the establishment of fencing,

screening, and landscaping requirements for the surface facilities 24339  
of the proposed well, including a tank battery of the well. 24340

(I) A permit shall be issued by the chief in accordance with 24341  
this chapter. A permit issued under this section for a well that 24342  
is or is to be located in an urbanized area shall be valid for 24343  
twelve months, and all other permits issued under this section 24344  
shall be valid for twenty-four months. 24345

(J) A permittee or a permittee's authorized representative 24346  
shall notify an inspector from the division of ~~mineral resources~~ 24347  
~~management~~ at least twenty-four hours, or another time period 24348  
agreed to by the chief's authorized representative, prior to the 24349  
commencement of drilling, reopening, converting, well stimulation, 24350  
or plugback operations. 24351

**Sec. 1509.061.** An owner of a well who has been issued a 24352  
permit under section 1509.06 of the Revised Code may submit to the 24353  
chief of the division of ~~mineral~~ oil and gas resources management, 24354  
on a form prescribed by the chief, a request to revise an existing 24355  
tract upon which exists a producing or idle well. The chief shall 24356  
adopt, and may amend and rescind, rules under section 1509.03 of 24357  
the Revised Code that are necessary for the administration of this 24358  
section. The rules at least shall stipulate the information to be 24359  
included on the request form and shall establish a fee to be paid 24360  
by the person submitting the request, which fee shall not exceed 24361  
two hundred fifty dollars. 24362

The chief shall approve a request submitted under this 24363  
section unless it would result in a violation of this chapter or 24364  
rules adopted under it, including provisions establishing spacing 24365  
or minimum acreage requirements. 24366

**Sec. 1509.062.** (A)(1) The owner of a well that has not been 24367  
completed, a well that has not produced within one year after 24368



completion, or an existing well that has no reported production 24369  
for two consecutive reporting periods as reported in accordance 24370  
with section 1509.11 of the Revised Code shall plug the well in 24371  
accordance with section 1509.12 of the Revised Code, obtain 24372  
temporary inactive well status for the well in accordance with 24373  
this section, or perform another activity regarding the well that 24374  
is approved by the chief of the division of ~~mineral~~ oil and gas 24375  
resources management. 24376

(2) If a well has a reported annual production that is less 24377  
than one hundred thousand cubic feet of natural gas or fifteen 24378  
barrels of crude oil, or a combination thereof, the chief may 24379  
require the owner of the well to submit an application for 24380  
temporary inactive well status under this section for the well. 24381

(B) In order for the owner of a well to submit an application 24382  
for temporary inactive well status for the well under this 24383  
division, the owner and the well shall be in compliance with this 24384  
chapter and rules adopted under it, any terms and conditions of 24385  
the permit for the well, and applicable orders issued by the 24386  
chief. An application for temporary inactive status for a well 24387  
shall be submitted to the chief on a form prescribed and provided 24388  
by the chief and shall contain all of the following: 24389

(1) The owner's name and address and, if the owner is a 24390  
corporation, the name and address of the corporation's statutory 24391  
agent; 24392

(2) The signature of the owner or of the owner's authorized 24393  
agent. When an authorized agent signs an application, the 24394  
application shall be accompanied by a certified copy of the 24395  
appointment as such agent. 24396

(3) The permit number assigned to the well. If the well has 24397  
not been assigned a permit number, the chief shall assign a permit 24398  
number to the well. 24399

(4) A map, on a scale not smaller than four hundred feet to 24400  
the inch, that shows the location of the well and the tank 24401  
battery, that includes the latitude and longitude of the well, and 24402  
that contains all other data that are required by the chief; 24403

(5) A demonstration that the well is of future utility and 24404  
that the applicant has a viable plan to utilize the well within a 24405  
reasonable period of time; 24406

(6) A demonstration that the well poses no threat to the 24407  
health or safety of persons, property, or the environment; 24408

(7) Any other relevant information that the chief prescribes 24409  
by rule. 24410

The chief may waive any of the requirements established in 24411  
divisions (B)(1) to (6) of this section if the division of ~~mineral~~ 24412  
oil and gas resources management possesses a current copy of the 24413  
information or document that is required in the applicable 24414  
division. 24415

(C) Upon receipt of an application for temporary inactive 24416  
well status, the chief shall review the application and shall 24417  
either deny the application by issuing an order or approve the 24418  
application. The chief shall approve the application only if the 24419  
chief determines that the well that is the subject of the 24420  
application poses no threat to the health or safety of persons, 24421  
property, or the environment. If the chief approves the 24422  
application, the chief shall notify the applicant of the chief's 24423  
approval. Upon receipt of the chief's approval, the owner shall 24424  
shut in the well and empty all liquids and gases from all storage 24425  
tanks, pipelines, and other equipment associated with the well. In 24426  
addition, the owner shall maintain the well, other equipment 24427  
associated with the well, and the surface location of the well in 24428  
a manner that prevents hazards to the health and safety of people 24429  
and the environment. The owner shall inspect the well at least 24430

every six months and submit to the chief within fourteen days 24431  
after the inspection a record of inspection on a form prescribed 24432  
and provided by the chief. 24433

(D) Not later than thirty days prior to the expiration of 24434  
temporary inactive well status or a renewal of temporary inactive 24435  
well status approved by the chief for a well, the owner of the 24436  
well may submit to the chief an application for renewal of the 24437  
temporary inactive well status on a form prescribed and provided 24438  
by the chief. The application shall include a detailed plan that 24439  
describes the ultimate disposition of the well, the time frames 24440  
for that disposition, and any other information that the chief 24441  
determines is necessary. The chief shall either deny an 24442  
application by order or approve the application. If the chief 24443  
approves the application, the chief shall notify the owner of the 24444  
well of the chief's approval. 24445

(E) An application for temporary inactive well status shall 24446  
be accompanied by a nonrefundable fee of one hundred dollars. An 24447  
application for a renewal of temporary inactive well status shall 24448  
be accompanied by a nonrefundable fee of two hundred fifty dollars 24449  
for the first renewal and five hundred dollars for each subsequent 24450  
renewal. 24451

(F) After a third renewal, the chief may require an owner to 24452  
provide a surety bond in an amount not to exceed ten thousand 24453  
dollars for each of the owner's wells that has been approved by 24454  
the chief for temporary inactive well status. 24455

(G) Temporary inactive well status approved by the chief 24456  
expires one year after the date of approval of the application for 24457  
temporary inactive well status or production from the well 24458  
commences, whichever occurs sooner. In addition, a renewal of a 24459  
temporary inactive well status expires one year after the 24460  
expiration date of the initial temporary inactive well status or 24461  
one year after the expiration date of the previous renewal of the 24462

temporary inactive well status, as applicable, or production from 24463  
the well commences, whichever occurs sooner. 24464

(H) The owner of a well that has been approved by the chief 24465  
for temporary inactive well status may commence production from 24466  
the well at any time. Not later than sixty days after the 24467  
commencement of production from such a well, the owner shall 24468  
notify the chief of the commencement of production. 24469

(I) This chapter and rules adopted under it, any terms and 24470  
conditions of the permit for a well, and applicable orders issued 24471  
by the chief apply to a well that has been approved by the chief 24472  
for temporary inactive well status or renewal of that status. 24473

**Sec. 1509.07.** An owner of any well, except an exempt 24474  
Mississippian well or an exempt domestic well, shall obtain 24475  
liability insurance coverage from a company authorized to do 24476  
business in this state in an amount of not less than one million 24477  
dollars bodily injury coverage and property damage coverage to pay 24478  
damages for injury to persons or damage to property caused by the 24479  
drilling, operation, or plugging of all the owner's wells in this 24480  
state. However, if any well is located within an urbanized area, 24481  
the owner shall obtain liability insurance coverage in an amount 24482  
of not less than three million dollars for bodily injury coverage 24483  
and property damage coverage to pay damages for injury to persons 24484  
or damage to property caused by the drilling, operation, or 24485  
plugging of all of the owner's wells in this state. The owner 24486  
shall maintain the coverage until all the owner's wells are 24487  
plugged and abandoned or are transferred to an owner who has 24488  
obtained insurance as required under this section and who is not 24489  
under a notice of material and substantial violation or under a 24490  
suspension order. The owner shall provide proof of liability 24491  
insurance coverage to the chief of the division of mineral oil and 24492  
gas resources management upon request. Upon failure of the owner 24493

to provide that proof when requested, the chief may order the 24494  
suspension of any outstanding permits and operations of the owner 24495  
until the owner provides proof of the required insurance coverage. 24496

Except as otherwise provided in this section, an owner of any 24497  
well, before being issued a permit under section 1509.06 of the 24498  
Revised Code or before operating or producing from a well, shall 24499  
execute and file with the division of ~~mineral oil and gas~~ 24500  
resources management a surety bond conditioned on compliance with 24501  
the restoration requirements of section 1509.072, the plugging 24502  
requirements of section 1509.12, the permit provisions of section 24503  
1509.13 of the Revised Code, and all rules and orders of the chief 24504  
relating thereto, in an amount set by rule of the chief. 24505

The owner may deposit with the chief, instead of a surety 24506  
bond, cash in an amount equal to the surety bond as prescribed 24507  
pursuant to this section or negotiable certificates of deposit or 24508  
irrevocable letters of credit, issued by any bank organized or 24509  
transacting business in this state or by any savings and loan 24510  
association as defined in section 1151.01 of the Revised Code, 24511  
having a cash value equal to or greater than the amount of the 24512  
surety bond as prescribed pursuant to this section. Cash or 24513  
certificates of deposit shall be deposited upon the same terms as 24514  
those upon which surety bonds may be deposited. If certificates of 24515  
deposit are deposited with the chief instead of a surety bond, the 24516  
chief shall require the bank or savings and loan association that 24517  
issued any such certificate to pledge securities of a cash value 24518  
equal to the amount of the certificate that is in excess of the 24519  
amount insured by any of the agencies and instrumentalities 24520  
created under the "Federal Deposit Insurance Act," 64 Stat. 873 24521  
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 24522  
it, including at least the federal deposit insurance corporation, 24523  
bank insurance fund, and savings association insurance fund. The 24524  
securities shall be security for the repayment of the certificate 24525

of deposit. 24526

Immediately upon a deposit of cash, certificates of deposit, 24527  
or letters of credit with the chief, the chief shall deliver them 24528  
to the treasurer of state who shall hold them in trust for the 24529  
purposes for which they have been deposited. 24530

Instead of a surety bond, the chief may accept proof of 24531  
financial responsibility consisting of a sworn financial statement 24532  
showing a net financial worth within this state equal to twice the 24533  
amount of the bond for which it substitutes and, as may be 24534  
required by the chief, a list of producing properties of the owner 24535  
within this state or other evidence showing ability and intent to 24536  
comply with the law and rules concerning restoration and plugging 24537  
that may be required by rule of the chief. The owner of an exempt 24538  
Mississippian well is not required to file scheduled updates of 24539  
the financial documents, but shall file updates of those documents 24540  
if requested to do so by the chief. The owner of a nonexempt 24541  
Mississippian well shall file updates of the financial documents 24542  
in accordance with a schedule established by rule of the chief. 24543  
The chief, upon determining that an owner for whom the chief has 24544  
accepted proof of financial responsibility instead of bond cannot 24545  
demonstrate financial responsibility, shall order that the owner 24546  
execute and file a bond or deposit cash, certificates of deposit, 24547  
or irrevocable letters of credit as required by this section for 24548  
the wells specified in the order within ten days of receipt of the 24549  
order. If the order is not complied with, all wells of the owner 24550  
that are specified in the order and for which no bond is filed or 24551  
cash, certificates of deposit, or letters of credit are deposited 24552  
shall be plugged. No owner shall fail or refuse to plug such a 24553  
well. Each day on which such a well remains unplugged thereafter 24554  
constitutes a separate offense. 24555

The surety bond provided for in this section shall be 24556  
executed by a surety company authorized to do business in this 24557

state. 24558

The chief shall not approve any bond until it is personally 24559  
signed and acknowledged by both principal and surety, or as to 24560  
either by the principal's or surety's attorney in fact, with a 24561  
certified copy of the power of attorney attached thereto. The 24562  
chief shall not approve a bond unless there is attached a 24563  
certificate of the superintendent of insurance that the company is 24564  
authorized to transact a fidelity and surety business in this 24565  
state. 24566

All bonds shall be given in a form to be prescribed by the 24567  
chief and shall run to the state as obligee. 24568

An owner of an exempt Mississippian well or an exempt 24569  
domestic well, in lieu of filing a surety bond, cash in an amount 24570  
equal to the surety bond, certificates of deposit, irrevocable 24571  
letters of credit, or a sworn financial statement, may file a 24572  
one-time fee of fifty dollars, which shall be deposited in the oil 24573  
and gas well plugging fund created in section 1509.071 of the 24574  
Revised Code. 24575

An owner, operator, producer, or other person shall not 24576  
operate a well or produce from a well at any time if the owner, 24577  
operator, producer, or other person has not satisfied the 24578  
requirements established in this section. 24579

**Sec. 1509.071.** (A) When the chief of the division of ~~mineral~~ 24580  
oil and gas resources management finds that an owner has failed to 24581  
comply with a final nonappealable order issued or compliance 24582  
agreement entered into under section 1509.04, the restoration 24583  
requirements of section 1509.072, plugging requirements of section 24584  
1509.12, or permit provisions of section 1509.13 of the Revised 24585  
Code, or rules and orders relating thereto, the chief shall make a 24586  
finding of that fact and declare any surety bond filed to ensure 24587  
compliance with those sections and rules forfeited in the amount 24588

set by rule of the chief. The chief thereupon shall certify the 24589  
total forfeiture to the attorney general, who shall proceed to 24590  
collect the amount of the forfeiture. In addition, the chief may 24591  
require an owner, operator, producer, or other person who 24592  
forfeited a surety bond to post a new surety bond in the amount of 24593  
fifteen thousand dollars for a single well, thirty thousand 24594  
dollars for two wells, or fifty thousand dollars for three or more 24595  
wells. 24596

In lieu of total forfeiture, the surety or owner, at the 24597  
surety's or owner's option, may cause the well to be properly 24598  
plugged and abandoned and the area properly restored or pay to the 24599  
treasurer of state the cost of plugging and abandonment. 24600

(B) All moneys collected because of forfeitures of bonds as 24601  
provided in this section shall be deposited in the state treasury 24602  
to the credit of the oil and gas well fund created in section 24603  
1509.02 of the Revised Code. 24604

The chief annually shall spend not less than fourteen per 24605  
cent of the revenue credited to the fund during the previous 24606  
fiscal year for the following purposes: 24607

(1) In accordance with division (D) of this section, to plug 24608  
idle and orphaned wells or to restore the land surface properly as 24609  
required in section 1509.072 of the Revised Code; 24610

(2) In accordance with division (E) of this section, to 24611  
correct conditions that the chief reasonably has determined are 24612  
causing imminent health or safety risks at an idle and orphaned 24613  
well or a well for which the owner cannot be contacted in order to 24614  
initiate a corrective action within a reasonable period of time as 24615  
determined by the chief. 24616

Expenditures from the fund shall be made only for lawful 24617  
purposes. In addition, expenditures from the fund shall not be 24618  
made to purchase real property or to remove a dwelling in order to 24619



access a well. 24620

(C)(1) Upon determining that the owner of a well has failed 24621  
to properly plug and abandon it or to properly restore the land 24622  
surface at the well site in compliance with the applicable 24623  
requirements of this chapter and applicable rules adopted and 24624  
orders issued under it or that a well is an abandoned well for 24625  
which no funds are available to plug the well in accordance with 24626  
this chapter, the chief shall do all of the following: 24627

(a) Determine from the records in the office of the county 24628  
recorder of the county in which the well is located the identity 24629  
of the owner of the land on which the well is located, the 24630  
identity of the owner of the oil or gas lease under which the well 24631  
was drilled or the identity of each person owning an interest in 24632  
the lease, and the identities of the persons having legal title 24633  
to, or a lien upon, any of the equipment appurtenant to the well; 24634

(b) Mail notice to the owner of the land on which the well is 24635  
located informing the landowner that the well is to be plugged. If 24636  
the owner of the oil or gas lease under which the well was drilled 24637  
is different from the owner of the well or if any persons other 24638  
than the owner of the well own interests in the lease, the chief 24639  
also shall mail notice that the well is to be plugged to the owner 24640  
of the lease or to each person owning an interest in the lease, as 24641  
appropriate. 24642

(c) Mail notice to each person having legal title to, or a 24643  
lien upon, any equipment appurtenant to the well, informing the 24644  
person that the well is to be plugged and offering the person the 24645  
opportunity to plug the well and restore the land surface at the 24646  
well site at the person's own expense in order to avoid forfeiture 24647  
of the equipment to this state. 24648

(2) If none of the persons described in division (C)(1)(c) of 24649  
this section plugs the well within sixty days after the mailing of 24650

the notice required by that division, all equipment appurtenant to 24651  
the well is hereby declared to be forfeited to this state without 24652  
compensation and without the necessity for any action by the state 24653  
for use to defray the cost of plugging and abandoning the well and 24654  
restoring the land surface at the well site. 24655

(D) Expenditures from the fund for the purpose of division 24656  
(B)(1) of this section shall be made in accordance with either of 24657  
the following: 24658

(1) The expenditures may be made pursuant to contracts 24659  
entered into by the chief with persons who agree to furnish all of 24660  
the materials, equipment, work, and labor as specified and 24661  
provided in such a contract for activities associated with the 24662  
restoration or plugging of a well as determined by the chief. The 24663  
activities may include excavation to uncover a well, geophysical 24664  
methods to locate a buried well when clear evidence of leakage 24665  
from the well exists, cleanout of wellbores to remove material 24666  
from a failed plugging of a well, plugging operations, 24667  
installation of vault and vent systems, including associated 24668  
engineering certifications and permits, restoration of property, 24669  
and repair of damage to property that is caused by such 24670  
activities. Expenditures shall not be used for salaries, 24671  
maintenance, equipment, or other administrative purposes, except 24672  
for costs directly attributed to the plugging of an idle and 24673  
orphaned well. Agents or employees of persons contracting with the 24674  
chief for a restoration or plugging project may enter upon any 24675  
land, public or private, on which the well is located for the 24676  
purpose of performing the work. Prior to such entry, the chief 24677  
shall give to the following persons written notice of the 24678  
existence of a contract for a project to restore or plug a well, 24679  
the names of the persons with whom the contract is made, and the 24680  
date that the project will commence: the owner of the well, the 24681  
owner of the land upon which the well is located, the owner or 24682

agents of adjoining land, and, if the well is located in the same 24683  
township as or in a township adjacent to the excavations and 24684  
workings of a mine and the owner or lessee of that mine has 24685  
provided written notice identifying those townships to the chief 24686  
at any time during the immediately preceding three years, the 24687  
owner or lessee of the mine. 24688

(2)(a) The owner of the land on which a well is located who 24689  
has received notice under division (C)(1)(b) of this section may 24690  
plug the well and be reimbursed by the division of oil and gas 24691  
resources management for the reasonable cost of plugging the well. 24692  
In order to plug the well, the landowner shall submit an 24693  
application to the chief on a form prescribed by the chief and 24694  
approved by the technical advisory council on oil and gas created 24695  
in section 1509.38 of the Revised Code. The application, at a 24696  
minimum, shall require the landowner to provide the same 24697  
information as is required to be included in the application for a 24698  
permit to plug and abandon under section 1509.13 of the Revised 24699  
Code. The application shall be accompanied by a copy of a proposed 24700  
contract to plug the well prepared by a contractor regularly 24701  
engaged in the business of plugging oil and gas wells. The 24702  
proposed contract shall require the contractor to furnish all of 24703  
the materials, equipment, work, and labor necessary to plug the 24704  
well properly and shall specify the price for doing the work, 24705  
including a credit for the equipment appurtenant to the well that 24706  
was forfeited to the state through the operation of division 24707  
(C)(2) of this section. Expenditures under division (D)(2)(a) of 24708  
this section shall be consistent with the expenditures for 24709  
activities described in division (D)(1) of this section. The 24710  
application also shall be accompanied by the permit fee required 24711  
by section 1509.13 of the Revised Code unless the chief, in the 24712  
chief's discretion, waives payment of the permit fee. The 24713  
application constitutes an application for a permit to plug and 24714  
abandon the well for the purposes of section 1509.13 of the 24715

Revised Code. 24716

(b) Within thirty days after receiving an application and 24717  
accompanying proposed contract under division (D)(2)(a) of this 24718  
section, the chief shall determine whether the plugging would 24719  
comply with the applicable requirements of this chapter and 24720  
applicable rules adopted and orders issued under it and whether 24721  
the cost of the plugging under the proposed contract is 24722  
reasonable. If the chief determines that the proposed plugging 24723  
would comply with those requirements and that the proposed cost of 24724  
the plugging is reasonable, the chief shall notify the landowner 24725  
of that determination and issue to the landowner a permit to plug 24726  
and abandon the well under section 1509.13 of the Revised Code. 24727  
Upon approval of the application and proposed contract, the chief 24728  
shall transfer ownership of the equipment appurtenant to the well 24729  
to the landowner. The chief may disapprove an application 24730  
submitted under division (D)(2)(a) of this section if the chief 24731  
determines that the proposed plugging would not comply with the 24732  
applicable requirements of this chapter and applicable rules 24733  
adopted and orders issued under it, that the cost of the plugging 24734  
under the proposed contract is unreasonable, or that the proposed 24735  
contract is not a bona fide, ~~arms~~ arm's length contract. 24736

(c) After receiving the chief's notice of the approval of the 24737  
application and permit to plug and abandon a well under division 24738  
(D)(2)(b) of this section, the landowner shall enter into the 24739  
proposed contract to plug the well. 24740

(d) Upon determining that the plugging has been completed in 24741  
compliance with the applicable requirements of this chapter and 24742  
applicable rules adopted and orders issued under it, the chief 24743  
shall reimburse the landowner for the cost of the plugging as set 24744  
forth in the proposed contract approved by the chief. The 24745  
reimbursement shall be paid from the oil and gas well fund. If the 24746  
chief determines that the plugging was not completed in accordance 24747

with the applicable requirements, the chief shall not reimburse 24748  
the landowner for the cost of the plugging, and the landowner or 24749  
the contractor, as applicable, promptly shall transfer back to 24750  
this state title to and possession of the equipment appurtenant to 24751  
the well that previously was transferred to the landowner under 24752  
division (D)(2)(b) of this section. If any such equipment was 24753  
removed from the well during the plugging and sold, the landowner 24754  
shall pay to the chief the proceeds from the sale of the 24755  
equipment, and the chief promptly shall pay the moneys so received 24756  
to the treasurer of state for deposit into the oil and gas well 24757  
fund. 24758

The chief may establish an annual limit on the number of 24759  
wells that may be plugged under division (D)(2) of this section or 24760  
an annual limit on the expenditures to be made under that 24761  
division. 24762

As used in division (D)(2) of this section, "plug" and 24763  
"plugging" include the plugging of the well and the restoration of 24764  
the land surface disturbed by the plugging. 24765

(E) Expenditures from the oil and gas well fund for the 24766  
purpose of division (B)(2) of this section may be made pursuant to 24767  
contracts entered into by the chief with persons who agree to 24768  
furnish all of the materials, equipment, work, and labor as 24769  
specified and provided in such a contract. The competitive bidding 24770  
requirements of Chapter 153. of the Revised Code do not apply if 24771  
the chief reasonably determines that correction of the applicable 24772  
health or safety risk requires immediate action. The chief, 24773  
designated representatives of the chief, and agents or employees 24774  
of persons contracting with the chief under this division may 24775  
enter upon any land, public or private, for the purpose of 24776  
performing the work. 24777

(F) Contracts entered into by the chief under this section 24778  
are not subject to either of the following: 24779

(1) Chapter 4115. of the Revised Code; 24780

(2) Section 153.54 of the Revised Code, except that the 24781  
contractor shall obtain and provide to the chief as a bid guaranty 24782  
a surety bond or letter of credit in an amount equal to ten per 24783  
cent of the amount of the contract. 24784

(G) The owner of land on which a well is located who has 24785  
received notice under division (C)(1)(b) of this section, in lieu 24786  
of plugging the well in accordance with division (D)(2) of this 24787  
section, may cause ownership of the well to be transferred to an 24788  
owner who is lawfully doing business in this state and who has met 24789  
the financial responsibility requirements established under 24790  
section 1509.07 of the Revised Code, subject to the approval of 24791  
the chief. The transfer of ownership also shall be subject to the 24792  
landowner's filing the appropriate forms required under section 24793  
1509.31 of the Revised Code and providing to the chief sufficient 24794  
information to demonstrate the landowner's or owner's right to 24795  
produce a formation or formations. That information may include a 24796  
deed, a lease, or other documentation of ownership or property 24797  
rights. 24798

The chief shall approve or disapprove the transfer of 24799  
ownership of the well. If the chief approves the transfer, the 24800  
owner is responsible for operating the well in accordance with 24801  
this chapter and rules adopted under it, including, without 24802  
limitation, all of the following: 24803

(1) Filing an application with the chief under section 24804  
1509.06 of the Revised Code if the owner intends to drill deeper 24805  
or produce a formation that is not listed in the records of the 24806  
division for that well; 24807

(2) Taking title to and possession of the equipment 24808  
appurtenant to the well that has been identified by the chief as 24809  
having been abandoned by the former owner; 24810

(3) Complying with all applicable requirements that are 24811  
necessary to drill deeper, plug the well, or plug back the well. 24812

(H) The chief shall issue an order that requires the owner of 24813  
a well to pay the actual documented costs of a corrective action 24814  
that is described in division (B)(2) of this section concerning 24815  
the well. The chief shall transmit the money so recovered to the 24816  
treasurer of state who shall deposit the money in the state 24817  
treasury to the credit of the oil and gas well fund. 24818

**Sec. 1509.072.** No oil or gas well owner or agent of an oil or 24819  
gas well owner shall fail to restore the land surface within the 24820  
area disturbed in siting, drilling, completing, and producing the 24821  
well as required in this section. 24822

(A) Within fourteen days after the date upon which the 24823  
drilling of a well is completed to total depth in an urbanized 24824  
area and within two months after the date upon which the drilling 24825  
of a well is completed in all other areas, the owner or the 24826  
owner's agent, in accordance with the restoration plan filed under 24827  
division (A)(10) of section 1509.06 of the Revised Code, shall 24828  
fill all the pits for containing brine and other waste substances 24829  
resulting, obtained, or produced in connection with exploration or 24830  
drilling for oil or gas that are not required by other state or 24831  
federal law or regulation, and remove all drilling supplies and 24832  
drilling equipment. Unless the chief of the division of ~~mineral~~ 24833  
oil and gas resources management approves a longer time period, 24834  
within three months after the date upon which the surface drilling 24835  
of a well is commenced in an urbanized area and within six months 24836  
after the date upon which the surface drilling of a well is 24837  
commenced in all other areas, the owner or the owner's agent shall 24838  
grade or terrace and plant, seed, or sod the area disturbed that 24839  
is not required in production of the well where necessary to bind 24840  
the soil and prevent substantial erosion and sedimentation. If the 24841

chief finds that a pit used for containing brine, other waste 24842  
substances, or oil is in violation of section 1509.22 of the 24843  
Revised Code or rules adopted or orders issued under it, the chief 24844  
may require the pit to be emptied and closed before expiration of 24845  
the fourteen-day or three-month restoration period. 24846

(B) Within three months after a well that has produced oil or 24847  
gas is plugged in an urbanized area and within six months after a 24848  
well that has produced oil or gas is plugged in all other areas, 24849  
or after the plugging of a dry hole, unless the chief approves a 24850  
longer time period, the owner or the owner's agent shall remove 24851  
all production and storage structures, supplies, and equipment, 24852  
and any oil, salt water, and debris, and fill any remaining 24853  
excavations. Within that period the owner or the owner's agent 24854  
shall grade or terrace and plant, seed, or sod the area disturbed 24855  
where necessary to bind the soil and prevent substantial erosion 24856  
and sedimentation. 24857

The owner shall be released from responsibility to perform 24858  
any or all restoration requirements of this section on any part or 24859  
all of the area disturbed upon the filing of a request for a 24860  
waiver with and obtaining the written approval of the chief, which 24861  
request shall be signed by the surface owner to certify the 24862  
approval of the surface owner of the release sought. The chief 24863  
shall approve the request unless the chief finds upon inspection 24864  
that the waiver would be likely to result in substantial damage to 24865  
adjoining property, substantial contamination of surface or 24866  
underground water, or substantial erosion or sedimentation. 24867

The chief, by order, may shorten the time periods provided 24868  
for under division (A) or (B) of this section if failure to 24869  
shorten the periods would be likely to result in damage to public 24870  
health or the waters or natural resources of the state. 24871

The chief, upon written application by an owner or an owner's 24872  
agent showing reasonable cause, may extend the period within which 24873



restoration shall be completed under divisions (A) and (B) of this 24874  
section, but not to exceed a further six-month period, except 24875  
under extraordinarily adverse weather conditions or when essential 24876  
equipment, fuel, or labor is unavailable to the owner or the 24877  
owner's agent. 24878

If the chief refuses to approve a request for waiver or 24879  
extension, the chief shall do so by order. 24880

**Sec. 1509.073.** A person that is issued a permit under this 24881  
chapter to drill a new well or drill an existing well deeper in an 24882  
urbanized area shall establish fluid drilling conditions prior to 24883  
penetration of the Onondaga limestone and continue to use fluid 24884  
drilling until total depth of the well is achieved unless the 24885  
chief of the division of ~~mineral~~ oil and gas resources management 24886  
authorizes such drilling without using fluid. 24887

**Sec. 1509.08.** Upon receipt of an application for a permit 24888  
required by section 1509.05 of the Revised Code, or upon receipt 24889  
of an application for a permit to plug and abandon under section 24890  
1509.13 of the Revised Code, the chief of the division of ~~mineral~~ 24891  
oil and gas resources management shall determine whether the well 24892  
is or is to be located in a coal bearing township. 24893

Whether or not the well is or is to be located in a coal 24894  
bearing township, the chief, by order, may refuse to issue a 24895  
permit required by section 1509.05 of the Revised Code to any 24896  
applicant who at the time of applying for the permit is in 24897  
material or substantial violation of this chapter or rules adopted 24898  
or orders issued under it. The chief shall refuse to issue a 24899  
permit to any applicant who at the time of applying for the permit 24900  
has been found liable by a final nonappealable order of a court of 24901  
competent jurisdiction for damage to streets, roads, highways, 24902  
bridges, culverts, or drainways pursuant to section 4513.34 or 24903

5577.12 of the Revised Code until the applicant provides the chief 24904  
with evidence of compliance with the order. No applicant shall 24905  
attempt to circumvent this provision by applying for a permit 24906  
under a different name or business organization name, by 24907  
transferring responsibility to another person or entity, by 24908  
abandoning the well or lease, or by any other similar act. 24909

If the well is not or is not to be located in a coal bearing 24910  
township, or if it is to be located in a coal bearing township, 24911  
but the landowner submits an affidavit attesting to ownership of 24912  
the property in fee simple, including the coal, and has no 24913  
objection to the well, the chief shall issue the permit. 24914

If the application to drill, reopen, or convert concerns a 24915  
well that is or is to be located in a coal bearing township, the 24916  
chief shall transmit to the chief of the division of mineral 24917  
resources management two copies of the application and three 24918  
copies of the map required in section 1509.06 of the Revised Code, 24919  
except that, when the affidavit with the waiver of objection 24920  
described above is submitted, the chief of the division of oil and 24921  
gas resources management shall not transmit the copies. 24922

The chief of the division of mineral resources management 24923  
immediately shall notify the owner or lessee of any affected mine 24924  
that the application has been filed and send to the owner or 24925  
lessee two copies of the map accompanying the application setting 24926  
forth the location of the well. 24927

If the owner or lessee objects to the location of the well or 24928  
objects to any location within fifty feet of the original location 24929  
as a possible site for relocation of the well, the owner or lessee 24930  
shall notify the chief of the division of mineral resources 24931  
management of the objection, giving the reasons for the objection 24932  
and, if applicable, indicating on a copy of the map the particular 24933  
location or locations within fifty feet of the original location 24934  
to which the owner or lessee objects as a site for possible 24935

relocation of the well, within six days after the receipt of the 24936  
notice. If the chief receives no objections from the owner or 24937  
lessee of the mine within ten days after the receipt of the notice 24938  
by the owner or lessee, or if in the opinion of the chief the 24939  
objections offered by the owner or lessee are not sufficiently 24940  
well founded, the chief immediately shall notify the owner or 24941  
lessee of those findings. The owner or lessee may appeal the 24942  
decision of the chief to the reclamation commission under section 24943  
1513.13 of the Revised Code. The appeal shall be filed within 24944  
fifteen days, notwithstanding provisions in divisions (A)(1) of 24945  
section 1513.13 of the Revised Code, to the contrary, from the 24946  
date on which the owner or lessee receives the notice. If the 24947  
appeal is not filed within that time, the chief immediately shall 24948  
approve the application ~~and~~, retain a copy of the application and 24949  
map, and return a copy of the application to the chief of the 24950  
division of oil and gas resources management with the approval 24951  
noted on it. The chief of the division of oil and gas resources 24952  
management then shall issue the permit if the provisions of this 24953  
chapter pertaining to the issuance of such a permit have been 24954  
complied with. 24955

If the chief of the division of mineral resources management 24956  
receives an objection from the owner or lessee of the mine as to 24957  
the location of the well within ten days after receipt of the 24958  
notice by the owner or lessee, and if in the opinion of the chief 24959  
the objection is well founded, the chief shall disapprove the 24960  
application and ~~suggest~~ immediately return it to the chief of the 24961  
division of oil and gas resources management together with the 24962  
reasons for disapproval and a suggestion for a new location for 24963  
the well, provided that the suggested new location shall not be a 24964  
location within fifty feet of the original location to which the 24965  
owner or lessee has objected as a site for possible relocation of 24966  
the well if the chief of the division of mineral resources 24967  
management has determined that the objection is well founded. The 24968

chief of the division of oil and gas resources management 24969  
immediately shall notify the applicant for the permit of the 24970  
disapproval and any suggestion made by the chief of the division 24971  
of mineral resources management as to a new location for the well. 24972  
The applicant may withdraw the application or amend the 24973  
application to drill the well at the location suggested by the 24974  
chief, or the applicant may appeal the disapproval of the 24975  
application by the chief to the reclamation commission. 24976

If the chief of the division of mineral resources management 24977  
receives no objection from the owner or lessee of a mine as to the 24978  
location of the well, but does receive an objection from the owner 24979  
or lessee as to one or more locations within fifty feet of the 24980  
original location as possible sites for relocation of the well 24981  
within ten days after receipt of the notice by the owner or 24982  
lessee, and if in the opinion of the chief the objection is well 24983  
founded, the chief nevertheless shall approve the application and 24984  
shall return it immediately to the chief of the division of oil 24985  
and gas resources management together with the reasons for 24986  
disapproving any of the locations to which the owner or lessee 24987  
objects as possible sites for the relocation of the well. The 24988  
chief of the division of oil and gas resources management then 24989  
shall issue a permit if the provisions of this chapter pertaining 24990  
to the issuance of such a permit have been complied with, 24991  
incorporating as a term or condition of the permit that the 24992  
applicant is prohibited from commencing drilling at any location 24993  
within fifty feet of the original location that has been 24994  
disapproved by the chief of the division of mineral resources 24995  
management. The applicant may appeal to the reclamation commission 24996  
the terms and conditions of the permit prohibiting the 24997  
commencement of drilling at any such location disapproved by the 24998  
chief of the division of mineral resources management. 24999

Any such appeal shall be filed within fifteen days, 25000

notwithstanding provisions in division (A)(1) of section 1513.13 25001  
of the Revised Code to the contrary, from the date the applicant 25002  
receives notice of the disapproval of the application, any other 25003  
location within fifty feet of the original location, or terms or 25004  
conditions of the permit, or the owner or lessee receives notice 25005  
of the chief's decision. No approval or disapproval of an 25006  
application shall be delayed by the chief of the division of 25007  
mineral resources management for more than fifteen days from the 25008  
date of sending the notice of the application to the mine owner or 25009  
lessee as required by this section. 25010

All appeals provided for in this section shall be treated as 25011  
expedited appeals. The reclamation commission shall hear any such 25012  
appeal in accordance with section 1513.13 of the Revised Code and 25013  
issue a decision within thirty days of the filing of the notice of 25014  
appeal. 25015

The chief of the division of oil and gas resources management 25016  
shall not issue a permit to drill a new well or reopen a well that 25017  
is or is to be located within three hundred feet of any opening of 25018  
any mine used as a means of ingress, egress, or ventilation for 25019  
persons employed in the mine, nor within one hundred feet of any 25020  
building or inflammable structure connected with the mine and 25021  
actually used as a part of the operating equipment of the mine, 25022  
unless the chief of the division of mineral resources management 25023  
determines that life or property will not be endangered by 25024  
drilling and operating the well in that location. 25025

The chief of the division of mineral resources management may 25026  
suspend the drilling or reopening of a well in a coal bearing 25027  
township after determining that the drilling or reopening 25028  
activities present an imminent and substantial threat to public 25029  
health or safety or to miners' health or safety and having been 25030  
unable to contact the chief of the division of oil and gas 25031  
resources management to request an order of suspension under 25032

section 1509.06 of the Revised Code. Before issuing a suspension order for that purpose, the chief of the division of mineral resources management shall notify the owner in a manner that in the chief's judgment would provide reasonable notification that the chief intends to issue a suspension order. The chief may issue such an order without prior notification if reasonable attempts to notify the owner have failed, but in that event notification shall be given as soon thereafter as practical. Within five calendar days after the issuance of the order, the chief shall provide the owner an opportunity to be heard and to present evidence that the activities do not present an imminent and substantial threat to public health or safety or to miners' health or safety. If, after considering the evidence presented by the owner, the chief determines that the activities do not present such a threat, the chief shall revoke the suspension order. An owner may appeal a suspension order issued by the chief of the division of mineral resources management under this section to the reclamation commission in accordance with section 1513.13 of the Revised Code or may appeal the order directly to the court of common pleas of the county in which the well is located.

**Sec. 1509.09.** A well may be drilled under a permit only at the location designated on the map required in section 1509.06 of the Revised Code. The location of a well may be changed after the issuance of a permit only with the approval of the chief of the division of ~~mineral~~ oil and gas resources management and, if the well is located in a coal bearing township, with the approval of the chief of the division of mineral resources management using the procedures required in section 1509.08 of the Revised Code for a permit to drill a well unless the permit holder requests the issuance of an emergency drilling permit under this section due to a lost hole under such circumstances that completion of the well is not feasible at the original location. If a permit holder

requests a change of location, the permit holder shall return the 25065  
original permit and file an amended map indicating the proposed 25066  
new location. 25067

Drilling shall not be commenced at a new location until the 25068  
original permit bearing a notation of approval by the chief or 25069  
chiefs is posted at the well site. However, a permit holder may 25070  
commence drilling at a new location without first receiving the 25071  
prior approval required by this section, if all of the following 25072  
conditions are met: 25073

(A) Within one working day after spudding the new well, the 25074  
permit holder files a request for an emergency drilling permit and 25075  
submits to the chief of the division of oil and gas resources 25076  
management an application for a permit that meets the requirements 25077  
of section 1509.06 of the Revised Code, including the permit fee 25078  
required by that section, with an amended map showing the new 25079  
location. 25080

(B) ~~A mineral~~ An oil and gas resources inspector is present 25081  
before spudding operations are commenced at the location. 25082

(C) The original well is plugged prior to the skidding of the 25083  
drilling rig to the new location, and the plugging is witnessed or 25084  
verified by ~~a mineral~~ an oil and gas resources inspector or, if 25085  
the well is located in a coal bearing township, both a deputy mine 25086  
inspector and ~~a mineral~~ an oil and gas resources inspector unless 25087  
the chief or the chief's authorized representative temporarily 25088  
waives the requirement, but in any event the original well shall 25089  
be plugged before the drilling rig is moved from the location. 25090

(D) The new location is within fifty feet of the original 25091  
location unless, upon request of the permit holder, the chief, 25092  
with the approval of the chief of the division of mineral 25093  
resources management if the well is located in a coal bearing 25094  
township, agrees to a new location farther than fifty feet from 25095

the original location~~+~~; 25096

(E) The new location meets all the distance and spacing 25097  
requirements prescribed by rules adopted under sections 1509.23 25098  
and 1509.24 of the Revised Code~~+~~; 25099

(F) If the well is located in a coal bearing township, use of 25100  
the new well location has not been disapproved by the chief of the 25101  
division of mineral resources management and has not been 25102  
prohibited as a term or condition of the permit under section 25103  
1509.08 of the Revised Code. 25104

If the chief of the division of oil and gas resources 25105  
management approves the change of location, the chief shall issue 25106  
an emergency permit within two working days after the filing of 25107  
the request for the emergency permit. If the chief disapproves the 25108  
change of location, the chief shall, by order, deny the request 25109  
and may issue an appropriate enforcement order under section 25110  
1509.03 of the Revised Code. 25111

**Sec. 1509.10.** (A) Any person drilling within the state shall, 25112  
within sixty days after the completion of drilling operations to 25113  
the proposed total depth or after a determination that a well is a 25114  
dry or lost hole, file with the division of ~~mineral~~ oil and gas 25115  
resources management all wireline electric logs and an accurate 25116  
well completion record on a form that is approved by the chief of 25117  
the division of ~~mineral~~ oil and gas resources management that 25118  
designates: 25119

(1) The purpose for which the well was drilled; 25120

(2) The character, depth, and thickness of geological units 25121  
encountered, including coal seams, mineral beds, associated fluids 25122  
such as fresh water, brine, and crude oil, natural gas, and sour 25123  
gas, if such seams, beds, fluids, or gases are known; 25124

(3) The dates on which drilling operations were commenced and 25125



completed;	25126
(4) The types of drilling tools used and the name of the person that drilled the well;	25127 25128
(5) The length in feet of the various sizes of casing and tubing used in drilling the well, the amount removed after completion, the type and setting depth of each packer, all other data relating to cementing in the annular space behind such casing or tubing, and data indicating completion as a dry, gas, oil, combination oil and gas, brine injection, or artificial brine well or a stratigraphic test;	25129 25130 25131 25132 25133 25134 25135
(6) The number of perforations in the casing and the intervals of the perforations;	25136 25137
(7) The elevation above mean sea level of the point from which the depth measurements were made, stating also the height of the point above ground level at the well, the total depth of the well, and the deepest geological unit that was penetrated in the drilling of the well;	25138 25139 25140 25141 25142
(8) If applicable, the type, volume, and concentration of acid, and the date on which acid was used in acidizing the well;	25143 25144
(9) If applicable, the type and volume of fluid used to stimulate the reservoir of the well, the reservoir breakdown pressure, the method used for the containment of fluids recovered from the fracturing of the well, the methods used for the containment of fluids when pulled from the wellbore from swabbing the well, the average pumping rate of the well, and the name of the person that performed the well stimulation. In addition, the owner shall include a copy of the log from the stimulation of the well, a copy of the invoice for each of the procedures and methods described in division (A)(9) of this section that were used on a well, and a copy of the pumping pressure and rate graphs. However, the owner may redact from the copy of each invoice that is	25145 25146 25147 25148 25149 25150 25151 25152 25153 25154 25155 25156

required to be included under division (A)(9) of this section the 25157  
costs of and charges for the procedures and methods described in 25158  
division (A)(9) of this section that were used on a well. 25159

(10) The name of the company that performed the logging of 25160  
the well and the types of wireline electric logs performed on the 25161  
well. 25162

The well completion record shall be submitted in duplicate. 25163  
The first copy shall be retained as a permanent record in the 25164  
files of the division, and the second copy shall be transmitted by 25165  
the chief to the division of geological survey. 25166

(B)(1) Not later than sixty days after the completion of the 25167  
drilling operations to the proposed total depth, the owner shall 25168  
file all wireline electric logs with the division of ~~mineral oil~~ 25169  
and gas resources management and the chief shall transmit such 25170  
logs electronically, if available, to the division of geological 25171  
survey. Such logs may be retained by the owner for a period of not 25172  
more than six months, or such additional time as may be granted by 25173  
the chief in writing, after the completion of the well 25174  
substantially to the depth shown in the application required by 25175  
section 1509.06 of the Revised Code. 25176

(2) If a well is not completed within sixty days after the 25177  
completion of drilling operations, the owner shall file with the 25178  
division of oil and gas resources management a supplemental well 25179  
completion record that includes all of the information required 25180  
under this section within sixty days after the completion of the 25181  
well. 25182

(C) Upon request in writing by the chief of the division of 25183  
geological survey prior to the beginning of drilling of the well, 25184  
the person drilling the well shall make available a complete set 25185  
of cuttings accurately identified as to depth. 25186

(D) The form of the well completion record required by this 25187

section shall be one that has been approved by the chief of the 25188  
division of ~~mineral~~ oil and gas resources management and the chief 25189  
of the division of geological survey. The filing of a log as 25190  
required by this section fulfills the requirement of filing a log 25191  
with the chief of the division of geological survey in section 25192  
1505.04 of the Revised Code. 25193

(E) If there is a material listed on the invoice that is 25194  
required by division (A)(9) of this section for which the division 25195  
of ~~mineral~~ oil and gas resources management does not have a 25196  
material safety data sheet, the chief shall obtain a copy of the 25197  
material safety data sheet for the material and post a copy of the 25198  
material safety data sheet on the division's web site. 25199

**Sec. 1509.11.** The owner of any well producing or capable of 25200  
producing oil or gas shall file with the chief of the division of 25201  
~~mineral~~ oil and gas resources management, on or before the 25202  
thirty-first day of March, a statement of production of oil, gas, 25203  
and brine for the last preceding calendar year in such form as the 25204  
chief may prescribe. An owner that has more than one hundred wells 25205  
in this state shall submit electronically the statement of 25206  
production in a format that is approved by the chief. The chief 25207  
shall include on the form, at the minimum, a request for the 25208  
submittal of the information that a person who is regulated under 25209  
this chapter is required to submit under the "Emergency Planning 25210  
and Community Right-To-Know Act of 1986," 100 Stat. 1728, 42 25211  
U.S.C.A. 11001, and regulations adopted under it, and that the 25212  
division does not obtain through other reporting mechanisms. 25213

**Sec. 1509.12.** (A) No owner of any well shall construct a 25214  
well, or permit defective casing in a well to leak fluids or 25215  
gases, that causes damage to other permeable strata, underground 25216  
sources of drinking water, or the surface of the land or that 25217  
threatens the public health and safety or the environment. Upon 25218

the discovery that the casing in a well is defective or that a 25219  
well was not adequately constructed, the owner of the well shall 25220  
notify the chief of the division of ~~mineral~~ oil and gas resources 25221  
management within twenty-four hours of the discovery, and the 25222  
owner shall immediately repair the casing, correct the 25223  
construction inadequacies, or plug and abandon the well. 25224

(B) When the chief finds that a well should be plugged, the 25225  
chief shall notify the owner to that effect by order in writing 25226  
and shall specify in the order a reasonable time within which to 25227  
comply. No owner shall fail or refuse to plug a well within the 25228  
time specified in the order. Each day on which such a well remains 25229  
unplugged thereafter constitutes a separate offense. 25230

Where the plugging method prescribed by rules adopted 25231  
pursuant to section 1509.15 of the Revised Code cannot be applied 25232  
or if applied would be ineffective in carrying out the protection 25233  
that the law is meant to give, the chief may designate a different 25234  
method of plugging. The abandonment report shall show the manner 25235  
in which the well was plugged. 25236

(C) In case of oil or gas wells abandoned prior to September 25237  
1, 1978, the board of county commissioners of the county in which 25238  
the wells are located may submit to the electors of the county the 25239  
question of establishing a special fund, by general levy, by 25240  
general bond issue, or out of current funds, which shall be 25241  
approved by a majority of the electors voting upon that question 25242  
for the purpose of plugging the wells. The fund shall be 25243  
administered by the board and the plugging of oil and gas wells 25244  
shall be under the supervision of the chief, and the board shall 25245  
let contracts for that purpose, provided that the fund shall not 25246  
be used for the purpose of plugging oil and gas wells that were 25247  
abandoned subsequent to September 1, 1978. 25248

**Sec. 1509.13.** (A) No person shall plug and abandon a well 25249

without having a permit to do so issued by the chief of the 25250  
division of ~~mineral~~ oil and gas resources management. The permit 25251  
shall be issued by the chief in accordance with this chapter and 25252  
shall be valid for a period of twenty-four months from the date of 25253  
issue. 25254

(B) Application by the owner for a permit to plug and abandon 25255  
shall be filed as many days in advance as will be necessary for a 25256  
~~mineral~~ an oil and gas resources inspector or, if the well is 25257  
located in a coal bearing township, both a deputy mine inspector 25258  
and a ~~mineral~~ an oil and gas resources inspector to be present at 25259  
the plugging. The application shall be filed with the chief upon a 25260  
form that the chief prescribes and shall contain the following 25261  
information: 25262

(1) The name and address of the owner; 25263

(2) The signature of the owner or the owner's authorized 25264  
agent. When an authorized agent signs an application, it shall be 25265  
accompanied by a certified copy of the appointment as that agent. 25266

(3) The location of the well identified by section or lot 25267  
number, city, village, township, and county; 25268

(4) Designation of well by name and number; 25269

(5) The total depth of the well to be plugged; 25270

(6) The date and amount of last production from the well; 25271

(7) Other data that the chief may require. 25272

(C) If oil or gas has been produced from the well, the 25273  
application shall be accompanied by a fee of two hundred fifty 25274  
dollars. If a well has been drilled in accordance with law and the 25275  
permit is still valid, the permit holder may receive approval to 25276  
plug the well from a ~~mineral~~ an oil and gas resources inspector so 25277  
that the well can be plugged and abandoned without undue delay. 25278  
Unless waived by a ~~mineral~~ an oil and gas resources inspector, the 25279

owner of a well or the owner's authorized representative shall 25280  
notify ~~a mineral~~ an oil and gas resources inspector at least 25281  
twenty-four hours prior to the commencement of the plugging of a 25282  
well. No well shall be plugged and abandoned without ~~a mineral~~ an 25283  
oil and gas resources inspector present unless permission has been 25284  
granted by the chief. The owner of a well that has produced oil or 25285  
gas shall give written notice at the same time to the owner of the 25286  
land upon which the well is located and to all lessors that 25287  
receive gas from the well pursuant to a lease agreement. If the 25288  
well penetrates or passes within one hundred feet of the 25289  
excavations and workings of a mine, the owner of the well shall 25290  
give written notice to the owner or lessee of that mine, of the 25291  
well owner's intention to abandon the well and of the time when 25292  
the well owner will be prepared to commence plugging it. 25293

(D) An applicant may file a request with the chief for 25294  
expedited review of an application for a permit to plug and 25295  
abandon a well. The chief may refuse to accept a request for 25296  
expedited review if, in the chief's judgment, acceptance of the 25297  
request will prevent the issuance, within twenty-one days of 25298  
filing, of permits for which applications filed under section 25299  
1509.06 of the Revised Code are pending. In addition to a complete 25300  
application for a permit that meets the requirements of this 25301  
section and the permit fee prescribed by this section, if 25302  
applicable, a request shall be accompanied by a nonrefundable 25303  
filing fee of five hundred dollars unless the chief has ordered 25304  
the applicant to plug and abandon the well. When a request for 25305  
expedited review is filed, the chief shall immediately begin to 25306  
process the application and shall issue a permit within seven days 25307  
of the filing of the request unless the chief, by order, denies 25308  
the application. 25309

(E) This section does not apply to a well plugged or 25310  
abandoned in compliance with section 1571.05 of the Revised Code. 25311

**Sec. 1509.14.** Any person who abandons a well, when written permission has been granted by the chief of the division of ~~mineral oil and gas~~ resources management to abandon and plug the well without an inspector being present to supervise the plugging, shall make a written report of the abandonment to the chief. The report shall be submitted not later than thirty days after the date of abandonment and shall include all of the following:

- (A) The date of abandonment;
- (B) The name of the owner or operator of the well at the time of abandonment and the post-office address of the owner or operator;
- (C) The location of the well as to township and county and the name of the owner of the surface upon which the well is drilled, with the address thereof;
- (D) The date of the permit to drill;
- (E) The date when drilled;
- (F) The depth of the well;
- (G) The depth of the top of the formation to which the well was drilled;
- (H) The depth of each seam of coal drilled through, if known;
- (I) A detailed report as to how the well was plugged, giving in particular the manner in which the coal and various formations were plugged, and the date of the plugging of the well, including the names of those who witnessed the plugging of the well.

The report shall be signed by the owner or operator, or the agent of the owner or operator, who abandons and plugs the well and verified by the oath of the party so signing. For the purposes of this section, the ~~mineral oil and gas~~ resources inspectors may take acknowledgments and administer oaths to the parties signing

the report. 25341

**Sec. 1509.15.** When any well is to be abandoned, it shall 25342  
first be plugged in accordance with a method of plugging adopted 25343  
by rule by the chief of the division of ~~mineral oil and gas~~ 25344  
resources management. The abandonment report shall show the manner 25345  
in which the well was plugged. 25346

**Sec. 1509.17.** (A) A well shall be constructed in a manner 25347  
that is approved by the chief of the division of ~~mineral oil and~~ 25348  
~~gas~~ resources management as specified in the permit using 25349  
materials that comply with industry standards for the type and 25350  
depth of the well and the anticipated fluid pressures that are 25351  
associated with the well. In addition, a well shall be constructed 25352  
using sufficient steel or conductor casing in a manner that 25353  
supports unconsolidated sediments, that protects and isolates all 25354  
underground sources of drinking water as defined by the Safe 25355  
Drinking Water Act, and that provides a base for a blowout 25356  
preventer or other well control equipment that is necessary to 25357  
control formation pressures and fluids during the drilling of the 25358  
well and other operations to complete the well. Using steel 25359  
production casing with sufficient cement, an oil and gas reservoir 25360  
shall be isolated during well stimulation and during the 25361  
productive life of the well. In addition, sour gas zones and gas 25362  
bearing zones that have sufficient pressure and volume to 25363  
over-pressurize the surface production casing annulus resulting in 25364  
annular overpressurization shall be isolated using approved 25365  
cementing, casing, and well construction practices. However, 25366  
isolating an oil and gas reservoir shall not exclude open-hole 25367  
completion. A well shall not be perforated for purposes of well 25368  
stimulation in any zone that is located around casing that 25369  
protects underground sources of drinking water without written 25370  
authorization from the chief in accordance with division (D) of 25371



this section. When the well penetrates the excavations of a mine, 25372  
the casing shall remain intact as provided in section 1509.18 of 25373  
the Revised Code and be plugged and abandoned in accordance with 25374  
section 1509.15 of the Revised Code. 25375

(B) The chief may adopt rules in accordance with Chapter 119. 25376  
of the Revised Code that are consistent with division (A) of this 25377  
section and that establish standards for constructing a well, for 25378  
evaluating the quality of well construction materials, and for 25379  
completing remedial cementing. In addition, the standards 25380  
established in the rules shall consider local geology and various 25381  
drilling conditions and shall require the use of reasonable 25382  
methods that are based on sound engineering principles. 25383

(C) An owner or an owner's authorized representative shall 25384  
notify ~~a mineral~~ an oil and gas resources inspector each time that 25385  
the owner or the authorized representative notifies a person to 25386  
perform the cementing of the conductor casing, the surface casing, 25387  
or the production casing. In addition, not later than sixty days 25388  
after the completion of the cementing of the production casing, an 25389  
owner shall submit to the chief a copy of the cement tickets for 25390  
each cemented string of casing and a copy of all logs that were 25391  
used to evaluate the quality of the cementing. 25392

(D) The chief shall grant an exemption from this section and 25393  
rules adopted under it for a well if the chief determines that a 25394  
cement bond log confirms zonal isolation and there is a minimum of 25395  
five hundred feet between the uppermost perforation of the casing 25396  
and the lowest depth of an underground source of drinking water. 25397

**Sec. 1509.181.** (A) The chief of the division of mineral 25398  
resources management may order the immediate suspension of the 25399  
drilling or reopening of a well in a coal bearing township after 25400  
determining that the drilling or reopening activities present an 25401  
imminent and substantial threat to public health or safety or to a 25402

miner's health or safety. 25403

(B) Before issuing an order under division (A) of this 25404  
section, the chief shall notify the chief of the division of oil 25405  
and gas resources management and the owner in any manner that the 25406  
chief of the division of mineral resources management determines 25407  
would provide reasonable notification of the chief's intent to 25408  
issue a suspension order. However, the chief may order the 25409  
immediate suspension of the drilling or reopening of a well in a 25410  
coal bearing township without prior notification to the owner if 25411  
the chief has made reasonable attempts to notify the owner and the 25412  
attempts have failed. If the chief orders the immediate suspension 25413  
of such drilling or reopening, the chief shall provide the chief 25414  
of the division of oil and gas resources management and the owner 25415  
notice of the order as soon as practical. 25416

(C) Not later than five days after the issuance of an order 25417  
under division (A) of this section to immediately suspend the 25418  
drilling or reopening of a well in a coal bearing township, the 25419  
chief of the division of mineral resources management shall 25420  
provide the owner an opportunity to be heard and to present 25421  
evidence that the drilling or reopening activities will not likely 25422  
result in an imminent and substantial threat to public health or 25423  
safety or to a miner's health or safety, as applicable. If the 25424  
chief, after considering all evidence presented by the owner, 25425  
determines that the activities do not present such a threat, the 25426  
chief shall revoke the suspension order. 25427

(D) Notwithstanding any other provision of this chapter, an 25428  
owner may appeal a suspension order issued under this section to 25429  
the reclamation commission in accordance with section 1513.13 of 25430  
the Revised Code. 25431

**Sec. 1509.19.** An owner who elects to stimulate a well shall 25432

stimulate the well in a manner that will not endanger underground 25433  
sources of drinking water. Not later than twenty-four hours before 25434  
commencing the stimulation of a well, the owner or the owner's 25435  
authorized representative shall notify a ~~mineral~~ an oil and gas 25436  
resources inspector. If during the stimulation of a well damage to 25437  
the production casing or cement occurs and results in the 25438  
circulation of fluids from the annulus of the surface production 25439  
casing, the owner shall immediately terminate the stimulation of 25440  
the well and notify the chief of the division of ~~mineral~~ oil and 25441  
gas resources management. If the chief determines that the casing 25442  
and the cement may be remediated in a manner that isolates the oil 25443  
and gas bearing zones of the well, the chief may authorize the 25444  
completion of the stimulation of the well. If the chief determines 25445  
that the stimulation of a well resulted in irreparable damage to 25446  
the well, the chief shall order that the well be plugged and 25447  
abandoned within thirty days of the issuance of the order. 25448

For purposes of determining the integrity of the remediation 25449  
of the casing or cement of a well that was damaged during the 25450  
stimulation of the well, the chief may require the owner of the 25451  
well to submit cement evaluation logs, temperature surveys, 25452  
pressure tests, or a combination of such logs, surveys, and tests. 25453

**Sec. 1509.21.** No person shall, without first having obtained 25454  
a permit from the chief of the division of ~~mineral~~ oil and gas 25455  
resources management, conduct secondary or additional recovery 25456  
operations, including any underground injection of fluids or 25457  
carbon dioxide for the secondary or tertiary recovery of oil or 25458  
natural gas or for the storage of hydrocarbons that are liquid at 25459  
standard temperature or pressure, unless a rule of the chief 25460  
expressly authorizes such operations without a permit. The permit 25461  
shall be in addition to any permit required by section 1509.05 of 25462  
the Revised Code. Secondary or additional recovery operations 25463  
shall be conducted in accordance with rules and orders of the 25464

chief and any terms or conditions of the permit authorizing such 25465  
operations. In addition, the chief may authorize tests to evaluate 25466  
whether fluids or carbon dioxide may be injected in a reservoir 25467  
and to determine the maximum allowable injection pressure. The 25468  
tests shall be conducted in accordance with methods prescribed in 25469  
rules of the chief or conditions of the permit. Rules adopted 25470  
under this section shall include provisions regarding applications 25471  
for and the issuance of permits; the terms and conditions of 25472  
permits; entry to conduct inspections and to examine records to 25473  
ascertain compliance with this section and rules, orders, and 25474  
terms and conditions of permits adopted or issued thereunder; the 25475  
provision and maintenance of information through monitoring, 25476  
recordkeeping, and reporting; and other provisions in furtherance 25477  
of the goals of this section and the Safe Drinking Water Act. To 25478  
implement the goals of the Safe Drinking Water Act, the chief 25479  
shall not issue a permit for the underground injection of fluids 25480  
for the secondary or tertiary recovery of oil or natural gas or 25481  
for the storage of hydrocarbons that are liquid at standard 25482  
temperature and pressure, unless the chief concludes that the 25483  
applicant has demonstrated that the injection will not result in 25484  
the presence of any contaminant in underground water that supplies 25485  
or can be reasonably expected to supply any public water system, 25486  
such that the presence of any such contaminant may result in the 25487  
system's not complying with any national primary drinking water 25488  
regulation or may otherwise adversely affect the health of 25489  
persons. Rules, orders, and terms or conditions of permits adopted 25490  
or issued under this section shall be construed to be no more 25491  
stringent than required for compliance with the Safe Drinking 25492  
Water Act, unless essential to ensure that underground sources of 25493  
drinking water will not be endangered. 25494

**Sec. 1509.22.** (A) Except when acting in accordance with 25495  
section 1509.226 of the Revised Code, no person shall place or 25496

cause to be placed brine, crude oil, natural gas, or other fluids 25497  
associated with the exploration or development of oil and gas 25498  
resources in surface or ground water or in or on the land in such 25499  
quantities or in such manner as actually causes or could 25500  
reasonably be anticipated to cause either of the following: 25501

(1) Water used for consumption by humans or domestic animals 25502  
to exceed the standards of the Safe Drinking Water Act; 25503

(2) Damage or injury to public health or safety or the 25504  
environment. 25505

(B) No person shall store or dispose of brine in violation of 25506  
a plan approved under division (A) of section 1509.222 or section 25507  
1509.226 of the Revised Code, in violation of a resolution 25508  
submitted under section 1509.226 of the Revised Code, or in 25509  
violation of rules or orders applicable to those plans or 25510  
resolutions. 25511

(C) The chief of the division of ~~mineral oil and gas~~ 25512  
resources management shall adopt rules and issue orders regarding 25513  
storage and disposal of brine and other waste substances; however, 25514  
the storage and disposal of brine and other waste substances and 25515  
the chief's rules relating to storage and disposal are subject to 25516  
all of the following standards: 25517

(1) Brine from any well except an exempt Mississippian well 25518  
shall be disposed of only by injection into an underground 25519  
formation, including annular disposal if approved by rule of the 25520  
chief, which injection shall be subject to division (D) of this 25521  
section; by surface application in accordance with section 25522  
1509.226 of the Revised Code; in association with a method of 25523  
enhanced recovery as provided in section 1509.21 of the Revised 25524  
Code; or by other methods approved by the chief for testing or 25525  
implementing a new technology or method of disposal. Brine from 25526  
exempt Mississippian wells shall not be discharged directly into 25527

the waters of the state. 25528

(2) Muds, cuttings, and other waste substances shall not be 25529  
disposed of in violation of any rule. 25530

(3) Pits or steel tanks shall be used as authorized by the 25531  
chief for containing brine and other waste substances resulting 25532  
from, obtained from, or produced in connection with drilling, well 25533  
stimulation, reworking, reconditioning, plugging back, or plugging 25534  
operations. The pits and steel tanks shall be constructed and 25535  
maintained to prevent the escape of brine and other waste 25536  
substances. 25537

(4) A dike or pit may be used for spill prevention and 25538  
control. A dike or pit so used shall be constructed and maintained 25539  
to prevent the escape of brine and crude oil, and the reservoir 25540  
within such a dike or pit shall be kept reasonably free of brine, 25541  
crude oil, and other waste substances. 25542

(5) Earthen impoundments constructed pursuant to the 25543  
division's specifications may be used for the temporary storage of 25544  
fluids used in the stimulation of a well. 25545

(6) No pit, earthen impoundment, or dike shall be used for 25546  
the temporary storage of brine or other substances except in 25547  
accordance with divisions (C)(3) to (5) of this section. 25548

(7) No pit or dike shall be used for the ultimate disposal of 25549  
brine or other liquid waste substances. 25550

(D) No person, without first having obtained a permit from 25551  
the chief, shall inject brine or other waste substances resulting 25552  
from, obtained from, or produced in connection with oil or gas 25553  
drilling, exploration, or production into an underground formation 25554  
unless a rule of the chief expressly authorizes the injection 25555  
without a permit. The permit shall be in addition to any permit 25556  
required by section 1509.05 of the Revised Code, and the permit 25557  
application shall be accompanied by a permit fee of one thousand 25558

dollars. The chief shall adopt rules in accordance with Chapter 25559  
119. of the Revised Code regarding the injection into wells of 25560  
brine and other waste substances resulting from, obtained from, or 25561  
produced in connection with oil or gas drilling, exploration, or 25562  
production. The rules may authorize tests to evaluate whether 25563  
fluids or carbon dioxide may be injected in a reservoir and to 25564  
determine the maximum allowable injection pressure, which shall be 25565  
conducted in accordance with methods prescribed in the rules or in 25566  
accordance with conditions of the permit. In addition, the rules 25567  
shall include provisions regarding applications for and issuance 25568  
of the permits required by this division; entry to conduct 25569  
inspections and to examine and copy records to ascertain 25570  
compliance with this division and rules, orders, and terms and 25571  
conditions of permits adopted or issued under it; the provision 25572  
and maintenance of information through monitoring, recordkeeping, 25573  
and reporting; and other provisions in furtherance of the goals of 25574  
this section and the Safe Drinking Water Act. To implement the 25575  
goals of the Safe Drinking Water Act, the chief shall not issue a 25576  
permit for the injection of brine or other waste substances 25577  
resulting from, obtained from, or produced in connection with oil 25578  
or gas drilling, exploration, or production unless the chief 25579  
concludes that the applicant has demonstrated that the injection 25580  
will not result in the presence of any contaminant in ground water 25581  
that supplies or can reasonably be expected to supply any public 25582  
water system, such that the presence of the contaminant may result 25583  
in the system's not complying with any national primary drinking 25584  
water regulation or may otherwise adversely affect the health of 25585  
persons. This division and rules, orders, and terms and conditions 25586  
of permits adopted or issued under it shall be construed to be no 25587  
more stringent than required for compliance with the Safe Drinking 25588  
Water Act unless essential to ensure that underground sources of 25589  
drinking water will not be endangered. 25590

(E) The owner holding a permit, or an assignee or transferee 25591

who has assumed the obligations and liabilities imposed by this 25592  
chapter and any rules adopted or orders issued under it pursuant 25593  
to section 1509.31 of the Revised Code, and the operator of a well 25594  
shall be liable for a violation of this section or any rules 25595  
adopted or orders or terms or conditions of a permit issued under 25596  
it. 25597

(F) An owner shall replace the water supply of the holder of 25598  
an interest in real property who obtains all or part of the 25599  
holder's supply of water for domestic, agricultural, industrial, 25600  
or other legitimate use from an underground or surface source 25601  
where the supply has been substantially disrupted by 25602  
contamination, diminution, or interruption proximately resulting 25603  
from the owner's oil or gas operation, or the owner may elect to 25604  
compensate the holder of the interest in real property for the 25605  
difference between the fair market value of the interest before 25606  
the damage occurred to the water supply and the fair market value 25607  
after the damage occurred if the cost of replacing the water 25608  
supply exceeds this difference in fair market values. However, 25609  
during the pendency of any order issued under this division, the 25610  
owner shall obtain for the holder or shall reimburse the holder 25611  
for the reasonable cost of obtaining a water supply from the time 25612  
of the contamination, diminution, or interruption by the operation 25613  
until the owner has complied with an order of the chief for 25614  
compliance with this division or such an order has been revoked or 25615  
otherwise becomes not effective. If the owner elects to pay the 25616  
difference in fair market values, but the owner and the holder 25617  
have not agreed on the difference within thirty days after the 25618  
chief issues an order for compliance with this division, within 25619  
ten days after the expiration of that thirty-day period, the owner 25620  
and the chief each shall appoint an appraiser to determine the 25621  
difference in fair market values, except that the holder of the 25622  
interest in real property may elect to appoint and compensate the 25623  
holder's own appraiser, in which case the chief shall not appoint 25624



an appraiser. The two appraisers appointed shall appoint a third 25625  
appraiser, and within thirty days after the appointment of the 25626  
third appraiser, the three appraisers shall hold a hearing to 25627  
determine the difference in fair market values. Within ten days 25628  
after the hearing, the appraisers shall make their determination 25629  
by majority vote and issue their final determination of the 25630  
difference in fair market values. The chief shall accept a 25631  
determination of the difference in fair market values made by 25632  
agreement of the owner and holder or by appraisers under this 25633  
division and shall make and dissolve orders accordingly. This 25634  
division does not affect in any way the right of any person to 25635  
enforce or protect, under applicable law, the person's interest in 25636  
water resources affected by an oil or gas operation. 25637

(G) In any action brought by the state for a violation of 25638  
division (A) of this section involving any well at which annular 25639  
disposal is used, there shall be a rebuttable presumption 25640  
available to the state that the annular disposal caused the 25641  
violation if the well is located within a one-quarter-mile radius 25642  
of the site of the violation. 25643

**Sec. 1509.221.** (A) No person, without first having obtained a 25644  
permit from the chief of the division of ~~mineral oil and gas~~ 25645  
resources management, shall drill a well or inject a substance 25646  
into a well for the exploration for or extraction of minerals or 25647  
energy, other than oil or natural gas, including, but not limited 25648  
to, the mining of sulfur by the Frasch process, the solution 25649  
mining of minerals, the in situ combustion of fossil fuel, or the 25650  
recovery of geothermal energy to produce electric power, unless a 25651  
rule of the chief expressly authorizes the activity without a 25652  
permit. The permit shall be in addition to any permit required by 25653  
section 1509.05 of the Revised Code. The chief shall adopt rules 25654  
in accordance with Chapter 119. of the Revised Code governing the 25655  
issuance of permits under this section. The rules shall include 25656

provisions regarding the matters the applicant for a permit shall 25657  
demonstrate to establish eligibility for a permit; the form and 25658  
content of applications for permits; the terms and conditions of 25659  
permits; entry to conduct inspections and to examine and copy 25660  
records to ascertain compliance with this section and rules, 25661  
orders, and terms and conditions of permits adopted or issued 25662  
thereunder; provision and maintenance of information through 25663  
monitoring, recordkeeping, and reporting; and other provisions in 25664  
furtherance of the goals of this section and the Safe Drinking 25665  
Water Act. To implement the goals of the Safe Drinking Water Act, 25666  
the chief shall not issue a permit under this section, unless the 25667  
chief concludes that the applicant has demonstrated that the 25668  
drilling, injection of a substance, and extraction of minerals or 25669  
energy will not result in the presence of any contaminant in 25670  
underground water that supplies or can reasonably be expected to 25671  
supply any public water system, such that the presence of the 25672  
contaminant may result in the system's not complying with any 25673  
national primary drinking water regulation or may otherwise 25674  
adversely affect the health of persons. The chief may issue, 25675  
without a prior adjudication hearing, orders requiring compliance 25676  
with this section and rules, orders, and terms and conditions of 25677  
permits adopted or issued thereunder. This section and rules, 25678  
orders, and terms and conditions of permits adopted or issued 25679  
thereunder shall be construed to be no more stringent than 25680  
required for compliance with the Safe Drinking Water Act, unless 25681  
essential to ensure that underground sources of drinking water 25682  
will not be endangered. 25683

(B)(1) There is levied on the owner of an injection well who 25684  
has been issued a permit under division (D) of section 1509.22 of 25685  
the Revised Code the following fees: 25686

(a) Five cents per barrel of each substance that is delivered 25687  
to a well to be injected in the well when the substance is 25688

produced within the division of ~~mineral~~ oil and gas resources 25689  
management regulatory district in which the well is located or 25690  
within an adjoining ~~mineral~~ oil and gas resources management 25691  
regulatory district; 25692

(b) Twenty cents per barrel of each substance that is 25693  
delivered to a well to be injected in the well when the substance 25694  
is not produced within the division of ~~mineral~~ oil and gas 25695  
resources management regulatory district in which the well is 25696  
located or within an adjoining ~~mineral~~ oil and gas resources 25697  
management regulatory district. 25698

(2) The maximum number of barrels of substance per injection 25699  
well in a calendar year on which a fee may be levied under 25700  
division (B) of this section is five hundred thousand. If in a 25701  
calendar year the owner of an injection well receives more than 25702  
five hundred thousand barrels of substance to be injected in the 25703  
owner's well and if the owner receives at least one substance that 25704  
is produced within the division's regulatory district in which the 25705  
well is located or within an adjoining regulatory district and at 25706  
least one substance that is not produced within the division's 25707  
regulatory district in which the well is located or within an 25708  
adjoining regulatory district, the fee shall be calculated first 25709  
on all of the barrels of substance that are not produced within 25710  
the division's regulatory district in which the well is located or 25711  
within an adjoining district at the rate established in division 25712  
(B)(2) of this section. The fee then shall be calculated on the 25713  
barrels of substance that are produced within the division's 25714  
regulatory district in which the well is located or within an 25715  
adjoining district at the rate established in division (B)(1) of 25716  
this section until the maximum number of barrels established in 25717  
division (B)(2) of this section has been attained. 25718

(3) The owner of an injection well who is issued a permit 25719  
under division (D) of section 1509.22 of the Revised Code shall 25720

collect the fee levied by division (B) of this section on behalf 25721  
of the division of ~~mineral oil and gas~~ resources management and 25722  
forward the fee to the division. The chief shall transmit all 25723  
money received under division (B) of this section to the treasurer 25724  
of state who shall deposit the money in the state treasury to the 25725  
credit of the oil and gas well fund created in section 1509.02 of 25726  
the Revised Code. The owner of an injection well who collects the 25727  
fee levied by this division may retain up to three per cent of the 25728  
amount that is collected. 25729

(4) The chief shall adopt rules in accordance with Chapter 25730  
119. of the Revised Code establishing requirements and procedures 25731  
for collection of the fee levied by division (B) of this section. 25732

(C) In an action under section 1509.04 or 1509.33 of the 25733  
Revised Code to enforce this section, the court shall grant 25734  
preliminary and permanent injunctive relief and impose a civil 25735  
penalty upon the showing that the person against whom the action 25736  
is brought has violated, is violating, or will violate this 25737  
section or rules, orders, or terms or conditions of permits 25738  
adopted or issued thereunder. The court shall not require, prior 25739  
to granting such preliminary and permanent injunctive relief or 25740  
imposing a civil penalty, proof that the violation was, is, or 25741  
will be the result of intentional conduct or negligence. In any 25742  
such action, any person may intervene as a plaintiff upon the 25743  
demonstration that the person has an interest that is or may be 25744  
adversely affected by the activity for which injunctive relief or 25745  
a civil penalty is sought. 25746

**Sec. 1509.222.** (A)(1) Except as provided in section 1509.226 25747  
of the Revised Code, no person shall transport brine by vehicle in 25748  
this state unless the business entity that employs the person 25749  
first registers with and obtains a registration certificate and 25750  
identification number from the chief of the division of ~~mineral~~ 25751

oil and gas resources management. 25752

(2) No more than one registration certificate shall be 25753  
required of any business entity. Registration certificates issued 25754  
under this section are not transferable. An applicant shall file 25755  
an application with the chief, containing such information in such 25756  
form as the chief prescribes, but including a plan for disposal 25757  
that provides for compliance with the requirements of this chapter 25758  
and rules of the chief pertaining to the transportation of brine 25759  
by vehicle and the disposal of brine so transported and that lists 25760  
all disposal sites that the applicant intends to use, the bond 25761  
required by section 1509.225 of the Revised Code, and a 25762  
certificate issued by an insurance company authorized to do 25763  
business in this state certifying that the applicant has in force 25764  
a liability insurance policy in an amount not less than three 25765  
hundred thousand dollars bodily injury coverage and three hundred 25766  
thousand dollars property damage coverage to pay damages for 25767  
injury to persons or property caused by the collecting, handling, 25768  
transportation, or disposal of brine. The policy shall be 25769  
maintained in effect during the term of the registration 25770  
certificate. The policy or policies providing the coverage shall 25771  
require the insurance company to give notice to the chief if the 25772  
policy or policies lapse for any reason. Upon such termination of 25773  
the policy, the chief may suspend the registration certificate 25774  
until proper insurance coverage is obtained. Each application for 25775  
a registration certificate shall be accompanied by a nonrefundable 25776  
fee of five hundred dollars. 25777

(3) If a business entity that has been issued a registration 25778  
certificate under this section changes its name due to a business 25779  
reorganization or merger, the business entity shall revise the 25780  
bond or certificates of deposit required by section 1509.225 of 25781  
the Revised Code and obtain a new certificate from an insurance 25782  
company in accordance with division (A)(2) of this section to 25783

reflect the change in the name of the business entity. 25784

(B) The chief shall issue an order denying an application for 25785  
a registration certificate if the chief finds that either of the 25786  
following applies: 25787

(1) The applicant, at the time of applying for the 25788  
registration certificate, has been found liable by a final 25789  
nonappealable order of a court of competent jurisdiction for 25790  
damage to streets, roads, highways, bridges, culverts, or 25791  
drainways pursuant to section 4513.34 or 5577.12 of the Revised 25792  
Code until the applicant provides the chief with evidence of 25793  
compliance with the order. 25794

(2) The applicant's plan for disposal does not provide for 25795  
compliance with the requirements of this chapter and rules of the 25796  
chief pertaining to the transportation of brine by vehicle and the 25797  
disposal of brine so transported. 25798

(C) No applicant shall attempt to circumvent division (B) of 25799  
this section by applying for a registration certificate under a 25800  
different name or business organization name, by transferring 25801  
responsibility to another person or entity, or by any similar act. 25802

(D) A registered transporter shall apply to revise a disposal 25803  
plan under procedures that the chief shall prescribe by rule. 25804  
However, at a minimum, an application for a revision shall list 25805  
all sources and disposal sites of brine currently transported. The 25806  
chief shall deny any application for a revision of a plan under 25807  
this division if the chief finds that the proposed revised plan 25808  
does not provide for compliance with the requirements of this 25809  
chapter and rules of the chief pertaining to the transportation of 25810  
brine by vehicle and the disposal of brine so transported. 25811  
Approvals and denials of revisions shall be by order of the chief. 25812

(E) The chief may adopt rules, issue orders, and attach terms 25813  
and conditions to registration certificates as may be necessary to 25814

administer, implement, and enforce sections 1509.222 to 1509.226 25815  
of the Revised Code for protection of public health or safety or 25816  
conservation of natural resources. 25817

**Sec. 1509.223.** (A) No permit holder or owner of a well shall 25818  
enter into an agreement with or permit any person to transport 25819  
brine produced from the well who is not registered pursuant to 25820  
section 1509.222 of the Revised Code or exempt from registration 25821  
under section 1509.226 of the Revised Code. 25822

(B) Each registered transporter shall file with the chief of 25823  
the division of ~~mineral~~ oil and gas resources management, on or 25824  
before the fifteenth day of April, a statement concerning brine 25825  
transported, including quantities transported and source and 25826  
delivery points, during the last preceding calendar year, and such 25827  
other information in such form as the chief may prescribe. 25828

(C) Each registered transporter shall keep on each vehicle 25829  
used to transport brine a daily log and have it available upon the 25830  
request of the chief or an authorized representative of the chief 25831  
or a peace officer. The log shall, at a minimum, include all of 25832  
the following information: 25833

(1) The name of the owner or owners of the well or wells 25834  
producing the brine to be transported; 25835

(2) The date and time the brine is loaded; 25836

(3) The name of the driver; 25837

(4) The amount of brine loaded at each collection point; 25838

(5) The disposal location; 25839

(6) The date and time the brine is disposed of and the amount 25840  
of brine disposed of at each location. 25841

No registered transporter shall falsify or fail to keep or 25842  
submit the log required by this division. 25843

(D) Each registered transporter shall legibly identify with reflective paints all vehicles employed in transporting or disposing of brine. Letters shall be no less than four inches in height and shall indicate the identification number issued by the chief, the word "brine," and the name and telephone number of the transporter.

(E) The chief shall maintain and keep a current list of persons registered to transport brine under section 1509.222 of the Revised Code. The list shall be open to public inspection. It is an affirmative defense to a charge under division (A) of this section that at the time the permit holder or owner of a well entered into an agreement with or permitted a person to transport brine, the person was shown on the list as currently registered to transport brine.

**Sec. 1509.224.** (A) In addition to any other remedies provided in this chapter, if the chief of the division of mineral oil and gas resources management has reason to believe that a pattern of the same or similar violations of any requirements of ~~sections~~ section 1509.22, 1509.222, or 1509.223 of the Revised Code, or any rule adopted thereunder or term or condition of the registration certificate issued thereunder exists or has existed, and the violations are caused by the transporter's indifference, lack of diligence, or lack of reasonable care, or are willfully caused by the transporter, the chief shall immediately issue an order to the transporter to show cause why the certificate should not be suspended or revoked. After the issuance of the order, the chief shall provide the transporter an opportunity to be heard and to present evidence at an informal hearing conducted by the chief. If, at the conclusion of the hearing, the chief finds that such a pattern of violations exists or has existed, the chief shall issue an order suspending or revoking the transporter's registration certificate. An order suspending or revoking a certificate under



this section may be appealed under sections 1509.36 and 1509.37 of 25876  
the Revised Code, or notwithstanding any other provision of this 25877  
chapter, may be appealed directly to the court of common pleas of 25878  
Franklin county. 25879

(B) Before issuing an order denying a registration 25880  
certificate; approving or denying approval of an application for 25881  
revision of a registered transporter's plan for disposal; or to 25882  
implement, administer, or enforce section 1509.22, 1509.222, 25883  
1509.223, 1509.225, or 1509.226 of the Revised Code and rules and 25884  
terms and conditions of registration certificates adopted or 25885  
issued thereunder pertaining to the transportation of brine by 25886  
vehicle and the disposal of brine so transported, the chief shall 25887  
issue a preliminary order indicating the chief's intent to issue a 25888  
final order. The preliminary order shall clearly state the nature 25889  
of the chief's proposed action and the findings on which it is 25890  
based and shall state that the preliminary order becomes a final 25891  
order thirty days after its issuance unless the person to whom the 25892  
preliminary order is directed submits to the chief a written 25893  
request for an informal hearing before the chief within that 25894  
thirty-day period. At the hearing the person may present evidence 25895  
as to why the preliminary order should be revoked or modified. 25896  
Based upon the findings from the informal hearing, the chief shall 25897  
revoke, issue, or modify and issue the preliminary order as a 25898  
final order. A final order may be appealed under sections 1509.36 25899  
and 1509.37 of the Revised Code. 25900

**Sec. 1509.225.** (A) Before being issued a registration 25901  
certificate under section 1509.222 of the Revised Code, an 25902  
applicant shall execute and file with the division of ~~mineral oil~~ 25903  
and gas resources management a surety bond for fifteen thousand 25904  
dollars to provide compensation for damage and injury resulting 25905  
from transporters' violations of sections 1509.22, 1509.222, and 25906  
1509.223 of the Revised Code, all rules and orders of the chief of 25907

the division of ~~mineral resource~~ oil and gas resources management 25908  
relating thereto, and all terms and conditions of the registration 25909  
certificate imposed thereunder. The applicant may deposit with the 25910  
chief, in lieu of a surety bond, cash in an amount equal to the 25911  
surety bond as prescribed in this section, or negotiable 25912  
certificates of deposit issued by any bank organized or 25913  
transacting business in this state, or certificates of deposit 25914  
issued by any building and loan association as defined in section 25915  
1151.01 of the Revised Code, having a cash value equal to or 25916  
greater than the amount of the surety bond as prescribed in this 25917  
section. Cash or certificates of deposit shall be deposited upon 25918  
the same terms as those upon which surety bonds may be deposited. 25919  
If certificates of deposit are deposited with the chief in lieu of 25920  
a surety bond, the chief shall require the bank or building and 25921  
loan association that issued any such certificate to pledge 25922  
securities of a cash value equal to the amount of the certificate 25923  
that is in excess of the amount insured by any of the agencies and 25924  
instrumentalities created under the "Federal Deposit Insurance 25925  
Act," 64 Stat. 873 (1950), 12 U.S.C. 1811, as amended, and 25926  
regulations adopted under it, including at least the federal 25927  
deposit insurance corporation, bank insurance fund, and savings 25928  
association insurance fund. 25929

Such securities shall be security for the repayment of the 25930  
certificate of deposit. Immediately upon a deposit of cash or 25931  
certificates with the chief, the chief shall deliver it to the 25932  
treasurer of state who shall hold it in trust for the purposes for 25933  
which it has been deposited. 25934

(B) The surety bond provided for in this section shall be 25935  
executed by a surety company authorized to do business in this 25936  
state. The chief shall not approve any bond until it is personally 25937  
signed and acknowledged by both principal and surety, or as to 25938  
either by an attorney in fact, with a certified copy of the power 25939

of attorney attached thereto. The chief shall not approve the bond 25940  
unless there is attached a certificate of the superintendent of 25941  
insurance that the company is authorized to transact a fidelity 25942  
and surety business in this state. All bonds shall be given in a 25943  
form to be prescribed by the chief. 25944

(C) If a registered transporter is found liable for a 25945  
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 25946  
Code or a rule, order, or term or condition of a certificate 25947  
involving, in any case, damage or injury to persons or property, 25948  
or both, the court may order the forfeiture of any portion of the 25949  
bond, cash, or other securities required by this section in full 25950  
or partial payment of damages to the person to whom the damages 25951  
are due. The treasurer of state and the chief shall deliver the 25952  
bond or any cash or other securities deposited in lieu of bond, as 25953  
specified in the court's order, to the person to whom the damages 25954  
are due; however, execution against the bond, cash, or other 25955  
securities, if necessary, is the responsibility of the person to 25956  
whom the damages are due. The chief shall not release the bond, 25957  
cash, or securities required by this section except by court order 25958  
or until the registration is terminated. 25959

**Sec. 1509.226.** (A) If a board of county commissioners, a 25960  
board of township trustees, or the legislative authority of a 25961  
municipal corporation wishes to permit the surface application of 25962  
brine to roads, streets, highways, and other similar land surfaces 25963  
it owns or has the right to control for control of dust or ice, it 25964  
may adopt a resolution permitting such application as provided in 25965  
this section. If a board or legislative authority does not adopt 25966  
such a resolution, then no such surface application of brine is 25967  
permitted on such roads, streets, highways, and other similar 25968  
surfaces. If a board or legislative authority votes on a proposed 25969  
resolution to permit such surface application of brine, but the 25970  
resolution fails to receive the affirmative vote of a majority of 25971

the board or legislative authority, the board or legislative 25972  
authority shall not adopt such a resolution for one year following 25973  
the date on which the vote was taken. A board or legislative 25974  
authority shall hold at least one public hearing on any proposal 25975  
to permit surface application of brine under this division and may 25976  
hold additional hearings. The board or legislative authority shall 25977  
publish notice of the time and place of each such public hearing 25978  
in a newspaper of general circulation in the political subdivision 25979  
at least five days before the day on which the hearing is to be 25980  
held. 25981

(B) If a board or legislative authority adopts a resolution 25982  
permitting the surface application of brine to roads, streets, 25983  
highways, and other similar land surfaces under division (A) of 25984  
this section, the board or legislative authority shall, within 25985  
thirty days after the adoption of the resolution, prepare and 25986  
submit to the chief of the division of ~~mineral oil and gas~~ 25987  
resources management a copy of the resolution. Any department, 25988  
agency, or instrumentality of this state or the United States that 25989  
wishes to permit the surface application of brine to roads, 25990  
streets, highways, and other similar land surfaces it owns or has 25991  
a right to control shall prepare and submit guidelines for such 25992  
application, but need not adopt a resolution under division (A) of 25993  
this section permitting such surface application. 25994

All resolutions and guidelines shall be subject to the 25995  
following standards: 25996

(1) Brine shall not be applied: 25997

(a) To a water-saturated surface; 25998

(b) Directly to vegetation near or adjacent to surfaces being 25999  
treated; 26000

(c) Within twelve feet of structures crossing bodies of water 26001  
or crossing drainage ditches; 26002

- (d) Between sundown and sunrise, except for ice control. 26003
- (2) The discharge of brine through the spreader bar shall 26004  
stop when the application stops. 26005
- (3) The applicator vehicle shall be moving at least five 26006  
miles per hour at all times while the brine is being applied. 26007
- (4) The maximum spreader bar nozzle opening shall be 26008  
three-quarters of an inch in diameter. 26009
- (5) The maximum uniform application rate of brine shall be 26010  
three thousand gallons per mile on a twelve-foot-wide road or 26011  
three gallons per sixty square feet on unpaved lots. 26012
- (6) The applicator vehicle discharge valve shall be closed 26013  
between the brine collection point and the specific surfaces that 26014  
have been approved for brine application. 26015
- (7) Any valves that provide for tank draining other than 26016  
through the spreader bar shall be closed during the brine 26017  
application and transport. 26018
- (8) The angle of discharge from the applicator vehicle 26019  
spreader bar shall not be greater than sixty degrees from the 26020  
perpendicular to the unpaved surface. 26021
- (9) Only the last twenty-five per cent of an applicator 26022  
vehicle's contents shall be allowed to have a pressure greater 26023  
than atmospheric pressure; therefore, the first seventy-five per 26024  
cent of the applicator vehicle's contents shall be discharged 26025  
under atmospheric pressure. 26026
- (10) Only brine that is produced from a well shall be allowed 26027  
to be spread on a road. Fluids from the drilling of a well, 26028  
flowback from the stimulation of a well, and other fluids used to 26029  
treat a well shall not be spread on a road. 26030
- If a resolution or guidelines contain only the standards 26031  
listed in ~~division~~ divisions (B)(1) to (10) of this section, 26032

without addition or qualification, the resolution or guidelines 26033  
shall be deemed effective when submitted to the chief without 26034  
further action by the chief. All other resolutions and guidelines 26035  
shall comply with and be no less stringent than this chapter, 26036  
rules concerning surface application that the chief shall adopt 26037  
under division (C) of section 1509.22 of the Revised Code, and 26038  
other rules of the chief. Within fifteen days after receiving such 26039  
other resolutions and guidelines, the chief shall review them for 26040  
compliance with the law and rules and disapprove them if they do 26041  
not comply. 26042

The board, legislative authority, or department, agency, or 26043  
instrumentality may revise and resubmit any resolutions or 26044  
guidelines that the chief disapproves after each disapproval, and 26045  
the chief shall again review and approve or disapprove them within 26046  
fifteen days after receiving them. The board, legislative 26047  
authority, or department, agency, or instrumentality may amend any 26048  
resolutions or guidelines previously approved by the chief and 26049  
submit them, as amended, to the chief. The chief shall receive, 26050  
review, and approve or disapprove the amended resolutions or 26051  
guidelines on the same basis and in the same time as original 26052  
resolutions or guidelines. The board, legislative authority, or 26053  
department, agency, or instrumentality shall not implement amended 26054  
resolutions or guidelines until they are approved by the chief 26055  
under this division. 26056

(C) Any person, other than a political subdivision required 26057  
to adopt a resolution under division (A) of this section or a 26058  
department, agency, or instrumentality of this state or the United 26059  
States, who owns or has a legal right or obligation to maintain a 26060  
road, street, highway, or other similar land surface may file with 26061  
the board of county commissioners a written plan for the 26062  
application of brine to the road, street, highway, or other 26063  
surface. The board need not approve any such plans, but if it 26064

approves a plan, the plan shall comply with this chapter, rules 26065  
adopted thereunder, and the board's resolutions, if any. 26066

Disapproved plans may be revised and resubmitted for the board's 26067  
approval. Approved plans may also be revised and submitted to the 26068  
board. A plan or revised plan shall do all of the following: 26069

- (1) Identify the sources of brine to be used under the plan; 26070
- (2) Identify by name, address, and registration certificate, 26071  
if applicable, any transporters of the brine; 26072
- (3) Specifically identify the places to which the brine will 26073  
be applied; 26074
- (4) Specifically describe the method, rate, and frequency of 26075  
application. 26076

(D) The board may attach terms and conditions to approval of 26077  
a plan, or revised plan, and may revoke approval for any violation 26078  
of this chapter, rules adopted thereunder, resolutions adopted by 26079  
the board, or terms or conditions attached by the board. The board 26080  
shall conduct at least one public hearing before approving a plan 26081  
or revised plan, publishing notice of the time and place of each 26082  
such public hearing in a newspaper of general circulation in the 26083  
county at least five days before the day on which the hearing is 26084  
to be held. The board shall record the filings of all plans and 26085  
revised plans in its journal. The board shall approve, disapprove, 26086  
or revoke approval of a plan or revised plan by the adoption of a 26087  
resolution. Upon approval of a plan or revised plan, the board 26088  
shall send a copy of the plan to the chief. Upon revoking approval 26089  
of a plan or revised plan, the board shall notify the chief of the 26090  
revocation. 26091

(E) No person shall: 26092

- (1) Apply brine to a water-saturated surface; 26093
- (2) Apply brine directly to vegetation adjacent to the 26094

surface of roads, streets, highways, and other surfaces to which 26095  
brine may be applied. 26096

(F) Each political subdivision that adopts a resolution under 26097  
divisions (A) and (B) of this section, each department, agency, or 26098  
instrumentality of this state or the United States that submits 26099  
guidelines under division (B) of this section, and each person who 26100  
files a plan under divisions (C) and (D) of this section shall, on 26101  
or before the fifteenth day of April of each year, file a report 26102  
with the chief concerning brine applied within the person's or 26103  
governmental entity's jurisdiction, including the quantities 26104  
transported and the sources and application points during the last 26105  
preceding calendar year and such other information in such form as 26106  
the chief requires. 26107

(G) Any political subdivision or department, agency, or 26108  
instrumentality of this state or the United States that applies 26109  
brine under this section may do so with its own personnel, 26110  
vehicles, and equipment without registration under or compliance 26111  
with section 1509.222 or 1509.223 of the Revised Code and without 26112  
the necessity for filing the surety bond or other security 26113  
required by section 1509.225 of the Revised Code. However, each 26114  
such entity shall legibly identify vehicles used to apply brine 26115  
with reflective paint in letters no less than four inches in 26116  
height, indicating the word "brine" and that the vehicle is a 26117  
vehicle of the political subdivision, department, agency, or 26118  
instrumentality. Except as stated in this division, such entities 26119  
shall transport brine in accordance with sections 1509.22 to 26120  
1509.226 of the Revised Code. 26121

(H) A surface application plan filed for approval under 26122  
division (C) of this section shall be accompanied by a 26123  
nonrefundable fee of fifty dollars, which shall be credited to the 26124  
general fund of the county. An approved plan is valid for one year 26125  
from the date of its approval unless it is revoked before that 26126



time. An approved revised plan is valid for the remainder of the 26127  
term of the plan it supersedes unless it is revoked before that 26128  
time. Any person who has filed such a plan or revised plan and had 26129  
it approved may renew it by refileing it in accordance with 26130  
divisions (C) and (D) of this section within thirty days before 26131  
any anniversary of the date on which the original plan was 26132  
approved. The board shall notify the chief of renewals and 26133  
nonrenewals of plans. Even if a renewed plan is approved under 26134  
those divisions, the plan is not effective until notice is 26135  
received by the chief, and until notice is received, the chief 26136  
shall enforce this chapter and rules adopted thereunder with 26137  
regard to the affected roads, streets, highways, and other similar 26138  
land surfaces as if the plan had not been renewed. 26139

(I) A resolution adopted under division (A) of this section 26140  
by a board or legislative authority shall be effective for one 26141  
year following the date of its adoption and from month to month 26142  
thereafter until the board or legislative authority, by 26143  
resolution, terminates the authority granted in the original 26144  
resolution. The termination shall be effective not less than seven 26145  
days after enactment of the resolution, and a copy of the 26146  
resolution shall be sent to the chief. 26147

**Sec. 1509.23.** (A) Rules of the chief of the division of 26148  
~~mineral oil and gas~~ resources management may specify practices to 26149  
be followed in the drilling and treatment of wells, production of 26150  
oil and gas, and plugging of wells for protection of public health 26151  
or safety or to prevent damage to natural resources, including 26152  
specification of the following: 26153

(1) Appropriate devices; 26154

(2) Minimum distances that wells and other excavations, 26155  
structures, and equipment shall be located from water wells, 26156  
streets, roads, highways, rivers, lakes, streams, ponds, other 26157

bodies of water, railroad tracks, public or private recreational 26158  
areas, zoning districts, and buildings or other structures. Rules 26159  
adopted under division (A)(2) of this section shall not conflict 26160  
with section 1509.021 of the Revised Code. 26161

(3) Other methods of operation; 26162

(4) Procedures, methods, and equipment and other requirements 26163  
for equipment to prevent and contain discharges of oil and brine 26164  
from oil production facilities and oil drilling and workover 26165  
facilities consistent with and equivalent in scope, content, and 26166  
coverage to section 311(j)(1)(c) of the "Federal Water Pollution 26167  
Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, 26168  
as amended, and regulations adopted under it. In addition, the 26169  
rules may specify procedures, methods, and equipment and other 26170  
requirements for equipment to prevent and contain surface and 26171  
subsurface discharges of fluids, condensates, and gases. 26172

(5) Notifications. 26173

(B) The chief, in consultation with the emergency response 26174  
commission created in section 3750.02 of the Revised Code, shall 26175  
adopt rules in accordance with Chapter 119. of the Revised Code 26176  
that specify the information that shall be included in an 26177  
electronic database that the chief shall create and host. The 26178  
information shall be that which the chief considers to be 26179  
appropriate for the purpose of responding to emergency situations 26180  
that pose a threat to public health or safety or the environment. 26181  
At the minimum, the information shall include that which a person 26182  
who is regulated under this chapter is required to submit under 26183  
the "Emergency Planning and Community Right-To-Know Act of 1986," 26184  
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 26185  
it. 26186

In addition, the rules shall specify whether and to what 26187  
extent the database and the information that it contains will be 26188

made accessible to the public. The rules shall ensure that the 26189  
database will be made available via the internet or a system of 26190  
computer disks to the emergency response commission and to every 26191  
local emergency planning committee and fire department in this 26192  
state. 26193

**Sec. 1509.24.** (A) The chief of the division of ~~mineral oil~~ 26194  
and gas resources management, with the approval of the technical 26195  
advisory council on oil and gas created in section 1509.38 of the 26196  
Revised Code, may adopt, amend, or rescind rules relative to 26197  
minimum acreage requirements for drilling units and minimum 26198  
distances from which a new well may be drilled or an existing well 26199  
deepened, plugged back, or reopened to a source of supply 26200  
different from the existing pool from boundaries of tracts, 26201  
drilling units, and other wells for the purpose of conserving oil 26202  
and gas reserves. The rules relative to minimum acreage 26203  
requirements for drilling units shall require a drilling unit to 26204  
be compact and composed of contiguous land. 26205

(B) Rules adopted under this section and special orders made 26206  
under section 1509.25 of the Revised Code shall apply only to new 26207  
wells to be drilled or existing wells to be deepened, plugged 26208  
back, or reopened to a source of supply different from the 26209  
existing pool for the purpose of extracting oil or gas in their 26210  
natural state. 26211

**Sec. 1509.25.** The chief of the division of ~~mineral oil and~~ 26212  
gas resources management, upon the chief's own motion or upon 26213  
application of an owner, may hold a hearing to consider the need 26214  
or desirability of adopting a special order for drilling unit 26215  
requirements in a particular pool different from those established 26216  
under section 1509.24 of the Revised Code. The chief shall notify 26217  
every owner of land within the area proposed to be included within 26218  
the order, of the date, time, and place of the hearing and the 26219

nature of the order being considered at least thirty days prior to 26220  
the date of the hearing. Each application for such an order shall 26221  
be accompanied by such information as the chief may request. If 26222  
the chief finds that the pool can be defined with reasonable 26223  
certainty, that the pool is in the initial state of development, 26224  
and that the establishment of such different requirements for 26225  
drilling a well on a tract or drilling unit in ~~such~~ the pool is 26226  
reasonably necessary to protect correlative rights or to provide 26227  
effective development, use, or conservation of oil and gas, the 26228  
chief, with the written approval of the technical advisory council 26229  
on oil and gas created in section 1509.38 of the Revised Code, 26230  
shall make a special order designating the area covered by the 26231  
order, and specifying the acreage requirements for drilling a well 26232  
on a tract or drilling unit in ~~such~~ the area, which acreage 26233  
requirements shall be uniform for the entire pool. The order shall 26234  
specify minimum distances from the boundary of the tract or 26235  
drilling unit for the drilling of wells and minimum distances from 26236  
other wells and allow exceptions for wells drilled or drilling in 26237  
a particular pool at the time of the filing of the application. 26238  
The chief may exempt the discovery well from minimum acreage and 26239  
distance requirements in the order. After the date of the notice 26240  
for a hearing called to make ~~such~~ the order, no additional well 26241  
shall be commenced in the pool for a period of sixty days or until 26242  
an order has been made pursuant to the application, whichever is 26243  
earlier. The chief, upon the chief's own motion or upon 26244  
application of an owner, after a hearing and with the approval of 26245  
the technical advisory council on oil and gas, may include 26246  
additional lands determined to be underlaid by a particular pool 26247  
or to exclude lands determined not to be underlaid by a particular 26248  
pool, and may modify the spacing and acreage requirements of the 26249  
order. 26250

Nothing in this section permits the chief to establish 26251  
drilling units in a pool by requiring the use of a survey grid 26252

coordinate system with fixed or established unit boundaries. 26253

**Sec. 1509.26.** The owners of adjoining tracts may agree to 26254  
pool ~~such~~ the tracts to form a drilling unit that conforms to the 26255  
minimum acreage and distance requirements of the division of 26256  
~~mineral oil and gas~~ resources management under section 1509.24 or 26257  
1509.25 of the Revised Code. ~~Such~~ The agreement shall be in 26258  
writing, a copy of which shall be submitted to the division with 26259  
the application for a permit required by section 1509.05 of the 26260  
Revised Code. Parties to the agreement shall designate one of 26261  
their number as the applicant for ~~such~~ the permit. 26262

**Sec. 1509.27.** If a tract of land is of insufficient size or 26263  
shape to meet the requirements for drilling a well thereon as 26264  
provided in section 1509.24 or 1509.25 of the Revised Code, 26265  
whichever is applicable, and the owner of the tract who also is 26266  
the owner of the mineral interest has been unable to form a 26267  
drilling unit under agreement as provided in section 1509.26 of 26268  
the Revised Code, on a just and equitable basis, such an owner may 26269  
make application to the division of ~~mineral oil and gas~~ resources 26270  
management for a mandatory pooling order. 26271

The application shall include information as shall be 26272  
reasonably required by the chief of the division of ~~mineral oil~~ 26273  
and gas resources management and shall be accompanied by an 26274  
application for a permit as required by section 1509.05 of the 26275  
Revised Code. The chief shall notify all owners of land within the 26276  
area proposed to be included within the drilling unit of the 26277  
filing of the application and of their right to a hearing. After 26278  
the hearing or after the expiration of thirty days from the date 26279  
notice of application was mailed to such owners, the chief, if 26280  
satisfied that the application is proper in form and that 26281  
mandatory pooling is necessary to protect correlative rights and 26282  
to provide effective development, use, and conservation of oil and 26283

gas, shall issue a drilling permit and a mandatory pooling order 26284  
complying with the requirements for drilling a well as provided in 26285  
section 1509.24 or 1509.25 of the Revised Code, whichever is 26286  
applicable. The mandatory pooling order shall: 26287

(A) Designate the boundaries of the drilling unit within 26288  
which the well shall be drilled; 26289

(B) Designate the proposed production site; 26290

(C) Describe each separately owned tract or part thereof 26291  
pooled by the order; 26292

(D) Allocate on a surface acreage basis a pro rata portion of 26293  
the production to the owner of each tract pooled by the order. The 26294  
pro rata portion shall be in the same proportion that the 26295  
percentage of the owner's acreage is to the state minimum acreage 26296  
requirements established in rules adopted under this chapter for a 26297  
drilling unit unless the applicant demonstrates to the chief using 26298  
geological evidence that the geologic structure containing the oil 26299  
or gas is larger than the minimum acreage requirement in which 26300  
case the pro rata portion shall be in the same proportion that the 26301  
percentage of the owner's acreage is to the geologic structure. 26302

(E) Specify the basis upon which each owner of a tract pooled 26303  
by the order shall share all reasonable costs and expenses of 26304  
drilling and producing if the owner elects to participate in the 26305  
drilling and operation of the well; 26306

(F) Designate the person to whom the permit shall be issued. 26307

A person shall not submit more than five applications for 26308  
mandatory pooling orders per year under this section unless 26309  
otherwise approved by the chief. 26310

No surface operations or disturbances to the surface of the 26311  
land shall occur on a tract pooled by an order without the written 26312  
consent of or a written agreement with the owner of the tract that 26313

approves the operations or disturbances. 26314

If an owner of a tract pooled by the order does not elect to 26315  
participate in the risk and cost of the drilling and operation of 26316  
a well, the owner shall be designated as a nonparticipating owner 26317  
in the drilling and operation of the well on a limited or carried 26318  
basis and is subject to terms and conditions determined by the 26319  
chief to be just and reasonable. In addition, if an owner is 26320  
designated as a nonparticipating owner, the owner is not liable 26321  
for actions or conditions associated with the drilling or 26322  
operation of the well. If the applicant bears the costs of 26323  
drilling, equipping, and operating a well for the benefit of a 26324  
nonparticipating owner, as provided for in the pooling order, then 26325  
the applicant shall be entitled to the share of production from 26326  
the drilling unit accruing to the interest of that 26327  
nonparticipating owner, exclusive of the nonparticipating owner's 26328  
proportionate share of the royalty interest until there has been 26329  
received the share of costs charged to that nonparticipating owner 26330  
plus such additional percentage of the share of costs as the chief 26331  
shall determine. The total amount receivable hereunder shall in no 26332  
event exceed two hundred per cent of the share of costs charged to 26333  
that nonparticipating owner. After receipt of that share of costs 26334  
by such an applicant, a nonparticipating owner shall receive a 26335  
proportionate share of the working interest in the well in 26336  
addition to a proportionate share of the royalty interest, if any. 26337

If there is a dispute as to costs of drilling, equipping, or 26338  
operating a well, the chief shall determine those costs. 26339

**Sec. 1509.28.** (A) The chief of the division of mineral oil 26340  
and gas resources management, upon the chief's own motion or upon 26341  
application by the owners of sixty-five per cent of the land area 26342  
overlying the pool, shall hold a hearing to consider the need for 26343  
the operation as a unit of an entire pool or part thereof. An 26344

application by owners shall be accompanied by such information as 26345  
the chief may request. 26346

The chief shall make an order providing for the unit 26347  
operation of a pool or part thereof if the chief finds that such 26348  
operation is reasonably necessary to increase substantially the 26349  
ultimate recovery of oil and gas, and the value of the estimated 26350  
additional recovery of oil or gas exceeds the estimated additional 26351  
cost incident to conducting ~~such~~ the operation. The order shall be 26352  
upon terms and conditions that are just and reasonable and shall 26353  
prescribe a plan for unit operations that shall include: 26354

(1) A description of the unitized area, termed the unit area; 26355

(2) A statement of the nature of the operations contemplated; 26356

(3) An allocation to the separately owned tracts in the unit 26357  
area of all the oil and gas that is produced from the unit area 26358  
and is saved, being the production that is not used in the conduct 26359  
of operations on the unit area or not unavoidably lost. The 26360  
allocation shall be in accord with the agreement, if any, of the 26361  
interested parties. If there is no such agreement, the chief shall 26362  
determine the value, from the evidence introduced at the hearing, 26363  
of each separately owned tract in the unit area, exclusive of 26364  
physical equipment, for development of oil and gas by unit 26365  
operations, and the production allocated to each tract shall be 26366  
the proportion that the value of each tract so determined bears to 26367  
the value of all tracts in the unit area. 26368

(4) A provision for the credits and charges to be made in the 26369  
adjustment among the owners in the unit area for their respective 26370  
investments in wells, tanks, pumps, machinery, materials, and 26371  
equipment contributed to the unit operations; 26372

(5) A provision providing how the expenses of unit 26373  
operations, including capital investment, shall be determined and 26374  
charged to the separately owned tracts and how the expenses shall 26375



be paid; 26376

(6) A provision, if necessary, for carrying or otherwise 26377  
financing any person who is unable to meet the person's financial 26378  
obligations in connection with the unit, allowing a reasonable 26379  
interest charge for such service; 26380

(7) A provision for the supervision and conduct of the unit 26381  
operations, in respect to which each person shall have a vote with 26382  
a value corresponding to the percentage of the expenses of unit 26383  
operations chargeable against the interest of ~~such~~ that person; 26384

(8) The time when the unit operations shall commence, and the 26385  
manner in which, and the circumstances under which, the unit 26386  
operations shall terminate; 26387

(9) Such additional provisions as are found to be appropriate 26388  
for carrying on the unit operations, and for the protection or 26389  
adjustment of correlative rights. 26390

(B) No order of the chief providing for unit operations shall 26391  
become effective unless and until the plan for unit operations 26392  
prescribed by the chief has been approved in writing by those 26393  
owners who, under the chief's order, will be required to pay at 26394  
least sixty-five per cent of the costs of the unit operation, and 26395  
also by the royalty or, with respect to unleased acreage, fee 26396  
owners of sixty-five per cent of the acreage to be included in the 26397  
unit. If the plan for unit operations has not been so approved by 26398  
owners and royalty owners at the time the order providing for unit 26399  
operations is made, the chief shall upon application and notice 26400  
hold such supplemental hearings as may be required to determine if 26401  
and when the plan for unit operations has been so approved. If the 26402  
owners and royalty owners, or either, owning the required 26403  
percentage of interest in the unit area do not approve the plan 26404  
for unit operations within a period of six months from the date on 26405  
which the order providing for unit operations is made, ~~such~~ the 26406

order shall cease to be of force and shall be revoked by the 26407  
chief. 26408

An order providing for unit operations may be amended by an 26409  
order made by the chief, in the same manner and subject to the 26410  
same conditions as an original order providing for unit 26411  
operations, provided that: 26412

(1) If such an amendment affects only the rights and 26413  
interests of the owners, the approval of the amendment by the 26414  
royalty owners shall not be required. 26415

(2) No such order of amendment shall change the percentage 26416  
for allocation of oil and gas as established for any separately 26417  
owned tract by the original order, except with the consent of all 26418  
persons owning interest in ~~such~~ the tract. 26419

The chief, by an order, may provide for the unit operation of 26420  
a pool or a part thereof that embraces a unit area established by 26421  
a previous order of the chief. Such an order, in providing for the 26422  
allocation of unit production, shall first treat the unit area 26423  
previously established as a single tract, and the portion of the 26424  
unit production so allocated thereto shall then be allocated among 26425  
the separately owned tracts included in ~~such~~ the previously 26426  
established unit area in the same proportions as those specified 26427  
in the previous order. 26428

Oil and gas allocated to a separately owned tract shall be 26429  
deemed, for all purposes, to have been actually produced from ~~such~~ 26430  
the tract, and all operations, including, but not limited to, the 26431  
commencement, drilling, operation of, or production from a well 26432  
upon any portion of the unit area shall be deemed for all purposes 26433  
the conduct of such operations and production from any lease or 26434  
contract for lands any portion of which is included in the unit 26435  
area. The operations conducted pursuant to the order of the chief 26436  
shall constitute a fulfillment of all the express or implied 26437

obligations of each lease or contract covering lands in the unit 26438  
area to the extent that compliance with such obligations cannot be 26439  
had because of the order of the chief. 26440

Oil and gas allocated to any tract, and the proceeds from the 26441  
sale thereof, shall be the property and income of the several 26442  
persons to whom, or to whose credit, the same are allocated or 26443  
payable under the order providing for unit operations. 26444

No order of the chief or other contract relating to the sale 26445  
or purchase of production from a separately owned tract shall be 26446  
terminated by the order providing for unit operations, but shall 26447  
remain in force and apply to oil and gas allocated to ~~such~~ the 26448  
tract until terminated in accordance with the provisions thereof. 26449

Except to the extent that the parties affected so agree, no 26450  
order providing for unit operations shall be construed to result 26451  
in a transfer of all or any part of the title of any person to the 26452  
oil and gas rights in any tract in the unit area. All property, 26453  
whether real or personal, that may be acquired for the account of 26454  
the owners within the unit area shall be the property of such 26455  
owners in the proportion that the expenses of unit operations are 26456  
charged. 26457

**Sec. 1509.29.** Upon application by an owner of a tract for 26458  
which a drilling permit may not be issued, and a showing by the 26459  
owner that the owner is unable to enter a voluntary pooling 26460  
agreement and that the owner would be unable to participate under 26461  
a mandatory pooling order, the chief of the division of ~~mineral~~ 26462  
oil and gas resources management shall issue a permit and order 26463  
establishing the tract as an exception tract if the chief finds 26464  
that ~~such~~ the owner would otherwise be precluded from producing 26465  
oil or gas from the owner's tract because of minimum acreage or 26466  
distance requirements. The order shall set a percentage of the 26467  
maximum daily potential production at which the well may be 26468

produced. The percentage shall be the same as the percentage that 26469  
the number of acres in the tract bears to the number of acres in 26470  
the minimum acreage requirement that has been established under 26471  
section 1509.24 or 1509.25 of the Revised Code, whichever is 26472  
applicable, but if the well drilled on ~~such~~ the tract is located 26473  
nearer to the boundary of the tract than the required minimum 26474  
distance, the percentage may not exceed the percentage determined 26475  
by dividing the distance from the well to the boundary by the 26476  
minimum distance requirement. Within ten days after completion of 26477  
the well, the maximum daily potential production of the well shall 26478  
be determined by such drill stem, open flow, or other tests as may 26479  
be required by the chief. The chief shall require such tests, at 26480  
least once every three months, as are necessary to determine the 26481  
maximum daily potential production at that time. 26482

**Sec. 1509.31.** (A) Whenever the entire interest of an oil and 26483  
gas lease is assigned or otherwise transferred, the assignor or 26484  
transferor shall notify the holders of the royalty interests, and, 26485  
if a well or wells exist on the lease, the division of ~~mineral oil~~ 26486  
and gas resources management, of the name and address of the 26487  
assignee or transferee by certified mail, return receipt 26488  
requested, not later than thirty days after the date of the 26489  
assignment or transfer. When notice of any such assignment or 26490  
transfer is required to be provided to the division, it shall be 26491  
provided on a form prescribed and provided by the division and 26492  
verified by both the assignor or transferor and by the assignee or 26493  
transferee and shall be accompanied by a nonrefundable fee of one 26494  
hundred dollars for each well. The notice form applicable to 26495  
assignments or transfers of a well to the owner of the surface 26496  
estate of the tract on which the well is located shall contain a 26497  
statement informing the landowner that the well may require 26498  
periodic servicing to maintain its productivity; that, upon 26499  
assignment or transfer of the well to the landowner, the landowner 26500

becomes responsible for compliance with the requirements of this 26501  
chapter and rules adopted under it, including, without limitation, 26502  
the proper disposal of brine obtained from the well, the plugging 26503  
of the well when it becomes incapable of producing oil or gas, and 26504  
the restoration of the well site; and that, upon assignment or 26505  
transfer of the well to the landowner, the landowner becomes 26506  
responsible for the costs of compliance with the requirements of 26507  
this chapter and rules adopted under it and the costs for 26508  
operating and servicing the well. 26509

(B) When the entire interest of a well is proposed to be 26510  
assigned or otherwise transferred to the landowner for use as an 26511  
exempt domestic well, the owner who has been issued a permit under 26512  
this chapter for the well shall submit to the chief of the 26513  
division of oil and gas resources management an application for 26514  
the assignment or transfer that contains all documents that the 26515  
chief requires and a nonrefundable fee of one hundred dollars. The 26516  
application for such an assignment or transfer shall be prescribed 26517  
and provided by the chief. The chief may approve the application 26518  
if the application is accompanied by a release of all of the oil 26519  
and gas leases that are included in the applicable formation of 26520  
the drilling unit, the release is in a form such that the well 26521  
ownership merges with the fee simple interest of the surface 26522  
tract, and the release is in a form that may be recorded. However, 26523  
if the owner of the well does not release the oil and gas leases 26524  
associated with the well that is proposed to be assigned or 26525  
otherwise transferred or if the fee simple tract that results from 26526  
the merger of the well ownership with the fee simple interest of 26527  
the surface tract is less than five acres, the proposed exempt 26528  
domestic well owner shall post a five thousand dollar bond with 26529  
the division ~~of mineral resources management~~ prior to the 26530  
assignment or transfer of the well to ensure that the well will be 26531  
properly plugged. The chief, for good cause, may modify the 26532  
requirements of this section governing the assignment or transfer 26533

of the interests of a well to the landowner. Upon the assignment 26534  
or transfer of the well, the owner of an exempt domestic well is 26535  
not subject to the severance tax levied under section 5749.02 of 26536  
the Revised Code, but is subject to all applicable fees 26537  
established in this chapter. 26538

(C) The owner holding a permit under section 1509.05 of the 26539  
Revised Code is responsible for all obligations and liabilities 26540  
imposed by this chapter and any rules, orders, and terms and 26541  
conditions of a permit adopted or issued under it, and no 26542  
assignment or transfer by the owner relieves the owner of the 26543  
obligations and liabilities until and unless the assignee or 26544  
transferee files with the division the information described in 26545  
divisions (A)(1), (2), (3), (4), (5), (10), (11), and (12) of 26546  
section 1509.06 of the Revised Code; obtains liability insurance 26547  
coverage required by section 1509.07 of the Revised Code, except 26548  
when none is required by that section; and executes and files a 26549  
surety bond, negotiable certificates of deposit or irrevocable 26550  
letters of credit, or cash, as described in that section. Instead 26551  
of a bond, but only upon acceptance by the chief ~~of the division~~ 26552  
~~of mineral resources management~~, the assignee or transferee may 26553  
file proof of financial responsibility, described in section 26554  
1509.07 of the Revised Code. Section 1509.071 of the Revised Code 26555  
applies to the surety bond, cash, and negotiable certificates of 26556  
deposit and irrevocable letters of credit described in this 26557  
section. Unless the chief approves a modification, each assignee 26558  
or transferee shall operate in accordance with the plans and 26559  
information filed by the permit holder pursuant to section 1509.06 26560  
of the Revised Code. 26561

(D) If a mortgaged property that is being foreclosed is 26562  
subject to an oil or gas lease, pipeline agreement, or other 26563  
instrument related to the production or sale of oil or natural gas 26564  
and the lease, agreement, or other instrument was recorded 26565

subsequent to the mortgage, and if the lease, agreement, or other instrument is not in default, the oil or gas lease, pipeline agreement, or other instrument, as applicable, has priority over all other liens, claims, or encumbrances on the property so that the oil or gas lease, pipeline agreement, or other instrument is not terminated or extinguished upon the foreclosure sale of the mortgaged property. If the owner of the mortgaged property was entitled to oil and gas royalties before the foreclosure sale, the oil or gas royalties shall be paid to the purchaser of the foreclosed property.

**Sec. 1509.32.** Any person adversely affected may file with the chief of the division of ~~mineral~~ oil and gas resources management a written complaint alleging failure to restore disturbed land surfaces in violation of section 1509.072 or 1509.22 of the Revised Code or a rule adopted thereunder.

Upon receipt of a complaint, the chief shall cause an investigation to be made of the lands where the alleged violation has occurred and send copies of the investigation report to the person who filed the complaint and to the owner. Upon finding a violation the chief shall order the owner to eliminate the violation within a specified time. If the owner fails to eliminate the violation within the time specified, the chief may request the prosecuting attorney of the county in which the violation occurs or the attorney general to bring appropriate action to secure compliance with ~~such~~ those sections. If the chief fails to bring an appropriate action to secure compliance with ~~such~~ those sections within twenty days after the time specified, the person filing the complaint may request the prosecuting attorney of the county in which the violation occurs to bring an appropriate action to secure compliance with ~~such~~ those sections. The division of ~~mineral~~ oil and gas resources management may cooperate with any state or local agency to provide technical advice or minimum

standards for the restoration of various soils and land surfaces 26598  
or to assist in any investigation. 26599

**Sec. 1509.33.** (A) Whoever violates sections 1509.01 to 26600  
1509.31 of the Revised Code, or any rules adopted or orders or 26601  
terms or conditions of a permit or registration certificate issued 26602  
pursuant to these sections for which no specific penalty is 26603  
provided in this section, shall pay a civil penalty of not more 26604  
than four thousand dollars for each offense. 26605

(B) Whoever violates section 1509.221 of the Revised Code or 26606  
any rules adopted or orders or terms or conditions of a permit 26607  
issued thereunder shall pay a civil penalty of not more than two 26608  
thousand five hundred dollars for each violation. 26609

(C) Whoever violates division (D) of section 1509.22 or 26610  
division (A)(1) of section 1509.222 of the Revised Code shall pay 26611  
a civil penalty of not less than two thousand five hundred dollars 26612  
nor more than twenty thousand dollars for each violation. 26613

(D) Whoever violates division (A) of section 1509.22 of the 26614  
Revised Code shall pay a civil penalty of not less than two 26615  
thousand five hundred dollars nor more than ten thousand dollars 26616  
for each violation. 26617

(E) Whoever violates division (A) of section 1509.223 of the 26618  
Revised Code shall pay a civil penalty of not more than ten 26619  
thousand dollars for each violation. 26620

(F) Whoever violates section 1509.072 of the Revised Code or 26621  
any rules adopted or orders issued to administer, implement, or 26622  
enforce that section shall pay a civil penalty of not more than 26623  
five thousand dollars for each violation. 26624

(G) In addition to any other penalties provided in this 26625  
chapter, whoever violates division (B) of section 1509.22 or 26626  
division (A)(1) of section 1509.222 or knowingly violates division 26627



(A) of section 1509.223 of the Revised Code is liable for any 26628  
damage or injury caused by the violation and for the cost of 26629  
rectifying the violation and conditions caused by the violation. 26630  
If two or more persons knowingly violate one or more of ~~such~~ those 26631  
divisions in connection with the same event, activity, or 26632  
transaction, they are jointly and severally liable under this 26633  
division. 26634

(H) The attorney general, upon the request of the chief of 26635  
the division of ~~mineral~~ oil and gas resources management, shall 26636  
commence an action under this section against any person who 26637  
violates sections 1509.01 to 1509.31 of the Revised Code, or any 26638  
rules adopted or orders or terms or conditions of a permit or 26639  
registration certificate issued pursuant to these sections. Any 26640  
action under this section is a civil action, governed by the Rules 26641  
of Civil Procedure and other rules of practice and procedure 26642  
applicable to civil actions. The remedy provided in this division 26643  
is cumulative and concurrent with any other remedy provided in 26644  
this chapter, and the existence or exercise of one remedy does not 26645  
prevent the exercise of any other, except that no person shall be 26646  
subject to both a civil penalty under division (A), (B), (C), or 26647  
(D) of this section and a criminal penalty under section 1509.99 26648  
of the Revised Code for the same offense. 26649

**Sec. 1509.34.** (A)(1) If an owner fails to pay the fees 26650  
imposed by this chapter, or if the chief of the division of 26651  
~~mineral~~ oil and gas resources management incurs costs under 26652  
division (E) of section 1509.071 of the Revised Code to correct 26653  
conditions associated with the owner's well that the chief 26654  
reasonably has determined are causing imminent health or safety 26655  
risks, the division of ~~mineral~~ oil and gas resources management 26656  
shall have a priority lien against that owner's interest in the 26657  
applicable well in front of all other creditors for the amount of 26658  
any such unpaid fees and costs incurred. The chief shall file a 26659

statement in the office of the county recorder of the county in 26660  
which the applicable well is located of the amount of the unpaid 26661  
fees and costs incurred as described in this division. The 26662  
statement shall constitute a lien on the owner's interest in the 26663  
well as of the date of the filing. The lien shall remain in force 26664  
so long as any portion of the lien remains unpaid or until the 26665  
chief issues a certificate of release of the lien. If the chief 26666  
issues a certificate of release of the lien, the chief shall file 26667  
the certificate of release in the office of the applicable county 26668  
recorder. 26669

(2) A lien imposed under division (A)(1) of this section 26670  
shall be in addition to any lien imposed by the attorney general 26671  
for failure to pay the assessment imposed by section 1509.50 of 26672  
the Revised Code or the tax levied under division (A)(5) or (6) of 26673  
section 5749.02 of the Revised Code, as applicable. 26674

(3) If the attorney general cannot collect from a severer or 26675  
an owner for an outstanding balance of amounts due under section 26676  
1509.50 of the Revised Code or of unpaid taxes levied under 26677  
division (A)(5) or (6) of section 5749.02 of the Revised Code, as 26678  
applicable, the tax commissioner may request the chief to impose a 26679  
priority lien against the owner's interest in the applicable well. 26680  
Such a lien has priority in front of all other creditors. 26681

(B) The chief promptly shall issue a certificate of release 26682  
of a lien under either of the following circumstances: 26683

(1) Upon the repayment in full of the amount of unpaid fees 26684  
imposed by this chapter or costs incurred by the chief under 26685  
division (E) of section 1509.071 of the Revised Code to correct 26686  
conditions associated with the owner's well that the chief 26687  
reasonably has determined are causing imminent health or safety 26688  
risks; 26689

(2) Any other circumstance that the chief determines to be in 26690

the best interests of the state. 26691

(C) The chief may modify the amount of a lien under this 26692  
section. If the chief modifies a lien, the chief shall file a 26693  
statement in the office of the county recorder of the applicable 26694  
county of the new amount of the lien. 26695

(D) An owner regarding which the division has recorded a lien 26696  
against the owner's interest in a well in accordance with this 26697  
section shall not transfer a well, lease, or mineral rights to 26698  
another owner or person until the chief issues a certificate of 26699  
release for each lien against the owner's interest in the well. 26700

(E) All money from the collection of liens under this section 26701  
shall be deposited in the state treasury to the credit of the oil 26702  
and gas well fund created in section 1509.02 of the Revised Code. 26703

**Sec. 1509.36.** Any person adversely affected by an order by 26704  
the chief of the division of ~~mineral oil and gas~~ resources 26705  
management may appeal to the oil and gas commission for an order 26706  
vacating or modifying the order. 26707

The person so appealing to the commission shall be known as 26708  
appellant and the chief shall be known as appellee. Appellant and 26709  
appellee shall be deemed to be parties to the appeal. 26710

The appeal shall be in writing and shall set forth the order 26711  
complained of and the grounds upon which the appeal is based. The 26712  
appeal shall be filed with the commission within thirty days after 26713  
the date upon which the appellant received notice by certified 26714  
mail and, for all other persons adversely affected by the order, 26715  
within thirty days after the date of the order complained of. 26716  
Notice of the filing of the appeal shall be filed with the chief 26717  
within three days after the appeal is filed with the commission. 26718

Upon the filing of the appeal the commission promptly shall 26719  
fix the time and place at which the hearing on the appeal will be 26720

held, and shall give the appellant and the chief at least ten 26721  
days' written notice thereof by mail. The commission may postpone 26722  
or continue any hearing upon its own motion or upon application of 26723  
the appellant or of the chief. 26724

The filing of an appeal provided for in this section does not 26725  
automatically suspend or stay execution of the order appealed 26726  
from, but upon application by the appellant the commission may 26727  
suspend or stay the execution pending determination of the appeal 26728  
upon such terms as the commission considers proper. 26729

Either party to the appeal or any interested person who, 26730  
pursuant to commission rules has been granted permission to 26731  
appear, may submit such evidence as the commission considers 26732  
admissible. 26733

For the purpose of conducting a hearing on an appeal, the 26734  
commission may require the attendance of witnesses and the 26735  
production of books, records, and papers, and it may, and at the 26736  
request of any party it shall, issue subpoenas for witnesses or 26737  
subpoenas duces tecum to compel the production of any books, 26738  
records, or papers, directed to the sheriffs of the counties where 26739  
the witnesses are found. The subpoenas shall be served and 26740  
returned in the same manner as subpoenas in criminal cases are 26741  
served and returned. The fees of sheriffs shall be the same as 26742  
those allowed by the court of common pleas in criminal cases. 26743  
Witnesses shall be paid the fees and mileage provided for under 26744  
section 119.094 of the Revised Code. Such fees and mileage 26745  
expenses incurred at the request of appellant shall be paid in 26746  
advance by the appellant, and the remainder of those expenses 26747  
shall be paid out of funds appropriated for the expenses of the 26748  
division of ~~mineral~~ oil and gas resources management. 26749

In case of disobedience or neglect of any subpoena served on 26750  
any person, or the refusal of any witness to testify to any matter 26751  
regarding which the witness may be lawfully interrogated, the 26752

court of common pleas of the county in which the disobedience, 26753  
neglect, or refusal occurs, or any judge thereof, on application 26754  
of the commission or any member thereof, shall compel obedience by 26755  
attachment proceedings for contempt as in the case of disobedience 26756  
of the requirements of a subpoena issued from that court or a 26757  
refusal to testify therein. Witnesses at such hearings shall 26758  
testify under oath, and any member of the commission may 26759  
administer oaths or affirmations to persons who so testify. 26760

At the request of any party to the appeal, a stenographic or 26761  
electronic record of the testimony and other evidence submitted 26762  
shall be taken by an official court ~~shorthand~~ reporter at the 26763  
expense of the party making the request ~~therefor~~ for the record. 26764  
The record shall include all of the testimony and other evidence 26765  
and the rulings on the admissibility thereof presented at the 26766  
hearing. The commission shall pass upon the admissibility of 26767  
evidence, but any party may at the time object to the admission of 26768  
any evidence and except to the rulings of the commission thereon, 26769  
and if the commission refuses to admit evidence the party offering 26770  
same may make a proffer thereof, and such proffer shall be made a 26771  
part of the record of the hearing. 26772

If upon completion of the hearing the commission finds that 26773  
the order appealed from was lawful and reasonable, it shall make a 26774  
written order affirming the order appealed from; if the commission 26775  
finds that the order was unreasonable or unlawful, it shall make a 26776  
written order vacating the order appealed from and making the 26777  
order that it finds the chief should have made. Every order made 26778  
by the commission shall contain a written finding by the 26779  
commission of the facts upon which the order is based. 26780

Notice of the making of the order shall be given forthwith to 26781  
each party to the appeal by mailing a certified copy thereof to 26782  
each such party by certified mail. 26783

The order of the commission is final unless vacated by the 26784

court of common pleas of Franklin county in an appeal as provided 26785  
for in section 1509.37 of the Revised Code. Sections 1509.01 to 26786  
1509.37 of the Revised Code, providing for appeals relating to 26787  
orders by the chief or by the commission, or relating to rules 26788  
adopted by the chief, do not constitute the exclusive procedure 26789  
that any person who believes the person's rights to be unlawfully 26790  
affected by those sections or any official action taken thereunder 26791  
must pursue in order to protect and preserve those rights, nor do 26792  
those sections constitute a procedure that that person must pursue 26793  
before that person may lawfully appeal to the courts to protect 26794  
and preserve those rights. 26795

**Sec. 1509.38.** There is hereby created in the division of 26796  
~~mineral oil and gas~~ resources management a technical advisory 26797  
council on oil and gas, which shall consist of eight members to be 26798  
appointed by the governor with the advice and consent of the 26799  
senate. Three members shall be independent oil or gas producers, 26800  
operators, or their representatives, operating and producing 26801  
primarily in this state, three members shall be oil or gas 26802  
producers, operators, or their representatives having substantial 26803  
oil and gas producing operations in this state and at least one 26804  
other state, one member shall represent the public, and one member 26805  
shall represent persons having landowners' royalty interests in 26806  
oil and gas production. All members shall be residents of this 26807  
state, and all members, except the members representing the public 26808  
and persons having landowners' royalty interests, shall have at 26809  
least five years of practical or technical experience in oil or 26810  
gas drilling and production. Not more than one member may 26811  
represent any one company, producer, or operator. 26812

Terms of office shall be for three years, commencing on the 26813  
first day of February and ending on the thirty-first day of 26814  
January. Each member shall hold office from the date of 26815  
appointment until the end of the term for which the member was 26816

appointed. A vacancy in the office of a member shall be filled by 26817  
the governor, with the advice and consent of the senate. Any 26818  
member appointed to fill a vacancy occurring prior to the 26819  
expiration of the term for which the member's predecessor was 26820  
appointed shall hold office for the remainder of that term. Any 26821  
member shall continue in office subsequent to the expiration date 26822  
of the member's term until the member's successor takes office, or 26823  
until a period of sixty days has elapsed, whichever occurs first. 26824

The council shall select from among its members a 26825  
chairperson, a vice-chairperson, and a secretary. All members are 26826  
entitled to their actual and necessary expenses incurred in the 26827  
performance of their duties as members, payable from the 26828  
appropriations for the division. 26829

The governor may remove any member for inefficiency, neglect 26830  
of duty, or malfeasance in office. 26831

The council shall hold at least one regular meeting in each 26832  
quarter of a calendar year and shall keep a record of its 26833  
proceedings. Special meetings may be called by the chairperson and 26834  
shall be called by the chairperson upon receipt of a written 26835  
request signed by two or more members of the council. A written 26836  
notice of the time and place of each meeting shall be sent to each 26837  
member of the council. Five members constitute a quorum, and no 26838  
action of the council is valid unless five members concur. 26839

The council, when requested by the chief of the division of 26840  
~~mineral oil and gas~~ resources management, shall consult with and 26841  
advise the chief and perform other duties that may be lawfully 26842  
delegated to it by the chief. The council may participate in 26843  
hearings held by the chief under this chapter and has powers of 26844  
approval as provided in sections 1509.24 and 1509.25 of the 26845  
Revised Code. The council shall conduct the activities required, 26846  
and exercise the authority granted, under Chapter 1510. of the 26847  
Revised Code. 26848

The council, upon receiving a request from the chairperson of the oil and gas commission under division (C) of section 1509.35 of the Revised Code, immediately shall prepare and provide to the chairperson a list of its members who may serve as temporary members of the oil and gas commission as provided in that division.

**Sec. 1509.40.** Except as provided in section 1509.29 of the Revised Code, no authority granted in this chapter shall be construed as authorizing a limitation on the amount that any well, leasehold, or field is permitted to produce under proration orders of the division of ~~mineral~~ oil and gas resources management.

**Sec. 1509.50.** (A) An oil and gas regulatory cost recovery assessment is hereby imposed by this section on an owner. An owner shall pay the assessment in the same manner as a severer who is required to file a return under section 5749.06 of the Revised Code. However, an owner may designate a severer who shall pay the owner's assessment on behalf of the owner on the return that the severer is required to file under that section. If a severer so pays an owner's assessment, the severer may recoup from the owner the amount of the assessment. Except for an exempt domestic well, the assessment imposed shall be in addition to the taxes levied on the severance of oil and gas under section 5749.02 of the Revised Code.

(B)(1) Except for an exempt domestic well, the oil and gas regulatory cost recovery assessment shall be calculated on a quarterly basis and shall be one of the following:

(a) If the sum of ten cents per barrel of oil for all of the wells of the owner, one-half of one cent per one thousand cubic feet of natural gas for all of the wells of the owner, and the amount of the severance tax levied on each severer for all of the



wells of the owner under divisions (A)(5) and (6) of section 26879  
5749.02 of the Revised Code, as applicable, is greater than the 26880  
sum of fifteen dollars for each well owned by the owner, the 26881  
amount of the assessment is the sum of ten cents per barrel of oil 26882  
for all of the wells of the owner and one-half of one cent per one 26883  
thousand cubic feet of natural gas for all of the wells of the 26884  
owner. 26885

(b) If the sum of ten cents per barrel of oil for all of the 26886  
wells of the owner, one-half of one cent per one thousand cubic 26887  
feet of natural gas for all of the wells of the owner, and the 26888  
amount of the severance tax levied on each severer for all of the 26889  
wells of the owner under divisions (A)(5) and (6) of section 26890  
5749.02 of the Revised Code, as applicable, is less than the sum 26891  
of fifteen dollars for each well owned by the owner, the amount of 26892  
the assessment is the sum of fifteen dollars for each well owned 26893  
by the owner less the amount of the tax levied on each severer for 26894  
all of the wells of the owner under divisions (A)(5) and (6) of 26895  
section 5749.02 of the Revised Code, as applicable. 26896

(2) The oil and gas regulatory cost recovery assessment for a 26897  
well that becomes an exempt domestic well on and after ~~the~~ 26898  
~~effective date of this section~~ June 30, 2010, shall be sixty 26899  
dollars to be paid to the division of ~~mineral oil and gas~~ 26900  
resources management on the first day of July of each year. 26901

(C) All money collected pursuant to this section shall be 26902  
deposited in the state treasury to the credit of the oil and gas 26903  
well fund created in section 1509.02 of the Revised Code. 26904

(D) Except for purposes of revenue distribution as specified 26905  
in division (B) of section 5749.02 of the Revised Code, the oil 26906  
and gas regulatory cost recovery assessment imposed by this 26907  
section shall be treated the same and equivalent for all purposes 26908  
as the taxes levied on the severance of oil and gas under that 26909  
section. However, the assessment imposed by this section is not a 26910

tax under Chapter 5749. of the Revised Code. 26911

**Sec. 1510.01.** As used in this chapter: 26912

(A) "First purchaser" means: 26913

(1) With regard to crude oil, the person to whom title first 26914  
is transferred beyond the gathering tank or tanks, beyond the 26915  
facility from which the crude oil was first produced, or both; 26916

(2) With regard to natural gas, the person to whom title 26917  
first is transferred beyond the inlet side of the measurement 26918  
station from which the natural gas was first produced. 26919

(B) "Independent producer" means a person who complies with 26920  
both of the following: 26921

(1) Produces oil or natural gas and is not engaged in 26922  
refining either product; 26923

(2) Derives a majority of income from ownership in properties 26924  
producing oil or natural gas. 26925

(C) "Qualified independent producer association" means an 26926  
association that complies with all of the following: 26927

(1) It is in existence on December 18, 1997. 26928

(2) It is organized and operating within this state. 26929

(3) A majority of the members of its governing body are 26930  
independent producers. 26931

(D) "Technical advisory council" or "council" means the 26932  
technical advisory council created in the division of ~~mineral oil~~ 26933  
and gas resources management under section 1509.38 of the Revised 26934  
Code. 26935

**Sec. 1510.08.** (A)(1) Except as provided in division (A)(2) of 26936  
this section, an operating committee may levy assessments on the 26937  
production of oil and natural gas in this state for the purposes 26938

of a marketing program established under this chapter. 26939

(2) An operating committee shall not levy an assessment that 26940  
was not approved by independent producers or that exceeds the 26941  
amount authorized under division (B)(1) of section 1510.04 of the 26942  
Revised Code. An operating committee shall not levy an assessment 26943  
against an independent producer who is not eligible to vote in a 26944  
referendum for the marketing program that the operating committee 26945  
administers, as determined under division (C) of section 1510.02 26946  
of the Revised Code. 26947

(B) The technical advisory council may require a first 26948  
purchaser to withhold assessments from any amounts that the first 26949  
purchaser owes to independent producers and, notwithstanding 26950  
division (A)(2) of this section, to remit them to the chairperson 26951  
of the council at the office of the division of ~~mineral oil and~~ 26952  
gas resources management. A first purchaser who pays an assessment 26953  
that is levied pursuant to this section for an independent 26954  
producer may deduct the amount of the assessment from any moneys 26955  
that the first purchaser owes the independent producer. 26956

(C) A marketing program shall require a refund of assessments 26957  
collected under this section after receiving an application for a 26958  
refund from an independent producer. An application for a refund 26959  
shall be made on a form furnished by the council. The operating 26960  
committee shall ensure that refund forms are available where 26961  
assessments for its program are withheld. 26962

An independent producer who desires a refund shall submit a 26963  
request for a refund not later than the thirty-first day of March 26964  
of the year in which the request is submitted. The council shall 26965  
refund the assessment to the independent producer not later than 26966  
the thirtieth day of June of the year in which the request for the 26967  
refund is submitted. 26968

(D) An operating committee shall not use moneys from any 26969

assessments that it levies for any political or legislative 26970  
purpose or for preferential treatment of one person to the 26971  
detriment of another person who is affected by the marketing 26972  
program that the operating committee administers. 26973

**Sec. 1515.08.** The supervisors of a soil and water 26974  
conservation district have the following powers in addition to 26975  
their other powers: 26976

(A) To conduct surveys, investigations, and research relating 26977  
to the character of soil erosion, floodwater and sediment damages, 26978  
and the preventive and control measures and works of improvement 26979  
for flood prevention and the conservation, development, 26980  
utilization, and disposal of water needed within the district, and 26981  
to publish the results of those surveys, investigations, or 26982  
research, provided that no district shall initiate any research 26983  
program except in cooperation or after consultation with the Ohio 26984  
agricultural research and development center; 26985

(B) To develop plans for the conservation of soil resources, 26986  
for the control and prevention of soil erosion, and for works of 26987  
improvement for flood prevention and the conservation, 26988  
development, utilization, and disposal of water within the 26989  
district, and to publish those plans and information; 26990

(C) To implement, construct, repair, maintain, and operate 26991  
preventive and control measures and other works of improvement for 26992  
natural resource conservation and development and flood 26993  
prevention, and the conservation, development, utilization, and 26994  
disposal of water within the district on lands owned or controlled 26995  
by this state or any of its agencies and on any other lands within 26996  
the district, which works may include any facilities authorized 26997  
under state or federal programs, and to acquire, by purchase or 26998  
gift, to hold, encumber, or dispose of, and to lease real and 26999  
personal property or interests in such property for those 27000

purposes; 27001

(D) To cooperate or enter into agreements with any occupier 27002  
of lands within the district in the carrying on of natural 27003  
resource conservation operations and works of improvement for 27004  
flood prevention and the conservation, development, utilization, 27005  
and management of natural resources within the district, subject 27006  
to such conditions as the supervisors consider necessary; 27007

(E) To accept donations, gifts, grants, and contributions in 27008  
money, service, materials, or otherwise, and to use or expend them 27009  
according to their terms; 27010

(F) To adopt, amend, and rescind rules to carry into effect 27011  
the purposes and powers of the district; 27012

(G) To sue and plead in the name of the district, and be sued 27013  
and impleaded in the name of the district, with respect to its 27014  
contracts and, as indicated in section 1515.081 of the Revised 27015  
Code, certain torts of its officers, employees, or agents acting 27016  
within the scope of their employment or official responsibilities, 27017  
or with respect to the enforcement of its obligations and 27018  
covenants made under this chapter; 27019

(H) To make and enter into all contracts, leases, and 27020  
agreements and execute all instruments necessary or incidental to 27021  
the performance of the duties and the execution of the powers of 27022  
the district under this chapter, provided that all of the 27023  
following apply: 27024

(1) Except as provided in section 307.86 of the Revised Code 27025  
regarding expenditures by boards of county commissioners, when the 27026  
cost under any such contract, lease, or agreement, other than 27027  
compensation for personal services or rental of office space, 27028  
involves an expenditure of more than the amount established in 27029  
that section regarding expenditures by boards of county 27030  
commissioners, the supervisors shall make a written contract with 27031

the lowest and best bidder after advertisement, for not less than 27032  
two nor more than four consecutive weeks preceding the day of the 27033  
opening of bids, in a newspaper of general circulation within the 27034  
district or as provided in section 7.16 of the Revised Code and in 27035  
such other publications as the supervisors determine. The notice 27036  
shall state the general character of the work and materials to be 27037  
furnished, the place where plans and specifications may be 27038  
examined, and the time and place of receiving bids. 27039

(2) Each bid for a contract shall contain the full name of 27040  
every person interested in it. 27041

(3) Each bid for a contract for the construction, demolition, 27042  
alteration, repair, or reconstruction of an improvement shall meet 27043  
the requirements of section 153.54 of the Revised Code. 27044

(4) Each bid for a contract, other than a contract for the 27045  
construction, demolition, alteration, repair, or reconstruction of 27046  
an improvement, at the discretion of the supervisors, may be 27047  
accompanied by a bond or certified check on a solvent bank in an 27048  
amount not to exceed five per cent of the bid, conditioned that, 27049  
if the bid is accepted, a contract shall be entered into. 27050

(5) The supervisors may reject any and all bids. 27051

(I) To make agreements with the department of natural 27052  
resources giving it control over lands of the district for the 27053  
purpose of construction of improvements by the department under 27054  
section 1501.011 of the Revised Code; 27055

(J) To charge, alter, and collect rentals and other charges 27056  
for the use or services of any works of the district; 27057

(K) To enter, either in person or by designated 27058  
representatives, upon lands, private or public, in the necessary 27059  
discharge of their duties; 27060

(L) To enter into agreements or contracts with the department 27061

for the determination, implementation, inspection, and funding of 27062  
agricultural pollution abatement and urban sediment pollution 27063  
abatement measures whereby landowners, operators, managers, and 27064  
developers may meet adopted state standards for a quality 27065  
environment, except that failure of a district board of 27066  
supervisors to negotiate an agreement or contract with the 27067  
department shall authorize the division of soil and water 27068  
resources to implement the required program; 27069

(M) To conduct demonstrations and provide information to the 27070  
public regarding practices and methods for natural resource 27071  
conservation, development, and utilization; 27072

(N) To enter into contracts or agreements with the chief of 27073  
the division of soil and water resources to implement and 27074  
administer a program for urban sediment pollution abatement and to 27075  
receive and expend moneys provided by the chief for that purpose; 27076

(O) To develop operation and management plans, as defined in 27077  
section 1511.01 of the Revised Code, as necessary; 27078

(P) To determine whether operation and management plans 27079  
developed under division (A) of section 1511.021 of the Revised 27080  
Code comply with the standards established under division (E)(1) 27081  
of section 1511.02 of the Revised Code and to approve or 27082  
disapprove the plans, based on such compliance. If an operation 27083  
and management plan is disapproved, the board shall provide a 27084  
written explanation to the person who submitted the plan. The 27085  
person may appeal the plan disapproval to the chief, who shall 27086  
afford the person a hearing. Following the hearing, the chief 27087  
shall uphold the plan disapproval or reverse it. If the chief 27088  
reverses the plan disapproval, the plan shall be deemed approved 27089  
under this division. In the event that any person operating or 27090  
owning agricultural land or a concentrated animal feeding 27091  
operation in accordance with an approved operation and management 27092  
plan who, in good faith, is following that plan, causes 27093

agricultural pollution, the plan shall be revised in a fashion 27094  
necessary to mitigate the agricultural pollution, as determined 27095  
and approved by the board of supervisors of the soil and water 27096  
conservation district. 27097

(Q) With regard to composting conducted in conjunction with 27098  
agricultural operations, to do all of the following: 27099

(1) Upon request or upon their own initiative, inspect 27100  
composting at any such operation to determine whether the 27101  
composting is being conducted in accordance with section 1511.022 27102  
of the Revised Code; 27103

(2) If the board determines that composting is not being so 27104  
conducted, request the chief to issue an order under division (G) 27105  
of section 1511.02 of the Revised Code requiring the person who is 27106  
conducting the composting to prepare a composting plan in 27107  
accordance with rules adopted under division (E)(8)(c) of that 27108  
section and to operate in accordance with that plan or to operate 27109  
in accordance with a previously prepared plan, as applicable; 27110

(3) In accordance with rules adopted under division (E)(8)(c) 27111  
of section 1511.02 of the Revised Code, review and approve or 27112  
disapprove any such composting plan. If a plan is disapproved, the 27113  
board shall provide a written explanation to the person who 27114  
submitted the plan. 27115

As used in division (Q) of this section, "composting" has the 27116  
same meaning as in section 1511.01 of the Revised Code. 27117

(R) With regard to conservation activities that are conducted 27118  
in conjunction with agricultural operations, to assist the county 27119  
auditor, upon request, in determining whether a conservation 27120  
activity is a conservation practice for purposes of Chapter 929. 27121  
or sections 5713.30 to 5713.37 and 5715.01 of the Revised Code. 27122

As used in this division, "conservation practice" has the 27123  
same meaning as in section 5713.30 of the Revised Code. 27124



(S) To do all acts necessary or proper to carry out the 27125  
powers granted in this chapter. 27126

The director of natural resources shall make recommendations 27127  
to reduce the adverse environmental effects of each project that a 27128  
soil and water conservation district plans to undertake under 27129  
division (A), (B), (C), or (D) of this section and that will be 27130  
funded in whole or in part by moneys authorized under section 27131  
1515.16 of the Revised Code and shall disapprove any such project 27132  
that the director finds will adversely affect the environment 27133  
without equal or greater benefit to the public. The director's 27134  
disapproval or recommendations, upon the request of the district 27135  
filed in accordance with rules adopted by the Ohio soil and water 27136  
conservation commission, shall be reviewed by the commission, 27137  
which may confirm the director's decision, modify it, or add 27138  
recommendations to or approve a project the director has 27139  
disapproved. 27140

Any instrument by which real property is acquired pursuant to 27141  
this section shall identify the agency of the state that has the 27142  
use and benefit of the real property as specified in section 27143  
5301.012 of the Revised Code. 27144

**Sec. 1515.14.** Within the limits of funds appropriated to the 27145  
department of natural resources and the soil and water 27146  
conservation district assistance fund created in this section, 27147  
there shall be paid in each calendar year to each local soil and 27148  
water conservation district an amount not to exceed one dollar for 27149  
each one dollar received in accordance with section 1515.10 of the 27150  
Revised Code, received from tax levies in excess of the ten-mill 27151  
levy limitation approved for the benefit of local soil and water 27152  
conservation districts, or received from an appropriation by a 27153  
municipal corporation or a township to a maximum of eight thousand 27154  
dollars, provided that the Ohio soil and water conservation 27155

commission may approve payment to a district in an amount in 27156  
excess of eight thousand dollars in any calendar year upon receipt 27157  
of a request and justification from the district. The county 27158  
auditor shall credit such payments to the special fund established 27159  
pursuant to section 1515.10 of the Revised Code for the local soil 27160  
and water conservation district. The department may make advances 27161  
at least quarterly to each district on the basis of the estimated 27162  
contribution of the state to each district. Moneys received by 27163  
each district shall be expended for the purposes of the district. 27164

For the purpose of providing money to soil and water 27165  
conservation districts under this section, there is hereby created 27166  
in the state treasury the soil and water conservation district 27167  
assistance fund consisting of money credited to it under sections 27168  
3714.073 and 3734.901 and division (A)~~(5)~~(4) of section 3734.57 of 27169  
the Revised Code. 27170

**Sec. 1515.24.** (A) Following receipt of a certification made 27171  
by the supervisors of a soil and water conservation district 27172  
pursuant to section 1515.19 of the Revised Code together with 27173  
receipt of all plans, specifications, and estimates submitted 27174  
under that section and upon completion of a schedule of estimated 27175  
assessments in accordance with section 1515.211 of the Revised 27176  
Code, the board of county commissioners may adopt a resolution 27177  
levying upon the property within the project area an assessment at 27178  
a uniform or varied rate based upon the benefit to the area 27179  
certified by the supervisors, as necessary to pay the cost of 27180  
construction of the improvement not otherwise funded and to repay 27181  
advances made for purposes of the improvement from the fund 27182  
created by section 1515.15 of the Revised Code. The board of 27183  
county commissioners shall direct the person or authority 27184  
preparing assessments to give primary consideration, in 27185  
determining a parcel's estimated assessments relating to the 27186  
disposal of water, to the potential increase in productivity that 27187

the parcel may experience as a result of the improvement and also 27188  
to give consideration to the amount of water disposed of, the 27189  
location of the property relative to the project, the value of the 27190  
project to the watershed, and benefits. The part of the assessment 27191  
that is found to benefit state, county, or township roads or 27192  
highways or municipal streets shall be assessed against the state, 27193  
county, township, or municipal corporation, respectively, payable 27194  
from motor vehicle revenues. The part of the assessment that is 27195  
found to benefit property owned by any public corporation, any 27196  
political subdivision of the state, or the state shall be assessed 27197  
against the public corporation, the political subdivision, or the 27198  
state and shall be paid out of the general funds or motor vehicle 27199  
revenues of the public corporation, the political subdivision of 27200  
the state, or the state, except as otherwise provided by law. 27201

(B) The assessment shall be certified to the county auditor 27202  
and by the county auditor to the county treasurer. The collection 27203  
of the assessment shall conform in all matters to Chapter 323. of 27204  
the Revised Code. 27205

(C) Any land owned and managed by the department of natural 27206  
resources for wildlife, recreation, nature preserve, or forestry 27207  
purposes is exempt from assessments if the director of natural 27208  
resources determines that the land derives no benefit from the 27209  
improvement. In making such a determination, the director shall 27210  
consider the purposes for which the land is owned and managed and 27211  
any relevant articles of dedication or existing management plans 27212  
for the land. If the director determines that the land derives no 27213  
benefit from the improvement, the director shall notify the board 27214  
of county commissioners, within thirty days after receiving the 27215  
assessment notification required by this section, indicating that 27216  
the director has determined that the land is to be exempt and 27217  
explaining the specific reason for making this determination. The 27218  
board of county commissioners, within thirty days after receiving 27219

the director's exemption notification, may appeal the 27220  
determination to the court of common pleas. If the court of common 27221  
pleas finds in favor of the board of county commissioners, the 27222  
department of natural resources shall pay all court costs and 27223  
legal fees. 27224

(D)(1) The board shall give notice by first class mail to 27225  
every public and private property owner whose property is subject 27226  
to assessment, at the tax mailing or other known address of the 27227  
owner. The notice shall contain a statement of the amount to be 27228  
assessed against the property of the addressee, a description of 27229  
the method used to determine the necessity for and the amount of 27230  
the proposed assessment, a description of any easement on the 27231  
property that is necessary for purposes of the improvement, and a 27232  
statement that the addressee may file an objection in writing at 27233  
the office of the board of county commissioners within thirty days 27234  
after the mailing of notice. If the residence of any owner cannot 27235  
be ascertained, or if any mailed notice is returned undelivered, 27236  
the board shall publish the notice to all such owners in a 27237  
newspaper of general circulation within the project area, ~~at least~~ 27238  
once each week for three weeks, which or as provided in section 27239  
7.16 of the Revised Code. The notice shall include the information 27240  
contained in the mailed notice, but shall state that the owner may 27241  
file an objection in writing at the office of the board of county 27242  
commissioners within thirty days after the last publication of the 27243  
notice. 27244

(2) Upon receipt of objections as provided in this section, 27245  
the board shall proceed within thirty days to hold a final hearing 27246  
on the objections by fixing a date and giving notice by first 27247  
class mail to the objectors at the address provided in filing the 27248  
objection. If any mailed notice is returned undelivered, the board 27249  
shall give due notice to the objectors in a newspaper of general 27250  
circulation in the project area or as provided in section 7.16 of 27251

the Revised Code, stating the time, place, and purpose of the 27252  
hearing. Upon hearing the objectors, the board may adopt a 27253  
resolution amending and approving the final schedule of 27254  
assessments and shall enter it in the journal. 27255

(3) Any owner whose objection is not allowed may appeal 27256  
within thirty days to the court of common pleas of the county in 27257  
which the property is located. 27258

(4) The board of county commissioners shall make an order 27259  
approving the levying of the assessment and shall proceed under 27260  
section 6131.23 of the Revised Code after one of the following has 27261  
occurred, as applicable: 27262

(a) Final notice is provided by mail or publication. 27263

(b) The imposition of assessments is upheld in the final 27264  
disposition of an appeal that is filed pursuant to division (D)(3) 27265  
of this section. 27266

(c) The resolution levying the assessments is approved in a 27267  
referendum that is held pursuant to section 305.31 of the Revised 27268  
Code. 27269

(5) The county treasurer shall deposit the proceeds of the 27270  
assessment in the fund designated by the board and shall report to 27271  
the county auditor the amount of money from the assessment that is 27272  
collected by the treasurer. Moneys shall be expended from the fund 27273  
for purposes of the improvement. 27274

(E) Any moneys collected in excess of the amount needed for 27275  
construction of the improvement and the subsequent first year's 27276  
maintenance may be maintained in a fund to be used for maintenance 27277  
of the improvement. In any year subsequent to a year in which an 27278  
assessment for construction of an improvement levied under this 27279  
section has been collected, and upon determination by the board of 27280  
county commissioners that funds are not otherwise available for 27281  
maintenance or repair of the improvement, the board shall levy on 27282

the property within the project area an assessment for maintenance 27283  
at a uniform percentage of all construction costs based upon the 27284  
assessment schedule used in determining the construction 27285  
assessment. The assessment is not subject to the provisions 27286  
concerning notice and petition contained in this section. An 27287  
assessment for maintenance shall not be levied in any year in 27288  
which the unencumbered balance of funds available for maintenance 27289  
of the improvement exceeds twenty per cent of the cost of 27290  
construction of the improvement, except that the board may adjust 27291  
the level of assessment within the twenty per cent limitation, or 27292  
suspend temporarily the levying of an assessment, for maintenance 27293  
purposes as maintenance funds are needed. 27294

For the purpose of levying an assessment for maintenance of 27295  
an improvement, a board may use the procedures established in 27296  
Chapter 6137. of the Revised Code regarding maintenance of 27297  
improvements as defined in section 6131.01 of the Revised Code in 27298  
lieu of using the procedures established under this section. 27299

(F) The board of county commissioners may issue bonds and 27300  
notes as authorized by section 131.23 or 133.17 of the Revised 27301  
Code. 27302

**Sec. 1517.02.** There is hereby created in the department of 27303  
natural resources the division of natural areas and preserves, 27304  
which shall be administered by the chief of the division of 27305  
natural areas and preserves. The chief shall take an oath of 27306  
office and shall file in the office of the secretary of state a 27307  
bond signed by the chief and by a surety approved by the governor 27308  
for a sum fixed pursuant to section 121.11 of the Revised Code. 27309

The chief shall administer a system of nature preserves. The 27310  
chief shall establish a system of nature preserves through 27311  
acquisition and dedication of natural areas of state or national 27312  
significance, which shall include, but not be limited to, areas 27313

that represent characteristic examples of Ohio's natural landscape 27314  
types and its natural vegetation and geological history. The chief 27315  
shall encourage landowners to dedicate areas of unusual 27316  
significance as nature preserves, and shall establish and maintain 27317  
a registry of natural areas of unusual significance. 27318

The chief may participate in watershed planning activities 27319  
with other states or federal agencies. 27320

The chief shall do the following: 27321

(A) Formulate policies and plans for the acquisition, use, 27322  
management, and protection of nature preserves; 27323

(B) Formulate policies for the selection of areas suitable 27324  
for registration; 27325

(C) Formulate policies for the dedication of areas as nature 27326  
preserves; 27327

(D) Prepare and maintain surveys and inventories of natural 27328  
areas, rare and endangered species of plants and animals, and 27329  
other unique natural features. The information shall be ~~stored~~ 27330  
entered in the Ohio natural heritage database, established 27331  
~~pursuant to this division, and may be made available to any~~ 27332  
~~individual or private or public agency for research, educational,~~ 27333  
~~environmental, land management, or other similar purposes that are~~ 27334  
~~not detrimental to the conservation of a species or feature.~~ 27335  
~~Information regarding sensitive site locations of species that are~~ 27336  
~~listed pursuant to section 1518.01 of the Revised Code and of~~ 27337  
~~unique natural features that are included in the Ohio natural~~ 27338  
~~heritage database is not subject to section 149.43 of the Revised~~ 27339  
~~Code if the chief determines that the release of the information~~ 27340  
~~could be detrimental to the conservation of a species or unique~~ 27341  
~~natural feature~~ under section 1531.04 of the Revised Code. 27342

(E) Adopt rules for the use, visitation, and protection of 27343  
nature preserves and natural areas owned or managed through 27344

easement, license, or lease by the department and administered by 27345  
the division in accordance with Chapter 119. of the Revised Code; 27346

(F) Provide facilities and improvements within the state 27347  
system of nature preserves that are necessary for their 27348  
visitation, use, restoration, and protection and do not impair 27349  
their natural character; 27350

(G) Provide interpretive programs and publish and disseminate 27351  
information pertaining to nature preserves and natural areas for 27352  
their visitation and use; 27353

(H) Conduct and grant permits to qualified persons for the 27354  
conduct of scientific research and investigations within nature 27355  
preserves; 27356

(I) Establish an appropriate system for marking nature 27357  
preserves; 27358

(J) Publish and submit to the governor and the general 27359  
assembly a biennial report of the status and condition of each 27360  
nature preserve, activities conducted within each preserve, and 27361  
plans and recommendations for natural area preservation. 27362

**Sec. 1531.04.** The division of wildlife, at the direction of 27363  
the chief of the division, shall do all of the following: 27364

(A) Plan, develop, and institute programs and policies based 27365  
on the best available information, including biological 27366  
information derived from professionally accepted practices in 27367  
wildlife and fisheries management, with the approval of the 27368  
director of natural resources; 27369

(B) Have and take the general care, protection, and 27370  
supervision of the wildlife in the state parks known as Lake St. 27371  
Marys, The Portage Lakes, Lake Loramie, Indian Lake, Buckeye Lake, 27372  
Guilford Lake, such part of Pymatuning reservoir as lies in this 27373  
state, and all other state parks and lands owned by the state or 27374



in which it is interested or may acquire or become interested, 27375  
except lands and lakes the care and supervision of which are 27376  
vested in some other officer, body, board, association, or 27377  
organization; 27378

(C) Enforce by proper legal action or proceeding the laws of 27379  
the state and division rules for the protection, preservation, 27380  
propagation, and management of wild animals and sanctuaries and 27381  
refuges for the propagation of those wild animals, and adopt and 27382  
carry into effect such measures as it considers necessary in the 27383  
performance of its duties; 27384

(D) Promote, educate, and inform the citizens of the state 27385  
about conservation and the values of fishing, hunting, and 27386  
trapping, with the approval of the director; 27387

(E) Prepare and maintain surveys and inventories of rare and 27388  
endangered species of plants and animals and other unique natural 27389  
features. The information shall be stored in the Ohio natural 27390  
heritage database, established pursuant to this division, and may 27391  
be made available to any individual or private or public agency 27392  
for research, educational, environmental, land management, or 27393  
other similar purposes that are not detrimental to the 27394  
conservation of a species or feature. Information regarding 27395  
sensitive site locations of species that are listed pursuant to 27396  
section 1518.01 of the Revised Code and of unique natural features 27397  
that are included in the Ohio natural heritage database is not 27398  
subject to section 149.43 of the Revised Code if the chief 27399  
determines that the release of the information could be 27400  
detrimental to the conservation of a species or unique natural 27401  
feature. 27402

**Sec. 1541.03.** All lands and waters dedicated and set apart 27403  
for state park purposes shall be under the control and management 27404  
of the division of parks and recreation, which shall protect, 27405

maintain, and keep them in repair. The division shall have the	27406
following powers over all such lands and waters:	27407
(A) To make alterations and improvements;	27408
(B) To construct and maintain dikes, wharves, landings, docks, dams, and other works;	27409 27410
(C) To construct and maintain roads and drives in, around, upon, and to the lands and waters to make them conveniently accessible and useful to the public;	27411 27412 27413
(D) Except as otherwise provided in this section, to adopt, amend, and rescind, in accordance with Chapter 119. of the Revised Code, rules necessary for the proper management of state parks, bodies of water, and the lands adjacent to them under its jurisdiction and control, including the following:	27414 27415 27416 27417 27418
(1) Governing opening and closing times and dates of the parks;	27419 27420
(2) Establishing fees and charges for use of facilities in state parks;	27421 27422
(3) Governing camps, camping, and fees for camps and camping;	27423
(4) Governing the application for and rental of, rental fees for, and the use of cottages;	27424 27425
(5) Relating to public use of state park lands, and governing the operation of motor vehicles, including speeds, and parking on those lands;	27426 27427 27428
(6) Governing all advertising within state parks and the requirements for the operation of places selling tangible personal property and control of food service sales on lands and waters under the control of the division, which rules shall establish uniform requirements;	27429 27430 27431 27432 27433
(7) Providing uniform standards relating to the size, type, location, construction, and maintenance of structures and devices	27434 27435

used for fishing or moorage of watercraft, rowboats, sailboats, 27436  
and powercraft, as those terms are defined in section 1547.01 of 27437  
the Revised Code, over waters under the control of the division 27438  
and establishing reasonable fees for the construction of and 27439  
annual use permits for those structures and devices; 27440

(8) Governing state beaches, swimming, inflatable devices, 27441  
and fees for them; 27442

(9) Governing the removal and disposition of any watercraft, 27443  
rowboat, sailboat, or powercraft, as those terms are defined in 27444  
section 1547.01 of the Revised Code, left unattended for more than 27445  
seven days on any lands or waters under the control of the 27446  
division; 27447

(10) Governing the establishment and collection of check 27448  
collection charges for checks that are returned to the division or 27449  
dishonored for any reason. 27450

(E) To coordinate and plan trails in accordance with section 27451  
1519.03 of the Revised Code; 27452

(F) To cooperate with the United States and agencies of it 27453  
and with political subdivisions in administering federal 27454  
recreation moneys under the "Land and Water Conservation Fund Act 27455  
of 1965," 78 Stat. 897, 16 U.S.C. 4601-8, as amended; prepare and 27456  
distribute the statewide comprehensive outdoor recreation plan; 27457  
and administer the state recreational vehicle fund created in 27458  
section 4519.11 of the Revised Code; 27459

(G) To administer any state or federally funded grant program 27460  
that is related to natural resources and recreation as considered 27461  
necessary by the director of natural resources; 27462

(H) To assist the department of natural resources and its 27463  
divisions by providing department-wide planning, capital 27464  
improvements planning, and special purpose planning. 27465

With the approval of the director, the chief of the division 27466  
of parks and recreation may enter into contracts or agreements 27467  
with any agency of the United States government, any other public 27468  
agency, or any private entity or organization for the performance 27469  
of the duties of the division. 27470

The chief may sell, lease, or transfer minerals or mineral 27471  
rights, with the approval of the director of natural resources, 27472  
when the chief and the director determine it to be in the best 27473  
interest of the state. Upon approval of the director, the chief 27474  
may make, execute, and deliver contracts, including leases, to 27475  
drill for oil and natural gas on and under lands owned by the 27476  
state and administered by the division to any person who complies 27477  
with the terms of such a contract. No such contract shall be valid 27478  
for more than fifty years from its effective date. Consideration 27479  
for minerals and mineral rights shall be by rental or royalty 27480  
basis as prescribed by the chief and payable as prescribed by 27481  
contract. Money collected from rentals shall be paid into the 27482  
state treasury to the credit of the state park fund created in 27483  
section 1541.22 of the Revised Code. Money collected from 27484  
royalties shall be paid into the parks mineral royalties trust 27485  
fund created in section 1541.25 of the Revised Code. 27486

The division shall adopt rules under this section 27487  
establishing a discount program for all persons who are issued a 27488  
golden buckeye card under section 173.06 of the Revised Code. The 27489  
discount program shall provide a discount for all park services 27490  
and rentals, but shall not provide a discount for the purchase of 27491  
merchandise. 27492

The division shall not adopt rules establishing fees or 27493  
charges for parking a motor vehicle in a state park or for 27494  
admission to a state park. 27495

Every resident of this state with a disability that has been 27496  
determined by the veterans administration to be permanently and 27497

totally disabling, who receives a pension or compensation from the 27498  
veterans administration, and who received an honorable discharge 27499  
from the armed forces of the United States, and every veteran to 27500  
whom the registrar of motor vehicles has issued a set of license 27501  
plates under section 4503.41 of the Revised Code, shall be exempt 27502  
from the fees for camping, provided that the resident or veteran 27503  
carries in the state park such evidence of the resident's or 27504  
veteran's disability as the chief prescribes by rule. 27505

Unless otherwise provided by division rule, every resident of 27506  
this state who is sixty-five years of age or older or who is 27507  
permanently and totally disabled and who furnishes evidence of 27508  
that age or disability in a manner prescribed by division rule 27509  
shall be charged one-half of the regular fee for camping, except 27510  
on the weekends and holidays designated by the division, and shall 27511  
not be charged more than ninety per cent of the regular charges 27512  
for state recreational facilities, equipment, services, and food 27513  
service operations utilized by the person at any time of year, 27514  
whether maintained or operated by the state or leased for 27515  
operation by another entity. 27516

As used in this section, "food service operations" means 27517  
restaurants that are owned by the department of natural resources 27518  
at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state 27519  
parks or are part of a state park lodge. "Food service operations" 27520  
does not include automatic vending machines, concession stands, or 27521  
snack bars. 27522

As used in this section, "prisoner of war" means any 27523  
regularly appointed, enrolled, enlisted, or inducted member of the 27524  
military forces of the United States who was captured, separated, 27525  
and incarcerated by an enemy of the United States. Any person who 27526  
has been a prisoner of war, was honorably discharged from the 27527  
military forces, and is a resident of this state is exempt from 27528  
the fees for camping. To claim this exemption, the person shall 27529

present written evidence in the form of a record of separation, a 27530  
letter from one of the military forces of the United States, or 27531  
such other evidence as the chief prescribes by rule that satisfies 27532  
the eligibility criteria established by this section. 27533

**Sec. 1541.05.** (A) The chief of the division of parks and 27534  
recreation, with the approval of the director of natural 27535  
resources, may dispose of any of the following by sale, donation, 27536  
trade, trade-in, recycling, or any other lawful means, in a manner 27537  
that will benefit the division: 27538

(1) Standing timber that as a result of wind, storm, 27539  
pestilence, or any other natural occurrence may present a hazard 27540  
to life or property, timber that has weakened or fallen on lands 27541  
under the control and management of the division, or any timber or 27542  
other forest products that ~~requires~~ require management to improve 27543  
wildlife habitat, protect against wildfires, provide access to 27544  
recreational facilities, implement sustainable forestry practices, 27545  
or improve the safety, quality, or appearance of any state park 27546  
area; 27547

(2) Spoils of a dredging operation conducted by the division 27548  
in waters under the control and management of the division. Prior 27549  
to the disposition of any spoils under this division, the chief 27550  
shall notify the director of environmental protection of the 27551  
chief's intent so that the director may determine if the spoils 27552  
constitute solid wastes or hazardous waste, as those terms are 27553  
defined in section 3734.01 of the Revised Code, that must be 27554  
disposed of in accordance with Chapter 3734. of the Revised Code. 27555  
If the director does not notify the chief within thirty days after 27556  
receiving notice of the disposition that the spoils must be 27557  
disposed of in accordance with Chapter 3734. of the Revised Code, 27558  
the chief may proceed with the disposition. 27559

(3) Notwithstanding sections 125.12 to 125.14 of the Revised 27560

Code, excess supplies and surplus supplies, as those terms are 27561  
defined in section 125.12 of the Revised Code; 27562

(4) Agricultural products that are grown or raised by the 27563  
division. As used in this division, "agricultural products" 27564  
includes products of apiculture, animal husbandry, or poultry 27565  
husbandry, field crops, fruits, and vegetables. 27566

(5) Abandoned personal property, including golf balls that 27567  
are found on property under the control and management of the 27568  
division. 27569

(B) In accordance with Chapter 119. of the Revised Code, the 27570  
chief shall adopt, and may amend and rescind, such rules as are 27571  
necessary to administer this section. 27572

(C) Proceeds Except as provided in division (D) of this 27573  
section, proceeds from the disposition of items under this section 27574  
shall be deposited in the state treasury to the credit of the 27575  
state park fund created in section 1541.22 of the Revised Code. 27576

(D) The chief of the division of parks and recreation may 27577  
enter into a memorandum of understanding with the chief of the 27578  
division of forestry to allow the division of forestry to 27579  
administer the sale of timber and forest products on lands that 27580  
are owned or controlled by the division of parks and recreation. 27581  
Proceeds from the sale of timber or forest products pursuant to 27582  
the memorandum of understanding shall be apportioned as follows: 27583

(1) Seventy-five per cent of the proceeds shall be deposited 27584  
in the state treasury to the credit of the state park fund. 27585

(2) Twenty-five per cent of the proceeds shall be deposited 27586  
in the state treasury to the credit of the state forest fund 27587  
created in section 1503.05 of the Revised Code. 27588

Sec. 1541.25. There is hereby created the parks mineral 27589  
royalties trust fund, which shall be in the custody of the 27590

treasurer of state and shall not be a part of the state treasury. 27591  
The fund shall consist of royalties paid to the division of parks 27592  
and recreation pursuant to the sale, lease, or transfer of 27593  
minerals or mineral rights as provided in section 1541.03 of the 27594  
Revised Code. Money in the fund shall be used by the division to 27595  
facilitate capital improvements, maintenance, repairs, and 27596  
renovations on properties that are owned by the state and 27597  
administered by the division. 27598

Investment earnings of the fund shall be credited to the 27599  
parks mineral royalties fund created in section 1541.26 of the 27600  
Revised Code. Quarterly each fiscal year, the investment earnings 27601  
of the parks mineral royalties trust fund shall be transferred to 27602  
the parks mineral royalties fund. 27603

Upon the request of the director of natural resources, the 27604  
director of budget and management annually may transfer an amount 27605  
not to exceed ten per cent of the principal of the parks mineral 27606  
royalties trust fund to the parks mineral royalties fund. 27607

**Sec. 1541.26.** There is hereby created in the state treasury 27608  
the parks mineral royalties fund. The fund shall consist of all 27609  
investment earnings of the parks mineral royalties trust fund 27610  
created in section 1541.25 of the Revised Code and any principal 27611  
transferred from the trust fund as authorized by that section. 27612

Money in the parks mineral royalties fund shall be used by 27613  
the division of parks and recreation to facilitate capital 27614  
improvements, maintenance, repairs, and renovations on properties 27615  
that are owned by the state and administered by the division. All 27616  
expenditures from the fund shall be approved by the director of 27617  
natural resources. 27618

**Sec. 1545.09.** (A) The board of park commissioners shall adopt 27619  
such bylaws and rules as the board considers advisable for the 27620



preservation of good order within and adjacent to parks and 27621  
reservations of land, and for the protection and preservation of 27622  
the parks, parkways, and other reservations of land under its 27623  
jurisdiction and control and of property and natural life therein. 27624  
The board shall also adopt bylaws or rules establishing a 27625  
procedure for contracting for professional, technical, consulting, 27626  
and other special services. Any competitive bidding procedures of 27627  
the board do not apply to the purchase of benefits for park 27628  
district officers or employees when such benefits are provided 27629  
through a health and welfare trust fund administered through or in 27630  
conjunction with a collective bargaining representative of the 27631  
park district employees, as authorized in section 1545.071 of the 27632  
Revised Code. The Summaries of the bylaws and rules shall be 27633  
published as provided in the case of ordinances of municipal 27634  
corporations under section 731.21 of the Revised Code before 27635  
taking effect. 27636

(B)(1) As used in division (B)(2) of this section, "similar 27637  
violation under state law" means a violation of any section of the 27638  
Revised Code, other than division (C) of this section, that is 27639  
similar to a violation of a bylaw or rule adopted under division 27640  
(A) of this section. 27641

(2) The board of park commissioners may adopt by bylaw a 27642  
penalty for a violation of any bylaw or rule adopted under 27643  
division (A) of this section, and any penalty so adopted shall not 27644  
exceed in severity whichever of the following is applicable: 27645

(a) The penalty designated under the Revised Code for a 27646  
violation of the state law that is similar to the bylaw or rule 27647  
for which the board adopted the penalty; 27648

(b) For a violation of a bylaw or rule adopted under division 27649  
(A) of this section for which the similar violation under state 27650  
law does not bear a penalty or for which there is no similar 27651  
violation under state law, a fine of not more than one hundred 27652

fifty dollars for a first offense and not more than one thousand 27653  
dollars for each subsequent offense. 27654

(3) ~~Any~~ A summary of any bylaw adopted under division (B)(2) 27655  
of this section shall be published as provided in the case of 27656  
ordinances of municipal corporations under section 731.21 of the 27657  
Revised Code before taking effect. 27658

(C) No person shall violate any bylaws or rules adopted under 27659  
division (A) of this section. All fines collected for any 27660  
violation of this section shall be paid into the treasury of such 27661  
park board. 27662

**Sec. 1545.12.** (A) Except as provided in division (B) of this 27663  
section, if the board of park commissioners finds that any lands 27664  
that it has acquired are not necessary for the purposes for which 27665  
they were acquired by the board, it may sell and dispose of the 27666  
lands upon terms the board considers advisable. The board also may 27667  
lease or permit the use of any lands for purposes not inconsistent 27668  
with the purposes for which the lands were acquired, and upon 27669  
terms the board considers advisable. No lands shall be sold 27670  
pursuant to this division without first giving notice of the 27671  
board's intention to sell the lands by publication once a week for 27672  
four consecutive weeks in ~~not less than two English newspapers a~~ 27673  
newspaper of general circulation in the district or as provided in 27674  
section 7.16 of the Revised Code. The notice shall contain an 27675  
accurate description of the lands and shall state the time and 27676  
place at which sealed bids will be received for the purchase of 27677  
the lands, and the lands shall not thereafter be sold at private 27678  
sale for less than the best and highest bid received without 27679  
giving further notice as specified in this division. 27680

(B)(1) After compliance with division (B)(2) of this section, 27681  
the board of park commissioners may sell land upon terms the board 27682  
considers advisable to any park district established under section 27683

511.18 or Chapter 1545. of the Revised Code, any political 27684  
subdivision of the state, the state or any department or agency of 27685  
the state, or any department or agency of the federal government 27686  
for conservation uses or for park or recreation purposes without 27687  
the necessity of having to comply with division (A) of this 27688  
section. 27689

(2) Before the board of park commissioners may sell land 27690  
under division (B)(1) of this section, the board shall offer the 27691  
land for sale to each of the following public agencies that is 27692  
authorized to acquire, develop, and maintain land for conservation 27693  
uses or for park or recreation purposes: each park district 27694  
established under section 511.18 or Chapter 1545. of the Revised 27695  
Code or political subdivision in which the land is located, each 27696  
park district that is so established and that adjoins or each 27697  
political subdivision that adjoins a park district so established 27698  
or political subdivision in which the land is located, and each 27699  
agency or department of the state or of the federal government 27700  
that operates parks or conservation or recreation areas near the 27701  
land. The board shall make the offer by giving a written notice 27702  
that the land is available for sale, by first class mail, to these 27703  
public agencies. A failure of delivery of the written notice to 27704  
any of these public agencies does not invalidate any proceedings 27705  
for the sale of land under this division. Any public agency that 27706  
is so notified and that wishes to purchase the land shall make an 27707  
offer to the board in writing not later than sixty days after 27708  
receiving the written notice. 27709

If there is only one offer to purchase the land made in that 27710  
sixty-day period, the board need not hold a public hearing on the 27711  
offer. The board shall accept the offer only if it determines that 27712  
acceptance of the offer will result in the best public use of the 27713  
land. 27714

If there is more than one offer to purchase the land made in 27715

that sixty-day period, the board shall not accept any offer until 27716  
the board holds a public hearing on the offers. If, after the 27717  
hearing, the board decides to accept an offer, it shall accept the 27718  
offer that it determines will result in the best public use of the 27719  
land. 27720

(C) No lands shall be sold under this section at either 27721  
public or private sale without the approval of the probate court 27722  
of the county in which the lands are situated. 27723

**Sec. 1547.302.** (A) Unclaimed vessels or outboard motors 27724  
ordered into storage under division (B) of section 1547.30 or 27725  
section 1547.301 of the Revised Code shall be disposed of at the 27726  
order of the sheriff of the county, the chief of police of the 27727  
municipal corporation, township, or township police district, or 27728  
another chief of a law enforcement agency in any of the following 27729  
ways: 27730

(1) To a marine salvage dealer; 27731

(2) To any other facility owned, operated, or under contract 27732  
with the state or the county, municipal corporation, township, or 27733  
other political subdivision; 27734

(3) To a charitable organization, religious organization, or 27735  
similar organization not used and operated for profit; 27736

(4) By sale at public auction by the sheriff, the chief, or 27737  
an auctioneer licensed under Chapter 4707. of the Revised Code, 27738  
after giving notice of the auction by advertisement, published 27739  
once a week for two consecutive weeks in a newspaper of general 27740  
circulation in the county or as provided in section 7.16 of the 27741  
Revised Code. 27742

(B) Any moneys accruing from the disposition of an unclaimed 27743  
vessel or motor that are in excess of the expenses resulting from 27744  
the removal and storage of the vessel or motor shall be credited 27745

to the general revenue fund or to the general fund of the county, 27746  
municipal corporation, township, or other political subdivision, 27747  
as appropriate. 27748

(C) As used in this section, "charitable organization" has 27749  
the same meaning as in section 1716.01 of the Revised Code. 27750

**Sec. 1551.311.** The general assembly hereby finds and declares 27751  
that the future of the Ohio coal industry lies in the development 27752  
of clean coal technology and that the disproportionate economic 27753  
impact on the state under Title IV of the "Clean Air Act 27754  
Amendments of 1990," 104 Stat. 2584, 42 U.S.C.A. 7651, warrants 27755  
maximum federal assistance to this state for such development. It 27756  
is therefore imperative that the ~~Ohio air quality department of~~ 27757  
~~development authority created under Chapter 3706. of the Revised~~ 27758  
~~Code~~, its Ohio coal development office, the Ohio coal industry, 27759  
the Ohio Washington office in the office of the governor, and the 27760  
state's congressional delegation make every effort to acquire any 27761  
federal assistance available for the development of clean coal 27762  
technology, including assisting entities eligible for grants in 27763  
their acquisition. The Ohio coal development agenda required by 27764  
section 1551.34 of the Revised Code shall include, in addition to 27765  
the other information required by that section, a description of 27766  
such efforts and a description of the current status of the 27767  
development of clean coal technology in this state and elsewhere. 27768

**Sec. 1551.32.** (A) There is hereby established within the ~~Ohio~~ 27769  
~~air quality department of development authority~~ the Ohio coal 27770  
development office whose purposes are to do all of the following: 27771

(1) Encourage, promote, and support siting, financing, 27772  
construction, and operation of commercially available or scaled 27773  
facilities and technologies, including, without limitation, 27774  
commercial-scale demonstration facilities and, when necessary or 27775

appropriate to demonstrate the commercial acceptability of a 27776  
specific technology, up to three installations within this state 27777  
utilizing the specific technology, to more efficiently produce, 27778  
beneficiate, market, or use Ohio coal; 27779

(2) Encourage, promote, and support the market acceptance and 27780  
increased market use of Ohio coal through technology and market 27781  
development; 27782

(3) Assist in the financing of coal development facilities; 27783

(4) Encourage, promote, and support, in state-owned 27784  
buildings, facilities, and operations, use of Ohio coal and 27785  
electricity sold by utilities and others in this state that use 27786  
Ohio coal for generation; 27787

(5) Improve environmental quality, particularly through 27788  
cleaner use of Ohio coal; 27789

(6) Assist and cooperate with governmental agencies, 27790  
universities and colleges, coal producers, coal miners, electric 27791  
utilities and other coal users, public and private sector coal 27792  
development interests, and others in achieving these purposes. 27793

(B) The office shall give priority to improvement or 27794  
reconstruction of existing facilities and equipment when 27795  
economically feasible, to construction and operation of 27796  
commercial-scale facilities, and to technologies, equipment, and 27797  
other techniques that enable maximum use of Ohio coal in an 27798  
environmentally acceptable, cost-effective manner. 27799

**Sec. 1551.33.** (A) The ~~Ohio air quality~~ director of 27800  
development ~~authority, by the affirmative vote of a majority of~~ 27801  
~~its members,~~ shall appoint and fix the compensation of the 27802  
director of the Ohio coal development office. The director shall 27803  
serve at the pleasure of the ~~authority~~ director of development. 27804

(B) The director of the office shall do all of the following: 27805

- (1) Biennially prepare and maintain the Ohio coal development agenda required under section 1551.34 of the Revised Code; 27806  
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- (2) Propose and support policies for the office consistent with the Ohio coal development agenda and develop means to implement the agenda; 27808  
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- (3) Initiate, undertake, and support projects to carry out the office's purposes and ensure that the projects are consistent with and meet the selection criteria established by the Ohio coal development agenda; 27811  
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- (4) Actively encourage joint participation in and, when feasible, joint funding of the office's projects with governmental agencies, electric utilities, universities and colleges, other public or private interests, or any other person; 27815  
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- (5) Establish a table of organization for and employ such employees and agents as are necessary for the administration and operation of the office. Any such employees shall be in the unclassified service and shall serve at the pleasure of the ~~authority~~ director of development. 27819  
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- (6) Appoint specified members of and convene the technical advisory committee established under section 1551.35 of the Revised Code; 27824  
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- (7) Review, with the assistance of the technical advisory committee, proposed coal research and development projects as defined in section 1555.01 of the Revised Code, and coal development projects, submitted to the office by public utilities for the purpose of section 4905.304 of the Revised Code. If the director and the advisory committee determine that any such facility or project has as its purpose the enhanced use of Ohio coal in an environmentally acceptable, cost effective manner, promotes energy conservation, is cost effective, and is environmentally sound, the director shall submit to the public 27827  
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utilities commission a report recommending that the commission 27837  
allow the recovery of costs associated with the facility or 27838  
project under section 4905.304 of the Revised Code and including 27839  
the reasons for the recommendation. 27840

(8) Establish such policies, procedures, and guidelines as 27841  
are necessary to achieve the office's purposes. 27842

(C) ~~By the affirmative vote of a majority of the members of~~ 27843  
~~the Ohio air quality development authority, the~~ The director of 27844  
the office may exercise any of the powers and duties ~~of the~~ 27845  
~~director of development as the authority and~~ that the director of 27846  
the office ~~consider~~ considers appropriate or desirable to achieve 27847  
the office's purposes, including, but not limited to, the powers 27848  
and duties enumerated in sections 1551.11, 1551.12, ~~1551.13,~~ and 27849  
1551.15 of the Revised Code. 27850

Additionally, the director of the office may make loans to 27851  
governmental agencies or persons for projects to carry out the 27852  
office's purposes. Fees, charges, rates of interest, times of 27853  
payment of interest and principal, and other terms, conditions, 27854  
and provisions of the loans shall be such as the director of the 27855  
office determines to be appropriate and in furtherance of the 27856  
purposes for which the loans are made. The mortgage lien securing 27857  
any moneys lent by the director of the office may be subordinate 27858  
to the mortgage lien securing any moneys lent or invested by a 27859  
financial institution, but shall be superior to that securing any 27860  
moneys lent or expended by any other person. The moneys used in 27861  
making the loans shall be disbursed upon order of the director of 27862  
the office. 27863

**Sec. 1551.35.** (A) There is hereby established a technical 27864  
advisory committee to assist the director of the Ohio coal 27865  
development office in achieving the office's purposes. The 27866  
director shall appoint to the committee one member of the public 27867



utilities commission and one representative each of coal 27868  
production companies, the united mine workers of America, electric 27869  
utilities, manufacturers that use Ohio coal, and environmental 27870  
organizations, as well as two people with a background in coal 27871  
research and development technology, one of whom is employed at 27872  
the time of the member's appointment by a state university, as 27873  
defined in section 3345.011 of the Revised Code. In addition, the 27874  
committee shall include four legislative members. The speaker and 27875  
minority leader of the house of representatives each shall appoint 27876  
one member of the house of representatives, and the president and 27877  
minority leader of the senate each shall appoint one member of the 27878  
senate, to the committee. The director of environmental protection 27879  
~~and the director of development~~ shall serve on the committee as an 27880  
ex officio ~~members~~ member. Any member of the committee may 27881  
designate in writing a substitute to serve in the member's absence 27882  
on the committee. The director of environmental protection may 27883  
designate in writing the chief of the air pollution control 27884  
division of the agency to represent the agency. Members shall 27885  
serve on the committee at the pleasure of their appointing 27886  
authority. Members of the committee appointed by the director of 27887  
the office and, notwithstanding section 101.26 of the Revised 27888  
Code, legislative members of the committee, when engaged in their 27889  
official duties as members of the committee, shall be compensated 27890  
on a per diem basis in accordance with division (J) of section 27891  
124.15 of the Revised Code, except that the member of the public 27892  
utilities commission and, while employed by a state university, 27893  
the member with a background in coal research, shall not be so 27894  
compensated. Members shall receive their actual and necessary 27895  
expenses incurred in the performance of their duties. 27896

(B) The technical advisory committee shall review and make 27897  
recommendations concerning the Ohio coal development agenda 27898  
required under section 1551.34 of the Revised Code, project 27899  
proposals, research and development projects submitted to the 27900

office by public utilities for the purpose of section 4905.304 of 27901  
the Revised Code, proposals for grants, loans, and loan guarantees 27902  
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 27903  
and such other topics as the director of the office considers 27904  
appropriate. 27905

(C) The technical advisory committee may hold an executive 27906  
session at any regular or special meeting for the purpose of 27907  
considering research and development project proposals or 27908  
applications for assistance submitted to the Ohio coal development 27909  
office under section 1551.33, or sections 1555.01 to 1555.06, of 27910  
the Revised Code, to the extent that the proposals or applications 27911  
consist of trade secrets or other proprietary information. 27912

Any materials or data submitted to, made available to, or 27913  
received by the ~~Ohio air quality~~ department of development 27914  
~~authority~~ or the director of the Ohio coal development office in 27915  
connection with agreements for assistance entered into under this 27916  
chapter or Chapter 1555. of the Revised Code, or any information 27917  
taken from those materials or data for any purpose, to the extent 27918  
that the materials or data consist of trade secrets or other 27919  
proprietary information, are not public records for the purposes 27920  
of section 149.43 of the Revised Code. 27921

As used in this division, "trade secrets" has the same 27922  
meaning as in section 1333.61 of the Revised Code. 27923

**Sec. 1555.02.** It is hereby declared to be the public policy 27924  
of this state through the operations of the Ohio coal development 27925  
office under this chapter to contribute toward one or more of the 27926  
following: to provide for the comfort, health, safety, and general 27927  
welfare of all employees and other inhabitants of this state 27928  
through research and development directed toward the discovery of 27929  
new technologies or the demonstration or application of existing 27930  
technologies to enable the conversion or use of Ohio coal as a 27931

fuel or chemical feedstock in an environmentally acceptable manner 27932  
thereby enhancing the marketability and fostering the use of this 27933  
state's vast reserves of coal, to assist in the financing of coal 27934  
research and development and coal research and development 27935  
projects or facilities for persons doing business in this state 27936  
and educational and scientific institutions located in this state, 27937  
to create or preserve jobs and employment opportunities or improve 27938  
the economic welfare of the people of this state, or to assist and 27939  
cooperate with such persons and educational and scientific 27940  
institutions in conducting coal research and development. In 27941  
furtherance of this public policy, the Ohio coal development 27942  
office, with the advice of the technical advisory committee 27943  
created in section 1551.35 of the Revised Code ~~and the affirmative~~ 27944  
~~vote of a majority of the members of the Ohio air quality~~ 27945  
~~development authority~~, may make loans, guarantee loans, and make 27946  
grants to persons doing business in this state or to educational 27947  
or scientific institutions located in this state for coal research 27948  
and development projects by such persons or educational or 27949  
scientific institutions; may, with the advice of the technical 27950  
advisory committee ~~and the affirmative vote of a majority of the~~ 27951  
~~members of the Ohio air quality development authority~~, request the 27952  
issuance of coal research and development general obligations 27953  
under section 151.07 of the Revised Code to provide funds for 27954  
making such loans, loan guarantees, and grants; and may, with the 27955  
advice of the technical advisory committee ~~and the affirmative~~ 27956  
~~vote of a majority of the members of the Ohio air quality~~ 27957  
~~development authority~~, expend moneys credited to the coal research 27958  
and development fund created in section 1555.15 of the Revised 27959  
Code for the purpose of making such loans, loan guarantees, and 27960  
grants. Determinations by the director of the Ohio coal 27961  
development office that coal research and development or a coal 27962  
research and development facility is a coal research and 27963  
development project under this chapter and is consistent with the 27964

purposes of Section 15 of Article VIII, Ohio Constitution, and 27965  
this chapter shall be conclusive as to the validity and 27966  
enforceability of the coal research and development general 27967  
obligations issued to finance such project and of the 27968  
authorizations, trust agreements or indentures, loan agreements, 27969  
loan guarantee agreements, or grant agreements, and other 27970  
agreements made in connection therewith, all in accordance with 27971  
their terms. 27972

**Sec. 1555.03.** For the purposes of this chapter, the director 27973  
of the Ohio coal development office may: 27974

(A) With the advice of the technical advisory committee 27975  
created in section 1551.35 of the Revised Code ~~and the affirmative~~ 27976  
~~vote of a majority of the members of the Ohio air quality~~ 27977  
~~development authority~~, make loans, guarantee loans, and make 27978  
grants to persons doing business in this state or to educational 27979  
or scientific institutions located in this state for coal research 27980  
and development projects by any such person or educational or 27981  
scientific institution and adopt rules under Chapter 119. of the 27982  
Revised Code for making such loans, guarantees, and grants. 27983

(B) In making loans, loan guarantees, and grants under 27984  
division (A) of this section and section 1555.04 of the Revised 27985  
Code, the director of the office shall ensure that an adequate 27986  
portion of the total amount of those loans, loan guarantees, and 27987  
grants, as determined by the director with the advice of the 27988  
technical advisory committee, is used for conducting research on 27989  
fundamental scientific problems related to the utilization of Ohio 27990  
coal and shall ensure, to the maximum feasible extent, joint 27991  
financial participation by the federal government or other 27992  
investors or interested parties in conjunction with any such loan, 27993  
loan guarantee, or grant. The director, in each grant agreement or 27994  
contract under division (A) of this section, loan contract or 27995

agreement under this division or section 1555.04 of the Revised 27996  
Code, and contract of guarantee under section 1555.05 of the 27997  
Revised Code, shall require that the facility or project be 27998  
maintained and kept in good condition and repair by the person or 27999  
educational or scientific institution to whom the grant or loan 28000  
was made or for whom the guarantee was made. 28001

(C) From time to time, with the advice of the technical 28002  
advisory committee ~~and the affirmative vote of a majority of the~~ 28003  
~~members of the Ohio air quality development authority,~~ request the 28004  
issuance of coal research and development general obligations 28005  
under section 151.07 of the Revised Code, for any of the purposes 28006  
set forth in Section 15 of Article VIII, Ohio Constitution, and 28007  
subject to the limitations therein upon the aggregate total amount 28008  
of obligations that may be outstanding at any time. 28009

(D) Include as a condition of any loan, loan guarantee, or 28010  
grant contract or agreement with any such person or educational or 28011  
scientific institution that the director of the office receive, in 28012  
addition to payments of principal and interest on any such loan or 28013  
service charges for any such guarantee, as appropriate, as 28014  
authorized by Section 15, Article VIII, Ohio Constitution, a 28015  
reasonable royalty or portion of the income or profits arising out 28016  
of the developments, discoveries, or inventions, including patents 28017  
or copyrights, that result in whole or in part from coal research 28018  
and development projects conducted under any such contract or 28019  
agreement, in such amounts and for such period of years as may be 28020  
negotiated and provided by the contract or agreement in advance of 28021  
the making of the grant, loan, or loan guarantee. Moneys received 28022  
by the director of the office under this section may be credited 28023  
to the coal research and development bond service fund or used to 28024  
make additional loans, loan guarantees, grants, or agreements 28025  
under this section. 28026

(E) Employ managers, superintendents, and other employees and 28027

retain or contract with consulting engineers, financial 28028  
consultants, accounting experts, architects, and such other 28029  
consultants and independent contractors as are necessary in the 28030  
judgment of the director of the office to carry out this chapter, 28031  
and fix the compensation thereof. 28032

(F) Receive and accept from any federal agency, subject to 28033  
the approval of the governor, grants for or in aid of the 28034  
construction or operation of any coal research and development 28035  
project or for coal research and development, and receive and 28036  
accept aid or contributions from any source of money, property, 28037  
labor, or other things of value, to be held, used, and applied 28038  
only for the purposes for which such grants and contributions are 28039  
made. 28040

(G) Purchase fire and extended coverage and liability 28041  
insurance for any coal research and development project, insurance 28042  
protecting the office and its officers and employees against 28043  
liability for damage to property or injury to or death of persons 28044  
arising from its operations, and any other insurance the director 28045  
of the office determines necessary or proper under this chapter. 28046  
Any moneys received by the director from the proceeds of any such 28047  
insurance with respect to a coal research and development project 28048  
and any moneys received by the director from the proceeds of any 28049  
settlement, judgment, foreclosure, or other insurance with respect 28050  
to a coal research and development project or facility shall be 28051  
credited to the coal research and development bond service fund. 28052

(H) In the exercise of the powers of the director of the 28053  
office under this chapter, call to the director's assistance, 28054  
temporarily, from time to time, any engineers, technical experts, 28055  
financial experts, and other employees in any state department, 28056  
agency, or commission, or in the Ohio state university, or other 28057  
educational institutions financed wholly or partially by this 28058  
state for purposes of assisting the director of the office with 28059

reviewing and evaluating applications for financial assistance 28060  
under this chapter, monitoring performance of coal research and 28061  
development projects receiving financial assistance under this 28062  
chapter, and reviewing and evaluating the progress and findings of 28063  
those projects. Such engineers, experts, and employees shall not 28064  
receive any additional compensation over that which they receive 28065  
from the department, agency, commission, or educational 28066  
institution by which they are employed, but they shall be 28067  
reimbursed for their actual and necessary expenses incurred while 28068  
working under the direction of the director. 28069

(I) Do all acts necessary or proper to carry out the powers 28070  
expressly granted in this chapter. 28071

**Sec. 1555.04.** (A) With respect to coal research and 28072  
development projects financed wholly or partially from a loan or 28073  
loan guarantee under this chapter, the director of the Ohio coal 28074  
development office, in addition to other powers under this 28075  
chapter, with the advice of the technical advisory committee 28076  
created in section 1551.35 of the Revised Code ~~and the affirmative~~ 28077  
~~vote of a majority of the members of the Ohio air quality~~ 28078  
~~development authority~~, may enter into loan agreements, accept 28079  
notes and other forms of obligation to evidence such indebtedness 28080  
and mortgages, liens, pledges, assignments, or other security 28081  
interests to secure such indebtedness, which may be prior or 28082  
subordinate to or on a parity with other indebtedness, 28083  
obligations, mortgages, pledges, assignments, other security 28084  
interests, or liens or encumbrances, and take such actions as the 28085  
director of the office considers appropriate to protect such 28086  
security and safeguard against losses, including, without 28087  
limitation, foreclosure and the bidding upon and purchase of 28088  
property upon foreclosure or other sale. 28089

(B) The authority granted by this section is cumulative and 28090

supplementary to all other authority granted in this chapter. The 28091  
authority granted by this section does not alter or impair any 28092  
similar authority granted elsewhere in this chapter with respect 28093  
to other projects. 28094

**Sec. 1555.05.** (A) Subject to any limitations as to aggregate 28095  
amounts thereof that may from time to time be prescribed by the 28096  
general assembly and to other applicable provisions of this 28097  
chapter, and subject to the one-hundred-million-dollar limitation 28098  
provided in Section 15 of Article VIII, Ohio Constitution, the 28099  
director of the Ohio coal development office, on behalf of this 28100  
state, with the advice of the technical advisory committee created 28101  
in section 1551.35 of the Revised Code ~~and the affirmative vote of~~ 28102  
~~a majority of the members of the Ohio air quality development~~ 28103  
~~authority,~~ may enter into contracts to guarantee the repayment or 28104  
payment of the unpaid principal amount of loans made to pay the 28105  
costs of coal research and development projects. 28106

(B) The contract of guarantee may make provision for the 28107  
conditions of, time for, and manner of fulfillment of the 28108  
guarantee commitment, subrogation of this state to the rights of 28109  
the parties guaranteed and exercise of such parties' rights by the 28110  
state, giving the state the option of making payment of the 28111  
principal amount guaranteed in one or more installments and, if 28112  
deferred, to pay interest thereon from the source specified in 28113  
division (A) of this section, and any other terms or conditions 28114  
customary to such guarantees and as the director of the office may 28115  
approve, and may contain provisions for securing the guarantee in 28116  
the manner consistent with this section, covenants on behalf of 28117  
this state to issue obligations under section 1555.08 of the 28118  
Revised Code to provide moneys to fulfill such guarantees and 28119  
covenants, and covenants restricting the aggregate amount of 28120  
guarantees that may be contracted under this section and 28121  
obligations that may be issued under section 151.07 of the Revised 28122



Code, and terms pertinent to either, to better secure the parties 28123  
guaranteed. 28124

(C) The director of the office may fix service charges for 28125  
making a guarantee. Such charges shall be payable at such times 28126  
and place and in such amounts and manner as may be prescribed by 28127  
the director. Moneys received from such charges shall be credited 28128  
to the coal research and development bond service fund. 28129

(D) Any guaranteed parties under this section, by any 28130  
suitable form of legal proceedings and except to the extent that 28131  
their rights are restricted by the guarantee documents, may 28132  
protect and enforce any rights under the laws of this state or 28133  
granted by such guarantee or guarantee documents. Such rights 28134  
include the right to compel the performance of all duties of the 28135  
office required by this section or the guarantee or guarantee 28136  
documents; and in the event of default with respect to the payment 28137  
of any guarantees, to apply to a court having jurisdiction of the 28138  
cause to appoint a receiver to receive and administer the moneys 28139  
pledged to such guarantee with full power to pay, and to provide 28140  
for payment of, such guarantee, and with such powers, subject to 28141  
the direction of the court, as are accorded receivers in general 28142  
equity cases, excluding any power to pledge or apply additional 28143  
revenues or receipts or other income or moneys of this state. Each 28144  
duty of the office and its director and employees required or 28145  
undertaken under this section or a guarantee made under this 28146  
section is hereby established as a duty of the office and of its 28147  
director and each such employee having authority to perform such 28148  
duty, specifically enjoined by the law resulting from an office, 28149  
trust, or station within the meaning of section 2731.01 of the 28150  
Revised Code. The persons who are at the time the director of the 28151  
office, or its employees, are not liable in their personal 28152  
capacities on any guarantees or contracts to make guarantees by 28153  
the director. 28154

**Sec. 1555.06.** Upon application by the director of the Ohio 28155  
coal development office ~~with the affirmative vote of a majority of~~ 28156  
~~the members of the Ohio air quality development authority,~~ the 28157  
controlling board, from appropriations available to the board, may 28158  
provide funds for surveys or studies by the office of any proposed 28159  
coal research and development project subject to repayment by the 28160  
office from funds available to it, within the time fixed by the 28161  
board. Funds to be repaid shall be charged by the office to the 28162  
appropriate coal research and development project and the amount 28163  
thereof shall be a cost of the project. This section does not 28164  
abrogate the authority of the controlling board to otherwise 28165  
provide funds for use by the office in the exercise of the powers 28166  
granted to it by this chapter. 28167

**Sec. 1555.08.** (A) Subject to the limitations provided in 28168  
Section 15 of Article VIII, Ohio Constitution, the commissioners 28169  
of the sinking fund, upon certification by the director of the 28170  
Ohio coal development office of the amount of moneys or additional 28171  
moneys needed in the coal research and development fund for the 28172  
purpose of making grants or loans for allowable costs, or needed 28173  
for capitalized interest, for funding reserves, and for paying 28174  
costs and expenses incurred in connection with the issuance, 28175  
carrying, securing, paying, redeeming, or retirement of the 28176  
obligations or any obligations refunded thereby, including payment 28177  
of costs and expenses relating to letters of credit, lines of 28178  
credit, insurance, put agreements, standby purchase agreements, 28179  
indexing, marketing, remarketing and administrative arrangements, 28180  
interest swap or hedging agreements, and any other credit 28181  
enhancement, liquidity, remarketing, renewal, or refunding 28182  
arrangements, all of which are authorized by this section, or 28183  
providing moneys for loan guarantees, shall issue obligations of 28184  
the state under this section in amounts authorized by the general 28185

assembly; provided that such obligations may be issued to the 28186  
extent necessary to satisfy the covenants in contracts of 28187  
guarantee made under section 1555.05 of the Revised Code to issue 28188  
obligations to meet such guarantees, notwithstanding limitations 28189  
otherwise applicable to the issuance of obligations under this 28190  
section except the one-hundred-million-dollar limitation provided 28191  
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 28192  
such obligations, except for the portion to be deposited in the 28193  
coal research and development bond service fund as may be provided 28194  
in the bond proceedings, shall as provided in the bond proceedings 28195  
be deposited in the coal research and development fund. The 28196  
commissioners of the sinking fund may appoint trustees, paying 28197  
agents, and transfer agents and may retain the services of 28198  
financial advisors, accounting experts, and attorneys, and retain 28199  
or contract for the services of marketing, remarketing, indexing, 28200  
and administrative agents, other consultants, and independent 28201  
contractors, including printing services, as are necessary in 28202  
their judgment to carry out this section. 28203

(B) The full faith and credit of the state of Ohio is hereby 28204  
pledged to obligations issued under this section. The right of the 28205  
holders and owners to payment of bond service charges is limited 28206  
to all or that portion of the moneys pledged thereto pursuant to 28207  
the bond proceedings in accordance with this section, and each 28208  
such obligation shall bear on its face a statement to that effect. 28209

(C) Obligations shall be authorized by resolution of the 28210  
commissioners of the sinking fund on request of the director of 28211  
the Ohio coal development office as provided in section 1555.02 of 28212  
the Revised Code and the bond proceedings shall provide for the 28213  
purpose thereof and the principal amount or amounts, and shall 28214  
provide for or authorize the manner or agency for determining the 28215  
principal maturity or maturities, not exceeding forty years from 28216  
the date of issuance, the interest rate or rates or the maximum 28217

interest rate, the date of the obligations and the dates of 28218  
payment of interest thereon, their denomination, and the 28219  
establishment within or without the state of a place or places of 28220  
payment of bond service charges. Sections 9.98 to 9.983 of the 28221  
Revised Code apply to obligations issued under this section. The 28222  
purpose of such obligations may be stated in the bond proceedings 28223  
in terms describing the general purpose or purposes to be served. 28224  
The bond proceedings shall also provide, subject to the provisions 28225  
of any other applicable bond proceedings, for the pledge of all, 28226  
or such part as the commissioners of the sinking fund may 28227  
determine, of the moneys credited to the coal research and 28228  
development bond service fund to the payment of bond service 28229  
charges, which pledges may be made either prior or subordinate to 28230  
other expenses, claims, or payments and may be made to secure the 28231  
obligations on a parity with obligations theretofore or thereafter 28232  
issued, if and to the extent provided in the bond proceedings. The 28233  
moneys so pledged and thereafter received by the state are 28234  
immediately subject to the lien of such pledge without any 28235  
physical delivery thereof or further act, and the lien of any such 28236  
pledges is valid and binding against all parties having claims of 28237  
any kind against the state or any governmental agency of the 28238  
state, irrespective of whether such parties have notice thereof, 28239  
and shall create a perfected security interest for all purposes of 28240  
Chapter 1309. of the Revised Code, without the necessity for 28241  
separation or delivery of funds or for the filing or recording of 28242  
the bond proceedings by which such pledge is created or any 28243  
certificate, statement, or other document with respect thereto; 28244  
and the pledge of such moneys is effective and the money therefrom 28245  
and thereof may be applied to the purposes for which pledged 28246  
without necessity for any act of appropriation. Every pledge, and 28247  
every covenant and agreement made with respect thereto, made in 28248  
the bond proceedings may therein be extended to the benefit of the 28249  
owners and holders of obligations authorized by this section, and 28250

to any trustee therefor, for the further security of the payment	28251
of the bond service charges.	28252
(D) The bond proceedings may contain additional provisions as	28253
to:	28254
(1) The redemption of obligations prior to maturity at the	28255
option of the commissioners of the sinking fund at such price or	28256
prices and under such terms and conditions as are provided in the	28257
bond proceedings;	28258
(2) Other terms of the obligations;	28259
(3) Limitations on the issuance of additional obligations;	28260
(4) The terms of any trust agreement or indenture securing	28261
the obligations or under which the obligations may be issued;	28262
(5) The deposit, investment, and application of the coal	28263
research and development bond service fund, and the safeguarding	28264
of moneys on hand or on deposit, without regard to Chapter 131. or	28265
135. of the Revised Code, but subject to any special provisions of	28266
this chapter, with respect to particular moneys; provided, that	28267
any bank or trust company which acts as depository of any moneys	28268
in the fund may furnish such indemnifying bonds or may pledge such	28269
securities as required by the commissioners of the sinking fund;	28270
(6) Any other provision of the bond proceedings being binding	28271
upon the commissioners of the sinking fund, or such other body or	28272
person as may from time to time have the authority under law to	28273
take such actions as may be necessary to perform all or any part	28274
of the duty required by such provision;	28275
(7) Any provision which may be made in a trust agreement or	28276
indenture;	28277
(8) Any other or additional agreements with the holders of	28278
the obligations, or the trustee therefor, relating to the	28279
obligations or the security therefor, including the assignment of	28280

mortgages or other security obtained or to be obtained for loans 28281  
under this chapter. 28282

(E) The obligations may have the great seal of the state or a 28283  
facsimile thereof affixed thereto or printed thereon. The 28284  
obligations shall be signed by such members of the commissioners 28285  
of the sinking fund as are designated in the resolution 28286  
authorizing the obligations or bear the facsimile signatures of 28287  
such members. Any coupons attached to the obligations shall bear 28288  
the facsimile signature of the treasurer of state. Any obligations 28289  
may be executed by the persons who, on the date of execution, are 28290  
the commissioners although on the date of such bonds the persons 28291  
were not the commissioners. Any coupons may be executed by the 28292  
person who, on the date of execution, is the treasurer of state 28293  
although on the date of such coupons the person was not the 28294  
treasurer of state. In case any officer or commissioner whose 28295  
signature or a facsimile of whose signature appears on any such 28296  
obligations or any coupons ceases to be such officer or 28297  
commissioner before delivery thereof, such signature or facsimile 28298  
is nevertheless valid and sufficient for all purposes as if the 28299  
individual had remained such officer or commissioner until such 28300  
delivery; and in case the seal to be affixed to obligations has 28301  
been changed after a facsimile of the seal has been imprinted on 28302  
such obligations, such facsimile seal shall continue to be 28303  
sufficient as to such obligations and obligations issued in 28304  
substitution or exchange therefor. 28305

(F) All obligations except loan guarantees are negotiable 28306  
instruments and securities under Chapter 1308. of the Revised 28307  
Code, subject to the provisions of the bond proceedings as to 28308  
registration. The obligations may be issued in coupon or in 28309  
registered form, or both, as the commissioners of the sinking fund 28310  
determine. Provision may be made for the registration of any 28311  
obligations with coupons attached thereto as to principal alone or 28312

as to both principal and interest, their exchange for obligations 28313  
so registered, and for the conversion or reconversion into 28314  
obligations with coupons attached thereto of any obligations 28315  
registered as to both principal and interest, and for reasonable 28316  
charges for such registration, exchange, conversion, and 28317  
reconversion. 28318

(G) Obligations may be sold at public sale or at private 28319  
sale, as determined in the bond proceedings. 28320

(H) Pending preparation of definitive obligations, the 28321  
commissioners of the sinking fund may issue interim receipts or 28322  
certificates which shall be exchanged for such definitive 28323  
obligations. 28324

(I) In the discretion of the commissioners of the sinking 28325  
fund, obligations may be secured additionally by a trust agreement 28326  
or indenture between the commissioners and a corporate trustee, 28327  
which may be any trust company or bank having a place of business 28328  
within the state. Any such agreement or indenture may contain the 28329  
resolution authorizing the issuance of the obligations, any 28330  
provisions that may be contained in any bond proceedings, and 28331  
other provisions that are customary or appropriate in an agreement 28332  
or indenture of such type, including, but not limited to: 28333

(1) Maintenance of each pledge, trust agreement, indenture, 28334  
or other instrument comprising part of the bond proceedings until 28335  
the state has fully paid the bond service charges on the 28336  
obligations secured thereby, or provision therefor has been made; 28337

(2) In the event of default in any payments required to be 28338  
made by the bond proceedings, or any other agreement of the 28339  
commissioners of the sinking fund made as a part of the contract 28340  
under which the obligations were issued, enforcement of such 28341  
payments or agreement by mandamus, the appointment of a receiver, 28342  
suit in equity, action at law, or any combination of the 28343

foregoing;	28344
(3) The rights and remedies of the holders of obligations and	28345
of the trustee, and provisions for protecting and enforcing them,	28346
including limitations on rights of individual holders of	28347
obligations;	28348
(4) The replacement of any obligations that become mutilated	28349
or are destroyed, lost, or stolen;	28350
(5) Such other provisions as the trustee and the	28351
commissioners of the sinking fund agree upon, including	28352
limitations, conditions, or qualifications relating to any of the	28353
foregoing.	28354
(J) Any holder of obligations or a trustee under the bond	28355
proceedings, except to the extent that the holder's rights are	28356
restricted by the bond proceedings, may by any suitable form of	28357
legal proceedings protect and enforce any rights under the laws of	28358
this state or granted by such bond proceedings. Such rights	28359
include the right to compel the performance of all duties of the	28360
commissioners of the sinking fund, the <del>Ohio air quality department</del>	28361
<u>of development authority</u> , or the Ohio coal development office	28362
required by this chapter and Chapter 1551. of the Revised Code or	28363
the bond proceedings; to enjoin unlawful activities; and in the	28364
event of default with respect to the payment of any bond service	28365
charges on any obligations or in the performance of any covenant	28366
or agreement on the part of the commissioners, the <del>authority</del>	28367
<u>department</u> , or the office in the bond proceedings, to apply to a	28368
court having jurisdiction of the cause to appoint a receiver to	28369
receive and administer the moneys pledged, other than those in the	28370
custody of the treasurer of state, that are pledged to the payment	28371
of the bond service charges on such obligations or that are the	28372
subject of the covenant or agreement, with full power to pay, and	28373
to provide for payment of bond service charges on, such	28374
obligations, and with such powers, subject to the direction of the	28375



court, as are accorded receivers in general equity cases, 28376  
excluding any power to pledge additional revenues or receipts or 28377  
other income or moneys of the commissioners of the sinking fund or 28378  
the state or governmental agencies of the state to the payment of 28379  
such principal and interest and excluding the power to take 28380  
possession of, mortgage, or cause the sale or otherwise dispose of 28381  
any project. 28382

Each duty of the commissioners of the sinking fund and their 28383  
employees, and of each governmental agency and its officers, 28384  
members, or employees, undertaken pursuant to the bond proceedings 28385  
or any grant, loan, or loan guarantee agreement made under 28386  
authority of this chapter, and in every agreement by or with the 28387  
commissioners, is hereby established as a duty of the 28388  
commissioners, and of each such officer, member, or employee 28389  
having authority to perform such duty, specifically enjoined by 28390  
the law resulting from an office, trust, or station within the 28391  
meaning of section 2731.01 of the Revised Code. 28392

The persons who are at the time the commissioners of the 28393  
sinking fund, or their employees, are not liable in their personal 28394  
capacities on any obligations issued by the commissioners or any 28395  
agreements of or with the commissioners. 28396

(K) Obligations issued under this section are lawful 28397  
investments for banks, societies for savings, savings and loan 28398  
associations, deposit guarantee associations, trust companies, 28399  
trustees, fiduciaries, insurance companies, including domestic for 28400  
life and domestic not for life, trustees or other officers having 28401  
charge of sinking and bond retirement or other special funds of 28402  
political subdivisions and taxing districts of this state, the 28403  
commissioners of the sinking fund of the state, the administrator 28404  
of workers' compensation, the state teachers retirement system, 28405  
the public employees retirement system, the school employees 28406  
retirement system, and the Ohio police and fire pension fund, 28407

notwithstanding any other provisions of the Revised Code or rules 28408  
adopted pursuant thereto by any governmental agency of the state 28409  
with respect to investments by them, and are also acceptable as 28410  
security for the deposit of public moneys. 28411

(L) If the law or the instrument creating a trust pursuant to 28412  
division (I) of this section expressly permits investment in 28413  
direct obligations of the United States or an agency of the United 28414  
States, unless expressly prohibited by the instrument, such moneys 28415  
also may be invested in no-front-end-load money market mutual 28416  
funds consisting exclusively of obligations of the United States 28417  
or an agency of the United States and in repurchase agreements, 28418  
including those issued by the fiduciary itself, secured by 28419  
obligations of the United States or an agency of the United 28420  
States; and in collective investment funds established in 28421  
accordance with section 1111.14 of the Revised Code and consisting 28422  
exclusively of any such securities, notwithstanding division 28423  
(A)(1)(c) of that section. The income from such investments shall 28424  
be credited to such funds as the commissioners of the sinking fund 28425  
determine, and such investments may be sold at such times as the 28426  
commissioners determine or authorize. 28427

(M) Provision may be made in the applicable bond proceedings 28428  
for the establishment of separate accounts in the bond service 28429  
fund and for the application of such accounts only to the 28430  
specified bond service charges on obligations pertinent to such 28431  
accounts and bond service fund and for other accounts therein 28432  
within the general purposes of such fund. Moneys to the credit of 28433  
the bond service fund shall be disbursed on the order of the 28434  
treasurer of state; provided, that no such order is required for 28435  
the payment from the bond service fund when due of bond service 28436  
charges on obligations. 28437

(N) The commissioners of the sinking fund may pledge all, or 28438  
such portion as they determine, of the receipts of the bond 28439

service fund to the payment of bond service charges on obligations 28440  
issued under this section, and for the establishment and 28441  
maintenance of any reserves, as provided in the bond proceedings, 28442  
and make other provisions therein with respect to pledged receipts 28443  
as authorized by this chapter, which provisions control 28444  
notwithstanding any other provisions of law pertaining thereto. 28445

(O) The commissioners of the sinking fund may covenant in the 28446  
bond proceedings, and any such covenants control notwithstanding 28447  
any other provision of law, that the state and applicable officers 28448  
and governmental agencies of the state, including the general 28449  
assembly, so long as any obligations are outstanding, shall: 28450

(1) Maintain statutory authority for and cause to be levied 28451  
and collected taxes so that the pledged receipts are sufficient in 28452  
amount to meet bond service charges, and the establishment and 28453  
maintenance of any reserves and other requirements provided for in 28454  
the bond proceedings, and, as necessary, to meet covenants 28455  
contained in any loan guarantees made under this chapter; 28456

(2) Take or permit no action, by statute or otherwise, that 28457  
would impair the exemption from federal income taxation of the 28458  
interest on the obligations. 28459

(P) All moneys received by or on account of the state and 28460  
required by the applicable bond proceedings, consistent with this 28461  
section, to be deposited, transferred, or credited to the coal 28462  
research and development bond service fund, and all other moneys 28463  
transferred or allocated to or received for the purposes of the 28464  
fund, shall be credited to such fund and to any separate accounts 28465  
therein, subject to applicable provisions of the bond proceedings, 28466  
but without necessity for any act of appropriation. During the 28467  
period beginning with the date of the first issuance of 28468  
obligations and continuing during such time as any such 28469  
obligations are outstanding, and so long as moneys in the bond 28470  
service fund are insufficient to pay all bond service charges on 28471

such obligations becoming due in each year, a sufficient amount of 28472  
moneys of the state are committed and shall be paid to the bond 28473  
service fund in each year for the purpose of paying the bond 28474  
service charges becoming due in that year without necessity for 28475  
further act of appropriation for such purpose. The bond service 28476  
fund is a trust fund and is hereby pledged to the payment of bond 28477  
service charges to the extent provided in the applicable bond 28478  
proceedings, and payment thereof from such fund shall be made or 28479  
provided for by the treasurer of state in accordance with such 28480  
bond proceedings without necessity for any act of appropriation. 28481  
All investment earnings of the fund shall be credited to the fund. 28482

(Q) For purposes of establishing the limitations contained in 28483  
Section 15 of Article VIII, Ohio Constitution, the "principal 28484  
amount" refers to the aggregate of the offering price of the bonds 28485  
or notes. "Principal amount" does not refer to the aggregate value 28486  
at maturity or redemption of the bonds or notes. 28487

(R) This section applies only with respect to obligations 28488  
issued and delivered prior to September 30, 2000. 28489

**Sec. 1555.17.** All final actions of the director of the Ohio 28490  
coal development office shall be journalized and such journal 28491  
shall be open to inspection of the public at all reasonable times. 28492  
Any materials or data, to the extent that they consist of trade 28493  
secrets, as defined in section 1333.61 of the Revised Code, or 28494  
other proprietary information, that are submitted or made 28495  
available to, or received by, the ~~Ohio air quality~~ department of 28496  
~~development authority~~ or the director of the Ohio coal development 28497  
office, in connection with agreements for assistance entered into 28498  
under this chapter or Chapter 1551. of the Revised Code, or any 28499  
information taken from those materials or data, are not public 28500  
records for the purposes of section 149.43 of the Revised Code. 28501

**Sec. 1561.06.** The chief of the division of mineral resources 28502  
management shall designate the townships in which mineable or 28503  
quarryable coal or other mineral is or may be mined or quarried, 28504  
which townships shall be considered coal or mineral bearing 28505  
townships. The chief shall divide the coal or other mineral 28506  
bearing townships into such districts as the chief deems best for 28507  
inspection purposes, and the chief may change such districts 28508  
whenever, in the chief's judgment, the best interests of the 28509  
service require. 28510

The chief shall designate as provided in this section as coal 28511  
or mineral bearing townships those townships in which coal is 28512  
being mined or in which coal is found in such thickness as to make 28513  
the mining of ~~such~~ the coal or mineral probable at some future 28514  
time, and shall designate ~~such~~ the township as a unit. As used in 28515  
this chapter and Chapters 1563., 1565., and 1567. of the Revised 28516  
Code, "coal or mineral bearing township" means a township that has 28517  
been so designated by the chief under this section. 28518

The chief shall also designate the townships in which coal is 28519  
being mined or in which coal is found in such thickness as to make 28520  
the mining of ~~such~~ the coal probable at some future time as "coal 28521  
bearing townships" as ~~such~~ that term is used in Chapter 1509. of 28522  
the Revised Code. The chief shall certify to the chief of the 28523  
division of oil and gas resources management the townships that 28524  
are designated as coal bearing townships. 28525

**Sec. 1561.12.** An applicant for any examination or certificate 28526  
under this section shall, before being examined, register the 28527  
applicant's name with the chief of the division of mineral 28528  
resources management and file with the chief an affidavit as to 28529  
all matters of fact establishing the applicant's right to receive 28530  
the examination, a certificate of good character and temperate 28531  
habits signed by at least three reputable citizens of the 28532

community in which the applicant resides, and a certificate from a  
reputable and disinterested physician as to the physical condition  
of ~~such~~ the applicant showing that the applicant is physically  
capable of performing the duties of the office or position.

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Each applicant for examination for any of the following  
positions shall present evidence satisfactory to the chief that  
the applicant has been a resident and citizen of this state for  
two years next preceding the date of application:

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(A) An applicant for the position of deputy mine inspector of  
underground mines shall have had actual practical experience of  
not less than six years, at least two of which shall have been in  
the underground workings of mines in this state. In the case of an  
applicant who would inspect underground coal mines, the two years  
shall consist of actual practical experience in underground coal  
mines. In the case of an applicant who would inspect noncoal  
mines, the two years shall consist of actual practical experience  
in noncoal mines. In lieu of two years of the actual practical  
experience required, the chief may accept as the equivalent  
thereof a certificate evidencing graduation from an accredited  
school of mines or mining, after a four-year course of study, but  
such credit shall not apply as to the two years' actual practical  
experience required in the mines in this state.

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The applicant shall pass an examination as to the applicant's  
practical and technological knowledge of mine surveying, mining  
machinery, and appliances; the proper development and operation of  
mines; the best methods of working and ventilating mines; the  
nature, properties, and powers of noxious, poisonous, and  
explosive gases, particularly methane; the best means and methods  
of detecting, preventing, and removing the accumulation of such  
gases; the use and operation of gas detecting devices and  
appliances; first aid to the injured; and the uses and dangers of

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electricity as applied and used in, at, and around mines. ~~Such~~ The 28565  
applicant shall also hold a certificate for foreperson of gaseous 28566  
mines issued by the chief. 28567

(B) An applicant for the position of deputy mine inspector of 28568  
surface mines shall have had actual practical mining experience of 28569  
not less than six years, at least two of which shall have been in 28570  
surface mines in this state. In lieu of two years of the actual 28571  
practical experience required, the chief may accept as the 28572  
equivalent thereof a certificate evidencing graduation from an 28573  
accredited school of mines or mining, after a four-year course of 28574  
study, but that credit shall not apply as to the two years' actual 28575  
practical experience required in the mines in this state. The 28576  
applicant shall pass an examination as to the applicant's 28577  
practical and technological knowledge of surface mine surveying, 28578  
machinery, and appliances; the proper development and operations 28579  
of surface mines; first aid to the injured; and the use and 28580  
dangers of explosives and electricity as applied and used in, at, 28581  
and around surface mines. The applicant shall also hold a surface 28582  
mine foreperson certificate issued by the chief. 28583

(C) An applicant for the position of electrical inspector 28584  
shall have had at least five years' practical experience in the 28585  
installation and maintenance of electrical circuits and equipment 28586  
in mines, and the applicant shall be thoroughly familiar with the 28587  
principles underlying the safety features of permissible and 28588  
approved equipment as authorized and used in mines. 28589

The applicant shall be required to pass the examination 28590  
required for deputy mine inspectors and an examination testing and 28591  
determining the applicant's qualification and ability to 28592  
competently inspect and administer the mining law that relates to 28593  
electricity used in and around mines and mining in this state. 28594

(D) An applicant for the position of superintendent or 28595  
assistant superintendent of rescue stations shall possess the same 28596

qualifications as those required for a deputy mine inspector. In 28597  
addition, the applicant shall present evidence satisfactory to the 28598  
chief that the applicant is sufficiently qualified and trained to 28599  
organize, supervise, and conduct group training classes in first 28600  
aid, safety, and rescue work. 28601

The applicant shall pass the examination required for deputy 28602  
mine inspectors and shall be tested as to the applicant's 28603  
practical and technological experience and training in first aid, 28604  
safety, and mine rescue work. 28605

(E) An applicant for the position of mine chemist shall have 28606  
such educational training as is represented by the degree MS in 28607  
chemistry from a university of recognized standing, and at least 28608  
five years of actual practical experience in research work in 28609  
chemistry or as an assistant chemist. The chief may provide that 28610  
an equivalent combination of education and experience together 28611  
with a wide knowledge of the methods of and skill in chemical 28612  
analysis and research may be accepted in lieu of the above 28613  
qualifications. It is preferred that ~~such~~ the chemist shall have 28614  
had actual experience in mineralogy and metallurgy. 28615

~~(F) An applicant for the position of gas storage well 28616  
inspector shall possess the same qualifications as an applicant 28617  
for the position of deputy mine inspector and shall have a 28618  
practical knowledge and experience of and in the operation, 28619  
location, drilling, maintenance, and abandonment of oil and gas 28620  
wells, especially in coal or mineral bearing townships, and shall 28621  
have a thorough knowledge of the latest and best method of 28622  
plugging and sealing abandoned oil and gas wells. 28623~~

~~Such applicant for gas storage well inspector shall pass an 28624  
examination conducted by the chief to determine the applicant's 28625  
fitness to act as a gas storage well inspector before being 28626  
eligible for appointment. 28627~~



Sec. 1561.13. The chief of the division of mineral resources	28628
management shall conduct examinations for offices and positions in	28629
the division of mineral resources management, and for mine	28630
forepersons, mine electricians, shot firers, surface mine	28631
blasters, and fire bosses, as follows:	28632
(A) Division of mineral resources management:	28633
(1) Deputy mine inspectors of underground mines;	28634
(2) Deputy mine inspectors of surface mines;	28635
(3) Electrical inspectors;	28636
(4) Superintendent of rescue stations;	28637
(5) Assistant superintendents of rescue stations;	28638
(6) Mine chemists at a division laboratory if the chief	28639
chooses to operate a laboratory;	28640
<del>        (7) Gas storage well inspector.</del>	28641
(B) Mine forepersons:	28642
(1) Mine foreperson of gaseous mines;	28643
(2) Mine foreperson of nongaseous mines;	28644
(3) Mine foreperson of surface mines.	28645
(C) Forepersons:	28646
(1) Foreperson of gaseous mines;	28647
(2) Foreperson of nongaseous mines;	28648
(3) Foreperson of surface maintenance facilities at	28649
underground or surface mines;	28650
(4) Foreperson of surface mines.	28651
(D) Fire bosses.	28652
(E) Mine electricians.	28653

(F) Surface mine blasters. 28654

(G) Shot firers. 28655

The chief annually shall provide for the examination of 28656  
candidates for appointment or promotion as deputy mine inspectors 28657  
and such other positions and offices set forth in division (A) of 28658  
this section as are necessary. Special examinations may be held 28659  
whenever it becomes necessary to make appointments to any of those 28660  
positions. 28661

The chief shall provide for the examination of persons 28662  
seeking certificates of competency as mine forepersons, 28663  
forepersons, mine electricians, shot firers, surface mine 28664  
blasters, and fire bosses quarterly or more often as required, at 28665  
such times and places within the state as shall, in the judgment 28666  
of the chief, afford the best facilities to the greatest number of 28667  
applicants. Public notice shall be given through the press or 28668  
otherwise, not less than ten days in advance, announcing the time 28669  
and place at which examinations under this section are to be held. 28670

The examinations provided for in this section shall be 28671  
conducted under rules adopted under section 1561.05 of the Revised 28672  
Code and conditions prescribed by the chief. Any rules that relate 28673  
to particular candidates shall, upon application of any candidate, 28674  
be furnished to the candidate by the chief; they shall also be of 28675  
uniform application to all candidates in the several groups. 28676

**Sec. 1561.35.** If the deputy mine inspector finds that any 28677  
matter, thing, or practice connected with any mine and not 28678  
prohibited specifically by law is dangerous or hazardous, or that 28679  
from a rigid enforcement of this chapter and Chapters ~~1509.,~~ 28680  
1563., 1565., and 1567. and applicable provisions of Chapter 1509. 28681  
of the Revised Code, the matter, thing, or practice would become 28682  
dangerous and hazardous so as to tend to the bodily injury of any 28683  
person, the deputy mine inspector forthwith shall give notice in 28684

writing to the owner, lessee, or agent of the mine of the 28685  
particulars in which the deputy mine inspector considers the mine 28686  
or any matter, thing, or practice connected therewith is dangerous 28687  
or hazardous and recommend changes that the conditions require, 28688  
and forthwith shall mail a copy of the report and the deputy mine 28689  
inspector's recommendations to the chief of the division of 28690  
mineral resources management. Upon receipt of the report and 28691  
recommendations, the chief forthwith shall make a finding thereon 28692  
and mail a copy to the owner, operator, lessee, or agent of the 28693  
mine, and to the deputy mine inspector; a copy of the finding of 28694  
the chief shall be posted upon the bulletin board of the mine. 28695  
Where the miners have a mine safety committee, one additional copy 28696  
shall be posted on the bulletin board for the use and possession 28697  
of the committee. 28698

The owner, operator, lessee, or agent of the mine, or the 28699  
authorized representative of the workers of the mine, within ten 28700  
days may appeal to the reclamation commission for a review and 28701  
redetermination of the finding of the chief in the matter in 28702  
accordance with section 1513.13 of the Revised Code, 28703  
notwithstanding division (A)(1) of that section, which provides 28704  
for appeals within thirty days. A copy of the decision of the 28705  
commission shall be mailed as required by this section for the 28706  
mailing of the finding by the chief on the deputy mine inspector's 28707  
report. 28708

**Sec. 1561.49.** The chief of the division of mineral resources 28709  
management may designate not more than thirty deputy mine 28710  
inspectors, at least one of whom shall be classified and appointed 28711  
as electrical inspector provided for in division (B) of section 28712  
1561.12 of the Revised Code; ~~one gas storage well inspector;~~ one 28713  
superintendent of rescue stations; three assistant superintendents 28714  
of rescue stations; three chemists; and such clerks, 28715  
stenographers, and other employees as are necessary for the 28716

administration of this chapter and Chapters 1563., 1565., and 28717  
1567. and applicable provisions of Chapter 1509. of the Revised 28718  
Code. 28719

Such officers, employees, and personnel shall be appointed 28720  
and employed under such conditions and qualifications as set forth 28721  
in ~~such~~ those chapters. 28722

**Sec. 1563.06.** For the purpose of making the examinations 28723  
provided for in this chapter and Chapters ~~1509.~~ 1561., 1565., and 28724  
1567. and applicable provisions of Chapter 1509. of the Revised 28725  
Code, the chief of the division of mineral resources management, 28726  
and each deputy mine inspector, may enter any mine at a reasonable 28727  
time, by day or by night, but in such manner as will not 28728  
necessarily impede the working of the mine, and the owner, lessee, 28729  
or agent thereof shall furnish the means necessary for such entry 28730  
and examination. 28731

**Sec. 1563.24.** In all mines generating methane in such 28732  
quantities as to be considered a gaseous mine under section 28733  
1563.02 of the Revised Code, the mine foreperson of such a mine 28734  
shall: 28735

(A) Employ a sufficient number of competent persons holding 28736  
foreperson of gaseous mines or fire boss certificates, except as 28737  
provided in section 1565.02 of the Revised Code, to examine the 28738  
working places whether they are in actual course of working or 28739  
not, and the traveling ways and entrances to old workings with 28740  
approved flame safety lamps, all of which shall be done not more 28741  
than three hours prior to the time fixed for the employees to 28742  
enter ~~such~~ the mine; 28743

(B) Have all old parts of the mine not in the actual course 28744  
of working, but that are open and safe to travel, examined not 28745  
less than once each three days by a competent person who holds a 28746

foreperson of gaseous mines or a fire boss certificate; 28747

(C) See that all parts of the mine not sealed off as provided 28748  
in section 1563.41 of the Revised Code are kept free from standing 28749  
gas, and upon the discovery of any standing gas, see that the 28750  
entrance to the place where the gas is so discovered is fenced off 28751  
and marked with a sign upon which is written the word "danger," 28752  
and ~~such~~ the sign shall so remain until ~~such~~ the gas has been 28753  
removed; 28754

(D) Have the mine examined on all idle days, holidays, and 28755  
Sundays on which employees are required to work therein; 28756

(E) If more than three hours elapse between shifts, have the 28757  
places in which the succeeding shift works examined by a competent 28758  
person who holds a foreperson of gaseous mines or fire boss 28759  
certificate; 28760

(F) See that this chapter and Chapters ~~1509.~~ 1561., 1565., 28761  
and 1567. and applicable provisions of Chapter 1509. of the 28762  
Revised Code, with regard to examination of working places, 28763  
removal of standing gas, and fencing off of dangerous places, are 28764  
complied with before the employees employed by the mine foreperson 28765  
for this particular work are permitted to do any other work; 28766

(G) Have a report made on the blackboard provided for in 28767  
section 1567.06 of the Revised Code, which report shall show the 28768  
condition of the mine as to the presence of gas and the place 28769  
where such gas is present, if there is any, before the mine 28770  
foreperson permits the employees to enter the mine; 28771

(H) Have reports of the duties and activities enumerated in 28772  
this section signed by the person who makes ~~such~~ the examination. 28773  
The reports so signed shall be sent once each week to the deputy 28774  
mine inspector of the district in which the mine is located on 28775  
blanks furnished by the division of mineral resources management 28776  
for that purpose, and a copy of ~~such~~ the report shall be kept on 28777

file at the mine. 28778

(I) Have the fire boss record a report after each 28779  
examination, in ink, in the fire boss' record book, which book 28780  
shall show the time taken in making the examination and also 28781  
clearly state the nature and location of any danger that was 28782  
discovered in any room, entry, or other place in the mine, and, if 28783  
any danger was discovered, the fire boss shall immediately report 28784  
the location thereof to the mine foreperson. 28785

No person shall enter the mine until the fire bosses return 28786  
to the mine office on the surface, or to a station located in the 28787  
mine, where a record book as provided for in this section shall be 28788  
kept and signed by the person making the examination, and report 28789  
to the oncoming mine foreperson that the mine is in safe condition 28790  
for the employees to enter. When a station is located in any mine, 28791  
the fire bosses shall sign also the report entered in the record 28792  
book in the mine office on the surface. The record books of the 28793  
fire bosses shall at all times during working hours be accessible 28794  
to the deputy mine inspector and the employees of the mine. 28795

In every mine generating explosive gas in quantities 28796  
sufficient to be detected by an approved flame safety lamp, when 28797  
the working portions are one mile or more from the entrance to the 28798  
mine or from the bottom of the shaft or slope, a permanent station 28799  
of suitable dimensions may be erected by the mine foreperson, 28800  
provided that the location is approved by the deputy mine 28801  
inspector, for the use of the fire bosses, and a fireproof vault 28802  
of ample strength shall be erected in ~~such~~ the station of brick, 28803  
stone, or concrete, in which the temporary record book of the fire 28804  
bosses, as described in this section, shall be kept. No person, 28805  
except a mine foreperson of gaseous mines, and in case of 28806  
necessity such other persons as are designated by the mine 28807  
foreperson, shall pass beyond the permanent station and danger 28808  
signal until the mine has been examined by a fire boss, and the 28809

mine or certain portions thereof reported by the fire boss to be 28810  
safe. 28811

This section does not prevent a mine foreperson or foreperson 28812  
of gaseous mines from being qualified to act and acting in the 28813  
capacity of fire boss. The record book shall be supplied by the 28814  
division and purchased by the operator. 28815

No mine foreperson or person delegated by the mine 28816  
foreperson, or any operator of a mine, or other person, shall 28817  
refuse or neglect to comply with this section. 28818

**Sec. 1563.28.** The ~~man~~ worker performing the duties of fire 28819  
boss shall, in an approved manner, use a flame safety lamp when 28820  
making examinations under this chapter and Chapters ~~1509.~~, 1561., 28821  
1565., and 1567. and applicable provisions of Chapter 1509. of the 28822  
Revised Code. As evidence of such examinations ~~he~~ the fire boss 28823  
shall mark with chalk, upon the face of the coal or in some other 28824  
conspicuous place, ~~his~~ the fire boss's initials and the date of 28825  
the month that ~~such~~ the examination is made, and shall fully 28826  
comply with all the law relating to gas and ~~his~~ the fire boss's 28827  
duties as to making such examinations. After making ~~his~~ such an 28828  
examination and report, prior to employees entering the mine for 28829  
the oncoming shift, ~~he~~ the fire boss who made the examination or 28830  
another fire boss shall return to the working places with the 28831  
employees at the starting time of the oncoming shift. 28832

No person shall refuse or neglect to comply with this 28833  
section. 28834

**Sec. 1571.01.** As used in this chapter, unless other meaning 28835  
is clearly indicated in the context: 28836

(A) "Gas storage reservoir" or "storage reservoir" or 28837  
"reservoir" means a continuous area of a subterranean porous sand 28838  
or rock stratum or strata, any part of which or of the protective 28839

area of which, is within a coal bearing township, into which gas 28840  
is or may be injected for the purpose of storing it therein and 28841  
removing it therefrom, or for the purpose of testing whether such 28842  
stratum is suitable for such storage purposes. 28843

(B) "Gas" means any natural, manufactured, or by-product gas 28844  
or any mixture thereof. 28845

(C) "Reservoir operator" or "operator," when used in 28846  
referring to the operator of a gas storage reservoir, means a 28847  
person who is engaged in the work of preparing to inject, or who 28848  
injects gas into, or who stores gas in, or who removes gas from, a 28849  
gas storage reservoir, and who owns the right to do so. 28850

(D)(1) "Boundary," when used in referring to the boundary of 28851  
a gas storage reservoir, means the boundary of such reservoir as 28852  
shown on the map or maps thereof on file in the division of 28853  
~~mineral oil and gas~~ resources management as required by this 28854  
chapter. 28855

(2) "Boundary," when used in referring to the boundary of a 28856  
reservoir protective area, means the boundary of such reservoir 28857  
protective area as shown on the map or maps thereof on file in the 28858  
division as required by this chapter. 28859

(E) "Reservoir protective area" or "reservoir's protective 28860  
area" means the area of land outside the boundary of a gas storage 28861  
reservoir shown as such on the map or maps thereof on file in the 28862  
division as required by this chapter. The area of land shown on 28863  
such map or maps as such reservoir protective area shall be 28864  
outside the boundary of such reservoir, and shall encircle such 28865  
reservoir and touch all parts of the boundary of such reservoir, 28866  
and no part of the outside boundary of such protective area shall 28867  
be less than two thousand nor more than five thousand linear feet 28868  
distant from the boundary of such reservoir. 28869

(F) "Coal bearing township" means a township designated as a 28870



coal bearing township by the chief of the division of mineral 28871  
resources management as required by section 1561.06 of the Revised 28872  
Code. 28873

(G) "Coal mine" means the underground excavations of a mine 28874  
that are being used or are usable or are being developed for use 28875  
in connection with the extraction of coal from its natural deposit 28876  
in the earth. "Underground excavations," when used in referring to 28877  
the underground excavations of a coal mine, includes the abandoned 28878  
underground excavations of such mine. It also includes the 28879  
underground excavations of an abandoned coal mine if such 28880  
abandoned mine is connected with underground excavations of a coal 28881  
mine. "Coal mine" does not mean or include: 28882

(1) A mine in which coal is extracted from its natural 28883  
deposit in the earth by strip or open pit mining methods or by 28884  
other methods by which individuals are not required to go 28885  
underground in connection with the extraction of coal from its 28886  
natural deposit in the earth; 28887

(2) A mine in which not more than fourteen individuals are 28888  
regularly employed underground. 28889

(H) "Operator," when used in referring to the operator of a 28890  
coal mine, means a person who engages in the work of developing 28891  
such mine for use in extracting coal from its natural deposit in 28892  
the earth, or who so uses such mine, and who owns the right to do 28893  
so. 28894

(I) "Boundary," when used in referring to the boundary of a 28895  
coal mine, means the boundary of the underground excavations of 28896  
such mine as shown on the maps of such mine on file in the 28897  
division of mineral resources management as required by sections 28898  
1563.03 to 1563.05 and 1571.03 of the Revised Code. 28899

(J) "Mine protective area" or "mine's protective area" means 28900  
the area of land that the operator of a coal mine designates and 28901

shows as such on the map or maps of such coal mine filed with the 28902  
division as required by sections 1563.03 to 1563.05 and 1571.03 of 28903  
the Revised Code. Such area of land shall be outside of the 28904  
boundary of such coal mine, but some part of the boundary of such 28905  
area of land shall abut upon a part of the boundary of such coal 28906  
mine. Such area of land shall be comprised of such tracts of land 28907  
in which such coal mine operator owns the right to extract coal 28908  
therefrom by underground mining methods and in which underground 28909  
excavations of such coal mine are likely to be made within the 28910  
ensuing year for use in connection with the extraction of coal 28911  
therefrom. 28912

(K) "Pillar" means a solid block of coal or other material 28913  
left unmined to support the overlying strata in a coal mine, or to 28914  
protect a well. 28915

(L) "Retreat mining" means the removal of pillars and ribs 28916  
and stumps and other coal remaining in a section of a coal mine 28917  
after the development mining has been completed in such section. 28918

(M) "Linear feet," when used to indicate distance between two 28919  
points that are not in the same plane, means the length in feet of 28920  
the shortest horizontal line that connects two lines projected 28921  
vertically upward or downward from the two points. 28922

(N) "Map" means a graphic representation of the location and 28923  
size of the existing or proposed items it is made to represent, 28924  
accurately drawn according to a given scale. 28925

(O) "Well" means any hole, drilled or bored, or being drilled 28926  
or bored, into the earth, whether for the purpose of, or whether 28927  
used for: 28928

(1) Producing or extracting any gas or liquid mineral, or 28929  
natural or artificial brines, or oil field waters; 28930

(2) Injecting gas into or removing gas from an underground 28931  
gas storage reservoir; 28932

(3) Introducing water or other liquid pressure into an oil 28933  
bearing sand to recover oil contained in such sand, provided that 28934  
"well" does not mean a hole drilled or bored, or being drilled or 28935  
bored, into the earth, whether for the purpose of, or whether used 28936  
for, producing or extracting potable water to be used as such. 28937

(P) "Testing" means injecting gas into, or storing gas in or 28938  
removing gas from, a gas storage reservoir for the sole purpose of 28939  
determining whether such reservoir is suitable for use as a gas 28940  
storage reservoir. 28941

(Q) "Casing" means a string or strings of pipe commonly 28942  
placed in a well. 28943

(R) "Inactivate" means to shut off temporarily all flow of 28944  
gas from a well at a point below the horizon of the coal mine that 28945  
might be affected by such flow of gas, by means of a plug or other 28946  
suitable device or by injecting water, bentonite, or some other 28947  
equally nonporous material into the well, or any other method 28948  
approved by ~~the mineral~~ an oil and gas resources inspector. 28949

(S) "Gas storage well inspector" means the gas storage well 28950  
inspector in the division. 28951

(T) The verb "open" or the noun "opening," when used in 28952  
clauses relating to the time when a coal mine operator intends to 28953  
open a new coal mine, or the time when a new coal mine is opened, 28954  
or the time of the opening of a new coal mine, or when used in 28955  
other similar clauses to convey like meanings, means that time and 28956  
condition in the initial development of a new coal mine when the 28957  
second opening required by section 1563.14 of the Revised Code is 28958  
completed in such mine. 28959

Sec. 1571.012. An applicant for the position of gas storage 28960  
well inspector shall register the applicant's name with the chief 28961  
of the division of oil and gas resources management and file with 28962

the chief an affidavit as to all matters of fact establishing the 28963  
applicant's right to take the examination for that position, a 28964  
certificate of good character and temperate habits signed by at 28965  
least three reputable citizens of the community in which the 28966  
applicant resides, and a certificate from a reputable and 28967  
disinterested physician as to the physical condition of the 28968  
applicant showing that the applicant is physically capable of 28969  
performing the duties of the position. The applicant also shall 28970  
present evidence satisfactory to the chief that the applicant has 28971  
been a resident and citizen of this state for at least two years 28972  
next preceding the date of application. 28973

An applicant shall possess the same qualifications as an 28974  
applicant for the position of deputy mine inspector established in 28975  
section 1561.12 of the Revised Code. In addition, the applicant 28976  
shall have practical knowledge and experience of and in the 28977  
operation, location, drilling, maintenance, and abandonment of oil 28978  
and gas wells, especially in coal or mineral bearing townships, 28979  
and shall have a thorough knowledge of the latest and best method 28980  
of plugging and sealing abandoned oil and gas wells. 28981

An applicant for gas storage well inspector shall pass an 28982  
examination conducted by the chief to determine the applicant's 28983  
fitness to act as gas storage well inspector before being eligible 28984  
for appointment. 28985

**Sec. 1571.013.** (A) The chief of the division of oil and gas 28986  
resources management shall conduct examinations for the position 28987  
of gas storage well inspector. The chief annually shall provide 28988  
for the examination of candidates for appointment as gas storage 28989  
well inspector. Special examinations may be held whenever it 28990  
becomes necessary to make an appointment of gas storage well 28991  
inspector. 28992

(B) Public notice shall be given through the press or otherwise, not less than ten days in advance, announcing the time and place at which examinations under this section are to be held. 28993  
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(C) The examinations provided for in this section shall be conducted in accordance with rules adopted under section 1571.014 of the Revised Code and conditions prescribed by the chief. 28996  
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**Sec. 1571.014.** The chief of the division of oil and gas resources management shall appoint a gas storage well inspector from the eligible list of candidates for that position that is prepared under section 124.24 of the Revised Code. If a vacancy occurs in the position of gas storage well inspector, the chief shall fill the position by selecting a person from that list. 28999  
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The chief shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for conducting examinations for the position of gas storage well inspector. 29005  
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**Sec. 1571.02.** (A) Any reservoir operator who, on September 9, 1957, is injecting gas into, storing gas in, or removing gas from a reservoir shall within sixty days after such date file with the division of ~~mineral~~ oil and gas resources management a map thereof as described in division (C) of this section, provided that if a reservoir operator is, on September 9, 1957, injecting gas into or storing gas in a reservoir solely for testing, the reservoir operator shall at once file such map with the division. 29008  
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(B) If the injection of gas into or storage of gas in a gas storage reservoir is begun after September 9, 1957, the operator of such reservoir shall file with the division a map thereof as described in division (C) of this section, on the same day and not less than three months prior to beginning such injection or storage. 29016  
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(C) Each map filed with the division pursuant to this section 29022

shall be prepared by a registered surveyor, registered engineer, 29023  
or competent geologist. It shall show both of the following: 29024

(1) The location of the boundary of such reservoir and the 29025  
boundary of such reservoir's protective area, and the known fixed 29026  
monuments, corner stones, or other permanent markers in such 29027  
boundary lines; 29028

(2) The boundary lines of the counties, townships, and 29029  
sections or lots that are within the limits of such map, and the 29030  
name of each such county and township and the number of each such 29031  
section or lot clearly indicated thereon. The legend of the map 29032  
shall indicate the stratum or strata in which the gas storage 29033  
reservoir is located. 29034

The location of the boundary of the gas storage reservoir as 29035  
shown on the map shall be defined by the location of those wells 29036  
around the periphery of such reservoir that had no gas production 29037  
when drilled into the storage stratum of such reservoir, provided 29038  
that if the operator of such reservoir, upon taking into 29039  
consideration the number and nature of such wells, the geological 29040  
and production knowledge of the storage stratum, its character, 29041  
permeability, and distribution, and operating experience, 29042  
determines that the location of the boundary of such reservoir 29043  
should be differently defined, the reservoir operator may, on such 29044  
map, show the boundary of such reservoir to be located at a 29045  
location different than the location defined by the location of 29046  
those wells around the periphery of such reservoir that had no gas 29047  
production when drilled into the storage stratum. 29048

Whenever the operator of a gas storage reservoir determines 29049  
that the location of the boundary of such reservoir as shown on 29050  
the most recent map thereof on file in the division pursuant to 29051  
this section is incorrect, the reservoir operator shall file with 29052  
the division an amended map showing the boundary of such reservoir 29053  
to be located at the location that the reservoir operator then 29054

considers to be correct. 29055

(D) Each operator of a gas storage reservoir who files with 29056  
the division a map as required by this section shall, at the end 29057  
of each six-month period following the date of such filing, file 29058  
with the division an amended map showing changes, if any, in the 29059  
boundary line of such reservoir or of such reservoir's protective 29060  
area that have occurred in the six-month period. Nothing in this 29061  
division shall be construed to require such a reservoir operator 29062  
to file an amended map at the end of any such six-month period if 29063  
no such boundary changes have occurred in such period. 29064

An operator of a gas storage reservoir who is required by 29065  
this section to file an amended map with the division shall not be 29066  
required to so file such an amended map after such time when the 29067  
reservoir operator files with the division a map pertaining to 29068  
such reservoir, as provided in section 1571.04 of the Revised 29069  
Code. 29070

**Sec. 1571.03.** (A) Every operator of a coal mine who is 29071  
required by sections 1563.03 to 1563.05 of the Revised Code, to 29072  
file maps of such mine, shall cause to be shown on each of such 29073  
maps, in addition to the boundary lines of each tract under which 29074  
excavations are likely to be made during the ensuing year, as 29075  
referred to in section 1563.03 of the Revised Code: 29076

(1) The boundary of such coal mine in accordance with the 29077  
meaning of the term "boundary" ~~when used in referring to the~~ 29078  
~~boundary of a coal mine, and the term "coal mine" as those terms~~ 29079  
~~are defined~~ in section 1571.01 of the Revised Code; 29080

(2) The boundary of the mine protective area of such mine. 29081

This division shall not be construed to amend or repeal any 29082  
provisions of sections 1563.03 to 1563.05 of the Revised Code, 29083  
either by implication or otherwise. 29084

This division is intended only to add to existing statutory requirements pertaining to the filing of coal mine maps with the division of mineral resources management, the requirements established in this division.

(B) Every operator of a coal mine who believes that any part of the boundary of such mine is within two thousand linear feet of a well that is drilled through the horizon of such coal mine and into or through the storage stratum or strata of a gas storage reservoir within the boundary of such reservoir or within its protective area, shall at once send notice to that effect by registered mail to the operator of such reservoir, the division of mineral resources management, and ~~to~~ the division of oil and gas resources management.

(C) Every operator of a coal mine who expects that any part of the boundary of such mine will, on a date after September 9, 1957, be extended beyond its location on such date to a point within two thousand linear feet of a well that is drilled through the horizon of such mine and into or through the stratum or strata of a gas storage reservoir within the boundary of such reservoir or within its protective area, shall send at least nine months' notice of such date and of the location of such well by registered mail to the operator of such reservoir, the division of mineral resources management, and ~~to~~ the division of oil and gas resources management. If at the end of three years after the date stated in the notice by an operator of a coal mine to an operator of a storage reservoir as the date upon which part of the boundary of such coal mine is expected to be extended to a point within two thousand linear feet of such well, no part of such coal mine is so extended, the operator of such coal mine shall be liable to the operator of such storage reservoir for all expenses incurred by such reservoir operator in doing the plugging or reconditioning of such well as the reservoir operator is required to do in such



cases as provided in section 1571.05 of the Revised Code. Such 29117  
mine operator shall in no event be liable to such reservoir 29118  
operator: 29119

(1) For expenses of plugging or reconditioning such well 29120  
incurred prior to receipt by such reservoir operator from such 29121  
mine operator of a notice as provided for in this division; 29122

(2) For any expenses of plugging or reconditioning such well 29123  
if any part of the work of plugging or reconditioning was 29124  
commenced prior to receipt by such reservoir operator from such 29125  
mine operator of a notice as provided for in this division. 29126

(D) If a person intends to open a new coal mine after 29127  
September 9, 1957, and if at the time of its opening any part of 29128  
the boundary of such mine will be within two thousand linear feet 29129  
of a well that is drilled through the horizon of such mine and 29130  
into or through the storage stratum or strata of a gas storage 29131  
reservoir within the boundary of such reservoir or within its 29132  
protective area, such person shall send by registered mail to the 29133  
operator of such storage reservoir, the division of mineral 29134  
resources management, and ~~to~~ the division of oil and gas resources 29135  
management at least nine months' notice of the date upon which the 29136  
person intends to open such mine, and of the location of such 29137  
well. If at the end of nine months after the date stated in the 29138  
notice by an operator of a coal mine to an operator of a storage 29139  
reservoir, the division of mineral resources management, and ~~to~~ 29140  
the division of oil and gas resources management, as the date upon 29141  
which such coal mine operator intends to open such new mine, such 29142  
new mine is not opened, the operator of such coal mine shall be 29143  
liable to the operator of such storage reservoir for all expenses 29144  
incurred by such reservoir operator in doing the plugging or 29145  
reconditioning of such well as the reservoir operator is required 29146  
to do in such cases as provided in section 1571.05 of the Revised 29147  
Code, provided: 29148

(1) That such mine operator may, prior to the end of nine months after the date stated in such mine operator's notice to such reservoir operator, the division of mineral resources management, and the division of oil and gas resources management as the date upon which the mine operator intended to open such new mine, notify such reservoir operator, the division of mineral resources management, and the division of oil and gas resources management in writing by registered mail, that the opening of such new mine will be delayed beyond the end of such nine-month period of time, and that the mine operator requests that a conference be held as provided in section 1571.10 of the Revised Code for the purpose of endeavoring to reach an agreement establishing a date subsequent to the end of such nine-month period of time, on or before which such mine operator may open such new mine without being liable to pay such reservoir operator expenses incurred by such reservoir operator in plugging or reconditioning such well as in this division provided;

(2) That if such mine operator sends to such reservoir operator, the division of mineral resources management, and ~~to~~ the division of oil and gas resources management a notice and request for a conference as provided in division (D)(1) of this section, such mine operator shall not be liable to pay such reservoir operator for expenses incurred by such reservoir operator in plugging and reconditioning such well, unless such mine operator fails to open such new mine within the period of time fixed by an approved agreement reached in such conference, or fixed by an order by the chief of the division of ~~mineral~~ oil and gas resources management upon a hearing held in the matter in the event of failure to reach an approved agreement in the conference~~r~~. After issuing an order under this division, the chief shall notify the chief of the division of mineral resources management and send a copy of the order to the chief.

(3) That such mine operator shall in no event be liable to 29181  
such reservoir operator: 29182

(a) For expense of plugging or reconditioning such well 29183  
incurred prior to the receipt by such reservoir operator from such 29184  
mine operator of the notice of the date upon which such mine 29185  
operator intends to open such new mine; 29186

(b) For any expense of plugging or reconditioning such well 29187  
if any part of the work of plugging or reconditioning was 29188  
commenced prior to receipt by such reservoir operator from such 29189  
mine operator of such notice. 29190

**Sec. 1571.04.** (A) Upon the filing of each map or amended map 29191  
with the division of ~~mineral oil and gas~~ resources management by 29192  
operators of gas storage reservoirs as required by this chapter, 29193  
and each coal mine map with the division of mineral resources 29194  
management as required by sections 1563.03 to 1563.05 and division 29195  
(A) of section 1571.03 of the Revised Code, the gas storage well 29196  
inspector shall cause an examination to be made of all maps on 29197  
file in ~~the division~~ those divisions as the gas storage well 29198  
inspector may deem necessary to ascertain whether any part of a 29199  
reservoir protective area as shown on any such map is within ten 29200  
thousand linear feet of any part of the boundary of a coal mine as 29201  
shown on any such map. If, upon making that examination, the gas 29202  
storage well inspector finds that any part of such a reservoir 29203  
protective area is within ten thousand linear feet of any part of 29204  
the boundary of such a coal mine, the gas storage well inspector 29205  
shall promptly send by registered mail notice to that effect to 29206  
the operator of the reservoir and to the operator of the coal 29207  
mine. 29208

(B) Within sixty days after receipt by an operator of a gas 29209  
storage reservoir of a notice from the gas storage well inspector 29210  
under division (A) of this section, such operator shall file on 29211

the same day with both the division ~~a map~~ of mineral resources 29212  
management and the division of oil and gas resources management 29213  
identical maps prepared by a registered surveyor, registered 29214  
engineer, or competent geologist, which shall do all of the 29215  
following: 29216

(1) Indicate the stratum or strata in which such gas storage 29217  
reservoir is located; 29218

(2) Show the location of the boundary of the reservoir and 29219  
the boundary of its protective area, and the known fixed 29220  
monuments, corner stones, or other permanent markers in such 29221  
boundary lines; 29222

(3) Show the boundary lines of the counties, townships, and 29223  
sections or lots that are within the limits of such maps, and the 29224  
name of each such county and township and the number of each such 29225  
section or lot clearly indicated thereon; 29226

(4) Show the location of all oil or gas wells known to the 29227  
operator of such reservoir that have been drilled within the 29228  
boundary of the reservoir or within its protective area, and 29229  
indicate which of such wells, if any, have been or are to be 29230  
plugged or reconditioned for use in the operation of such 29231  
reservoir. 29232

The location of the boundary of the gas storage reservoir as 29233  
shown on the maps shall be defined by the location of those wells 29234  
around the periphery of the reservoir that had no gas production 29235  
when drilled into the storage stratum of the reservoir, provided 29236  
that, if the operator of the reservoir, upon taking into 29237  
consideration the number and nature of such wells, the geological 29238  
and production knowledge of the storage stratum, its character, 29239  
permeability, and distribution, and operating experience, 29240  
determines that the location of the boundary of the reservoir 29241  
should be differently defined, the reservoir operator may, on the 29242

maps, show the boundary of the reservoir to be located at a 29243  
location different from the location defined by the location of 29244  
those wells around the periphery of the reservoir that had no gas 29245  
production when drilled into the storage stratum. 29246

(C) Any coal mine operator who receives from the gas storage 29247  
well inspector a copy of a map as provided by division (E) of this 29248  
section may request the gas storage well inspector to furnish the 29249  
coal mine operator with: 29250

(1) The name of the original operator of any well shown on 29251  
such map; 29252

(2) The date drilling of such well was completed; 29253

(3) The total depth of such well; 29254

(4) The depth at which oil or gas was encountered in such 29255  
well if it was productive of oil or gas; 29256

(5) The initial rock pressure of such well; 29257

(6) A copy of the log of the driller of such well or other 29258  
similar data; 29259

(7) The location of such well in respect to the property 29260  
lines of the tract of land on which it is located; 29261

(8) A statement as to whether the well is inactive or active: 29262

(a) If inactive, the date of plugging and other pertinent 29263  
data; 29264

(b) If active, whether it is being used for test purposes or 29265  
storage purposes; 29266

(9) A statement of the maximum injection pressure 29267  
contemplated by the operator of the reservoir shown on such map. 29268

Upon receipt of such a request, the gas storage well 29269  
inspector shall promptly furnish the coal mine operator the 29270  
information requested. If the information is not ascertainable 29271

from the files in the division of oil and gas resources 29272  
management, the gas storage well inspector shall request the 29273  
reservoir operator to furnish the division with such information 29274  
to the extent that the reservoir operator has knowledge thereof. 29275  
Upon receipt of such a request, the reservoir operator shall 29276  
promptly furnish such information to the division. Thereupon the 29277  
gas storage well inspector shall promptly transmit such 29278  
information to the mine operator who requested it. 29279

Whenever the operator of a gas storage reservoir determines 29280  
that the location of the boundary of the reservoir as shown on the 29281  
most recent map thereof on file in the division pursuant to this 29282  
section is incorrect, the reservoir operator shall file with the 29283  
division an amended map showing the boundary of the reservoir to 29284  
be located at the location that the reservoir operator then 29285  
considers to be correct. 29286

(D) Each operator of a gas storage reservoir who files a ~~map~~ 29287  
with the division of mineral resources management and the division 29288  
of oil and gas resources management maps as required by this 29289  
section shall, at the end of each six-month period following the 29290  
date of such filing, file with ~~the~~ each division ~~an~~ identical 29291  
amended ~~map~~ maps showing changes in the boundary line of the 29292  
reservoir or of the reservoir's protective area that have occurred 29293  
in the six-month period, and further showing or describing any 29294  
other occurrences within that six-month period that cause the most 29295  
recent ~~map~~ maps on file and pertaining to the reservoir to no 29296  
longer be correct. Nothing in this division shall be construed to 29297  
require such a reservoir operator to file an amended map at the 29298  
end of any such six-month period if no boundary changes or other 29299  
occurrences have occurred in that period. The operator of the 29300  
reservoir shall also file with the division of mineral resources 29301  
management and the division of oil and gas resources management, 29302  
subsequent to the filing of a ~~map~~ maps as provided for in division 29303

(B) of this section, a statement whenever changing the maximum injection pressure is contemplated, stating for each affected well within the boundary of the reservoir or its protective area, the amount of change of injection pressure contemplated. The location or drilling of new wells or the abandonment or reconditioning of wells shall not be considered to be occurrences requiring the filing of an amended map or statement.

(E) Promptly upon the filing with the division of oil and gas resources management of a map or an amended map pertaining to a gas storage reservoir under this section, the gas storage well inspector shall send by registered mail to the operator of the coal mine a part of the boundary of which is within ten thousand linear feet of any part of the boundary of the reservoir or of the outside boundary of the reservoir's protective area, notice of the filing together with a copy of the map.

(F) When the operator of a gas storage reservoir files with the division ~~a map~~ of mineral resources management and the division of oil and gas resources management maps or ~~an~~ amended ~~map~~ maps under this section, the reservoir operator shall file as many copies of the ~~map~~ maps as ~~the~~ each division may require for its files and as are needed for sending a copy to each coal mine operator under division (E) of this section.

**Sec. 1571.05.** (A) Whenever any part of a gas storage reservoir or any part of its protective area underlies any part of a coal mine, or is, or within nine months is expected or intended to be, within two thousand linear feet of the boundary of a coal mine that is operating in a coal seam any part of which extends over any part of the storage reservoir or its protective area, the operator of the reservoir, if the reservoir operator or some other reservoir operator has not theretofore done so, shall:

(1) Use every known method that is reasonable under the

circumstance for discovering and locating all wells drilled within 29335  
the area of the reservoir or its protective area that underlie any 29336  
part of the coal mine or its protective area; 29337

(2) Plug or recondition all known wells drilled within the 29338  
area of the reservoir or its protective area that underlie any 29339  
part of the coal mine. 29340

(B) Whenever an operator of a gas storage reservoir is 29341  
notified by the operator of a coal mine, as provided in division 29342  
(B) of section 1571.03 of the Revised Code, that the coal mine 29343  
operator believes that part of the boundary of the mine is within 29344  
two thousand linear feet of a well that is drilled through the 29345  
horizon of the coal mine and into or through the storage stratum 29346  
or strata of the reservoir within the boundary of the reservoir or 29347  
within its protective area, the reservoir operator shall plug or 29348  
recondition the well as in this section prescribed, unless it is 29349  
agreed in a conference or is ordered by the chief of the division 29350  
of ~~mineral~~ oil and gas resources management after a hearing, as 29351  
provided in section 1571.10 of the Revised Code, that the well 29352  
referred to in the notice is not such a well as is described in 29353  
division (B) of section 1571.03 of the Revised Code. 29354

Whenever an operator of a gas storage reservoir is notified 29355  
by the operator of a coal mine as provided in division (C) or (D) 29356  
of section 1571.03 of the Revised Code, that part of the boundary 29357  
of the mine is, or within nine months is intended or expected to 29358  
be, within two thousand linear feet of a well that is drilled 29359  
through the horizon of the mine and into or through the storage 29360  
stratum or strata of the reservoir within the boundary of the 29361  
reservoir or within its protective area, the reservoir operator 29362  
shall plug or recondition the well as in this section prescribed. 29363

Whenever the operator of a coal mine considers that the use 29364  
of a well such as in this section described, if used for injecting 29365  
gas into, or storing gas in, or removing gas from, a gas storage 29366



reservoir, would be hazardous to the safety of persons or property 29367  
on or in the vicinity of the premises of the coal mine or the 29368  
reservoir or well, the coal mine operator may file with the 29369  
division objections to the use of the well for such purposes, and 29370  
a request that a conference be held as provided in section 1571.10 29371  
of the Revised Code, to discuss and endeavor to resolve by mutual 29372  
agreement whether or not the well shall or shall not be used for 29373  
such purposes, and whether or not the well shall be reconditioned, 29374  
inactivated, or plugged. The request shall set forth the mine 29375  
operator's reasons for such objections. If no approved agreement 29376  
is reached in the conference, the gas storage well inspector shall 29377  
within ten days after the termination of the conference, file with 29378  
the chief a request that the chief hear and determine the matters 29379  
considered at the conference as provided in section 1571.10 of the 29380  
Revised Code. Upon conclusion of the hearing, the chief shall find 29381  
and determine whether or not the safety of persons or of the 29382  
property on or in the vicinity of the premises of the coal mine, 29383  
or the reservoir, or the well requires that the well be 29384  
reconditioned, inactivated, or plugged, and shall make an order 29385  
consistent with that determination, provided that the chief shall 29386  
not order a well plugged unless the chief first finds that there 29387  
is underground leakage of gas therefrom. 29388

The plugging or reconditioning of each well described in a 29389  
notice from a coal mine operator to a reservoir operator as 29390  
provided in division (B) of section 1571.03 of the Revised Code, 29391  
which must be plugged or reconditioned, shall be completed within 29392  
such time as the gas storage well inspector may fix in the case of 29393  
each such well. The plugging or reconditioning of each well 29394  
described in a notice from a coal mine operator to a reservoir 29395  
operator as provided in division (C) of section 1571.03 of the 29396  
Revised Code, which must be plugged or reconditioned, shall be 29397  
completed by the time the well, by reason of the extension of the 29398  
boundary of the coal mine, is within two thousand linear feet of 29399

any part of the boundary of the mine. The plugging or 29400  
reconditioning of each well described in a notice from a coal mine 29401  
operator to a reservoir operator, as provided in division (D) of 29402  
section 1571.03 of the Revised Code, which must be plugged or 29403  
reconditioned, shall be completed by the time the well, by reason 29404  
of the opening of the new mine, is within two thousand linear feet 29405  
of any part of the boundary of the new mine. A reservoir operator 29406  
who is required to complete the plugging or reconditioning of a 29407  
well within a period of time fixed as in this division prescribed, 29408  
may prior to the end of that period of time, notify the division 29409  
and the mine operator from whom the reservoir operator received a 29410  
notice as provided in division (B), (C), or (D) of section 1571.03 29411  
of the Revised Code, in writing by registered mail, that the 29412  
completion of the plugging or reconditioning of the well referred 29413  
to in the notice will be delayed beyond the end of the period of 29414  
time fixed therefor as in this section provided, and that the 29415  
reservoir operator requests that a conference be held for the 29416  
purpose of endeavoring to reach an agreement establishing a date 29417  
subsequent to the end of that period of time, on or before which 29418  
the reservoir operator may complete the plugging or reconditioning 29419  
without incurring any penalties for failure to do so as provided 29420  
in this chapter. If such a reservoir operator sends to such a mine 29421  
operator and to the division a notice and request for a conference 29422  
as in this division provided, the reservoir operator shall not 29423  
incur any penalties for failure to complete the plugging or 29424  
reconditioning of the well within the period of time fixed as in 29425  
this division prescribed, unless the reservoir operator fails to 29426  
complete the plugging or reconditioning of the well within the 29427  
period of time fixed by an approved agreement reached in the 29428  
conference, or fixed by an order by the chief upon a hearing held 29429  
in the matter in the event of failure to reach an approved 29430  
agreement in the conference. 29431

Whenever, in compliance with this division, a well is to be 29432

plugged by a reservoir operator, the operator shall give to the 29433  
division notice thereof, as many days in advance as will be 29434  
necessary for the gas storage well inspector or a deputy mine 29435  
inspector to be present at the plugging. The notification shall be 29436  
made on blanks furnished by the division and shall show the 29437  
following information: 29438

(1) Name and address of the applicant; 29439

(2) The location of the well identified by section or lot 29440  
number, city or village, and township and county; 29441

(3) The well name and number of each well to be plugged. 29442

(C) The operator shall give written notice at the same time 29443  
to the owner of the land upon which the well is located, the 29444  
owners or agents of the adjoining land, and adjoining well owners 29445  
or agents of the operator's intention to abandon the well, and of 29446  
the time when the operator will be prepared to commence plugging 29447  
and filling the same. In addition to giving such notices, the 29448  
reservoir operator shall also at the same time send a copy of the 29449  
notice by registered mail to the coal mine operator, if any, who 29450  
sent to the reservoir operator the notice as provided in division 29451  
(B), (C), or (D) of section 1571.03 of the Revised Code, in order 29452  
that the coal mine operator or the coal mine operator's designated 29453  
representative may attend and observe the manner in which the 29454  
plugging of the well is done. 29455

If the reservoir operator plugs the well without ~~an~~ the gas 29456  
storage well inspector ~~from the division~~ or a deputy mine 29457  
inspector being present to supervise the plugging, the reservoir 29458  
operator shall send to the division and to the coal mine operator 29459  
a copy of the report of the plugging of the well, including in the 29460  
report: 29461

(1) The date of abandonment; 29462

(2) The name of the owner or operator of the well at the time 29463

of abandonment and the well owner's or operator's post office	29464
address;	29465
(3) The location of the well as to township and county and	29466
the name of the owner of the surface upon which the well is	29467
drilled, with the address thereof;	29468
(4) The date of the permit to drill;	29469
(5) The date when drilled;	29470
(6) Whether the well has been mapped;	29471
(7) The depth of the well;	29472
(8) The depth of the top of the sand to which the well was	29473
drilled;	29474
(9) The depth of each seam of coal drilled through;	29475
(10) A detailed report as to how the well was plugged, giving	29476
in particular the manner in which the coal and various sands were	29477
plugged, and the date of the plugging of the well, including	29478
therein the names of those who witnessed the plugging of the well.	29479
The report shall be signed by the operator or the operator's	29480
agent who plugged the well and verified by the oath of the party	29481
so signing. For the purposes of this section, a deputy mine	29482
inspector may take acknowledgements and administer oaths to the	29483
parties signing the report.	29484
Whenever, in compliance with this division, a well is to be	29485
reconditioned by a reservoir operator, the operator shall give to	29486
the division notice thereof as many days before the reconditioning	29487
is begun as will be necessary for the gas storage well inspector,	29488
or a deputy mine inspector, to be present at the reconditioning.	29489
No well shall be reconditioned if an inspector of the division is	29490
not present unless permission to do so has been granted by the	29491
chief. The reservoir operator, at the time of giving notice to the	29492
division as in this section required, also shall send a copy of	29493

the notice by registered mail to the coal mine operator, if any, 29494  
who sent to the reservoir operator the notice as provided in 29495  
division (B), (C), or (D) of section 1571.03 of the Revised Code, 29496  
in order that the coal mine operator or the coal mine operator's 29497  
designated representative may attend and observe the manner in 29498  
which the reconditioning of the well is done. 29499

If the reservoir operator reconditions the well when ~~no~~ the 29500  
gas storage well inspector ~~of the division~~ or a deputy mine 29501  
inspector is not present to supervise the reconditioning, the 29502  
reservoir operator shall make written report to the division 29503  
describing the manner in which the reconditioning was done, and 29504  
shall send to the coal mine operator a copy of the report by 29505  
registered mail. 29506

(D) Wells that are required by this section to be plugged 29507  
shall be plugged in the manner specified in sections 1509.13 to 29508  
1509.17 of the Revised Code, and the operator shall give the 29509  
notifications and reports required by divisions (B) and (C) of 29510  
this section. No such well shall be plugged or abandoned without 29511  
the written approval of the division, and no such well shall be 29512  
mudded, plugged, or abandoned without the gas storage well 29513  
inspector or a deputy mine inspector present unless written 29514  
permission has been granted by the chief or the gas storage well 29515  
inspector. For purposes of this section, the chief of the division 29516  
of mineral resources management has the authority given the chief 29517  
of the division of oil and gas resources management in sections 29518  
1509.15 and 1509.17 of the Revised Code. If such a well has been 29519  
plugged prior to the time plugging thereof is required by this 29520  
section, and, on the basis of the data, information, and other 29521  
evidence available it is determined that the plugging was done in 29522  
the manner required by this section, or was done in accordance 29523  
with statutes prescribing the manner of plugging wells in effect 29524  
at the time the plugging was done, and that there is no evidence 29525

of leakage of gas from the well either at or below the surface, 29526  
and that the plugging is sufficiently effective to prevent the 29527  
leakage of gas from the well, the obligations imposed upon the 29528  
reservoir operator by this section as to plugging the well shall 29529  
be considered fully satisfied. The operator of a coal mine any 29530  
part of the boundary of which is, or within nine months is 29531  
expected or intended to be, within two thousand linear feet of the 29532  
well may at any time raise a question as to whether the plugging 29533  
of the well is sufficiently effective to prevent the leakage of 29534  
gas therefrom, and the issue so made shall be determined by a 29535  
conference or hearing as provided in section 1571.10 of the 29536  
Revised Code. 29537

(E) Wells that are to be reconditioned as required by this 29538  
section shall be, or shall be made to be: 29539

(1) Cased in accordance with the statutes of this state in 29540  
effect at the time the wells were drilled, with the casing being, 29541  
or made to be, sufficiently effective in that there is no evidence 29542  
of any leakage of gas therefrom; 29543

(2) Equipped with a producing string and well head composed 29544  
of new pipe, or pipe as good as new, and fittings designed to 29545  
operate with safety and to contain the stored gas at maximum 29546  
pressures contemplated. 29547

When a well that is to be reconditioned as required by this 29548  
section has been reconditioned for use in the operation of the 29549  
reservoir prior to the time prescribed in this section, and on the 29550  
basis of the data, information, and other evidence available it is 29551  
determined that at the time the well was so reconditioned the 29552  
requirements prescribed in this division were met, and that there 29553  
is no evidence of underground leakage of gas from the well, and 29554  
that the reconditioning is sufficiently effective to prevent 29555  
underground leakage from the well, the obligations imposed upon 29556  
the reservoir operator by this section as to reconditioning the 29557

well shall be considered fully satisfied. Any operator of a coal 29558  
mine any part of the boundary of which is, or within nine months 29559  
is expected or intended to be, within two thousand linear feet of 29560  
the well may at any time raise a question as to whether the 29561  
reconditioning of the well is sufficiently effective to prevent 29562  
underground leakage of gas therefrom, and the issue so made shall 29563  
be determined by a conference or hearing as provided in section 29564  
1571.10 of the Revised Code. 29565

If the gas storage well inspector at any time finds that a 29566  
well that is drilled through the horizon of a coal mine and into 29567  
or through the storage stratum or strata of a reservoir within the 29568  
boundary of the reservoir or within its protective area is located 29569  
within the boundary of the coal mine or within two thousand linear 29570  
feet of the mine boundary, and was drilled prior to the time the 29571  
statutes of this state required that wells be cased, and that the 29572  
well fails to meet the casing and equipping requirements 29573  
prescribed in this division, the gas storage well inspector shall 29574  
promptly notify the operator of the reservoir thereof in writing, 29575  
and the reservoir operator upon receipt of the notice shall 29576  
promptly recondition the well in the manner prescribed in this 29577  
division for reconditioning wells, unless, in a conference or 29578  
hearing as provided in section 1571.10 of the Revised Code, a 29579  
different course of action is agreed upon or ordered. 29580

(F)(1) When a well within the boundary of a gas storage 29581  
reservoir or within the reservoir's protective area penetrates the 29582  
storage stratum or strata of the reservoir, but does not penetrate 29583  
the coal seam within the boundary of a coal mine, the gas storage 29584  
well inspector may, upon application of the operator of the 29585  
storage reservoir, exempt the well from the requirements of this 29586  
section. Either party affected by the action of the gas storage 29587  
well inspector may request a conference and hearing with respect 29588  
to the exemption. 29589

(2) When a well located within the boundary of a storage reservoir or a reservoir's protective area is a producing well in a stratum above or below the storage stratum, the obligations imposed by this section shall not begin until the well ceases to be a producing well.

(G) When retreat mining reaches a point in a coal mine when the operator of the mine expects that within ninety days retreat work will be at the location of a pillar surrounding an active storage reservoir well, the operator of the mine shall promptly send by registered mail notice to that effect to the operator of the reservoir. Thereupon the operators may by agreement determine whether it is necessary or advisable to temporarily inactivate the well. If inactivated, the well shall not be reactivated until a reasonable period of time has elapsed, such period of time to be determined by agreement by the operators. In the event that the parties cannot agree upon either of the foregoing matters, the question shall be submitted to the gas storage well inspector for a conference in accordance with section 1571.10 of the Revised Code.

(H)(1) The provisions of this section that require the plugging or reconditioning of wells shall not apply to such wells as are used to inject gas into, store gas in, or remove gas from a gas storage reservoir when the sole purpose of the injection, storage, or removal is testing. The operator of a gas storage reservoir who injects gas into, stores gas in, or removes gas from a reservoir for the sole purpose of testing shall be subject to all other provisions of this chapter that are applicable to operators of reservoirs.

(2) If the injection of gas into, or storage of gas in, a gas storage reservoir any part of which, or of the protective area of which, is within the boundary of a coal mine is begun after September 9, 1957, and if the injection or storage of gas is for



the sole purpose of testing, the operator of the reservoir shall 29622  
send by registered mail to the operator of the coal mine, the 29623  
division of oil and gas resources management, and ~~to~~ the division 29624  
of mineral resources management at least sixty days' notice of the 29625  
date upon which the testing will be begun. 29626

If at any time within the period of time during which testing 29627  
of a reservoir is in progress, any part of the reservoir or of its 29628  
protective area comes within any part of the boundary of a coal 29629  
mine, the operator of the reservoir shall promptly send notice to 29630  
that effect by registered mail to the operator of the mine, the 29631  
division of oil and gas resources management, and ~~to~~ the division 29632  
of mineral resources management. 29633

(3) Any coal mine operator who receives a notice as provided 29634  
for in division (H)(2) of this section may within thirty days of 29635  
the receipt thereof file with the division objections to the 29636  
testing. The gas storage well inspector also may, within the time 29637  
within which a coal mine operator may file an objection, place in 29638  
the files of the division objections to the testing. The reservoir 29639  
operator shall comply throughout the period of the testing 29640  
operations with all conditions and requirements agreed upon and 29641  
approved in the conference on such objections conducted as 29642  
provided in section 1571.10 of the Revised Code, or in an order 29643  
made by the chief following a hearing in the matter as provided in 29644  
section 1571.10 of the Revised Code. If in complying with the 29645  
agreement or order either the reservoir operator or the coal mine 29646  
operator encounters or discovers conditions that were not known to 29647  
exist at the time of the conference or hearing and that materially 29648  
affect the agreement or order, or the ability of the reservoir 29649  
operator to comply therewith, either operator may apply for a 29650  
rehearing or modification of the order. 29651

(I) In addition to complying with all other provisions of 29652  
this chapter and any lawful orders issued thereunder, the operator 29653

of each gas storage reservoir shall keep all wells drilled into or 29654  
through the storage stratum or strata within the boundary of the 29655  
operator's reservoir or within the reservoir's protective area in 29656  
such condition, and operate the same in such manner, as to prevent 29657  
the escape of gas therefrom into any coal mine, and shall operate 29658  
and maintain the storage reservoir and its facilities in such 29659  
manner and at such pressures as will prevent gas from escaping 29660  
from the reservoir or its facilities into any coal mine. 29661

**Sec. 1571.06.** (A) Distances between boundaries of gas storage 29662  
reservoirs, reservoir protective areas, coal mines, coal mine 29663  
protective areas, and wells, as shown on the most recent maps of 29664  
storage reservoirs and of coal mines filed with the division of 29665  
oil and gas resources management or the division of mineral 29666  
resources management as required by this chapter and sections 29667  
1563.03 to 1563.05 of the Revised Code, may be accepted and relied 29668  
upon as being accurate and correct, by operators of coal mines and 29669  
operators of reservoirs. Data, statements, and reports filed with 29670  
~~the~~ either division as required by this chapter and sections 29671  
1563.03 to 1563.05 of the Revised Code may be likewise accepted 29672  
and relied upon. However, the gas storage well inspector or any 29673  
reservoir operator or coal mine operator, or any other person 29674  
having a direct interest in the matter, may at any time question 29675  
the accuracy or correctness of any map, data, statement, or report 29676  
so filed, with ~~the~~ either division by notifying ~~the division~~ both 29677  
divisions thereof in writing. Such notice shall state the reasons 29678  
why the question is raised. When any such notice is so filed, the 29679  
gas storage well inspector shall proceed promptly to hold a 29680  
conference on the question thus raised, as provided in section 29681  
1571.10 of the Revised Code. 29682

(B) If, in any proceeding under this chapter, the accuracy or 29683  
correctness of any map, data, statement, or report, filed by any 29684  
person pursuant to the requirements of this chapter is in 29685

question, the person so filing the same shall have the burden of 29686  
proving the accuracy or correctness thereof. 29687

(C) The operator of a gas storage reservoir shall, at all 29688  
reasonable times, be permitted to inspect the premises and 29689  
facilities of any coal mine any part of the boundary of which is 29690  
within any part of the boundary of such gas storage reservoir or 29691  
within its protective area, and the operator of a coal mine shall, 29692  
at all reasonable times, be permitted to inspect the premises and 29693  
facilities of any gas storage reservoir any part of the boundary 29694  
of which or any part of the protective area of which is within the 29695  
boundary of such coal mine. In the event that either such 29696  
reservoir operator or such coal mine operator denies permission to 29697  
make any such inspection, the chief of the division of ~~mineral~~ oil 29698  
and gas resources management on the chief's own motion, or on an 29699  
application by the operator desiring to make such inspection, upon 29700  
a hearing thereon if requested by either operator, after 29701  
reasonable notice of such hearing, may make an order providing for 29702  
such inspection. 29703

**Sec. 1571.08.** (A) Whenever in this chapter, the method or 29704  
material to be used in discharging any obligations imposed by this 29705  
chapter is specified, an alternative method or material may be 29706  
used if approved by the gas storage well inspector or the chief of 29707  
the division of ~~mineral~~ oil and gas resources management. A person 29708  
desiring to use such alternative method or material shall file 29709  
with the division of ~~mineral~~ oil and gas resources management an 29710  
application for permission to do so. Such application shall 29711  
describe such alternative method or material in reasonable detail. 29712  
The gas storage well inspector shall promptly send by registered 29713  
mail notice of the filing of such application to any coal mine 29714  
operator or reservoir operator whose mine or reservoir may be 29715  
directly affected thereby. Any such coal mine operator or 29716  
reservoir operator may within ten days following receipt of such 29717

notice, file with the division objections to such application. The 29718  
gas storage well inspector may also file with the division an 29719  
objection to such application at any time during which coal mine 29720  
operators or reservoir operators are permitted to file objections. 29721  
If no objections are filed within the ten-day period of time, the 29722  
gas storage well inspector shall thereupon issue a permit 29723  
approving the use of such alternative method or material. If any 29724  
such objections are filed by any coal mine operator or reservoir 29725  
operator, or by the gas storage well inspector, the question as to 29726  
whether or not the use of such alternative method or material, or 29727  
a modification thereof is approved, shall be determined by a 29728  
conference or hearing as provided in section 1571.10 of the 29729  
Revised Code. 29730

(B) Whenever in this chapter, provision is made for the 29731  
filing of objections with the division, such objections shall be 29732  
in writing and shall state as definitely as is reasonably possible 29733  
the reasons for such objections. Upon the filing of any such 29734  
objection the gas storage well inspector shall promptly fix the 29735  
time and place for holding a conference for the purpose of 29736  
discussing and endeavoring to resolve by mutual agreement the 29737  
issue raised by such objection. The gas storage well inspector 29738  
shall send written notice thereof by registered mail to each 29739  
person having a direct interest therein. Thereupon the issue made 29740  
by such objection shall be determined by a conference or hearing 29741  
in accordance with the procedures for conferences and hearings as 29742  
provided in section 1571.10 of the Revised Code. 29743

**Sec. 1571.09.** (A) The chief of the division of mineral oil 29744  
and gas resources management or any officer or employee of the 29745  
division thereunto duly authorized by the chief may investigate, 29746  
inspect, or examine records and facilities of any coal mine 29747  
operator or reservoir operator, for the purpose of determining the 29748  
accuracy or correctness of any map, data, statement, report, or 29749

other item or article, filed with or otherwise received by the 29750  
division pursuant to this chapter. When a material question is 29751  
raised by any reservoir operator or coal mine operator as to the 29752  
accuracy or correctness of any such map, data, statement, report, 29753  
or other item or article, which may directly affect the reservoir 29754  
operator or coal mine operator, the matter shall be determined by 29755  
a conference or hearing as provided in section 1571.10 of the 29756  
Revised Code. 29757

(B) The division of ~~mineral~~ oil and gas resources management 29758  
shall keep all maps, data, statements, reports, well logs, 29759  
notices, or other items or articles filed with or otherwise 29760  
received by it pursuant to this chapter in a safe place and 29761  
conveniently accessible to persons entitled to examine them. It 29762  
shall maintain indexes of all such items and articles so that any 29763  
of them may be promptly located. None of such items or articles 29764  
shall be open to public inspection, but: (1) any of such items or 29765  
articles pertaining to a mine may be examined by: the operator, 29766  
owner, lessee, or agent of such mine; persons financially 29767  
interested in such mine; owners of land adjoining such mine; the 29768  
operator, owner, lessee, or agent of a mine adjoining such mine; 29769  
authorized representatives of the persons employed to work in such 29770  
mine; the operator of a gas storage reservoir any part of the 29771  
boundary of which or of the boundary of its protective area is 29772  
within ten thousand linear feet of the boundary of such mine, or 29773  
the agent of such reservoir operator thereunto authorized by such 29774  
reservoir operator; or any employee of the division of geological 29775  
survey in the department of natural resources thereunto duly 29776  
authorized by the chief of that division; and (2) any of such 29777  
items or articles pertaining to a gas storage reservoir may be 29778  
examined by: the operator of such reservoir; the operator of a 29779  
coal mine any part of the boundary of which is within ten thousand 29780  
linear feet of the boundary of a gas storage reservoir or of the 29781  
boundary of its protective area, or the agent of such mine 29782

operator thereunto authorized by such mine operator, or the 29783  
authorized representatives of the persons employed to work in such 29784  
mine; or any employee of the division of geological survey 29785  
thereunto duly authorized by the chief of that division. The 29786  
division of ~~mineral~~ oil and gas resources management shall not 29787  
permit any of such items or articles to be removed from its 29788  
office, and it shall not furnish copies of any such items or 29789  
articles to any person other than as provided in this chapter. 29790

The division shall keep a docket of all proceedings arising 29791  
under this chapter, in which shall be entered the dates of any 29792  
notice received or issued, the names of all persons to whom it 29793  
sends a notice, and the address of each, the dates of conferences 29794  
and hearings, and all findings, determinations, decisions, 29795  
rulings, and orders, or other actions by the division. 29796

(C) Whenever any provision of this chapter requires the 29797  
division to give notice to the operator of a coal mine of any 29798  
proceeding to be held pursuant to this chapter, the division shall 29799  
simultaneously give a copy of such notice to the authorized 29800  
representatives of the persons employed to work in such mine. 29801

**Sec. 1571.10.** (A) The gas storage well inspector or any 29802  
person having a direct interest in the administration of this 29803  
chapter may at any time file with the division of ~~mineral~~ oil and 29804  
gas resources management a written request that a conference be 29805  
held for the purpose of discussing and endeavoring to resolve by 29806  
mutual agreement any question or issue relating to the 29807  
administration of this chapter, or to compliance with its 29808  
provisions, or to any violation thereof. Such request shall 29809  
describe the matter concerning which the conference is requested. 29810  
Thereupon the gas storage well inspector shall promptly fix the 29811  
time and place for the holding of such conference and shall send 29812  
written notice thereof to each person having a direct interest 29813

therein. At such conference the gas storage well inspector or a 29814  
representative of the division designated by the gas storage well 29815  
inspector shall be in attendance, and shall preside at the 29816  
conference, and the gas storage well inspector or designated 29817  
representative may make such recommendations as the gas storage 29818  
well inspector or designated representative deems proper. Any 29819  
agreement reached at such conference shall be consistent with the 29820  
requirements of this chapter and, if approved by the gas storage 29821  
well inspector, it shall be reduced to writing and shall be 29822  
effective. Any such agreement approved by the gas storage well 29823  
inspector shall be kept on file in the division and a copy thereof 29824  
shall be furnished to each of the persons having a direct interest 29825  
therein. The conference shall be deemed terminated as of the date 29826  
an approved agreement is reached or when any person having a 29827  
direct interest therein refuses to confer thereafter. Such a 29828  
conference shall be held in all cases prior to the holding of a 29829  
hearing as provided in this section. 29830

(B) Within ten days after the termination of a conference at 29831  
which no approved agreement is reached, any person who 29832  
participated in such conference and who has a direct interest in 29833  
the subject matter thereof, or the gas storage well inspector, may 29834  
file with the chief of the division of ~~mineral~~ oil and gas 29835  
resources management a request that the chief hear and determine 29836  
the matter or matters, or any part thereof considered at the 29837  
conference. Thereupon the chief shall promptly fix the time and 29838  
place for the holding of such hearing and shall send written 29839  
notice thereof to each person having a direct interest therein. 29840  
The form of the request for such hearing and the conduct of the 29841  
hearing shall be in accordance with rules that the chief adopts 29842  
under section 1571.11 of the Revised Code. Consistent with the 29843  
requirement for reasonable notice each such hearing shall be held 29844  
promptly after the filing of the request therefor. Any person 29845  
having a direct interest in the matter to be heard shall be 29846

entitled to appear and be heard in person or by attorney. The 29847  
division may present at such hearing any evidence that is material 29848  
to the matter being heard and that has come to the division's 29849  
attention in any investigation or inspection made pursuant to this 29850  
chapter. 29851

(C) For the purpose of conducting such a hearing the chief 29852  
may require the attendance of witnesses and the production of 29853  
books, records, and papers, and the chief may, and at the request 29854  
of any person having a direct interest in the matter being heard, 29855  
the chief shall, issue subpoenas for witnesses or subpoenas duces 29856  
tecum to compel the production of any books, records, or papers, 29857  
directed to the sheriffs of the counties where such witnesses are 29858  
found, which subpoenas shall be served and returned in the same 29859  
manner as subpoenas in criminal cases are served and returned. The 29860  
fees of sheriffs shall be the same as those allowed by the court 29861  
of common pleas in criminal cases. Witnesses shall be paid the 29862  
fees and mileage provided for under section 119.094 of the Revised 29863  
Code. Such fee and mileage expenses shall be paid in advance by 29864  
the persons at whose request they are incurred, and the remainder 29865  
of such expenses shall be paid out of funds appropriated for the 29866  
expenses of the division. 29867

In case of disobedience or neglect of any subpoena served on 29868  
any person, or the refusal of any witness to testify to any matter 29869  
regarding which the witness may be lawfully interrogated, the 29870  
court of common pleas of the county in which such disobedience, 29871  
neglect, or refusal occurs, or any judge thereof, on application 29872  
of the chief, shall compel obedience by attachment proceedings for 29873  
contempt as in the case of disobedience of the requirements of a 29874  
subpoena issued from such court or a refusal to testify therein. 29875  
Witnesses at such hearings shall testify under oath, and the chief 29876  
may administer oaths or affirmations to persons who so testify. 29877

(D) With the consent of the chief, the testimony of any 29878



witness may be taken by deposition at the instance of a party to 29879  
any hearing before the chief at any time after hearing has been 29880  
formally commenced. The chief may, of the chief's own motion, 29881  
order testimony to be taken by deposition at any stage in any 29882  
hearing, proceeding, or investigation pending before the chief. 29883  
Such deposition shall be taken in the manner prescribed by the 29884  
laws of this state for taking depositions in civil cases in courts 29885  
of record. 29886

(E) After the conclusion of a hearing the chief shall make a 29887  
determination and finding of facts. Every adjudication, 29888  
determination, or finding by the chief shall be made by written 29889  
order and shall contain a written finding by the chief of the 29890  
facts upon which the adjudication, determination, or finding is 29891  
based. Notice of the making of such order shall be given to the 29892  
persons whose rights, duties, or privileges are affected thereby, 29893  
by sending a certified copy thereof by registered mail to each of 29894  
such persons. 29895

Adjudications, determinations, findings, and orders made by 29896  
the chief shall not be governed by, or be subject to, Chapter 119. 29897  
of the Revised Code. 29898

**Sec. 1571.11.** The chief of the division of ~~mineral oil and~~ 29899  
gas resources management shall adopt rules governing 29900  
administrative procedures to be followed in the administration of 29901  
this chapter, which shall be of general application in all matters 29902  
and to all persons affected by this chapter. 29903

No rule adopted by the chief pursuant to this section shall 29904  
be effective until the tenth day after a certified copy thereof 29905  
has been filed in the office of the secretary of state. 29906

All rules filed in the office of the secretary of state 29907  
pursuant to this section shall be recorded by the secretary of 29908  
state under a heading entitled "Regulations relating to the 29909

storage of gas in underground gas storage reservoirs" and shall be 29910  
numbered consecutively under such heading and shall bear the date 29911  
of filing. Such rules shall be public records open to public 29912  
inspection. 29913

No rule filed in the office of the secretary of state 29914  
pursuant to this section shall be amended except by a rule that 29915  
contains the entire rule as amended and that repeals the rule 29916  
amended. Each rule that amends a rule shall bear the same 29917  
consecutive rule number as the number of the rule that it amends, 29918  
and it shall bear the date of filing. 29919

No rule filed in the office of the secretary of state 29920  
pursuant to this section shall be repealed except by a rule. Each 29921  
rule that repeals a rule shall bear the same consecutive rule 29922  
number as the number of the rule that it repeals, and it shall 29923  
bear the date of filing. 29924

The authority and the duty of the chief to adopt rules as 29925  
provided in this section shall not be governed by, or be subject 29926  
to Chapter 119. of the Revised Code. 29927

The chief shall have available at all times copies of all 29928  
rules adopted pursuant to this section, and shall furnish same 29929  
free of charge to any person requesting same. 29930

**Sec. 1571.14.** Any person claiming to be aggrieved or 29931  
adversely affected by an order of the chief of the division of 29932  
~~mineral oil and gas~~ resources management made as provided in 29933  
section 1571.10 or 1571.16 of the Revised Code may appeal to the 29934  
director of natural resources for an order vacating or modifying 29935  
such order. Upon receipt of the appeal, the director shall appoint 29936  
an individual who has knowledge of the laws and rules regarding 29937  
the underground storage of gas and who shall act as a hearing 29938  
officer in accordance with Chapter 119. of the Revised Code in 29939  
hearing the appeal. 29940

The person appealing to the director shall be known as 29941  
appellant and the chief shall be known as appellee. The appellant 29942  
and the appellee shall be deemed parties to the appeal. 29943

The appeal shall be in writing and shall set forth the order 29944  
complained of and the grounds upon which the appeal is based. The 29945  
appeal shall be filed with the director within thirty days after 29946  
the date upon which appellant received notice by registered mail 29947  
of the making of the order complained of, as required by section 29948  
1571.10 of the Revised Code. Notice of the filing of such appeal 29949  
shall be delivered by appellant to the chief within three days 29950  
after the appeal is filed with the director. 29951

Within seven days after receipt of the notice of appeal the 29952  
chief shall prepare and certify to the director at the expense of 29953  
appellant a complete transcript of the proceedings out of which 29954  
the appeal arises, including a transcript of the testimony 29955  
submitted to the chief. 29956

Upon the filing of the appeal the director shall fix the time 29957  
and place at which the hearing on the appeal will be held, and 29958  
shall give appellant and the chief at least ten days' written 29959  
notice thereof by mail. The director may postpone or continue any 29960  
hearing upon the director's own motion or upon application of 29961  
appellant or of the chief. 29962

The filing of an appeal provided for in this section does not 29963  
automatically suspend or stay execution of the order appealed 29964  
from, but upon application by the appellant the director may 29965  
suspend or stay such execution pending determination of the appeal 29966  
upon such terms as the director deems proper. 29967

The hearing officer appointed by the director shall hear the 29968  
appeal de novo, and either party to the appeal may submit such 29969  
evidence as the hearing officer deems admissible. 29970

For the purpose of conducting a hearing on an appeal, the 29971

hearing officer may require the attendance of witnesses and the 29972  
production of books, records, and papers, and may, and at the 29973  
request of any party shall, issue subpoenas for witnesses or 29974  
subpoenas duces tecum to compel the production of any books, 29975  
records, or papers, directed to the sheriffs of the counties where 29976  
such witnesses are found, which subpoenas shall be served and 29977  
returned in the same manner as subpoenas in criminal cases are 29978  
served and returned. The fees of sheriffs shall be the same as 29979  
those allowed by the court of common pleas in criminal cases. 29980  
Witnesses shall be paid the fees and mileage provided for under 29981  
section 119.094 of the Revised Code. Such fee and mileage expenses 29982  
incurred at the request of appellant shall be paid in advance by 29983  
appellant, and the remainder of such expenses shall be paid out of 29984  
funds appropriated for the expenses of the division of ~~mineral oil~~ 29985  
and gas resources management. 29986

In case of disobedience or neglect of any subpoena served on 29987  
any person, or the refusal of any witness to testify to any matter 29988  
regarding which the witness may be lawfully interrogated, the 29989  
court of common pleas of the county in which such disobedience, 29990  
neglect, or refusal occurs, or any judge thereof, on application 29991  
of the director, shall compel obedience by attachment proceedings 29992  
for contempt as in the case of disobedience of the requirements of 29993  
a subpoena issued from such court or a refusal to testify therein. 29994  
Witnesses at such hearings shall testify under oath, and the 29995  
hearing officer may administer oaths or affirmations to persons 29996  
who so testify. 29997

At the request of any party to the appeal, a stenographic or 29998  
electronic record of the testimony and other evidence submitted 29999  
shall be taken by an official court ~~shorthand~~ reporter at the 30000  
expense of the party making the request ~~therefor~~ for the record. 30001  
The record shall include all of the testimony and other evidence 30002  
and the rulings on the admissibility thereof presented at the 30003

hearing. The hearing officer shall pass upon the admissibility of 30004  
evidence, but any party may at the time object to the admission of 30005  
any evidence and except to the ruling of the hearing officer 30006  
thereon, and if the hearing officer refuses to admit evidence, the 30007  
party offering same may make a proffer thereof, and such proffer 30008  
shall be made a part of the record of such hearing. 30009

If upon completion of the hearing the hearing officer finds 30010  
that the order appealed from was lawful and reasonable, the 30011  
hearing officer shall make a written order affirming the order 30012  
appealed from. If the hearing officer finds that such order was 30013  
unreasonable or unlawful, the hearing officer shall make a written 30014  
order vacating the order appealed from and making the order that 30015  
it finds the chief should have made. Every order made by the 30016  
hearing officer shall contain a written finding by the hearing 30017  
officer of the facts upon which the order is based. Notice of the 30018  
making of such order shall be given forthwith to each party to the 30019  
appeal by mailing a certified copy thereof to each such party by 30020  
registered mail. 30021

**Sec. 1571.16.** (A) The gas storage well inspector or any 30022  
person having a direct interest in the subject matter of this 30023  
chapter may file with the division of ~~mineral~~ oil and gas 30024  
resources management a complaint in writing stating that a person 30025  
is violating, or is about to violate, a provision or provisions of 30026  
this chapter, or has done, or is about to do, an act, matter, or 30027  
thing therein prohibited or declared to be unlawful, or has 30028  
failed, omitted, neglected, or refused, or is about to fail, omit, 30029  
neglect, or refuse, to perform a duty enjoined upon the person by 30030  
this chapter. Upon the filing of such a complaint, the chief of 30031  
the division of ~~mineral~~ oil and gas resources management shall 30032  
promptly fix the time for the holding of a hearing on such 30033  
complaint and shall send by registered mail to the person so 30034  
complained of, a copy of such complaint together with at least 30035

five days' notice of the time and place at which such hearing will 30036  
be held. Such notice of such hearing shall also be given to all 30037  
persons having a direct interest in the matters complained of in 30038  
such complaint. Such hearing shall be conducted in the same 30039  
manner, and the chief and persons having a direct interest in the 30040  
matter being heard, shall have the same powers, rights, and duties 30041  
as provided in divisions (B), (C), (D), and (E) of section 1571.10 30042  
of the Revised Code, in connection with hearings by the chief, 30043  
provided that if after conclusion of the hearing the chief finds 30044  
that the charges against the person complained of, as stated in 30045  
such complaint, have not been sustained by a preponderance of 30046  
evidence, the chief shall make an order dismissing the complaint, 30047  
and if the chief finds that the charges have been so sustained, 30048  
the chief shall by appropriate order require compliance with those 30049  
provisions. 30050

(B) Whenever the chief is of the opinion that any person is 30051  
violating, or is about to violate, any provision of this chapter, 30052  
or has done, or is about to do, any act, matter, or thing therein 30053  
prohibited or declared to be unlawful, or has failed, omitted, 30054  
neglected, or refused, or is about to fail, omit, neglect, or 30055  
refuse, to perform any duty enjoined upon the person by this 30056  
chapter, or has failed, omitted, neglected, or refused, or is 30057  
about to fail, omit, neglect, or refuse, to obey any lawful 30058  
requirement or order made by the chief, or any final judgment, 30059  
order, or decree made by any court pursuant to this chapter, then 30060  
and in every such case, the chief may institute in a court of 30061  
competent jurisdiction of the county or counties wherein the 30062  
operation is situated, an action to enjoin or restrain such 30063  
violations or to enforce obedience with law or the orders of the 30064  
chief. No injunction bond shall be required to be filed in any 30065  
such proceeding. Such persons or corporations as the court may 30066  
deem necessary or proper to be joined as parties in order to make 30067  
its judgment, order, or writ effective may be joined as parties. 30068

An appeal may be taken as in other civil actions. 30069

(C) In addition to the other remedies as provided in 30070  
divisions (A) and (B) of this section, any reservoir operator or 30071  
coal mine operator affected by this chapter may proceed by 30072  
injunction or other appropriate remedy to restrain violations or 30073  
threatened violations of this chapter or of orders of the chief, 30074  
or of the hearing officer appointed under section 1571.14 of the 30075  
Revised Code, or the judgments, orders, or decrees of any court or 30076  
to enforce obedience therewith. 30077

(D) Each remedy prescribed in divisions (A), (B), and (C) of 30078  
this section is deemed concurrent or contemporaneous with each 30079  
other remedy prescribed therein, and the existence or exercise of 30080  
any one such remedy shall not prevent the exercise of any other 30081  
such remedy. 30082

(E) The provisions of this chapter providing for conferences, 30083  
hearings by the chief, appeals to the hearing officer from orders 30084  
of the chief, and appeals to the court of common pleas from orders 30085  
of the hearing officer, and the remedies prescribed in divisions 30086  
(A), (B), (C), and (D) of this section, do not constitute the 30087  
exclusive procedure that a person, who deems the person's rights 30088  
to be unlawfully affected by any official action taken thereunder, 30089  
must pursue in order to protect and preserve such rights, nor does 30090  
this chapter constitute a procedure that such a person must pursue 30091  
before the person may lawfully proceed by other actions, legal or 30092  
equitable, to protect and preserve such rights. 30093

**Sec. 1571.18.** After ~~the effective date of this section~~ June 30094  
30, 2010, and not later than the thirty-first day of March each 30095  
year, the owner of a well that is used for gas storage or of a 30096  
well that is used to monitor a gas storage reservoir and that is 30097  
located in a reservoir protective area shall pay to the chief of 30098  
the division of ~~mineral~~ oil and gas resources management a gas 30099

storage well regulatory fee of one hundred twenty-five dollars for 30100  
each well that the owner owned as of the thirty-first day of 30101  
December of the previous year for the purposes of administering 30102  
this chapter and Chapter 1509. of the Revised Code. The chief may 30103  
prescribe and provide a form for the collection of the fee imposed 30104  
by this section and may adopt rules in accordance with Chapter 30105  
119. of the Revised Code that are necessary for the administration 30106  
of this section. 30107

All money collected under this section shall be deposited in 30108  
the state treasury to the credit of the oil and gas well fund 30109  
created in section 1509.02 of the Revised Code. 30110

**Sec. 1571.99.** Any person who purposely violates any order of 30111  
the chief of the division of mineral oil and gas resources 30112  
management, of a hearing officer appointed by the director of 30113  
natural resources under section 1571.14 of the Revised Code, or of 30114  
the director, made pursuant to this chapter shall be punished by a 30115  
fine not exceeding two thousand dollars, or imprisoned in jail for 30116  
a period not exceeding twelve months, or both, in the discretion 30117  
of the court. 30118

**Sec. 1701.07.** (A) Every corporation shall have and maintain 30119  
an agent, sometimes referred to as the "statutory agent," upon 30120  
whom any process, notice, or demand required or permitted by 30121  
statute to be served upon a corporation may be served. The agent 30122  
may be a natural person who is a resident of this state or may be 30123  
a domestic corporation or a foreign corporation holding a license 30124  
as such under the laws of this state, that is authorized by its 30125  
articles of incorporation to act as such agent and that has a 30126  
business address in this state. 30127

(B) The secretary of state shall not accept original articles 30128  
for filing unless there is filed with the articles a written 30129



appointment of an agent that is signed by the incorporators of the corporation or a majority of them and a written acceptance of the appointment that is signed by the agent. In all other cases, the corporation shall appoint the agent and shall file in the office of the secretary of state a written appointment of the agent that is signed by any authorized officer of the corporation and a written acceptance of the appointment that is either the original acceptance signed by the agent or a photocopy, facsimile, or similar reproduction of the original acceptance signed by the agent.

(C) The written appointment of an agent shall set forth the name and address in this state of the agent, including the street and number or other particular description, and shall otherwise be in such form as the secretary of state prescribes. The secretary of state shall keep a record of the names of corporations, and the names and addresses of their respective agents.

(D) If any agent dies, removes from the state, or resigns, the corporation shall forthwith appoint another agent and file with the secretary of state, on a form prescribed by the secretary of state, a written appointment of the agent.

(E) If the agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the corporation or the agent shall forthwith file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the new address.

(F) An agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a written notice to that effect that is signed by the agent and by sending a copy of the notice to the corporation at the current or last known address of its principal office on or prior to the date the notice is filed with the secretary of state. The notice shall set forth the name of the corporation, the name and current address of the

agent, the current or last known address, including the street and 30162  
number or other particular description, of the corporation's 30163  
principal office, the resignation of the agent, and a statement 30164  
that a copy of the notice has been sent to the corporation within 30165  
the time and in the manner prescribed by this division. Upon the 30166  
expiration of thirty days after the filing, the authority of the 30167  
agent shall terminate. 30168

(G) A corporation may revoke the appointment of an agent by 30169  
filing with the secretary of state, on a form prescribed by the 30170  
secretary of state, a written appointment of another agent and a 30171  
statement that the appointment of the former agent is revoked. 30172

(H) Any process, notice, or demand required or permitted by 30173  
statute to be served upon a corporation may be served upon the 30174  
corporation by delivering a copy of it to its agent, if a natural 30175  
person, or by delivering a copy of it at the address of its agent 30176  
in this state, as the address appears upon the record in the 30177  
office of the secretary of state. If (1) the agent cannot be 30178  
found, or (2) the agent no longer has that address, or (3) the 30179  
corporation has failed to maintain an agent as required by this 30180  
section, and if in any such case the party desiring that the 30181  
process, notice, or demand be served, or the agent or 30182  
representative of the party, shall have filed with the secretary 30183  
of state an affidavit stating that one of the foregoing conditions 30184  
exists and stating the most recent address of the corporation that 30185  
the party after diligent search has been able to ascertain, then 30186  
service of process, notice, or demand upon the secretary of state, 30187  
as the agent of the corporation, may be initiated by delivering to 30188  
the secretary of state or at the secretary of state's office 30189  
quadruplicate copies of such process, notice, or demand and by 30190  
paying to the secretary of state a fee of five dollars. The 30191  
secretary of state shall forthwith give notice of the delivery to 30192  
the corporation at its principal office as shown upon the record 30193

in the secretary of state's office and at any different address 30194  
shown on its last franchise tax report filed in this state, or to 30195  
the corporation at any different address set forth in the above 30196  
mentioned affidavit, and shall forward to the corporation at said 30197  
addresses, by certified mail, with request for return receipt, a 30198  
copy of the process, notice, or demand; and thereupon service upon 30199  
the corporation shall be deemed to have been made. 30200

(I) The secretary of state shall keep a record of each 30201  
process, notice, and demand delivered to the secretary of state or 30202  
at the secretary of state's office under this section or any other 30203  
law of this state that authorizes service upon the secretary of 30204  
state, and shall record the time of the delivery and the action 30205  
thereafter with respect thereto. 30206

(J) This section does not limit or affect the right to serve 30207  
any process, notice, or demand upon a corporation in any other 30208  
manner permitted by law. 30209

(K) Every corporation shall state in each annual report filed 30210  
by it with the department of taxation the name and address of its 30211  
statutory agent. 30212

(L) Except when an original appointment of an agent is filed 30213  
with the original articles, a written appointment of an agent or a 30214  
written statement filed by a corporation with the secretary of 30215  
state shall be signed by any authorized officer of the corporation 30216  
or by the incorporators of the corporation or a majority of them 30217  
if no directors have been elected. 30218

(M) For filing a written appointment of an agent other than 30219  
one filed with original articles, and for filing a statement of 30220  
change of address of an agent, the secretary of state shall charge 30221  
and collect the fee specified in division (R) of section 111.16 of 30222  
the Revised Code. 30223

(N) Upon the failure of a corporation to appoint another 30224

agent or to file a statement of change of address of an agent, the 30225  
secretary of state shall give notice thereof by ~~certified~~ ordinary 30226  
or electronic mail to the corporation at the electronic mail 30227  
address provided to the secretary of state, or at the address set 30228  
forth in the notice of resignation or on the last franchise tax 30229  
return filed in this state by the corporation. Unless the default 30230  
is cured within thirty days after the mailing by the secretary of 30231  
state of the notice or within any further period of time that the 30232  
secretary of state grants, upon the expiration of that period of 30233  
time from the date of the mailing, the articles of the corporation 30234  
shall be canceled without further notice or action by the 30235  
secretary of state. The secretary of state shall make a notation 30236  
of the cancellation on the secretary of state's records. 30237

A corporation whose articles have been canceled may be 30238  
reinstated by filing, on a form prescribed by the secretary of 30239  
state, an application for reinstatement and the required 30240  
appointment of agent or required statement, and by paying the 30241  
filing fee specified in division (Q) of section 111.16 of the 30242  
Revised Code. The rights, privileges, and franchises of a 30243  
corporation whose articles have been reinstated are subject to 30244  
section 1701.922 of the Revised Code. The secretary of state shall 30245  
furnish the tax commissioner a monthly list of all corporations 30246  
canceled and reinstated under this division. 30247

(O) This section does not apply to banks, trust companies, 30248  
insurance companies, or any corporation defined under the laws of 30249  
this state as a public utility for taxation purposes. 30250

**Sec. 1702.59.** (A) Every nonprofit corporation, incorporated 30251  
under the general corporation laws of this state, or previous 30252  
laws, or under special provisions of the Revised Code, or created 30253  
before September 1, 1851, which corporation has expressly or 30254  
impliedly elected to be governed by the laws passed since that 30255

date, and whose articles or other documents are filed with the 30256  
secretary of state, shall file with the secretary of state a 30257  
verified statement of continued existence, signed by a director, 30258  
officer, or three members in good standing, setting forth the 30259  
corporate name, the place where the principal office of the 30260  
corporation is located, the date of incorporation, the fact that 30261  
the corporation is still actively engaged in exercising its 30262  
corporate privileges, and the name and address of its agent 30263  
appointed pursuant to section 1702.06 of the Revised Code. 30264

(B) Each corporation required to file a statement of 30265  
continued existence shall file it with the secretary of state 30266  
within each five years after the date of incorporation or of the 30267  
last corporate filing. 30268

(C) Corporations specifically exempted by division (N) of 30269  
section 1702.06 of the Revised Code, or whose activities are 30270  
regulated or supervised by another state official, agency, bureau, 30271  
department, or commission are exempted from this section. 30272

(D) The secretary of state shall give notice ~~in writing~~ by 30273  
ordinary or electronic mail and provide a form for compliance with 30274  
this section to each corporation required by this section to file 30275  
the statement of continued existence, such notice and form to be 30276  
mailed to the last known physical or electronic mail address of 30277  
the corporation as it appears on the records of the secretary of 30278  
state or which the secretary of state may ascertain upon a 30279  
reasonable search. 30280

(E) If any nonprofit corporation required by this section to 30281  
file a statement of continued existence fails to file the 30282  
statement required every fifth year, then the secretary of state 30283  
shall cancel the articles of such corporation, make a notation of 30284  
the cancellation on the records, and mail to the corporation a 30285  
certificate of the action so taken. 30286

(F) A corporation whose articles have been canceled may be reinstated by filing an application for reinstatement and paying to the secretary of state the fee specified in division (Q) of section 111.16 of the Revised Code. The name of a corporation whose articles have been canceled shall be reserved for a period of one year after the date of cancellation. If the reinstatement is not made within one year from the date of the cancellation of its articles of incorporation and it appears that a corporate name, limited liability company name, limited liability partnership name, limited partnership name, or trade name has been filed, the name of which is not distinguishable upon the record as provided in section 1702.06 of the Revised Code, the applicant for reinstatement shall be required by the secretary of state, as a condition prerequisite to such reinstatement, to amend its articles by changing its name. A certificate of reinstatement may be filed in the recorder's office of any county in the state, for which the recorder shall charge and collect a base fee of one dollar for services and a housing trust fund fee of one dollar pursuant to section 317.36 of the Revised Code. The rights, privileges, and franchises of a corporation whose articles have been reinstated are subject to section 1702.60 of the Revised Code.

(G) The secretary of state shall furnish the tax commissioner a list of all corporations failing to file the required statement of continued existence.

**Sec. 1703.031.** (A) If the laws of the United States prohibit, preempt, or otherwise eliminate the licensing requirement of sections 1703.01 to 1703.31 of the Revised Code with respect to a corporation that is a bank, savings bank, or savings and loan association chartered under the laws of the United States, the main office of which is located in another state, the bank, savings bank, or savings and loan association shall notify the

secretary of state that it is transacting business in this state 30319  
by submitting a notice in such form as the secretary of state 30320  
prescribes. The notice shall be verified by the oath of the 30321  
president, vice-president, secretary, or treasurer of the bank, 30322  
savings bank, or savings and loan association, and shall set forth 30323  
all of the following: 30324

(1) The name of the corporation and any trade name under 30325  
which it will do business in this state; 30326

(2) The location and complete address, including the county, 30327  
of its main office in another state and its principal office, if 30328  
any, in this state; 30329

(3) The appointment of a designated agent and the complete 30330  
address of such agent in this state, which agent may be a natural 30331  
person who is a resident of this state, or may be a domestic 30332  
corporation for profit or a foreign corporation for profit holding 30333  
a license as such under the laws of this state, provided that the 30334  
domestic or foreign corporation has a business address in this 30335  
state and is authorized by its articles of incorporation to act as 30336  
such agent; 30337

(4) The irrevocable consent of the corporation to service of 30338  
process on such agent so long as the authority of the agent 30339  
continues and to service of process upon the secretary of state in 30340  
the events provided for in section 1703.19 of the Revised Code; 30341

(5) A brief summary of the business to be transacted within 30342  
this state. 30343

(B) The notice required by this section shall be accompanied 30344  
by a certificate of good standing or subsistence, dated not 30345  
earlier than sixty days prior to the submission of the notice, 30346  
under the seal of the proper official of the agency of the United 30347  
States that incorporated the bank, savings bank, or savings and 30348  
loan association, setting forth the exact corporate title, the 30349

date of incorporation, and the fact that the bank, savings bank, 30350  
or savings and loan association is in good standing or is a 30351  
subsisting bank, savings bank, or savings and loan association. 30352

(C) Upon submission of the notice, a bank, savings bank, or 30353  
savings and loan association shall pay a filing fee ~~of one hundred~~ 30354  
~~dollars~~ to the secretary of state as required by section 111.16 of 30355  
the Revised Code. 30356

(D)(1) No such notice shall be accepted for filing if it 30357  
appears that the name of the bank, savings bank, or savings and 30358  
loan association is any of the following: 30359

(a) Prohibited by law; 30360

(b) Not distinguishable upon the records in the office of the 30361  
secretary of state from the name of a limited liability company, 30362  
whether domestic or foreign, or any other corporation, whether 30363  
nonprofit or for profit and whether that of a domestic corporation 30364  
or of a foreign corporation authorized to transact business in 30365  
this state, unless there is also filed with the secretary of state 30366  
the consent of the other limited liability company or corporation 30367  
to the use of the name, evidenced in a writing signed by any 30368  
authorized representative or authorized officer of the other 30369  
limited liability company or corporation; 30370

(c) Not distinguishable upon the records in the office of the 30371  
secretary of state from a trade name, the exclusive right to which 30372  
is at the time in question registered in the manner provided in 30373  
Chapter 1329. of the Revised Code, unless there also is filed with 30374  
the secretary of state the consent of the other corporation or 30375  
person to the use of the name, evidenced in a writing signed by 30376  
any authorized officer of the other corporation or authorized 30377  
party of the other person owning the exclusive right to the 30378  
registered trade name. 30379

(2) Notwithstanding division (D)(1)(b) of this section, if a 30380



notice is not acceptable for filing solely because the name of the bank, savings bank, or savings and loan association is not distinguishable from the name of another corporation or registered trade name, the bank, savings bank, or savings and loan association may be authorized to transact business in this state by filing with the secretary of state, in addition to those items otherwise prescribed by this section, a statement signed by an authorized officer directing the bank, savings bank, or savings and loan association to transact business in this state under an assumed business name or names that comply with the requirements of division (D) of this section and stating that the bank, savings bank, or savings and loan association will transact business in this state only under the assumed name or names.

(E) The secretary of state shall provide evidence of receipt of notice to each bank, savings bank, or savings and loan association that submits a notice required by this section.

**Sec. 1703.07.** If a foreign corporation has merged or consolidated with one or more foreign corporations, it shall file with the secretary of state a certificate setting forth the fact of merger or consolidation, certified by the secretary of state, or other proper official, of the state under the laws of which the foreign corporation was incorporated.

The secretary of state, before filing a certificate evidencing a foreign corporation's merger or consolidation, shall charge and collect from the foreign corporation a filing fee ~~of ten dollars~~ as required by section 111.16 of the Revised Code.

**Sec. 1707.11.** (A) Each person that is not organized under the laws of this state, that is not licensed under section 1703.03 of the Revised Code, or that does not have its principal place of business in this state, shall submit to the division of securities

an irrevocable consent to service of process, as described in 30411  
division (B) of this section, in connection with any of the 30412  
following: 30413

(1) Filings to claim any of the exemptions enumerated in 30414  
division (Q), (W), ~~(X)~~, or (Y) of section 1707.03 of the Revised 30415  
Code; 30416

(2) Applications for registration by description, 30417  
qualification, or coordination; 30418

(3) Notice filings pursuant to section 1707.092 of the 30419  
Revised Code. 30420

(B) The irrevocable written consent shall be executed and 30421  
acknowledged by an individual duly authorized to give the consent 30422  
and shall do all of the following: 30423

(1) Designate the secretary of state as agent for service of 30424  
process or pleadings; 30425

(2) State that actions growing out of the sale of such 30426  
securities, the giving of investment advice, or fraud committed by 30427  
a person on whose behalf the consent is submitted may be commenced 30428  
against the person, in the proper court of any county in this 30429  
state in which a cause of action may arise or in which the 30430  
plaintiff in the action may reside, by serving on the secretary of 30431  
state any proper process or pleading authorized by the laws of 30432  
this state; 30433

(3) Stipulate that service of process or pleading on the 30434  
secretary of state shall be taken in all courts to be as valid and 30435  
binding as if service had been made upon the person on whose 30436  
behalf the consent is submitted. 30437

(C) Notwithstanding any application, form, or other material 30438  
filed with or submitted to the division that purports to appoint 30439  
as agent for service of process a person other than the secretary 30440

of state, the application, form, or other material shall be 30441  
considered to appoint the secretary of state as agent for service 30442  
of process. 30443

(D) Service of any process or pleadings may be made on the 30444  
secretary of state by duplicate copies, of which one shall be 30445  
filed in the office of the secretary of state, and the other 30446  
immediately forwarded by the secretary of state by certified mail 30447  
to the principal place of business of the person on whose behalf 30448  
the consent is submitted or to the last known address as shown on 30449  
the filing made with the division. However, failure to mail such 30450  
copy does not invalidate the service. 30451

(E) Notwithstanding any provision of this chapter, or of any 30452  
rule adopted by the division of securities under this chapter, 30453  
that requires the submission of a consent to service of process, 30454  
the division may provide by rule for the electronic filing or 30455  
submission of a consent to service of process. 30456

**Sec. 1707.17.** (A)(1) The license of every dealer in and 30457  
salesperson of securities shall expire on the thirty-first day of 30458  
December of each year, and may be renewed upon the filing with the 30459  
division of securities of an application for renewal, and the 30460  
payment of the fee prescribed in this section. The division shall 30461  
give notice, without unreasonable delay, of its action on any 30462  
application for renewal of a dealer's or salesperson's license. 30463

(2) The license of every investment adviser and investment 30464  
adviser representative licensed under section 1707.141 or 1707.161 30465  
of the Revised Code shall expire on the thirty-first day of 30466  
December of each year. The licenses may be renewed upon the filing 30467  
with the division of an application for renewal, and the payment 30468  
of the fee prescribed in division (B) of this section. The 30469  
division shall give notice, without unreasonable delay, of its 30470  
action on any application for renewal. 30471

(3) An investment adviser required to make a notice filing 30472  
under division (B) of section 1707.141 of the Revised Code 30473  
annually shall file with the division the notice filing and the 30474  
fee prescribed in division (B) of this section, no later than the 30475  
thirty-first day of December of each year. 30476

(4) The license of every state retirement system investment 30477  
officer licensed under section 1707.163 of the Revised Code and 30478  
the license of a bureau of workers' compensation chief investment 30479  
officer issued under section 1707.165 of the Revised Code shall 30480  
expire on the thirtieth day of June of each year. The licenses may 30481  
be renewed on the filing with the division of an application for 30482  
renewal, and the payment of the fee prescribed in division (B) of 30483  
this section. The division shall give notice, without unreasonable 30484  
delay, of its action on any application for renewal. 30485

(B)(1) The fee for each dealer's license, and for each annual 30486  
renewal thereof, shall be two hundred dollars. 30487

(2) The fee for each salesperson's license, and for each 30488  
annual renewal thereof, shall be sixty dollars. 30489

(3) The fee for each investment adviser's license, and for 30490  
each annual renewal thereof, shall be one hundred dollars. 30491

(4) The fee for each investment adviser notice filing 30492  
required by division (B) of section 1707.141 of the Revised Code 30493  
shall be one hundred dollars. 30494

(5) The fee for each investment adviser representative's 30495  
license, and for each annual renewal thereof, shall be thirty-five 30496  
dollars. 30497

(6) The fee for each state retirement system investment 30498  
officer's license, and for each annual renewal thereof, shall be 30499  
fifty dollars. 30500

(7) The fee for a bureau of workers' compensation chief 30501

investment officer's license, and for each annual renewal thereof, 30502  
shall be fifty dollars. 30503

(C) A dealer's, salesperson's, investment adviser's, 30504  
investment adviser representative's, bureau of workers' 30505  
compensation chief investment officer's, or state retirement 30506  
system investment officer's license may be issued at any time for 30507  
the remainder of the calendar year. In that event, the annual fee 30508  
shall not be reduced. 30509

(D) The division may, by rule or order, waive, in whole or in 30510  
part, any of the fee requirements of this section for any person 30511  
or class of persons if the imposition or waiver is appropriate in 30512  
the public interest and for the protection of securities 30513  
investors. 30514

**Sec. 1711.05.** Every county agricultural society annually 30515  
shall publish an abstract of its treasurer's account in a 30516  
newspaper of general circulation in the county and make a report 30517  
of its proceedings during the year. It shall also make, in 30518  
accordance with the rules of the department of agriculture, a 30519  
synopsis of its awards for improvement in agriculture and in 30520  
household manufactures and forward such synopsis to the director 30521  
of agriculture at or before the annual meeting of the directors of 30522  
the society with the director of agriculture, as provided for in 30523  
section 901.06 of the Revised Code. No payment after such date 30524  
shall be made from the county treasury to such society unless a 30525  
certificate from the director is presented to the county auditor 30526  
showing that such reports have been made. 30527

**Sec. 1711.07.** The board of directors of a county or 30528  
independent agricultural society shall consist of at least eight 30529  
members. An employee of the Ohio state university extension 30530  
service and the county school superintendent shall be members ex 30531

officio. Their terms of office shall be determined by the rules of 30532  
the department of agriculture. Any vacancy in the board caused by 30533  
death, resignation, refusal to qualify, removal from county, or 30534  
other cause may be filled by the board until the society's next 30535  
annual election, when a director shall be elected for the 30536  
unexpired term. There shall be an annual election of directors by 30537  
ballot at a time and a place fixed by the board, but this election 30538  
shall not be held later than the first Saturday in December 1994, 30539  
and not later than the fifteenth day of November each year 30540  
thereafter, beginning in 1995. The secretary of the society shall 30541  
give notice of such election, for three weeks prior to the holding 30542  
thereof, in ~~at least two newspapers~~ a newspaper of ~~opposite~~ 30543  
~~polities and of~~ general circulation in the county or as provided 30544  
in section 7.16 of the Revised Code, or by letter mailed to each 30545  
member of the society. Only persons holding membership 30546  
certificates at the close of the annual county fair, or at least 30547  
fifteen calendar days before the date of election, as may be fixed 30548  
by the board, may vote, unless such election is held on the 30549  
fairground during the fair, in which case all persons holding 30550  
membership certificates on the date and hour of the election may 30551  
vote. When the election is to be held during the fair, notice of 30552  
such election must be prominently mentioned in the premium list, 30553  
in addition to the notice required in ~~newspapers~~ a newspaper. The 30554  
terms of office of the retiring directors shall expire, and those 30555  
of the directors-elect shall begin, not later than the first 30556  
Saturday in January 1995, and not later than the thirtieth day of 30557  
November each year thereafter, beginning in 1995. 30558

The secretary of such society shall send the name and address 30559  
of each member of its board to the director of agriculture within 30560  
ten days after the election. 30561

**Sec. 1711.18.** In a county in which there is a county 30562  
agricultural society indebted fifteen thousand dollars or more, 30563

and such society has purchased a fairground or title to such 30564  
fairground is vested in fee in the county, the board of county 30565  
commissioners, upon the presentation of a petition signed by not 30566  
less than five hundred resident electors of the county praying for 30567  
the submission to the electors of the county of the question 30568  
whether or not county bonds shall be issued and sold to liquidate 30569  
such indebtedness, shall, by resolution within ten days 30570  
thereafter, fix a date, which shall be within thirty days, upon 30571  
which the question of issuing and selling such bonds, in the 30572  
necessary amount and denomination, shall be submitted to the 30573  
electors of the county. The board also shall cause a copy of such 30574  
resolution to be certified to the county board of elections and 30575  
such board of elections, within ten days after such certification, 30576  
shall proceed to make the necessary arrangements for the 30577  
submission of such question to such electors at the time fixed by 30578  
such resolution. 30579

Such election shall be held at the regular places of voting 30580  
in the county and shall be conducted, canvassed, and certified, 30581  
except as otherwise provided by law, as are elections of county 30582  
officers. The county board of elections must give fifteen days' 30583  
notice of such submission by publication in ~~one or more newspapers~~ 30584  
published a newspaper of general circulation in the county once a 30585  
week for two consecutive weeks or as provided in section 7.16 of 30586  
the Revised Code, stating the amount of bonds to be issued, the 30587  
purpose for which they are to be issued, and the time and places 30588  
of holding such election. Those who vote in favor of the 30589  
proposition shall have written or printed on their ballots "for 30590  
the issue of bonds" and those who vote against it shall have 30591  
written or printed on their ballots "against the issue of bonds." 30592  
If a majority of those voting upon the question of issuing the 30593  
bonds vote in favor thereof, then and only then shall they be 30594  
issued and the tax provided for in section 1711.20 of the Revised 30595  
Code be levied. 30596

**Sec. 1711.30.** Before issuing bonds under section 1711.28 of 30597  
the Revised Code, the board of county commissioners, by 30598  
resolution, shall submit to the qualified electors of the county 30599  
at the next general election for county officers, held not less 30600  
than ninety days after receiving from the county agricultural 30601  
society the notice provided for in section 1711.25 of the Revised 30602  
Code, the question of issuing and selling such bonds in such 30603  
amount and denomination as are necessary for the purpose in view, 30604  
and shall certify a copy of such resolution to the county board of 30605  
elections. 30606

The county board of elections shall place the question of 30607  
issuing and selling such bonds upon the ballot and make all other 30608  
necessary arrangements for the submission, at the time fixed by 30609  
such resolution, of such question to such electors. The votes cast 30610  
at such election upon such question must be counted, canvassed, 30611  
and certified in the same manner, except as provided by law, as 30612  
votes cast for county officers. Fifteen days' notice of such 30613  
submission shall be given by the county board of elections, by 30614  
publication once a week for two consecutive weeks in ~~two or more~~ 30615  
~~newspapers published~~ a newspaper of general circulation in the 30616  
county or as provided in section 7.16 of the Revised Code, stating 30617  
the amount of bonds to be issued, the purpose for which they are 30618  
to be issued, and the time and places of holding such election. 30619  
Such question must be stated on the ballot as follows: "For the 30620  
issue of county fair bonds, yes"; "For the issue of county fair 30621  
bonds, no." If the majority of those voting upon the question of 30622  
issuing the bonds vote in favor thereof, then and only then shall 30623  
they be issued and the tax provided for in section 1711.29 of the 30624  
Revised Code be levied. 30625

**Sec. 1728.06.** Every community urban redevelopment corporation 30626  
qualifying under this chapter, before proceeding with any project 30627



authorized in this chapter, shall make written application to the 30628  
municipal corporation for approval thereof. The application shall 30629  
be in such form and shall certify to such facts and data as shall 30630  
be required by the municipal corporation, and may include but not 30631  
be limited to: 30632

(A) A general statement of the nature of the proposed 30633  
project, that the undertaking conforms to all applicable municipal 30634  
ordinances, that its completion will meet an existing need, and 30635  
that the project accords with the master plan or official map, if 30636  
any, of the municipal corporation; 30637

(B) A description of the proposed project outlining the area 30638  
included and a description of each unit thereof if the project is 30639  
to be undertaken in units and setting out such architectural and 30640  
site plans as may be required; 30641

(C) A statement of the estimated cost of the proposed project 30642  
in such detail as may be required, including the estimated cost of 30643  
each unit if it is to be so undertaken; 30644

(D) The source, method, and amount of money to be subscribed 30645  
through the investment of private capital, setting forth the 30646  
amount of stock or other securities to be issued therefor; 30647

(E) A fiscal plan for the project outlining a schedule of 30648  
rents, the estimated expenditures for operation and maintenance, 30649  
payments for interest, amortization of debt and reserves, and 30650  
payments to the municipal corporation to be made pursuant to a 30651  
financial agreement to be entered into with the municipal 30652  
corporation; 30653

(F) A relocation plan providing for the relocation of 30654  
persons, including families, business concerns, and others, 30655  
displaced by the project, which relocation plan shall include, but 30656  
not be limited to, the proposed method for the relocation of 30657  
residents who will be displaced from their dwelling accommodations 30658

in decent, safe, and sanitary dwelling accommodations within their 30659  
means, or with provision for adjustment payments to bring such 30660  
accommodations within their means, and without undue hardship, and 30661  
reasonable moving costs; 30662

(G) The names and tax mailing addresses, as determined from 30663  
the records of the county auditor not more than five days prior to 30664  
the submission of the application to the mayor of the municipal 30665  
corporation, of the owners of all property which the corporation 30666  
proposes in its application to acquire. 30667

Such application shall be addressed and submitted to the 30668  
mayor of the municipal corporation, who shall, within sixty days 30669  
after receipt thereof, submit it with ~~his~~ the mayor's 30670  
recommendations to the governing body. The application shall be a 30671  
matter of public record upon receipt by the mayor. 30672

The governing body shall by notice published once a week for 30673  
two consecutive weeks in a newspaper of general circulation in the 30674  
municipal corporation or as provided in section 7.16 of the 30675  
Revised Code, by written notice, by certified mail or personal 30676  
service, to the owners of property which the corporation proposes 30677  
in its application to purchase at the tax mailing address as set 30678  
forth in the corporation's application, by the putting up of signs 30679  
in at least five places within the area covered by the 30680  
application, and by giving written notice, by certified mail or 30681  
personal service, to community organizations known by the clerk of 30682  
the governing body to represent a substantial number of the 30683  
residents of the area covered by the application, advise that the 30684  
application is on file in the office of the clerk of the governing 30685  
body of the municipal corporation and is available for inspection 30686  
by the general public during business hours and advise that a 30687  
public hearing shall be held thereon, stating the place and time 30688  
of the public hearing, which time shall be not less than fourteen 30689  
days after the first publication, or after sending the mailed 30690

notice, or after the putting up of the signs, whichever is later. 30691

Following the public hearing and after complying with section 30692  
5709.83 of the Revised Code, the governing body, taking into 30693  
consideration the financial impact on the community, shall by 30694  
resolution approve or disapprove the application, approval to be 30695  
by an affirmative vote of not less than three-fifths of the 30696  
governing body, but in the event of disapproval, changes may be 30697  
suggested to secure its approval. 30698

An application may be revised or resubmitted in the same 30699  
manner and subject to the same procedures as an original 30700  
application. The clerk of the governing body shall diligently 30701  
discharge the duties imposed on the clerk by this division, 30702  
provided failure of the clerk to send written notices to all 30703  
community organizations, in a good faith effort by the clerk to 30704  
give the required notice, shall not invalidate any proceedings 30705  
under this chapter. The failure of delivery of notice given by 30706  
certified mail under this division shall not invalidate any 30707  
proceedings under this chapter. 30708

**Sec. 1728.07.** Every approved project shall be evidenced by a 30709  
financial agreement between the municipal corporation and the 30710  
community urban redevelopment corporation. Such agreement shall be 30711  
prepared by the community urban redevelopment corporation and 30712  
submitted as a separate part of its application for project 30713  
approval. 30714

The financial agreement shall be in the form of a contract 30715  
requiring full performance within twenty years from the date of 30716  
completion of the project and shall, as a minimum, include the 30717  
following: 30718

(A) That all improvements in the project to be constructed or 30719  
acquired by the corporation shall be exempt from taxation, subject 30720  
to section 1728.10 of the Revised Code; 30721

(B) That the corporation shall make payments in lieu of real estate taxes not less than the amount as provided by section 1728.11 of the Revised Code; or if the municipal corporation is an impacted city, not less than the amount as provided by section 1728.111 of the Revised Code;

(C) That the corporation, its successors and assigns, shall use, develop, and redevelop the real property of the project in accordance with, and for the period of, the community development plan approved by the governing body of the municipal corporation for the blighted area in which the project is situated and shall so bind its successors and assigns by appropriate agreements and covenants running with the land enforceable by the municipal corporation.

(D) If the municipal corporation is an impacted city, the extent of the undertakings and activities of the corporation for the elimination and for the prevention of the development or spread of blight.

(E) That the corporation or the municipal corporation, or both, shall provide for carrying out relocation of persons, families, business concerns, and others displaced by the project, pursuant to a relocation plan, including the method for the relocation of residents in decent, safe, and sanitary dwelling accommodations, and reasonable moving costs, determined to be feasible by the governing body of the municipal corporation. Where the relocation plan is carried out by the corporation, its officers, employees, agents, or lessees, the municipal corporation shall enforce and supervise the corporation's compliance with the relocation plan. If the corporation refuses or fails to comply with the relocation plan and the municipal corporation fails or refuses to enforce compliance with such plan, the director of development may request the attorney general to commence a civil action against the municipality and the corporation to require

compliance with such relocation plan. Prior to requesting action 30754  
by the attorney general the director shall give notice of the 30755  
proposed action to the municipality and the corporation, provide 30756  
an opportunity to such municipality and corporation for 30757  
discussions on the matter, and allow a reasonable time in which 30758  
the corporation may begin compliance with the relocation plan, or 30759  
the municipality may commence enforcement of the relocation plan. 30760

(F) That the corporation shall submit annually, within ninety 30761  
days after the close of its fiscal year, its auditor's reports to 30762  
the mayor and governing body of the municipal corporation; 30763

(G) That the corporation shall, upon request, permit 30764  
inspection of property, equipment, buildings, and other facilities 30765  
of the corporation, and also permit examination and audit of its 30766  
books, contracts, records, documents, and papers by authorized 30767  
representatives of the municipal corporation; 30768

(H) That in the event of any dispute between the parties the 30769  
matters in controversy shall be resolved by arbitration in the 30770  
manner provided therein; 30771

(I) That operation under the financial agreement is 30772  
terminable by the corporation in the manner provided by Chapter 30773  
1728. of the Revised Code; 30774

(J) That the corporation shall, at all times prior to the 30775  
expiration or other termination of the financial agreement, remain 30776  
bound by Chapter 1728. of the Revised Code; 30777

~~(K) That all wages paid to laborers and mechanics employed 30778  
for work on such projects, other than for residential structures 30779  
containing seven or less family units, shall be paid at the 30780  
prevailing rates of wages of laborers and mechanics for the class 30781  
of work called for by the project, which wages shall be determined 30782  
in accordance with the requirements of Chapter 4115. of the 30783  
Revised Code for determination of prevailing wage rates, provided 30784~~

~~that the requirements of this division do not apply where the 30785  
federal government or any of its agencies furnishes by law or 30786  
grant all or any part of the funds used in connection with such 30787  
project and prescribes predetermined minimum wages to be paid to 30788  
such laborers and mechanics. 30789~~

Modifications of the financial agreement may from time to 30790  
time be made by agreement between the governing body of the 30791  
municipal corporation and the community urban redevelopment 30792  
corporation. 30793

**Sec. 1751.01.** As used in this chapter: 30794

(A)(1) "Basic health care services" means the following 30795  
services when medically necessary: 30796

(a) Physician's services, except when such services are 30797  
supplemental under division (B) of this section; 30798

(b) Inpatient hospital services; 30799

(c) Outpatient medical services; 30800

(d) Emergency health services; 30801

(e) Urgent care services; 30802

(f) Diagnostic laboratory services and diagnostic and 30803  
therapeutic radiologic services; 30804

(g) Diagnostic and treatment services, other than 30805  
prescription drug services, for biologically based mental 30806  
illnesses; 30807

(h) Preventive health care services, including, but not 30808  
limited to, voluntary family planning services, infertility 30809  
services, periodic physical examinations, prenatal obstetrical 30810  
care, and well-child care; 30811

(i) Routine patient care for patients enrolled in an eligible 30812  
cancer clinical trial pursuant to section 3923.80 of the Revised 30813

Code. 30814

"Basic health care services" does not include experimental 30815  
procedures. 30816

Except as provided by divisions (A)(2) and (3) of this 30817  
section in connection with the offering of coverage for diagnostic 30818  
and treatment services for biologically based mental illnesses, a 30819  
health insuring corporation shall not offer coverage for a health 30820  
care service, defined as a basic health care service by this 30821  
division, unless it offers coverage for all listed basic health 30822  
care services. However, this requirement does not apply to the 30823  
coverage of beneficiaries enrolled in medicare pursuant to a 30824  
medicare contract, or to the coverage of beneficiaries enrolled in 30825  
the federal employee health benefits program pursuant to 5 30826  
U.S.C.A. 8905, or to the coverage of medicaid recipients, ~~or to~~ 30827  
~~the coverage of participants of the children's buy in program,~~ or 30828  
to the coverage of beneficiaries under any federal health care 30829  
program regulated by a federal regulatory body, or to the coverage 30830  
of beneficiaries under any contract covering officers or employees 30831  
of the state that has been entered into by the department of 30832  
administrative services. 30833

(2) A health insuring corporation may offer coverage for 30834  
diagnostic and treatment services for biologically based mental 30835  
illnesses without offering coverage for all other basic health 30836  
care services. A health insuring corporation may offer coverage 30837  
for diagnostic and treatment services for biologically based 30838  
mental illnesses alone or in combination with one or more 30839  
supplemental health care services. However, a health insuring 30840  
corporation that offers coverage for any other basic health care 30841  
service shall offer coverage for diagnostic and treatment services 30842  
for biologically based mental illnesses in combination with the 30843  
offer of coverage for all other listed basic health care services. 30844

(3) A health insuring corporation that offers coverage for 30845

basic health care services is not required to offer coverage for 30846  
diagnostic and treatment services for biologically based mental 30847  
illnesses in combination with the offer of coverage for all other 30848  
listed basic health care services if all of the following apply: 30849

(a) The health insuring corporation submits documentation 30850  
certified by an independent member of the American academy of 30851  
actuaries to the superintendent of insurance showing that incurred 30852  
claims for diagnostic and treatment services for biologically 30853  
based mental illnesses for a period of at least six months 30854  
independently caused the health insuring corporation's costs for 30855  
claims and administrative expenses for the coverage of basic 30856  
health care services to increase by more than one per cent per 30857  
year. 30858

(b) The health insuring corporation submits a signed letter 30859  
from an independent member of the American academy of actuaries to 30860  
the superintendent of insurance opining that the increase in costs 30861  
described in division (A)(3)(a) of this section could reasonably 30862  
justify an increase of more than one per cent in the annual 30863  
premiums or rates charged by the health insuring corporation for 30864  
the coverage of basic health care services. 30865

(c) The superintendent of insurance makes the following 30866  
determinations from the documentation and opinion submitted 30867  
pursuant to divisions (A)(3)(a) and (b) of this section: 30868

(i) Incurred claims for diagnostic and treatment services for 30869  
biologically based mental illnesses for a period of at least six 30870  
months independently caused the health insuring corporation's 30871  
costs for claims and administrative expenses for the coverage of 30872  
basic health care services to increase by more than one per cent 30873  
per year. 30874

(ii) The increase in costs reasonably justifies an increase 30875  
of more than one per cent in the annual premiums or rates charged 30876



by the health insuring corporation for the coverage of basic health care services.	30877 30878
Any determination made by the superintendent under this division is subject to Chapter 119. of the Revised Code.	30879 30880
(B)(1) "Supplemental health care services" means any health care services other than basic health care services that a health insuring corporation may offer, alone or in combination with either basic health care services or other supplemental health care services, and includes:	30881 30882 30883 30884 30885
(a) Services of facilities for intermediate or long-term care, or both;	30886 30887
(b) Dental care services;	30888
(c) Vision care and optometric services including lenses and frames;	30889 30890
(d) Podiatric care or foot care services;	30891
(e) Mental health services, excluding diagnostic and treatment services for biologically based mental illnesses;	30892 30893
(f) Short-term outpatient evaluative and crisis-intervention mental health services;	30894 30895
(g) Medical or psychological treatment and referral services for alcohol and drug abuse or addiction;	30896 30897
(h) Home health services;	30898
(i) Prescription drug services;	30899
(j) Nursing services;	30900
(k) Services of a dietitian licensed under Chapter 4759. of the Revised Code;	30901 30902
(l) Physical therapy services;	30903
(m) Chiropractic services;	30904

(n) Any other category of services approved by the 30905  
superintendent of insurance. 30906

(2) If a health insuring corporation offers prescription drug 30907  
services under this division, the coverage shall include 30908  
prescription drug services for the treatment of biologically based 30909  
mental illnesses on the same terms and conditions as other 30910  
physical diseases and disorders. 30911

(C) "Specialty health care services" means one of the 30912  
supplemental health care services listed in division (B) of this 30913  
section, when provided by a health insuring corporation on an 30914  
outpatient-only basis and not in combination with other 30915  
supplemental health care services. 30916

(D) "Biologically based mental illnesses" means 30917  
schizophrenia, schizoaffective disorder, major depressive 30918  
disorder, bipolar disorder, paranoia and other psychotic 30919  
disorders, obsessive-compulsive disorder, and panic disorder, as 30920  
these terms are defined in the most recent edition of the 30921  
diagnostic and statistical manual of mental disorders published by 30922  
the American psychiatric association. 30923

~~(E) "Children's buy in program" has the same meaning as in 30924  
section 5101.5211 of the Revised Code. 30925~~

~~(F)~~ "Closed panel plan" means a health care plan that 30926  
requires enrollees to use participating providers. 30927

~~(G)~~(F) "Compensation" means remuneration for the provision of 30928  
health care services, determined on other than a fee-for-service 30929  
or discounted-fee-for-service basis. 30930

~~(H)~~(G) "Contractual periodic prepayment" means the formula 30931  
for determining the premium rate for all subscribers of a health 30932  
insuring corporation. 30933

~~(I)~~(H) "Corporation" means a corporation formed under Chapter 30934

1701. or 1702. of the Revised Code or the similar laws of another 30935  
state. 30936

~~(J)~~(I) "Emergency health services" means those health care 30937  
services that must be available on a seven-days-per-week, 30938  
twenty-four-hours-per-day basis in order to prevent jeopardy to an 30939  
enrollee's health status that would occur if such services were 30940  
not received as soon as possible, and includes, where appropriate, 30941  
provisions for transportation and indemnity payments or service 30942  
agreements for out-of-area coverage. 30943

~~(K)~~(J) "Enrollee" means any natural person who is entitled to 30944  
receive health care benefits provided by a health insuring 30945  
corporation. 30946

~~(L)~~(K) "Evidence of coverage" means any certificate, 30947  
agreement, policy, or contract issued to a subscriber that sets 30948  
out the coverage and other rights to which such person is entitled 30949  
under a health care plan. 30950

~~(M)~~(L) "Health care facility" means any facility, except a 30951  
health care practitioner's office, that provides preventive, 30952  
diagnostic, therapeutic, acute convalescent, rehabilitation, 30953  
mental health, mental retardation, intermediate care, or skilled 30954  
nursing services. 30955

~~(N)~~(M) "Health care services" means basic, supplemental, and 30956  
specialty health care services. 30957

~~(O)~~(N) "Health delivery network" means any group of providers 30958  
or health care facilities, or both, or any representative thereof, 30959  
that have entered into an agreement to offer health care services 30960  
in a panel rather than on an individual basis. 30961

~~(P)~~(O) "Health insuring corporation" means a corporation, as 30962  
defined in division ~~(I)~~(H) of this section, that, pursuant to a 30963  
policy, contract, certificate, or agreement, pays for, reimburses, 30964  
or provides, delivers, arranges for, or otherwise makes available, 30965

basic health care services, supplemental health care services, or 30966  
specialty health care services, or a combination of basic health 30967  
care services and either supplemental health care services or 30968  
specialty health care services, through either an open panel plan 30969  
or a closed panel plan. 30970

"Health insuring corporation" does not include a limited 30971  
liability company formed pursuant to Chapter 1705. of the Revised 30972  
Code, an insurer licensed under Title XXXIX of the Revised Code if 30973  
that insurer offers only open panel plans under which all 30974  
providers and health care facilities participating receive their 30975  
compensation directly from the insurer, a corporation formed by or 30976  
on behalf of a political subdivision or a department, office, or 30977  
institution of the state, or a public entity formed by or on 30978  
behalf of a board of county commissioners, a county board of 30979  
developmental disabilities, an alcohol and drug addiction services 30980  
board, a board of alcohol, drug addiction, and mental health 30981  
services, or a community mental health board, as those terms are 30982  
used in Chapters 340. and 5126. of the Revised Code. Except as 30983  
provided by division (D) of section 1751.02 of the Revised Code, 30984  
or as otherwise provided by law, no board, commission, agency, or 30985  
other entity under the control of a political subdivision may 30986  
accept insurance risk in providing for health care services. 30987  
However, nothing in this division shall be construed as 30988  
prohibiting such entities from purchasing the services of a health 30989  
insuring corporation or a third-party administrator licensed under 30990  
Chapter 3959. of the Revised Code. 30991

~~(Q)~~(P) "Intermediary organization" means a health delivery 30992  
network or other entity that contracts with licensed health 30993  
insuring corporations or self-insured employers, or both, to 30994  
provide health care services, and that enters into contractual 30995  
arrangements with other entities for the provision of health care 30996  
services for the purpose of fulfilling the terms of its contracts 30997

with the health insuring corporations and self-insured employers. 30998

~~(R)~~(O) "Intermediate care" means residential care above the 30999  
level of room and board for patients who require personal 31000  
assistance and health-related services, but who do not require 31001  
skilled nursing care. 31002

~~(S)~~(R) "Medicaid" has the same meaning as in section 5111.01 31003  
of the Revised Code. 31004

~~(T)~~(S) "Medical record" means the personal information that 31005  
relates to an individual's physical or mental condition, medical 31006  
history, or medical treatment. 31007

~~(U)~~(T) "Medicare" means the program established under Title 31008  
XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 31009  
1395, as amended. 31010

~~(V)~~(U)(1) "Open panel plan" means a health care plan that 31011  
provides incentives for enrollees to use participating providers 31012  
and that also allows enrollees to use providers that are not 31013  
participating providers. 31014

(2) No health insuring corporation may offer an open panel 31015  
plan, unless the health insuring corporation is also licensed as 31016  
an insurer under Title XXXIX of the Revised Code, the health 31017  
insuring corporation, on June 4, 1997, holds a certificate of 31018  
authority or license to operate under Chapter 1736. or 1740. of 31019  
the Revised Code, or an insurer licensed under Title XXXIX of the 31020  
Revised Code is responsible for the out-of-network risk as 31021  
evidenced by both an evidence of coverage filing under section 31022  
1751.11 of the Revised Code and a policy and certificate filing 31023  
under section 3923.02 of the Revised Code. 31024

~~(W)~~(V) "Panel" means a group of providers or health care 31025  
facilities that have joined together to deliver health care 31026  
services through a contractual arrangement with a health insuring 31027  
corporation, employer group, or other payor. 31028

~~(X)~~(W) "Person" has the same meaning as in section 1.59 of 31029  
the Revised Code, and, unless the context otherwise requires, 31030  
includes any insurance company holding a certificate of authority 31031  
under Title XXXIX of the Revised Code, any subsidiary and 31032  
affiliate of an insurance company, and any government agency. 31033

~~(Y)~~(X) "Premium rate" means any set fee regularly paid by a 31034  
subscriber to a health insuring corporation. A "premium rate" does 31035  
not include a one-time membership fee, an annual administrative 31036  
fee, or a nominal access fee, paid to a managed health care system 31037  
under which the recipient of health care services remains solely 31038  
responsible for any charges accessed for those services by the 31039  
provider or health care facility. 31040

~~(Z)~~(Y) "Primary care provider" means a provider that is 31041  
designated by a health insuring corporation to supervise, 31042  
coordinate, or provide initial care or continuing care to an 31043  
enrollee, and that may be required by the health insuring 31044  
corporation to initiate a referral for specialty care and to 31045  
maintain supervision of the health care services rendered to the 31046  
enrollee. 31047

~~(AA)~~(Z) "Provider" means any natural person or partnership of 31048  
natural persons who are licensed, certified, accredited, or 31049  
otherwise authorized in this state to furnish health care 31050  
services, or any professional association organized under Chapter 31051  
1785. of the Revised Code, provided that nothing in this chapter 31052  
or other provisions of law shall be construed to preclude a health 31053  
insuring corporation, health care practitioner, or organized 31054  
health care group associated with a health insuring corporation 31055  
from employing certified nurse practitioners, certified nurse 31056  
anesthetists, clinical nurse specialists, certified nurse 31057  
midwives, dietitians, physician assistants, dental assistants, 31058  
dental hygienists, optometric technicians, or other allied health 31059  
personnel who are licensed, certified, accredited, or otherwise 31060

authorized in this state to furnish health care services. 31061

~~(BB)~~(AA) "Provider sponsored organization" means a 31062  
corporation, as defined in division ~~(I)~~(H) of this section, that 31063  
is at least eighty per cent owned or controlled by one or more 31064  
hospitals, as defined in section 3727.01 of the Revised Code, or 31065  
one or more physicians licensed to practice medicine or surgery or 31066  
osteopathic medicine and surgery under Chapter 4731. of the 31067  
Revised Code, or any combination of such physicians and hospitals. 31068  
Such control is presumed to exist if at least eighty per cent of 31069  
the voting rights or governance rights of a provider sponsored 31070  
organization are directly or indirectly owned, controlled, or 31071  
otherwise held by any combination of the physicians and hospitals 31072  
described in this division. 31073

~~(CC)~~(BB) "Solicitation document" means the written materials 31074  
provided to prospective subscribers or enrollees, or both, and 31075  
used for advertising and marketing to induce enrollment in the 31076  
health care plans of a health insuring corporation. 31077

~~(DD)~~(CC) "Subscriber" means a person who is responsible for 31078  
making payments to a health insuring corporation for participation 31079  
in a health care plan, or an enrollee whose employment or other 31080  
status is the basis of eligibility for enrollment in a health 31081  
insuring corporation. 31082

~~(EE)~~(DD) "Urgent care services" means those health care 31083  
services that are appropriately provided for an unforeseen 31084  
condition of a kind that usually requires medical attention 31085  
without delay but that does not pose a threat to the life, limb, 31086  
or permanent health of the injured or ill person, and may include 31087  
such health care services provided out of the health insuring 31088  
corporation's approved service area pursuant to indemnity payments 31089  
or service agreements. 31090

**Sec. 1751.04.** (A) Except as provided by division (D) of this 31091

section, upon the receipt by the superintendent of insurance of a 31092  
complete application for a certificate of authority to establish 31093  
or operate a health insuring corporation, which application sets 31094  
forth or is accompanied by the information and documents required 31095  
by division (A) of section 1751.03 of the Revised Code, the 31096  
superintendent shall review the application and accompanying 31097  
documents and make findings as to whether the applicant for a 31098  
certificate of authority has done all of the following with 31099  
respect to any basic health care services and supplemental health 31100  
care services to be furnished: 31101

(1) Demonstrated the willingness and potential ability to 31102  
ensure that all basic health care services and supplemental health 31103  
care services described in the evidence of coverage will be 31104  
provided to all its enrollees as promptly as is appropriate and in 31105  
a manner that assures continuity; 31106

(2) Made effective arrangements to ensure that its enrollees 31107  
have reliable access to qualified providers in those specialties 31108  
that are generally available in the geographic area or areas to be 31109  
served by the applicant and that are necessary to provide all 31110  
basic health care services and supplemental health care services 31111  
described in the evidence of coverage; 31112

(3) Made appropriate arrangements for the availability of 31113  
short-term health care services in emergencies within the 31114  
geographic area or areas to be served by the applicant, 31115  
twenty-four hours per day, seven days per week, and for the 31116  
provision of adequate coverage whenever an out-of-area emergency 31117  
arises; 31118

(4) Made appropriate arrangements for an ongoing evaluation 31119  
and assurance of the quality of health care services provided to 31120  
enrollees, including, if applicable, the development of a quality 31121  
assurance program complying with the requirements of sections 31122  
1751.73 to 1751.75 of the Revised Code, and the adequacy of the 31123



personnel, facilities, and equipment by or through which the 31124  
services are rendered; 31125

(5) Developed a procedure to gather and report statistics 31126  
relating to the cost and effectiveness of its operations, the 31127  
pattern of utilization of its services, and the quality, 31128  
availability, and accessibility of its services. 31129

(B) Based upon the information provided in the application 31130  
for issuance of a certificate of authority, the superintendent 31131  
shall determine whether or not the applicant meets the 31132  
requirements of division (A) of this section. If the 31133  
superintendent determines that the applicant does not meet these 31134  
requirements, the superintendent shall specify in what respects it 31135  
is deficient. However, the superintendent shall not deny an 31136  
application because the requirements of this section are not met 31137  
unless the applicant has been given an opportunity for a hearing 31138  
on that issue. 31139

(C) If the applicant requests a hearing, the superintendent 31140  
shall hold a hearing before denying an application because the 31141  
applicant does not meet the requirements of this section. The 31142  
hearing shall be held in accordance with Chapter 119. of the 31143  
Revised Code. 31144

(D) Nothing in this section requires the superintendent to 31145  
review or make findings with regard to an application and 31146  
accompanying documents to establish or operate any of the 31147  
following: 31148

(1) A health insuring corporation to cover solely medicaid 31149  
recipients; 31150

(2) A health insuring corporation to cover solely medicare 31151  
beneficiaries; 31152

(3) A health insuring corporation to cover solely medicaid 31153  
recipients and medicare beneficiaries; 31154

~~(4) A health insuring corporation to cover solely participants of the children's buy in program;~~ 31155  
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~~(5) A health insuring corporation to cover solely medicaid recipients and participants of the children's buy in program;~~ 31157  
31158

~~(6) A health insuring corporation to cover solely medicaid recipients, medicare beneficiaries, and participants of the children's buy in program.~~ 31159  
31160  
31161

**Sec. 1751.11.** (A) Every subscriber of a health insuring corporation is entitled to an evidence of coverage for the health care plan under which health care benefits are provided. 31162  
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(B) Every subscriber of a health insuring corporation that offers basic health care services is entitled to an identification card or similar document that specifies the health insuring corporation's name as stated in its articles of incorporation, and any trade or fictitious names used by the health insuring corporation. The identification card or document shall list at least one toll-free telephone number that provides the subscriber with access, to information on a twenty-four-hours-per-day, seven-days-per-week basis, as to how health care services may be obtained. The identification card or document shall also list at least one toll-free number that, during normal business hours, provides the subscriber with access to information on the coverage available under the subscriber's health care plan and information on the health care plan's internal and external review processes. 31165  
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(C) No evidence of coverage, or amendment to the evidence of coverage, shall be delivered, issued for delivery, renewed, or used, until the form of the evidence of coverage or amendment has been filed by the health insuring corporation with the superintendent of insurance. If the superintendent does not disapprove the evidence of coverage or amendment within sixty days after it is filed it shall be deemed approved, unless the 31179  
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superintendent sooner gives approval for the evidence of coverage 31186  
or amendment. With respect to an amendment to an approved evidence 31187  
of coverage, the superintendent only may disapprove provisions 31188  
amended or added to the evidence of coverage. If the 31189  
superintendent determines within the sixty-day period that any 31190  
evidence of coverage or amendment fails to meet the requirements 31191  
of this section, the superintendent shall so notify the health 31192  
insuring corporation and it shall be unlawful for the health 31193  
insuring corporation to use such evidence of coverage or 31194  
amendment. At any time, the superintendent, upon at least thirty 31195  
days' written notice to a health insuring corporation, may 31196  
withdraw an approval, deemed or actual, of any evidence of 31197  
coverage or amendment on any of the grounds stated in this 31198  
section. Such disapproval shall be effected by a written order, 31199  
which shall state the grounds for disapproval and shall be issued 31200  
in accordance with Chapter 119. of the Revised Code. 31201

(D) No evidence of coverage or amendment shall be delivered, 31202  
issued for delivery, renewed, or used: 31203

(1) If it contains provisions or statements that are 31204  
inequitable, untrue, misleading, or deceptive; 31205

(2) Unless it contains a clear, concise, and complete 31206  
statement of the following: 31207

(a) The health care services and insurance or other benefits, 31208  
if any, to which an enrollee is entitled under the health care 31209  
plan; 31210

(b) Any exclusions or limitations on the health care 31211  
services, type of health care services, benefits, or type of 31212  
benefits to be provided, including copayments and deductibles; 31213

(c) An enrollee's personal financial obligation for 31214  
noncovered services; 31215

(d) Where and in what manner general information and 31216

information as to how health care services may be obtained is 31217  
available, including a toll-free telephone number; 31218

(e) The premium rate with respect to individual and 31219  
conversion contracts, and relevant copayment and deductible 31220  
provisions with respect to all contracts. The statement of the 31221  
premium rate, however, may be contained in a separate insert. 31222

(f) The method utilized by the health insuring corporation 31223  
for resolving enrollee complaints; 31224

(g) The utilization review, internal review, and external 31225  
review procedures established under sections 1751.77 to 1751.85 of 31226  
the Revised Code. 31227

(3) Unless it provides for the continuation of an enrollee's 31228  
coverage, in the event that the enrollee's coverage under the 31229  
group policy, contract, certificate, or agreement terminates while 31230  
the enrollee is receiving inpatient care in a hospital. This 31231  
continuation of coverage shall terminate at the earliest 31232  
occurrence of any of the following: 31233

(a) The enrollee's discharge from the hospital; 31234

(b) The determination by the enrollee's attending physician 31235  
that inpatient care is no longer medically indicated for the 31236  
enrollee; however, nothing in division (D)(3)(b) of this section 31237  
precludes a health insuring corporation from engaging in 31238  
utilization review as described in the evidence of coverage. 31239

(c) The enrollee's reaching the limit for contractual 31240  
benefits; 31241

(d) The effective date of any new coverage. 31242

(4) Unless it contains a provision that states, in substance, 31243  
that the health insuring corporation is not a member of any 31244  
guaranty fund, and that in the event of the health insuring 31245  
corporation's insolvency, an enrollee is protected only to the 31246

extent that the hold harmless provision required by section 31247  
1751.13 of the Revised Code applies to the health care services 31248  
rendered; 31249

(5) Unless it contains a provision that states, in substance, 31250  
that in the event of the insolvency of the health insuring 31251  
corporation, an enrollee may be financially responsible for health 31252  
care services rendered by a provider or health care facility that 31253  
is not under contract to the health insuring corporation, whether 31254  
or not the health insuring corporation authorized the use of the 31255  
provider or health care facility. 31256

(E) Notwithstanding divisions (C) and (D) of this section, a 31257  
health insuring corporation may use an evidence of coverage that 31258  
provides for the coverage of beneficiaries enrolled in medicare 31259  
pursuant to a medicare contract, or an evidence of coverage that 31260  
provides for the coverage of beneficiaries enrolled in the federal 31261  
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 31262  
an evidence of coverage that provides for the coverage of medicaid 31263  
recipients, ~~or an evidence of coverage that provides for coverage~~ 31264  
~~of participants of the children's buy in program,~~ or an evidence 31265  
of coverage that provides for the coverage of beneficiaries under 31266  
any other federal health care program regulated by a federal 31267  
regulatory body, or an evidence of coverage that provides for the 31268  
coverage of beneficiaries under any contract covering officers or 31269  
employees of the state that has been entered into by the 31270  
department of administrative services, if both of the following 31271  
apply: 31272

(1) The evidence of coverage has been approved by the United 31273  
States department of health and human services, the United States 31274  
office of personnel management, the Ohio department of job and 31275  
family services, or the department of administrative services. 31276

(2) The evidence of coverage is filed with the superintendent 31277  
of insurance prior to use and is accompanied by documentation of 31278

approval from the United States department of health and human 31279  
services, the United States office of personnel management, the 31280  
Ohio department of job and family services, or the department of 31281  
administrative services. 31282

**Sec. 1751.111.** (A)(1) This section applies to both of the 31283  
following: 31284

(a) A health insuring corporation that issues or requires the 31285  
use of a standardized identification card or an electronic 31286  
technology for submission and routing of prescription drug claims 31287  
pursuant to a policy, contract, or agreement for health care 31288  
services; 31289

(b) A person or entity that a health insuring corporation 31290  
contracts with to issue a standardized identification card or an 31291  
electronic technology described in division (A)(1)(a) of this 31292  
section. 31293

(2) Notwithstanding division (A)(1) of this section, this 31294  
section does not apply to the issuance or required use of a 31295  
standardized identification card or an electronic technology for 31296  
submission and routing of prescription drug claims in connection 31297  
with any of the following: 31298

(a) Coverage provided under the medicare advantage program 31299  
operated pursuant to Part C of Title XVIII of the "Social Security 31300  
Act," 49 Stat. 62 (1935), 42 U.S.C. 301, as amended. 31301

(b) Coverage provided under medicaid. 31302

~~(c) Coverage provided under the children's buy-in program.~~ 31303

~~(d)~~ Coverage provided under an employer's self-insurance plan 31304  
or by any of its administrators, as defined in section 3959.01 of 31305  
the Revised Code, to the extent that federal law supersedes, 31306  
preempts, prohibits, or otherwise precludes the application of 31307  
this section to the plan and its administrators. 31308

(B) A standardized identification card or an electronic 31309  
technology issued or required to be used as provided in division 31310  
(A)(1) of this section shall contain uniform prescription drug 31311  
information in accordance with either division (B)(1) or (2) of 31312  
this section. 31313

(1) The standardized identification card or the electronic 31314  
technology shall be in a format and contain information fields 31315  
approved by the national council for prescription drug programs or 31316  
a successor organization, as specified in the council's or 31317  
successor organization's pharmacy identification card 31318  
implementation guide in effect on the first day of October most 31319  
immediately preceding the issuance or required use of the 31320  
standardized identification card or the electronic technology. 31321

(2) If the health insuring corporation or the person under 31322  
contract with the corporation to issue a standardized 31323  
identification card or an electronic technology requires the 31324  
information for the submission and routing of a claim, the 31325  
standardized identification card or the electronic technology 31326  
shall contain any of the following information: 31327

(a) The health insuring corporation's name; 31328

(b) The subscriber's name, group number, and identification 31329  
number; 31330

(c) A telephone number to inquire about pharmacy-related 31331  
issues; 31332

(d) The issuer's international identification number, labeled 31333  
as "ANSI BIN" or "RxBIN"; 31334

(e) The processor's control number, labeled as "RxPCN"; 31335

(f) The subscriber's pharmacy benefits group number if 31336  
different from the subscriber's medical group number, labeled as 31337  
"RxGrp." 31338

(C) If the standardized identification card or the electronic technology issued or required to be used as provided in division (A)(1) of this section is also used for submission and routing of nonpharmacy claims, the designation "Rx" is required to be included as part of the labels identified in divisions (B)(2)(d) and (e) of this section if the issuer's international identification number or the processor's control number is different for medical and pharmacy claims.

(D) Each health insuring corporation described in division (A) of this section shall annually file a certificate with the superintendent of insurance certifying that it or any person it contracts with to issue a standardized identification card or electronic technology for submission and routing of prescription drug claims complies with this section.

(E)(1) Except as provided in division (E)(2) of this section, if there is a change in the information contained in the standardized identification card or the electronic technology issued to a subscriber, the health insuring corporation or person under contract with the corporation to issue a standardized identification card or an electronic technology shall issue a new card or electronic technology to the subscriber.

(2) A health insuring corporation or person under contract with the corporation is not required under division (E)(1) of this section to issue a new card or electronic technology to a subscriber more than once during a twelve-month period.

(F) Nothing in this section shall be construed as requiring a health insuring corporation to produce more than one standardized identification card or one electronic technology for use by subscribers accessing health care benefits provided under a policy, contract, or agreement for health care services.

**Sec. 1751.12.** (A)(1) No contractual periodic prepayment and



no premium rate for nongroup and conversion policies for health 31370  
care services, or any amendment to them, may be used by any health 31371  
insuring corporation at any time until the contractual periodic 31372  
prepayment and premium rate, or amendment, have been filed with 31373  
the superintendent of insurance, and shall not be effective until 31374  
the expiration of sixty days after their filing unless the 31375  
superintendent sooner gives approval. The filing shall be 31376  
accompanied by an actuarial certification in the form prescribed 31377  
by the superintendent. The superintendent shall disapprove the 31378  
filing, if the superintendent determines within the sixty-day 31379  
period that the contractual periodic prepayment or premium rate, 31380  
or amendment, is not in accordance with sound actuarial principles 31381  
or is not reasonably related to the applicable coverage and 31382  
characteristics of the applicable class of enrollees. The 31383  
superintendent shall notify the health insuring corporation of the 31384  
disapproval, and it shall thereafter be unlawful for the health 31385  
insuring corporation to use the contractual periodic prepayment or 31386  
premium rate, or amendment. 31387

(2) No contractual periodic prepayment for group policies for 31388  
health care services shall be used until the contractual periodic 31389  
prepayment has been filed with the superintendent. The filing 31390  
shall be accompanied by an actuarial certification in the form 31391  
prescribed by the superintendent. The superintendent may reject a 31392  
filing made under division (A)(2) of this section at any time, 31393  
with at least thirty days' written notice to a health insuring 31394  
corporation, if the contractual periodic prepayment is not in 31395  
accordance with sound actuarial principles or is not reasonably 31396  
related to the applicable coverage and characteristics of the 31397  
applicable class of enrollees. 31398

(3) At any time, the superintendent, upon at least thirty 31399  
days' written notice to a health insuring corporation, may 31400  
withdraw the approval given under division (A)(1) of this section, 31401

deemed or actual, of any contractual periodic prepayment or 31402  
premium rate, or amendment, based on information that either of 31403  
the following applies: 31404

(a) The contractual periodic prepayment or premium rate, or 31405  
amendment, is not in accordance with sound actuarial principles. 31406

(b) The contractual periodic prepayment or premium rate, or 31407  
amendment, is not reasonably related to the applicable coverage 31408  
and characteristics of the applicable class of enrollees. 31409

(4) Any disapproval under division (A)(1) of this section, 31410  
any rejection of a filing made under division (A)(2) of this 31411  
section, or any withdrawal of approval under division (A)(3) of 31412  
this section, shall be effected by a written notice, which shall 31413  
state the specific basis for the disapproval, rejection, or 31414  
withdrawal and shall be issued in accordance with Chapter 119. of 31415  
the Revised Code. 31416

(B) Notwithstanding division (A) of this section, a health 31417  
insuring corporation may use a contractual periodic prepayment or 31418  
premium rate for policies used for the coverage of beneficiaries 31419  
enrolled in medicare pursuant to a medicare risk contract or 31420  
medicare cost contract, or for policies used for the coverage of 31421  
beneficiaries enrolled in the federal employees health benefits 31422  
program pursuant to 5 U.S.C.A. 8905, or for policies used for the 31423  
coverage of medicaid recipients, ~~or for policies used for coverage~~ 31424  
~~of participants of the children's buy in program,~~ or for policies 31425  
used for the coverage of beneficiaries under any other federal 31426  
health care program regulated by a federal regulatory body, or for 31427  
policies used for the coverage of beneficiaries under any contract 31428  
covering officers or employees of the state that has been entered 31429  
into by the department of administrative services, if both of the 31430  
following apply: 31431

(1) The contractual periodic prepayment or premium rate has 31432

been approved by the United States department of health and human 31433  
services, the United States office of personnel management, the 31434  
department of job and family services, or the department of 31435  
administrative services. 31436

(2) The contractual periodic prepayment or premium rate is 31437  
filed with the superintendent prior to use and is accompanied by 31438  
documentation of approval from the United States department of 31439  
health and human services, the United States office of personnel 31440  
management, the department of job and family services, or the 31441  
department of administrative services. 31442

(C) The administrative expense portion of all contractual 31443  
periodic prepayment or premium rate filings submitted to the 31444  
superintendent for review must reflect the actual cost of 31445  
administering the product. The superintendent may require that the 31446  
administrative expense portion of the filings be itemized and 31447  
supported. 31448

(D)(1) Copayments must be reasonable and must not be a 31449  
barrier to the necessary utilization of services by enrollees. 31450

(2) A health insuring corporation, in order to ensure that 31451  
copayments are reasonable and not a barrier to the necessary 31452  
utilization of basic health care services by enrollees, may do one 31453  
of the following: 31454

(a) Impose copayment charges on any single covered basic 31455  
health care service that does not exceed forty per cent of the 31456  
average cost to the health insuring corporation of providing the 31457  
service; 31458

(b) Impose copayment charges that annually do not exceed 31459  
twenty per cent of the total annual cost to the health insuring 31460  
corporation of providing all covered basic health care services, 31461  
including physician office visits, urgent care services, and 31462  
emergency health services, when aggregated as to all persons 31463

covered under the filed product in question. In addition, annual 31464  
copayment charges as to each enrollee shall not exceed twenty per 31465  
cent of the total annual cost to the health insuring corporation 31466  
of providing all covered basic health care services, including 31467  
physician office visits, urgent care services, and emergency 31468  
health services, as to such enrollee. The total annual cost of 31469  
providing a health care service is the cost to the health insuring 31470  
corporation of providing the health care service to its enrollees 31471  
as reduced by any applicable provider discount. 31472

(3) To ensure that copayments are reasonable and not a 31473  
barrier to the utilization of basic health care services, a health 31474  
insuring corporation may not impose, in any contract year, on any 31475  
subscriber or enrollee, copayments that exceed two hundred per 31476  
cent of the average annual premium rate to subscribers or 31477  
enrollees. 31478

(4) For purposes of division (D) of this section, both of the 31479  
following apply: 31480

(a) Copayments imposed by health insuring corporations in 31481  
connection with a high deductible health plan that is linked to a 31482  
health savings account are reasonable and are not a barrier to the 31483  
necessary utilization of services by enrollees. 31484

(b) Divisions (D)(2) and (3) of this section do not apply to 31485  
a high deductible health plan that is linked to a health savings 31486  
account. 31487

(E) A health insuring corporation shall not impose lifetime 31488  
maximums on basic health care services. However, a health insuring 31489  
corporation may establish a benefit limit for inpatient hospital 31490  
services that are provided pursuant to a policy, contract, 31491  
certificate, or agreement for supplemental health care services. 31492

(F) A health insuring corporation may require that an 31493  
enrollee pay an annual deductible that does not exceed one 31494

thousand dollars per enrollee or two thousand dollars per family, 31495  
except that: 31496

(1) A health insuring corporation may impose higher 31497  
deductibles for high deductible health plans that are linked to 31498  
health savings accounts; 31499

(2) The superintendent may adopt rules allowing different 31500  
annual deductible amounts for plans with a medical savings 31501  
account, health reimbursement arrangement, flexible spending 31502  
account, or similar account; 31503

(3) A health insuring corporation may impose higher 31504  
deductibles under health plans if requested by the group contract, 31505  
policy, certificate, or agreement holder, or an individual seeking 31506  
coverage under an individual health plan. This shall not be 31507  
construed as requiring the health insuring corporation to create 31508  
customized health plans for group contract holders or individuals. 31509

(G) As used in this section, "health savings account" and 31510  
"high deductible health plan" have the same meanings as in the 31511  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 223, as 31512  
amended. 31513

**Sec. 1751.13.** (A)(1)(a) A health insuring corporation shall, 31514  
either directly or indirectly, enter into contracts for the 31515  
provision of health care services with a sufficient number and 31516  
types of providers and health care facilities to ensure that all 31517  
covered health care services will be accessible to enrollees from 31518  
a contracted provider or health care facility. 31519

(b) A health insuring corporation shall not refuse to 31520  
contract with a physician for the provision of health care 31521  
services or refuse to recognize a physician as a specialist on the 31522  
basis that the physician attended an educational program or a 31523  
residency program approved or certified by the American 31524

osteopathic association. A health insuring corporation shall not 31525  
refuse to contract with a health care facility for the provision 31526  
of health care services on the basis that the health care facility 31527  
is certified or accredited by the American osteopathic association 31528  
or that the health care facility is an osteopathic hospital as 31529  
defined in section 3702.51 of the Revised Code. 31530

(c) Nothing in division (A)(1)(b) of this section shall be 31531  
construed to require a health insuring corporation to make a 31532  
benefit payment under a closed panel plan to a physician or health 31533  
care facility with which the health insuring corporation does not 31534  
have a contract, provided that none of the bases set forth in that 31535  
division are used as a reason for failing to make a benefit 31536  
payment. 31537

(2) When a health insuring corporation is unable to provide a 31538  
covered health care service from a contracted provider or health 31539  
care facility, the health insuring corporation must provide that 31540  
health care service from a noncontracted provider or health care 31541  
facility consistent with the terms of the enrollee's policy, 31542  
contract, certificate, or agreement. The health insuring 31543  
corporation shall either ensure that the health care service be 31544  
provided at no greater cost to the enrollee than if the enrollee 31545  
had obtained the health care service from a contracted provider or 31546  
health care facility, or make other arrangements acceptable to the 31547  
superintendent of insurance. 31548

(3) Nothing in this section shall prohibit a health insuring 31549  
corporation from entering into contracts with out-of-state 31550  
providers or health care facilities that are licensed, certified, 31551  
accredited, or otherwise authorized in that state. 31552

(B)(1) A health insuring corporation shall, either directly 31553  
or indirectly, enter into contracts with all providers and health 31554  
care facilities through which health care services are provided to 31555  
its enrollees. 31556

(2) A health insuring corporation, upon written request, 31557  
shall assist its contracted providers in finding stop-loss or 31558  
reinsurance carriers. 31559

(C) A health insuring corporation shall file an annual 31560  
certificate with the superintendent certifying that all provider 31561  
contracts and contracts with health care facilities through which 31562  
health care services are being provided contain the following: 31563

(1) A description of the method by which the provider or 31564  
health care facility will be notified of the specific health care 31565  
services for which the provider or health care facility will be 31566  
responsible, including any limitations or conditions on such 31567  
services; 31568

(2) The specific hold harmless provision specifying 31569  
protection of enrollees set forth as follows: 31570

"[Provider/Health Care Facility] agrees that in no event, 31571  
including but not limited to nonpayment by the health insuring 31572  
corporation, insolvency of the health insuring corporation, or 31573  
breach of this agreement, shall [Provider/Health Care Facility] 31574  
bill, charge, collect a deposit from, seek remuneration or 31575  
reimbursement from, or have any recourse against, a subscriber, 31576  
enrollee, person to whom health care services have been provided, 31577  
or person acting on behalf of the covered enrollee, for health 31578  
care services provided pursuant to this agreement. This does not 31579  
prohibit [Provider/Health Care Facility] from collecting 31580  
co-insurance, deductibles, or copayments as specifically provided 31581  
in the evidence of coverage, or fees for uncovered health care 31582  
services delivered on a fee-for-service basis to persons 31583  
referenced above, nor from any recourse against the health 31584  
insuring corporation or its successor." 31585

(3) Provisions requiring the provider or health care facility 31586  
to continue to provide covered health care services to enrollees 31587

in the event of the health insuring corporation's insolvency or 31588  
discontinuance of operations. The provisions shall require the 31589  
provider or health care facility to continue to provide covered 31590  
health care services to enrollees as needed to complete any 31591  
medically necessary procedures commenced but unfinished at the 31592  
time of the health insuring corporation's insolvency or 31593  
discontinuance of operations. The completion of a medically 31594  
necessary procedure shall include the rendering of all covered 31595  
health care services that constitute medically necessary follow-up 31596  
care for that procedure. If an enrollee is receiving necessary 31597  
inpatient care at a hospital, the provisions may limit the 31598  
required provision of covered health care services relating to 31599  
that inpatient care in accordance with division (D)(3) of section 31600  
1751.11 of the Revised Code, and may also limit such required 31601  
provision of covered health care services to the period ending 31602  
thirty days after the health insuring corporation's insolvency or 31603  
discontinuance of operations. 31604

The provisions required by division (C)(3) of this section 31605  
shall not require any provider or health care facility to continue 31606  
to provide any covered health care service after the occurrence of 31607  
any of the following: 31608

(a) The end of the thirty-day period following the entry of a 31609  
liquidation order under Chapter 3903. of the Revised Code; 31610

(b) The end of the enrollee's period of coverage for a 31611  
contractual prepayment or premium; 31612

(c) The enrollee obtains equivalent coverage with another 31613  
health insuring corporation or insurer, or the enrollee's employer 31614  
obtains such coverage for the enrollee; 31615

(d) The enrollee or the enrollee's employer terminates 31616  
coverage under the contract; 31617

(e) A liquidator effects a transfer of the health insuring 31618



corporation's obligations under the contract under division (A)(8) 31619  
of section 3903.21 of the Revised Code. 31620

(4) A provision clearly stating the rights and 31621  
responsibilities of the health insuring corporation, and of the 31622  
contracted providers and health care facilities, with respect to 31623  
administrative policies and programs, including, but not limited 31624  
to, payments systems, utilization review, quality assurance, 31625  
assessment, and improvement programs, credentialing, 31626  
confidentiality requirements, and any applicable federal or state 31627  
programs; 31628

(5) A provision regarding the availability and 31629  
confidentiality of those health records maintained by providers 31630  
and health care facilities to monitor and evaluate the quality of 31631  
care, to conduct evaluations and audits, and to determine on a 31632  
concurrent or retrospective basis the necessity of and 31633  
appropriateness of health care services provided to enrollees. The 31634  
provision shall include terms requiring the provider or health 31635  
care facility to make these health records available to 31636  
appropriate state and federal authorities involved in assessing 31637  
the quality of care or in investigating the grievances or 31638  
complaints of enrollees, and requiring the provider or health care 31639  
facility to comply with applicable state and federal laws related 31640  
to the confidentiality of medical or health records. 31641

(6) A provision that states that contractual rights and 31642  
responsibilities may not be assigned or delegated by the provider 31643  
or health care facility without the prior written consent of the 31644  
health insuring corporation; 31645

(7) A provision requiring the provider or health care 31646  
facility to maintain adequate professional liability and 31647  
malpractice insurance. The provision shall also require the 31648  
provider or health care facility to notify the health insuring 31649  
corporation not more than ten days after the provider's or health 31650

care facility's receipt of notice of any reduction or cancellation 31651  
of such coverage. 31652

(8) A provision requiring the provider or health care 31653  
facility to observe, protect, and promote the rights of enrollees 31654  
as patients; 31655

(9) A provision requiring the provider or health care 31656  
facility to provide health care services without discrimination on 31657  
the basis of a patient's participation in the health care plan, 31658  
age, sex, ethnicity, religion, sexual preference, health status, 31659  
or disability, and without regard to the source of payments made 31660  
for health care services rendered to a patient. This requirement 31661  
shall not apply to circumstances when the provider or health care 31662  
facility appropriately does not render services due to limitations 31663  
arising from the provider's or health care facility's lack of 31664  
training, experience, or skill, or due to licensing restrictions. 31665

(10) A provision containing the specifics of any obligation 31666  
on the primary care provider to provide, or to arrange for the 31667  
provision of, covered health care services twenty-four hours per 31668  
day, seven days per week; 31669

(11) A provision setting forth procedures for the resolution 31670  
of disputes arising out of the contract; 31671

(12) A provision stating that the hold harmless provision 31672  
required by division (C)(2) of this section shall survive the 31673  
termination of the contract with respect to services covered and 31674  
provided under the contract during the time the contract was in 31675  
effect, regardless of the reason for the termination, including 31676  
the insolvency of the health insuring corporation; 31677

(13) A provision requiring those terms that are used in the 31678  
contract and that are defined by this chapter, be used in the 31679  
contract in a manner consistent with those definitions. 31680

This division does not apply to the coverage of beneficiaries 31681

enrolled in medicare pursuant to a medicare risk contract or 31682  
medicare cost contract, or to the coverage of beneficiaries 31683  
enrolled in the federal employee health benefits program pursuant 31684  
to 5 U.S.C.A. 8905, or to the coverage of medicaid recipients, or 31685  
to the coverage of beneficiaries under any federal health care 31686  
program regulated by a federal regulatory body, ~~or to the coverage~~ 31687  
~~of participants of the children's buy-in program,~~ or to the 31688  
coverage of beneficiaries under any contract covering officers or 31689  
employees of the state that has been entered into by the 31690  
department of administrative services. 31691

(D)(1) No health insuring corporation contract with a 31692  
provider or health care facility shall contain any of the 31693  
following: 31694

(a) A provision that directly or indirectly offers an 31695  
inducement to the provider or health care facility to reduce or 31696  
limit medically necessary health care services to a covered 31697  
enrollee; 31698

(b) A provision that penalizes a provider or health care 31699  
facility that assists an enrollee to seek a reconsideration of the 31700  
health insuring corporation's decision to deny or limit benefits 31701  
to the enrollee; 31702

(c) A provision that limits or otherwise restricts the 31703  
provider's or health care facility's ethical and legal 31704  
responsibility to fully advise enrollees about their medical 31705  
condition and about medically appropriate treatment options; 31706

(d) A provision that penalizes a provider or health care 31707  
facility for principally advocating for medically necessary health 31708  
care services; 31709

(e) A provision that penalizes a provider or health care 31710  
facility for providing information or testimony to a legislative 31711  
or regulatory body or agency. This shall not be construed to 31712

prohibit a health insuring corporation from penalizing a provider 31713  
or health care facility that provides information or testimony 31714  
that is libelous or slanderous or that discloses trade secrets 31715  
which the provider or health care facility has no privilege or 31716  
permission to disclose. 31717

(f) A provision that violates Chapter 3963. of the Revised 31718  
Code. 31719

(2) Nothing in this division shall be construed to prohibit a 31720  
health insuring corporation from doing either of the following: 31721

(a) Making a determination not to reimburse or pay for a 31722  
particular medical treatment or other health care service; 31723

(b) Enforcing reasonable peer review or utilization review 31724  
protocols, or determining whether a particular provider or health 31725  
care facility has complied with these protocols. 31726

(E) Any contract between a health insuring corporation and an 31727  
intermediary organization shall clearly specify that the health 31728  
insuring corporation must approve or disapprove the participation 31729  
of any provider or health care facility with which the 31730  
intermediary organization contracts. 31731

(F) If an intermediary organization that is not a health 31732  
delivery network contracting solely with self-insured employers 31733  
subcontracts with a provider or health care facility, the 31734  
subcontract with the provider or health care facility shall do all 31735  
of the following: 31736

(1) Contain the provisions required by divisions (C) and (G) 31737  
of this section, as made applicable to an intermediary 31738  
organization, without the inclusion of inducements or penalties 31739  
described in division (D) of this section; 31740

(2) Acknowledge that the health insuring corporation is a 31741  
third-party beneficiary to the agreement; 31742

(3) Acknowledge the health insuring corporation's role in approving the participation of the provider or health care facility, pursuant to division (E) of this section.

(G) Any provider contract or contract with a health care facility shall clearly specify the health insuring corporation's statutory responsibility to monitor and oversee the offering of covered health care services to its enrollees.

(H)(1) A health insuring corporation shall maintain its provider contracts and its contracts with health care facilities at one or more of its places of business in this state, and shall provide copies of these contracts to facilitate regulatory review upon written notice by the superintendent of insurance.

(2) Any contract with an intermediary organization that accepts compensation shall include provisions requiring the intermediary organization to provide the superintendent with regulatory access to all books, records, financial information, and documents related to the provision of health care services to subscribers and enrollees under the contract. The contract shall require the intermediary organization to maintain such books, records, financial information, and documents at its principal place of business in this state and to preserve them for at least three years in a manner that facilitates regulatory review.

(I)(1) A health insuring corporation shall notify its affected enrollees of the termination of a contract for the provision of health care services between the health insuring corporation and a primary care physician or hospital, by mail, within thirty days after the termination of the contract.

(a) Notice shall be given to subscribers of the termination of a contract with a primary care physician if the subscriber, or a dependent covered under the subscriber's health care coverage, has received health care services from the primary care physician

within the previous twelve months or if the subscriber or 31774  
dependent has selected the physician as the subscriber's or 31775  
dependent's primary care physician within the previous twelve 31776  
months. 31777

(b) Notice shall be given to subscribers of the termination 31778  
of a contract with a hospital if the subscriber, or a dependent 31779  
covered under the subscriber's health care coverage, has received 31780  
health care services from that hospital within the previous twelve 31781  
months. 31782

(2) The health insuring corporation shall pay, in accordance 31783  
with the terms of the contract, for all covered health care 31784  
services rendered to an enrollee by a primary care physician or 31785  
hospital between the date of the termination of the contract and 31786  
five days after the notification of the contract termination is 31787  
mailed to a subscriber at the subscriber's last known address. 31788

(J) Divisions (A) and (B) of this section do not apply to any 31789  
health insuring corporation that, on June 4, 1997, holds a 31790  
certificate of authority or license to operate under Chapter 1740. 31791  
of the Revised Code. 31792

(K) Nothing in this section shall restrict the governing body 31793  
of a hospital from exercising the authority granted it pursuant to 31794  
section 3701.351 of the Revised Code. 31795

**Sec. 1751.15.** (A) Each health insuring corporation shall 31796  
accept individuals for open enrollment coverage as provided in 31797  
sections 3923.58 and 3923.581 of the Revised Code. A health 31798  
insuring corporation may reinsure coverage of any individual 31799  
acquired under those sections with the open enrollment reinsurance 31800  
program in accordance with division (G) of section 3924.11 of the 31801  
Revised Code. Fixed periodic prepayment rates charged for coverage 31802  
reinsured by the program shall be established in accordance with 31803  
section 3924.12 of the Revised Code. 31804

(B) This section does not apply to any of the following:	31805
(1) Any health insuring corporation that offers only supplemental health care services or specialty health care services;	31806 31807 31808
(2) Any health insuring corporation that offers plans only through medicare, <u>or</u> medicaid, <del>or the children's buy-in program</del> and that has no other commercial enrollment;	31809 31810 31811
(3) Any health insuring corporation that offers plans only through other federal health care programs regulated by federal regulatory bodies and that has no other commercial enrollment;	31812 31813 31814
(4) Any health insuring corporation that offers plans only through contracts covering officers or employees of the state that have been entered into by the department of administrative services and that has no other commercial enrollment.	31815 31816 31817 31818
<b>Sec. 1751.17.</b> (A) As used in this section, "nongroup contract" means a contract issued by a health insuring corporation to an individual who makes direct application for coverage under the contract and who, if required by the health insuring corporation, submits to medical underwriting. "Nongroup contract" does not include group conversion coverage, coverage obtained through open enrollment, or coverage issued on the basis of membership in a group.	31819 31820 31821 31822 31823 31824 31825 31826
(B) Except as provided in division (C) of this section, every nongroup contract that is issued by a health insuring corporation and that makes available basic health care services shall provide an option for conversion to a contract issued on a direct-payment basis to an enrollee covered by the nongroup contract. The option for conversion shall be available:	31827 31828 31829 31830 31831 31832
(1) Upon the death of the subscriber, to the surviving spouse with respect to the spouse or dependents who were then covered by	31833 31834

the nongroup contract; 31835

(2) Upon the divorce, dissolution, or annulment of the 31836  
marriage of the subscriber, to the divorced spouse, or, in the 31837  
event of annulment, to the former spouse of the subscriber; 31838

(3) To a child solely with respect to the child, upon the 31839  
child's attaining the limiting age of coverage under the nongroup 31840  
contract while covered as a dependent under the contract. 31841

(C) The direct payment contract offered pursuant to division 31842  
(B) of this section shall not be made available to an enrollee if 31843  
any of the following applies: 31844

(1) The enrollee is, or is eligible to be, covered for 31845  
benefits at least comparable to the nongroup contract under any of 31846  
the following: 31847

(a) Medicaid; 31848

(b) ~~The children's buy-in program;~~ 31849

~~(c)~~ Medicare; 31850

~~(d)~~(c) Any act of congress or law under this or any other 31851  
state of the United States providing coverage at least comparable 31852  
to the benefits offered under division (C)(1)(a), or (b), ~~or (c)~~ 31853  
of this section. 31854

(2) The nongroup contract under which the enrollee was 31855  
covered was terminated due to nonpayment of a premium rate. 31856

(3) The enrollee is eligible for group coverage provided by, 31857  
or available through, an employer or association and the group 31858  
coverage provides benefits comparable to the benefits provided 31859  
under a direct payment contract. 31860

(D) The direct payment contract offered pursuant to division 31861  
(B) of this section shall provide benefits that are at least 31862  
comparable to the benefits provided by the nongroup contract under 31863  
which the enrollee was covered at the time of the occurrence of 31864



any of the events set forth in division (B) of this section. The 31865  
coverage provided under the direct payment contract shall be 31866  
continuous, provided that the enrollee makes the required premium 31867  
rate payment within the thirty-day period immediately following 31868  
the occurrence of the event, and may be terminated for nonpayment 31869  
of any required premium rate payment. 31870

(E) The evidence of coverage of every nongroup contract shall 31871  
contain notice that an option for conversion to a contract issued 31872  
on a direct-payment basis is available, in accordance with this 31873  
section, to any enrollee covered by the contract. 31874

(F) Benefits otherwise payable to an enrollee under a direct 31875  
payment contract shall be reduced by the amount of any benefits 31876  
available to the enrollee under any applicable group health 31877  
insuring corporation contract or group sickness and accident 31878  
insurance policy. 31879

(G) Nothing in this section shall be construed as requiring a 31880  
health insuring corporation to offer nongroup contracts. 31881

(H) This section does not apply to any nongroup contract 31882  
offering only supplemental health care services or specialty 31883  
health care services. 31884

**Sec. 1751.20.** (A) No health insuring corporation, or agent, 31885  
employee, or representative of a health insuring corporation, 31886  
shall use any advertisement or solicitation document, or shall 31887  
engage in any activity, that is unfair, untrue, misleading, or 31888  
deceptive. 31889

(B) No health insuring corporation shall use a name that is 31890  
deceptively similar to the name or description of any insurance or 31891  
surety corporation doing business in this state. 31892

(C) All solicitation documents, advertisements, evidences of 31893  
coverage, and enrollee identification cards used by a health 31894

insuring corporation shall contain the health insuring 31895  
corporation's name. The use of a trade name, an insurance group 31896  
designation, the name of a parent company, the name of a division 31897  
of an affiliated insurance company, a service mark, a slogan, a 31898  
symbol, or other device, without the name of the health insuring 31899  
corporation as stated in its articles of incorporation, shall not 31900  
satisfy this requirement if the usage would have the capacity and 31901  
tendency to mislead or deceive persons as to the true identity of 31902  
the health insuring corporation. 31903

(D) No solicitation document or advertisement used by a 31904  
health insuring corporation shall contain any words, symbols, or 31905  
physical materials that are so similar in content, phraseology, 31906  
shape, color, or other characteristic to those used by an agency 31907  
of the federal government or this state, that prospective 31908  
enrollees may be led to believe that the solicitation document or 31909  
advertisement is connected with an agency of the federal 31910  
government or this state. 31911

(E) A health insuring corporation that provides basic health 31912  
care services may use the phrase "health maintenance organization" 31913  
or the abbreviation "HMO" in its marketing name, advertising, 31914  
solicitation documents, or marketing literature, or in reference 31915  
to the phrase "doing business as" or the abbreviation "DBA." 31916

(F) This section does not apply to the coverage of 31917  
beneficiaries enrolled in medicare pursuant to a medicare risk 31918  
contract or medicare cost contract, or to the coverage of 31919  
beneficiaries enrolled in the federal employee health benefits 31920  
program pursuant to 5 U.S.C.A. 8905, or to the coverage of 31921  
medicaid recipients, ~~or to the coverage of participants of the~~ 31922  
~~children's buy-in program,~~ or to the coverage of beneficiaries 31923  
under any federal health care program regulated by a federal 31924  
regulatory body, or to the coverage of beneficiaries under any 31925  
contract covering officers or employees of the state that has been 31926

entered into by the department of administrative services. 31927

**Sec. 1751.31.** (A) Any changes in a health insuring 31928  
corporation's solicitation document shall be filed with the 31929  
superintendent of insurance. The superintendent, within sixty days 31930  
of filing, may disapprove any solicitation document or amendment 31931  
to it on any of the grounds stated in this section. Such 31932  
disapproval shall be effected by written notice to the health 31933  
insuring corporation. The notice shall state the grounds for 31934  
disapproval and shall be issued in accordance with Chapter 119. of 31935  
the Revised Code. 31936

(B) The solicitation document shall contain all information 31937  
necessary to enable a consumer to make an informed choice as to 31938  
whether or not to enroll in the health insuring corporation. The 31939  
information shall include a specific description of the health 31940  
care services to be available and the approximate number and type 31941  
of full-time equivalent medical practitioners. The information 31942  
shall be presented in the solicitation document in a manner that 31943  
is clear, concise, and intelligible to prospective applicants in 31944  
the proposed service area. 31945

(C) Every potential applicant whose subscription to a health 31946  
care plan is solicited shall receive, at or before the time of 31947  
solicitation, a solicitation document approved by the 31948  
superintendent. 31949

(D) Notwithstanding division (A) of this section, a health 31950  
insuring corporation may use a solicitation document that the 31951  
corporation uses in connection with policies for medicare 31952  
beneficiaries pursuant to a medicare risk contract or medicare 31953  
cost contract, or for policies for beneficiaries of the federal 31954  
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 31955  
for policies for medicaid recipients, or for policies for 31956  
beneficiaries of any other federal health care program regulated 31957

by a federal regulatory body, ~~or for policies for participants of~~ 31958  
~~the children's buy in program,~~ or for policies for beneficiaries 31959  
of contracts covering officers or employees of the state entered 31960  
into by the department of administrative services, if both of the 31961  
following apply: 31962

(1) The solicitation document has been approved by the United 31963  
States department of health and human services, the United States 31964  
office of personnel management, the department of job and family 31965  
services, or the department of administrative services. 31966

(2) The solicitation document is filed with the 31967  
superintendent of insurance prior to use and is accompanied by 31968  
documentation of approval from the United States department of 31969  
health and human services, the United States office of personnel 31970  
management, the department of job and family services, or the 31971  
department of administrative services. 31972

(E) No health insuring corporation, or its agents or 31973  
representatives, shall use monetary or other valuable 31974  
consideration, engage in misleading or deceptive practices, or 31975  
make untrue, misleading, or deceptive representations to induce 31976  
enrollment. Nothing in this division shall prohibit incentive 31977  
forms of remuneration such as commission sales programs for the 31978  
health insuring corporation's employees and agents. 31979

(F) Any person obligated for any part of a premium rate in 31980  
connection with an enrollment agreement, in addition to any right 31981  
otherwise available to revoke an offer, may cancel such agreement 31982  
within seventy-two hours after having signed the agreement or 31983  
offer to enroll. Cancellation occurs when written notice of the 31984  
cancellation is given to the health insuring corporation or its 31985  
agents or other representatives. A notice of cancellation mailed 31986  
to the health insuring corporation shall be considered to have 31987  
been filed on its postmark date. 31988

(G) Nothing in this section shall prohibit healthy lifestyle programs. 31989  
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**Sec. 1751.34.** (A) Each health insuring corporation and each applicant for a certificate of authority under this chapter shall be subject to examination by the superintendent of insurance in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, the authority of the superintendent and any examiner or other person appointed by the superintendent, the liability for the assessment of expenses incurred in conducting the examination, and the remittance of the assessment to the superintendent's examination fund. 31991  
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(B) The superintendent shall make an examination concerning the matters subject to the superintendent's consideration in section 1751.04 of the Revised Code as often as the superintendent considers it necessary for the protection of the interests of the people of this state. The expenses of such examinations shall be assessed against the health insuring corporation being examined in the manner in which expenses of examinations are assessed against an insurance company under section 3901.07 of the Revised Code. Nothing in this division requires the superintendent to make an examination of any of the following: 32002  
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(1) A health insuring corporation that covers solely medicaid recipients; 32012  
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(2) A health insuring corporation that covers solely medicare beneficiaries; 32014  
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(3) A health insuring corporation that covers solely medicaid recipients and medicare beneficiaries; 32016  
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~~(4) A health insuring corporation that covers solely~~ 32018

~~participants of the children's buy-in program;~~ 32019

~~(5) A health insuring corporation that covers solely medicaid recipients and participants of the children's buy-in program;~~ 32020  
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~~(6) A health insuring corporation that covers solely medicaid recipients, medicare beneficiaries, and participants of the children's buy-in program.~~ 32022  
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(C) An examination, pursuant to section 3901.07 of the Revised Code, of an insurance company holding a certificate of authority under this chapter to organize and operate a health insuring corporation shall include an examination of the health insuring corporation pursuant to this section and the examination shall satisfy the requirements of divisions (A) and (B) of this section. 32025  
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(D) The superintendent may conduct market conduct examinations pursuant to section 3901.011 of the Revised Code of any health insuring corporation as often as the superintendent considers it necessary for the protection of the interests of subscribers and enrollees. The expenses of such market conduct examinations shall be assessed against the health insuring corporation being examined. All costs, assessments, or fines collected under this division shall be paid into the state treasury to the credit of the department of insurance operating fund. 32032  
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**Sec. 1751.60.** (A) Except as provided for in divisions (E) and (F) of this section, every provider or health care facility that contracts with a health insuring corporation to provide health care services to the health insuring corporation's enrollees or subscribers shall seek compensation for covered services solely from the health insuring corporation and not, under any circumstances, from the enrollees or subscribers, except for approved copayments and deductibles. 32042  
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(B) No subscriber or enrollee of a health insuring corporation is liable to any contracting provider or health care facility for the cost of any covered health care services, if the subscriber or enrollee has acted in accordance with the evidence of coverage.

(C) Except as provided for in divisions (E) and (F) of this section, every contract between a health insuring corporation and provider or health care facility shall contain a provision approved by the superintendent of insurance requiring the provider or health care facility to seek compensation solely from the health insuring corporation and not, under any circumstances, from the subscriber or enrollee, except for approved copayments and deductibles.

(D) Nothing in this section shall be construed as preventing a provider or health care facility from billing the enrollee or subscriber of a health insuring corporation for noncovered services.

(E) Upon application by a health insuring corporation and a provider or health care facility, the superintendent may waive the requirements of divisions (A) and (C) of this section when, in addition to the reserve requirements contained in section 1751.28 of the Revised Code, the health insuring corporation provides sufficient assurances to the superintendent that the provider or health care facility has been provided with financial guarantees. No waiver of the requirements of divisions (A) and (C) of this section is effective as to enrollees or subscribers for whom the health insuring corporation is compensated under a provider agreement or risk contract entered into pursuant to Chapter 5111. or 5115. of the Revised Code ~~or under the children's buy in program.~~

(F) The requirements of divisions (A) to (C) of this section apply only to health care services provided to an enrollee or

subscriber prior to the effective date of a termination of a 32082  
contract between the health insuring corporation and the provider 32083  
or health care facility. 32084

**Sec. 1761.04.** (A) The licensing and operation of a credit 32085  
union share guaranty corporation is subject to the regulation of 32086  
the superintendent of insurance pursuant to Chapters 3901., 3903., 32087  
3905., 3925., 3927., 3929., 3937., 3941., and 3999. of the Revised 32088  
Code to the extent such laws are otherwise applicable and are not 32089  
in conflict with this chapter. 32090

(B) A credit union share guaranty corporation shall pay, by 32091  
the fifteenth day of April of each year, to the superintendent of 32092  
credit unions, an annual fee of one-half of one per cent of its 32093  
guarantee fund as shown by the corporation's last annual financial 32094  
report, but in no event shall such payment exceed ~~five~~ twenty-five 32095  
thousand dollars in any calendar year. 32096

(C) In addition to the specific powers and duties given the 32097  
superintendent of insurance and the superintendent of credit 32098  
unions under this chapter, the superintendents may independently, 32099  
pursuant to Chapter 119. of the Revised Code, adopt, amend, and 32100  
rescind such rules as are necessary to implement the requirements 32101  
of this chapter. 32102

**Sec. 1776.83.** (A) A limited liability partnership and a 32103  
foreign limited liability partnership authorized to transact 32104  
business in this state shall file a biennial report in the office 32105  
of the secretary of state. The report shall contain all of the 32106  
following: 32107

(1) The name of the limited liability partnership and the 32108  
state or other jurisdiction under whose laws the foreign limited 32109  
liability partnership is formed; 32110

(2) The street address of the partnership's chief executive 32111



office and, if the partnership's chief executive office is not in 32112  
this state, the street address of any office of the partnership in 32113  
this state; 32114

(3) If the partnership does not have an office in this state, 32115  
the name and street address of the partnership's current agent for 32116  
service of process. 32117

(B) A partnership shall file a biennial report between the 32118  
first day of April and the first day of July of each odd-numbered 32119  
year that follows the calendar year in which the partnership files 32120  
a statement of qualification or a foreign partnership becomes 32121  
authorized to transact business in this state. 32122

(C) The secretary of state may revoke the statement of 32123  
qualification of any partnership that fails to file a biennial 32124  
report when due or pay the required filing fee. To revoke a 32125  
statement, the secretary of state shall provide the partnership at 32126  
least sixty days' written notice of the intent to revoke, mailed 32127  
to the partnership at its chief executive office set forth in the 32128  
last filed statement of qualification or biennial report or sent 32129  
by electronic mail to the last electronic mail address provided to 32130  
the secretary of state. The notice shall specify the report that 32131  
the partnership failed to file, the unpaid fee, and the effective 32132  
date of the revocation. The revocation is not effective if the 32133  
partnership files the report and pays the fee before the effective 32134  
date of the revocation. 32135

(D) A revocation under division (C) of this section affects 32136  
only a partnership's status as a limited liability partnership and 32137  
is not an event of dissolution of the partnership. 32138

(E) A partnership whose statement of qualification is revoked 32139  
may apply to the secretary of state for reinstatement within two 32140  
years after the effective date of the revocation. The application 32141  
for reinstatement shall state the name of the partnership, the 32142

effective date of the revocation, and that the ground for 32143  
revocation either did not exist or has been corrected. 32144

(F) A reinstatement under division (E) of this section 32145  
relates back to and takes effect as of the effective date of the 32146  
revocation, and the partnership's status as a limited liability 32147  
partnership continues as if the revocation had never occurred. 32148

**Sec. 1785.06.** A professional association, within thirty days 32149  
after the thirtieth day of June in each even-numbered year, shall 32150  
furnish a statement to the secretary of state showing the names 32151  
and post-office addresses of all of the shareholders in the 32152  
association and certifying that all of the shareholders are duly 32153  
licensed, certificated, or otherwise legally authorized to render 32154  
within this state the same professional service for which the 32155  
association was organized or, in the case of a combination of 32156  
professional services described in division (B) of section 1785.01 32157  
of the Revised Code, to render within this state any of the 32158  
applicable types of professional services for which the 32159  
association was organized. This statement shall be made on a form 32160  
that the secretary of state shall prescribe, shall be signed by an 32161  
officer of the association, and shall be filed in the office of 32162  
the secretary of state. 32163

If any professional association fails to file the biennial 32164  
statement within the time required by this section, the secretary 32165  
of state shall give notice of the failure by ~~certified~~ ordinary or 32166  
electronic mail, ~~return receipt requested~~, to the last known 32167  
physical or electronic address of the association or its agent. If 32168  
the biennial statement is not filed within thirty days after the 32169  
mailing of the notice, the secretary of state, upon the expiration 32170  
of that period, shall cancel the association's articles of 32171  
incorporation, give notice of the cancellation to the association 32172  
by ordinary or electronic mail sent to the last known physical or 32173

electronic address of the association or its agent, and make a 32174  
notation of the cancellation on the records of the secretary of 32175  
state. 32176

A professional association whose articles have been canceled 32177  
pursuant to this section may be reinstated by filing an 32178  
application for reinstatement and the required biennial statement 32179  
or statements and by paying the reinstatement fee specified in 32180  
division (Q) of section 111.16 of the Revised Code. The rights, 32181  
privileges, and franchises of a professional association whose 32182  
articles have been reinstated are subject to section 1701.922 of 32183  
the Revised Code. The secretary of state shall inform the tax 32184  
commissioner of all cancellations and reinstatements under this 32185  
section. 32186

**Sec. 1901.18.** (A) Except as otherwise provided in this 32187  
division or section 1901.181 of the Revised Code, subject to the 32188  
monetary jurisdiction of municipal courts as set forth in section 32189  
1901.17 of the Revised Code, a municipal court has original 32190  
jurisdiction within its territory in all of the following actions 32191  
or proceedings and to perform all of the following functions: 32192

(1) In any civil action, of whatever nature or remedy, of 32193  
which judges of county courts have jurisdiction; 32194

(2) In any action or proceeding at law for the recovery of 32195  
money or personal property of which the court of common pleas has 32196  
jurisdiction; 32197

(3) In any action at law based on contract, to determine, 32198  
preserve, and enforce all legal and equitable rights involved in 32199  
the contract, to decree an accounting, reformation, or 32200  
cancellation of the contract, and to hear and determine all legal 32201  
and equitable remedies necessary or proper for a complete 32202  
determination of the rights of the parties to the contract; 32203

- (4) In any action or proceeding for the sale of personal property under chattel mortgage, lien, encumbrance, or other charge, for the foreclosure and marshalling of liens on personal property of that nature, and for the rendering of personal judgment in the action or proceeding; 32204  
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- (5) In any action or proceeding to enforce the collection of its own judgments or the judgments rendered by any court within the territory to which the municipal court has succeeded, and to subject the interest of a judgment debtor in personal property to satisfy judgments enforceable by the municipal court; 32209  
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- (6) In any action or proceeding in the nature of interpleader; 32214  
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- (7) In any action of replevin; 32216
- (8) In any action of forcible entry and detainer; 32217
- (9) In any action concerning the issuance and enforcement of temporary protection orders pursuant to section 2919.26 of the Revised Code or protection orders pursuant to section 2903.213 of the Revised Code or the enforcement of protection orders issued by courts of another state, as defined in section 2919.27 of the Revised Code; 32218  
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- (10) If the municipal court has a housing or environmental division, in any action over which the division is given jurisdiction by section 1901.181 of the Revised Code, provided that, except as specified in division (B) of that section, no judge of the court other than the judge of the division shall hear or determine any action over which the division has jurisdiction; 32224  
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- (11) In any action brought pursuant to division (I) of section ~~3733.11~~ 4781.40 of the Revised Code, if the residential premises that are the subject of the action are located within the territorial jurisdiction of the court; 32230  
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(12) In any civil action as described in division (B)(1) of 32234  
section 3767.41 of the Revised Code that relates to a public 32235  
nuisance, and, to the extent any provision of this chapter 32236  
conflicts or is inconsistent with a provision of that section, the 32237  
provision of that section shall control in the civil action. 32238

(B) The Cleveland municipal court also shall have 32239  
jurisdiction within its territory in all of the following actions 32240  
or proceedings and to perform all of the following functions: 32241

(1) In all actions and proceedings for the sale of real 32242  
property under lien of a judgment of the municipal court or a lien 32243  
for machinery, material, or fuel furnished or labor performed, 32244  
irrespective of amount, and, in those actions and proceedings, the 32245  
court may proceed to foreclose and marshal all liens and all 32246  
vested or contingent rights, to appoint a receiver, and to render 32247  
personal judgment irrespective of amount in favor of any party. 32248

(2) In all actions for the foreclosure of a mortgage on real 32249  
property given to secure the payment of money or the enforcement 32250  
of a specific lien for money or other encumbrance or charge on 32251  
real property, when the amount claimed by the plaintiff does not 32252  
exceed fifteen thousand dollars and the real property is situated 32253  
within the territory, and, in those actions, the court may proceed 32254  
to foreclose all liens and all vested and contingent rights and 32255  
may proceed to render judgments and make findings and orders 32256  
between the parties in the same manner and to the same extent as 32257  
in similar actions in the court of common pleas. 32258

(3) In all actions for the recovery of real property situated 32259  
within the territory to the same extent as courts of common pleas 32260  
have jurisdiction; 32261

(4) In all actions for injunction to prevent or terminate 32262  
violations of the ordinances and regulations of the city of 32263  
Cleveland enacted or promulgated under the police power of the 32264

city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 32265  
Constitution, over which the court of common pleas has or may have 32266  
jurisdiction, and, in those actions, the court may proceed to 32267  
render judgments and make findings and orders in the same manner 32268  
and to the same extent as in similar actions in the court of 32269  
common pleas. 32270

**Sec. 1909.11.** A county court judge has jurisdiction in any 32271  
action brought pursuant to division (I) of section ~~3733.11~~ 4781.40 32272  
of the Revised Code if the residential premises that are the 32273  
subject of the action are located within the territorial 32274  
jurisdiction of the judge's county court district. 32275

**Sec. 1923.01.** (A) As provided in this chapter, any judge of a 32276  
county or municipal court or a court of common pleas, within the 32277  
judge's proper area of jurisdiction, may inquire about persons who 32278  
make unlawful and forcible entry into lands or tenements and 32279  
detain them, and about persons who make a lawful and peaceable 32280  
entry into lands or tenements and hold them unlawfully and by 32281  
force. If, upon the inquiry, it is found that an unlawful and 32282  
forcible entry has been made and the lands or tenements are 32283  
detained, or that, after a lawful entry, lands or tenements are 32284  
held unlawfully and by force, a judge shall cause the plaintiff in 32285  
an action under this chapter to have restitution of the lands or 32286  
tenements. 32287

(B) An action shall be brought under this chapter within two 32288  
years after the cause of action accrues. 32289

(C) As used in this chapter: 32290

(1) "Tenant" means a person who is entitled under a rental 32291  
agreement to the use or occupancy of premises, other than premises 32292  
located in a manufactured home park, to the exclusion of others, 32293  
except that as used in division (A)(6) of section 1923.02 and 32294

section 1923.051 of the Revised Code, "tenant" includes a 32295  
manufactured home park resident. 32296

(2) "Landlord" means the owner, lessor, or sublessor of 32297  
premises, or the agent or person the landlord authorizes to manage 32298  
premises or to receive rent from a tenant under a rental 32299  
agreement, except, if required by the facts of the action to which 32300  
the term is applied, "landlord" means a park operator. 32301

(3) "Resident" has the same meaning as in section ~~3733.01~~ 32302  
4781.01 of the Revised Code. 32303

(4) "Residential premises" has the same meaning as in section 32304  
5321.01 of the Revised Code, except, if required by the facts of 32305  
the action to which the term is applied, "residential premises" 32306  
has the same meaning as in section ~~3733.01~~ 4781.01 of the Revised 32307  
Code. 32308

(5) "Rental agreement" means any agreement or lease, written 32309  
or oral, that establishes or modifies the terms, conditions, 32310  
rules, or other provisions concerning the use or occupancy of 32311  
premises by one of the parties to the agreement or lease, except 32312  
that "rental agreement," as used in division (A)(13) of section 32313  
1923.02 of the Revised Code and where the context requires as used 32314  
in this chapter, means a rental agreement as defined in division 32315  
(D) of section 5322.01 of the Revised Code. 32316

(6) "Controlled substance" has the same meaning as in section 32317  
3719.01 of the Revised Code. 32318

(7) "School premises" has the same meaning as in section 32319  
2925.01 of the Revised Code. 32320

(8) "Sexually oriented offense" and "child-victim oriented 32321  
offense" have the same meanings as in section 2950.01 of the 32322  
Revised Code. 32323

(9) "Recreational vehicle" and "mobile home" have the same 32324

meanings as in section 4501.01 of the Revised Code. 32325

(10) "Manufactured home" has the same meaning as in section 32326  
3781.06 of the Revised Code. 32327

(11) "Manufactured home park" has the same meaning as in 32328  
section ~~3733.01~~ 4781.01 of the Revised Code and also means any 32329  
tract of land upon which one or two manufactured or mobile homes 32330  
used for habitation are parked, either free of charge or for 32331  
revenue purposes, pursuant to rental agreements between the owners 32332  
of the manufactured or mobile homes and the owner of the tract of 32333  
land. 32334

(12) "Park operator" has the same meaning as in section 32335  
~~3733.01~~ 4781.01 of the Revised Code and also means a landlord of 32336  
premises upon which one or two manufactured or mobile homes used 32337  
for habitation are parked, either free of charge or for revenue 32338  
purposes, pursuant to rental agreements between the owners of the 32339  
manufactured or mobile homes and a landlord who is not licensed as 32340  
a manufactured home park operator pursuant to Chapter ~~3733.~~ 4781. 32341  
of the Revised Code. 32342

(13) "Personal property" means tangible personal property 32343  
other than a manufactured home, mobile home, or recreational 32344  
vehicle that is the subject of an action under this chapter. 32345

(14) "Preschool or child day-care center premises" has the 32346  
same meaning as in section 2950.034 of the Revised Code. 32347

**Sec. 1923.02.** (A) Proceedings under this chapter may be had 32348  
as follows: 32349

(1) Against tenants or manufactured home park residents 32350  
holding over their terms; 32351

(2) Against tenants or manufactured home park residents in 32352  
possession under an oral tenancy, who are in default in the 32353  
payment of rent as provided in division (B) of this section; 32354



(3) In sales of real estate, on executions, orders, or other 32355  
judicial process, when the judgment debtor was in possession at 32356  
the time of the rendition of the judgment or decree, by virtue of 32357  
which the sale was made; 32358

(4) In sales by executors, administrators, or guardians, and 32359  
on partition, when any of the parties to the complaint were in 32360  
possession at the commencement of the action, after the sales, so 32361  
made on execution or otherwise, have been examined by the proper 32362  
court and adjudged legal; 32363

(5) When the defendant is an occupier of lands or tenements, 32364  
without color of title, and the complainant has the right of 32365  
possession to them; 32366

(6) In any other case of the unlawful and forcible detention 32367  
of lands or tenements. For purposes of this division, in addition 32368  
to any other type of unlawful and forcible detention of lands or 32369  
tenements, such a detention may be determined to exist when both 32370  
of the following apply: 32371

(a) A tenant fails to vacate residential premises within 32372  
three days after both of the following occur: 32373

(i) The tenant's landlord has actual knowledge of or has 32374  
reasonable cause to believe that the tenant, any person in the 32375  
tenant's household, or any person on the premises with the consent 32376  
of the tenant previously has or presently is engaged in a 32377  
violation of Chapter 2925. or 3719. of the Revised Code, or of a 32378  
municipal ordinance that is substantially similar to any section 32379  
in either of those chapters, which involves a controlled substance 32380  
and which occurred in, is occurring in, or otherwise was or is 32381  
connected with the premises, whether or not the tenant or other 32382  
person has been charged with, has pleaded guilty to or been 32383  
convicted of, or has been determined to be a delinquent child for 32384  
an act that, if committed by an adult, would be a violation as 32385

described in this division. For purposes of this division, a 32386  
landlord has "actual knowledge of or has reasonable cause to 32387  
believe" that a tenant, any person in the tenant's household, or 32388  
any person on the premises with the consent of the tenant 32389  
previously has or presently is engaged in a violation as described 32390  
in this division if a search warrant was issued pursuant to 32391  
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 32392  
affidavit presented to obtain the warrant named or described the 32393  
tenant or person as the individual to be searched and particularly 32394  
described the tenant's premises as the place to be searched, named 32395  
or described one or more controlled substances to be searched for 32396  
and seized, stated substantially the offense under Chapter 2925. 32397  
or 3719. of the Revised Code or the substantially similar 32398  
municipal ordinance that occurred in, is occurring in, or 32399  
otherwise was or is connected with the tenant's premises, and 32400  
states the factual basis for the affiant's belief that the 32401  
controlled substances are located on the tenant's premises; the 32402  
warrant was properly executed by a law enforcement officer and any 32403  
controlled substance described in the affidavit was found by that 32404  
officer during the search and seizure; and, subsequent to the 32405  
search and seizure, the landlord was informed by that or another 32406  
law enforcement officer of the fact that the tenant or person has 32407  
or presently is engaged in a violation as described in this 32408  
division and it occurred in, is occurring in, or otherwise was or 32409  
is connected with the tenant's premises. 32410

(ii) The landlord gives the tenant the notice required by 32411  
division (C) of section 5321.17 of the Revised Code. 32412

(b) The court determines, by a preponderance of the evidence, 32413  
that the tenant, any person in the tenant's household, or any 32414  
person on the premises with the consent of the tenant previously 32415  
has or presently is engaged in a violation as described in 32416  
division (A)(6)(a)(i) of this section. 32417

(7) In cases arising out of Chapter 5313. of the Revised Code. In those cases, the court has the authority to declare a forfeiture of the vendee's rights under a land installment contract and to grant any other claims arising out of the contract.

(8) Against tenants who have breached an obligation that is imposed by section 5321.05 of the Revised Code, other than the obligation specified in division (A)(9) of that section, and that materially affects health and safety. Prior to the commencement of an action under this division, notice shall be given to the tenant and compliance secured with section 5321.11 of the Revised Code.

(9) Against tenants who have breached an obligation imposed upon them by a written rental agreement;

(10) Against manufactured home park residents who have defaulted in the payment of rent or breached the terms of a rental agreement with a park operator. Nothing in this division precludes the commencement of an action under division (A)(12) of this section when the additional circumstances described in that division apply.

(11) Against manufactured home park residents who have committed two material violations of the rules of the manufactured home park, of the ~~public health council~~ manufactured homes commission, or of applicable state and local health and safety codes and who have been notified of the violations in compliance with section ~~3733.13~~ 4781.45 of the Revised Code;

(12) Against a manufactured home park resident, or the estate of a manufactured home park resident, who as a result of death or otherwise has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of an action under this division and whose manufactured home or mobile home, or recreational vehicle that is parked in the manufactured

home park, has been left unoccupied for that thirty-day period, 32449  
without notice to the park operator and without payment of rent 32450  
due under the rental agreement with the park operator; 32451

(13) Against occupants of self-service storage facilities, as 32452  
defined in division (A) of section 5322.01 of the Revised Code, 32453  
who have breached the terms of a rental agreement or violated 32454  
section 5322.04 of the Revised Code; 32455

(14) Against any resident or occupant who, pursuant to a 32456  
rental agreement, resides in or occupies residential premises 32457  
located within one thousand feet of any school premises or 32458  
preschool or child day-care center premises and to whom both of 32459  
the following apply: 32460

(a) The resident's or occupant's name appears on the state 32461  
registry of sex offenders and child-victim offenders maintained 32462  
under section 2950.13 of the Revised Code. 32463

(b) The state registry of sex offenders and child-victim 32464  
offenders indicates that the resident or occupant was convicted of 32465  
or pleaded guilty to a sexually oriented offense or a child-victim 32466  
oriented offense in a criminal prosecution and was not sentenced 32467  
to a serious youthful offender dispositional sentence for that 32468  
offense. 32469

(15) Against any tenant who permits any person to occupy 32470  
residential premises located within one thousand feet of any 32471  
school premises or preschool or child day-care center premises if 32472  
both of the following apply to the person: 32473

(a) The person's name appears on the state registry of sex 32474  
offenders and child-victim offenders maintained under section 32475  
2950.13 of the Revised Code. 32476

(b) The state registry of sex offenders and child-victim 32477  
offenders indicates that the person was convicted of or pleaded 32478  
guilty to a sexually oriented offense or a child-victim oriented 32479

offense in a criminal prosecution and was not sentenced to a 32480  
serious youthful offender dispositional sentence for that offense. 32481

(B) If a tenant or manufactured home park resident holding 32482  
under an oral tenancy is in default in the payment of rent, the 32483  
tenant or resident forfeits the right of occupancy, and the 32484  
landlord may, at the landlord's option, terminate the tenancy by 32485  
notifying the tenant or resident, as provided in section 1923.04 32486  
of the Revised Code, to leave the premises, for the restitution of 32487  
which an action may then be brought under this chapter. 32488

(C)(1) If a tenant or any other person with the tenant's 32489  
permission resides in or occupies residential premises that are 32490  
located within one thousand feet of any school premises and is a 32491  
resident or occupant of the type described in division (A)(14) of 32492  
this section or a person of the type described in division (A)(15) 32493  
of this section, the landlord for those residential premises, upon 32494  
discovery that the tenant or other person is a resident, occupant, 32495  
or person of that nature, may terminate the rental agreement or 32496  
tenancy for those residential premises by notifying the tenant and 32497  
all other occupants, as provided in section 1923.04 of the Revised 32498  
Code, to leave the premises. 32499

(2) If a landlord is authorized to terminate a rental 32500  
agreement or tenancy pursuant to division (C)(1) of this section 32501  
but does not so terminate the rental agreement or tenancy, the 32502  
landlord is not liable in a tort or other civil action in damages 32503  
for any injury, death, or loss to person or property that 32504  
allegedly result from that decision. 32505

(D) This chapter does not apply to a student tenant as 32506  
defined by division (H) of section 5321.01 of the Revised Code 32507  
when the college or university proceeds to terminate a rental 32508  
agreement pursuant to section 5321.031 of the Revised Code. 32509

**Sec. 1923.061.** (A) Any defense in an action under this 32510

chapter may be asserted at trial. 32511

(B) In an action for possession of residential premises based 32512  
upon nonpayment of the rent or in an action for rent when the 32513  
tenant or manufactured home park resident is in possession, the 32514  
tenant or resident may counterclaim for any amount ~~he~~ the tenant 32515  
or resident may recover under the rental agreement or under 32516  
Chapter ~~3733.~~ 4781. or 5321. of the Revised Code. In that event, 32517  
the court from time to time may order the tenant or resident to 32518  
pay into court all or part of the past due rent and rent becoming 32519  
due during the pendency of the action. After trial and judgment, 32520  
the party to whom a net judgment is owed shall be paid first from 32521  
the money paid into court, and any balance shall be satisfied as 32522  
any other judgment. If no rent remains due after application of 32523  
this division, judgment shall be entered for the tenant or 32524  
resident in the action for possession. If the tenant or resident 32525  
has paid into court an amount greater than that necessary to 32526  
satisfy a judgment obtained by the landlord, the balance shall be 32527  
returned by the court to the tenant or resident. 32528

**Sec. 1923.15.** During any proceeding involving residential 32529  
premises under this chapter, the court may order an appropriate 32530  
governmental agency to inspect the residential premises. If the 32531  
agency determines and the court finds conditions which constitute 32532  
a violation of section ~~3733.10~~ 4781.38 or 5321.04 of the Revised 32533  
Code, and if the premises have been vacated or are to be restored 32534  
to the landlord, the court may issue an order forbidding the 32535  
re-rental of the property until such conditions are corrected. If 32536  
the agency determines and the court finds such conditions, and if 32537  
the court finds that the tenant or manufactured home park resident 32538  
may remain in possession, the court may order such conditions 32539  
corrected. If such conditions have been caused by the tenant or 32540  
resident, the court may award damages to the landlord equal to the 32541  
reasonable cost of correcting such conditions. 32542

Sec. 2101.08. The probate judge may appoint a ~~stenographic~~ 32543  
reporter and fix ~~his~~ the reporter's compensation in the manner 32544  
provided for the court of common pleas in sections 2301.18 to 32545  
2301.26, ~~inclusive,~~ of the Revised Code. 32546

Sec. 2105.09. (A) The county auditor, unless ~~he~~ the auditor 32547  
acts pursuant to division (C) of this section, shall take 32548  
possession of real property escheated to the state that is located 32549  
in ~~his~~ the auditor's county and outside the incorporated area of a 32550  
city. The auditor shall take possession in the name of the state 32551  
and sell the property at public auction, at the county seat of the 32552  
county, to the highest bidder, after having given thirty days' 32553  
notice of the intended sale in a newspaper ~~published within of~~ 32554  
general circulation in the county or as provided in section 7.16 32555  
of the Revised Code. 32556

On the application of the auditor, the court of common pleas 32557  
shall appoint three disinterested freeholders of the county to 32558  
appraise the real property. The freeholders shall be governed by 32559  
the same rule as appraisers in sheriffs' or administrators' sales. 32560  
The auditor shall sell the property at not less than two thirds of 32561  
its appraised value and may sell it for cash, or for one-third 32562  
cash and the balance in equal annual payments, the deferred 32563  
payments to be amply secured. Upon payment of the whole 32564  
consideration, the auditor shall execute a deed to the purchaser, 32565  
in the name and on behalf of the state. The proceeds of the sale 32566  
shall be paid by the auditor to the county treasurer. 32567

If there is a regularly organized agricultural society within 32568  
the county, the treasurer shall pay the greater of six hundred 32569  
dollars or five per cent of the proceeds, in any case, to the 32570  
society. The excess of the proceeds, or the whole thereof if there 32571  
is no regularly organized agricultural society within the county, 32572  
shall be distributed as follows: 32573

(1) Twenty-five per cent shall be paid equally to the townships of the county;

(2) Seventy per cent shall be paid into the state treasury to the credit of the agro Ohio fund created under section 901.04 of the Revised Code;

(3) Five per cent shall be credited to the county general fund for such lawful purposes as the board of county commissioners provides.

(B) The legislative authority of a city within which are lands escheated to the state, unless it acts pursuant to division (C) of this section, shall take possession of the lands for the city, and the title to the lands shall vest in the city. The city shall use the premises primarily for health, welfare, or recreational purposes, or may lease them at such prices and for such purposes as it considers proper. With the approval of the tax commissioner, the city may sell the lands or any undivided interest in the lands, in the same manner as is provided in the sale of land not needed for any municipal purposes; provided, that the net proceeds from the rent or sale of the premises shall be devoted to health, welfare, or recreational purposes.

(C) As an alternative to the procedure prescribed in divisions (A) and (B) of this section, the county auditor, or if the real property is located within the incorporated area of a city, the legislative authority of that city by an affirmative vote of at least a majority of its members, may request the probate court to direct the administrator or executor of the estate that contains the escheated property to commence an action in the probate court for authority to sell the real property in the manner provided in Chapter 2127. of the Revised Code. The proceeds from the sale of real property that is located outside the incorporated area of a city shall be distributed by the court in the same manner as the proceeds are distributed under division



(A) of this section. The proceeds from the sale of real property 32606  
that is located within the incorporated area of a city shall be 32607  
distributed by the court in the same manner as the proceeds are 32608  
distributed under division (B) of this section. 32609

**Sec. 2151.011.** (A) As used in the Revised Code: 32610

(1) "Juvenile court" means whichever of the following is 32611  
applicable that has jurisdiction under this chapter and Chapter 32612  
2152. of the Revised Code: 32613

(a) The division of the court of common pleas specified in 32614  
section 2101.022 or 2301.03 of the Revised Code as having 32615  
jurisdiction under this chapter and Chapter 2152. of the Revised 32616  
Code or as being the juvenile division or the juvenile division 32617  
combined with one or more other divisions; 32618

(b) The juvenile court of Cuyahoga county or Hamilton county 32619  
that is separately and independently created by section 2151.08 or 32620  
Chapter 2153. of the Revised Code and that has jurisdiction under 32621  
this chapter and Chapter 2152. of the Revised Code; 32622

(c) If division (A)(1)(a) or (b) of this section does not 32623  
apply, the probate division of the court of common pleas. 32624

(2) "Juvenile judge" means a judge of a court having 32625  
jurisdiction under this chapter. 32626

(3) "Private child placing agency" means any association, as 32627  
defined in section 5103.02 of the Revised Code, that is certified 32628  
under section 5103.03 of the Revised Code to accept temporary, 32629  
permanent, or legal custody of children and place the children for 32630  
either foster care or adoption. 32631

(4) "Private noncustodial agency" means any person, 32632  
organization, association, or society certified by the department 32633  
of job and family services that does not accept temporary or 32634  
permanent legal custody of children, that is privately operated in 32635

this state, and that does one or more of the following:	32636
(a) Receives and cares for children for two or more consecutive weeks;	32637 32638
(b) Participates in the placement of children in certified foster homes;	32639 32640
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	32641 32642
(B) As used in this chapter:	32643
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	32644 32645 32646 32647 32648 32649
(2) "Adult" means an individual who is eighteen years of age or older.	32650 32651
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	32652 32653 32654 32655
(4) <u>"Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.</u>	32656 32657 32658 32659 32660 32661
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	32662 32663 32664
<del>(5)</del> (6) "Child" means a person who is under eighteen years of	32665

age, except that the juvenile court has jurisdiction over any 32666  
person who is adjudicated an unruly child prior to attaining 32667  
eighteen years of age until the person attains twenty-one years of 32668  
age, and, for purposes of that jurisdiction related to that 32669  
adjudication, a person who is so adjudicated an unruly child shall 32670  
be deemed a "child" until the person attains twenty-one years of 32671  
age. 32672

~~(6)~~(7) "Child day camp," "child care," "child day-care 32673  
center," "part-time child day-care center," "type A family 32674  
day-care home," "certified type B family day-care home," "type B 32675  
home," "administrator of a child day-care center," "administrator 32676  
of a type A family day-care home," "in-home aide," and "authorized 32677  
provider" have the same meanings as in section 5104.01 of the 32678  
Revised Code. 32679

~~(7)~~(8) "Child care provider" means an individual who is a 32680  
child-care staff member or administrator of a child day-care 32681  
center, a type A family day-care home, or a type B family day-care 32682  
home, or an in-home aide or an individual who is licensed, is 32683  
regulated, is approved, operates under the direction of, or 32684  
otherwise is certified by the department of job and family 32685  
services, department of developmental disabilities, or the early 32686  
childhood programs of the department of education. 32687

~~(8)~~(9) "Chronic truant" has the same meaning as in section 32688  
2152.02 of the Revised Code. 32689

~~(9)~~(10) "Commit" means to vest custody as ordered by the 32690  
court. 32691

~~(10)~~(11) "Counseling" includes both of the following: 32692

(a) General counseling services performed by a public 32693  
children services agency or shelter for victims of domestic 32694  
violence to assist a child, a child's parents, and a child's 32695  
siblings in alleviating identified problems that may cause or have 32696

caused the child to be an abused, neglected, or dependent child. 32697

(b) Psychiatric or psychological therapeutic counseling 32698  
services provided to correct or alleviate any mental or emotional 32699  
illness or disorder and performed by a licensed psychiatrist, 32700  
licensed psychologist, or a person licensed under Chapter 4757. of 32701  
the Revised Code to engage in social work or professional 32702  
counseling. 32703

~~(11)~~(12) "Custodian" means a person who has legal custody of 32704  
a child or a public children services agency or private child 32705  
placing agency that has permanent, temporary, or legal custody of 32706  
a child. 32707

~~(12)~~(13) "Delinquent child" has the same meaning as in 32708  
section 2152.02 of the Revised Code. 32709

~~(13)~~(14) "Detention" means the temporary care of children 32710  
pending court adjudication or disposition, or execution of a court 32711  
order, in a public or private facility designed to physically 32712  
restrict the movement and activities of children. 32713

~~(14)~~(15) "Developmental disability" has the same meaning as 32714  
in section 5123.01 of the Revised Code. 32715

~~(15)~~(16) "Differential response approach" means an approach 32716  
that a public children services agency may use to respond to 32717  
accepted reports of child abuse or neglect with either an 32718  
alternative response or a traditional response. 32719

(17) "Foster caregiver" has the same meaning as in section 32720  
5103.02 of the Revised Code. 32721

~~(16)~~(18) "Guardian" means a person, association, or 32722  
corporation that is granted authority by a probate court pursuant 32723  
to Chapter 2111. of the Revised Code to exercise parental rights 32724  
over a child to the extent provided in the court's order and 32725  
subject to the residual parental rights of the child's parents. 32726

~~(17)~~(19) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for five or more consecutive school days, seven or more school days in one school month, or twelve or more school days in a school year.

~~(18)~~(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

~~(19)~~(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

~~(20)~~(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

~~(21)~~(23) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in

section 5122.01 of the Revised Code. 32758

~~(22)~~(24) "Mental injury" means any behavioral, cognitive, 32759  
emotional, or mental disorder in a child caused by an act or 32760  
omission that is described in section 2919.22 of the Revised Code 32761  
and is committed by the parent or other person responsible for the 32762  
child's care. 32763

~~(23)~~(25) "Mentally retarded person" has the same meaning as 32764  
in section 5123.01 of the Revised Code. 32765

~~(24)~~(26) "Nonsecure care, supervision, or training" means 32766  
care, supervision, or training of a child in a facility that does 32767  
not confine or prevent movement of the child within the facility 32768  
or from the facility. 32769

~~(25)~~(27) "Of compulsory school age" has the same meaning as 32770  
in section 3321.01 of the Revised Code. 32771

~~(26)~~(28) "Organization" means any institution, public, 32772  
semipublic, or private, and any private association, society, or 32773  
agency located or operating in the state, incorporated or 32774  
unincorporated, having among its functions the furnishing of 32775  
protective services or care for children, or the placement of 32776  
children in certified foster homes or elsewhere. 32777

~~(27)~~(29) "Out-of-home care" means detention facilities, 32778  
shelter facilities, certified children's crisis care facilities, 32779  
certified foster homes, placement in a prospective adoptive home 32780  
prior to the issuance of a final decree of adoption, 32781  
organizations, certified organizations, child day-care centers, 32782  
type A family day-care homes, child care provided by type B family 32783  
day-care home providers and by in-home aides, group home 32784  
providers, group homes, institutions, state institutions, 32785  
residential facilities, residential care facilities, residential 32786  
camps, day camps, public schools, chartered nonpublic schools, 32787  
educational service centers, hospitals, and medical clinics that 32788

are responsible for the care, physical custody, or control of 32789  
children. 32790

~~(28)~~(30) "Out-of-home care child abuse" means any of the 32791  
following when committed by a person responsible for the care of a 32792  
child in out-of-home care: 32793

(a) Engaging in sexual activity with a child in the person's 32794  
care; 32795

(b) Denial to a child, as a means of punishment, of proper or 32796  
necessary subsistence, education, medical care, or other care 32797  
necessary for a child's health; 32798

(c) Use of restraint procedures on a child that cause injury 32799  
or pain; 32800

(d) Administration of prescription drugs or psychotropic 32801  
medication to the child without the written approval and ongoing 32802  
supervision of a licensed physician; 32803

(e) Commission of any act, other than by accidental means, 32804  
that results in any injury to or death of the child in out-of-home 32805  
care or commission of any act by accidental means that results in 32806  
an injury to or death of a child in out-of-home care and that is 32807  
at variance with the history given of the injury or death. 32808

~~(29)~~(31) "Out-of-home care child neglect" means any of the 32809  
following when committed by a person responsible for the care of a 32810  
child in out-of-home care: 32811

(a) Failure to provide reasonable supervision according to 32812  
the standards of care appropriate to the age, mental and physical 32813  
condition, or other special needs of the child; 32814

(b) Failure to provide reasonable supervision according to 32815  
the standards of care appropriate to the age, mental and physical 32816  
condition, or other special needs of the child, that results in 32817  
sexual or physical abuse of the child by any person; 32818

(c) Failure to develop a process for all of the following:	32819
(i) Administration of prescription drugs or psychotropic drugs for the child;	32820 32821
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	32822 32823
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	32824 32825 32826
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	32827 32828 32829
(e) Confinement of the child to a locked room without monitoring by staff;	32830 32831
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	32832 32833
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	32834 32835 32836
<del>(30)</del> <u>(32)</u> "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	32837 32838 32839 32840 32841 32842
<del>(31)</del> <u>(33)</u> "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	32843 32844 32845 32846 32847
<del>(32)</del> <u>(34)</u> "Person" means an individual, association,	32848



corporation, or partnership and the state or any of its political subdivisions, departments, or agencies. 32849  
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~~(33)~~(35) "Person responsible for a child's care in out-of-home care" means any of the following: 32851  
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(a) Any foster caregiver, in-home aide, or provider; 32853

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; certified type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic; 32854  
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(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school; 32863  
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32865

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children. 32866  
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~~(34)~~(36) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction: 32868  
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(a) A substantial impairment of vision, speech, or hearing; 32873

(b) A congenital orthopedic impairment; 32874

(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause. 32875  
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~~(35)~~(37) "Placement for adoption" means the arrangement by a 32878

public children services agency or a private child placing agency 32879  
with a person for the care and adoption by that person of a child 32880  
of whom the agency has permanent custody. 32881

~~(36)~~(38) "Placement in foster care" means the arrangement by 32882  
a public children services agency or a private child placing 32883  
agency for the out-of-home care of a child of whom the agency has 32884  
temporary custody or permanent custody. 32885

~~(37)~~(39) "Planned permanent living arrangement" means an 32886  
order of a juvenile court pursuant to which both of the following 32887  
apply: 32888

(a) The court gives legal custody of a child to a public 32889  
children services agency or a private child placing agency without 32890  
the termination of parental rights. 32891

(b) The order permits the agency to make an appropriate 32892  
placement of the child and to enter into a written agreement with 32893  
a foster care provider or with another person or agency with whom 32894  
the child is placed. 32895

~~(38)~~(40) "Practice of social work" and "practice of 32896  
professional counseling" have the same meanings as in section 32897  
4757.01 of the Revised Code. 32898

~~(39)~~(41) "Sanction, service, or condition" means a sanction, 32899  
service, or condition created by court order following an 32900  
adjudication that a child is an unruly child that is described in 32901  
division (A)(4) of section 2152.19 of the Revised Code. 32902

~~(40)~~(42) "Protective supervision" means an order of 32903  
disposition pursuant to which the court permits an abused, 32904  
neglected, dependent, or unruly child to remain in the custody of 32905  
the child's parents, guardian, or custodian and stay in the 32906  
child's home, subject to any conditions and limitations upon the 32907  
child, the child's parents, guardian, or custodian, or any other 32908  
person that the court prescribes, including supervision as 32909

directed by the court for the protection of the child. 32910

~~(41)~~(43) "Psychiatrist" has the same meaning as in section 32911  
5122.01 of the Revised Code. 32912

~~(42)~~(44) "Psychologist" has the same meaning as in section 32913  
4732.01 of the Revised Code. 32914

~~(43)~~(45) "Residential camp" means a program in which the 32915  
care, physical custody, or control of children is accepted 32916  
overnight for recreational or recreational and educational 32917  
purposes. 32918

~~(44)~~(46) "Residential care facility" means an institution, 32919  
residence, or facility that is licensed by the department of 32920  
mental health under section 5119.22 of the Revised Code and that 32921  
provides care for a child. 32922

~~(45)~~(47) "Residential facility" means a home or facility that 32923  
is licensed by the department of developmental disabilities under 32924  
section 5123.19 of the Revised Code and in which a child with a 32925  
developmental disability resides. 32926

~~(46)~~(48) "Residual parental rights, privileges, and 32927  
responsibilities" means those rights, privileges, and 32928  
responsibilities remaining with the natural parent after the 32929  
transfer of legal custody of the child, including, but not 32930  
necessarily limited to, the privilege of reasonable visitation, 32931  
consent to adoption, the privilege to determine the child's 32932  
religious affiliation, and the responsibility for support. 32933

~~(47)~~(49) "School day" means the school day established by the 32934  
state board of education pursuant to section 3313.48 of the 32935  
Revised Code. 32936

~~(48)~~(50) "School month" and "school year" have the same 32937  
meanings as in section 3313.62 of the Revised Code. 32938

~~(49)~~(51) "Secure correctional facility" means a facility 32939

under the direction of the department of youth services that is 32940  
designed to physically restrict the movement and activities of 32941  
children and used for the placement of children after adjudication 32942  
and disposition. 32943

~~(50)~~(52) "Sexual activity" has the same meaning as in section 32944  
2907.01 of the Revised Code. 32945

~~(51)~~(53) "Shelter" means the temporary care of children in 32946  
physically unrestricted facilities pending court adjudication or 32947  
disposition. 32948

~~(52)~~(54) "Shelter for victims of domestic violence" has the 32949  
same meaning as in section 3113.33 of the Revised Code. 32950

~~(53)~~(55) "Temporary custody" means legal custody of a child 32951  
who is removed from the child's home, which custody may be 32952  
terminated at any time at the discretion of the court or, if the 32953  
legal custody is granted in an agreement for temporary custody, by 32954  
the person who executed the agreement. 32955

(56) "Traditional response" means a public children services 32956  
agency's response to a report of child abuse or neglect that 32957  
encourages engagement of the family in a comprehensive evaluation 32958  
of the child's current and future safety needs and a fact-finding 32959  
process to determine whether child abuse or neglect occurred and 32960  
the circumstances surrounding the alleged harm or risk of harm. 32961

(C) For the purposes of this chapter, a child shall be 32962  
presumed abandoned when the parents of the child have failed to 32963  
visit or maintain contact with the child for more than ninety 32964  
days, regardless of whether the parents resume contact with the 32965  
child after that period of ninety days. 32966

**Sec. 2151.312.** (A) A child alleged to be or adjudicated an 32967  
unruly child may be held only in the following places: 32968

(1) A certified family foster home or a home approved by the 32969

court;	32970
(2) A facility operated by a certified child welfare agency;	32971
(3) Any other suitable place designated by the court.	32972
(B)(1) Except as provided under division (C)(1) of section	32973
2151.311 of the Revised Code, a child alleged to be or adjudicated	32974
a neglected child, an abused child, a dependent child, or an	32975
unruly child may not be held in any of the following facilities:	32976
(a) A state correctional institution, county, multicounty, or	32977
municipal jail or workhouse, or other place in which an adult	32978
convicted of a crime, under arrest, or charged with a crime is	32979
held;	32980
(b) A secure correctional facility.	32981
(2) Except as provided under sections <del>2151.26</del> <u>2151.27</u> to	32982
<del>2151.61</del> <u>2151.59</u> of the Revised Code and division (B)(3) of this	32983
section <u>and except when a case is transferred under section</u>	32984
<u>2152.12 of the Revised Code</u> , a child alleged to be or adjudicated	32985
an unruly child may not be held for more than twenty-four hours in	32986
a detention facility. A child alleged to be or adjudicated a	32987
neglected child, an abused child, or a dependent child shall not	32988
be held in a detention facility.	32989
(3) A child who is alleged to be or adjudicated an unruly	32990
child and who is taken into custody on a Saturday, Sunday, or	32991
legal holiday, as listed in section 1.14 of the Revised Code, may	32992
be held in a detention facility until the next succeeding day that	32993
is not a Saturday, Sunday, or legal holiday.	32994
<b>Sec. 2151.354.</b> (A) If the child is adjudicated an unruly	32995
child, the court may:	32996
(1) Make any of the dispositions authorized under section	32997
2151.353 of the Revised Code;	32998

(2) Place the child on community control under any sanctions, 32999  
services, and conditions that the court prescribes, as described 33000  
in division (A)(4) of section 2152.19 of the Revised Code, 33001  
provided that, if the court imposes a period of community service 33002  
upon the child, the period of community service shall not exceed 33003  
one hundred seventy-five hours; 33004

(3) Suspend the driver's license, probationary driver's 33005  
license, or temporary instruction permit issued to the child for a 33006  
period of time prescribed by the court and suspend the 33007  
registration of all motor vehicles registered in the name of the 33008  
child for a period of time prescribed by the court. A child whose 33009  
license or permit is so suspended is ineligible for issuance of a 33010  
license or permit during the period of suspension. At the end of 33011  
the period of suspension, the child shall not be reissued a 33012  
license or permit until the child has paid any applicable 33013  
reinstatement fee and complied with all requirements governing 33014  
license reinstatement. 33015

(4) Commit the child to the temporary or permanent custody of 33016  
the court; 33017

(5) Make any further disposition the court finds proper that 33018  
is consistent with sections 2151.312 and 2151.56 to ~~2151.61~~ 33019  
2151.59 of the Revised Code; 33020

(6) If, after making a disposition under division (A)(1), 33021  
(2), or (3) of this section, the court finds upon further hearing 33022  
that the child is not amenable to treatment or rehabilitation 33023  
under that disposition, make a disposition otherwise authorized 33024  
under divisions (A)(1), (4), (5), and (8) of section 2152.19 of 33025  
the Revised Code that is consistent with sections 2151.312 and 33026  
2151.56 to ~~2151.61~~ 2151.59 of the Revised Code. 33027

(B) If a child is adjudicated an unruly child for committing 33028  
any act that, if committed by an adult, would be a drug abuse 33029

offense, as defined in section 2925.01 of the Revised Code, or a 33030  
violation of division (B) of section 2917.11 of the Revised Code, 33031  
in addition to imposing, in its discretion, any other order of 33032  
disposition authorized by this section, the court shall do both of 33033  
the following: 33034

(1) Require the child to participate in a drug abuse or 33035  
alcohol abuse counseling program; 33036

(2) Suspend the temporary instruction permit, probationary 33037  
driver's license, or driver's license issued to the child for a 33038  
period of time prescribed by the court. The court, in its 33039  
discretion, may terminate the suspension if the child attends and 33040  
satisfactorily completes a drug abuse or alcohol abuse education, 33041  
intervention, or treatment program specified by the court. During 33042  
the time the child is attending a program as described in this 33043  
division, the court shall retain the child's temporary instruction 33044  
permit, probationary driver's license, or driver's license, and 33045  
the court shall return the permit or license if it terminates the 33046  
suspension. 33047

(C)(1) If a child is adjudicated an unruly child for being an 33048  
habitual truant, in addition to or in lieu of imposing any other 33049  
order of disposition authorized by this section, the court may do 33050  
any of the following: 33051

(a) Order the board of education of the child's school 33052  
district or the governing board of the educational service center 33053  
in the child's school district to require the child to attend an 33054  
alternative school if an alternative school has been established 33055  
pursuant to section 3313.533 of the Revised Code in the school 33056  
district in which the child is entitled to attend school; 33057

(b) Require the child to participate in any academic program 33058  
or community service program; 33059

(c) Require the child to participate in a drug abuse or 33060

alcohol abuse counseling program; 33061

(d) Require that the child receive appropriate medical or 33062  
psychological treatment or counseling; 33063

(e) Make any other order that the court finds proper to 33064  
address the child's habitual truancy, including an order requiring 33065  
the child to not be absent without legitimate excuse from the 33066  
public school the child is supposed to attend for five or more 33067  
consecutive days, seven or more school days in one school month, 33068  
or twelve or more school days in a school year and including an 33069  
order requiring the child to participate in a truancy prevention 33070  
mediation program. 33071

(2) If a child is adjudicated an unruly child for being an 33072  
habitual truant and the court determines that the parent, 33073  
guardian, or other person having care of the child has failed to 33074  
cause the child's attendance at school in violation of section 33075  
3321.38 of the Revised Code, in addition to any order of 33076  
disposition authorized by this section, all of the following 33077  
apply: 33078

(a) The court may require the parent, guardian, or other 33079  
person having care of the child to participate in any community 33080  
service program, preferably a community service program that 33081  
requires the involvement of the parent, guardian, or other person 33082  
having care of the child in the school attended by the child. 33083

(b) The court may require the parent, guardian, or other 33084  
person having care of the child to participate in a truancy 33085  
prevention mediation program. 33086

(c) The court shall warn the parent, guardian, or other 33087  
person having care of the child that any subsequent adjudication 33088  
of the child as an unruly or delinquent child for being an 33089  
habitual or chronic truant may result in a criminal charge against 33090  
the parent, guardian, or other person having care of the child for 33091



a violation of division (C) of section 2919.21 or section 2919.24 33092  
of the Revised Code. 33093

**Sec. 2151.412.** (A) Each public children services agency and 33094  
private child placing agency shall prepare and maintain a case 33095  
plan for any child to whom the agency is providing services and to 33096  
whom any of the following applies: 33097

(1) The agency filed a complaint pursuant to section 2151.27 33098  
of the Revised Code alleging that the child is an abused, 33099  
neglected, or dependent child; 33100

(2) The agency has temporary or permanent custody of the 33101  
child; 33102

(3) The child is living at home subject to an order for 33103  
protective supervision; 33104

(4) The child is in a planned permanent living arrangement. 33105

Except as provided by division (A)(2) of section 5103.153 of 33106  
the Revised Code, a private child placing agency providing 33107  
services to a child who is the subject of a voluntary permanent 33108  
custody surrender agreement entered into under division (B)(2) of 33109  
section 5103.15 of the Revised Code is not required to prepare and 33110  
maintain a case plan for that child. 33111

(B) Each public children services agency shall prepare and 33112  
maintain a case plan or a family service plan for any child for 33113  
whom the agency is providing in-home services pursuant to an 33114  
alternative response. 33115

(C)(1) The director of job and family services shall adopt 33116  
rules pursuant to Chapter 119. of the Revised Code setting forth 33117  
the content and format of case plans required by division (A) of 33118  
this section and establishing procedures for developing, 33119  
implementing, and changing the case plans. The rules shall at a 33120  
minimum comply with the requirements of Title IV-E of the "Social 33121

Security Act," 94 Stat. 501, 42 U.S.C. 671 (1980), as amended. 33122

(2) The director of job and family services shall adopt rules 33123  
pursuant to Chapter 119. of the Revised Code requiring public 33124  
children services agencies and private child placing agencies to 33125  
maintain case plans for children and their families who are 33126  
receiving services in their homes from the agencies and for whom 33127  
case plans are not required by division (A) of this section. The 33128  
rules for public children services agencies shall include the 33129  
requirements for case plans or family service plans maintained for 33130  
children and their families who are receiving services in their 33131  
homes from public children services agencies pursuant to an 33132  
alternative response. The agencies shall maintain case plans and 33133  
family service plans as required by those rules; however, the case 33134  
plans and family service plans shall not be subject to any other 33135  
provision of this section except as specifically required by the 33136  
rules. 33137

~~(C)~~(D) Each public children services agency and private child 33138  
placing agency that is required by division (A) of this section to 33139  
maintain a case plan shall file the case plan with the court prior 33140  
to the child's adjudicatory hearing but no later than thirty days 33141  
after the earlier of the date on which the complaint in the case 33142  
was filed or the child was first placed into shelter care. If the 33143  
agency does not have sufficient information prior to the 33144  
adjudicatory hearing to complete any part of the case plan, the 33145  
agency shall specify in the case plan the additional information 33146  
necessary to complete each part of the case plan and the steps 33147  
that will be taken to obtain that information. All parts of the 33148  
case plan shall be completed by the earlier of thirty days after 33149  
the adjudicatory hearing or the date of the dispositional hearing 33150  
for the child. 33151

~~(D)~~(E) Any agency that is required by division (A) of this 33152  
section to prepare a case plan shall attempt to obtain an 33153

agreement among all parties, including, but not limited to, the 33154  
parents, guardian, or custodian of the child and the guardian ad 33155  
litem of the child regarding the content of the case plan. If all 33156  
parties agree to the content of the case plan and the court 33157  
approves it, the court shall journalize it as part of its 33158  
dispositional order. If the agency cannot obtain an agreement upon 33159  
the contents of the case plan or the court does not approve it, 33160  
the parties shall present evidence on the contents of the case 33161  
plan at the dispositional hearing. The court, based upon the 33162  
evidence presented at the dispositional hearing and the best 33163  
interest of the child, shall determine the contents of the case 33164  
plan and journalize it as part of the dispositional order for the 33165  
child. 33166

~~(E)~~(F)(1) All parties, including the parents, guardian, or 33167  
custodian of the child, are bound by the terms of the journalized 33168  
case plan. A party that fails to comply with the terms of the 33169  
journalized case plan may be held in contempt of court. 33170

(2) Any party may propose a change to a substantive part of 33171  
the case plan, including, but not limited to, the child's 33172  
placement and the visitation rights of any party. A party 33173  
proposing a change to the case plan shall file the proposed change 33174  
with the court and give notice of the proposed change in writing 33175  
before the end of the day after the day of filing it to all 33176  
parties and the child's guardian ad litem. All parties and the 33177  
guardian ad litem shall have seven days from the date the notice 33178  
is sent to object to and request a hearing on the proposed change. 33179

(a) If it receives a timely request for a hearing, the court 33180  
shall schedule a hearing pursuant to section 2151.417 of the 33181  
Revised Code to be held no later than thirty days after the 33182  
request is received by the court. The court shall give notice of 33183  
the date, time, and location of the hearing to all parties and the 33184  
guardian ad litem. The agency may implement the proposed change 33185

after the hearing, if the court approves it. The agency shall not 33186  
implement the proposed change unless it is approved by the court. 33187

(b) If it does not receive a timely request for a hearing, 33188  
the court may approve the proposed change without a hearing. If 33189  
the court approves the proposed change without a hearing, it shall 33190  
journalize the case plan with the change not later than fourteen 33191  
days after the change is filed with the court. If the court does 33192  
not approve the proposed change to the case plan, it shall 33193  
schedule a hearing to be held pursuant to section 2151.417 of the 33194  
Revised Code no later than thirty days after the expiration of the 33195  
fourteen-day time period and give notice of the date, time, and 33196  
location of the hearing to all parties and the guardian ad litem 33197  
of the child. If, despite the requirements of division ~~(E)~~(F)(2) 33198  
of this section, the court neither approves and journalizes the 33199  
proposed change nor conducts a hearing, the agency may implement 33200  
the proposed change not earlier than fifteen days after it is 33201  
submitted to the court. 33202

(3) If an agency has reasonable cause to believe that a child 33203  
is suffering from illness or injury and is not receiving proper 33204  
care and that an appropriate change in the child's case plan is 33205  
necessary to prevent immediate or threatened physical or emotional 33206  
harm, to believe that a child is in immediate danger from the 33207  
child's surroundings and that an immediate change in the child's 33208  
case plan is necessary to prevent immediate or threatened physical 33209  
or emotional harm to the child, or to believe that a parent, 33210  
guardian, custodian, or other member of the child's household has 33211  
abused or neglected the child and that the child is in danger of 33212  
immediate or threatened physical or emotional harm from that 33213  
person unless the agency makes an appropriate change in the 33214  
child's case plan, it may implement the change without prior 33215  
agreement or a court hearing and, before the end of the next day 33216  
after the change is made, give all parties, the guardian ad litem 33217

of the child, and the court notice of the change. Before the end 33218  
of the third day after implementing the change in the case plan, 33219  
the agency shall file a statement of the change with the court and 33220  
give notice of the filing accompanied by a copy of the statement 33221  
to all parties and the guardian ad litem. All parties and the 33222  
guardian ad litem shall have ten days from the date the notice is 33223  
sent to object to and request a hearing on the change. 33224

(a) If it receives a timely request for a hearing, the court 33225  
shall schedule a hearing pursuant to section 2151.417 of the 33226  
Revised Code to be held no later than thirty days after the 33227  
request is received by the court. The court shall give notice of 33228  
the date, time, and location of the hearing to all parties and the 33229  
guardian ad litem. The agency shall continue to administer the 33230  
case plan with the change after the hearing, if the court approves 33231  
the change. If the court does not approve the change, the court 33232  
shall make appropriate changes to the case plan and shall 33233  
journalize the case plan. 33234

(b) If it does not receive a timely request for a hearing, 33235  
the court may approve the change without a hearing. If the court 33236  
approves the change without a hearing, it shall journalize the 33237  
case plan with the change within fourteen days after receipt of 33238  
the change. If the court does not approve the change to the case 33239  
plan, it shall schedule a hearing under section 2151.417 of the 33240  
Revised Code to be held no later than thirty days after the 33241  
expiration of the fourteen-day time period and give notice of the 33242  
date, time, and location of the hearing to all parties and the 33243  
guardian ad litem of the child. 33244

~~(F)~~(G)(1) All case plans for children in temporary custody 33245  
shall have the following general goals: 33246

(a) Consistent with the best interest and special needs of 33247  
the child, to achieve a safe out-of-home placement in the least 33248  
restrictive, most family-like setting available and in close 33249

proximity to the home from which the child was removed or the home 33250  
in which the child will be permanently placed; 33251

(b) To eliminate with all due speed the need for the 33252  
out-of-home placement so that the child can safely return home. 33253

(2) The director of job and family services shall adopt rules 33254  
pursuant to Chapter 119. of the Revised Code setting forth the 33255  
general goals of case plans for children subject to dispositional 33256  
orders for protective supervision, a planned permanent living 33257  
arrangement, or permanent custody. 33258

~~(G)~~(H) In the agency's development of a case plan and the 33259  
court's review of the case plan, the child's health and safety 33260  
shall be the paramount concern. The agency and the court shall be 33261  
guided by the following general priorities: 33262

(1) A child who is residing with or can be placed with the 33263  
child's parents within a reasonable time should remain in their 33264  
legal custody even if an order of protective supervision is 33265  
required for a reasonable period of time; 33266

(2) If both parents of the child have abandoned the child, 33267  
have relinquished custody of the child, have become incapable of 33268  
supporting or caring for the child even with reasonable 33269  
assistance, or have a detrimental effect on the health, safety, 33270  
and best interest of the child, the child should be placed in the 33271  
legal custody of a suitable member of the child's extended family; 33272

(3) If a child described in division ~~(G)~~(H)(2) of this 33273  
section has no suitable member of the child's extended family to 33274  
accept legal custody, the child should be placed in the legal 33275  
custody of a suitable nonrelative who shall be made a party to the 33276  
proceedings after being given legal custody of the child; 33277

(4) If the child has no suitable member of the child's 33278  
extended family to accept legal custody of the child and no 33279  
suitable nonrelative is available to accept legal custody of the 33280

child and, if the child temporarily cannot or should not be placed 33281  
with the child's parents, guardian, or custodian, the child should 33282  
be placed in the temporary custody of a public children services 33283  
agency or a private child placing agency; 33284

(5) If the child cannot be placed with either of the child's 33285  
parents within a reasonable period of time or should not be placed 33286  
with either, if no suitable member of the child's extended family 33287  
or suitable nonrelative is available to accept legal custody of 33288  
the child, and if the agency has a reasonable expectation of 33289  
placing the child for adoption, the child should be committed to 33290  
the permanent custody of the public children services agency or 33291  
private child placing agency; 33292

(6) If the child is to be placed for adoption or foster care, 33293  
the placement shall not be delayed or denied on the basis of the 33294  
child's or adoptive or foster family's race, color, or national 33295  
origin. 33296

~~(H)~~(I) The case plan for a child in temporary custody shall 33297  
include at a minimum the following requirements if the child is or 33298  
has been the victim of abuse or neglect or if the child witnessed 33299  
the commission in the child's household of abuse or neglect 33300  
against a sibling of the child, a parent of the child, or any 33301  
other person in the child's household: 33302

(1) A requirement that the child's parents, guardian, or 33303  
custodian participate in mandatory counseling; 33304

(2) A requirement that the child's parents, guardian, or 33305  
custodian participate in any supportive services that are required 33306  
by or provided pursuant to the child's case plan. 33307

~~(I)~~(J) A case plan may include, as a supplement, a plan for 33308  
locating a permanent family placement. The supplement shall not be 33309  
considered part of the case plan for purposes of division ~~(D)~~(E) 33310  
of this section. 33311

**Sec. 2151.421.** (A)(1)(a) No person described in division 33312  
(A)(1)(b) of this section who is acting in an official or 33313  
professional capacity and knows, or has reasonable cause to 33314  
suspect based on facts that would cause a reasonable person in a 33315  
similar position to suspect, that a child under eighteen years of 33316  
age or a mentally retarded, developmentally disabled, or 33317  
physically impaired child under twenty-one years of age has 33318  
suffered or faces a threat of suffering any physical or mental 33319  
wound, injury, disability, or condition of a nature that 33320  
reasonably indicates abuse or neglect of the child shall fail to 33321  
immediately report that knowledge or reasonable cause to suspect 33322  
to the entity or persons specified in this division. Except as 33323  
provided in section 5120.173 of the Revised Code, the person 33324  
making the report shall make it to the public children services 33325  
agency or a municipal or county peace officer in the county in 33326  
which the child resides or in which the abuse or neglect is 33327  
occurring or has occurred. In the circumstances described in 33328  
section 5120.173 of the Revised Code, the person making the report 33329  
shall make it to the entity specified in that section. 33330

(b) Division (A)(1)(a) of this section applies to any person 33331  
who is an attorney; physician, including a hospital intern or 33332  
resident; dentist; podiatrist; practitioner of a limited branch of 33333  
medicine as specified in section 4731.15 of the Revised Code; 33334  
registered nurse; licensed practical nurse; visiting nurse; other 33335  
health care professional; licensed psychologist; licensed school 33336  
psychologist; independent marriage and family therapist or 33337  
marriage and family therapist; speech pathologist or audiologist; 33338  
coroner; administrator or employee of a child day-care center; 33339  
administrator or employee of a residential camp or child day camp; 33340  
administrator or employee of a certified child care agency or 33341  
other public or private children services agency; school teacher; 33342  
school employee; school authority; person engaged in social work 33343



or the practice of professional counseling; agent of a county humane society; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of a home health agency; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; or third party employed by a public children services agency to assist in providing child or family related services.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section

with respect to that communication, if all of the following apply: 33376

(a) The client or patient, at the time of the communication, 33377  
is either a child under eighteen years of age or a mentally 33378  
retarded, developmentally disabled, or physically impaired person 33379  
under twenty-one years of age. 33380

(b) The attorney or physician knows, or has reasonable cause 33381  
to suspect based on facts that would cause a reasonable person in 33382  
similar position to suspect, as a result of the communication or 33383  
any observations made during that communication, that the client 33384  
or patient has suffered or faces a threat of suffering any 33385  
physical or mental wound, injury, disability, or condition of a 33386  
nature that reasonably indicates abuse or neglect of the client or 33387  
patient. 33388

(c) The abuse or neglect does not arise out of the client's 33389  
or patient's attempt to have an abortion without the notification 33390  
of her parents, guardian, or custodian in accordance with section 33391  
2151.85 of the Revised Code. 33392

(4)(a) No cleric and no person, other than a volunteer, 33393  
designated by any church, religious society, or faith acting as a 33394  
leader, official, or delegate on behalf of the church, religious 33395  
society, or faith who is acting in an official or professional 33396  
capacity, who knows, or has reasonable cause to believe based on 33397  
facts that would cause a reasonable person in a similar position 33398  
to believe, that a child under eighteen years of age or a mentally 33399  
retarded, developmentally disabled, or physically impaired child 33400  
under twenty-one years of age has suffered or faces a threat of 33401  
suffering any physical or mental wound, injury, disability, or 33402  
condition of a nature that reasonably indicates abuse or neglect 33403  
of the child, and who knows, or has reasonable cause to believe 33404  
based on facts that would cause a reasonable person in a similar 33405  
position to believe, that another cleric or another person, other 33406  
than a volunteer, designated by a church, religious society, or 33407

faith acting as a leader, official, or delegate on behalf of the 33408  
church, religious society, or faith caused, or poses the threat of 33409  
causing, the wound, injury, disability, or condition that 33410  
reasonably indicates abuse or neglect shall fail to immediately 33411  
report that knowledge or reasonable cause to believe to the entity 33412  
or persons specified in this division. Except as provided in 33413  
section 5120.173 of the Revised Code, the person making the report 33414  
shall make it to the public children services agency or a 33415  
municipal or county peace officer in the county in which the child 33416  
resides or in which the abuse or neglect is occurring or has 33417  
occurred. In the circumstances described in section 5120.173 of 33418  
the Revised Code, the person making the report shall make it to 33419  
the entity specified in that section. 33420

(b) Except as provided in division (A)(4)(c) of this section, 33421  
a cleric is not required to make a report pursuant to division 33422  
(A)(4)(a) of this section concerning any communication the cleric 33423  
receives from a penitent in a cleric-penitent relationship, if, in 33424  
accordance with division (C) of section 2317.02 of the Revised 33425  
Code, the cleric could not testify with respect to that 33426  
communication in a civil or criminal proceeding. 33427

(c) The penitent in a cleric-penitent relationship described 33428  
in division (A)(4)(b) of this section is deemed to have waived any 33429  
testimonial privilege under division (C) of section 2317.02 of the 33430  
Revised Code with respect to any communication the cleric receives 33431  
from the penitent in that cleric-penitent relationship, and the 33432  
cleric shall make a report pursuant to division (A)(4)(a) of this 33433  
section with respect to that communication, if all of the 33434  
following apply: 33435

(i) The penitent, at the time of the communication, is either 33436  
a child under eighteen years of age or a mentally retarded, 33437  
developmentally disabled, or physically impaired person under 33438  
twenty-one years of age. 33439

(ii) The cleric knows, or has reasonable cause to believe 33440  
based on facts that would cause a reasonable person in a similar 33441  
position to believe, as a result of the communication or any 33442  
observations made during that communication, the penitent has 33443  
suffered or faces a threat of suffering any physical or mental 33444  
wound, injury, disability, or condition of a nature that 33445  
reasonably indicates abuse or neglect of the penitent. 33446

(iii) The abuse or neglect does not arise out of the 33447  
penitent's attempt to have an abortion performed upon a child 33448  
under eighteen years of age or upon a mentally retarded, 33449  
developmentally disabled, or physically impaired person under 33450  
twenty-one years of age without the notification of her parents, 33451  
guardian, or custodian in accordance with section 2151.85 of the 33452  
Revised Code. 33453

(d) Divisions (A)(4)(a) and (c) of this section do not apply 33454  
in a cleric-penitent relationship when the disclosure of any 33455  
communication the cleric receives from the penitent is in 33456  
violation of the sacred trust. 33457

(e) As used in divisions (A)(1) and (4) of this section, 33458  
"cleric" and "sacred trust" have the same meanings as in section 33459  
2317.02 of the Revised Code. 33460

(B) Anyone who knows, or has reasonable cause to suspect 33461  
based on facts that would cause a reasonable person in similar 33462  
circumstances to suspect, that a child under eighteen years of age 33463  
or a mentally retarded, developmentally disabled, or physically 33464  
impaired person under twenty-one years of age has suffered or 33465  
faces a threat of suffering any physical or mental wound, injury, 33466  
disability, or other condition of a nature that reasonably 33467  
indicates abuse or neglect of the child may report or cause 33468  
reports to be made of that knowledge or reasonable cause to 33469  
suspect to the entity or persons specified in this division. 33470  
Except as provided in section 5120.173 of the Revised Code, a 33471

person making a report or causing a report to be made under this 33472  
division shall make it or cause it to be made to the public 33473  
children services agency or to a municipal or county peace 33474  
officer. In the circumstances described in section 5120.173 of the 33475  
Revised Code, a person making a report or causing a report to be 33476  
made under this division shall make it or cause it to be made to 33477  
the entity specified in that section. 33478

(C) Any report made pursuant to division (A) or (B) of this 33479  
section shall be made forthwith either by telephone or in person 33480  
and shall be followed by a written report, if requested by the 33481  
receiving agency or officer. The written report shall contain: 33482

(1) The names and addresses of the child and the child's 33483  
parents or the person or persons having custody of the child, if 33484  
known; 33485

(2) The child's age and the nature and extent of the child's 33486  
injuries, abuse, or neglect that is known or reasonably suspected 33487  
or believed, as applicable, to have occurred or of the threat of 33488  
injury, abuse, or neglect that is known or reasonably suspected or 33489  
believed, as applicable, to exist, including any evidence of 33490  
previous injuries, abuse, or neglect; 33491

(3) Any other information that might be helpful in 33492  
establishing the cause of the injury, abuse, or neglect that is 33493  
known or reasonably suspected or believed, as applicable, to have 33494  
occurred or of the threat of injury, abuse, or neglect that is 33495  
known or reasonably suspected or believed, as applicable, to 33496  
exist. 33497

Any person, who is required by division (A) of this section 33498  
to report child abuse or child neglect that is known or reasonably 33499  
suspected or believed to have occurred, may take or cause to be 33500  
taken color photographs of areas of trauma visible on a child and, 33501  
if medically indicated, cause to be performed radiological 33502

examinations of the child. 33503

(D) As used in this division, "children's advocacy center" 33504  
and "sexual abuse of a child" have the same meanings as in section 33505  
2151.425 of the Revised Code. 33506

(1) When a municipal or county peace officer receives a 33507  
report concerning the possible abuse or neglect of a child or the 33508  
possible threat of abuse or neglect of a child, upon receipt of 33509  
the report, the municipal or county peace officer who receives the 33510  
report shall refer the report to the appropriate public children 33511  
services agency. 33512

(2) When a public children services agency receives a report 33513  
pursuant to this division or division (A) or (B) of this section, 33514  
upon receipt of the report, the public children services agency 33515  
shall do both of the following: 33516

(a) Comply with section 2151.422 of the Revised Code; 33517

(b) If the county served by the agency is also served by a 33518  
children's advocacy center and the report alleges sexual abuse of 33519  
a child or another type of abuse of a child that is specified in 33520  
the memorandum of understanding that creates the center as being 33521  
within the center's jurisdiction, comply regarding the report with 33522  
the protocol and procedures for referrals and investigations, with 33523  
the coordinating activities, and with the authority or 33524  
responsibility for performing or providing functions, activities, 33525  
and services stipulated in the interagency agreement entered into 33526  
under section 2151.428 of the Revised Code relative to that 33527  
center. 33528

(E) No township, municipal, or county peace officer shall 33529  
remove a child about whom a report is made pursuant to this 33530  
section from the child's parents, stepparents, or guardian or any 33531  
other persons having custody of the child without consultation 33532  
with the public children services agency, unless, in the judgment 33533

of the officer, and, if the report was made by physician, the 33534  
physician, immediate removal is considered essential to protect 33535  
the child from further abuse or neglect. The agency that must be 33536  
consulted shall be the agency conducting the investigation of the 33537  
report as determined pursuant to section 2151.422 of the Revised 33538  
Code. 33539

(F)(1) Except as provided in section 2151.422 of the Revised 33540  
Code or in an interagency agreement entered into under section 33541  
2151.428 of the Revised Code that applies to the particular 33542  
report, the public children services agency shall investigate, 33543  
within twenty-four hours, each report of child abuse or child 33544  
neglect that is known or reasonably suspected or believed to have 33545  
occurred and of a threat of child abuse or child neglect that is 33546  
known or reasonably suspected or believed to exist that is 33547  
referred to it under this section to determine the circumstances 33548  
surrounding the injuries, abuse, or neglect or the threat of 33549  
injury, abuse, or neglect, the cause of the injuries, abuse, 33550  
neglect, or threat, and the person or persons responsible. The 33551  
investigation shall be made in cooperation with the law 33552  
enforcement agency and in accordance with the memorandum of 33553  
understanding prepared under division (J) of this section. A 33554  
representative of the public children services agency shall, at 33555  
the time of initial contact with the person subject to the 33556  
investigation, inform the person of the specific complaints or 33557  
allegations made against the person. The information shall be 33558  
given in a manner that is consistent with division (H)(1) of this 33559  
section and protects the rights of the person making the report 33560  
under this section. 33561

A failure to make the investigation in accordance with the 33562  
memorandum is not grounds for, and shall not result in, the 33563  
dismissal of any charges or complaint arising from the report or 33564  
the suppression of any evidence obtained as a result of the report 33565

and does not give, and shall not be construed as giving, any 33566  
rights or any grounds for appeal or post-conviction relief to any 33567  
person. The public children services agency shall report each case 33568  
to the uniform statewide automated child welfare information 33569  
system that the department of job and family services shall 33570  
maintain in accordance with section 5101.13 of the Revised Code. 33571  
The public children services agency shall submit a report of its 33572  
investigation, in writing, to the law enforcement agency. 33573

(2) The public children services agency shall make any 33574  
recommendations to the county prosecuting attorney or city 33575  
director of law that it considers necessary to protect any 33576  
children that are brought to its attention. 33577

(G)(1)(a) Except as provided in division (H)(3) of this 33578  
section, anyone or any hospital, institution, school, health 33579  
department, or agency participating in the making of reports under 33580  
division (A) of this section, anyone or any hospital, institution, 33581  
school, health department, or agency participating in good faith 33582  
in the making of reports under division (B) of this section, and 33583  
anyone participating in good faith in a judicial proceeding 33584  
resulting from the reports, shall be immune from any civil or 33585  
criminal liability for injury, death, or loss to person or 33586  
property that otherwise might be incurred or imposed as a result 33587  
of the making of the reports or the participation in the judicial 33588  
proceeding. 33589

(b) Notwithstanding section 4731.22 of the Revised Code, the 33590  
physician-patient privilege shall not be a ground for excluding 33591  
evidence regarding a child's injuries, abuse, or neglect, or the 33592  
cause of the injuries, abuse, or neglect in any judicial 33593  
proceeding resulting from a report submitted pursuant to this 33594  
section. 33595

(2) In any civil or criminal action or proceeding in which it 33596  
is alleged and proved that participation in the making of a report 33597



under this section was not in good faith or participation in a 33598  
judicial proceeding resulting from a report made under this 33599  
section was not in good faith, the court shall award the 33600  
prevailing party reasonable attorney's fees and costs and, if a 33601  
civil action or proceeding is voluntarily dismissed, may award 33602  
reasonable attorney's fees and costs to the party against whom the 33603  
civil action or proceeding is brought. 33604

(H)(1) Except as provided in divisions (H)(4) and (N) of this 33605  
section, a report made under this section is confidential. The 33606  
information provided in a report made pursuant to this section and 33607  
the name of the person who made the report shall not be released 33608  
for use, and shall not be used, as evidence in any civil action or 33609  
proceeding brought against the person who made the report. Nothing 33610  
in this division shall preclude the use of reports of other 33611  
incidents of known or suspected abuse or neglect in a civil action 33612  
or proceeding brought pursuant to division (M) of this section 33613  
against a person who is alleged to have violated division (A)(1) 33614  
of this section, provided that any information in a report that 33615  
would identify the child who is the subject of the report or the 33616  
maker of the report, if the maker of the report is not the 33617  
defendant or an agent or employee of the defendant, has been 33618  
redacted. In a criminal proceeding, the report is admissible in 33619  
evidence in accordance with the Rules of Evidence and is subject 33620  
to discovery in accordance with the Rules of Criminal Procedure. 33621

(2) No person shall permit or encourage the unauthorized 33622  
dissemination of the contents of any report made under this 33623  
section. 33624

(3) A person who knowingly makes or causes another person to 33625  
make a false report under division (B) of this section that 33626  
alleges that any person has committed an act or omission that 33627  
resulted in a child being an abused child or a neglected child is 33628  
guilty of a violation of section 2921.14 of the Revised Code. 33629

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the child fatality review board, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death. On the request of the review board, the agency or peace officer may, at its discretion, make the report available to the review board. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(I) Any report that is required by this section, other than a report that is made to the state highway patrol as described in

section 5120.173 of the Revised Code, shall result in protective 33662  
services and emergency supportive services being made available by 33663  
the public children services agency on behalf of the children 33664  
about whom the report is made, in an effort to prevent further 33665  
neglect or abuse, to enhance their welfare, and, whenever 33666  
possible, to preserve the family unit intact. The agency required 33667  
to provide the services shall be the agency conducting the 33668  
investigation of the report pursuant to section 2151.422 of the 33669  
Revised Code. 33670

(J)(1) Each public children services agency shall prepare a 33671  
memorandum of understanding that is signed by all of the 33672  
following: 33673

(a) If there is only one juvenile judge in the county, the 33674  
juvenile judge of the county or the juvenile judge's 33675  
representative; 33676

(b) If there is more than one juvenile judge in the county, a 33677  
juvenile judge or the juvenile judges' representative selected by 33678  
the juvenile judges or, if they are unable to do so for any 33679  
reason, the juvenile judge who is senior in point of service or 33680  
the senior juvenile judge's representative; 33681

(c) The county peace officer; 33682

(d) All chief municipal peace officers within the county; 33683

(e) Other law enforcement officers handling child abuse and 33684  
neglect cases in the county; 33685

(f) The prosecuting attorney of the county; 33686

(g) If the public children services agency is not the county 33687  
department of job and family services, the county department of 33688  
job and family services; 33689

(h) The county humane society; 33690

(i) If the public children services agency participated in 33691

the execution of a memorandum of understanding under section 33692  
2151.426 of the Revised Code establishing a children's advocacy 33693  
center, each participating member of the children's advocacy 33694  
center established by the memorandum. 33695

(2) A memorandum of understanding shall set forth the normal 33696  
operating procedure to be employed by all concerned officials in 33697  
the execution of their respective responsibilities under this 33698  
section and division (C) of section 2919.21, division (B)(1) of 33699  
section 2919.22, division (B) of section 2919.23, and section 33700  
2919.24 of the Revised Code and shall have as two of its primary 33701  
goals the elimination of all unnecessary interviews of children 33702  
who are the subject of reports made pursuant to division (A) or 33703  
(B) of this section and, when feasible, providing for only one 33704  
interview of a child who is the subject of any report made 33705  
pursuant to division (A) or (B) of this section. A failure to 33706  
follow the procedure set forth in the memorandum by the concerned 33707  
officials is not grounds for, and shall not result in, the 33708  
dismissal of any charges or complaint arising from any reported 33709  
case of abuse or neglect or the suppression of any evidence 33710  
obtained as a result of any reported child abuse or child neglect 33711  
and does not give, and shall not be construed as giving, any 33712  
rights or any grounds for appeal or post-conviction relief to any 33713  
person. 33714

(3) A memorandum of understanding shall include all of the 33715  
following: 33716

(a) The roles and responsibilities for handling emergency and 33717  
nonemergency cases of abuse and neglect; 33718

(b) Standards and procedures to be used in handling and 33719  
coordinating investigations of reported cases of child abuse and 33720  
reported cases of child neglect, methods to be used in 33721  
interviewing the child who is the subject of the report and who 33722  
allegedly was abused or neglected, and standards and procedures 33723

addressing the categories of persons who may interview the child 33724  
who is the subject of the report and who allegedly was abused or 33725  
neglected. 33726

(4) If a public children services agency participated in the 33727  
execution of a memorandum of understanding under section 2151.426 33728  
of the Revised Code establishing a children's advocacy center, the 33729  
agency shall incorporate the contents of that memorandum in the 33730  
memorandum prepared pursuant to this section. 33731

(5) The clerk of the court of common pleas in the county may 33732  
sign the memorandum of understanding prepared under division 33733  
(J)(1) of this section. If the clerk signs the memorandum of 33734  
understanding, the clerk shall execute all relevant 33735  
responsibilities as required of officials specified in the 33736  
memorandum. 33737

(K)(1) Except as provided in division (K)(4) of this section, 33738  
a person who is required to make a report pursuant to division (A) 33739  
of this section may make a reasonable number of requests of the 33740  
public children services agency that receives or is referred the 33741  
report, or of the children's advocacy center that is referred the 33742  
report if the report is referred to a children's advocacy center 33743  
pursuant to an interagency agreement entered into under section 33744  
2151.428 of the Revised Code, to be provided with the following 33745  
information: 33746

(a) Whether the agency or center has initiated an 33747  
investigation of the report; 33748

(b) Whether the agency or center is continuing to investigate 33749  
the report; 33750

(c) Whether the agency or center is otherwise involved with 33751  
the child who is the subject of the report; 33752

(d) The general status of the health and safety of the child 33753  
who is the subject of the report; 33754

(e) Whether the report has resulted in the filing of a 33755  
complaint in juvenile court or of criminal charges in another 33756  
court. 33757

(2) A person may request the information specified in 33758  
division (K)(1) of this section only if, at the time the report is 33759  
made, the person's name, address, and telephone number are 33760  
provided to the person who receives the report. 33761

When a municipal or county peace officer or employee of a 33762  
public children services agency receives a report pursuant to 33763  
division (A) or (B) of this section the recipient of the report 33764  
shall inform the person of the right to request the information 33765  
described in division (K)(1) of this section. The recipient of the 33766  
report shall include in the initial child abuse or child neglect 33767  
report that the person making the report was so informed and, if 33768  
provided at the time of the making of the report, shall include 33769  
the person's name, address, and telephone number in the report. 33770

Each request is subject to verification of the identity of 33771  
the person making the report. If that person's identity is 33772  
verified, the agency shall provide the person with the information 33773  
described in division (K)(1) of this section a reasonable number 33774  
of times, except that the agency shall not disclose any 33775  
confidential information regarding the child who is the subject of 33776  
the report other than the information described in those 33777  
divisions. 33778

(3) A request made pursuant to division (K)(1) of this 33779  
section is not a substitute for any report required to be made 33780  
pursuant to division (A) of this section. 33781

(4) If an agency other than the agency that received or was 33782  
referred the report is conducting the investigation of the report 33783  
pursuant to section 2151.422 of the Revised Code, the agency 33784  
conducting the investigation shall comply with the requirements of 33785

division (K) of this section. 33786

(L) The director of job and family services shall adopt rules 33787  
in accordance with Chapter 119. of the Revised Code to implement 33788  
this section. The department of job and family services may enter 33789  
into a plan of cooperation with any other governmental entity to 33790  
aid in ensuring that children are protected from abuse and 33791  
neglect. The department shall make recommendations to the attorney 33792  
general that the department determines are necessary to protect 33793  
children from child abuse and child neglect. 33794

(M) Whoever violates division (A) of this section is liable 33795  
for compensatory and exemplary damages to the child who would have 33796  
been the subject of the report that was not made. A person who 33797  
brings a civil action or proceeding pursuant to this division 33798  
against a person who is alleged to have violated division (A)(1) 33799  
of this section may use in the action or proceeding reports of 33800  
other incidents of known or suspected abuse or neglect, provided 33801  
that any information in a report that would identify the child who 33802  
is the subject of the report or the maker of the report, if the 33803  
maker is not the defendant or an agent or employee of the 33804  
defendant, has been redacted. 33805

(N)(1) As used in this division: 33806

(a) "Out-of-home care" includes a nonchartered nonpublic 33807  
school if the alleged child abuse or child neglect, or alleged 33808  
threat of child abuse or child neglect, described in a report 33809  
received by a public children services agency allegedly occurred 33810  
in or involved the nonchartered nonpublic school and the alleged 33811  
perpetrator named in the report holds a certificate, permit, or 33812  
license issued by the state board of education under section 33813  
3301.071 or Chapter 3319. of the Revised Code. 33814

(b) "Administrator, director, or other chief administrative 33815  
officer" means the superintendent of the school district if the 33816

out-of-home care entity subject to a report made pursuant to this 33817  
section is a school operated by the district. 33818

(2) No later than the end of the day following the day on 33819  
which a public children services agency receives a report of 33820  
alleged child abuse or child neglect, or a report of an alleged 33821  
threat of child abuse or child neglect, that allegedly occurred in 33822  
or involved an out-of-home care entity, the agency shall provide 33823  
written notice of the allegations contained in and the person 33824  
named as the alleged perpetrator in the report to the 33825  
administrator, director, or other chief administrative officer of 33826  
the out-of-home care entity that is the subject of the report 33827  
unless the administrator, director, or other chief administrative 33828  
officer is named as an alleged perpetrator in the report. If the 33829  
administrator, director, or other chief administrative officer of 33830  
an out-of-home care entity is named as an alleged perpetrator in a 33831  
report of alleged child abuse or child neglect, or a report of an 33832  
alleged threat of child abuse or child neglect, that allegedly 33833  
occurred in or involved the out-of-home care entity, the agency 33834  
shall provide the written notice to the owner or governing board 33835  
of the out-of-home care entity that is the subject of the report. 33836  
The agency shall not provide witness statements or police or other 33837  
investigative reports. 33838

(3) No later than three days after the day on which a public 33839  
children services agency that conducted the investigation as 33840  
determined pursuant to section 2151.422 of the Revised Code makes 33841  
a disposition of an investigation involving a report of alleged 33842  
child abuse or child neglect, or a report of an alleged threat of 33843  
child abuse or child neglect, that allegedly occurred in or 33844  
involved an out-of-home care entity, the agency shall send written 33845  
notice of the disposition of the investigation to the 33846  
administrator, director, or other chief administrative officer and 33847  
the owner or governing board of the out-of-home care entity. The 33848



agency shall not provide witness statements or police or other 33849  
investigative reports. 33850

(O) As used in this section, "investigation" means the public 33851  
children services agency's response to an accepted report of child 33852  
abuse or neglect through either an alternative response or a 33853  
traditional response. 33854

**Sec. 2151.424.** (A) If a child has been placed in a certified 33855  
foster home or is in the custody of a relative of the child, other 33856  
than a parent of the child, a court, prior to conducting any 33857  
hearing pursuant to division ~~(E)~~(F)(2) or (3) of section 2151.412 33858  
or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 33859  
2151.416, or 2151.417 of the Revised Code with respect to the 33860  
child, shall notify the foster caregiver or relative of the date, 33861  
time, and place of the hearing. At the hearing, the foster 33862  
caregiver or relative shall have the right to present evidence. 33863

(B) If a public children services agency or private child 33864  
placing agency has permanent custody of a child and a petition to 33865  
adopt the child has been filed under Chapter 3107. of the Revised 33866  
Code, the agency, prior to conducting a review under section 33867  
2151.416 of the Revised Code, or a court, prior to conducting a 33868  
hearing under division ~~(E)~~(F)(2) or (3) of section 2151.412 or 33869  
section 2151.416 or 2151.417 of the Revised Code, shall notify the 33870  
prospective adoptive parent of the date, time, and place of the 33871  
review or hearing. At the review or hearing, the prospective 33872  
adoptive parent shall have the right to present evidence. 33873

(C) The notice and the opportunity to present evidence do not 33874  
make the foster caregiver, relative, or prospective adoptive 33875  
parent a party in the action or proceeding pursuant to which the 33876  
review or hearing is conducted. 33877

**Sec. 2151.429.** (A) The differential response approach, as 33878

defined in section 2151.011 of the Revised Code, pursued by a 33879  
public children services agency shall include two response 33880  
pathways, the traditional response pathway and the alternative 33881  
response pathway. The director of job and family services shall 33882  
adopt rules pursuant to Chapter 119. of the Revised Code setting 33883  
forth the procedures and criteria for public children services 33884  
agencies to assign and reassign response pathways. 33885

(B) The agency shall use the traditional response for the 33886  
following types of accepted reports: 33887

(1) Physical abuse resulting in serious injury or that 33888  
creates a serious and immediate risk to a child's health and 33889  
safety. 33890

(2) Sexual abuse. 33891

(3) Child fatality. 33892

(4) Reports requiring a specialized assessment as identified 33893  
by rule adopted by the department. 33894

(5) Reports requiring a third party investigative procedure 33895  
as identified by rule adopted by the department. 33896

(C) For all other child abuse and neglect reports, an 33897  
alternative response shall be the preferred response, whenever 33898  
appropriate and in accordance with rules adopted by the 33899  
department. 33900

**Sec. 2151.56.** The "interstate compact for juveniles" is 33901  
hereby ratified, enacted into law, and entered into by the state 33902  
of Ohio as a party to the compact with any other state that has 33903  
legally joined in the compact as follows: 33904

INTERSTATE COMPACT FOR JUVENILES 33905

Article I -- Purpose 33906

The compacting states to this interstate compact for 33907

juveniles recognize that each state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. 33908  
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It is the policy of the compacting states that the activities conducted by the interstate commission for juveniles created by this compact are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact. 33920  
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It is the purpose of this compact, through means of joint and cooperative action among the compacting states, to do all of the following: 33929  
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(A) Ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state; 33932  
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(B) Ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected; 33936  
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<u>(C) Return juveniles who have run away, absconded, or escaped</u>	33939
<u>from supervision or control or have been accused of an offense to</u>	33940
<u>the state requesting their return;</u>	33941
<u>(D) Make contracts for the cooperative institutionalization</u>	33942
<u>in public facilities in member states for delinquent youth needing</u>	33943
<u>special services;</u>	33944
<u>(E) Provide for the effective tracking and supervision of</u>	33945
<u>juveniles;</u>	33946
<u>(F) Equitably allocate the costs, benefits, and obligations</u>	33947
<u>of the compacting states;</u>	33948
<u>(G) Establish procedures to manage the movement between</u>	33949
<u>states of juvenile offenders released to the community under the</u>	33950
<u>jurisdiction of courts, juvenile departments, or any other</u>	33951
<u>criminal or juvenile justice agency that has jurisdiction over</u>	33952
<u>juvenile offenders;</u>	33953
<u>(H) Ensure immediate notice to jurisdictions where defined</u>	33954
<u>offenders are authorized to travel or to relocate across state</u>	33955
<u>lines;</u>	33956
<u>(I) Establish procedures to resolve pending charges, such as</u>	33957
<u>detainers, against juvenile offenders prior to transfer or release</u>	33958
<u>to the community under the terms of this compact;</u>	33959
<u>(J) Establish a system of uniform data collection on</u>	33960
<u>information pertaining to juveniles subject to this compact that</u>	33961
<u>allows access by authorized juvenile justice and criminal justice</u>	33962
<u>officials and regular reporting of compact activities to heads of</u>	33963
<u>state executive, judicial, and legislative branches and juvenile</u>	33964
<u>justice and criminal justice administrators;</u>	33965
<u>(K) Monitor compliance with rules governing interstate</u>	33966
<u>movement of juveniles and initiate interventions to address and</u>	33967
<u>correct noncompliance;</u>	33968

(L) Coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; 33969  
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(M) Coordinate the implementation and operation of this compact with the interstate compact for the placement of children, the interstate compact for adult offender supervision, and other compacts affecting juveniles, particularly in those cases where concurrent or overlapping supervision issues arise. 33972  
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Article II -- Definitions 33977

As used in this compact, unless the context clearly requires a different construction: 33978  
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(A) "Bylaws" means those bylaws established by the interstate commission for its governance or for directing or controlling its actions or conduct. 33980  
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(B) "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact who is responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission under this compact, and policies adopted by the state council under this compact. 33983  
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(C) "Compacting state" means any state that has enacted the enabling legislation for this compact. 33990  
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(D) "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact. 33992  
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(E) "Court" means any court having jurisdiction over delinquent, neglected, or dependent children. 33995  
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(F) "Interstate commission for juveniles" or "interstate commission" means the interstate commission for juveniles created 33997  
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by Article III of this compact. 33999

(G) "Juvenile" means any person defined as a juvenile in any 34000  
member state or by the rules of the interstate commission, 34001  
including any of the following: 34002

(1) An "accused delinquent," which means a person charged 34003  
with a violation of a law or municipal ordinance that, if 34004  
committed by an adult, would be a criminal offense; 34005

(2) An "adjudicated delinquent," which means a person found 34006  
to have committed a violation of a law or municipal ordinance 34007  
that, if committed by an adult, would be a criminal offense; 34008

(3) An "accused status offender," which means a person 34009  
charged with a violation of a law or municipal ordinance that 34010  
would not be a criminal offense if committed by an adult; 34011

(4) An "adjudicated status offender," which means a person 34012  
found to have committed a violation of a law or municipal 34013  
ordinance that would not be a criminal offense if committed by an 34014  
adult; 34015

(5) A "nonoffender," which means a person in need of 34016  
supervision who is not an accused or adjudicated status offender 34017  
or delinquent. 34018

(H) "Noncompacting state" means any state that has not 34019  
enacted the enabling legislation for this compact. 34020

(I) "Probation or parole" means any kind of supervision or 34021  
conditional release of juveniles authorized under the laws of the 34022  
compacting states. 34023

(J) "Rule" means a written statement by the interstate 34024  
commission promulgated pursuant to Article VI of this compact that 34025  
is of general applicability, that implements, interprets, or 34026  
prescribes a policy or provision of the compact, or an 34027  
organizational, procedural, or practice requirement of the 34028

interstate commission, and that has the force and effect of 34029  
statutory law in a compacting state, and includes the amendment, 34030  
repeal, or suspension of an existing rule. 34031

(K) "State" means a state of the United States, the District 34032  
of Columbia or its designee, the Commonwealth of Puerto Rico, the 34033  
U.S. Virgin Islands, Guam, American Samoa, and the Northern 34034  
Marianas Islands. 34035

Article III -- Interstate Commission for Juveniles 34036

(A) The compacting states hereby create the "interstate 34037  
commission for juveniles." The commission shall be a body 34038  
corporate and joint agency of the compacting states. The 34039  
commission shall have all the responsibilities, powers, and duties 34040  
set forth in this compact, and any additional powers that may be 34041  
conferred upon it by subsequent action of the respective 34042  
legislatures of the compacting states in accordance with the terms 34043  
of this compact. 34044

(B) The interstate commission shall consist of commissioners 34045  
appointed by the appropriate appointing authority in each state 34046  
pursuant to the rules and requirements of each compacting state 34047  
and in consultation with the state council for interstate juvenile 34048  
supervision created in the state in accordance with this compact. 34049  
The commissioners are the voting representatives of each state. 34050  
The commissioner for a state shall be the compact administrator or 34051  
designee from that state who shall serve on the interstate 34052  
commission in such capacity under or pursuant to the applicable 34053  
law of the compacting state. 34054

(C) In addition to the commissioners, the interstate 34055  
commission also shall include individuals who are not 34056  
commissioners but who are members of interested organizations. The 34057  
noncommissioner members shall include a member of the national 34058  
organizations of governors, legislators, state chief justices, 34059  
attorneys general, interstate compact for adult offender 34060

supervision, interstate compact for the placement of children, 34061  
juvenile justice and juvenile corrections officials, and crime 34062  
victims. All noncommissioner members of the interstate commission 34063  
shall be ex officio, nonvoting members. The interstate commission 34064  
may provide in its bylaws for such additional ex officio, 34065  
nonvoting members, including members of other national 34066  
organizations, in such numbers as shall be determined by the 34067  
commission. 34068

(D) Each compacting state represented at any meeting of the 34069  
interstate commission is entitled to one vote. A majority of the 34070  
compacting states shall constitute a quorum for the transaction of 34071  
business, unless a larger quorum is required by the bylaws of the 34072  
interstate commission. 34073

(E) The interstate commission shall meet at least once each 34074  
calendar year. The chairperson may call additional meetings and, 34075  
upon the request of a simple majority of the compacting states, 34076  
shall call additional meetings. Public notice shall be given of 34077  
all meetings, and all meetings, shall be open to the public. 34078

(F) The interstate commission shall establish an executive 34079  
committee, which shall include commission officers, members, and 34080  
others as determined by the interstate commission's bylaws. The 34081  
executive committee shall have the power to act on behalf of the 34082  
interstate commission during periods when the interstate 34083  
commission is not in session, with the exception of any rulemaking 34084  
or amendment to the compact. The executive committee shall do all 34085  
of the following: 34086

(1) Oversee the day-to-day activities of the administration 34087  
of the compact, managed by an executive director and interstate 34088  
commission staff; 34089

(2) Administer enforcement and compliance with the provisions 34090  
of this compact and the interstate commission's bylaws and rules; 34091



(3) Perform any other duties as directed by the interstate commission or set forth in its bylaws. 34092  
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(G) Each member of the interstate commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the interstate commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council for interstate juvenile supervision for the state, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The interstate commission's bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication. 34094  
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(H) The interstate commission's bylaws shall establish conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure any information or official records to the extent the information or official records would adversely affect personal privacy rights or proprietary interests. 34107  
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(I) Public notice shall be given of all meetings of the interstate commission, and all of its meetings shall be open to the public, except as set forth in the commission's rules or as otherwise provided in this compact. The interstate commission and any of its committees may close a meeting to the public when it determines by two-thirds vote that an open meeting would be likely to do any of the following: 34114  
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(1) Relate solely to the interstate commission's internal personnel practices and procedures; 34121  
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<u>(2) Disclose matters specifically exempted from disclosure by statute;</u>	34123
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<u>(3) Disclose trade secrets or commercial or financial information that is privileged or confidential;</u>	34125
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<u>(4) Involve accusing any person of a crime or formally censuring any person;</u>	34127
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<u>(5) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;</u>	34129
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<u>(6) Disclose investigative records compiled for law enforcement purposes;</u>	34132
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<u>(7) Disclose information contained in or related to examination, operating, or condition reports prepared by, or on behalf of or for the use of, the interstate commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity;</u>	34134
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<u>(8) Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity;</u>	34139
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<u>(9) Specifically relate to the interstate commission's issuance of a subpoena or its participation in a civil action or other legal proceeding.</u>	34142
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<u>(J) For every meeting closed pursuant to division (I) of this Article of this compact, the interstate commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public and shall reference each relevant exemptive provision. The interstate commission shall keep minutes that fully and clearly describe all matters discussed in any meeting and that provide a full and accurate summary of any actions taken, and the reasons for the actions, including a</u>	34145
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description of each of the views expressed on any item and the 34153  
record of any roll call vote (reflected in the vote of each member 34154  
on the question). All documents considered in connection with any 34155  
action shall be identified in those minutes. 34156

(K) The interstate commission shall collect standardized data 34157  
concerning the interstate movement of juveniles as directed 34158  
through its rules, which shall specify the data to be collected, 34159  
the means of collection and data exchange, and reporting 34160  
requirements. Such methods of data collection, exchange, and 34161  
reporting shall insofar as is reasonably possible conform to 34162  
up-to-date technology and coordinate the interstate commission's 34163  
information functions with the appropriate repository of records. 34164

Article IV -- Powers and Duties of the Interstate Commission 34165

The interstate commission shall maintain its corporate books 34166  
and records in accordance with its bylaws. 34167

The interstate commission shall have all of the following 34168  
powers and duties: 34169

(A) To provide for dispute resolution among compacting 34170  
states; 34171

(B) To promulgate rules to affect the purposes and 34172  
obligations as enumerated in this compact, which rules shall have 34173  
the force and effect of statutory law and shall be binding in the 34174  
compacting states to the extent and in the manner provided in this 34175  
compact; 34176

(C) To oversee, supervise, and coordinate the interstate 34177  
movement of juveniles, subject to the terms of this compact and 34178  
any bylaws adopted and rules promulgated by the interstate 34179  
commission; 34180

(D) To enforce compliance with the provisions of this 34181  
compact, the rules promulgated by the interstate commission, and 34182  
the interstate commission's bylaws, using all necessary and proper 34183

<u>means, including but not limited to the use of judicial process;</u>	34184
<u>(E) To establish and maintain offices, which shall be located</u>	34185
<u>within one or more of the compacting states;</u>	34186
<u>(F) To purchase and maintain insurance and bonds;</u>	34187
<u>(G) To borrow, accept, hire, or contract for services of</u>	34188
<u>personnel;</u>	34189
<u>(H) To establish and appoint committees and hire staff that</u>	34190
<u>it considers necessary for the carrying out of its functions,</u>	34191
<u>including, but not limited to, an executive committee as required</u>	34192
<u>by Article III of this compact, which executive committee shall</u>	34193
<u>have the power to act on behalf of the interstate commission in</u>	34194
<u>carrying out its powers and duties under this compact;</u>	34195
<u>(I) To elect or appoint officers, attorneys, employees,</u>	34196
<u>agents, or consultants, to fix their compensation, define their</u>	34197
<u>duties, and determine their qualifications, and to establish the</u>	34198
<u>interstate commission's personnel policies and programs relating</u>	34199
<u>to, inter alia, conflicts of interest, rates of compensation, and</u>	34200
<u>qualifications of personnel;</u>	34201
<u>(J) To accept any and all donations and grants of money,</u>	34202
<u>equipment, supplies, materials, and services and to receive,</u>	34203
<u>utilize, and dispose of same;</u>	34204
<u>(K) To lease, purchase, accept contributions or donations of,</u>	34205
<u>or otherwise to own, hold, improve, or use any real property,</u>	34206
<u>personal property, or mixed real and personal property;</u>	34207
<u>(L) To sell, convey, mortgage, pledge, lease, exchange,</u>	34208
<u>abandon, or otherwise dispose of any real property, personal</u>	34209
<u>property, or mixed real and personal property;</u>	34210
<u>(M) To establish a budget and make expenditures and levy dues</u>	34211
<u>as provided in Article VIII of this compact;</u>	34212
<u>(N) To sue and be sued;</u>	34213

<u>(O) To adopt a seal and bylaws governing the management and</u>	34214
<u>operation of the interstate commission;</u>	34215
<u>(P) To perform any functions that may be necessary or</u>	34216
<u>appropriate to achieve the purposes of this compact;</u>	34217
<u>(O) To report annually to the legislatures, governors,</u>	34218
<u>judiciary, and state councils for interstate juvenile supervision</u>	34219
<u>of the compacting states concerning the activities of the</u>	34220
<u>interstate commission during the preceding year, and with the</u>	34221
<u>annual reports also including any recommendations that may have</u>	34222
<u>been adopted by the interstate commission.</u>	34223
<u>(R) To coordinate education, training, and public awareness</u>	34224
<u>regarding the interstate movement of juveniles for officials</u>	34225
<u>involved in such activity.</u>	34226
<u>(S) To establish uniform standards of the reporting,</u>	34227
<u>collecting and exchanging of data.</u>	34228
<u>Article V -- Organization and Operation of the Interstate</u>	34229
<u>Commission</u>	34230
<u>Section A. Bylaws</u>	34231
<u>The interstate commission, by a majority of the members</u>	34232
<u>present and voting and within twelve months after the first</u>	34233
<u>interstate commission meeting, shall adopt bylaws to govern its</u>	34234
<u>conduct as may be necessary or appropriate to carry out the</u>	34235
<u>purposes of this compact, including, but not limited to, bylaws</u>	34236
<u>that do all of the following:</u>	34237
<u>(1) Establish the fiscal year of the interstate commission;</u>	34238
<u>(2) Establish an executive committee and any other committees</u>	34239
<u>that may be necessary;</u>	34240
<u>(3) Provide for the establishment of committees governing any</u>	34241
<u>general or specific delegation of any authority or function of the</u>	34242
<u>interstate commission;</u>	34243

(4) Provide reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each such meeting; 34244  
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(5) Establish the titles and responsibilities of the officers of the interstate commission; 34247  
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(6) Provide a mechanism for concluding the operations of the interstate commission and the return of any surplus funds that may exist upon the termination of this compact after the payment or reserving of all of its debts and obligations, or both; 34249  
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(7) Provide start-up rules for initial administration of this compact; 34253  
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(8) Establish standards and procedures for compliance and technical assistance in carrying out this compact. 34255  
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Section B. Officers and Staff 34257

(1) The interstate commission, by a majority of the members, shall elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the interstate commission's bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission. 34258  
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(2) The interstate commission, through its executive committee, shall appoint or retain an executive director for such period, upon such terms and conditions, and for such compensation as the interstate commission considers appropriate. The executive director shall serve as secretary to the interstate commission but 34270  
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shall not be a member of the interstate commission. The executive 34275  
director shall hire and supervise such other staff as may be 34276  
authorized by the interstate commission. 34277

Section C. Qualified Immunity, Defense, and Indemnification 34278

(1) Except as otherwise provided in this subsection, the 34279  
interstate commission's executive director and each of its 34280  
employees shall be immune from suit and liability, either 34281  
personally or in the executive director's or employee's official 34282  
capacity, for any claim for damage to or loss of property or 34283  
personal injury or other civil liability caused or arising out of 34284  
or relating to any actual or alleged act, error, or omission that 34285  
occurred, or that the executive director or employee had a 34286  
reasonable basis for believing occurred, within the scope of 34287  
commission employment, duties, or responsibilities. The executive 34288  
director or an employee shall not be protected from suit or 34289  
liability for any damage, loss, injury, or liability caused by the 34290  
executive director's or employee's willful and wanton misconduct 34291  
of any such person. 34292

(2) The liability of any commissioner, or the employee or 34293  
agent of a commissioner, acting within the scope of such person's 34294  
employment or duties for acts, errors, or omissions occurring 34295  
within such person's state may not exceed the limits of liability 34296  
set forth under the constitution and laws of that state for state 34297  
officials, employees, and agents. Nothing in this subsection shall 34298  
be construed to protect any such person from suit or liability for 34299  
any damage, loss, injury, or liability caused by the intentional 34300  
or willful and wanton misconduct of any such person. 34301

(3) Except as otherwise provided in this subsection, the 34302  
interstate commission shall defend the executive director or the 34303  
employees or representatives of the interstate commission and, 34304  
subject to the approval of the attorney general of the state 34305  
represented by any commissioner of a compacting state, shall 34306

defend such commissioner or the commissioner's representatives or 34307  
employees in any civil action seeking to impose liability arising 34308  
out of any actual or alleged act, error, or omission that occurred 34309  
within the scope of interstate commission employment, duties, or 34310  
responsibilities, or that the defendant had a reasonable basis for 34311  
believing occurred within the scope of interstate commission 34312  
employment, duties, or responsibilities. The duty to defend 34313  
described in this division does not apply if the actual or alleged 34314  
act, error, or omission in question resulted from intentional or 34315  
willful and wanton misconduct on the part of the executive 34316  
director, employee, or representative of the interstate commission 34317  
or the commissioner of a compacting state or the commissioner's 34318  
representatives or employees. 34319

(4) Except as otherwise provided in this subsection, the 34320  
interstate commission shall indemnify and hold the commissioner of 34321  
a compacting state, or the commissioner's representatives or 34322  
employees, or the interstate commission's representatives or 34323  
employees, harmless in the amount of any settlement or judgment 34324  
obtained against such persons arising out of any actual or alleged 34325  
act, error, or omission that occurred within the scope of 34326  
interstate commission employment, duties, or responsibilities, or 34327  
that such persons had a reasonable basis for believing occurred 34328  
within the scope of interstate commission employment, duties, or 34329  
responsibilities. The duty to indemnify and hold harmless 34330  
described in this division does not apply if the actual or alleged 34331  
act, error, or omission in question resulted from intentional or 34332  
willful and wanton misconduct on the part of the commissioner of a 34333  
compacting state or the commissioner's representatives or 34334  
employees or the interstate commission's representatives or 34335  
employees. 34336

Article VI -- Rulemaking Functions of the Interstate Commission 34337

(A) The interstate commission shall promulgate and publish 34338



rules in order to effectively and efficiently achieve the purposes 34339  
of this compact. 34340

(B) Rulemaking shall occur pursuant to the criteria set forth 34341  
in this Article and the bylaws and rules adopted pursuant thereto. 34342  
The rulemaking shall substantially conform to the principles of 34343  
the "Model State Administrative Procedures Act," 1981 Act, Uniform 34344  
Laws Annotated, Vol. 15, p. 1 (2000), or another administrative 34345  
procedures act, as the interstate commission determines 34346  
appropriate consistent with due process requirements under the 34347  
United States Constitution as now or hereafter interpreted by the 34348  
United States Supreme Court. All rules and amendments shall become 34349  
binding as of the date specified, as published with the final 34350  
version of the rule as approved by the interstate commission. 34351

(C) When promulgating a rule, the interstate commission, at a 34352  
minimum, shall do all of the following: 34353

(1) Publish the proposed rule's entire text stating the 34354  
reason or reasons for that proposed rule; 34355

(2) Allow and invite any and all persons to submit written 34356  
data, facts, opinions, and arguments, which information shall be 34357  
added to the record and be made publicly available; 34358

(3) Provide an opportunity for an informal hearing, if 34359  
petitioned by ten or more persons; 34360

(4) Promulgate a final rule and its effective date, if 34361  
appropriate, based on input from state or local officials, or 34362  
interested parties. 34363

(D) When the interstate commission promulgates a rule, not 34364  
later than sixty days after the rule is promulgated, any 34365  
interested person may file a petition in the United States 34366  
district court for the District of Columbia or in the federal 34367  
district court where the interstate commission's principal office 34368  
is located, for judicial review of the rule. If the court finds 34369

that the interstate commission's action is not supported by 34370  
substantial evidence in the rulemaking record, the court shall 34371  
hold the rule unlawful and set it aside. For purposes of this 34372  
division, evidence is substantial if it would be considered 34373  
substantial evidence under the "Model State Administrative 34374  
Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 34375  
(2000). 34376

(E) If a majority of the legislatures of the compacting 34377  
states rejects a rule, those states, by enactment of a statute or 34378  
resolution in the same manner used to adopt the compact, may cause 34379  
that such rule shall have no further force and effect in any 34380  
compacting state. 34381

(F) The existing rules governing the operation of the 34382  
interstate compact on juveniles that is superseded by this compact 34383  
shall be null and void twelve months after the first meeting of 34384  
the interstate commission created under this compact. 34385

(G) Upon determination by the interstate commission that a 34386  
state of emergency exists, it may promulgate an emergency rule. An 34387  
emergency rule so promulgated shall become effective immediately 34388  
upon adoption, provided that the usual rulemaking procedures 34389  
specified in this Article shall be retroactively applied to the 34390  
emergency rule as soon as reasonably possible, but not later than 34391  
ninety days after the effective date of the emergency rule. 34392

Article VII -- Oversight, Enforcement, and Dispute Resolution by 34393  
the Interstate Commission 34394

A Oversight and Enforcement 34395

(1) The interstate commission shall oversee the 34396  
administration and operations of the interstate movement of 34397  
juveniles subject to this compact in the compacting states and 34398  
shall monitor such activities being administered in noncompacting 34399  
states that may significantly affect compacting states. 34400

(2) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate this compact's purposes and intent. The provisions of this compact and the rules promulgated under it shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact that may affect the powers, responsibilities, or actions of the interstate commission, the interstate commission shall be entitled to receive all service of process in the proceeding and shall have standing to intervene in the proceeding for all purposes.

Section B. Dispute Resolution

(1) The compacting states shall report to the interstate commission on all issues and activities necessary for the administration of this compact and on all issues and activities pertaining to compliance with the provisions of this compact and the interstate commission's bylaws and rules.

(2) The interstate commission, upon the request of a compacting state, shall attempt to resolve any disputes or other issues that are subject to this compact and that may arise among compacting states and between compacting and non-compacting states. The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

(3) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article XI of this compact.

Article VIII -- Finance

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(A) The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

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(B) The interstate commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff. The annual assessment shall be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state. The interstate commission shall promulgate a rule binding upon all compacting states that governs the assessment.

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(C) The interstate commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the obligations. The interstate commission shall not pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

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(D) The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

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Article IX -- The State Council

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Each compacting state shall create a state council for interstate juvenile supervision. While each compacting state may

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determine the membership of its own state council, its membership 34464  
must include at least one representative from the legislative, 34465  
judicial, and executive branches of government, victims groups, 34466  
and the compact administrator or designee. Each compacting state 34467  
retains the right to determine the qualifications of the compact 34468  
administrator for the state. Each state council shall advise and 34469  
may exercise oversight and advocacy concerning that state's 34470  
participation in interstate commission activities and other duties 34471  
as may be determined by that state, including but not limited to, 34472  
development of policy concerning operations and procedures of the 34473  
compact within that state. 34474

Article X - Compacting States, Effective Date, and Amendment 34475

(A) Any state, as defined in Article II of this compact, is 34476  
eligible to become a compacting state. 34477

(B) This compact shall become effective and binding upon 34478  
legislative enactment of the compact into law by no less than 34479  
thirty-five of the states. The initial effective date shall be the 34480  
later of July 1, 2004, or upon enactment into law by the 34481  
thirty-fifth jurisdiction. Thereafter, this compact shall become 34482  
effective and binding as to any other compacting state upon 34483  
enactment of this compact into law by that state. The governors of 34484  
non-compacting states or their designees shall be invited to 34485  
participate in the activities of the interstate commission on a 34486  
non-voting basis prior to adoption of this compact by all states. 34487

(C) The interstate commission may propose amendments to this 34488  
compact for enactment by the compacting states. No amendment shall 34489  
become effective and binding upon the interstate commission and 34490  
the compacting states unless and until it is enacted into law by 34491  
unanimous consent of the compacting states. 34492

Article XI - Withdrawal, Default, Termination, and Judicial 34493  
Enforcement 34494

Section A. Withdrawal 34495

(1) Once effective, this compact shall continue in force and remain binding upon each and every compacting state, provided that a compacting state may withdraw from this compact by specifically repealing the statute that enacted this compact into law. 34496  
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(2) The effective date of withdrawal of a compacting state is the effective date of the state's repeal of the statute that enacted this compact into law. 34500  
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(3) A compacting state that withdraws from this compact shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of the interstate commission's receipt of the notice from the withdrawing state. 34503  
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(4) A compacting state that withdraws from this compact is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal. 34510  
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(5) If a compacting state withdraws from this compact, reinstatement of the withdrawing state following withdrawal shall occur upon the withdrawing state reenacting this compact or upon such later date as determined by the interstate commission. 34515  
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Section B. Technical Assistance, Fines, Suspension, Termination, and Default 34519  
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(1) If the interstate commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or under the interstate commission's bylaws or duly promulgated rules, the interstate commission may impose one or more of the following penalties: 34521  
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(a) Remedial training and technical assistance as directed by 34527  
the interstate commission; 34528

(b) Alternative dispute resolution; 34529

(c) Fines, fees, and costs in such amounts as are deemed to 34530  
be reasonable as fixed by the interstate commission; 34531

(d) Suspension or termination of membership in this compact, 34532  
provided that suspension or termination of membership shall be 34533  
imposed only after all other reasonable means of securing 34534  
compliance under the bylaws and rules have been exhausted and the 34535  
interstate commission has therefore determined that the offending 34536  
state is in default. Immediate notice of suspension shall be given 34537  
by the interstate commission to the governor of the defaulting 34538  
state, its chief justice or the chief judicial officer, the 34539  
majority and minority leaders of its state legislature, and the 34540  
state council for interstate juvenile supervision. The grounds for 34541  
default include, but are not limited to, failure of a compacting 34542  
state to perform such obligations or responsibilities imposed upon 34543  
it by this compact, by the interstate commission's bylaws, or by 34544  
its duly promulgated rules, and any other grounds designated in 34545  
commission bylaws and rules. The interstate commission shall 34546  
immediately notify the defaulting state in writing of the penalty 34547  
imposed by the interstate commission and of the default pending a 34548  
cure of the default. The interstate commission shall stipulate the 34549  
conditions and the time period within which the defaulting state 34550  
must cure its default. If the defaulting state fails to cure the 34551  
default within the time period specified by the interstate 34552  
commission, the defaulting state shall be terminated from this 34553  
compact upon an affirmative vote of a majority of the compacting 34554  
states and all rights, privileges, and benefits conferred by this 34555  
compact shall be terminated from the effective date of 34556  
termination. 34557

(2) Within sixty days of the effective date of termination of 34558

a defaulting compacting state, the interstate commission shall 34559  
notify the defaulting state's governor, its chief justice or chief 34560  
judicial officer, the majority and minority leaders of its state 34561  
legislature, and the state council for interstate juvenile 34562  
supervision of the termination. 34563

(3) A defaulting compacting state is responsible for all 34564  
assessments, obligations, and liabilities incurred through the 34565  
effective date of termination, including any obligations the 34566  
performance of which extends beyond the effective date of 34567  
termination. 34568

(4) The interstate commission shall not bear any costs 34569  
relating to a defaulting compacting state unless otherwise 34570  
mutually agreed upon in writing between the interstate commission 34571  
and the defaulting state. 34572

(5) If a defaulting compacting state is terminated, 34573  
reinstatement of the defaulting state following termination 34574  
requires both a reenactment of the compact by the defaulting state 34575  
and the approval of the interstate commission pursuant to its 34576  
rules. 34577

Section C. Judicial Enforcement 34578

The interstate commission, by majority vote of the members, 34579  
may initiate legal action against any compacting state to enforce 34580  
compliance with the provisions of this compact, and the interstate 34581  
commission's duly promulgated rules and bylaws. Any such action, 34582  
if initiated, shall be initiated in the United States district 34583  
court for the District of Columbia or, at the discretion of the 34584  
interstate commission, in the federal district where the 34585  
interstate commission has its offices. In the event judicial 34586  
enforcement is necessary, the prevailing party shall be awarded 34587  
all costs of the litigation including reasonable attorney's fees. 34588

D Dissolution of Compact 34589



(1) This compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in this compact to one compacting state. 34590  
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(2) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, the business and affairs of the interstate commission shall be concluded, and any surplus funds shall be distributed in accordance with the interstate commission's bylaws. 34593  
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Article XII - Severability and Construction 34598

(A) The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable. 34599  
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(B) The provisions of this compact shall be liberally construed to effectuate its purposes. 34603  
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Article XIII - Binding Effect of Compact and Other Laws 34605

Section A. Other Laws 34606

(1) Nothing in this compact prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact. 34607  
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(2) All compacting states' laws, other than state constitutions and other interstate compacts, conflicting with this compact are superseded to the extent of the conflict. 34610  
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Section B. Binding Effect of the Compact 34613

(1) All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the compacting states. 34614  
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(2) All agreements between the interstate commission and the compacting states are binding in accordance with their terms. 34617  
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(3) Upon the request of a party to a conflict over the 34619

meaning or interpretation of interstate commission actions, and 34620  
upon a majority vote of the compacting states, the interstate 34621  
commission may issue advisory opinions regarding that meaning or 34622  
interpretation. 34623

(4) In the event any provision of this compact exceeds the 34624  
constitutional limits imposed on the legislature of any compacting 34625  
state, the obligations, duties, powers, or jurisdiction sought to 34626  
be conferred by that provision upon the interstate commission 34627  
shall be ineffective and such obligations, duties, powers, or 34628  
jurisdiction shall remain in the compacting state and shall be 34629  
exercised by the agency of that state to which such obligations, 34630  
duties, powers, or jurisdiction are delegated by law in effect at 34631  
the time this compact becomes effective. 34632

Article XIV - Financial Reimbursement 34633

The state agency responsible for administering this compact 34634  
shall have the legal authority to recoup fines, fees and costs 34635  
imposed by the interstate commission as stated in Article XI, 34636  
Section B, Subsection (1)(c) of this compact when the default in 34637  
performance is the result of a decision made by an entity outside 34638  
the jurisdiction of the agency administering this compact. 34639

**Sec. 2151.57.** (A) As used in sections 2151.57 to 2151.59 of 34640  
the Revised Code: 34641

(1) "Interstate compact for juveniles" means the interstate 34642  
compact for juveniles ratified, enacted into law, and entered into 34643  
by this state pursuant to section 2151.56 of the Revised Code. 34644

(2) "Bylaws," "commissioner," "compact administrator," and 34645  
"interstate commission for juveniles" have the same meanings as in 34646  
section 2151.56 of the Revised Code. 34647

(B) The state council for interstate juvenile supervision is 34648  
hereby established within the department of youth services. The 34649

council shall consist of the following members: 34650

(1) One member who is the compact administrator or the 34651  
designee of the compact administrator; 34652

(2) One member of the house of representatives appointed by 34653  
the speaker of the house of representatives; 34654

(3) One member of the senate appointed by the president of 34655  
the senate; 34656

(4) One member who is a representative of the executive 34657  
branch of state government, in addition to the member described in 34658  
division (B)(1) of this section, appointed by the governor; 34659

(5) One member who is a representative of the judiciary, who 34660  
shall be a juvenile court judge appointed by the chief justice of 34661  
the supreme court; 34662

(6) One member who is a person who represents an organization 34663  
that advocates for the rights of victims of crime or a delinquent 34664  
act, appointed by the governor. 34665

(C) The state council for interstate juvenile supervision 34666  
shall advise and may exercise oversight and advocacy concerning 34667  
this state's participation in activities of the interstate 34668  
commission for juveniles, shall develop policy for this state 34669  
concerning operations and procedures of the interstate compact for 34670  
juveniles within this state, and shall perform other duties 34671  
assigned to state councils under that compact. 34672

**Sec. 2151.58.** (A) The governor shall appoint the director of 34673  
youth services as the compact administrator for the interstate 34674  
compact for juveniles. 34675

(B) The governor shall appoint the compact administrator or 34676  
shall allow the compact administrator to appoint a designee to 34677  
serve as the commissioner from this state on the interstate 34678  
commission for juveniles. 34679

Sec. 2151.59. (A) The department of youth services is the 34680  
state agency responsible for administering the interstate compact 34681  
for juveniles in this state. 34682

(B) The department of youth services shall pay all of the 34683  
following: 34684

(1) The annual assessment charged to this state for 34685  
participating in the interstate compact for juveniles; 34686

(2) All fines, fees, or costs assessed against this state by 34687  
the interstate commission for juveniles for any default in the 34688  
performance of this state's obligations or responsibilities under 34689  
the compact, the bylaws, or rules duly promulgated under the 34690  
compact. 34691

**Sec. 2152.26. (A) Except as provided in divisions (B) and (F)** 34692  
**of this section, a child alleged to be or adjudicated a delinquent** 34693  
**child or a juvenile traffic offender may be held only in the** 34694  
**following places:** 34695

(1) A certified foster home or a home approved by the court; 34696

(2) A facility operated by a certified child welfare agency; 34697

(3) Any other suitable place designated by the court. 34698

(B) In addition to the places listed in division (A) of this 34699  
section, a child alleged to be or adjudicated a delinquent child 34700  
may be held in a detention facility for delinquent children that 34701  
is under the direction or supervision of the court or other public 34702  
authority or of a private agency and approved by the court and a 34703  
child adjudicated a delinquent child may be held in accordance 34704  
with division (F)(2) of this section in a facility of a type 34705  
specified in that division. Division (B) of this section does not 34706  
apply to a child alleged to be or adjudicated a delinquent child 34707  
for chronic truancy, unless the child violated a lawful court 34708

order made pursuant to division (A)(6) of section 2152.19 of the Revised Code. Division (B) of this section also does not apply to a child alleged to be or adjudicated a delinquent child for being an habitual truant who previously has been adjudicated an unruly child for being an habitual truant, unless the child violated a lawful court order made pursuant to division (C)(1)(e) of section 2151.354 of the Revised Code.

(C)(1) Except as provided under division (C)(1) of section 2151.311 of the Revised Code or division (A)(5) of section 2152.21 of the Revised Code, a child alleged to be or adjudicated a juvenile traffic offender may not be held in any of the following facilities:

(a) A state correctional institution, county, multicounty, or municipal jail or workhouse, or other place in which an adult convicted of crime, under arrest, or charged with a crime is held.

(b) A secure correctional facility.

(2) Except as provided under this section, sections 2151.56 to ~~2151.61~~ 2151.59, and divisions (A)(5) and (6) of section 2152.21 of the Revised Code, a child alleged to be or adjudicated a juvenile traffic offender may not be held for more than twenty-four hours in a detention facility.

(D) Except as provided in division (F) of this section or in division (C) of section 2151.311, in division (C)(2) of section 5139.06 and section 5120.162, or in division (B) of section 5120.16 of the Revised Code, a child who is alleged to be or is adjudicated a delinquent child may not be held in a state correctional institution, county, multicounty, or municipal jail or workhouse, or other place where an adult convicted of crime, under arrest, or charged with crime is held.

(E) Unless the detention is pursuant to division (F) of this section or division (C) of section 2151.311, division (C)(2) of

section 5139.06 and section 5120.162, or division (B) of section 34740  
5120.16 of the Revised Code, the official in charge of the 34741  
institution, jail, workhouse, or other facility shall inform the 34742  
court immediately when a child, who is or appears to be under the 34743  
age of eighteen years, is received at the facility, and shall 34744  
deliver the child to the court upon request or transfer the child 34745  
to a detention facility designated by the court. 34746

(F)(1) If a case is transferred to another court for criminal 34747  
prosecution pursuant to section 2152.12 of the Revised Code, the 34748  
child may be transferred for detention pending the criminal 34749  
prosecution in a jail or other facility in accordance with the law 34750  
governing the detention of persons charged with crime. Any child 34751  
so held shall be confined in a manner that keeps the child beyond 34752  
the range of touch of all adult detainees. The child shall be 34753  
supervised at all times during the detention. 34754

(2) If a person is adjudicated a delinquent child or juvenile 34755  
traffic offender and the court makes a disposition of the person 34756  
under this chapter, at any time after the person attains eighteen 34757  
years of age, the person may be held under that disposition in 34758  
places other than those specified in division (A) of this section, 34759  
including, but not limited to, a county, multicounty, or municipal 34760  
jail or workhouse, or other place where an adult convicted of 34761  
crime, under arrest, or charged with crime is held. 34762

(3)(a) A person alleged to be a delinquent child may be held 34763  
in places other than those specified in division (A) of this 34764  
section, including, but not limited to, a county, multicounty, or 34765  
municipal jail, if the delinquent act that the child allegedly 34766  
committed would be a felony if committed by an adult, and if 34767  
either of the following applies: 34768

(i) The person attains eighteen years of age before the 34769  
person is arrested or apprehended for that act. 34770

(ii) The person is arrested or apprehended for that act 34771  
before the person attains eighteen years of age, but the person 34772  
attains eighteen years of age before the court orders a 34773  
disposition in the case. 34774

(b) If, pursuant to division (F)(3)(a) of this section, a 34775  
person is held in a place other than a place specified in division 34776  
(A) of this section, the person has the same rights to bail as an 34777  
adult charged with the same offense who is confined in a jail 34778  
pending trial. 34779

**Sec. 2152.72.** (A) This section applies only to a child who is 34780  
or previously has been adjudicated a delinquent child for an act 34781  
to which any of the following applies: 34782

(1) The act is a violation of section 2903.01, 2903.02, 34783  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 34784  
2907.05 of the Revised Code. 34785

(2) The act is a violation of section 2923.01 of the Revised 34786  
Code and involved an attempt to commit aggravated murder or 34787  
murder. 34788

(3) The act would be a felony if committed by an adult, and 34789  
the court determined that the child, if an adult, would be guilty 34790  
of a specification found in section 2941.141, 2941.144, or 34791  
2941.145 of the Revised Code or in another section of the Revised 34792  
Code that relates to the possession or use of a firearm during the 34793  
commission of the act for which the child was adjudicated a 34794  
delinquent child. 34795

(4) The act would be an offense of violence that is a felony 34796  
if committed by an adult, and the court determined that the child, 34797  
if an adult, would be guilty of a specification found in section 34798  
2941.1411 of the Revised Code or in another section of the Revised 34799  
Code that relates to the wearing or carrying of body armor during 34800

the commission of the act for which the child was adjudicated a delinquent child. 34801  
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(B)(1) Except as provided in division (E) of this section, a public children services agency, private child placing agency, private noncustodial agency, or court, the department of youth services, or another private or government entity shall not place a child in a certified foster home or for adoption until it provides the foster caregivers or prospective adoptive parents with all of the following: 34803  
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(a) A written report describing the child's social history; 34810

(b) A written report describing all the acts committed by the child the entity knows of that resulted in the child being adjudicated a delinquent child and the disposition made by the court, unless the records pertaining to the acts have been sealed pursuant to section 2151.356 of the Revised Code; 34811  
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(c) A written report describing any other violent act committed by the child of which the entity is aware; 34816  
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(d) The substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child or, if no psychological or psychiatric examination of the child is available, the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of Chapter 4757. of the Revised Code by an independent social worker, social worker, professional clinical counselor, or professional counselor licensed under that chapter. The entity shall not provide any part of a psychological, psychiatric, or mental and emotional disorder examination to the foster caregivers or prospective adoptive parents other than the substantial and material conclusions. 34818  
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(2) Notwithstanding sections 2151.356 to 2151.358 of the 34831



Revised Code, if records of an adjudication that a child is a delinquent child have been sealed pursuant to those sections and an entity knows the records have been sealed, the entity shall provide the foster caregivers or prospective adoptive parents a written statement that the records of a prior adjudication have been sealed.

(C)(1) The entity that places the child in a certified foster home or for adoption shall conduct a psychological examination of the child unless either of the following applies:

(a) An entity is not required to conduct the examination if an examination was conducted no more than one year prior to the child's placement, and division (C)(1)(b) of this section does not apply.

(b) An entity is not required to conduct the examination if a foster caregiver seeks to adopt the foster caregiver's foster child, and an examination was conducted no more than two years prior to the date the foster caregiver seeks to adopt the child.

(2) No later than sixty days after placing the child, the entity shall provide the foster caregiver or prospective adoptive parents a written report detailing the substantial and material conclusions and recommendations of the examination conducted pursuant to this division.

(D)(1) Except as provided in divisions (D)(2) and (3) of this section, the expenses of conducting the examinations and preparing the reports and assessment required by division (B) or (C) of this section shall be paid by the entity that places the child in the certified foster home or for adoption.

(2) When a juvenile court grants temporary or permanent custody of a child pursuant to any section of the Revised Code, including section 2151.33, 2151.353, 2151.354, or 2152.19 of the Revised Code, to a public children services agency or private

child placing agency, the court shall provide the agency the 34863  
information described in division (B) of this section, pay the 34864  
expenses of preparing that information, and, if a new examination 34865  
is required to be conducted, pay the expenses of conducting the 34866  
examination described in division (C) of this section. On receipt 34867  
of the information described in division (B) of this section, the 34868  
agency shall provide to the court written acknowledgment that the 34869  
agency received the information. The court shall keep the 34870  
acknowledgment and provide a copy to the agency. On the motion of 34871  
the agency, the court may terminate the order granting temporary 34872  
or permanent custody of the child to that agency, if the court 34873  
does not provide the information described in division (B) of this 34874  
section. 34875

(3) If one of the following entities is placing a child in a 34876  
certified foster home or for adoption with the assistance of or by 34877  
contracting with a public children services agency, private child 34878  
placing agency, or a private noncustodial agency, the entity shall 34879  
provide the agency with the information described in division (B) 34880  
of this section, pay the expenses of preparing that information, 34881  
and, if a new examination is required to be conducted, pay the 34882  
expenses of conducting the examination described in division (C) 34883  
of this section: 34884

(a) The department of youth services if the placement is 34885  
pursuant to any section of the Revised Code including section 34886  
2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised 34887  
Code; 34888

(b) A juvenile court with temporary or permanent custody of a 34889  
child pursuant to section 2151.354 or 2152.19 of the Revised Code; 34890

(c) A public children services agency or private child 34891  
placing agency with temporary or permanent custody of the child. 34892

The agency receiving the information described in division 34893

(B) of this section shall provide the entity described in division 34894  
(D)(3)(a) to (c) of this section that sent the information written 34895  
acknowledgment that the agency received the information and 34896  
provided it to the foster caregivers or prospective adoptive 34897  
parents. The entity shall keep the acknowledgment and provide a 34898  
copy to the agency. An entity that places a child in a certified 34899  
foster home or for adoption with the assistance of or by 34900  
contracting with an agency remains responsible to provide the 34901  
information described in division (B) of this section to the 34902  
foster caregivers or prospective adoptive parents unless the 34903  
entity receives written acknowledgment that the agency provided 34904  
the information. 34905

(E) If a child is placed in a certified foster home as a 34906  
result of an emergency removal of the child from home pursuant to 34907  
division (D) of section 2151.31 of the Revised Code, an emergency 34908  
change in the child's case plan pursuant to division ~~(E)~~(F)(3) of 34909  
section 2151.412 of the Revised Code, or an emergency placement by 34910  
the department of youth services pursuant to this chapter or 34911  
Chapter 5139. of the Revised Code, the entity that places the 34912  
child in the certified foster home shall provide the information 34913  
described in division (B) of this section no later than ninety-six 34914  
hours after the child is placed in the certified foster home. 34915

(F) On receipt of the information described in divisions (B) 34916  
and (C) of this section, the foster caregiver or prospective 34917  
adoptive parents shall provide to the entity that places the child 34918  
in the foster caregiver's or prospective adoptive parents' home a 34919  
written acknowledgment that the foster caregiver or prospective 34920  
adoptive parents received the information. The entity shall keep 34921  
the acknowledgment and provide a copy to the foster caregiver or 34922  
prospective adoptive parents. 34923

(G) No person employed by an entity subject to this section 34924  
and made responsible by that entity for the child's placement in a 34925

certified foster home or for adoption shall fail to provide the 34926  
foster caregivers or prospective adoptive parents with the 34927  
information required by divisions (B) and (C) of this section. 34928

(H) It is not a violation of any duty of confidentiality 34929  
provided for in the Revised Code or a code of professional 34930  
responsibility for a person or government entity to provide the 34931  
substantial and material conclusions and recommendations of a 34932  
psychiatric or psychological examination, or an examination to 34933  
detect mental and emotional disorders, in accordance with division 34934  
(B)(1)(d) or (C) of this section. 34935

(I) As used in this section: 34936

(1) "Body armor" has the same meaning as in section 2941.1411 34937  
of the Revised Code. 34938

(2) "Firearm" has the same meaning as in section 2923.11 of 34939  
the Revised Code. 34940

**Sec. 2301.03.** (A) In Franklin county, the judges of the court 34941  
of common pleas whose terms begin on January 1, 1953, January 2, 34942  
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 34943  
successors, shall have the same qualifications, exercise the same 34944  
powers and jurisdiction, and receive the same compensation as 34945  
other judges of the court of common pleas of Franklin county and 34946  
shall be elected and designated as judges of the court of common 34947  
pleas, division of domestic relations. They shall have all the 34948  
powers relating to juvenile courts, and all cases under Chapters 34949  
2151. and 2152. of the Revised Code, all parentage proceedings 34950  
under Chapter 3111. of the Revised Code over which the juvenile 34951  
court has jurisdiction, and all divorce, dissolution of marriage, 34952  
legal separation, and annulment cases shall be assigned to them. 34953  
In addition to the judge's regular duties, the judge who is senior 34954  
in point of service shall serve on the children services board and 34955  
the county advisory board and shall be the administrator of the 34956

domestic relations division and its subdivisions and departments. 34957  
34958

(B) In Hamilton county: 34959

(1) The judge of the court of common pleas, whose term begins 34960  
on January 1, 1957, and successors, and the judge of the court of 34961  
common pleas, whose term begins on February 14, 1967, and 34962  
successors, shall be the juvenile judges as provided in Chapters 34963  
2151. and 2152. of the Revised Code, with the powers and 34964  
jurisdiction conferred by those chapters. 34965

(2) The judges of the court of common pleas whose terms begin 34966  
on January 5, 1957, January 16, 1981, and July 1, 1991, and 34967  
successors, shall be elected and designated as judges of the court 34968  
of common pleas, division of domestic relations, and shall have 34969  
assigned to them all divorce, dissolution of marriage, legal 34970  
separation, and annulment cases coming before the court. On or 34971  
after the first day of July and before the first day of August of 34972  
1991 and each year thereafter, a majority of the judges of the 34973  
division of domestic relations shall elect one of the judges of 34974  
the division as administrative judge of that division. If a 34975  
majority of the judges of the division of domestic relations are 34976  
unable for any reason to elect an administrative judge for the 34977  
division before the first day of August, a majority of the judges 34978  
of the Hamilton county court of common pleas, as soon as possible 34979  
after that date, shall elect one of the judges of the division of 34980  
domestic relations as administrative judge of that division. The 34981  
term of the administrative judge shall begin on the earlier of the 34982  
first day of August of the year in which the administrative judge 34983  
is elected or the date on which the administrative judge is 34984  
elected by a majority of the judges of the Hamilton county court 34985  
of common pleas and shall terminate on the date on which the 34986  
administrative judge's successor is elected in the following year. 34987

In addition to the judge's regular duties, the administrative 34988

judge of the division of domestic relations shall be the 34989  
administrator of the domestic relations division and its 34990  
subdivisions and departments and shall have charge of the 34991  
employment, assignment, and supervision of the personnel of the 34992  
division engaged in handling, servicing, or investigating divorce, 34993  
dissolution of marriage, legal separation, and annulment cases, 34994  
including any referees considered necessary by the judges in the 34995  
discharge of their various duties. 34996

The administrative judge of the division of domestic 34997  
relations also shall designate the title, compensation, expense 34998  
allowances, hours, leaves of absence, and vacations of the 34999  
personnel of the division, and shall fix the duties of its 35000  
personnel. The duties of the personnel, in addition to those 35001  
provided for in other sections of the Revised Code, shall include 35002  
the handling, servicing, and investigation of divorce, dissolution 35003  
of marriage, legal separation, and annulment cases and counseling 35004  
and conciliation services that may be made available to persons 35005  
requesting them, whether or not the persons are parties to an 35006  
action pending in the division. 35007

The board of county commissioners shall appropriate the sum 35008  
of money each year as will meet all the administrative expenses of 35009  
the division of domestic relations, including reasonable expenses 35010  
of the domestic relations judges and the division counselors and 35011  
other employees designated to conduct the handling, servicing, and 35012  
investigation of divorce, dissolution of marriage, legal 35013  
separation, and annulment cases, conciliation and counseling, and 35014  
all matters relating to those cases and counseling, and the 35015  
expenses involved in the attendance of division personnel at 35016  
domestic relations and welfare conferences designated by the 35017  
division, and the further sum each year as will provide for the 35018  
adequate operation of the division of domestic relations. 35019

The compensation and expenses of all employees and the salary 35020

and expenses of the judges shall be paid by the county treasurer 35021  
from the money appropriated for the operation of the division, 35022  
upon the warrant of the county auditor, certified to by the 35023  
administrative judge of the division of domestic relations. 35024

The summonses, warrants, citations, subpoenas, and other 35025  
writs of the division may issue to a bailiff, constable, or staff 35026  
investigator of the division or to the sheriff of any county or 35027  
any marshal, constable, or police officer, and the provisions of 35028  
law relating to the subpoenaing of witnesses in other cases shall 35029  
apply insofar as they are applicable. When a summons, warrant, 35030  
citation, subpoena, or other writ is issued to an officer, other 35031  
than a bailiff, constable, or staff investigator of the division, 35032  
the expense of serving it shall be assessed as a part of the costs 35033  
in the case involved. 35034

(3) The judge of the court of common pleas of Hamilton county 35035  
whose term begins on January 3, 1997, and the successors to that 35036  
judge shall each be elected and designated as the drug court judge 35037  
of the court of common pleas of Hamilton county. The drug court 35038  
judge may accept or reject any case referred to the drug court 35039  
judge under division (B)(3) of this section. After the drug court 35040  
judge accepts a referred case, the drug court judge has full 35041  
authority over the case, including the authority to conduct 35042  
arraignment, accept pleas, enter findings and dispositions, 35043  
conduct trials, order treatment, and if treatment is not 35044  
successfully completed pronounce and enter sentence. 35045

A judge of the general division of the court of common pleas 35046  
of Hamilton county and a judge of the Hamilton county municipal 35047  
court may refer to the drug court judge any case, and any 35048  
companion cases, the judge determines meet the criteria described 35049  
under divisions (B)(3)(a) and (b) of this section. If the drug 35050  
court judge accepts referral of a referred case, the case, and any 35051  
companion cases, shall be transferred to the drug court judge. A 35052

judge may refer a case meeting the criteria described in divisions 35053  
(B)(3)(a) and (b) of this section that involves a violation of a 35054  
condition of a community control sanction to the drug court judge, 35055  
and, if the drug court judge accepts the referral, the referring 35056  
judge and the drug court judge have concurrent jurisdiction over 35057  
the case. 35058

A judge of the general division of the court of common pleas 35059  
of Hamilton county and a judge of the Hamilton county municipal 35060  
court may refer a case to the drug court judge under division 35061  
(B)(3) of this section if the judge determines that both of the 35062  
following apply: 35063

(a) One of the following applies: 35064

(i) The case involves a drug abuse offense, as defined in 35065  
section 2925.01 of the Revised Code, that is a felony of the third 35066  
or fourth degree if the offense is committed prior to July 1, 35067  
1996, a felony of the third, fourth, or fifth degree if the 35068  
offense is committed on or after July 1, 1996, or a misdemeanor. 35069

(ii) The case involves a theft offense, as defined in section 35070  
2913.01 of the Revised Code, that is a felony of the third or 35071  
fourth degree if the offense is committed prior to July 1, 1996, a 35072  
felony of the third, fourth, or fifth degree if the offense is 35073  
committed on or after July 1, 1996, or a misdemeanor, and the 35074  
defendant is drug or alcohol dependent or in danger of becoming 35075  
drug or alcohol dependent and would benefit from treatment. 35076

(b) All of the following apply: 35077

(i) The case involves an offense for which a community 35078  
control sanction may be imposed or is a case in which a mandatory 35079  
prison term or a mandatory jail term is not required to be 35080  
imposed. 35081

(ii) The defendant has no history of violent behavior. 35082



(iii) The defendant has no history of mental illness.	35083
(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.	35084 35085
(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.	35086 35087
(vi) The defendant has no acute health condition.	35088
(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.	35089 35090
(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.	35091 35092 35093 35094 35095 35096 35097 35098 35099 35100 35101
(5) As used in division (B) of this section, "community control sanction," "mandatory prison term," and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.	35102 35103 35104 35105
(C)(1) In Lorain county:	35106
(a) The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, and the judge of the court of common pleas whose term begins on February 9, 2009, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of	35107 35108 35109 35110 35111 35112

Lorain county and shall be elected and designated as the judges of 35113  
the court of common pleas, division of domestic relations. The 35114  
judges of the court of common pleas whose terms begin on January 35115  
3, 1959, January 4, 1989, and January 2, 1999, and successors, 35116  
shall have all of the powers relating to juvenile courts, and all 35117  
cases under Chapters 2151. and 2152. of the Revised Code, all 35118  
parentage proceedings over which the juvenile court has 35119  
jurisdiction, and all divorce, dissolution of marriage, legal 35120  
separation, and annulment cases shall be assigned to them, except 35121  
cases that for some special reason are assigned to some other 35122  
judge of the court of common pleas. From February 9, 2009, through 35123  
September 28, 2009, the judge of the court of common pleas whose 35124  
term begins on February 9, 2009, shall have all the powers 35125  
relating to juvenile courts, and cases under Chapters 2151. and 35126  
2152. of the Revised Code, parentage proceedings over which the 35127  
juvenile court has jurisdiction, and divorce, dissolution of 35128  
marriage, legal separation, and annulment cases shall be assigned 35129  
to that judge, except cases that for some special reason are 35130  
assigned to some other judge of the court of common pleas. 35131

(b) From January 1, 2006, through September 28, 2009, the 35132  
judges of the court of common pleas, division of domestic 35133  
relations, in addition to the powers and jurisdiction set forth in 35134  
division (C)(1)(a) of this section, shall have jurisdiction over 35135  
matters that are within the jurisdiction of the probate court 35136  
under Chapter 2101. and other provisions of the Revised Code. 35137

(c) The judge of the court of common pleas, division of 35138  
domestic relations, whose term begins on February 9, 2009, is the 35139  
successor to the probate judge who was elected in 2002 for a term 35140  
that began on February 9, 2003. After September 28, 2009, the 35141  
judge of the court of common pleas, division of domestic 35142  
relations, whose term begins on February 9, 2009, shall be the 35143  
probate judge. 35144

(2)(a) From February 9, 2009, through September 28, 2009, 35145  
with respect to Lorain county, all references in law to the 35146  
probate court shall be construed as references to the court of 35147  
common pleas, division of domestic relations, and all references 35148  
to the probate judge shall be construed as references to the 35149  
judges of the court of common pleas, division of domestic 35150  
relations. 35151

(b) From February 9, 2009, through September 28, 2009, with 35152  
respect to Lorain county, all references in law to the clerk of 35153  
the probate court shall be construed as references to the judge 35154  
who is serving pursuant to Rule 4 of the Rules of Superintendence 35155  
for the Courts of Ohio as the administrative judge of the court of 35156  
common pleas, division of domestic relations. 35157

(D) In Lucas county: 35158

(1) The judges of the court of common pleas whose terms begin 35159  
on January 1, 1955, and January 3, 1965, and successors, shall 35160  
have the same qualifications, exercise the same powers and 35161  
jurisdiction, and receive the same compensation as other judges of 35162  
the court of common pleas of Lucas county and shall be elected and 35163  
designated as judges of the court of common pleas, division of 35164  
domestic relations. All divorce, dissolution of marriage, legal 35165  
separation, and annulment cases shall be assigned to them. 35166

The judge of the division of domestic relations, senior in 35167  
point of service, shall be considered as the presiding judge of 35168  
the court of common pleas, division of domestic relations, and 35169  
shall be charged exclusively with the assignment and division of 35170  
the work of the division and the employment and supervision of all 35171  
other personnel of the domestic relations division. 35172

(2) The judges of the court of common pleas whose terms begin 35173  
on January 5, 1977, and January 2, 1991, and successors shall have 35174  
the same qualifications, exercise the same powers and 35175

jurisdiction, and receive the same compensation as other judges of 35176  
the court of common pleas of Lucas county, shall be elected and 35177  
designated as judges of the court of common pleas, juvenile 35178  
division, and shall be the juvenile judges as provided in Chapters 35179  
2151. and 2152. of the Revised Code with the powers and 35180  
jurisdictions conferred by those chapters. In addition to the 35181  
judge's regular duties, the judge of the court of common pleas, 35182  
juvenile division, senior in point of service, shall be the 35183  
administrator of the juvenile division and its subdivisions and 35184  
departments and shall have charge of the employment, assignment, 35185  
and supervision of the personnel of the division engaged in 35186  
handling, servicing, or investigating juvenile cases, including 35187  
any referees considered necessary by the judges of the division in 35188  
the discharge of their various duties. 35189

The judge of the court of common pleas, juvenile division, 35190  
senior in point of service, also shall designate the title, 35191  
compensation, expense allowance, hours, leaves of absence, and 35192  
vacation of the personnel of the division and shall fix the duties 35193  
of the personnel of the division. The duties of the personnel, in 35194  
addition to other statutory duties include the handling, 35195  
servicing, and investigation of juvenile cases and counseling and 35196  
conciliation services that may be made available to persons 35197  
requesting them, whether or not the persons are parties to an 35198  
action pending in the division. 35199

(3) If one of the judges of the court of common pleas, 35200  
division of domestic relations, or one of the judges of the 35201  
juvenile division is sick, absent, or unable to perform that 35202  
judge's judicial duties or the volume of cases pending in that 35203  
judge's division necessitates it, the duties shall be performed by 35204  
the judges of the other of those divisions. 35205

(E) In Mahoning county: 35206

(1) The judge of the court of common pleas whose term began 35207

on January 1, 1955, and successors, shall have the same 35208  
qualifications, exercise the same powers and jurisdiction, and 35209  
receive the same compensation as other judges of the court of 35210  
common pleas of Mahoning county, shall be elected and designated 35211  
as judge of the court of common pleas, division of domestic 35212  
relations, and shall be assigned all the divorce, dissolution of 35213  
marriage, legal separation, and annulment cases coming before the 35214  
court. In addition to the judge's regular duties, the judge of the 35215  
court of common pleas, division of domestic relations, shall be 35216  
the administrator of the domestic relations division and its 35217  
subdivisions and departments and shall have charge of the 35218  
employment, assignment, and supervision of the personnel of the 35219  
division engaged in handling, servicing, or investigating divorce, 35220  
dissolution of marriage, legal separation, and annulment cases, 35221  
including any referees considered necessary in the discharge of 35222  
the various duties of the judge's office. 35223

The judge also shall designate the title, compensation, 35224  
expense allowances, hours, leaves of absence, and vacations of the 35225  
personnel of the division and shall fix the duties of the 35226  
personnel of the division. The duties of the personnel, in 35227  
addition to other statutory duties, include the handling, 35228  
servicing, and investigation of divorce, dissolution of marriage, 35229  
legal separation, and annulment cases and counseling and 35230  
conciliation services that may be made available to persons 35231  
requesting them, whether or not the persons are parties to an 35232  
action pending in the division. 35233

(2) The judge of the court of common pleas whose term began 35234  
on January 2, 1969, and successors, shall have the same 35235  
qualifications, exercise the same powers and jurisdiction, and 35236  
receive the same compensation as other judges of the court of 35237  
common pleas of Mahoning county, shall be elected and designated 35238  
as judge of the court of common pleas, juvenile division, and 35239

shall be the juvenile judge as provided in Chapters 2151. and 35240  
2152. of the Revised Code, with the powers and jurisdictions 35241  
conferred by those chapters. In addition to the judge's regular 35242  
duties, the judge of the court of common pleas, juvenile division, 35243  
shall be the administrator of the juvenile division and its 35244  
subdivisions and departments and shall have charge of the 35245  
employment, assignment, and supervision of the personnel of the 35246  
division engaged in handling, servicing, or investigating juvenile 35247  
cases, including any referees considered necessary by the judge in 35248  
the discharge of the judge's various duties. 35249

The judge also shall designate the title, compensation, 35250  
expense allowances, hours, leaves of absence, and vacation of the 35251  
personnel of the division and shall fix the duties of the 35252  
personnel of the division. The duties of the personnel, in 35253  
addition to other statutory duties, include the handling, 35254  
servicing, and investigation of juvenile cases and counseling and 35255  
conciliation services that may be made available to persons 35256  
requesting them, whether or not the persons are parties to an 35257  
action pending in the division. 35258

(3) If a judge of the court of common pleas, division of 35259  
domestic relations or juvenile division, is sick, absent, or 35260  
unable to perform that judge's judicial duties, or the volume of 35261  
cases pending in that judge's division necessitates it, that 35262  
judge's duties shall be performed by another judge of the court of 35263  
common pleas. 35264

(F) In Montgomery county: 35265

(1) The judges of the court of common pleas whose terms begin 35266  
on January 2, 1953, and January 4, 1977, and successors, shall 35267  
have the same qualifications, exercise the same powers and 35268  
jurisdiction, and receive the same compensation as other judges of 35269  
the court of common pleas of Montgomery county and shall be 35270  
elected and designated as judges of the court of common pleas, 35271

division of domestic relations. These judges shall have assigned 35272  
to them all divorce, dissolution of marriage, legal separation, 35273  
and annulment cases. 35274

The judge of the division of domestic relations, senior in 35275  
point of service, shall be charged exclusively with the assignment 35276  
and division of the work of the division and shall have charge of 35277  
the employment and supervision of the personnel of the division 35278  
engaged in handling, servicing, or investigating divorce, 35279  
dissolution of marriage, legal separation, and annulment cases, 35280  
including any necessary referees, except those employees who may 35281  
be appointed by the judge, junior in point of service, under this 35282  
section and sections 2301.12, and 2301.18, ~~and 2301.19~~ of the 35283  
Revised Code. The judge of the division of domestic relations, 35284  
senior in point of service, also shall designate the title, 35285  
compensation, expense allowances, hours, leaves of absence, and 35286  
vacation of the personnel of the division and shall fix their 35287  
duties. 35288

(2) The judges of the court of common pleas whose terms begin 35289  
on January 1, 1953, and January 1, 1993, and successors, shall 35290  
have the same qualifications, exercise the same powers and 35291  
jurisdiction, and receive the same compensation as other judges of 35292  
the court of common pleas of Montgomery county, shall be elected 35293  
and designated as judges of the court of common pleas, juvenile 35294  
division, and shall be, and have the powers and jurisdiction of, 35295  
the juvenile judge as provided in Chapters 2151. and 2152. of the 35296  
Revised Code. 35297

In addition to the judge's regular duties, the judge of the 35298  
court of common pleas, juvenile division, senior in point of 35299  
service, shall be the administrator of the juvenile division and 35300  
its subdivisions and departments and shall have charge of the 35301  
employment, assignment, and supervision of the personnel of the 35302  
juvenile division, including any necessary referees, who are 35303

engaged in handling, servicing, or investigating juvenile cases. 35304  
The judge, senior in point of service, also shall designate the 35305  
title, compensation, expense allowances, hours, leaves of absence, 35306  
and vacation of the personnel of the division and shall fix their 35307  
duties. The duties of the personnel, in addition to other 35308  
statutory duties, shall include the handling, servicing, and 35309  
investigation of juvenile cases and of any counseling and 35310  
conciliation services that are available upon request to persons, 35311  
whether or not they are parties to an action pending in the 35312  
division. 35313

If one of the judges of the court of common pleas, division 35314  
of domestic relations, or one of the judges of the court of common 35315  
pleas, juvenile division, is sick, absent, or unable to perform 35316  
that judge's duties or the volume of cases pending in that judge's 35317  
division necessitates it, the duties of that judge may be 35318  
performed by the judge or judges of the other of those divisions. 35319

(G) In Richland county: 35320

(1) The judge of the court of common pleas whose term begins 35321  
on January 1, 1957, and successors, shall have the same 35322  
qualifications, exercise the same powers and jurisdiction, and 35323  
receive the same compensation as the other judges of the court of 35324  
common pleas of Richland county and shall be elected and 35325  
designated as judge of the court of common pleas, division of 35326  
domestic relations. That judge shall be assigned and hear all 35327  
divorce, dissolution of marriage, legal separation, and annulment 35328  
cases, all domestic violence cases arising under section 3113.31 35329  
of the Revised Code, and all post-decree proceedings arising from 35330  
any case pertaining to any of those matters. The division of 35331  
domestic relations has concurrent jurisdiction with the juvenile 35332  
division of the court of common pleas of Richland county to 35333  
determine the care, custody, or control of any child not a ward of 35334  
another court of this state, and to hear and determine a request 35335



for an order for the support of any child if the request is not 35336  
ancillary to an action for divorce, dissolution of marriage, 35337  
annulment, or legal separation, a criminal or civil action 35338  
involving an allegation of domestic violence, or an action for 35339  
support brought under Chapter 3115. of the Revised Code. Except in 35340  
cases that are subject to the exclusive original jurisdiction of 35341  
the juvenile court, the judge of the division of domestic 35342  
relations shall be assigned and hear all cases pertaining to 35343  
paternity or parentage, the care, custody, or control of children, 35344  
parenting time or visitation, child support, or the allocation of 35345  
parental rights and responsibilities for the care of children, all 35346  
proceedings arising under Chapter 3111. of the Revised Code, all 35347  
proceedings arising under the uniform interstate family support 35348  
act contained in Chapter 3115. of the Revised Code, and all 35349  
post-decree proceedings arising from any case pertaining to any of 35350  
those matters. 35351

In addition to the judge's regular duties, the judge of the 35352  
court of common pleas, division of domestic relations, shall be 35353  
the administrator of the domestic relations division and its 35354  
subdivisions and departments. The judge shall have charge of the 35355  
employment, assignment, and supervision of the personnel of the 35356  
domestic relations division, including any magistrates the judge 35357  
considers necessary for the discharge of the judge's duties. The 35358  
judge shall also designate the title, compensation, expense 35359  
allowances, hours, leaves of absence, vacation, and other 35360  
employment-related matters of the personnel of the division and 35361  
shall fix their duties. 35362

(2) The judge of the court of common pleas whose term begins 35363  
on January 3, 2005, and successors, shall have the same 35364  
qualifications, exercise the same powers and jurisdiction, and 35365  
receive the same compensation as other judges of the court of 35366  
common pleas of Richland county, shall be elected and designated 35367

as judge of the court of common pleas, juvenile division, and 35368  
shall be, and have the powers and jurisdiction of, the juvenile 35369  
judge as provided in Chapters 2151. and 2152. of the Revised Code. 35370  
Except in cases that are subject to the exclusive original 35371  
jurisdiction of the juvenile court, the judge of the juvenile 35372  
division shall not have jurisdiction or the power to hear, and 35373  
shall not be assigned, any case pertaining to paternity or 35374  
parentage, the care, custody, or control of children, parenting 35375  
time or visitation, child support, or the allocation of parental 35376  
rights and responsibilities for the care of children or any 35377  
post-decree proceeding arising from any case pertaining to any of 35378  
those matters. The judge of the juvenile division shall not have 35379  
jurisdiction or the power to hear, and shall not be assigned, any 35380  
proceeding under the uniform interstate family support act 35381  
contained in Chapter 3115. of the Revised Code. 35382

In addition to the judge's regular duties, the judge of the 35383  
juvenile division shall be the administrator of the juvenile 35384  
division and its subdivisions and departments. The judge shall 35385  
have charge of the employment, assignment, and supervision of the 35386  
personnel of the juvenile division who are engaged in handling, 35387  
servicing, or investigating juvenile cases, including any 35388  
magistrates whom the judge considers necessary for the discharge 35389  
of the judge's various duties. 35390

The judge of the juvenile division also shall designate the 35391  
title, compensation, expense allowances, hours, leaves of absence, 35392  
and vacation of the personnel of the division and shall fix their 35393  
duties. The duties of the personnel, in addition to other 35394  
statutory duties, include the handling, servicing, and 35395  
investigation of juvenile cases and providing any counseling, 35396  
conciliation, and mediation services that the court makes 35397  
available to persons, whether or not the persons are parties to an 35398  
action pending in the court, who request the services. 35399

(H) In Stark county, the judges of the court of common pleas 35400  
whose terms begin on January 1, 1953, January 2, 1959, and January 35401  
1, 1993, and successors, shall have the same qualifications, 35402  
exercise the same powers and jurisdiction, and receive the same 35403  
compensation as other judges of the court of common pleas of Stark 35404  
county and shall be elected and designated as judges of the court 35405  
of common pleas, division of domestic relations. They shall have 35406  
all the powers relating to juvenile courts, and all cases under 35407  
Chapters 2151. and 2152. of the Revised Code, all parentage 35408  
proceedings over which the juvenile court has jurisdiction, and 35409  
all divorce, dissolution of marriage, legal separation, and 35410  
annulment cases, except cases that are assigned to some other 35411  
judge of the court of common pleas for some special reason, shall 35412  
be assigned to the judges. 35413

The judge of the division of domestic relations, second most 35414  
senior in point of service, shall have charge of the employment 35415  
and supervision of the personnel of the division engaged in 35416  
handling, servicing, or investigating divorce, dissolution of 35417  
marriage, legal separation, and annulment cases, and necessary 35418  
referees required for the judge's respective court. 35419

The judge of the division of domestic relations, senior in 35420  
point of service, shall be charged exclusively with the 35421  
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 35422  
of the Revised Code and with the assignment and division of the 35423  
work of the division and the employment and supervision of all 35424  
other personnel of the division, including, but not limited to, 35425  
that judge's necessary referees, but excepting those employees who 35426  
may be appointed by the judge second most senior in point of 35427  
service. The senior judge further shall serve in every other 35428  
position in which the statutes permit or require a juvenile judge 35429  
to serve. 35430

(I) In Summit county: 35431

(1) The judges of the court of common pleas whose terms begin 35432  
on January 4, 1967, and January 6, 1993, and successors, shall 35433  
have the same qualifications, exercise the same powers and 35434  
jurisdiction, and receive the same compensation as other judges of 35435  
the court of common pleas of Summit county and shall be elected 35436  
and designated as judges of the court of common pleas, division of 35437  
domestic relations. The judges of the division of domestic 35438  
relations shall have assigned to them and hear all divorce, 35439  
dissolution of marriage, legal separation, and annulment cases 35440  
that come before the court. Except in cases that are subject to 35441  
the exclusive original jurisdiction of the juvenile court, the 35442  
judges of the division of domestic relations shall have assigned 35443  
to them and hear all cases pertaining to paternity, custody, 35444  
visitation, child support, or the allocation of parental rights 35445  
and responsibilities for the care of children and all post-decree 35446  
proceedings arising from any case pertaining to any of those 35447  
matters. The judges of the division of domestic relations shall 35448  
have assigned to them and hear all proceedings under the uniform 35449  
interstate family support act contained in Chapter 3115. of the 35450  
Revised Code. 35451

The judge of the division of domestic relations, senior in 35452  
point of service, shall be the administrator of the domestic 35453  
relations division and its subdivisions and departments and shall 35454  
have charge of the employment, assignment, and supervision of the 35455  
personnel of the division, including any necessary referees, who 35456  
are engaged in handling, servicing, or investigating divorce, 35457  
dissolution of marriage, legal separation, and annulment cases. 35458  
That judge also shall designate the title, compensation, expense 35459  
allowances, hours, leaves of absence, and vacations of the 35460  
personnel of the division and shall fix their duties. The duties 35461  
of the personnel, in addition to other statutory duties, shall 35462  
include the handling, servicing, and investigation of divorce, 35463  
dissolution of marriage, legal separation, and annulment cases and 35464

of any counseling and conciliation services that are available 35465  
upon request to all persons, whether or not they are parties to an 35466  
action pending in the division. 35467

(2) The judge of the court of common pleas whose term begins 35468  
on January 1, 1955, and successors, shall have the same 35469  
qualifications, exercise the same powers and jurisdiction, and 35470  
receive the same compensation as other judges of the court of 35471  
common pleas of Summit county, shall be elected and designated as 35472  
judge of the court of common pleas, juvenile division, and shall 35473  
be, and have the powers and jurisdiction of, the juvenile judge as 35474  
provided in Chapters 2151. and 2152. of the Revised Code. Except 35475  
in cases that are subject to the exclusive original jurisdiction 35476  
of the juvenile court, the judge of the juvenile division shall 35477  
not have jurisdiction or the power to hear, and shall not be 35478  
assigned, any case pertaining to paternity, custody, visitation, 35479  
child support, or the allocation of parental rights and 35480  
responsibilities for the care of children or any post-decree 35481  
proceeding arising from any case pertaining to any of those 35482  
matters. The judge of the juvenile division shall not have 35483  
jurisdiction or the power to hear, and shall not be assigned, any 35484  
proceeding under the uniform interstate family support act 35485  
contained in Chapter 3115. of the Revised Code. 35486

The juvenile judge shall be the administrator of the juvenile 35487  
division and its subdivisions and departments and shall have 35488  
charge of the employment, assignment, and supervision of the 35489  
personnel of the juvenile division, including any necessary 35490  
referees, who are engaged in handling, servicing, or investigating 35491  
juvenile cases. The judge also shall designate the title, 35492  
compensation, expense allowances, hours, leaves of absence, and 35493  
vacation of the personnel of the division and shall fix their 35494  
duties. The duties of the personnel, in addition to other 35495  
statutory duties, shall include the handling, servicing, and 35496

investigation of juvenile cases and of any counseling and 35497  
conciliation services that are available upon request to persons, 35498  
whether or not they are parties to an action pending in the 35499  
division. 35500

(J) In Trumbull county, the judges of the court of common 35501  
pleas whose terms begin on January 1, 1953, and January 2, 1977, 35502  
and successors, shall have the same qualifications, exercise the 35503  
same powers and jurisdiction, and receive the same compensation as 35504  
other judges of the court of common pleas of Trumbull county and 35505  
shall be elected and designated as judges of the court of common 35506  
pleas, division of domestic relations. They shall have all the 35507  
powers relating to juvenile courts, and all cases under Chapters 35508  
2151. and 2152. of the Revised Code, all parentage proceedings 35509  
over which the juvenile court has jurisdiction, and all divorce, 35510  
dissolution of marriage, legal separation, and annulment cases 35511  
shall be assigned to them, except cases that for some special 35512  
reason are assigned to some other judge of the court of common 35513  
pleas. 35514

(K) In Butler county: 35515

(1) The judges of the court of common pleas whose terms begin 35516  
on January 1, 1957, and January 4, 1993, and successors, shall 35517  
have the same qualifications, exercise the same powers and 35518  
jurisdiction, and receive the same compensation as other judges of 35519  
the court of common pleas of Butler county and shall be elected 35520  
and designated as judges of the court of common pleas, division of 35521  
domestic relations. The judges of the division of domestic 35522  
relations shall have assigned to them all divorce, dissolution of 35523  
marriage, legal separation, and annulment cases coming before the 35524  
court, except in cases that for some special reason are assigned 35525  
to some other judge of the court of common pleas. The judges of 35526  
the division of domestic relations also have concurrent 35527  
jurisdiction with judges of the juvenile division of the court of 35528

common pleas of Butler county with respect to and may hear cases 35529  
to determine the custody, support, or custody and support of a 35530  
child who is born of issue of a marriage and who is not the ward 35531  
of another court of this state, cases commenced by a party of the 35532  
marriage to obtain an order requiring support of any child when 35533  
the request for that order is not ancillary to an action for 35534  
divorce, dissolution of marriage, annulment, or legal separation, 35535  
a criminal or civil action involving an allegation of domestic 35536  
violence, an action for support under Chapter 3115. of the Revised 35537  
Code, or an action that is within the exclusive original 35538  
jurisdiction of the juvenile division of the court of common pleas 35539  
of Butler county and that involves an allegation that the child is 35540  
an abused, neglected, or dependent child, and post-decree 35541  
proceedings and matters arising from those types of cases. The 35542  
judge senior in point of service shall be charged with the 35543  
assignment and division of the work of the division and with the 35544  
employment and supervision of all other personnel of the domestic 35545  
relations division. 35546

The judge senior in point of service also shall designate the 35547  
title, compensation, expense allowances, hours, leaves of absence, 35548  
and vacations of the personnel of the division and shall fix their 35549  
duties. The duties of the personnel, in addition to other 35550  
statutory duties, shall include the handling, servicing, and 35551  
investigation of divorce, dissolution of marriage, legal 35552  
separation, and annulment cases and providing any counseling and 35553  
conciliation services that the division makes available to 35554  
persons, whether or not the persons are parties to an action 35555  
pending in the division, who request the services. 35556

(2) The judges of the court of common pleas whose terms begin 35557  
on January 3, 1987, and January 2, 2003, and successors, shall 35558  
have the same qualifications, exercise the same powers and 35559  
jurisdiction, and receive the same compensation as other judges of 35560

the court of common pleas of Butler county, shall be elected and 35561  
designated as judges of the court of common pleas, juvenile 35562  
division, and shall be the juvenile judges as provided in Chapters 35563  
2151. and 2152. of the Revised Code, with the powers and 35564  
jurisdictions conferred by those chapters. Except in cases that 35565  
are subject to the exclusive original jurisdiction of the juvenile 35566  
court, the judges of the juvenile division shall not have 35567  
jurisdiction or the power to hear and shall not be assigned, but 35568  
shall have the limited ability and authority to certify, any case 35569  
commenced by a party of a marriage to determine the custody, 35570  
support, or custody and support of a child who is born of issue of 35571  
the marriage and who is not the ward of another court of this 35572  
state when the request for the order in the case is not ancillary 35573  
to an action for divorce, dissolution of marriage, annulment, or 35574  
legal separation. The judge of the court of common pleas, juvenile 35575  
division, who is senior in point of service, shall be the 35576  
administrator of the juvenile division and its subdivisions and 35577  
departments. The judge, senior in point of service, shall have 35578  
charge of the employment, assignment, and supervision of the 35579  
personnel of the juvenile division who are engaged in handling, 35580  
servicing, or investigating juvenile cases, including any referees 35581  
whom the judge considers necessary for the discharge of the 35582  
judge's various duties. 35583

The judge, senior in point of service, also shall designate 35584  
the title, compensation, expense allowances, hours, leaves of 35585  
absence, and vacation of the personnel of the division and shall 35586  
fix their duties. The duties of the personnel, in addition to 35587  
other statutory duties, include the handling, servicing, and 35588  
investigation of juvenile cases and providing any counseling and 35589  
conciliation services that the division makes available to 35590  
persons, whether or not the persons are parties to an action 35591  
pending in the division, who request the services. 35592



(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions.

(L)(1) In Cuyahoga county, the judges of the court of common pleas whose terms begin on January 8, 1961, January 9, 1961, January 18, 1975, January 19, 1975, and January 13, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Cuyahoga county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to all divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that are assigned to some other judge of the court of common pleas for some special reason.

(2) The administrative judge is administrator of the domestic relations division and its subdivisions and departments and has the following powers concerning division personnel:

(a) Full charge of the employment, assignment, and supervision;

(b) Sole determination of compensation, duties, expenses, allowances, hours, leaves, and vacations.

(3) "Division personnel" include persons employed or referees engaged in hearing, servicing, investigating, counseling, or conciliating divorce, dissolution of marriage, legal separation and annulment matters.

(M) In Lake county:

(1) The judge of the court of common pleas whose term begins

on January 2, 1961, and successors, shall have the same 35624  
qualifications, exercise the same powers and jurisdiction, and 35625  
receive the same compensation as the other judges of the court of 35626  
common pleas of Lake county and shall be elected and designated as 35627  
judge of the court of common pleas, division of domestic 35628  
relations. The judge shall be assigned all the divorce, 35629  
dissolution of marriage, legal separation, and annulment cases 35630  
coming before the court, except in cases that for some special 35631  
reason are assigned to some other judge of the court of common 35632  
pleas. The judge shall be charged with the assignment and division 35633  
of the work of the division and with the employment and 35634  
supervision of all other personnel of the domestic relations 35635  
division. 35636

The judge also shall designate the title, compensation, 35637  
expense allowances, hours, leaves of absence, and vacations of the 35638  
personnel of the division and shall fix their duties. The duties 35639  
of the personnel, in addition to other statutory duties, shall 35640  
include the handling, servicing, and investigation of divorce, 35641  
dissolution of marriage, legal separation, and annulment cases and 35642  
providing any counseling and conciliation services that the 35643  
division makes available to persons, whether or not the persons 35644  
are parties to an action pending in the division, who request the 35645  
services. 35646

(2) The judge of the court of common pleas whose term begins 35647  
on January 4, 1979, and successors, shall have the same 35648  
qualifications, exercise the same powers and jurisdiction, and 35649  
receive the same compensation as other judges of the court of 35650  
common pleas of Lake county, shall be elected and designated as 35651  
judge of the court of common pleas, juvenile division, and shall 35652  
be the juvenile judge as provided in Chapters 2151. and 2152. of 35653  
the Revised Code, with the powers and jurisdictions conferred by 35654  
those chapters. The judge of the court of common pleas, juvenile 35655

division, shall be the administrator of the juvenile division and 35656  
its subdivisions and departments. The judge shall have charge of 35657  
the employment, assignment, and supervision of the personnel of 35658  
the juvenile division who are engaged in handling, servicing, or 35659  
investigating juvenile cases, including any referees whom the 35660  
judge considers necessary for the discharge of the judge's various 35661  
duties. 35662

The judge also shall designate the title, compensation, 35663  
expense allowances, hours, leaves of absence, and vacation of the 35664  
personnel of the division and shall fix their duties. The duties 35665  
of the personnel, in addition to other statutory duties, include 35666  
the handling, servicing, and investigation of juvenile cases and 35667  
providing any counseling and conciliation services that the 35668  
division makes available to persons, whether or not the persons 35669  
are parties to an action pending in the division, who request the 35670  
services. 35671

(3) If a judge of the court of common pleas, division of 35672  
domestic relations or juvenile division, is sick, absent, or 35673  
unable to perform that judge's judicial duties or the volume of 35674  
cases pending in the judge's division necessitates it, the duties 35675  
of that judge shall be performed by the other judges of the 35676  
domestic relations and juvenile divisions. 35677

(N) In Erie county: 35678

(1) The judge of the court of common pleas whose term begins 35679  
on January 2, 1971, and the successors to that judge whose terms 35680  
begin before January 2, 2007, shall have the same qualifications, 35681  
exercise the same powers and jurisdiction, and receive the same 35682  
compensation as the other judge of the court of common pleas of 35683  
Erie county and shall be elected and designated as judge of the 35684  
court of common pleas, division of domestic relations. The judge 35685  
shall have all the powers relating to juvenile courts, and shall 35686  
be assigned all cases under Chapters 2151. and 2152. of the 35687

Revised Code, parentage proceedings over which the juvenile court 35688  
has jurisdiction, and divorce, dissolution of marriage, legal 35689  
separation, and annulment cases, except cases that for some 35690  
special reason are assigned to some other judge. 35691

On or after January 2, 2007, the judge of the court of common 35692  
pleas who is elected in 2006 shall be the successor to the judge 35693  
of the domestic relations division whose term expires on January 35694  
1, 2007, shall be designated as judge of the court of common 35695  
pleas, juvenile division, and shall be the juvenile judge as 35696  
provided in Chapters 2151. and 2152. of the Revised Code with the 35697  
powers and jurisdictions conferred by those chapters. 35698

(2) The judge of the court of common pleas, general division, 35699  
whose term begins on January 1, 2005, and successors, the judge of 35700  
the court of common pleas, general division whose term begins on 35701  
January 2, 2005, and successors, and the judge of the court of 35702  
common pleas, general division, whose term begins February 9, 35703  
2009, and successors, shall have assigned to them, in addition to 35704  
all matters that are within the jurisdiction of the general 35705  
division of the court of common pleas, all divorce, dissolution of 35706  
marriage, legal separation, and annulment cases coming before the 35707  
court, and all matters that are within the jurisdiction of the 35708  
probate court under Chapter 2101., and other provisions, of the 35709  
Revised Code. 35710

(0) In Greene county: 35711

(1) The judge of the court of common pleas whose term begins 35712  
on January 1, 1961, and successors, shall have the same 35713  
qualifications, exercise the same powers and jurisdiction, and 35714  
receive the same compensation as the other judges of the court of 35715  
common pleas of Greene county and shall be elected and designated 35716  
as the judge of the court of common pleas, division of domestic 35717  
relations. The judge shall be assigned all divorce, dissolution of 35718  
marriage, legal separation, annulment, uniform reciprocal support 35719

enforcement, and domestic violence cases and all other cases 35720  
related to domestic relations, except cases that for some special 35721  
reason are assigned to some other judge of the court of common 35722  
pleas. 35723

The judge shall be charged with the assignment and division 35724  
of the work of the division and with the employment and 35725  
supervision of all other personnel of the division. The judge also 35726  
shall designate the title, compensation, hours, leaves of absence, 35727  
and vacations of the personnel of the division and shall fix their 35728  
duties. The duties of the personnel of the division, in addition 35729  
to other statutory duties, shall include the handling, servicing, 35730  
and investigation of divorce, dissolution of marriage, legal 35731  
separation, and annulment cases and the provision of counseling 35732  
and conciliation services that the division considers necessary 35733  
and makes available to persons who request the services, whether 35734  
or not the persons are parties in an action pending in the 35735  
division. The compensation for the personnel shall be paid from 35736  
the overall court budget and shall be included in the 35737  
appropriations for the existing judges of the general division of 35738  
the court of common pleas. 35739

(2) The judge of the court of common pleas whose term begins 35740  
on January 1, 1995, and successors, shall have the same 35741  
qualifications, exercise the same powers and jurisdiction, and 35742  
receive the same compensation as the other judges of the court of 35743  
common pleas of Greene county, shall be elected and designated as 35744  
judge of the court of common pleas, juvenile division, and, on or 35745  
after January 1, 1995, shall be the juvenile judge as provided in 35746  
Chapters 2151. and 2152. of the Revised Code with the powers and 35747  
jurisdiction conferred by those chapters. The judge of the court 35748  
of common pleas, juvenile division, shall be the administrator of 35749  
the juvenile division and its subdivisions and departments. The 35750  
judge shall have charge of the employment, assignment, and 35751

supervision of the personnel of the juvenile division who are 35752  
engaged in handling, servicing, or investigating juvenile cases, 35753  
including any referees whom the judge considers necessary for the 35754  
discharge of the judge's various duties. 35755

The judge also shall designate the title, compensation, 35756  
expense allowances, hours, leaves of absence, and vacation of the 35757  
personnel of the division and shall fix their duties. The duties 35758  
of the personnel, in addition to other statutory duties, include 35759  
the handling, servicing, and investigation of juvenile cases and 35760  
providing any counseling and conciliation services that the court 35761  
makes available to persons, whether or not the persons are parties 35762  
to an action pending in the court, who request the services. 35763

(3) If one of the judges of the court of common pleas, 35764  
general division, is sick, absent, or unable to perform that 35765  
judge's judicial duties or the volume of cases pending in the 35766  
general division necessitates it, the duties of that judge of the 35767  
general division shall be performed by the judge of the division 35768  
of domestic relations and the judge of the juvenile division. 35769

(P) In Portage county, the judge of the court of common 35770  
pleas, whose term begins January 2, 1987, and successors, shall 35771  
have the same qualifications, exercise the same powers and 35772  
jurisdiction, and receive the same compensation as the other 35773  
judges of the court of common pleas of Portage county and shall be 35774  
elected and designated as judge of the court of common pleas, 35775  
division of domestic relations. The judge shall be assigned all 35776  
divorce, dissolution of marriage, legal separation, and annulment 35777  
cases coming before the court, except in cases that for some 35778  
special reason are assigned to some other judge of the court of 35779  
common pleas. The judge shall be charged with the assignment and 35780  
division of the work of the division and with the employment and 35781  
supervision of all other personnel of the domestic relations 35782  
division. 35783

The judge also shall designate the title, compensation, 35784  
expense allowances, hours, leaves of absence, and vacations of the 35785  
personnel of the division and shall fix their duties. The duties 35786  
of the personnel, in addition to other statutory duties, shall 35787  
include the handling, servicing, and investigation of divorce, 35788  
dissolution of marriage, legal separation, and annulment cases and 35789  
providing any counseling and conciliation services that the 35790  
division makes available to persons, whether or not the persons 35791  
are parties to an action pending in the division, who request the 35792  
services. 35793

(Q) In Clermont county, the judge of the court of common 35794  
pleas, whose term begins January 2, 1987, and successors, shall 35795  
have the same qualifications, exercise the same powers and 35796  
jurisdiction, and receive the same compensation as the other 35797  
judges of the court of common pleas of Clermont county and shall 35798  
be elected and designated as judge of the court of common pleas, 35799  
division of domestic relations. The judge shall be assigned all 35800  
divorce, dissolution of marriage, legal separation, and annulment 35801  
cases coming before the court, except in cases that for some 35802  
special reason are assigned to some other judge of the court of 35803  
common pleas. The judge shall be charged with the assignment and 35804  
division of the work of the division and with the employment and 35805  
supervision of all other personnel of the domestic relations 35806  
division. 35807

The judge also shall designate the title, compensation, 35808  
expense allowances, hours, leaves of absence, and vacations of the 35809  
personnel of the division and shall fix their duties. The duties 35810  
of the personnel, in addition to other statutory duties, shall 35811  
include the handling, servicing, and investigation of divorce, 35812  
dissolution of marriage, legal separation, and annulment cases and 35813  
providing any counseling and conciliation services that the 35814  
division makes available to persons, whether or not the persons 35815

are parties to an action pending in the division, who request the 35816  
services. 35817

(R) In Warren county, the judge of the court of common pleas, 35818  
whose term begins January 1, 1987, and successors, shall have the 35819  
same qualifications, exercise the same powers and jurisdiction, 35820  
and receive the same compensation as the other judges of the court 35821  
of common pleas of Warren county and shall be elected and 35822  
designated as judge of the court of common pleas, division of 35823  
domestic relations. The judge shall be assigned all divorce, 35824  
dissolution of marriage, legal separation, and annulment cases 35825  
coming before the court, except in cases that for some special 35826  
reason are assigned to some other judge of the court of common 35827  
pleas. The judge shall be charged with the assignment and division 35828  
of the work of the division and with the employment and 35829  
supervision of all other personnel of the domestic relations 35830  
division. 35831

The judge also shall designate the title, compensation, 35832  
expense allowances, hours, leaves of absence, and vacations of the 35833  
personnel of the division and shall fix their duties. The duties 35834  
of the personnel, in addition to other statutory duties, shall 35835  
include the handling, servicing, and investigation of divorce, 35836  
dissolution of marriage, legal separation, and annulment cases and 35837  
providing any counseling and conciliation services that the 35838  
division makes available to persons, whether or not the persons 35839  
are parties to an action pending in the division, who request the 35840  
services. 35841

(S) In Licking county, the judges of the court of common 35842  
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 35843  
and successors, shall have the same qualifications, exercise the 35844  
same powers and jurisdiction, and receive the same compensation as 35845  
the other judges of the court of common pleas of Licking county 35846  
and shall be elected and designated as judges of the court of 35847



common pleas, division of domestic relations. The judges shall be 35848  
assigned all divorce, dissolution of marriage, legal separation, 35849  
and annulment cases, all cases arising under Chapter 3111. of the 35850  
Revised Code, all proceedings involving child support, the 35851  
allocation of parental rights and responsibilities for the care of 35852  
children and the designation for the children of a place of 35853  
residence and legal custodian, parenting time, and visitation, and 35854  
all post-decree proceedings and matters arising from those cases 35855  
and proceedings, except in cases that for some special reason are 35856  
assigned to another judge of the court of common pleas. The 35857  
administrative judge of the division of domestic relations shall 35858  
be charged with the assignment and division of the work of the 35859  
division and with the employment and supervision of the personnel 35860  
of the division. 35861

The administrative judge of the division of domestic 35862  
relations shall designate the title, compensation, expense 35863  
allowances, hours, leaves of absence, and vacations of the 35864  
personnel of the division and shall fix the duties of the 35865  
personnel of the division. The duties of the personnel of the 35866  
division, in addition to other statutory duties, shall include the 35867  
handling, servicing, and investigation of divorce, dissolution of 35868  
marriage, legal separation, and annulment cases, cases arising 35869  
under Chapter 3111. of the Revised Code, and proceedings involving 35870  
child support, the allocation of parental rights and 35871  
responsibilities for the care of children and the designation for 35872  
the children of a place of residence and legal custodian, 35873  
parenting time, and visitation and providing any counseling and 35874  
conciliation services that the division makes available to 35875  
persons, whether or not the persons are parties to an action 35876  
pending in the division, who request the services. 35877

(T) In Allen county, the judge of the court of common pleas, 35878  
whose term begins January 1, 1993, and successors, shall have the 35879

same qualifications, exercise the same powers and jurisdiction, 35880  
and receive the same compensation as the other judges of the court 35881  
of common pleas of Allen county and shall be elected and 35882  
designated as judge of the court of common pleas, division of 35883  
domestic relations. The judge shall be assigned all divorce, 35884  
dissolution of marriage, legal separation, and annulment cases, 35885  
all cases arising under Chapter 3111. of the Revised Code, all 35886  
proceedings involving child support, the allocation of parental 35887  
rights and responsibilities for the care of children and the 35888  
designation for the children of a place of residence and legal 35889  
custodian, parenting time, and visitation, and all post-decree 35890  
proceedings and matters arising from those cases and proceedings, 35891  
except in cases that for some special reason are assigned to 35892  
another judge of the court of common pleas. The judge shall be 35893  
charged with the assignment and division of the work of the 35894  
division and with the employment and supervision of the personnel 35895  
of the division. 35896

The judge shall designate the title, compensation, expense 35897  
allowances, hours, leaves of absence, and vacations of the 35898  
personnel of the division and shall fix the duties of the 35899  
personnel of the division. The duties of the personnel of the 35900  
division, in addition to other statutory duties, shall include the 35901  
handling, servicing, and investigation of divorce, dissolution of 35902  
marriage, legal separation, and annulment cases, cases arising 35903  
under Chapter 3111. of the Revised Code, and proceedings involving 35904  
child support, the allocation of parental rights and 35905  
responsibilities for the care of children and the designation for 35906  
the children of a place of residence and legal custodian, 35907  
parenting time, and visitation, and providing any counseling and 35908  
conciliation services that the division makes available to 35909  
persons, whether or not the persons are parties to an action 35910  
pending in the division, who request the services. 35911

(U) In Medina county, the judge of the court of common pleas 35912  
whose term begins January 1, 1995, and successors, shall have the 35913  
same qualifications, exercise the same powers and jurisdiction, 35914  
and receive the same compensation as other judges of the court of 35915  
common pleas of Medina county and shall be elected and designated 35916  
as judge of the court of common pleas, division of domestic 35917  
relations. The judge shall be assigned all divorce, dissolution of 35918  
marriage, legal separation, and annulment cases, all cases arising 35919  
under Chapter 3111. of the Revised Code, all proceedings involving 35920  
child support, the allocation of parental rights and 35921  
responsibilities for the care of children and the designation for 35922  
the children of a place of residence and legal custodian, 35923  
parenting time, and visitation, and all post-decree proceedings 35924  
and matters arising from those cases and proceedings, except in 35925  
cases that for some special reason are assigned to another judge 35926  
of the court of common pleas. The judge shall be charged with the 35927  
assignment and division of the work of the division and with the 35928  
employment and supervision of the personnel of the division. 35929

The judge shall designate the title, compensation, expense 35930  
allowances, hours, leaves of absence, and vacations of the 35931  
personnel of the division and shall fix the duties of the 35932  
personnel of the division. The duties of the personnel, in 35933  
addition to other statutory duties, include the handling, 35934  
servicing, and investigation of divorce, dissolution of marriage, 35935  
legal separation, and annulment cases, cases arising under Chapter 35936  
3111. of the Revised Code, and proceedings involving child 35937  
support, the allocation of parental rights and responsibilities 35938  
for the care of children and the designation for the children of a 35939  
place of residence and legal custodian, parenting time, and 35940  
visitation, and providing counseling and conciliation services 35941  
that the division makes available to persons, whether or not the 35942  
persons are parties to an action pending in the division, who 35943  
request the services. 35944

(V) In Fairfield county, the judge of the court of common 35945  
pleas whose term begins January 2, 1995, and successors, shall 35946  
have the same qualifications, exercise the same powers and 35947  
jurisdiction, and receive the same compensation as the other 35948  
judges of the court of common pleas of Fairfield county and shall 35949  
be elected and designated as judge of the court of common pleas, 35950  
division of domestic relations. The judge shall be assigned all 35951  
divorce, dissolution of marriage, legal separation, and annulment 35952  
cases, all cases arising under Chapter 3111. of the Revised Code, 35953  
all proceedings involving child support, the allocation of 35954  
parental rights and responsibilities for the care of children and 35955  
the designation for the children of a place of residence and legal 35956  
custodian, parenting time, and visitation, and all post-decree 35957  
proceedings and matters arising from those cases and proceedings, 35958  
except in cases that for some special reason are assigned to 35959  
another judge of the court of common pleas. The judge also has 35960  
concurrent jurisdiction with the probate-juvenile division of the 35961  
court of common pleas of Fairfield county with respect to and may 35962  
hear cases to determine the custody of a child, as defined in 35963  
section 2151.011 of the Revised Code, who is not the ward of 35964  
another court of this state, cases that are commenced by a parent, 35965  
guardian, or custodian of a child, as defined in section 2151.011 35966  
of the Revised Code, to obtain an order requiring a parent of the 35967  
child to pay child support for that child when the request for 35968  
that order is not ancillary to an action for divorce, dissolution 35969  
of marriage, annulment, or legal separation, a criminal or civil 35970  
action involving an allegation of domestic violence, an action for 35971  
support under Chapter 3115. of the Revised Code, or an action that 35972  
is within the exclusive original jurisdiction of the 35973  
probate-juvenile division of the court of common pleas of 35974  
Fairfield county and that involves an allegation that the child is 35975  
an abused, neglected, or dependent child, and post-decree 35976  
proceedings and matters arising from those types of cases. 35977

The judge of the domestic relations division shall be charged 35978  
with the assignment and division of the work of the division and 35979  
with the employment and supervision of the personnel of the 35980  
division. 35981

The judge shall designate the title, compensation, expense 35982  
allowances, hours, leaves of absence, and vacations of the 35983  
personnel of the division and shall fix the duties of the 35984  
personnel of the division. The duties of the personnel of the 35985  
division, in addition to other statutory duties, shall include the 35986  
handling, servicing, and investigation of divorce, dissolution of 35987  
marriage, legal separation, and annulment cases, cases arising 35988  
under Chapter 3111. of the Revised Code, and proceedings involving 35989  
child support, the allocation of parental rights and 35990  
responsibilities for the care of children and the designation for 35991  
the children of a place of residence and legal custodian, 35992  
parenting time, and visitation, and providing any counseling and 35993  
conciliation services that the division makes available to 35994  
persons, regardless of whether the persons are parties to an 35995  
action pending in the division, who request the services. When the 35996  
judge hears a case to determine the custody of a child, as defined 35997  
in section 2151.011 of the Revised Code, who is not the ward of 35998  
another court of this state or a case that is commenced by a 35999  
parent, guardian, or custodian of a child, as defined in section 36000  
2151.011 of the Revised Code, to obtain an order requiring a 36001  
parent of the child to pay child support for that child when the 36002  
request for that order is not ancillary to an action for divorce, 36003  
dissolution of marriage, annulment, or legal separation, a 36004  
criminal or civil action involving an allegation of domestic 36005  
violence, an action for support under Chapter 3115. of the Revised 36006  
Code, or an action that is within the exclusive original 36007  
jurisdiction of the probate-juvenile division of the court of 36008  
common pleas of Fairfield county and that involves an allegation 36009  
that the child is an abused, neglected, or dependent child, the 36010

duties of the personnel of the domestic relations division also 36011  
include the handling, servicing, and investigation of those types 36012  
of cases. 36013

(W)(1) In Clark county, the judge of the court of common 36014  
pleas whose term begins on January 2, 1995, and successors, shall 36015  
have the same qualifications, exercise the same powers and 36016  
jurisdiction, and receive the same compensation as other judges of 36017  
the court of common pleas of Clark county and shall be elected and 36018  
designated as judge of the court of common pleas, domestic 36019  
relations division. The judge shall have all the powers relating 36020  
to juvenile courts, and all cases under Chapters 2151. and 2152. 36021  
of the Revised Code and all parentage proceedings under Chapter 36022  
3111. of the Revised Code over which the juvenile court has 36023  
jurisdiction shall be assigned to the judge of the division of 36024  
domestic relations. All divorce, dissolution of marriage, legal 36025  
separation, annulment, uniform reciprocal support enforcement, and 36026  
other cases related to domestic relations shall be assigned to the 36027  
domestic relations division, and the presiding judge of the court 36028  
of common pleas shall assign the cases to the judge of the 36029  
domestic relations division and the judges of the general 36030  
division. 36031

(2) In addition to the judge's regular duties, the judge of 36032  
the division of domestic relations shall serve on the children 36033  
services board and the county advisory board. 36034

(3) If the judge of the court of common pleas of Clark 36035  
county, division of domestic relations, is sick, absent, or unable 36036  
to perform that judge's judicial duties or if the presiding judge 36037  
of the court of common pleas of Clark county determines that the 36038  
volume of cases pending in the division of domestic relations 36039  
necessitates it, the duties of the judge of the division of 36040  
domestic relations shall be performed by the judges of the general 36041  
division or probate division of the court of common pleas of Clark 36042

county, as assigned for that purpose by the presiding judge of 36043  
that court, and the judges so assigned shall act in conjunction 36044  
with the judge of the division of domestic relations of that 36045  
court. 36046

(X) In Scioto county, the judge of the court of common pleas 36047  
whose term begins January 2, 1995, and successors, shall have the 36048  
same qualifications, exercise the same powers and jurisdiction, 36049  
and receive the same compensation as other judges of the court of 36050  
common pleas of Scioto county and shall be elected and designated 36051  
as judge of the court of common pleas, division of domestic 36052  
relations. The judge shall be assigned all divorce, dissolution of 36053  
marriage, legal separation, and annulment cases, all cases arising 36054  
under Chapter 3111. of the Revised Code, all proceedings involving 36055  
child support, the allocation of parental rights and 36056  
responsibilities for the care of children and the designation for 36057  
the children of a place of residence and legal custodian, 36058  
parenting time, visitation, and all post-decree proceedings and 36059  
matters arising from those cases and proceedings, except in cases 36060  
that for some special reason are assigned to another judge of the 36061  
court of common pleas. The judge shall be charged with the 36062  
assignment and division of the work of the division and with the 36063  
employment and supervision of the personnel of the division. 36064

The judge shall designate the title, compensation, expense 36065  
allowances, hours, leaves of absence, and vacations of the 36066  
personnel of the division and shall fix the duties of the 36067  
personnel of the division. The duties of the personnel, in 36068  
addition to other statutory duties, include the handling, 36069  
servicing, and investigation of divorce, dissolution of marriage, 36070  
legal separation, and annulment cases, cases arising under Chapter 36071  
3111. of the Revised Code, and proceedings involving child 36072  
support, the allocation of parental rights and responsibilities 36073  
for the care of children and the designation for the children of a 36074

place of residence and legal custodian, parenting time, and 36075  
visitation, and providing counseling and conciliation services 36076  
that the division makes available to persons, whether or not the 36077  
persons are parties to an action pending in the division, who 36078  
request the services. 36079

(Y) In Auglaize county, the judge of the probate and juvenile 36080  
divisions of the Auglaize county court of common pleas also shall 36081  
be the administrative judge of the domestic relations division of 36082  
the court and shall be assigned all divorce, dissolution of 36083  
marriage, legal separation, and annulment cases coming before the 36084  
court. The judge shall have all powers as administrator of the 36085  
domestic relations division and shall have charge of the personnel 36086  
engaged in handling, servicing, or investigating divorce, 36087  
dissolution of marriage, legal separation, and annulment cases, 36088  
including any referees considered necessary for the discharge of 36089  
the judge's various duties. 36090

(Z)(1) In Marion county, the judge of the court of common 36091  
pleas whose term begins on February 9, 1999, and the successors to 36092  
that judge, shall have the same qualifications, exercise the same 36093  
powers and jurisdiction, and receive the same compensation as the 36094  
other judges of the court of common pleas of Marion county and 36095  
shall be elected and designated as judge of the court of common 36096  
pleas, domestic relations-juvenile-probate division. Except as 36097  
otherwise specified in this division, that judge, and the 36098  
successors to that judge, shall have all the powers relating to 36099  
juvenile courts, and all cases under Chapters 2151. and 2152. of 36100  
the Revised Code, all cases arising under Chapter 3111. of the 36101  
Revised Code, all divorce, dissolution of marriage, legal 36102  
separation, and annulment cases, all proceedings involving child 36103  
support, the allocation of parental rights and responsibilities 36104  
for the care of children and the designation for the children of a 36105  
place of residence and legal custodian, parenting time, and 36106



visitation, and all post-decree proceedings and matters arising 36107  
from those cases and proceedings shall be assigned to that judge 36108  
and the successors to that judge. Except as provided in division 36109  
(Z)(2) of this section and notwithstanding any other provision of 36110  
any section of the Revised Code, on and after February 9, 2003, 36111  
the judge of the court of common pleas of Marion county whose term 36112  
begins on February 9, 1999, and the successors to that judge, 36113  
shall have all the powers relating to the probate division of the 36114  
court of common pleas of Marion county in addition to the powers 36115  
previously specified in this division, and shall exercise 36116  
concurrent jurisdiction with the judge of the probate division of 36117  
that court over all matters that are within the jurisdiction of 36118  
the probate division of that court under Chapter 2101., and other 36119  
provisions, of the Revised Code in addition to the jurisdiction of 36120  
the domestic relations-juvenile-probate division of that court 36121  
otherwise specified in division (Z)(1) of this section. 36122

(2) The judge of the domestic relations-juvenile-probate 36123  
division of the court of common pleas of Marion county or the 36124  
judge of the probate division of the court of common pleas of 36125  
Marion county, whichever of those judges is senior in total length 36126  
of service on the court of common pleas of Marion county, 36127  
regardless of the division or divisions of service, shall serve as 36128  
the clerk of the probate division of the court of common pleas of 36129  
Marion county. 36130

(3) On and after February 9, 2003, all references in law to 36131  
"the probate court," "the probate judge," "the juvenile court," or 36132  
"the judge of the juvenile court" shall be construed, with respect 36133  
to Marion county, as being references to both "the probate 36134  
division" and "the domestic relations-juvenile-probate division" 36135  
and as being references to both "the judge of the probate 36136  
division" and "the judge of the domestic relations- 36137  
juvenile-probate division." On and after February 9, 2003, all 36138

references in law to "the clerk of the probate court" shall be 36139  
construed, with respect to Marion county, as being references to 36140  
the judge who is serving pursuant to division (Z)(2) of this 36141  
section as the clerk of the probate division of the court of 36142  
common pleas of Marion county. 36143

(AA) In Muskingum county, the judge of the court of common 36144  
pleas whose term begins on January 2, 2003, and successors, shall 36145  
have the same qualifications, exercise the same powers and 36146  
jurisdiction, and receive the same compensation as the other 36147  
judges of the court of common pleas of Muskingum county and shall 36148  
be elected and designated as the judge of the court of common 36149  
pleas, division of domestic relations. The judge shall be assigned 36150  
all divorce, dissolution of marriage, legal separation, and 36151  
annulment cases, all cases arising under Chapter 3111. of the 36152  
Revised Code, all proceedings involving child support, the 36153  
allocation of parental rights and responsibilities for the care of 36154  
children and the designation for the children of a place of 36155  
residence and legal custodian, parenting time, and visitation, and 36156  
all post-decree proceedings and matters arising from those cases 36157  
and proceedings, except in cases that for some special reason are 36158  
assigned to another judge of the court of common pleas. The judge 36159  
shall be charged with the assignment and division of the work of 36160  
the division and with the employment and supervision of the 36161  
personnel of the division. 36162

The judge shall designate the title, compensation, expense 36163  
allowances, hours, leaves of absence, and vacations of the 36164  
personnel of the division and shall fix the duties of the 36165  
personnel of the division. The duties of the personnel of the 36166  
division, in addition to other statutory duties, shall include the 36167  
handling, servicing, and investigation of divorce, dissolution of 36168  
marriage, legal separation, and annulment cases, cases arising 36169  
under Chapter 3111. of the Revised Code, and proceedings involving 36170

child support, the allocation of parental rights and 36171  
responsibilities for the care of children and the designation for 36172  
the children of a place of residence and legal custodian, 36173  
parenting time, and visitation and providing any counseling and 36174  
conciliation services that the division makes available to 36175  
persons, whether or not the persons are parties to an action 36176  
pending in the division, who request the services. 36177

(BB) In Henry county, the judge of the court of common pleas 36178  
whose term begins on January 1, 2005, and successors, shall have 36179  
the same qualifications, exercise the same powers and 36180  
jurisdiction, and receive the same compensation as the other judge 36181  
of the court of common pleas of Henry county and shall be elected 36182  
and designated as the judge of the court of common pleas, division 36183  
of domestic relations. The judge shall have all of the powers 36184  
relating to juvenile courts, and all cases under Chapter 2151. or 36185  
2152. of the Revised Code, all parentage proceedings arising under 36186  
Chapter 3111. of the Revised Code over which the juvenile court 36187  
has jurisdiction, all divorce, dissolution of marriage, legal 36188  
separation, and annulment cases, all proceedings involving child 36189  
support, the allocation of parental rights and responsibilities 36190  
for the care of children and the designation for the children of a 36191  
place of residence and legal custodian, parenting time, and 36192  
visitation, and all post-decree proceedings and matters arising 36193  
from those cases and proceedings shall be assigned to that judge, 36194  
except in cases that for some special reason are assigned to the 36195  
other judge of the court of common pleas. 36196

(CC)(1) In Logan county, the judge of the court of common 36197  
pleas whose term begins January 2, 2005, and the successors to 36198  
that judge, shall have the same qualifications, exercise the same 36199  
powers and jurisdiction, and receive the same compensation as the 36200  
other judges of the court of common pleas of Logan county and 36201  
shall be elected and designated as judge of the court of common 36202

pleas, domestic relations-juvenile-probate division. Except as 36203  
otherwise specified in this division, that judge, and the 36204  
successors to that judge, shall have all the powers relating to 36205  
juvenile courts, and all cases under Chapters 2151. and 2152. of 36206  
the Revised Code, all cases arising under Chapter 3111. of the 36207  
Revised Code, all divorce, dissolution of marriage, legal 36208  
separation, and annulment cases, all proceedings involving child 36209  
support, the allocation of parental rights and responsibilities 36210  
for the care of children and designation for the children of a 36211  
place of residence and legal custodian, parenting time, and 36212  
visitation, and all post-decree proceedings and matters arising 36213  
from those cases and proceedings shall be assigned to that judge 36214  
and the successors to that judge. Notwithstanding any other 36215  
provision of any section of the Revised Code, on and after January 36216  
2, 2005, the judge of the court of common pleas of Logan county 36217  
whose term begins on January 2, 2005, and the successors to that 36218  
judge, shall have all the powers relating to the probate division 36219  
of the court of common pleas of Logan county in addition to the 36220  
powers previously specified in this division and shall exercise 36221  
concurrent jurisdiction with the judge of the probate division of 36222  
that court over all matters that are within the jurisdiction of 36223  
the probate division of that court under Chapter 2101., and other 36224  
provisions, of the Revised Code in addition to the jurisdiction of 36225  
the domestic relations-juvenile-probate division of that court 36226  
otherwise specified in division (CC)(1) of this section. 36227

(2) The judge of the domestic relations-juvenile-probate 36228  
division of the court of common pleas of Logan county or the 36229  
probate judge of the court of common pleas of Logan county who is 36230  
elected as the administrative judge of the probate division of the 36231  
court of common pleas of Logan county pursuant to Rule 4 of the 36232  
Rules of Superintendence shall be the clerk of the probate 36233  
division and juvenile division of the court of common pleas of 36234  
Logan county. The clerk of the court of common pleas who is 36235

elected pursuant to section 2303.01 of the Revised Code shall keep 36236  
all of the journals, records, books, papers, and files pertaining 36237  
to the domestic relations cases. 36238

(3) On and after January 2, 2005, all references in law to 36239  
"the probate court," "the probate judge," "the juvenile court," or 36240  
"the judge of the juvenile court" shall be construed, with respect 36241  
to Logan county, as being references to both "the probate 36242  
division" and the "domestic relations-juvenile-probate division" 36243  
and as being references to both "the judge of the probate 36244  
division" and the "judge of the domestic 36245  
relations-juvenile-probate division." On and after January 2, 36246  
2005, all references in law to "the clerk of the probate court" 36247  
shall be construed, with respect to Logan county, as being 36248  
references to the judge who is serving pursuant to division 36249  
(CC)(2) of this section as the clerk of the probate division of 36250  
the court of common pleas of Logan county. 36251

(DD)(1) In Champaign county, the judge of the court of common 36252  
pleas whose term begins February 9, 2003, and the judge of the 36253  
court of common pleas whose term begins February 10, 2009, and the 36254  
successors to those judges, shall have the same qualifications, 36255  
exercise the same powers and jurisdiction, and receive the same 36256  
compensation as the other judges of the court of common pleas of 36257  
Champaign county and shall be elected and designated as judges of 36258  
the court of common pleas, domestic relations-juvenile-probate 36259  
division. Except as otherwise specified in this division, those 36260  
judges, and the successors to those judges, shall have all the 36261  
powers relating to juvenile courts, and all cases under Chapters 36262  
2151. and 2152. of the Revised Code, all cases arising under 36263  
Chapter 3111. of the Revised Code, all divorce, dissolution of 36264  
marriage, legal separation, and annulment cases, all proceedings 36265  
involving child support, the allocation of parental rights and 36266  
responsibilities for the care of children and the designation for 36267

the children of a place of residence and legal custodian, 36268  
parenting time, and visitation, and all post-decree proceedings 36269  
and matters arising from those cases and proceedings shall be 36270  
assigned to those judges and the successors to those judges. 36271  
Notwithstanding any other provision of any section of the Revised 36272  
Code, on and after February 9, 2009, the judges designated by this 36273  
division as judges of the court of common pleas of Champaign 36274  
county, domestic relations-juvenile-probate division, and the 36275  
successors to those judges, shall have all the powers relating to 36276  
probate courts in addition to the powers previously specified in 36277  
this division and shall exercise jurisdiction over all matters 36278  
that are within the jurisdiction of probate courts under Chapter 36279  
2101., and other provisions, of the Revised Code in addition to 36280  
the jurisdiction of the domestic relations-juvenile-probate 36281  
division otherwise specified in division (DD)(1) of this section. 36282

(2) On and after February 9, 2009, all references in law to 36283  
"the probate court," "the probate judge," "the juvenile court," or 36284  
"the judge of the juvenile court" shall be construed with respect 36285  
to Champaign county as being references to the "domestic 36286  
relations-juvenile-probate division" and as being references to 36287  
the "judge of the domestic relations-juvenile-probate division." 36288  
On and after February 9, 2009, all references in law to "the clerk 36289  
of the probate court" shall be construed with respect to Champaign 36290  
county as being references to the judge who is serving pursuant to 36291  
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 36292  
the administrative judge of the court of common pleas, domestic 36293  
relations-juvenile-probate division. 36294

(EE) If a judge of the court of common pleas, division of 36295  
domestic relations, or juvenile judge, of any of the counties 36296  
mentioned in this section is sick, absent, or unable to perform 36297  
that judge's judicial duties or the volume of cases pending in the 36298  
judge's division necessitates it, the duties of that judge shall 36299

be performed by another judge of the court of common pleas of that 36300  
county, assigned for that purpose by the presiding judge of the 36301  
court of common pleas of that county to act in place of or in 36302  
conjunction with that judge, as the case may require. 36303

**Sec. 2301.18.** The court of common pleas shall appoint a 36304  
~~stenographic~~ reporter as the official ~~shorthand~~ reporter of ~~such~~ 36305  
~~the~~ court, ~~who shall hold the appointment~~ for a term not exceeding 36306  
three years ~~from the date thereof~~, unless removed by the court, 36307  
after a good cause shown, for neglect of duty, misconduct in 36308  
office, or incompetency. ~~Such~~ The court of common pleas may 36309  
appoint assistant reporters as the business of the court requires, 36310  
for terms not exceeding three years under one appointment. The 36311  
official ~~shorthand~~ reporter and assistant reporters shall take an 36312  
oath faithfully and impartially to discharge the duties of ~~such~~ 36313  
~~position~~ their positions. 36314

**Sec. 2301.20.** ~~Upon the trial of a~~ All civil ~~or~~ and criminal 36315  
~~action~~ actions in the court of common pleas, ~~if either party to~~ 36316  
~~the action or his attorney requests the services of a shorthand~~ 36317  
~~reporter, the trial judge shall grant the request, or may order a~~ 36318  
~~full report of the testimony or other proceedings. In either case,~~ 36319  
~~the shorthand shall be recorded.~~ The reporter shall take accurate 36320  
~~shorthand~~ notes of, or shall electronically record, the oral 36321  
testimony ~~or other oral proceedings~~. The notes and electronic 36322  
records shall be filed in the office of the official ~~shorthand~~ 36323  
reporter and carefully preserved for either of the following 36324  
periods of time: 36325

(A) If the action is not a capital case, the notes and 36326  
electronic records shall be preserved for the period of time 36327  
specified by the court of common pleas, which period of time shall 36328  
not be longer than the period of time that the other records of 36329  
the particular action are required to be kept+. 36330

(B) If the action is a capital case, the notes and electronic records shall be preserved for the longer of ten years or until the final disposition of the action.

**Sec. 2301.21.** In every case ~~reported~~ recorded as provided in section 2301.20 of the Revised Code, there shall be taxed for each day's service of the official or assistant ~~shorthand~~ reporters a fee of twenty-five dollars, to be collected as other costs in the case. The fees so collected shall be paid quarterly by the clerk of the court of common pleas in which the cases were tried into the treasury of the county and shall be credited by the county treasurer to the general fund.

**Sec. 2301.22.** Each ~~shorthand~~ reporter shall receive such compensation as the court of common pleas making the appointment fixes. ~~Such~~ That compensation shall be in place of all per diem compensation in ~~such~~ those courts. In case ~~such~~ the appointment is for a term of less than one year, ~~such~~ the court may allow a per diem compensation to be fixed by the court, plus actual and necessary expenses incurred, for each day ~~such shorthand~~ the reporter is actually engaged in taking testimony or performing other duties under the orders of ~~such~~ the court, which allowance shall be in full payment for all services so rendered.

The county auditor shall issue warrants on the county treasurer for the payment of ~~such~~ the compensation under this section in equal monthly installments, ~~when~~ if the compensation is allowed annually, and ~~when~~ in case of services per diem, for the amount of the bill approved by the court, from the general fund upon the presentation of a certified copy of the journal entry of appointment and compensation of ~~such shorthand~~ the reporters.

**Sec. 2301.23.** When ~~shorthand~~ notes have been taken or an electronic recording has been made in a case as provided in



section 2301.20 of the Revised Code, if the court~~,~~ or either party 36361  
to the suit ~~or his attorney,~~ requests written transcripts of any 36362  
portion of ~~such notes in longhand~~ the proceeding, the ~~shorthand~~ 36363  
reporter reporting the case shall make full and accurate 36364  
transcripts of the notes ~~for the use of such court or party or~~ 36365  
electronic recording. The court may direct the official ~~shorthand~~ 36366  
reporter to furnish to the court and the parties copies of 36367  
decisions rendered and charges delivered by the court in pending 36368  
cases. 36369

When the compensation for transcripts, copies of decisions, 36370  
or charges is taxed as a part of the costs, ~~such the~~ transcripts, 36371  
copies of decisions, and charges shall remain on file with the 36372  
papers of the case. 36373

**Sec. 2301.24.** The compensation of ~~shorthand~~ reporters for 36374  
making written transcripts ~~and copies~~ as provided in section 36375  
2301.23 of the Revised Code shall be fixed by ~~the judges of the~~ 36376  
court of common pleas of the county ~~wherein~~ in which the trial is 36377  
~~had held~~. Such if more than one transcript of the same testimony 36378  
or proceeding is ordered, the reporter shall make copies of the 36379  
transcript at cost pursuant to division (B)(1) of section 149.43 36380  
of the Revised Code, or shall provide an electronic copy of the 36381  
transcript free of charge. The compensation shall be paid 36382  
~~forthwith~~ by the party for whose benefit a transcript is made. The 36383  
compensation for transcripts ~~of testimony~~ requested by the 36384  
prosecuting attorney ~~during trial~~ or an indigent defendant in 36385  
criminal cases or by the trial judge~~,~~ in either civil or criminal 36386  
cases, and for copies of decisions and charges furnished by 36387  
direction of the court shall be paid from the county treasury~~,~~ and 36388  
taxed and collected as costs. 36389

**Sec. 2301.25.** When ordered by the prosecuting attorney or the 36390  
defendant in a criminal ~~trial,~~ case or when ordered by a judge of 36391

the court of common pleas ~~for his use,~~ in either civil or criminal 36392  
cases, the costs of transcripts ~~mentioned in section 2301.23 of~~ 36393  
~~the Revised Code,~~ shall be taxed as costs in the case, collected 36394  
as other costs, whether ~~such~~ the transcripts have been prepaid or 36395  
not, as provided by section 2301.24 of the Revised Code, ~~and~~ paid 36396  
by the clerk of the court of common pleas, quarterly, into the 36397  
county treasury, and credited to the general fund. If, upon final 36398  
judgment, the costs or any part ~~thereof shall be~~ of the costs are 36399  
adjudged against a defendant in a criminal case, ~~he~~ the defendant 36400  
shall be allowed credit on the cost bill of the amount paid ~~by him~~ 36401  
for the transcript ~~he ordered~~ and, if the costs are finally 36402  
adjudged against the state, the defendant shall have ~~his~~ the 36403  
defendant's deposit refunded. ~~When more than one transcript of the~~ 36404  
~~same testimony or proceedings is ordered at the same time by the~~ 36405  
~~same party, or by the court, the compensation for making such~~ 36406  
additional transcript shall be one half the compensation allowed 36407  
for the first copy, and shall be paid for in the same manner 36408  
except that where ordered by the same party only the cost of the 36409  
original shall be taxed as costs. All ~~such~~ transcripts shall be 36410  
taken and received as prima-facie evidence of their correctness. 36411  
~~When~~ If the testimony of witnesses is taken before the grand jury 36412  
by ~~shorthand~~ reporters, they shall receive for ~~such~~ the 36413  
transcripts ~~as are ordered by the prosecuting attorney~~ the same 36414  
compensation ~~per folio~~ and be paid ~~therefor~~ in the same manner as 36415  
provided in this section and section 2301.24 of the Revised Code. 36416

36417

**Sec. 2301.26.** ~~Shorthand reporters~~ Reporters appointed under 36418  
~~sections~~ section 2301.18 ~~and 2301.19~~ of the Revised Code, may be 36419  
appointed referees to take and report evidence in causes pending 36420  
in any of the courts of this state. In the taking of evidence as 36421  
~~such~~ referees, ~~they~~ the reporters may administer oaths to 36422  
witnesses. They shall be furnished by the board of county 36423

commissioners with a suitable room in the courthouse, and with 36424  
~~stationery~~, supplies and ~~other~~ equipment necessary in for the 36425  
proper discharge of their duties and for the preservation of their 36426  
~~stenographic~~ notes and electronic records. ~~Such~~ The notes and 36427  
electronic records shall be the property of the county and 36428  
carefully preserved in the office of the ~~shorthand~~ reporters. 36429

**Sec. 2305.01.** Except as otherwise provided by this section or 36430  
section 2305.03 of the Revised Code, the court of common pleas has 36431  
original jurisdiction in all civil cases in which the sum or 36432  
matter in dispute exceeds the exclusive original jurisdiction of 36433  
county courts and appellate jurisdiction from the decisions of 36434  
boards of county commissioners. The court of common pleas shall 36435  
not have jurisdiction, in any tort action to which the amounts 36436  
apply, to award punitive or exemplary damages that exceed the 36437  
amounts set forth in section 2315.21 of the Revised Code. The 36438  
court of common pleas shall not have jurisdiction in any tort 36439  
action to which the limits apply to enter judgment on an award of 36440  
compensatory damages for noneconomic loss in excess of the limits 36441  
set forth in section 2315.18 of the Revised Code. 36442

The court of common pleas may on its own motion transfer for 36443  
trial any action in the court to any municipal court in the county 36444  
having concurrent jurisdiction of the subject matter of, and the 36445  
parties to, the action, if the amount sought by the plaintiff does 36446  
not exceed one thousand dollars and if the judge or presiding 36447  
judge of the municipal court concurs in the proposed transfer. 36448  
Upon the issuance of an order of transfer, the clerk of courts 36449  
shall remove to the designated municipal court the entire case 36450  
file. Any untaxed portion of the common pleas deposit for court 36451  
costs shall be remitted to the municipal court by the clerk of 36452  
courts to be applied in accordance with section 1901.26 of the 36453  
Revised Code, and the costs taxed by the municipal court shall be 36454  
added to any costs taxed in the common pleas court. 36455

The court of common pleas has jurisdiction in any action brought pursuant to division (I) of section ~~3733.11~~ 4781.40 of the Revised Code if the residential premises that are the subject of the action are located within the territorial jurisdiction of the court.

The courts of common pleas of Adams, Athens, Belmont, Brown, Clermont, Columbiana, Gallia, Hamilton, Jefferson, Lawrence, Meigs, Monroe, Scioto, and Washington counties have jurisdiction beyond the north or northwest shore of the Ohio river extending to the opposite shore line, between the extended boundary lines of any adjacent counties or adjacent state. Each of those courts of common pleas has concurrent jurisdiction on the Ohio river with any adjacent court of common pleas that borders on that river and with any court of Kentucky or of West Virginia that borders on the Ohio river and that has jurisdiction on the Ohio river under the law of Kentucky or the law of West Virginia, whichever is applicable, or under federal law.

**Sec. 2317.02.** The following persons shall not testify in certain respects:

(A)(1) An attorney, concerning a communication made to the attorney by a client in that relation or the attorney's advice to a client, except that the attorney may testify by express consent of the client or, if the client is deceased, by the express consent of the surviving spouse or the executor or administrator of the estate of the deceased client. However, if the client voluntarily testifies or is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the attorney may be compelled to testify on the same subject.

The testimonial privilege established under this division does not apply concerning a communication between a client who has

since died and the deceased client's attorney if the communication 36487  
is relevant to a dispute between parties who claim through that 36488  
deceased client, regardless of whether the claims are by testate 36489  
or intestate succession or by inter vivos transaction, and the 36490  
dispute addresses the competency of the deceased client when the 36491  
deceased client executed a document that is the basis of the 36492  
dispute or whether the deceased client was a victim of fraud, 36493  
undue influence, or duress when the deceased client executed a 36494  
document that is the basis of the dispute. 36495

(2) An attorney, concerning a communication made to the 36496  
attorney by a client in that relationship or the attorney's advice 36497  
to a client, except that if the client is an insurance company, 36498  
the attorney may be compelled to testify, subject to an in camera 36499  
inspection by a court, about communications made by the client to 36500  
the attorney or by the attorney to the client that are related to 36501  
the attorney's aiding or furthering an ongoing or future 36502  
commission of bad faith by the client, if the party seeking 36503  
disclosure of the communications has made a prima facie showing of 36504  
bad faith, fraud, or criminal misconduct by the client. 36505

(B)(1) A physician or a dentist concerning a communication 36506  
made to the physician or dentist by a patient in that relation or 36507  
the physician's or dentist's advice to a patient, except as 36508  
otherwise provided in this division, division (B)(2), and division 36509  
(B)(3) of this section, and except that, if the patient is deemed 36510  
by section 2151.421 of the Revised Code to have waived any 36511  
testimonial privilege under this division, the physician may be 36512  
compelled to testify on the same subject. 36513

The testimonial privilege established under this division 36514  
does not apply, and a physician or dentist may testify or may be 36515  
compelled to testify, in any of the following circumstances: 36516

(a) In any civil action, in accordance with the discovery 36517  
provisions of the Rules of Civil Procedure in connection with a 36518

civil action, or in connection with a claim under Chapter 4123. of 36519  
the Revised Code, under any of the following circumstances: 36520

(i) If the patient or the guardian or other legal 36521  
representative of the patient gives express consent; 36522

(ii) If the patient is deceased, the spouse of the patient or 36523  
the executor or administrator of the patient's estate gives 36524  
express consent; 36525

(iii) If a medical claim, dental claim, chiropractic claim, 36526  
or optometric claim, as defined in section 2305.113 of the Revised 36527  
Code, an action for wrongful death, any other type of civil 36528  
action, or a claim under Chapter 4123. of the Revised Code is 36529  
filed by the patient, the personal representative of the estate of 36530  
the patient if deceased, or the patient's guardian or other legal 36531  
representative. 36532

(b) In any civil action concerning court-ordered treatment or 36533  
services received by a patient, if the court-ordered treatment or 36534  
services were ordered as part of a case plan journalized under 36535  
section 2151.412 of the Revised Code or the court-ordered 36536  
treatment or services are necessary or relevant to dependency, 36537  
neglect, or abuse or temporary or permanent custody proceedings 36538  
under Chapter 2151. of the Revised Code. 36539

(c) In any criminal action concerning any test or the results 36540  
of any test that determines the presence or concentration of 36541  
alcohol, a drug of abuse, a combination of them, a controlled 36542  
substance, or a metabolite of a controlled substance in the 36543  
patient's whole blood, blood serum or plasma, breath, urine, or 36544  
other bodily substance at any time relevant to the criminal 36545  
offense in question. 36546

(d) In any criminal action against a physician or dentist. In 36547  
such an action, the testimonial privilege established under this 36548  
division does not prohibit the admission into evidence, in 36549

accordance with the Rules of Evidence, of a patient's medical or 36550  
dental records or other communications between a patient and the 36551  
physician or dentist that are related to the action and obtained 36552  
by subpoena, search warrant, or other lawful means. A court that 36553  
permits or compels a physician or dentist to testify in such an 36554  
action or permits the introduction into evidence of patient 36555  
records or other communications in such an action shall require 36556  
that appropriate measures be taken to ensure that the 36557  
confidentiality of any patient named or otherwise identified in 36558  
the records is maintained. Measures to ensure confidentiality that 36559  
may be taken by the court include sealing its records or deleting 36560  
specific information from its records. 36561

(e)(i) If the communication was between a patient who has 36562  
since died and the deceased patient's physician or dentist, the 36563  
communication is relevant to a dispute between parties who claim 36564  
through that deceased patient, regardless of whether the claims 36565  
are by testate or intestate succession or by inter vivos 36566  
transaction, and the dispute addresses the competency of the 36567  
deceased patient when the deceased patient executed a document 36568  
that is the basis of the dispute or whether the deceased patient 36569  
was a victim of fraud, undue influence, or duress when the 36570  
deceased patient executed a document that is the basis of the 36571  
dispute. 36572

(ii) If neither the spouse of a patient nor the executor or 36573  
administrator of that patient's estate gives consent under 36574  
division (B)(1)(a)(ii) of this section, testimony or the 36575  
disclosure of the patient's medical records by a physician, 36576  
dentist, or other health care provider under division (B)(1)(e)(i) 36577  
of this section is a permitted use or disclosure of protected 36578  
health information, as defined in 45 C.F.R. 160.103, and an 36579  
authorization or opportunity to be heard shall not be required. 36580

(iii) Division (B)(1)(e)(i) of this section does not require 36581

a mental health professional to disclose psychotherapy notes, as 36582  
defined in 45 C.F.R. 164.501. 36583

(iv) An interested person who objects to testimony or 36584  
disclosure under division (B)(1)(e)(i) of this section may seek a 36585  
protective order pursuant to Civil Rule 26. 36586

(v) A person to whom protected health information is 36587  
disclosed under division (B)(1)(e)(i) of this section shall not 36588  
use or disclose the protected health information for any purpose 36589  
other than the litigation or proceeding for which the information 36590  
was requested and shall return the protected health information to 36591  
the covered entity or destroy the protected health information, 36592  
including all copies made, at the conclusion of the litigation or 36593  
proceeding. 36594

(2)(a) If any law enforcement officer submits a written 36595  
statement to a health care provider that states that an official 36596  
criminal investigation has begun regarding a specified person or 36597  
that a criminal action or proceeding has been commenced against a 36598  
specified person, that requests the provider to supply to the 36599  
officer copies of any records the provider possesses that pertain 36600  
to any test or the results of any test administered to the 36601  
specified person to determine the presence or concentration of 36602  
alcohol, a drug of abuse, a combination of them, a controlled 36603  
substance, or a metabolite of a controlled substance in the 36604  
person's whole blood, blood serum or plasma, breath, or urine at 36605  
any time relevant to the criminal offense in question, and that 36606  
conforms to section 2317.022 of the Revised Code, the provider, 36607  
except to the extent specifically prohibited by any law of this 36608  
state or of the United States, shall supply to the officer a copy 36609  
of any of the requested records the provider possesses. If the 36610  
health care provider does not possess any of the requested 36611  
records, the provider shall give the officer a written statement 36612  
that indicates that the provider does not possess any of the 36613



requested records. 36614

(b) If a health care provider possesses any records of the 36615  
type described in division (B)(2)(a) of this section regarding the 36616  
person in question at any time relevant to the criminal offense in 36617  
question, in lieu of personally testifying as to the results of 36618  
the test in question, the custodian of the records may submit a 36619  
certified copy of the records, and, upon its submission, the 36620  
certified copy is qualified as authentic evidence and may be 36621  
admitted as evidence in accordance with the Rules of Evidence. 36622  
Division (A) of section 2317.422 of the Revised Code does not 36623  
apply to any certified copy of records submitted in accordance 36624  
with this division. Nothing in this division shall be construed to 36625  
limit the right of any party to call as a witness the person who 36626  
administered the test to which the records pertain, the person 36627  
under whose supervision the test was administered, the custodian 36628  
of the records, the person who made the records, or the person 36629  
under whose supervision the records were made. 36630

(3)(a) If the testimonial privilege described in division 36631  
(B)(1) of this section does not apply as provided in division 36632  
(B)(1)(a)(iii) of this section, a physician or dentist may be 36633  
compelled to testify or to submit to discovery under the Rules of 36634  
Civil Procedure only as to a communication made to the physician 36635  
or dentist by the patient in question in that relation, or the 36636  
physician's or dentist's advice to the patient in question, that 36637  
related causally or historically to physical or mental injuries 36638  
that are relevant to issues in the medical claim, dental claim, 36639  
chiropractic claim, or optometric claim, action for wrongful 36640  
death, other civil action, or claim under Chapter 4123. of the 36641  
Revised Code. 36642

(b) If the testimonial privilege described in division (B)(1) 36643  
of this section does not apply to a physician or dentist as 36644  
provided in division (B)(1)(c) of this section, the physician or 36645

dentist, in lieu of personally testifying as to the results of the 36646  
test in question, may submit a certified copy of those results, 36647  
and, upon its submission, the certified copy is qualified as 36648  
authentic evidence and may be admitted as evidence in accordance 36649  
with the Rules of Evidence. Division (A) of section 2317.422 of 36650  
the Revised Code does not apply to any certified copy of results 36651  
submitted in accordance with this division. Nothing in this 36652  
division shall be construed to limit the right of any party to 36653  
call as a witness the person who administered the test in 36654  
question, the person under whose supervision the test was 36655  
administered, the custodian of the results of the test, the person 36656  
who compiled the results, or the person under whose supervision 36657  
the results were compiled. 36658

(4) The testimonial privilege described in division (B)(1) of 36659  
this section is not waived when a communication is made by a 36660  
physician to a pharmacist or when there is communication between a 36661  
patient and a pharmacist in furtherance of the physician-patient 36662  
relation. 36663

(5)(a) As used in divisions (B)(1) to (4) of this section, 36664  
"communication" means acquiring, recording, or transmitting any 36665  
information, in any manner, concerning any facts, opinions, or 36666  
statements necessary to enable a physician or dentist to diagnose, 36667  
treat, prescribe, or act for a patient. A "communication" may 36668  
include, but is not limited to, any medical or dental, office, or 36669  
hospital communication such as a record, chart, letter, 36670  
memorandum, laboratory test and results, x-ray, photograph, 36671  
financial statement, diagnosis, or prognosis. 36672

(b) As used in division (B)(2) of this section, "health care 36673  
provider" means a hospital, ambulatory care facility, long-term 36674  
care facility, pharmacy, emergency facility, or health care 36675  
practitioner. 36676

(c) As used in division (B)(5)(b) of this section: 36677

(i) "Ambulatory care facility" means a facility that provides 36678  
medical, diagnostic, or surgical treatment to patients who do not 36679  
require hospitalization, including a dialysis center, ambulatory 36680  
surgical facility, cardiac catheterization facility, diagnostic 36681  
imaging center, extracorporeal shock wave lithotripsy center, home 36682  
health agency, inpatient hospice, birthing center, radiation 36683  
therapy center, emergency facility, and an urgent care center. 36684  
"Ambulatory health care facility" does not include the private 36685  
office of a physician or dentist, whether the office is for an 36686  
individual or group practice. 36687

(ii) "Emergency facility" means a hospital emergency 36688  
department or any other facility that provides emergency medical 36689  
services. 36690

(iii) "Health care practitioner" has the same meaning as in 36691  
section 4769.01 of the Revised Code. 36692

(iv) "Hospital" has the same meaning as in section 3727.01 of 36693  
the Revised Code. 36694

(v) "Long-term care facility" means a nursing home, 36695  
residential care facility, or home for the aging, as those terms 36696  
are defined in section 3721.01 of the Revised Code; an adult care 36697  
facility, as defined in section ~~3722.01~~ 5119.70 of the Revised 36698  
Code; a nursing facility or intermediate care facility for the 36699  
mentally retarded, as those terms are defined in section 5111.20 36700  
of the Revised Code; a facility or portion of a facility certified 36701  
as a skilled nursing facility under Title XVIII of the "Social 36702  
Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 36703

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 36704  
the Revised Code. 36705

(d) As used in divisions (B)(1) and (2) of this section, 36706  
"drug of abuse" has the same meaning as in section 4506.01 of the 36707  
Revised Code. 36708

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 36709  
apply to doctors of medicine, doctors of osteopathic medicine, 36710  
doctors of podiatry, and dentists. 36711

(7) Nothing in divisions (B)(1) to (6) of this section 36712  
affects, or shall be construed as affecting, the immunity from 36713  
civil liability conferred by section 307.628 of the Revised Code 36714  
or the immunity from civil liability conferred by section 2305.33 36715  
of the Revised Code upon physicians who report an employee's use 36716  
of a drug of abuse, or a condition of an employee other than one 36717  
involving the use of a drug of abuse, to the employer of the 36718  
employee in accordance with division (B) of that section. As used 36719  
in division (B)(7) of this section, "employee," "employer," and 36720  
"physician" have the same meanings as in section 2305.33 of the 36721  
Revised Code. 36722

(C)(1) A cleric, when the cleric remains accountable to the 36723  
authority of that cleric's church, denomination, or sect, 36724  
concerning a confession made, or any information confidentially 36725  
communicated, to the cleric for a religious counseling purpose in 36726  
the cleric's professional character. The cleric may testify by 36727  
express consent of the person making the communication, except 36728  
when the disclosure of the information is in violation of a sacred 36729  
trust and except that, if the person voluntarily testifies or is 36730  
deemed by division (A)(4)(c) of section 2151.421 of the Revised 36731  
Code to have waived any testimonial privilege under this division, 36732  
the cleric may be compelled to testify on the same subject except 36733  
when disclosure of the information is in violation of a sacred 36734  
trust. 36735

(2) As used in division (C) of this section: 36736

(a) "Cleric" means a member of the clergy, rabbi, priest, 36737  
Christian Science practitioner, or regularly ordained, accredited, 36738  
or licensed minister of an established and legally cognizable 36739  
church, denomination, or sect. 36740

(b) "Sacred trust" means a confession or confidential communication made to a cleric in the cleric's ecclesiastical capacity in the course of discipline enjoined by the church to which the cleric belongs, including, but not limited to, the Catholic Church, if both of the following apply:

(i) The confession or confidential communication was made directly to the cleric.

(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.

(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;

(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify;

(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the same manner in any action or proceeding concerning the property or thing.

(G)(1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under Chapter 4757. of the Revised Code as a professional clinical counselor, professional counselor, social worker, independent

social worker, marriage and family therapist or independent 36772  
marriage and family therapist, or registered under Chapter 4757. 36773  
of the Revised Code as a social work assistant concerning a 36774  
confidential communication received from a client in that relation 36775  
or the person's advice to a client unless any of the following 36776  
applies: 36777

(a) The communication or advice indicates clear and present 36778  
danger to the client or other persons. For the purposes of this 36779  
division, cases in which there are indications of present or past 36780  
child abuse or neglect of the client constitute a clear and 36781  
present danger. 36782

(b) The client gives express consent to the testimony. 36783

(c) If the client is deceased, the surviving spouse or the 36784  
executor or administrator of the estate of the deceased client 36785  
gives express consent. 36786

(d) The client voluntarily testifies, in which case the 36787  
school guidance counselor or person licensed or registered under 36788  
Chapter 4757. of the Revised Code may be compelled to testify on 36789  
the same subject. 36790

(e) The court in camera determines that the information 36791  
communicated by the client is not germane to the counselor-client, 36792  
marriage and family therapist-client, or social worker-client 36793  
relationship. 36794

(f) A court, in an action brought against a school, its 36795  
administration, or any of its personnel by the client, rules after 36796  
an in-camera inspection that the testimony of the school guidance 36797  
counselor is relevant to that action. 36798

(g) The testimony is sought in a civil action and concerns 36799  
court-ordered treatment or services received by a patient as part 36800  
of a case plan journalized under section 2151.412 of the Revised 36801  
Code or the court-ordered treatment or services are necessary or 36802

relevant to dependency, neglect, or abuse or temporary or 36803  
permanent custody proceedings under Chapter 2151. of the Revised 36804  
Code. 36805

(2) Nothing in division (G)(1) of this section shall relieve 36806  
a school guidance counselor or a person licensed or registered 36807  
under Chapter 4757. of the Revised Code from the requirement to 36808  
report information concerning child abuse or neglect under section 36809  
2151.421 of the Revised Code. 36810

(H) A mediator acting under a mediation order issued under 36811  
division (A) of section 3109.052 of the Revised Code or otherwise 36812  
issued in any proceeding for divorce, dissolution, legal 36813  
separation, annulment, or the allocation of parental rights and 36814  
responsibilities for the care of children, in any action or 36815  
proceeding, other than a criminal, delinquency, child abuse, child 36816  
neglect, or dependent child action or proceeding, that is brought 36817  
by or against either parent who takes part in mediation in 36818  
accordance with the order and that pertains to the mediation 36819  
process, to any information discussed or presented in the 36820  
mediation process, to the allocation of parental rights and 36821  
responsibilities for the care of the parents' children, or to the 36822  
awarding of parenting time rights in relation to their children; 36823

(I) A communications assistant, acting within the scope of 36824  
the communication assistant's authority, when providing 36825  
telecommunications relay service pursuant to section 4931.06 of 36826  
the Revised Code or Title II of the "Communications Act of 1934," 36827  
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 36828  
made through a telecommunications relay service. Nothing in this 36829  
section shall limit the obligation of a communications assistant 36830  
to divulge information or testify when mandated by federal law or 36831  
regulation or pursuant to subpoena in a criminal proceeding. 36832

Nothing in this section shall limit any immunity or privilege 36833  
granted under federal law or regulation. 36834

(J)(1) A chiropractor in a civil proceeding concerning a 36835  
communication made to the chiropractor by a patient in that 36836  
relation or the chiropractor's advice to a patient, except as 36837  
otherwise provided in this division. The testimonial privilege 36838  
established under this division does not apply, and a chiropractor 36839  
may testify or may be compelled to testify, in any civil action, 36840  
in accordance with the discovery provisions of the Rules of Civil 36841  
Procedure in connection with a civil action, or in connection with 36842  
a claim under Chapter 4123. of the Revised Code, under any of the 36843  
following circumstances: 36844

(a) If the patient or the guardian or other legal 36845  
representative of the patient gives express consent. 36846

(b) If the patient is deceased, the spouse of the patient or 36847  
the executor or administrator of the patient's estate gives 36848  
express consent. 36849

(c) If a medical claim, dental claim, chiropractic claim, or 36850  
optometric claim, as defined in section 2305.113 of the Revised 36851  
Code, an action for wrongful death, any other type of civil 36852  
action, or a claim under Chapter 4123. of the Revised Code is 36853  
filed by the patient, the personal representative of the estate of 36854  
the patient if deceased, or the patient's guardian or other legal 36855  
representative. 36856

(2) If the testimonial privilege described in division (J)(1) 36857  
of this section does not apply as provided in division (J)(1)(c) 36858  
of this section, a chiropractor may be compelled to testify or to 36859  
submit to discovery under the Rules of Civil Procedure only as to 36860  
a communication made to the chiropractor by the patient in 36861  
question in that relation, or the chiropractor's advice to the 36862  
patient in question, that related causally or historically to 36863  
physical or mental injuries that are relevant to issues in the 36864  
medical claim, dental claim, chiropractic claim, or optometric 36865  
claim, action for wrongful death, other civil action, or claim 36866



under Chapter 4123. of the Revised Code. 36867

(3) The testimonial privilege established under this division 36868  
does not apply, and a chiropractor may testify or be compelled to 36869  
testify, in any criminal action or administrative proceeding. 36870

(4) As used in this division, "communication" means 36871  
acquiring, recording, or transmitting any information, in any 36872  
manner, concerning any facts, opinions, or statements necessary to 36873  
enable a chiropractor to diagnose, treat, or act for a patient. A 36874  
communication may include, but is not limited to, any 36875  
chiropractic, office, or hospital communication such as a record, 36876  
chart, letter, memorandum, laboratory test and results, x-ray, 36877  
photograph, financial statement, diagnosis, or prognosis. 36878

(K)(1) Except as provided under division (K)(2) of this 36879  
section, a critical incident stress management team member 36880  
concerning a communication received from an individual who 36881  
receives crisis response services from the team member, or the 36882  
team member's advice to the individual, during a debriefing 36883  
session. 36884

(2) The testimonial privilege established under division 36885  
(K)(1) of this section does not apply if any of the following are 36886  
true: 36887

(a) The communication or advice indicates clear and present 36888  
danger to the individual who receives crisis response services or 36889  
to other persons. For purposes of this division, cases in which 36890  
there are indications of present or past child abuse or neglect of 36891  
the individual constitute a clear and present danger. 36892

(b) The individual who received crisis response services 36893  
gives express consent to the testimony. 36894

(c) If the individual who received crisis response services 36895  
is deceased, the surviving spouse or the executor or administrator 36896  
of the estate of the deceased individual gives express consent. 36897

(d) The individual who received crisis response services 36898  
voluntarily testifies, in which case the team member may be 36899  
compelled to testify on the same subject. 36900

(e) The court in camera determines that the information 36901  
communicated by the individual who received crisis response 36902  
services is not germane to the relationship between the individual 36903  
and the team member. 36904

(f) The communication or advice pertains or is related to any 36905  
criminal act. 36906

(3) As used in division (K) of this section: 36907

(a) "Crisis response services" means consultation, risk 36908  
assessment, referral, and on-site crisis intervention services 36909  
provided by a critical incident stress management team to 36910  
individuals affected by crisis or disaster. 36911

(b) "Critical incident stress management team member" or 36912  
"team member" means an individual specially trained to provide 36913  
crisis response services as a member of an organized community or 36914  
local crisis response team that holds membership in the Ohio 36915  
critical incident stress management network. 36916

(c) "Debriefing session" means a session at which crisis 36917  
response services are rendered by a critical incident stress 36918  
management team member during or after a crisis or disaster. 36919

(L)(1) Subject to division (L)(2) of this section and except 36920  
as provided in division (L)(3) of this section, an employee 36921  
assistance professional, concerning a communication made to the 36922  
employee assistance professional by a client in the employee 36923  
assistance professional's official capacity as an employee 36924  
assistance professional. 36925

(2) Division (L)(1) of this section applies to an employee 36926  
assistance professional who meets either or both of the following 36927

requirements:	36928
(a) Is certified by the employee assistance certification commission to engage in the employee assistance profession;	36929 36930
(b) Has education, training, and experience in all of the following:	36931 36932
(i) Providing workplace-based services designed to address employer and employee productivity issues;	36933 36934
(ii) Providing assistance to employees and employees' dependents in identifying and finding the means to resolve personal problems that affect the employees or the employees' performance;	36935 36936 36937 36938
(iii) Identifying and resolving productivity problems associated with an employee's concerns about any of the following matters: health, marriage, family, finances, substance abuse or other addiction, workplace, law, and emotional issues;	36939 36940 36941 36942
(iv) Selecting and evaluating available community resources;	36943
(v) Making appropriate referrals;	36944
(vi) Local and national employee assistance agreements;	36945
(vii) Client confidentiality.	36946
(3) Division (L)(1) of this section does not apply to any of the following:	36947 36948
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	36949 36950 36951 36952
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	36953 36954 36955
(c) A communication that is made by a client who is an	36956

unemancipated minor or an adult adjudicated to be incompetent and 36957  
indicates that the client was the victim of a crime or abuse; 36958

(d) A civil proceeding to determine an individual's mental 36959  
competency or a criminal action in which a plea of not guilty by 36960  
reason of insanity is entered; 36961

(e) A civil or criminal malpractice action brought against 36962  
the employee assistance professional; 36963

(f) When the employee assistance professional has the express 36964  
consent of the client or, if the client is deceased or disabled, 36965  
the client's legal representative; 36966

(g) When the testimonial privilege otherwise provided by 36967  
division (L)(1) of this section is abrogated under law. 36968

**Sec. 2317.422.** (A) Notwithstanding sections 2317.40 and 36969  
2317.41 of the Revised Code but subject to division (B) of this 36970  
section, the records, or copies or photographs of the records, of 36971  
a hospital, homes required to be licensed pursuant to section 36972  
3721.01 of the Revised Code, and adult care facilities required to 36973  
be licensed pursuant to Chapter ~~3722.~~ 5119. of the Revised Code, 36974  
in lieu of the testimony in open court of their custodian, person 36975  
who made them, or person under whose supervision they were made, 36976  
may be qualified as authentic evidence if any such person endorses 36977  
thereon the person's verified certification identifying such 36978  
records, giving the mode and time of their preparation, and 36979  
stating that they were prepared in the usual course of the 36980  
business of the institution. Such records, copies, or photographs 36981  
may not be qualified by certification as provided in this section 36982  
unless the party intending to offer them delivers a copy of them, 36983  
or of their relevant portions, to the attorney of record for each 36984  
adverse party not less than five days before trial. Nothing in 36985  
this section shall be construed to limit the right of any party to 36986  
call the custodian, person who made such records, or person under 36987

whose supervision they were made, as a witness. 36988

(B) Division (A) of this section does not apply to any 36989  
certified copy of the results of any test given to determine the 36990  
presence or concentration of alcohol, a drug of abuse, a 36991  
combination of them, a controlled substance, or a metabolite of a 36992  
controlled substance in a patient's whole blood, blood serum or 36993  
plasma, breath, or urine at any time relevant to a criminal 36994  
offense that is submitted in a criminal action or proceeding in 36995  
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 36996  
of the Revised Code. 36997

**Sec. 2319.27.** Except as section 147.08 of the Revised Code 36998  
governs the fees chargeable by a notary public for services 36999  
rendered in connection with depositions, the fees and expenses 37000  
chargeable for the taking and certifying of a deposition by a 37001  
person who is authorized to do so in this state, including, but 37002  
not limited to, a ~~shorthand~~ reporter, stenographer, or person 37003  
described in Civil Rule 28, may be established by that person 37004  
subject to the qualification specified in this section, and may be 37005  
different than the fees and expenses charged for the taking and 37006  
certifying of depositions by similar persons in other areas of 37007  
this state. Unless, prior to the taking and certifying of a 37008  
deposition, the parties who request it agree that the fees or 37009  
expenses to be charged may exceed the usual and customary fees or 37010  
expenses charged in the particular community for similar services, 37011  
such a person shall not charge fees or expenses in connection with 37012  
the taking and certifying of the deposition that exceed those 37013  
usual and customary fees and expenses. 37014

The person taking and certifying a deposition may retain the 37015  
deposition until the fees and expenses that ~~he~~ the person charged 37016  
are paid. ~~He~~ The person also shall tax the costs, if any, of a 37017  
sheriff or other officer who serves any process in connection with 37018

the taking of a deposition and the fees of the witnesses, and, if 37019  
directed by a person entitled to those costs or fees, may retain 37020  
the deposition until those costs or fees are paid. 37021

**Sec. 2329.26.** (A) Lands and tenements taken in execution 37022  
shall not be sold until all of the following occur: 37023

(1)(a) Except as otherwise provided in division (A)(1)(b) of 37024  
this section, the judgment creditor who seeks the sale of the 37025  
lands and tenements or the judgment creditor's attorney does both 37026  
of the following: 37027

(i) Causes a written notice of the date, time, and place of 37028  
the sale to be served in accordance with divisions (A) and (B) of 37029  
Civil Rule 5 upon the judgment debtor and upon each other party to 37030  
the action in which the judgment giving rise to the execution was 37031  
rendered; 37032

(ii) At least seven calendar days prior to the date of the 37033  
sale, files with the clerk of the court that rendered the judgment 37034  
giving rise to the execution a copy of the written notice 37035  
described in division (A)(1)(a)(i) of this section with proof of 37036  
service endorsed on the copy in the form described in division (D) 37037  
of Civil Rule 5. 37038

(b) Service of the written notice described in division 37039  
(A)(1)(a)(i) of this section is not required to be made upon any 37040  
party who is in default for failure to appear in the action in 37041  
which the judgment giving rise to the execution was rendered. 37042

(2) The officer taking the lands and tenements gives public 37043  
notice of the date, time, and place of the sale for at least three 37044  
weeks before the day of sale by advertisement in a newspaper 37045  
~~published in and~~ of general circulation in the county. The 37046  
newspaper shall meet the requirements of section 7.12 of the 37047  
Revised Code. The court ordering the sale may designate in the 37048

order of sale the newspaper in which this public notice shall be 37049  
published, ~~and this public notice is subject to division (A) of~~ 37050  
~~section 2329.27 of the Revised Code.~~ 37051

(3) The officer taking the lands and tenements shall collect 37052  
the purchaser's information required by section 2329.271 of the 37053  
Revised Code. 37054

(B) A sale of lands and tenements taken in execution may be 37055  
set aside in accordance with division (A) or (B) of section 37056  
2329.27 of the Revised Code. 37057

**Sec. 2335.05.** In all cases or proceedings not specified in 37058  
sections 2335.06 and 2335.08 of the Revised Code, except as 37059  
otherwise provided in section 2335.061 of the Revised Code, each 37060  
person subpoenaed as a witness shall be allowed one dollar for 37061  
each day's attendance and the mileage allowed in courts of record. 37062  
~~When~~ If not subpoenaed each person called upon to testify in a 37063  
case or proceeding shall receive twenty-five cents. Such fee shall 37064  
be taxed in the bill of costs, and if incurred in a state or 37065  
ordinance case, or in a proceeding before a public officer, board, 37066  
or commission, the fee shall be paid out of the proper public 37067  
treasury, upon the certificate of the court, officer, board, or 37068  
commission conducting the proceeding. 37069

**Sec. 2335.06.** ~~Each~~ (A) Except as otherwise provided in 37070  
section 2335.061 of the Revised Code, each witness in civil cases 37071  
shall receive the following fees: 37072

~~(A)(1)~~ Twelve dollars for each full day's attendance and six 37073  
dollars for each half day's attendance at a court of record, 37074  
mayor's court, or before a person authorized to take depositions, 37075  
to be taxed in the bill of costs. Each witness shall also receive 37076  
reimbursement for each mile necessarily traveled to and from the 37077  
witness's place of residence to the place of giving testimony, to 37078

be taxed in the bill of costs. The board of county commissioners 37079  
of each county shall set the reimbursement rate for each mile 37080  
necessarily traveled by a witness in a civil case in the common 37081  
pleas court, any division of the common pleas court, a county 37082  
court, or a county-operated municipal court. The rate shall not 37083  
exceed fifty and one-half cents for each mile. 37084

~~(B)~~(2) For attending a coroner's inquest, the same fees and 37085  
mileage provided by division (A)(1) of this section, payable from 37086  
the county treasury on the certificate of the coroner. 37087

~~(C)~~(B) As used in this section, "full day's attendance" means 37088  
a day on which a witness is required or requested to be present at 37089  
proceedings before and after twelve noon regardless of whether the 37090  
witness actually testifies; "half day's attendance" means a day on 37091  
which a witness is required or requested to be present at 37092  
proceedings either before or after twelve noon, but not both, 37093  
regardless of whether the witness actually testifies. 37094

**Sec. 2335.061.** (A) As used in this section: 37095

(1) "Coroner" has the same meaning as in section 313.01 of 37096  
the Revised Code, and includes the following: 37097

(a) The coroner of a county other than a county in which the 37098  
death occurred or the dead human body was found if the coroner of 37099  
that other county performed services for the county in which the 37100  
death occurred or the dead human body was found; 37101

(b) A medical examiner appointed by the governing authority 37102  
of a county to perform the duties of a coroner set forth in 37103  
Chapter 313. of the Revised Code. 37104

(2) "Deposition fee" means the amount derived by multiplying 37105  
the hourly rate by the number of hours a coroner or deputy coroner 37106  
spent preparing for and giving expert testimony at a deposition in 37107  
a civil action pursuant to this section. 37108



(3) "Deputy coroner" means a pathologist serving as a deputy coroner. 37109  
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(4) "Expert testimony" means testimony given by a coroner or deputy coroner as an expert witness pursuant to this section and the Rules of Evidence. 37111  
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(5) "Fact testimony" means testimony given by a coroner or deputy coroner regarding the performance of the duties of the coroner as set forth in Chapter 313. of the Revised Code. "Fact testimony" does not include expert testimony. 37114  
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(6) "Hourly rate" means the compensation established in sections 325.15 and 325.18 of the Revised Code for a coroner without a private practice of medicine at the class 8 level for calendar year 2001 and thereafter, divided by two thousand eighty. 37118  
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(7) "Testimonial fee" means the amount derived by multiplying the hourly rate by six and multiplying the product by the number of hours that a coroner or deputy coroner spent preparing for and giving expert testimony at a trial or hearing in a civil action pursuant to this section. 37122  
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(B)(1) A party may subpoena a coroner or deputy coroner to give expert testimony at a trial, hearing, or deposition in a civil action only upon filing with the court a notice that includes all of the following: 37127  
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(a) The name of the coroner or deputy coroner whose testimony is sought; 37131  
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(b) A brief statement of the issues upon which the party seeks expert testimony from the coroner or deputy coroner; 37133  
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(c) An acknowledgment by the party that the giving of expert testimony by the coroner or deputy coroner at the trial, hearing, or deposition is governed by this section and that the party will comply with all of the requirements of this section; 37135  
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(d) A statement of the obligations of the coroner or deputy coroner under division (C) of this section. 37139  
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(2) The notice under division (B)(1) of this section shall be served together with the subpoena. 37141  
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(C) A party that obtains the expert testimony of a coroner or deputy coroner at a trial, hearing, or deposition in a civil action pursuant to division (B) or (D) of this section shall pay to the treasury of the county in which the coroner or deputy coroner holds office or is appointed or employed a testimonial fee or deposition fee, whichever is applicable, within thirty days after receiving the statement described in this division. Upon the conclusion of the coroner's or deputy coroner's expert testimony, the coroner or deputy coroner shall file a statement with the court on behalf of the county in which the coroner or deputy coroner holds office or is appointed or employed showing the fee due and how the coroner or deputy coroner calculated the fee. The coroner or deputy coroner shall serve a copy of the statement on each of the parties. 37143  
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(D) For good cause shown, the court may permit a coroner or deputy coroner who has not been served with a subpoena under division (B) of this section to give expert testimony at a trial, hearing, or deposition in a civil action. Unless good cause is shown, the failure of a party to file with the court the notice described in division (B)(1) of this section prohibits the party from having a coroner or deputy coroner subpoenaed to give expert testimony at a trial, hearing, or deposition in a civil action or from otherwise calling the coroner or a deputy coroner to give expert testimony at a trial, hearing, or deposition in a civil action. 37157  
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(E) In the event of a dispute as to the contents of the notice filed by a party under division (B) of this section or as to the nature of the testimony sought from or given by a coroner 37168  
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or a deputy coroner at a trial, hearing, or deposition in a civil 37171  
action, the court shall determine whether the testimony sought 37172  
from or given by the coroner or deputy coroner is expert testimony 37173  
or fact testimony. In making this determination, the court shall 37174  
consider all of the following: 37175

(1) The definitions of "expert testimony" and "fact 37176  
testimony" set forth in this section; 37177

(2) All applicable rules of evidence; 37178

(3) Any other information that the court considers relevant. 37179

(F) Nothing in this section shall be construed to alter, 37180  
amend, or supersede the requirements of the Rules of Civil 37181  
Procedure or the Rules of Evidence. 37182

**Sec. 2501.16.** (A) Each court of appeals may appoint one or 37183  
more official ~~shorthand~~ reporters, law clerks, secretaries, and 37184  
any other employees that the court considers necessary for its 37185  
efficient operation. 37186

The clerk of the court of common pleas, acting as the clerk 37187  
of the court of appeals for the county, shall perform the duties 37188  
otherwise performed and collect the fees otherwise collected by 37189  
the clerk of the court of common pleas, as set forth in section 37190  
2303.03 of the Revised Code, and shall maintain the files and 37191  
records of the court. The clerk of the court of common pleas, 37192  
acting as the clerk of the court of appeals for the county, may 37193  
refuse to accept for filing any pleading or paper submitted for 37194  
filing by a person who has been found to be a vexatious litigator 37195  
under section 2323.52 of the Revised Code and who has failed to 37196  
obtain leave from the court of appeals to proceed under that 37197  
section. The overhead expenses pertaining to the office of the 37198  
clerk of the court of common pleas that result from the clerk's 37199  
acting as clerk of the court of appeals for the county, other than 37200

wages and salaries, shall be paid from the funds provided under 37201  
sections 2501.18 and 2501.181 of the Revised Code. 37202

Each officer and employee appointed pursuant to this section 37203  
shall take an oath of office, serve at the pleasure of the court, 37204  
and perform any duties that the court directs. Each ~~shorthand~~ 37205  
reporter shall have the powers that are vested in official 37206  
~~shorthand~~ reporters of the court of common pleas under sections 37207  
2301.18 to 2301.26 of the Revised Code. Whenever an opinion, per 37208  
curiam, or report of a case has been prepared in accordance with 37209  
section 2503.20 of the Revised Code, the official ~~shorthand~~ 37210  
reporter immediately shall forward one copy of the opinion, per 37211  
curiam, or report to the reporter of the supreme court, without 37212  
expense to the reporter. 37213

(B) The court of appeals may determine that, for the 37214  
efficient operation of the court, additional funds are necessary 37215  
to acquire and pay for special projects of the court, including, 37216  
but not limited to, the acquisition of additional facilities or 37217  
the rehabilitation of existing facilities, the acquisition of 37218  
equipment, the hiring and training of staff, the employment of 37219  
magistrates, the training and education of judges, acting judges, 37220  
and magistrates, community service programs, and other related 37221  
services. Upon that determination, the court by rule may charge a 37222  
fee, in addition to all other court costs, on the filing of each 37223  
case or cause over which the court has jurisdiction. 37224

If the court of appeals offers a special program or service 37225  
in cases of a specific type, the court by rule may assess an 37226  
additional charge in a case of that type, over and above court 37227  
costs, to cover the special program or service. The court shall 37228  
adjust the special assessment periodically, but not retroactively, 37229  
so that the amount assessed in those cases does not exceed the 37230  
actual cost of providing the service or program. 37231

All moneys collected under division (B) of this section shall 37232

be paid to the county treasurer of the county selected as the 37233  
principal seat of that court of appeals for deposit into either a 37234  
general special projects fund or a fund established for a specific 37235  
special project. Moneys from a fund of that nature shall be 37236  
disbursed upon an order of the court in an amount no greater than 37237  
the actual cost to the court of a project. If a specific fund is 37238  
terminated because of the discontinuance of a program or service 37239  
established under division (B) of this section, the court may 37240  
order that moneys remaining in the fund be transferred to an 37241  
account established under this division for a similar purpose. 37242

**Sec. 2501.17.** Each officer and employee of a court of appeals 37243  
appointed under section 2501.16 of the Revised Code shall receive 37244  
the compensation that is fixed by the court of appeals and payable 37245  
from the state treasury upon the certificate of the presiding or 37246  
administrative judge of the district in which the officer or 37247  
employee serves. The additional amount of compensation that the 37248  
clerk of the court of common pleas receives for acting as the 37249  
clerk of the court of appeals in ~~his~~ the clerk's county and 37250  
assuming the duties of that office and that is equal to one-eighth 37251  
of the annual compensation that ~~he~~ the clerk receives pursuant to 37252  
sections 325.08 and 325.18 of the Revised Code for being the clerk 37253  
of the court of common pleas is payable from the state treasury 37254  
upon the certificate of the presiding or administrative judge of 37255  
the district in which the clerk serves. 37256

~~Shorthand reporters~~ Reporters may receive additional 37257  
compensation for transcripts of evidence, the fee for the 37258  
transcripts to be fixed by the judges of the court of appeals and 37259  
paid and collected in the same manner as the fees for transcripts 37260  
furnished by official ~~shorthand~~ reporters of the court of common 37261  
pleas under section 2301.24 of the Revised Code. ~~Shorthand~~ 37262  
~~reporters~~ Reporters appointed for a term of less than one year 37263  
shall receive a per diem compensation of not less than thirty 37264

dollars per day. All ~~shorthand~~ reporters shall receive their 37265  
actual expenses for traveling when attending court in any county 37266  
other than that in which they reside, to be paid as provided by 37267  
section ~~2301.24~~ 2301.22 of the Revised Code. 37268

**Sec. 2743.09.** The clerk of the court of claims shall do all 37269  
of the following: 37270

(A) Administer oaths and take and certify affidavits, 37271  
depositions, and acknowledgments of powers of attorney and other 37272  
instruments in writing; 37273

(B) Prepare the dockets, enter and record the orders, 37274  
judgments, decisions, awards, and proceedings of the court of 37275  
claims and the court of claims commissioners, and issue writs and 37276  
process; 37277

(C) Maintain an office in Franklin county in rooms provided 37278  
by the supreme court for that purpose; 37279

(D) Keep an appearance docket of civil actions, claims for an 37280  
award of reparations, and appeals from decisions of the court of 37281  
claims commissioners. The clerk may refuse to accept for filing 37282  
any pleading or paper that relates to a civil action in the court 37283  
of claims and that is submitted for filing by a person who has 37284  
been found to be a vexatious litigator under section 2323.52 of 37285  
the Revised Code and who has failed to obtain leave to proceed 37286  
under that section. 37287

Upon the commencement of an action or claim, the clerk shall 37288  
assign it a number. This number shall be placed on the first page, 37289  
and every continuation page, of the appearance docket that 37290  
concerns the particular action or claim. In addition, this number 37291  
and the names of the parties shall be placed on the case file, and 37292  
every paper filed in the action or claim. 37293

At the time the action is commenced the clerk shall enter in 37294

the appearance docket the names of the parties in full and the names of counsel and shall index the action alphabetically by the last name of each party. Thereafter, the clerk shall chronologically note in the appearance docket all process issued and returns, pleas, motions, papers filed in the action, orders, verdicts, and judgments. The notations shall be brief but shall show the date of filing, substance, and journal volume and page of each order, verdict, and judgment. An action is commenced for purposes of this division by the filing of a complaint, including a form complaint under section 2743.10 of the Revised Code or a petition for removal.

At the time an appeal for an award of reparations is commenced, the clerk shall enter the full names of the claimant, the victim, and the attorneys in the appearance docket and shall index the claim alphabetically by the last name of the claimant and the victim. Thereafter, the clerk shall chronologically note in the appearance docket all process issued and returns, motions, papers filed in the claim, orders, decisions, and awards. The notations shall be brief but shall show the date of filing, substance, and journal volume and page of each order.

(E) Keep all original papers filed in an action or claim in a separate file folder and a journal in which all orders, verdicts, and judgments of the court and commissioners shall be recorded;

(F) Charge and collect fees pursuant to section 2303.20 of the Revised Code, keep a cashbook in which the clerk shall enter the amounts received, make a report to the clerk of the supreme court each quarter of the fees received during the preceding quarter, and pay them monthly into the state treasury;

(G) Appoint stenographers, ~~shorthand~~ reporters, and other clerical personnel;

(H) Under the direction of the chief justice, establish

procedures for hearing and determining appeals for an award of 37326  
reparations pursuant to sections 2743.51 to 2743.72 of the Revised 37327  
Code. 37328

**Sec. 2744.05.** Notwithstanding any other provisions of the 37329  
Revised Code or rules of a court to the contrary, in an action 37330  
against a political subdivision to recover damages for injury, 37331  
death, or loss to person or property caused by an act or omission 37332  
in connection with a governmental or proprietary function: 37333

(A) Punitive or exemplary damages shall not be awarded. 37334

(B)(1) If a claimant receives or is entitled to receive 37335  
benefits for injuries or loss allegedly incurred from a policy or 37336  
policies of insurance or any other source, the benefits shall be 37337  
disclosed to the court, and the amount of the benefits shall be 37338  
deducted from any award against a political subdivision recovered 37339  
by that claimant. No insurer or other person is entitled to bring 37340  
an action under a subrogation provision in an insurance or other 37341  
contract against a political subdivision with respect to those 37342  
benefits. 37343

The amount of the benefits shall be deducted from an award 37344  
against a political subdivision under division (B)(1) of this 37345  
section regardless of whether the claimant may be under an 37346  
obligation to pay back the benefits upon recovery, in whole or in 37347  
part, for the claim. A claimant whose benefits have been deducted 37348  
from an award under division (B)(1) of this section is not 37349  
considered fully compensated and shall not be required to 37350  
reimburse a subrogated claim for benefits deducted from an award 37351  
pursuant to division (B)(1) of this section. 37352

(2) Nothing in division (B)(1) of this section shall be 37353  
construed to do either of the following: 37354

(a) Limit the rights of a beneficiary under a life insurance 37355



policy or the rights of sureties under fidelity or surety bonds; 37356

(b) Prohibit the department of job and family services from 37357  
recovering from the political subdivision, pursuant to section 37358  
5101.58 of the Revised Code, the cost of medical assistance 37359  
benefits provided under ~~sections 5101.5211 to 5101.5216~~ or Chapter 37360  
5107.7 or 5111. of the Revised Code. 37361

(C)(1) There shall not be any limitation on compensatory 37362  
damages that represent the actual loss of the person who is 37363  
awarded the damages. However, except in wrongful death actions 37364  
brought pursuant to Chapter 2125. of the Revised Code, damages 37365  
that arise from the same cause of action, transaction or 37366  
occurrence, or series of transactions or occurrences and that do 37367  
not represent the actual loss of the person who is awarded the 37368  
damages shall not exceed two hundred fifty thousand dollars in 37369  
favor of any one person. The limitation on damages that do not 37370  
represent the actual loss of the person who is awarded the damages 37371  
provided in this division does not apply to court costs that are 37372  
awarded to a plaintiff, or to interest on a judgment rendered in 37373  
favor of a plaintiff, in an action against a political 37374  
subdivision. 37375

(2) As used in this division, "the actual loss of the person 37376  
who is awarded the damages" includes all of the following: 37377

(a) All wages, salaries, or other compensation lost by the 37378  
person injured as a result of the injury, including wages, 37379  
salaries, or other compensation lost as of the date of a judgment 37380  
and future expected lost earnings of the person injured; 37381

(b) All expenditures of the person injured or another person 37382  
on behalf of the person injured for medical care or treatment, for 37383  
rehabilitation services, or for other care, treatment, services, 37384  
products, or accommodations that were necessary because of the 37385  
injury; 37386

(c) All expenditures to be incurred in the future, as 37387  
determined by the court, by the person injured or another person 37388  
on behalf of the person injured for medical care or treatment, for 37389  
rehabilitation services, or for other care, treatment, services, 37390  
products, or accommodations that will be necessary because of the 37391  
injury; 37392

(d) All expenditures of a person whose property was injured 37393  
or destroyed or of another person on behalf of the person whose 37394  
property was injured or destroyed in order to repair or replace 37395  
the property that was injured or destroyed; 37396

(e) All expenditures of the person injured or of the person 37397  
whose property was injured or destroyed or of another person on 37398  
behalf of the person injured or of the person whose property was 37399  
injured or destroyed in relation to the actual preparation or 37400  
presentation of the claim involved; 37401

(f) Any other expenditures of the person injured or of the 37402  
person whose property was injured or destroyed or of another 37403  
person on behalf of the person injured or of the person whose 37404  
property was injured or destroyed that the court determines 37405  
represent an actual loss experienced because of the personal or 37406  
property injury or property loss. 37407

"The actual loss of the person who is awarded the damages" 37408  
does not include any fees paid or owed to an attorney for any 37409  
services rendered in relation to a personal or property injury or 37410  
property loss, and does not include any damages awarded for pain 37411  
and suffering, for the loss of society, consortium, companionship, 37412  
care, assistance, attention, protection, advice, guidance, 37413  
counsel, instruction, training, or education of the person 37414  
injured, for mental anguish, or for any other intangible loss. 37415

**Sec. 2903.33.** As used in sections 2903.33 to 2903.36 of the 37416  
Revised Code: 37417

(A) "Care facility" means any of the following:	37418
(1) Any "home" as defined in section 3721.10 or 5111.20 of the Revised Code;	37419 37420
(2) Any "residential facility" as defined in section 5123.19 of the Revised Code;	37421 37422
(3) Any institution or facility operated or provided by the department of mental health or by the department of developmental disabilities pursuant to sections 5119.02 and 5123.03 of the Revised Code;	37423 37424 37425 37426
(4) Any "residential facility" as defined in section 5119.22 of the Revised Code;	37427 37428
(5) Any unit of any hospital, as defined in section 3701.01 of the Revised Code, that provides the same services as a nursing home, as defined in section 3721.01 of the Revised Code;	37429 37430 37431
(6) Any institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to one individual or two unrelated individuals who are dependent upon the services of others;	37432 37433 37434 37435 37436
(7) Any "adult care facility" as defined in section <del>3722.01</del> <u>5119.70</u> of the Revised Code;	37437 37438
(8) Any adult foster home certified <del>by the department of aging or its designee</del> under section <del>173.36</del> <u>5119.692</u> of the Revised Code.	37439 37440 37441
(B) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a person by physical contact with the person or by the inappropriate use of a physical or chemical restraint, medication, or isolation on the person.	37442 37443 37444 37445
(C)(1) "Gross neglect" means knowingly failing to provide a person with any treatment, care, goods, or service that is	37446 37447

necessary to maintain the health or safety of the person when the 37448  
failure results in physical harm or serious physical harm to the 37449  
person. 37450

(2) "Neglect" means recklessly failing to provide a person 37451  
with any treatment, care, goods, or service that is necessary to 37452  
maintain the health or safety of the person when the failure 37453  
results in serious physical harm to the person. 37454

(D) "Inappropriate use of a physical or chemical restraint, 37455  
medication, or isolation" means the use of physical or chemical 37456  
restraint, medication, or isolation as punishment, for staff 37457  
convenience, excessively, as a substitute for treatment, or in 37458  
quantities that preclude habilitation and treatment. 37459

**Sec. 2919.271.** (A)(1)(a) If a defendant is charged with a 37460  
violation of section 2919.27 of the Revised Code or of a municipal 37461  
ordinance that is substantially similar to that section, the court 37462  
may order an evaluation of the mental condition of the defendant 37463  
if the court determines that either of the following criteria 37464  
apply: 37465

(i) If the alleged violation is a violation of a protection 37466  
order issued or consent agreement approved pursuant to section 37467  
2919.26 or 3113.31 of the Revised Code, that the violation 37468  
allegedly involves conduct by the defendant that caused physical 37469  
harm to the person or property of a family or household member 37470  
covered by the order or agreement, or conduct by the defendant 37471  
that caused a family or household member to believe that the 37472  
defendant would cause physical harm to that member or that 37473  
member's property. 37474

(ii) If the alleged violation is a violation of a protection 37475  
order issued pursuant to section 2903.213 or 2903.214 of the 37476  
Revised Code or a protection order issued by a court of another 37477  
state, that the violation allegedly involves conduct by the 37478

defendant that caused physical harm to the person or property of 37479  
the person covered by the order, or conduct by the defendant that 37480  
caused the person covered by the order to believe that the 37481  
defendant would cause physical harm to that person or that 37482  
person's property. 37483

(b) If a defendant is charged with a violation of section 37484  
2903.211 of the Revised Code or of a municipal ordinance that is 37485  
substantially similar to that section, the court may order an 37486  
evaluation of the mental condition of the defendant. 37487

(2) An evaluation ordered under division (A)(1) of this 37488  
section shall be completed no later than thirty days from the date 37489  
the order is entered pursuant to that division. In that order, the 37490  
court shall do either of the following: 37491

(a) Order that the evaluation of the mental condition of the 37492  
defendant be preceded by an examination conducted either by a 37493  
forensic center that is designated by the department of mental 37494  
health to conduct examinations and make evaluations of defendants 37495  
charged with violations of section 2903.211 or 2919.27 of the 37496  
Revised Code or of substantially similar municipal ordinances in 37497  
the area in which the court is located, or by any other program or 37498  
facility that is designated by the department of mental health or 37499  
the department of developmental disabilities to conduct 37500  
examinations and make evaluations of defendants charged with 37501  
violations of section 2903.211 or 2919.27 of the Revised Code or 37502  
of substantially similar municipal ordinances, and that is 37503  
operated by either department or is certified by either department 37504  
as being in compliance with the standards established under 37505  
division ~~(I)~~(H) of section 5119.01 of the Revised Code or division 37506  
(C) of section 5123.04 of the Revised Code. 37507

(b) Designate a center, program, or facility other than one 37508  
designated by the department of mental health or the department of 37509  
developmental disabilities, as described in division (A)(2)(a) of 37510

this section, to conduct the evaluation and preceding examination 37511  
of the mental condition of the defendant. 37512

Whether the court acts pursuant to division (A)(2)(a) or (b) 37513  
of this section, the court may designate examiners other than the 37514  
personnel of the center, program, facility, or department involved 37515  
to make the evaluation and preceding examination of the mental 37516  
condition of the defendant. 37517

(B) If the court considers that additional evaluations of the 37518  
mental condition of a defendant are necessary following the 37519  
evaluation authorized by division (A) of this section, the court 37520  
may order up to two additional similar evaluations. These 37521  
evaluations shall be completed no later than thirty days from the 37522  
date the applicable court order is entered. If more than one 37523  
evaluation of the mental condition of the defendant is ordered 37524  
under this division, the prosecutor and the defendant may 37525  
recommend to the court an examiner whom each prefers to perform 37526  
one of the evaluations and preceding examinations. 37527

(C)(1) The court may order a defendant who has been released 37528  
on bail to submit to an examination under division (A) or (B) of 37529  
this section. The examination shall be conducted either at the 37530  
detention facility in which the defendant would have been confined 37531  
if the defendant had not been released on bail, or, if so 37532  
specified by the center, program, facility, or examiners involved, 37533  
at the premises of the center, program, or facility. Additionally, 37534  
the examination shall be conducted at the times established by the 37535  
examiners involved. If such a defendant refuses to submit to an 37536  
examination or a complete examination as required by the court or 37537  
the center, program, facility, or examiners involved, the court 37538  
may amend the conditions of the bail of the defendant and order 37539  
the sheriff to take the defendant into custody and deliver the 37540  
defendant to the detention facility in which the defendant would 37541  
have been confined if the defendant had not been released on bail, 37542

or, if so specified by the center, program, facility, or examiners 37543  
involved, to the premises of the center, program, or facility, for 37544  
purposes of the examination. 37545

(2) A defendant who has not been released on bail shall be 37546  
examined at the detention facility in which the defendant is 37547  
confined or, if so specified by the center, program, facility, or 37548  
examiners involved, at the premises of the center, program, or 37549  
facility. 37550

(D) The examiner of the mental condition of a defendant under 37551  
division (A) or (B) of this section shall file a written report 37552  
with the court within thirty days after the entry of an order for 37553  
the evaluation of the mental condition of the defendant. The 37554  
report shall contain the findings of the examiner; the facts in 37555  
reasonable detail on which the findings are based; the opinion of 37556  
the examiner as to the mental condition of the defendant; the 37557  
opinion of the examiner as to whether the defendant represents a 37558  
substantial risk of physical harm to other persons as manifested 37559  
by evidence of recent homicidal or other violent behavior, 37560  
evidence of recent threats that placed other persons in reasonable 37561  
fear of violent behavior and serious physical harm, or evidence of 37562  
present dangerousness; and the opinion of the examiner as to the 37563  
types of treatment or counseling that the defendant needs. The 37564  
court shall provide copies of the report to the prosecutor and 37565  
defense counsel. 37566

(E) The costs of any evaluation and preceding examination of 37567  
a defendant that is ordered pursuant to division (A) or (B) of 37568  
this section shall be taxed as court costs in the criminal case. 37569

(F) If the examiner considers it necessary in order to make 37570  
an accurate evaluation of the mental condition of a defendant, an 37571  
examiner under division (A) or (B) of this section may request any 37572  
family or household member of the defendant to provide the 37573  
examiner with information. A family or household member may, but 37574

is not required to, provide information to the examiner upon 37575  
receipt of the request. 37576

(G) As used in this section: 37577

(1) "Bail" includes a recognizance. 37578

(2) "Examiner" means a psychiatrist, a licensed independent 37579  
social worker who is employed by a forensic center that is 37580  
certified as being in compliance with the standards established 37581  
under division ~~(I)~~(H) of section 5119.01 or division (C) of 37582  
section 5123.04 of the Revised Code, a licensed professional 37583  
clinical counselor who is employed at a forensic center that is 37584  
certified as being in compliance with such standards, or a 37585  
licensed clinical psychologist, except that in order to be an 37586  
examiner, a licensed clinical psychologist shall meet the criteria 37587  
of division (I)(1) of section 5122.01 of the Revised Code or be 37588  
employed to conduct examinations by the department of mental 37589  
health or by a forensic center certified as being in compliance 37590  
with the standards established under division ~~(I)~~(H) of section 37591  
5119.01 or division (C) of section 5123.04 of the Revised Code 37592  
that is designated by the department of mental health. 37593

(3) "Family or household member" has the same meaning as in 37594  
section 2919.25 of the Revised Code. 37595

(4) "Prosecutor" has the same meaning as in section 2935.01 37596  
of the Revised Code. 37597

(5) "Psychiatrist" and "licensed clinical psychologist" have 37598  
the same meanings as in section 5122.01 of the Revised Code. 37599

(6) "Protection order issued by a court of another state" has 37600  
the same meaning as in section 2919.27 of the Revised Code. 37601

**Sec. 2939.11.** The official ~~shorthand~~ reporter of the county, 37602  
or any ~~shorthand~~ reporter designated by the court of common pleas, 37603  
at the request of the prosecuting attorney, or any such reporter 37604



designated by the attorney general in investigations conducted by 37605  
~~him~~ the attorney general, may take ~~shorthand~~ notes of, or 37606  
electronically record, testimony before the grand jury, and 37607  
furnish a transcript to the prosecuting attorney or the attorney 37608  
general, and to no other person. The ~~shorthand~~ reporter shall 37609  
withdraw from the jury room before the jurors begin to express 37610  
their views or take their vote on the matter before them. Such 37611  
reporter shall take an oath to be administered by the judge after 37612  
the grand jury is sworn, imposing an obligation of secrecy to not 37613  
disclose any testimony taken or heard except to the grand jury, 37614  
prosecuting attorney, or attorney general, unless called upon in 37615  
court to make disclosures. 37616

**Sec. 2945.371.** (A) If the issue of a defendant's competence 37617  
to stand trial is raised or if a defendant enters a plea of not 37618  
guilty by reason of insanity, the court may order one or more 37619  
evaluations of the defendant's present mental condition or, in the 37620  
case of a plea of not guilty by reason of insanity, of the 37621  
defendant's mental condition at the time of the offense charged. 37622  
An examiner shall conduct the evaluation. 37623

(B) If the court orders more than one evaluation under 37624  
division (A) of this section, the prosecutor and the defendant may 37625  
recommend to the court an examiner whom each prefers to perform 37626  
one of the evaluations. If a defendant enters a plea of not guilty 37627  
by reason of insanity and if the court does not designate an 37628  
examiner recommended by the defendant, the court shall inform the 37629  
defendant that the defendant may have independent expert 37630  
evaluation and that, if the defendant is unable to obtain 37631  
independent expert evaluation, it will be obtained for the 37632  
defendant at public expense if the defendant is indigent. 37633

(C) If the court orders an evaluation under division (A) of 37634  
this section, the defendant shall be available at the times and 37635

places established by the examiners who are to conduct the 37636  
evaluation. The court may order a defendant who has been released 37637  
on bail or recognizance to submit to an evaluation under this 37638  
section. If a defendant who has been released on bail or 37639  
recognizance refuses to submit to a complete evaluation, the court 37640  
may amend the conditions of bail or recognizance and order the 37641  
sheriff to take the defendant into custody and deliver the 37642  
defendant to a center, program, or facility operated or certified 37643  
by the department of mental health or the department of 37644  
developmental disabilities where the defendant may be held for 37645  
evaluation for a reasonable period of time not to exceed twenty 37646  
days. 37647

(D) A defendant who has not been released on bail or 37648  
recognizance may be evaluated at the defendant's place of 37649  
detention. Upon the request of the examiner, the court may order 37650  
the sheriff to transport the defendant to a program or facility 37651  
operated or certified by the department of mental health or the 37652  
department of developmental disabilities, where the defendant may 37653  
be held for evaluation for a reasonable period of time not to 37654  
exceed twenty days, and to return the defendant to the place of 37655  
detention after the evaluation. A municipal court may make an 37656  
order under this division only upon the request of a certified 37657  
forensic center examiner. 37658

(E) If a court orders the evaluation to determine a 37659  
defendant's mental condition at the time of the offense charged, 37660  
the court shall inform the examiner of the offense with which the 37661  
defendant is charged. 37662

(F) In conducting an evaluation of a defendant's mental 37663  
condition at the time of the offense charged, the examiner shall 37664  
consider all relevant evidence. If the offense charged involves 37665  
the use of force against another person, the relevant evidence to 37666  
be considered includes, but is not limited to, any evidence that 37667

the defendant suffered, at the time of the commission of the 37668  
offense, from the "battered woman syndrome." 37669

(G) The examiner shall file a written report with the court 37670  
within thirty days after entry of a court order for evaluation, 37671  
and the court shall provide copies of the report to the prosecutor 37672  
and defense counsel. The report shall include all of the 37673  
following: 37674

(1) The examiner's findings; 37675

(2) The facts in reasonable detail on which the findings are 37676  
based; 37677

(3) If the evaluation was ordered to determine the 37678  
defendant's competence to stand trial, all of the following 37679  
findings or recommendations that are applicable: 37680

(a) Whether the defendant is capable of understanding the 37681  
nature and objective of the proceedings against the defendant or 37682  
of assisting in the defendant's defense; 37683

(b) If the examiner's opinion is that the defendant is 37684  
incapable of understanding the nature and objective of the 37685  
proceedings against the defendant or of assisting in the 37686  
defendant's defense, whether the defendant presently is mentally 37687  
ill or mentally retarded and, if the examiner's opinion is that 37688  
the defendant presently is mentally retarded, whether the 37689  
defendant appears to be a mentally retarded person subject to 37690  
institutionalization by court order; 37691

(c) If the examiner's opinion is that the defendant is 37692  
incapable of understanding the nature and objective of the 37693  
proceedings against the defendant or of assisting in the 37694  
defendant's defense, the examiner's opinion as to the likelihood 37695  
of the defendant becoming capable of understanding the nature and 37696  
objective of the proceedings against the defendant and of 37697  
assisting in the defendant's defense within one year if the 37698

defendant is provided with a course of treatment; 37699

(d) If the examiner's opinion is that the defendant is 37700  
incapable of understanding the nature and objective of the 37701  
proceedings against the defendant or of assisting in the 37702  
defendant's defense and that the defendant presently is mentally 37703  
ill or mentally retarded, the examiner's recommendation as to the 37704  
least restrictive ~~treatment~~ placement or commitment alternative, 37705  
consistent with the defendant's treatment needs for restoration to 37706  
competency and with the safety of the community; 37707

(e) If the defendant is charged with a misdemeanor offense 37708  
that is not an offense of violence and the examiner's opinion is 37709  
that the defendant is incapable of understanding the nature and 37710  
objective of the proceedings against the defendant or of assisting 37711  
in the defendant's defense and that the defendant is presently 37712  
mentally ill or mentally retarded, the examiner's recommendation 37713  
as to whether the defendant is amenable to engagement in mental 37714  
health treatment or developmental disability services. 37715

(4) If the evaluation was ordered to determine the 37716  
defendant's mental condition at the time of the offense charged, 37717  
the examiner's findings as to whether the defendant, at the time 37718  
of the offense charged, did not know, as a result of a severe 37719  
mental disease or defect, the wrongfulness of the defendant's acts 37720  
charged. 37721

(H) If the examiner's report filed under division (G) of this 37722  
section indicates that in the examiner's opinion the defendant is 37723  
incapable of understanding the nature and objective of the 37724  
proceedings against the defendant or of assisting in the 37725  
defendant's defense and that in the examiner's opinion the 37726  
defendant appears to be a mentally retarded person subject to 37727  
institutionalization by court order, the court shall order the 37728  
defendant to undergo a separate mental retardation evaluation 37729  
conducted by a psychologist designated by the director of 37730

developmental disabilities. Divisions (C) to (F) of this section 37731  
apply in relation to a separate mental retardation evaluation 37732  
conducted under this division. The psychologist appointed under 37733  
this division to conduct the separate mental retardation 37734  
evaluation shall file a written report with the court within 37735  
thirty days after the entry of the court order requiring the 37736  
separate mental retardation evaluation, and the court shall 37737  
provide copies of the report to the prosecutor and defense 37738  
counsel. The report shall include all of the information described 37739  
in divisions (G)(1) to (4) of this section. If the court orders a 37740  
separate mental retardation evaluation of a defendant under this 37741  
division, the court shall not conduct a hearing under divisions 37742  
(B) to (H) of section 2945.37 of the Revised Code regarding that 37743  
defendant until a report of the separate mental retardation 37744  
evaluation conducted under this division has been filed. Upon the 37745  
filing of that report, the court shall conduct the hearing within 37746  
the period of time specified in division (C) of section 2945.37 of 37747  
the Revised Code. 37748

(I) An examiner appointed under divisions (A) and (B) of this 37749  
section or under division (H) of this section to evaluate a 37750  
defendant to determine the defendant's competence to stand trial 37751  
also may be appointed to evaluate a defendant who has entered a 37752  
plea of not guilty by reason of insanity, but an examiner of that 37753  
nature shall prepare separate reports on the issue of competence 37754  
to stand trial and the defense of not guilty by reason of 37755  
insanity. 37756

(J) No statement that a defendant makes in an evaluation or 37757  
hearing under divisions (A) to (H) of this section relating to the 37758  
defendant's competence to stand trial or to the defendant's mental 37759  
condition at the time of the offense charged shall be used against 37760  
the defendant on the issue of guilt in any criminal action or 37761  
proceeding, but, in a criminal action or proceeding, the 37762

prosecutor or defense counsel may call as a witness any person who 37763  
evaluated the defendant or prepared a report pursuant to a 37764  
referral under this section. Neither the appointment nor the 37765  
testimony of an examiner appointed under this section precludes 37766  
the prosecutor or defense counsel from calling other witnesses or 37767  
presenting other evidence on competency or insanity issues. 37768

(K) Persons appointed as examiners under divisions (A) and 37769  
(B) of this section or under division (H) of this section shall be 37770  
paid a reasonable amount for their services and expenses, as 37771  
certified by the court. The certified amount shall be paid by the 37772  
county in the case of county courts and courts of common pleas and 37773  
by the legislative authority, as defined in section 1901.03 of the 37774  
Revised Code, in the case of municipal courts. 37775

**Sec. 2945.38.** (A) If the issue of a defendant's competence to 37776  
stand trial is raised and if the court, upon conducting the 37777  
hearing provided for in section 2945.37 of the Revised Code, finds 37778  
that the defendant is competent to stand trial, the defendant 37779  
shall be proceeded against as provided by law. If the court finds 37780  
the defendant competent to stand trial and the defendant is 37781  
receiving psychotropic drugs or other medication, the court may 37782  
authorize the continued administration of the drugs or medication 37783  
or other appropriate treatment in order to maintain the 37784  
defendant's competence to stand trial, unless the defendant's 37785  
attending physician advises the court against continuation of the 37786  
drugs, other medication, or treatment. 37787

(B)(1)(a) If, after taking into consideration all relevant 37788  
reports, information, and other evidence, the court finds that the 37789  
defendant is incompetent to stand trial and that there is a 37790  
substantial probability that the defendant will become competent 37791  
to stand trial within one year if the defendant is provided with a 37792  
course of treatment, the court shall order the defendant to 37793

undergo treatment. If the defendant has been charged with a felony 37794  
offense and if, after taking into consideration all relevant 37795  
reports, information, and other evidence, the court finds that the 37796  
defendant is incompetent to stand trial, but the court is unable 37797  
at that time to determine whether there is a substantial 37798  
probability that the defendant will become competent to stand 37799  
trial within one year if the defendant is provided with a course 37800  
of treatment, the court shall order continuing evaluation and 37801  
treatment of the defendant for a period not to exceed four months 37802  
to determine whether there is a substantial probability that the 37803  
defendant will become competent to stand trial within one year if 37804  
the defendant is provided with a course of treatment. 37805

(b) The court order for the defendant to undergo treatment or 37806  
continuing evaluation and treatment under division (B)(1)(a) of 37807  
this section shall specify that the defendant, if determined to 37808  
require mental health treatment or continuing evaluation and 37809  
treatment, shall be committed to the department of mental health 37810  
for treatment or continuing evaluation and treatment shall occur 37811  
at a hospital, facility, or agency, as determined to be clinically 37812  
appropriate by the department of mental health and, if determined 37813  
to require treatment or continuing evaluation and treatment for a 37814  
developmental disability, shall receive treatment or continuing 37815  
evaluation and treatment at an institution or facility operated by 37816  
the department of ~~mental health or the department of~~ developmental 37817  
disabilities, at a facility certified by ~~either of those~~ 37818  
~~departments~~ the department of developmental disabilities as being 37819  
qualified to treat ~~mental illness or~~ mental retardation, at a 37820  
public or private community mental ~~health or mental~~ retardation 37821  
facility, or by a ~~psychiatrist or another~~ mental health or mental 37822  
retardation professional. The order may restrict the defendant's 37823  
freedom of movement as the court considers necessary. The 37824  
prosecutor in the defendant's case shall send to the chief 37825  
clinical officer of the hospital ~~or~~, facility, or agency where the 37826

defendant is placed by the department of mental health, or to the 37827  
managing officer of the institution, the director of the ~~program~~ 37828  
facility, or the person to which the defendant is committed, 37829  
copies of relevant police reports and other background information 37830  
that pertains to the defendant and is available to the prosecutor 37831  
unless the prosecutor determines that the release of any of the 37832  
information in the police reports or any of the other background 37833  
information to unauthorized persons would interfere with the 37834  
effective prosecution of any person or would create a substantial 37835  
risk of harm to any person. 37836

In committing the defendant to the department of mental 37837  
health, the court shall consider the extent to which the person is 37838  
a danger to the person and to others, the need for security, and 37839  
the type of crime involved and, if the court finds that 37840  
restrictions on the defendant's freedom of movement are necessary, 37841  
shall specify the least restrictive limitations on the person's 37842  
freedom of movement determined to be necessary to protect public 37843  
safety. In determining ~~placement~~ commitment alternatives for 37844  
defendants determined to require treatment or continuing 37845  
evaluation and treatment for developmental disabilities, the court 37846  
shall consider the extent to which the person is a danger to the 37847  
person and to others, the need for security, and the type of crime 37848  
involved and shall order the least restrictive alternative 37849  
available that is consistent with public safety and treatment 37850  
goals. In weighing these factors, the court shall give preference 37851  
to protecting public safety. 37852

(c) If the defendant is found incompetent to stand trial, if 37853  
the chief clinical officer of the hospital ~~or,~~ facility, or agency 37854  
where the defendant is placed, or the managing officer of the 37855  
institution, the director of the ~~program~~ facility, or the person 37856  
to which the defendant is committed for treatment or continuing 37857  
evaluation and treatment under division (B)(1)(b) of this section 37858



determines that medication is necessary to restore the defendant's 37859  
competency to stand trial, and if the defendant lacks the capacity 37860  
to give informed consent or refuses medication, the chief clinical 37861  
officer of the hospital, facility, or agency where the defendant 37862  
is placed, or the managing officer of the institution, the 37863  
director of the facility, or the person to which the defendant is 37864  
committed for treatment or continuing evaluation and treatment may 37865  
petition the court for authorization for the involuntary 37866  
administration of medication. The court shall hold a hearing on 37867  
the petition within five days of the filing of the petition if the 37868  
petition was filed in a municipal court or a county court 37869  
regarding an incompetent defendant charged with a misdemeanor or 37870  
within ten days of the filing of the petition if the petition was 37871  
filed in a court of common pleas regarding an incompetent 37872  
defendant charged with a felony offense. Following the hearing, 37873  
the court may authorize the involuntary administration of 37874  
medication or may dismiss the petition. 37875

(d) If the defendant is charged with a misdemeanor offense 37876  
that is not an offense of violence, the prosecutor may hold the 37877  
charges in abeyance while the defendant engages in mental health 37878  
treatment or developmental disability services. 37879

(2) If the court finds that the defendant is incompetent to 37880  
stand trial and that, even if the defendant is provided with a 37881  
course of treatment, there is not a substantial probability that 37882  
the defendant will become competent to stand trial within one 37883  
year, the court shall order the discharge of the defendant, unless 37884  
upon motion of the prosecutor or on its own motion, the court 37885  
either seeks to retain jurisdiction over the defendant pursuant to 37886  
section 2945.39 of the Revised Code or files an affidavit in the 37887  
probate court for the civil commitment of the defendant pursuant 37888  
to Chapter 5122. or 5123. of the Revised Code alleging that the 37889  
defendant is a mentally ill person subject to hospitalization by 37890

court order or a mentally retarded person subject to 37891  
institutionalization by court order. If an affidavit is filed in 37892  
the probate court, the trial court shall send to the probate court 37893  
copies of all written reports of the defendant's mental condition 37894  
that were prepared pursuant to section 2945.371 of the Revised 37895  
Code. 37896

The trial court may issue the temporary order of detention 37897  
that a probate court may issue under section 5122.11 or 5123.71 of 37898  
the Revised Code, to remain in effect until the probable cause or 37899  
initial hearing in the probate court. Further proceedings in the 37900  
probate court are civil proceedings governed by Chapter 5122. or 37901  
5123. of the Revised Code. 37902

(C) No defendant shall be required to undergo treatment, 37903  
including any continuing evaluation and treatment, under division 37904  
(B)(1) of this section for longer than whichever of the following 37905  
periods is applicable: 37906

(1) One year, if the most serious offense with which the 37907  
defendant is charged is one of the following offenses: 37908

(a) Aggravated murder, murder, or an offense of violence for 37909  
which a sentence of death or life imprisonment may be imposed; 37910

(b) An offense of violence that is a felony of the first or 37911  
second degree; 37912

(c) A conspiracy to commit, an attempt to commit, or 37913  
complicity in the commission of an offense described in division 37914  
(C)(1)(a) or (b) of this section if the conspiracy, attempt, or 37915  
complicity is a felony of the first or second degree. 37916

(2) Six months, if the most serious offense with which the 37917  
defendant is charged is a felony other than a felony described in 37918  
division (C)(1) of this section; 37919

(3) Sixty days, if the most serious offense with which the 37920

defendant is charged is a misdemeanor of the first or second 37921  
degree; 37922

(4) Thirty days, if the most serious offense with which the 37923  
defendant is charged is a misdemeanor of the third or fourth 37924  
degree, a minor misdemeanor, or an unclassified misdemeanor. 37925

(D) Any defendant who is committed pursuant to this section 37926  
shall not voluntarily admit the defendant or be voluntarily 37927  
admitted to a hospital or institution pursuant to section 5122.02, 37928  
5122.15, 5123.69, or 5123.76 of the Revised Code. 37929

(E) Except as otherwise provided in this division, a 37930  
defendant who is charged with an offense and is committed by the 37931  
court under this section to a hospital the department of mental 37932  
health with restrictions on the defendant's freedom of movement or 37933  
either is committed to an institution by the court under this 37934  
section or facility for the treatment of developmental 37935  
disabilities shall not be granted unsupervised on-grounds 37936  
movement, supervised off-grounds movement, or nonsecured status 37937  
except in accordance with the court order. The court may grant a 37938  
defendant supervised off-grounds movement to obtain medical 37939  
treatment or specialized habilitation treatment services if the 37940  
person who supervises the treatment or the continuing evaluation 37941  
and treatment of the defendant ordered under division (B)(1)(a) of 37942  
this section informs the court that the treatment or continuing 37943  
evaluation and treatment cannot be provided at the hospital or 37944  
facility where the defendant is placed by the department of mental 37945  
health or the institution or facility to which the defendant is 37946  
committed. The chief clinical officer of the hospital or facility 37947  
where the defendant is placed by the department of mental health 37948  
or the managing officer of the institution or director of the 37949  
facility to which the defendant is committed, or a designee of 37950  
either any of those persons, may grant a defendant movement to a 37951  
medical facility for an emergency medical situation with 37952

appropriate supervision to ensure the safety of the defendant, 37953  
staff, and community during that emergency medical situation. The 37954  
chief clinical officer of the hospital or facility where the 37955  
defendant is placed by the department of mental health or the 37956  
managing officer of the institution or director of the facility to 37957  
which the defendant is committed shall notify the court within 37958  
twenty-four hours of the defendant's movement to the medical 37959  
facility for an emergency medical situation under this division. 37960

(F) The person who supervises the treatment or continuing 37961  
evaluation and treatment of a defendant ordered to undergo 37962  
treatment or continuing evaluation and treatment under division 37963  
(B)(1)(a) of this section shall file a written report with the 37964  
court at the following times: 37965

(1) Whenever the person believes the defendant is capable of 37966  
understanding the nature and objective of the proceedings against 37967  
the defendant and of assisting in the defendant's defense; 37968

(2) For a felony offense, fourteen days before expiration of 37969  
the maximum time for treatment as specified in division (C) of 37970  
this section and fourteen days before the expiration of the 37971  
maximum time for continuing evaluation and treatment as specified 37972  
in division (B)(1)(a) of this section, and, for a misdemeanor 37973  
offense, ten days before the expiration of the maximum time for 37974  
treatment, as specified in division (C) of this section; 37975

(3) At a minimum, after each six months of treatment; 37976

(4) Whenever the person who supervises the treatment or 37977  
continuing evaluation and treatment of a defendant ordered under 37978  
division (B)(1)(a) of this section believes that there is not a 37979  
substantial probability that the defendant will become capable of 37980  
understanding the nature and objective of the proceedings against 37981  
the defendant or of assisting in the defendant's defense even if 37982  
the defendant is provided with a course of treatment. 37983

(G) A report under division (F) of this section shall contain 37984  
the examiner's findings, the facts in reasonable detail on which 37985  
the findings are based, and the examiner's opinion as to the 37986  
defendant's capability of understanding the nature and objective 37987  
of the proceedings against the defendant and of assisting in the 37988  
defendant's defense. If, in the examiner's opinion, the defendant 37989  
remains incapable of understanding the nature and objective of the 37990  
proceedings against the defendant and of assisting in the 37991  
defendant's defense and there is a substantial probability that 37992  
the defendant will become capable of understanding the nature and 37993  
objective of the proceedings against the defendant and of 37994  
assisting in the defendant's defense if the defendant is provided 37995  
with a course of treatment, if in the examiner's opinion the 37996  
defendant remains mentally ill or mentally retarded, and if the 37997  
maximum time for treatment as specified in division (C) of this 37998  
section has not expired, the report also shall contain the 37999  
examiner's recommendation as to the least restrictive ~~treatment~~ 38000  
placement or commitment alternative that is consistent with the 38001  
defendant's treatment needs for restoration to competency and with 38002  
the safety of the community. The court shall provide copies of the 38003  
report to the prosecutor and defense counsel. 38004

(H) If a defendant is committed pursuant to division (B)(1) 38005  
of this section, within ten days after the treating physician of 38006  
the defendant or the examiner of the defendant who is employed or 38007  
retained by the treating facility advises that there is not a 38008  
substantial probability that the defendant will become capable of 38009  
understanding the nature and objective of the proceedings against 38010  
the defendant or of assisting in the defendant's defense even if 38011  
the defendant is provided with a course of treatment, within ten 38012  
days after the expiration of the maximum time for treatment as 38013  
specified in division (C) of this section, within ten days after 38014  
the expiration of the maximum time for continuing evaluation and 38015  
treatment as specified in division (B)(1)(a) of this section, 38016

within thirty days after a defendant's request for a hearing that 38017  
is made after six months of treatment, or within thirty days after 38018  
being advised by the treating physician or examiner that the 38019  
defendant is competent to stand trial, whichever is the earliest, 38020  
the court shall conduct another hearing to determine if the 38021  
defendant is competent to stand trial and shall do whichever of 38022  
the following is applicable: 38023

(1) If the court finds that the defendant is competent to 38024  
stand trial, the defendant shall be proceeded against as provided 38025  
by law. 38026

(2) If the court finds that the defendant is incompetent to 38027  
stand trial, but that there is a substantial probability that the 38028  
defendant will become competent to stand trial if the defendant is 38029  
provided with a course of treatment, and the maximum time for 38030  
treatment as specified in division (C) of this section has not 38031  
expired, the court, after consideration of the examiner's 38032  
recommendation, shall order that treatment be continued, may 38033  
change the ~~facility or program at which the treatment is to be~~ 38034  
continued least restrictive limitations on the defendant's freedom 38035  
of movement, and, if applicable, shall specify whether the 38036  
treatment for developmental disabilities is to be continued at the 38037  
same or a different facility or ~~program~~ institution. 38038

(3) If the court finds that the defendant is incompetent to 38039  
stand trial, if the defendant is charged with an offense listed in 38040  
division (C)(1) of this section, and if the court finds that there 38041  
is not a substantial probability that the defendant will become 38042  
competent to stand trial even if the defendant is provided with a 38043  
course of treatment, or if the maximum time for treatment relative 38044  
to that offense as specified in division (C) of this section has 38045  
expired, further proceedings shall be as provided in sections 38046  
2945.39, 2945.401, and 2945.402 of the Revised Code. 38047

(4) If the court finds that the defendant is incompetent to 38048

stand trial, if the most serious offense with which the defendant 38049  
is charged is a misdemeanor or a felony other than a felony listed 38050  
in division (C)(1) of this section, and if the court finds that 38051  
there is not a substantial probability that the defendant will 38052  
become competent to stand trial even if the defendant is provided 38053  
with a course of treatment, or if the maximum time for treatment 38054  
relative to that offense as specified in division (C) of this 38055  
section has expired, the court shall dismiss the indictment, 38056  
information, or complaint against the defendant. A dismissal under 38057  
this division is not a bar to further prosecution based on the 38058  
same conduct. The court shall discharge the defendant unless the 38059  
court or prosecutor files an affidavit in probate court for civil 38060  
commitment pursuant to Chapter 5122. or 5123. of the Revised Code. 38061  
If an affidavit for civil commitment is filed, the court may 38062  
detain the defendant for ten days pending civil commitment. All of 38063  
the following provisions apply to persons charged with a 38064  
misdemeanor or a felony other than a felony listed in division 38065  
(C)(1) of this section who are committed by the probate court 38066  
subsequent to the court's or prosecutor's filing of an affidavit 38067  
for civil commitment under authority of this division: 38068

(a) The chief clinical officer of the entity, hospital, or 38069  
facility, the managing officer of the institution, ~~the director of~~ 38070  
~~the program~~, or the person to which the defendant is committed or 38071  
admitted shall do all of the following: 38072

(i) Notify the prosecutor, in writing, of the discharge of 38073  
the defendant, send the notice at least ten days prior to the 38074  
discharge unless the discharge is by the probate court, and state 38075  
in the notice the date on which the defendant will be discharged; 38076

(ii) Notify the prosecutor, in writing, when the defendant is 38077  
absent without leave or is granted unsupervised, off-grounds 38078  
movement, and send this notice promptly after the discovery of the 38079  
absence without leave or prior to the granting of the 38080

unsupervised, off-grounds movement, whichever is applicable; 38081

(iii) Notify the prosecutor, in writing, of the change of the 38082  
defendant's commitment or admission to voluntary status, send the 38083  
notice promptly upon learning of the change to voluntary status, 38084  
and state in the notice the date on which the defendant was 38085  
committed or admitted on a voluntary status. 38086

(b) Upon receiving notice that the defendant will be granted 38087  
unsupervised, off-grounds movement, the prosecutor either shall 38088  
re-indict the defendant or promptly notify the court that the 38089  
prosecutor does not intend to prosecute the charges against the 38090  
defendant. 38091

(I) If a defendant is convicted of a crime and sentenced to a 38092  
jail or workhouse, the defendant's sentence shall be reduced by 38093  
the total number of days the defendant is confined for evaluation 38094  
to determine the defendant's competence to stand trial or 38095  
treatment under this section and sections 2945.37 and 2945.371 of 38096  
the Revised Code or by the total number of days the defendant is 38097  
confined for evaluation to determine the defendant's mental 38098  
condition at the time of the offense charged. 38099

**Sec. 2945.39.** (A) If a defendant who is charged with an 38100  
offense described in division (C)(1) of section 2945.38 of the 38101  
Revised Code is found incompetent to stand trial, after the 38102  
expiration of the maximum time for treatment as specified in 38103  
division (C) of that section or after the court finds that there 38104  
is not a substantial probability that the defendant will become 38105  
competent to stand trial even if the defendant is provided with a 38106  
course of treatment, one of the following applies: 38107

(1) The court or the prosecutor may file an affidavit in 38108  
probate court for civil commitment of the defendant in the manner 38109  
provided in Chapter 5122. or 5123. of the Revised Code. If the 38110  
court or prosecutor files an affidavit for civil commitment, the 38111



court may detain the defendant for ten days pending civil 38112  
commitment. If the probate court commits the defendant subsequent 38113  
to the court's or prosecutor's filing of an affidavit for civil 38114  
commitment, the chief clinical officer of the entity, hospital, or 38115  
facility, the managing officer of the institution, ~~the director of~~ 38116  
~~the program~~, or the person to which the defendant is committed or 38117  
admitted shall send to the prosecutor the notices described in 38118  
divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised 38119  
Code within the periods of time and under the circumstances 38120  
specified in those divisions. 38121

(2) On the motion of the prosecutor or on its own motion, the 38122  
court may retain jurisdiction over the defendant if, at a hearing, 38123  
the court finds both of the following by clear and convincing 38124  
evidence: 38125

(a) The defendant committed the offense with which the 38126  
defendant is charged. 38127

(b) The defendant is a mentally ill person subject to 38128  
hospitalization by court order or a mentally retarded person 38129  
subject to institutionalization by court order. 38130

(B) In making its determination under division (A)(2) of this 38131  
section as to whether to retain jurisdiction over the defendant, 38132  
the court may consider all relevant evidence, including, but not 38133  
limited to, any relevant psychiatric, psychological, or medical 38134  
testimony or reports, the acts constituting the offense charged, 38135  
and any history of the defendant that is relevant to the 38136  
defendant's ability to conform to the law. 38137

(C) If the court conducts a hearing as described in division 38138  
(A)(2) of this section and if the court does not make both 38139  
findings described in divisions (A)(2)(a) and (b) of this section 38140  
by clear and convincing evidence, the court shall dismiss the 38141  
indictment, information, or complaint against the defendant. Upon 38142

the dismissal, the court shall discharge the defendant unless the 38143  
court or prosecutor files an affidavit in probate court for civil 38144  
commitment of the defendant pursuant to Chapter 5122. or 5123. of 38145  
the Revised Code. If the court or prosecutor files an affidavit 38146  
for civil commitment, the court may order that the defendant be 38147  
detained for up to ten days pending the civil commitment. If the 38148  
probate court commits the defendant subsequent to the court's or 38149  
prosecutor's filing of an affidavit for civil commitment, the 38150  
chief clinical officer of the entity, hospital, or facility, the 38151  
managing officer of the institution, ~~the director of the program,~~ 38152  
or the person to which the defendant is committed or admitted 38153  
shall send to the prosecutor the notices described in divisions 38154  
(H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code 38155  
within the periods of time and under the circumstances specified 38156  
in those divisions. A dismissal of charges under this division is 38157  
not a bar to further criminal proceedings based on the same 38158  
conduct. 38159

(D)(1) If the court conducts a hearing as described in 38160  
division (A)(2) of this section and if the court makes the 38161  
findings described in divisions (A)(2)(a) and (b) of this section 38162  
by clear and convincing evidence, the court shall commit the 38163  
defendant, if determined to require mental health treatment, to a 38164  
hospital operated by the department of mental health for treatment 38165  
at a hospital, facility, or agency as determined clinically 38166  
appropriate by the department of mental health or, if determined 38167  
to require treatment for developmental disabilities, to a facility 38168  
operated by the department of developmental disabilities, or 38169  
another ~~medical or psychiatric~~ facility, as appropriate. In 38170  
committing the defendant to the department of mental health, the 38171  
court shall specify the least restrictive limitations on the 38172  
defendant's freedom of movement determined to be necessary to 38173  
protect public safety. In determining the place and nature of the 38174  
commitment to a facility operated by the department of 38175

developmental disabilities or another facility for treatment of 38176  
developmental disabilities, the court shall order the least 38177  
restrictive commitment alternative available that is consistent 38178  
with public safety and the welfare of the defendant. In weighing 38179  
these factors, the court shall give preference to protecting 38180  
public safety. 38181

(2) If a court makes a commitment of a defendant under 38182  
division (D)(1) of this section, the prosecutor shall send to the 38183  
hospital, facility, or agency where the defendant is placed by the 38184  
department of mental health or to the defendant's place of 38185  
commitment all reports of the defendant's current mental condition 38186  
and, except as otherwise provided in this division, any other 38187  
relevant information, including, but not limited to, a transcript 38188  
of the hearing held pursuant to division (A)(2) of this section, 38189  
copies of relevant police reports, and copies of any prior arrest 38190  
and conviction records that pertain to the defendant and that the 38191  
prosecutor possesses. The prosecutor shall send the reports of the 38192  
defendant's current mental condition in every case of commitment, 38193  
and, unless the prosecutor determines that the release of any of 38194  
the other relevant information to unauthorized persons would 38195  
interfere with the effective prosecution of any person or would 38196  
create a substantial risk of harm to any person, the prosecutor 38197  
also shall send the other relevant information. ~~Upon admission of~~ 38198  
~~a defendant committed under division (D)(1) of this section, the~~ 38199  
~~place of commitment shall send to the board of alcohol, drug~~ 38200  
~~addiction, and mental health services or the community mental~~ 38201  
~~health board serving the county in which the charges against the~~ 38202  
~~defendant were filed a copy of all reports of the defendant's~~ 38203  
~~current mental condition and a copy of the other relevant~~ 38204  
~~information provided by the prosecutor under this division,~~ 38205  
~~including, if provided, a transcript of the hearing held pursuant~~ 38206  
~~to division (A)(2) of this section, the relevant police reports,~~ 38207  
~~and the prior arrest and conviction records that pertain to the~~ 38208

~~defendant and that the prosecutor possesses.~~ 38209

(3) If a court makes a commitment under division (D)(1) of 38210  
this section, all further proceedings shall be in accordance with 38211  
sections 2945.401 and 2945.402 of the Revised Code. 38212

**Sec. 2945.40.** (A) If a person is found not guilty by reason 38213  
of insanity, the verdict shall state that finding, and the trial 38214  
court shall conduct a full hearing to determine whether the person 38215  
is a mentally ill person subject to hospitalization by court order 38216  
or a mentally retarded person subject to institutionalization by 38217  
court order. Prior to the hearing, if the trial judge believes 38218  
that there is probable cause that the person found not guilty by 38219  
reason of insanity is a mentally ill person subject to 38220  
hospitalization by court order or mentally retarded person subject 38221  
to institutionalization by court order, the trial judge may issue 38222  
a temporary order of detention for that person to remain in effect 38223  
for ten court days or until the hearing, whichever occurs first. 38224

Any person detained pursuant to a temporary order of 38225  
detention issued under this division shall be held in a suitable 38226  
facility, taking into consideration the place and type of 38227  
confinement prior to and during trial. 38228

(B) The court shall hold the hearing under division (A) of 38229  
this section to determine whether the person found not guilty by 38230  
reason of insanity is a mentally ill person subject to 38231  
hospitalization by court order or a mentally retarded person 38232  
subject to institutionalization by court order within ten court 38233  
days after the finding of not guilty by reason of insanity. 38234  
Failure to conduct the hearing within the ten-day period shall 38235  
cause the immediate discharge of the respondent, unless the judge 38236  
grants a continuance for not longer than ten court days for good 38237  
cause shown or for any period of time upon motion of the 38238  
respondent. 38239

(C) If a person is found not guilty by reason of insanity, 38240  
the person has the right to attend all hearings conducted pursuant 38241  
to sections 2945.37 to 2945.402 of the Revised Code. At any 38242  
hearing conducted pursuant to one of those sections, the court 38243  
shall inform the person that the person has all of the following 38244  
rights: 38245

(1) The right to be represented by counsel and to have that 38246  
counsel provided at public expense if the person is indigent, with 38247  
the counsel to be appointed by the court under Chapter 120. of the 38248  
Revised Code or under the authority recognized in division (C) of 38249  
section 120.06, division (E) of section 120.16, division (E) of 38250  
section 120.26, or section 2941.51 of the Revised Code; 38251

(2) The right to have independent expert evaluation and to 38252  
have that independent expert evaluation provided at public expense 38253  
if the person is indigent; 38254

(3) The right to subpoena witnesses and documents, to present 38255  
evidence on the person's behalf, and to cross-examine witnesses 38256  
against the person; 38257

(4) The right to testify in the person's own behalf and to 38258  
not be compelled to testify; 38259

(5) The right to have copies of any relevant medical or 38260  
mental health document in the custody of the state or of any place 38261  
of commitment other than a document for which the court finds that 38262  
the release to the person of information contained in the document 38263  
would create a substantial risk of harm to any person. 38264

(D) The hearing under division (A) of this section shall be 38265  
open to the public, and the court shall conduct the hearing in 38266  
accordance with the Rules of Civil Procedure. The court shall make 38267  
and maintain a full transcript and record of the hearing 38268  
proceedings. The court may consider all relevant evidence, 38269  
including, but not limited to, any relevant psychiatric, 38270

psychological, or medical testimony or reports, the acts 38271  
constituting the offense in relation to which the person was found 38272  
not guilty by reason of insanity, and any history of the person 38273  
that is relevant to the person's ability to conform to the law. 38274

(E) Upon completion of the hearing under division (A) of this 38275  
section, if the court finds there is not clear and convincing 38276  
evidence that the person is a mentally ill person subject to 38277  
hospitalization by court order or a mentally retarded person 38278  
subject to institutionalization by court order, the court shall 38279  
discharge the person, unless a detainer has been placed upon the 38280  
person by the department of rehabilitation and correction, in 38281  
which case the person shall be returned to that department. 38282

(F) If, at the hearing under division (A) of this section, 38283  
the court finds by clear and convincing evidence that the person 38284  
is a mentally ill person subject to hospitalization by court order 38285  
~~or, the court shall commit the person to the department of mental~~ 38286  
health for placement in a hospital, facility, or agency as 38287  
determined clinically appropriate by the department of mental 38288  
health. If, at the hearing under division (A) of this section, the 38289  
court finds by clear and convincing evidence that the person is a 38290  
mentally retarded person subject to institutionalization by court 38291  
order, it shall commit the person to a ~~hospital operated by the~~ 38292  
~~department of mental health, a facility operated by the department~~ 38293  
~~of developmental disabilities, or another medical or psychiatric~~ 38294  
facility, as appropriate, ~~and further.~~ Further proceedings shall 38295  
be in accordance with sections 2945.401 and 2945.402 of the 38296  
Revised Code. In committing the person to the department of mental 38297  
health, the court shall specify the least restrictive limitations 38298  
to the defendant's freedom of movement determined to be necessary 38299  
to protect public safety. In determining the place and nature of 38300  
the commitment of a mentally retarded person subject to 38301  
institutionalization by court order, the court shall order the 38302

least restrictive commitment alternative available that is 38303  
consistent with public safety and the welfare of the person. In 38304  
weighing these factors, the court shall give preference to 38305  
protecting public safety. 38306

(G) If a court makes a commitment of a person under division 38307  
(F) of this section, the prosecutor shall send to the hospital, 38308  
facility, or agency where the person is placed by the department 38309  
of mental health or to the defendant's place of commitment all 38310  
reports of the person's current mental condition, and, except as 38311  
otherwise provided in this division, any other relevant 38312  
information, including, but not limited to, a transcript of the 38313  
hearing held pursuant to division (A) of this section, copies of 38314  
relevant police reports, and copies of any prior arrest and 38315  
conviction records that pertain to the person and that the 38316  
prosecutor possesses. The prosecutor shall send the reports of the 38317  
person's current mental condition in every case of commitment, 38318  
and, unless the prosecutor determines that the release of any of 38319  
the other relevant information to unauthorized persons would 38320  
interfere with the effective prosecution of any person or would 38321  
create a substantial risk of harm to any person, the prosecutor 38322  
also shall send the other relevant information. ~~Upon admission of~~ 38323  
~~a person committed under division (F) of this section, the place~~ 38324  
~~of commitment shall send to the board of alcohol, drug addiction,~~ 38325  
~~and mental health services or the community mental health board~~ 38326  
~~serving the county in which the charges against the person were~~ 38327  
~~filed a copy of all reports of the person's current mental~~ 38328  
~~condition and a copy of the other relevant information provided by~~ 38329  
~~the prosecutor under this division, including, if provided, a~~ 38330  
~~transcript of the hearing held pursuant to division (A) of this~~ 38331  
~~section, the relevant police reports, and the prior arrest and~~ 38332  
~~conviction records that pertain to the person and that the~~ 38333  
~~prosecutor possesses.~~ 38334

(H) A person who is committed pursuant to this section shall 38335  
not voluntarily admit the person or be voluntarily admitted to a 38336  
hospital or institution pursuant to section 5122.02, 5122.15, 38337  
5123.69, or 5123.76 of the Revised Code. 38338

**Sec. 2945.401.** (A) A defendant found incompetent to stand 38339  
trial and committed pursuant to section 2945.39 of the Revised 38340  
Code or a person found not guilty by reason of insanity and 38341  
committed pursuant to section 2945.40 of the Revised Code shall 38342  
remain subject to the jurisdiction of the trial court pursuant to 38343  
that commitment, and to the provisions of this section, until the 38344  
final termination of the commitment as described in division 38345  
(J)(1) of this section. If the jurisdiction is terminated under 38346  
this division because of the final termination of the commitment 38347  
resulting from the expiration of the maximum prison term or term 38348  
of imprisonment described in division (J)(1)(b) of this section, 38349  
the court or prosecutor may file an affidavit for the civil 38350  
commitment of the defendant or person pursuant to Chapter 5122. or 38351  
5123. of the Revised Code. 38352

(B) A hearing conducted under any provision of sections 38353  
2945.37 to 2945.402 of the Revised Code shall not be conducted in 38354  
accordance with Chapters 5122. and 5123. of the Revised Code. Any 38355  
person who is committed pursuant to section 2945.39 or 2945.40 of 38356  
the Revised Code shall not voluntarily admit the person or be 38357  
voluntarily admitted to a hospital or institution pursuant to 38358  
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 38359  
All other provisions of Chapters 5122. and 5123. of the Revised 38360  
Code regarding hospitalization or institutionalization shall apply 38361  
to the extent they are not in conflict with this chapter. A 38362  
commitment under section 2945.39 or 2945.40 of the Revised Code 38363  
shall not be terminated and the conditions of the commitment shall 38364  
not be changed except as otherwise provided in division (D)(2) of 38365  
this section with respect to a mentally retarded person subject to 38366



institutionalization by court order or except by order of the trial court.

(C) The ~~hospital, department of mental health or the institution or facility, or program~~ to which a defendant or person has been committed under section 2945.39 or 2945.40 of the Revised Code shall report in writing to the trial court, at the times specified in this division, as to whether the defendant or person remains a mentally ill person subject to hospitalization by court order or a mentally retarded person subject to institutionalization by court order and, in the case of a defendant committed under section 2945.39 of the Revised Code, as to whether the defendant remains incompetent to stand trial. The ~~hospital department, institution, or facility, or program~~ shall make the reports after the initial six months of treatment and every two years after the initial report is made. The trial court shall provide copies of the reports to the prosecutor and to the counsel for the defendant or person. Within thirty days after its receipt pursuant to this division of a report from ~~a hospital the department, institution, or facility, or program~~, the trial court shall hold a hearing on the continued commitment of the defendant or person or on any changes in the conditions of the commitment of the defendant or person. The defendant or person may request a change in the conditions of confinement, and the trial court shall conduct a hearing on that request if six months or more have elapsed since the most recent hearing was conducted under this section.

(D)(1) Except as otherwise provided in division (D)(2) of this section, when a defendant or person has been committed under section 2945.39 or 2945.40 of the Revised Code, at any time after evaluating the risks to public safety and the welfare of the defendant or person, the ~~chief clinical officer~~ designee of the department of mental health or the managing officer of the

institution or director of the ~~hospital, facility, or program~~ to 38399  
which the defendant or person is committed may recommend a 38400  
termination of the defendant's or person's commitment or a change 38401  
in the conditions of the defendant's or person's commitment. 38402

Except as otherwise provided in division (D)(2) of this 38403  
section, if the ~~chief clinical officer~~ designee of the department 38404  
of mental health recommends on-grounds unsupervised movement, 38405  
off-grounds supervised movement, or nonsecured status for the 38406  
defendant or person or termination of the defendant's or person's 38407  
commitment, the following provisions apply: 38408

(a) If the ~~chief clinical officer~~ department's designee 38409  
recommends on-grounds unsupervised movement or off-grounds 38410  
supervised movement, the ~~chief clinical officer~~ department's 38411  
designee shall file with the trial court an application for 38412  
approval of the movement and shall send a copy of the application 38413  
to the prosecutor. Within fifteen days after receiving the 38414  
application, the prosecutor may request a hearing on the 38415  
application and, if a hearing is requested, shall so inform the 38416  
~~chief clinical officer~~ department's designee. If the prosecutor 38417  
does not request a hearing within the fifteen-day period, the 38418  
trial court shall approve the application by entering its order 38419  
approving the requested movement or, within five days after the 38420  
expiration of the fifteen-day period, shall set a date for a 38421  
hearing on the application. If the prosecutor requests a hearing 38422  
on the application within the fifteen-day period, the trial court 38423  
shall hold a hearing on the application within thirty days after 38424  
the hearing is requested. If the trial court, within five days 38425  
after the expiration of the fifteen-day period, sets a date for a 38426  
hearing on the application, the trial court shall hold the hearing 38427  
within thirty days after setting the hearing date. At least 38428  
fifteen days before any hearing is held under this division, the 38429  
trial court shall give the prosecutor written notice of the date, 38430

time, and place of the hearing. At the conclusion of each hearing 38431  
conducted under this division, the trial court either shall 38432  
approve or disapprove the application and shall enter its order 38433  
accordingly. 38434

(b) If the ~~chief clinical officer~~ department's designee 38435  
recommends termination of the defendant's or person's commitment 38436  
at any time or if the ~~chief clinical officer~~ department's designee 38437  
recommends the first of any nonsecured status for the defendant or 38438  
person, the ~~chief clinical officer~~ department's designee shall 38439  
send written notice of this recommendation to the trial court and 38440  
to the local forensic center. The local forensic center shall 38441  
evaluate the committed defendant or person and, within thirty days 38442  
after its receipt of the written notice, shall submit to the trial 38443  
court and the ~~chief clinical officer~~ department's designee a 38444  
written report of the evaluation. The trial court shall provide a 38445  
copy of the ~~chief clinical officer's~~ department's designee's 38446  
written notice and of the local forensic center's written report 38447  
to the prosecutor and to the counsel for the defendant or person. 38448  
Upon the local forensic center's submission of the report to the 38449  
trial court and the ~~chief clinical officer~~ department's designee, 38450  
all of the following apply: 38451

(i) If the forensic center disagrees with the recommendation 38452  
of the ~~chief clinical officer~~ department's designee, it shall 38453  
inform the ~~chief clinical officer~~ department's designee and the 38454  
trial court of its decision and the reasons for the decision. The 38455  
~~chief clinical officer~~ department's designee, after consideration 38456  
of the forensic center's decision, shall either withdraw, proceed 38457  
with, or modify and proceed with the recommendation. If the ~~chief~~ 38458  
~~clinical officer~~ department's designee proceeds with, or modifies 38459  
and proceeds with, the recommendation, the ~~chief clinical officer~~ 38460  
department's designee shall proceed in accordance with division 38461  
(D)(1)(b)(iii) of this section. 38462

(ii) If the forensic center agrees with the recommendation of the ~~chief clinical officer~~ department's designee, it shall inform the ~~chief clinical officer~~ department's designee and the trial court of its decision and the reasons for the decision, and the ~~chief clinical officer~~ department's designee shall proceed in accordance with division (D)(1)(b)(iii) of this section.

(iii) If the forensic center disagrees with the recommendation of the ~~chief clinical officer~~ department's designee and the ~~chief clinical officer~~ department's designee proceeds with, or modifies and proceeds with, the recommendation or if the forensic center agrees with the recommendation of the ~~chief clinical officer~~ department's designee, the ~~chief clinical officer~~ department's designee shall work with the ~~board~~ community mental health agencies, programs, facilities, or boards of alcohol, drug addiction, and mental health services ~~or community mental health board serving the area, as appropriate,~~ to develop a plan to implement the recommendation. If the defendant or person is on medication, the plan shall include, but shall not be limited to, a system to monitor the defendant's or person's compliance with the prescribed medication treatment plan. The system shall include a schedule that clearly states when the defendant or person shall report for a medication compliance check. The medication compliance checks shall be based upon the effective duration of the prescribed medication, taking into account the route by which it is taken, and shall be scheduled at intervals sufficiently close together to detect a potential increase in mental illness symptoms that the medication is intended to prevent.

The ~~chief clinical officer, after consultation with the board of alcohol, drug addiction, and mental health services or the community mental health board serving the area,~~ department's designee shall send the recommendation and plan developed under

division (D)(1)(b)(iii) of this section, in writing, to the trial 38495  
court, the prosecutor and the counsel for the committed defendant 38496  
or person. The trial court shall conduct a hearing on the 38497  
recommendation and plan developed under division (D)(1)(b)(iii) of 38498  
this section. Divisions (D)(1)(c) and (d) and (E) to (J) of this 38499  
section apply regarding the hearing. 38500

(c) If the ~~chief clinical officer's~~ department's designee's 38501  
recommendation is for nonsecured status or termination of 38502  
commitment, the prosecutor may obtain an independent expert 38503  
evaluation of the defendant's or person's mental condition, and 38504  
the trial court may continue the hearing on the recommendation for 38505  
a period of not more than thirty days to permit time for the 38506  
evaluation. 38507

The prosecutor may introduce the evaluation report or present 38508  
other evidence at the hearing in accordance with the Rules of 38509  
Evidence. 38510

(d) The trial court shall schedule the hearing on a ~~chief~~ 38511  
~~clinical officer's~~ department's designee's recommendation for 38512  
nonsecured status or termination of commitment and shall give 38513  
reasonable notice to the prosecutor and the counsel for the 38514  
defendant or person. Unless continued for independent evaluation 38515  
at the prosecutor's request or for other good cause, the hearing 38516  
shall be held within thirty days after the trial court's receipt 38517  
of the recommendation and plan. 38518

(2)(a) Division (D)(1) of this section does not apply to 38519  
on-grounds unsupervised movement of a defendant or person who has 38520  
been committed under section 2945.39 or 2945.40 of the Revised 38521  
Code, who is a mentally retarded person subject to 38522  
institutionalization by court order, and who is being provided 38523  
residential habilitation, care, and treatment in a facility 38524  
operated by the department of developmental disabilities. 38525

(b) If, pursuant to section 2945.39 of the Revised Code, the trial court commits a defendant who is found incompetent to stand trial and who is a mentally retarded person subject to institutionalization by court order, if the defendant is being provided residential habilitation, care, and treatment in a facility operated by the department of developmental disabilities, if an individual who is conducting a survey for the department of health to determine the facility's compliance with the certification requirements of the medicaid program under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, cites the defendant's receipt of the residential habilitation, care, and treatment in the facility as being inappropriate under the certification requirements, if the defendant's receipt of the residential habilitation, care, and treatment in the facility potentially jeopardizes the facility's continued receipt of federal medicaid moneys, and if as a result of the citation the chief clinical officer of the facility determines that the conditions of the defendant's commitment should be changed, the department of developmental disabilities may cause the defendant to be removed from the particular facility and, after evaluating the risks to public safety and the welfare of the defendant and after determining whether another type of placement is consistent with the certification requirements, may place the defendant in another facility that the department selects as an appropriate facility for the defendant's continued receipt of residential habilitation, care, and treatment and that is a no less secure setting than the facility in which the defendant had been placed at the time of the citation. Within three days after the defendant's removal and alternative placement under the circumstances described in division (D)(2)(b) of this section, the department of developmental disabilities shall notify the trial court and the prosecutor in writing of the removal and alternative

placement. 38559

The trial court shall set a date for a hearing on the removal 38560  
and alternative placement, and the hearing shall be held within 38561  
twenty-one days after the trial court's receipt of the notice from 38562  
the department of developmental disabilities. At least ten days 38563  
before the hearing is held, the trial court shall give the 38564  
prosecutor, the department of developmental disabilities, and the 38565  
counsel for the defendant written notice of the date, time, and 38566  
place of the hearing. At the hearing, the trial court shall 38567  
consider the citation issued by the individual who conducted the 38568  
survey for the department of health to be prima-facie evidence of 38569  
the fact that the defendant's commitment to the particular 38570  
facility was inappropriate under the certification requirements of 38571  
the medicaid program under Chapter 5111. of the Revised Code and 38572  
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 38573  
U.S.C.A. 301, as amended, and potentially jeopardizes the 38574  
particular facility's continued receipt of federal medicaid 38575  
moneys. At the conclusion of the hearing, the trial court may 38576  
approve or disapprove the defendant's removal and alternative 38577  
placement. If the trial court approves the defendant's removal and 38578  
alternative placement, the department of developmental 38579  
disabilities may continue the defendant's alternative placement. 38580  
If the trial court disapproves the defendant's removal and 38581  
alternative placement, it shall enter an order modifying the 38582  
defendant's removal and alternative placement, but that order 38583  
shall not require the department of developmental disabilities to 38584  
replace the defendant for purposes of continued residential 38585  
habilitation, care, and treatment in the facility associated with 38586  
the citation issued by the individual who conducted the survey for 38587  
the department of health. 38588

(E) In making a determination under this section regarding 38589  
nonsecured status or termination of commitment, the trial court 38590

shall consider all relevant factors, including, but not limited to, all of the following: 38591  
38592

(1) Whether, in the trial court's view, the defendant or person currently represents a substantial risk of physical harm to the defendant or person or others; 38593  
38594  
38595

(2) Psychiatric and medical testimony as to the current mental and physical condition of the defendant or person; 38596  
38597

(3) Whether the defendant or person has insight into the defendant's or person's condition so that the defendant or person will continue treatment as prescribed or seek professional assistance as needed; 38598  
38599  
38600  
38601

(4) The grounds upon which the state relies for the proposed commitment; 38602  
38603

(5) Any past history that is relevant to establish the defendant's or person's degree of conformity to the laws, rules, regulations, and values of society; 38604  
38605  
38606

(6) If there is evidence that the defendant's or person's mental illness is in a state of remission, the medically suggested cause and degree of the remission and the probability that the defendant or person will continue treatment to maintain the remissive state of the defendant's or person's illness should the defendant's or person's commitment conditions be altered. 38607  
38608  
38609  
38610  
38611  
38612

(F) At any hearing held pursuant to division (C) or (D)(1) or (2) of this section, the defendant or the person shall have all the rights of a defendant or person at a commitment hearing as described in section 2945.40 of the Revised Code. 38613  
38614  
38615  
38616

(G) In a hearing held pursuant to division (C) or (D)(1) of this section, the prosecutor has the burden of proof as follows: 38617  
38618

(1) For a recommendation of termination of commitment, to show by clear and convincing evidence that the defendant or person 38619  
38620



remains a mentally ill person subject to hospitalization by court 38621  
order or a mentally retarded person subject to 38622  
institutionalization by court order; 38623

(2) For a recommendation for a change in the conditions of 38624  
the commitment to a less restrictive status, to show by clear and 38625  
convincing evidence that the proposed change represents a threat 38626  
to public safety or a threat to the safety of any person. 38627

(H) In a hearing held pursuant to division (C) or (D)(1) or 38628  
(2) of this section, the prosecutor shall represent the state or 38629  
the public interest. 38630

(I) At the conclusion of a hearing conducted under division 38631  
(D)(1) of this section regarding a recommendation from the ~~chief~~ 38632  
~~clinical officer~~ designee of the department of mental health, 38633  
managing officer of the institution, or director of a ~~hospital,~~ 38634  
~~program, or~~ facility, the trial court may approve, disapprove, or 38635  
modify the recommendation and shall enter an order accordingly. 38636

(J)(1) A defendant or person who has been committed pursuant 38637  
to section 2945.39 or 2945.40 of the Revised Code continues to be 38638  
under the jurisdiction of the trial court until the final 38639  
termination of the commitment. For purposes of division (J) of 38640  
this section, the final termination of a commitment occurs upon 38641  
the earlier of one of the following: 38642

(a) The defendant or person no longer is a mentally ill 38643  
person subject to hospitalization by court order or a mentally 38644  
retarded person subject to institutionalization by court order, as 38645  
determined by the trial court; 38646

(b) The expiration of the maximum prison term or term of 38647  
imprisonment that the defendant or person could have received if 38648  
the defendant or person had been convicted of the most serious 38649  
offense with which the defendant or person is charged or in 38650  
relation to which the defendant or person was found not guilty by 38651

reason of insanity; 38652

(c) The trial court enters an order terminating the 38653  
commitment under the circumstances described in division 38654  
(J)(2)(a)(ii) of this section. 38655

(2)(a) If a defendant is found incompetent to stand trial and 38656  
committed pursuant to section 2945.39 of the Revised Code, if 38657  
neither of the circumstances described in divisions (J)(1)(a) and 38658  
(b) of this section applies to that defendant, and if a report 38659  
filed with the trial court pursuant to division (C) of this 38660  
section indicates that the defendant presently is competent to 38661  
stand trial or if, at any other time during the period of the 38662  
defendant's commitment, the prosecutor, the counsel for the 38663  
defendant, or the ~~chief clinical officer~~ designee of the 38664  
department of mental health or the managing officer of the 38665  
institution or director of the ~~hospital, facility, or program~~ to 38666  
which the defendant is committed files an application with the 38667  
trial court alleging that the defendant presently is competent to 38668  
stand trial and requesting a hearing on the competency issue or 38669  
the trial court otherwise has reasonable cause to believe that the 38670  
defendant presently is competent to stand trial and determines on 38671  
its own motion to hold a hearing on the competency issue, the 38672  
trial court shall schedule a hearing on the competency of the 38673  
defendant to stand trial, shall give the prosecutor, the counsel 38674  
for the defendant, and the ~~chief clinical officer~~ department's 38675  
designee or the managing officer of the institution or the 38676  
director of the facility to which the defendant is committed 38677  
notice of the date, time, and place of the hearing at least 38678  
fifteen days before the hearing, and shall conduct the hearing 38679  
within thirty days of the filing of the application or of its own 38680  
motion. If, at the conclusion of the hearing, the trial court 38681  
determines that the defendant presently is capable of 38682  
understanding the nature and objective of the proceedings against 38683

the defendant and of assisting in the defendant's defense, the 38684  
trial court shall order that the defendant is competent to stand 38685  
trial and shall be proceeded against as provided by law with 38686  
respect to the applicable offenses described in division (C)(1) of 38687  
section 2945.38 of the Revised Code and shall enter whichever of 38688  
the following additional orders is appropriate: 38689

(i) If the trial court determines that the defendant remains 38690  
a mentally ill person subject to hospitalization by court order or 38691  
a mentally retarded person subject to institutionalization by 38692  
court order, the trial court shall order that the defendant's 38693  
commitment to the ~~hospital, department of mental health or to an~~ 38694  
institution or facility, or program for the treatment of 38695  
developmental disabilities be continued during the pendency of the 38696  
trial on the applicable offenses described in division (C)(1) of 38697  
section 2945.38 of the Revised Code. 38698

(ii) If the trial court determines that the defendant no 38699  
longer is a mentally ill person subject to hospitalization by 38700  
court order or a mentally retarded person subject to 38701  
institutionalization by court order, the trial court shall order 38702  
that the defendant's commitment to the ~~hospital, department of~~ 38703  
mental health or to an institution or facility, or program for the 38704  
treatment of developmental disabilities shall not be continued 38705  
during the pendency of the trial on the applicable offenses 38706  
described in division (C)(1) of section 2945.38 of the Revised 38707  
Code. This order shall be a final termination of the commitment 38708  
for purposes of division (J)(1)(c) of this section. 38709

(b) If, at the conclusion of the hearing described in 38710  
division (J)(2)(a) of this section, the trial court determines 38711  
that the defendant remains incapable of understanding the nature 38712  
and objective of the proceedings against the defendant or of 38713  
assisting in the defendant's defense, the trial court shall order 38714  
that the defendant continues to be incompetent to stand trial, 38715

that the defendant's commitment to the ~~hospital, department of~~ 38716  
~~mental health or to an institution or facility, or program for the~~ 38717  
~~treatment of developmental disabilities~~ shall be continued, and 38718  
that the defendant remains subject to the jurisdiction of the 38719  
trial court pursuant to that commitment, and to the provisions of 38720  
this section, until the final termination of the commitment as 38721  
described in division (J)(1) of this section. 38722

**Sec. 2945.402.** (A) In approving a conditional release, the 38723  
trial court may set any conditions on the release with respect to 38724  
the treatment, evaluation, counseling, or control of the defendant 38725  
or person that the court considers necessary to protect the public 38726  
safety and the welfare of the defendant or person. The trial court 38727  
may revoke a defendant's or person's conditional release and order 38728  
~~rehospitalization~~ reinstatement of the previous placement or 38729  
reinstitutionalization at any time the conditions of the release 38730  
have not been satisfied, provided that the revocation shall be in 38731  
accordance with this section. 38732

(B) A conditional release is a commitment. The hearings on 38733  
continued commitment as described in section 2945.401 of the 38734  
Revised Code apply to a defendant or person on conditional 38735  
release. 38736

(C) A person, agency, or facility that is assigned to monitor 38737  
a defendant or person on conditional release immediately shall 38738  
notify the trial court on learning that the defendant or person 38739  
being monitored has violated the terms of the conditional release. 38740  
Upon learning of any violation of the terms of the conditional 38741  
release, the trial court may issue a temporary order of detention 38742  
or, if necessary, an arrest warrant for the defendant or person. 38743  
Within ten court days after the defendant's or person's detention 38744  
or arrest, the trial court shall conduct a hearing to determine 38745  
whether the conditional release should be modified or terminated. 38746

At the hearing, the defendant or person shall have the same rights 38747  
as are described in division (C) of section 2945.40 of the Revised 38748  
Code. The trial court may order a continuance of the ten-court-day 38749  
period for no longer than ten days for good cause shown or for any 38750  
period on motion of the defendant or person. If the trial court 38751  
fails to conduct the hearing within the ten-court-day period and 38752  
does not order a continuance in accordance with this division, the 38753  
defendant or person shall be restored to the prior conditional 38754  
release status. 38755

(D) The trial court shall give all parties reasonable notice 38756  
of a hearing conducted under this section. At the hearing, the 38757  
prosecutor shall present the case demonstrating that the defendant 38758  
or person violated the terms of the conditional release. If the 38759  
court finds by a preponderance of the evidence that the defendant 38760  
or person violated the terms of the conditional release, the court 38761  
may continue, modify, or terminate the conditional release and 38762  
shall enter its order accordingly. 38763

**Sec. 2949.14.** Upon conviction of a nonindigent person for a 38764  
felony, the clerk of the court of common pleas shall make and 38765  
certify under ~~his~~ the clerk's hand and seal of the court, a 38766  
complete itemized bill of the costs made in such prosecution, 38767  
including the sum paid by the board of county commissioners, 38768  
certified by the county auditor, for the arrest and return of the 38769  
person on the requisition of the governor, or on the request of 38770  
the governor to the president of the United States, or on the 38771  
return of the fugitive by a designated agent pursuant to a waiver 38772  
of extradition except in cases of parole violation. ~~Such bill of~~ 38773  
~~costs shall be presented by such clerk to the prosecuting~~ 38774  
~~attorney, who shall examine each item therein charged and certify~~ 38775  
~~to it if correct and legal. Upon certification by the prosecuting~~ 38776  
~~attorney, the~~ The clerk shall attempt to collect the costs from 38777  
the person convicted. 38778

Sec. 3109.16. The children's trust fund board, upon the 38779  
recommendation of the director of job and family services, shall 38780  
approve the employment of an executive director who will 38781  
administer the programs of the board. The department of job and 38782  
family services shall provide budgetary, procurement, accounting, 38783  
and other related management functions for the board and may adopt 38784  
rules in accordance with Chapter 119. of the Revised Code for 38785  
these purposes. An amount not to exceed three per cent of the 38786  
total amount of fees deposited in the children's trust fund in 38787  
each fiscal year may be used for costs directly related to these 38788  
administrative functions of the department. Each fiscal year, the 38789  
board shall approve a budget for administrative expenditures for 38790  
the next fiscal year. 38791

The board may request that the department adopt rules the 38792  
board considers necessary for the purpose of carrying out the 38793  
board's responsibilities under this section, and the department 38794  
may adopt those rules. The department may, after consultation with 38795  
the board and the executive director, adopt any other rules to 38796  
assist the board in carrying out its responsibilities under this 38797  
section. In either case, the rules shall be adopted under Chapter 38798  
119. of the Revised Code. 38799

The board shall meet at least quarterly at the call of the 38800  
chairperson to conduct its official business. All business 38801  
transactions of the board shall be conducted in public meetings. 38802  
Eight members of the board constitute a quorum. A majority of the 38803  
board members is required to adopt the state plan for the 38804  
allocation of funds from the children's trust fund. A majority of 38805  
the quorum is required to make all other decisions of the board. 38806

The board may apply for and accept federal and other funds 38807  
for the purpose of funding child abuse and child neglect 38808  
prevention programs. In addition, the board may accept gifts and 38809

donations from any source, including individuals, philanthropic 38810  
foundations or organizations, corporations, or corporation 38811  
endowments. The acceptance and use of federal funds shall not 38812  
entail any commitment or pledge of state funds, nor obligate the 38813  
general assembly to continue the programs or activities for which 38814  
the federal funds are made available. All funds received in the 38815  
manner described in this section shall be transmitted to the 38816  
treasurer of state, who shall credit them to the children's trust 38817  
fund created in section 3109.14 of the Revised Code. 38818

**Sec. 3109.17.** (A) For each fiscal biennium, the children's 38819  
trust fund board shall establish a biennial state plan for 38820  
comprehensive child abuse and child neglect prevention. The plan 38821  
shall be transmitted to the governor, the president and minority 38822  
leader of the senate, and the speaker and minority leader of the 38823  
house of representatives and shall be made available to the 38824  
general public. The board may define in the state plan the term 38825  
"effective public notice." If the board does not define that term 38826  
in the state plan, the board shall include in the state plan the 38827  
definition of "effective public notice" specified in rules adopted 38828  
by the department of job and family services. 38829

(B) In developing and carrying out the state plan, the 38830  
children's trust fund board shall, in accordance with rules 38831  
adopted by the department pursuant to Chapter 119. of the Revised 38832  
Code, do all of the following: 38833

(1) Ensure that an opportunity exists for assistance through 38834  
child abuse and child neglect prevention programs to persons 38835  
throughout the state of various social and economic backgrounds; 38836

(2) Before the thirtieth day of October of each year, notify 38837  
each child abuse and child neglect prevention advisory board of 38838  
the amount estimated to be allocated to that advisory board for 38839  
the following fiscal year; 38840

(3) Develop criteria for county or district local allocation plans, including criteria for determining the plans' effectiveness;

(4) Review, and approve or disapprove, county or district local allocation plans, as described in section 3109.171 of the Revised Code;

(5) Allocate funds to each child abuse and child neglect prevention advisory board for the purpose of funding child abuse and child neglect prevention programs. Funds shall be allocated among advisory boards according to a formula based on the ratio of the number of children under age eighteen in the county or multicounty district to the number of children under age eighteen in the state, as shown in the most recent federal decennial census of population. Subject to the availability of funds and except as provided in section 3109.171 of the Revised Code, each advisory board shall receive a minimum of ten thousand dollars per fiscal year. In the case of an advisory board that serves a multicounty district, the advisory board shall receive, subject to available funds and except as provided in section 3109.171 of the Revised Code, a minimum of ten thousand dollars per fiscal year for each county in the district. Funds shall be disbursed to the advisory boards twice annually. At least fifty per cent of the funds allocated to an advisory board for a fiscal year shall be disbursed to the advisory board not later than the thirtieth day of September. The remainder of the funds allocated to the advisory board for that fiscal year shall be disbursed before the thirty-first day of March.

The board shall specify the criteria child abuse and child neglect prevention advisory boards are to use in reviewing applications under division (F)(3) of section 3109.18 of the Revised Code.

(6) Allocate funds to entities other than child abuse and



child neglect prevention advisory boards for the purpose of 38873  
funding child abuse and child neglect prevention programs that 38874  
have statewide significance and that have been approved by the 38875  
children's trust fund board; 38876

(7) Allocate funds to children's crisis care facilities as 38877  
defined in section 5103.13 of the Revised Code that have been 38878  
approved by the children's trust fund board. The board shall 38879  
subtract the amount of any funds allocated to a children's crisis 38880  
care facility from the amount allocated pursuant to division 38881  
(B)(5) of this section to the child abuse and child neglect 38882  
prevention advisory board that serves the county or multicounty 38883  
district in which the facility is located. 38884

(8) Provide for the monitoring of expenditures from the 38885  
children's trust fund and of programs that receive money from the 38886  
children's trust fund; 38887

~~(8)~~(9) Establish reporting requirements for advisory boards; 38888

~~(9)~~(10) Collaborate with appropriate persons and government 38889  
entities and facilitate the exchange of information among those 38890  
persons and entities for the purpose of child abuse and child 38891  
neglect prevention; 38892

~~(10)~~(11) Provide for the education of the public and 38893  
professionals for the purpose of child abuse and child neglect 38894  
prevention; 38895

~~(11)~~(12) Create and provide to each advisory board a 38896  
children's trust fund grant application form; 38897

~~(12)~~(13) Specify the information to be included in a 38898  
semiannual and an annual report completed by a children's advocacy 38899  
center for which a child abuse and child neglect prevention 38900  
advisory board uses funds allocated to the advisory board under 38901  
section 3109.172 of the Revised Code, and each other person or 38902  
entity that is a recipient of a children's trust fund grant under 38903

division (K)(1) of section 3109.18 of the Revised Code. 38904

(C) The children's trust fund board shall prepare a report 38905  
for each fiscal biennium that delineates the expenditure of money 38906  
from the children's trust fund. On or before January 1, 2002, and 38907  
on or before the first day of January of a year that follows the 38908  
end of a fiscal biennium of this state, the board shall file a 38909  
copy of the report with the governor, the president and minority 38910  
leader of the senate, and the speaker and minority leader of the 38911  
house of representatives. 38912

(D) The children's trust fund board shall develop a list of 38913  
all state and federal sources of funding that might be available 38914  
for establishing, operating, or establishing and operating a 38915  
children's advocacy center under sections 2151.425 to 2151.428 of 38916  
the Revised Code. The board periodically shall update the list as 38917  
necessary. The board shall maintain, or provide for the 38918  
maintenance of, the list at an appropriate location. That location 38919  
may be the offices of the department of job and family services. 38920  
The board shall provide the list upon request to any children's 38921  
advocacy center or to any person or entity identified in section 38922  
2151.426 of the Revised Code as a person or entity that may 38923  
participate in the establishment of a children's advocacy center. 38924

**Sec. 3111.04.** (A) An action to determine the existence or 38925  
nonexistence of the father and child relationship may be brought 38926  
by the child or the child's personal representative, the child's 38927  
mother or her personal representative, a man alleged or alleging 38928  
himself to be the child's father, the child support enforcement 38929  
agency of the county in which the child resides if the child's 38930  
mother, father, or alleged father is a recipient of public 38931  
assistance or of services under Title IV-D of the "Social Security 38932  
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 38933  
alleged father's personal representative. 38934

(B) An agreement does not bar an action under this section.	38935
(C) If an action under this section is brought before the birth of the child and if the action is contested, all proceedings, except service of process and the taking of depositions to perpetuate testimony, may be stayed until after the birth.	38936 38937 38938 38939 38940
(D) A recipient of public assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, shall cooperate with the child support enforcement agency of the county in which a child resides to obtain an administrative determination pursuant to sections 3111.38 to 3111.54 of the Revised Code, or, if necessary, a court determination pursuant to sections 3111.01 to 3111.18 of the Revised Code, of the existence or nonexistence of a parent and child relationship between the father and the child. If the recipient fails to cooperate, the agency may commence an action to determine the existence or nonexistence of a parent and child relationship between the father and the child pursuant to sections 3111.01 to 3111.18 of the Revised Code.	38941 38942 38943 38944 38945 38946 38947 38948 38949 38950 38951 38952 38953
(E) As used in this section, "public assistance" means all of the following:	38954 38955
(1) Medicaid under Chapter 5111. of the Revised Code;	38956
(2) Ohio works first under Chapter 5107. of the Revised Code;	38957
(3) Disability financial assistance under Chapter 5115. of the Revised Code;	38958 38959
<del>(4) Children's buy-in program under sections 5101.5211 to 5101.5216 of the Revised Code.</del>	38960 38961
<b>Sec. 3113.06.</b> No father, or mother when she is charged with the maintenance, of a child under eighteen years of age, or a mentally or physically handicapped child under age twenty-one, who	38962 38963 38964

is legally a ward of a public children services agency or is the 38965  
recipient of aid pursuant to ~~sections 5101.5211 to 5101.5216~~ or 38966  
Chapter 5107. or 5115. of the Revised Code, shall neglect or 38967  
refuse to pay such agency the reasonable cost of maintaining such 38968  
child when such father or mother is able to do so by reason of 38969  
property, labor, or earnings. 38970

An offense under this section shall be held committed in the 38971  
county in which the agency is located. The agency shall file 38972  
charges against any parent who violates this section, unless the 38973  
agency files charges under section 2919.21 of the Revised Code, or 38974  
unless charges of nonsupport are filed by a relative or guardian 38975  
of the child, or unless an action to enforce support is brought 38976  
under Chapter 3115. of the Revised Code. 38977

**Sec. 3119.54.** A party to a child support order issued in 38978  
accordance with section 3119.30 of the Revised Code shall notify 38979  
any physician, hospital, or other provider of medical services 38980  
that provides medical services to the child who is the subject of 38981  
the child support order of the number of any health insurance or 38982  
health care policy, contract, or plan that covers the child if the 38983  
child is eligible for medical assistance under ~~sections 5101.5211~~ 38984  
~~to 5101.5216~~ or Chapter 5111. of the Revised Code. The party shall 38985  
include in the notice the name and address of the insurer. Any 38986  
physician, hospital, or other provider of medical services for 38987  
which medical assistance is available under ~~sections 5101.5211 to~~ 38988  
~~5101.5216~~ or Chapter 5111. of the Revised Code who is notified 38989  
under this section of the existence of a health insurance or 38990  
health care policy, contract, or plan with coverage for children 38991  
who are eligible for medical assistance shall first bill the 38992  
insurer for any services provided for those children. If the 38993  
insurer fails to pay all or any part of a claim filed under this 38994  
section and the services for which the claim is filed are covered 38995  
by ~~sections 5101.5211 to 5101.5216~~ or Chapter 5111. of the Revised 38996

Code, the physician, hospital, or other medical services provider 38997  
shall bill the remaining unpaid costs of the services in 38998  
accordance with ~~sections 5101.5211 to 5101.5216~~ or Chapter 5111. 38999  
of the Revised Code. 39000

**Sec. 3121.48.** The office of child support shall ~~maintain~~ 39001  
administer a separate account fund for the deposit of support 39002  
payments it receives as trustee for remittance to the persons 39003  
entitled to receive the support payments. The fund shall be in the 39004  
custody of the treasurer of state, but shall not be part of the 39005  
state treasury. 39006

**Sec. 3123.44.** (A) Notice shall be sent to an individual 39007  
described in section 3123.42 of the Revised Code in compliance 39008  
with section 3121.23 of the Revised Code. The notice shall specify 39009  
that a court or child support enforcement agency has determined 39010  
the individual to be in default under a child support order or 39011  
that the individual is an obligor who has failed to comply with a 39012  
subpoena or warrant issued by a court or agency with respect to a 39013  
proceeding to enforce a child support order, that a notice 39014  
containing the individual's name and social security number or 39015  
other identification number may be sent to every board that has 39016  
authority to issue or has issued the individual a license, and 39017  
that, if the board receives that notice and determines that the 39018  
individual is the individual named in that notice and the board 39019  
has not received notice under section 3123.45 or 3123.46 of the 39020  
Revised Code, all of the following will occur: 39021

~~(A)~~(1) The board will not issue any license to the individual 39022  
or renew any license of the individual. 39023

~~(B)~~(2) The board will suspend any license of the individual 39024  
if it determines that the individual is the individual named in 39025  
the notice sent to the board under section 3123.43 of the Revised 39026

Code. 39027

~~(C)~~(3) If the individual is the individual named in the 39028  
notice, the board will not issue any license to the individual, 39029  
and will not reinstate a suspended license, until the board 39030  
receives a notice under section 3123.45 or 3123.46 of the Revised 39031  
Code. 39032

(B) If an agency makes the determination described in 39033  
division (A) of section 3123.42 of the Revised Code, it shall not 39034  
send the notice described in division (A) of this section unless 39035  
both of the following are the case: 39036

(1) At least ninety days have elapsed since the final and 39037  
enforceable determination of default; 39038

(2) In the preceding ninety days, the obligor has failed to 39039  
pay at least fifty per cent of the arrearage through means other 39040  
than those described in sections 3123.81 to 3123.85 of the Revised 39041  
Code. 39042

(C) The department of job and family services shall adopt 39043  
rules pursuant to section 3123.63 of the Revised Code establishing 39044  
a uniform pre-suspension notice form that shall be used by 39045  
agencies that send notice as required by this section. 39046

**Sec. 3123.45.** A child support enforcement agency that sent a 39047  
notice to a board of an individual's default under a child support 39048  
order shall send to each board to which the agency sent the notice 39049  
a further notice that the individual is not in default if it 39050  
determines that the individual is not in default or any of the 39051  
following occurs: 39052

(A) The individual makes full payment to the office of child 39053  
support in the department of job and family services or, pursuant 39054  
to sections 3125.27 to 3125.30 of the Revised Code, the child 39055  
support enforcement agency of the arrearage that was the basis for 39056

the court or agency determination that the individual was in 39057  
default. 39058

(B) ~~An~~ The individual has presented to the agency sufficient 39059  
evidence of current employment or of an account in a financial 39060  
institution, the agency has confirmed the individual's employment 39061  
or the existence of the account, and an appropriate withholding or 39062  
deduction notice ~~or other appropriate order~~ described in section 39063  
3121.03, ~~3121.04, 3121.05, 3121.06, or 3121.12~~ of the Revised Code 39064  
has been issued to collect current support and any arrearage due 39065  
under the child support order that was in default, ~~and the~~ 39066  
~~individual is complying with the notice or order.~~ 39067

(C) ~~A new child support order has been issued or the child~~ 39068  
~~support order that was in default, has been modified to collect~~ 39069  
~~current support and any arrearage due under the child support~~ 39070  
~~order that was in default, and the individual is complying with~~ 39071  
~~the new or modified child support order~~ The individual presents 39072  
evidence to the agency sufficient to establish that the individual 39073  
is unable to work due to circumstances beyond the individual's 39074  
control. 39075

The agency shall send the notice under this section not later 39076  
than seven days after the agency determines the individual is not 39077  
in default or that any of the circumstances specified in this 39078  
section has occurred. 39079

**Sec. 3123.55.** (A) Notice shall be sent to the individual 39080  
described in section ~~3123.54~~ 3123.53 of the Revised Code in 39081  
compliance with section 3121.23 of the Revised Code. The notice 39082  
shall specify that a court or child support enforcement agency has 39083  
determined the individual to be in default under a child support 39084  
order or that the individual is an obligor under a child support 39085  
order who has failed to comply with a subpoena or warrant issued 39086  
by a court or agency with respect to a proceeding to enforce a 39087

child support order, that a notice containing the individual's 39088  
name and social security number or other identification number may 39089  
be sent to the registrar of motor vehicles, and that, if the 39090  
registrar receives that notice and determines that the individual 39091  
is the individual named in that notice and the registrar has not 39092  
received notice under section 3123.56 or 3123.57 of the Revised 39093  
Code, all of the following will occur: 39094

~~(A)~~(1) The registrar and all deputy registrars will be 39095  
prohibited from issuing to the individual a driver's or commercial 39096  
driver's license, motorcycle operator's license or endorsement, or 39097  
temporary instruction permit or commercial driver's temporary 39098  
instruction permit. 39099

~~(B)~~(2) The registrar and all deputy registrars will be 39100  
prohibited from renewing for the individual a driver's or 39101  
commercial driver's license, motorcycle operator's license or 39102  
endorsement, or commercial driver's temporary instruction permit. 39103

~~(C)~~(3) If the individual holds a driver's or commercial 39104  
driver's license, motorcycle operator's license or endorsement, or 39105  
temporary instruction permit or commercial driver's temporary 39106  
instruction permit, the registrar will impose a class F suspension 39107  
under division (B)(6) of section 4510.02 of the Revised Code if 39108  
the registrar determines that the individual is the individual 39109  
named in the notice sent pursuant to section 3123.54 of the 39110  
Revised Code. 39111

~~(D)~~(4) If the individual is the individual named in the 39112  
notice, the individual will not be issued or have renewed any 39113  
license, endorsement, or permit, and no suspension will be lifted 39114  
with respect to any license, endorsement, or permit listed in this 39115  
section until the registrar receives a notice under section 39116  
3123.56 or 3123.57 of the Revised Code. 39117

(B) If an agency makes the determination described in 39118



division (A) of section 3123.53 of the Revised Code, it shall not 39119  
send the notice described in division (A) of this section unless 39120  
both of the following are the case: 39121

(1) At least ninety days have elapsed since the final and 39122  
enforceable determination of default; 39123

(2) In the preceding ninety days, the obligor has failed to 39124  
pay at least fifty per cent of the arrearage through means other 39125  
than those described in sections 3123.81 to 3123.85 of the Revised 39126  
Code. 39127

(C) The department of job and family services shall adopt 39128  
rules pursuant to section 3123.63 of the Revised Code establishing 39129  
a uniform pre-suspension notice form that shall be used by 39130  
agencies that send notice as required by this section. 39131

**Sec. 3123.56.** A child support enforcement agency that sent a 39132  
notice under section 3123.54 of the Revised Code of an 39133  
individual's default under a child support order shall send to the 39134  
registrar of motor vehicles a notice that the individual is not in 39135  
default if it determines that the individual is not in default or 39136  
any of the following occurs: 39137

(A) The individual makes full payment to the office of child 39138  
support or, pursuant to sections 3125.27 to 3125.30 of the Revised 39139  
Code, to the child support enforcement agency of the arrearage 39140  
that was the basis for the court or agency determination that the 39141  
individual was in default. 39142

(B) ~~An~~ The individual has presented to the agency sufficient 39143  
evidence of current employment or of an account in a financial 39144  
institution, the agency has confirmed the individual's employment 39145  
or the existence of the account, and an appropriate withholding or 39146  
deduction notice or other appropriate order described in section 39147  
3121.03, ~~3121.04, 3121.05, 3121.06, or 3121.12~~ of the Revised Code 39148

has been issued to collect current support and any arrearage due 39149  
under the child support order that was in default, ~~and the~~ 39150  
~~individual is complying with the notice or order.~~ 39151

(C) ~~A new child support order has been issued or the child~~ 39152  
~~support order that was in default has been modified to collect~~ 39153  
~~current support and any arrearage due under the child support~~ 39154  
~~order that was in default, and the individual is complying with~~ 39155  
~~the new or modified child support order~~ The individual presents 39156  
evidence to the agency sufficient to establish that the individual 39157  
is unable to work due to circumstances beyond the individual's 39158  
control. 39159

The agency shall send the notice under this section not later 39160  
than seven days after it determines the individual is not in 39161  
default or that any of the circumstances specified in this section 39162  
has occurred. 39163

**Sec. 3123.58.** (A) On receipt of a notice pursuant to section 39164  
3123.54 of the Revised Code, the registrar of motor vehicles shall 39165  
determine whether the individual named in the notice holds or has 39166  
applied for a driver's license or commercial driver's license, 39167  
motorcycle operator's license or endorsement, or temporary 39168  
instruction permit or commercial driver's temporary instruction 39169  
permit. If the registrar determines that the individual holds or 39170  
has applied for a license, permit, or endorsement and the 39171  
individual is the individual named in the notice and does not 39172  
receive a notice pursuant to section 3123.56 or 3123.57 of the 39173  
Revised Code, the registrar immediately shall provide notice of 39174  
the determination to each deputy registrar. The registrar or a 39175  
deputy registrar may not issue to the individual a driver's or 39176  
commercial driver's license, motorcycle operator's license or 39177  
endorsement, or temporary instruction permit or commercial 39178  
driver's temporary instruction permit and may not renew for the 39179

individual a driver's or commercial driver's license, motorcycle operator's license or endorsement, or commercial driver's temporary instruction permit. The registrar or a deputy registrar also shall impose a class F suspension of the license, permit, or endorsement held by the individual under division (B)(6) of section 4510.02 of the Revised Code.

~~(B) Prior to the date specified in section 3123.52 of the Revised Code, the registrar of motor vehicles or a deputy registrar shall do only the following with respect to an individual if the registrar makes the determination required under division (A) of this section and no notice is received concerning the individual under section 3123.56 or 3123.57 of the Revised Code:~~

~~(1) Refuse to issue or renew the individual's commercial driver's license or commercial driver's temporary instruction permit;~~

~~(2) Impose a class F suspension under division (B)(6) of section 4510.02 of the Revised Code on the individual with respect to the license or permit held by the individual.~~

**Sec. 3123.59.** Not later than seven days after receipt of a notice pursuant to section 3123.56 or 3123.57 of the Revised Code, the registrar of motor vehicles shall notify each deputy registrar of the notice. The registrar and each deputy registrar shall then, if the individual otherwise is eligible for the license, permit, or endorsement and wants the license, permit, or endorsement, issue a license, permit, or endorsement to, or renew a license, permit, or endorsement of, the individual, or, if the registrar imposed a class F suspension of the individual's license, permit, or endorsement pursuant to division (A) of section 3123.58 of the Revised Code, remove the suspension. ~~On and after the date specified in section 3123.52 of the Revised Code, the registrar or~~

~~a deputy registrar shall remove, after receipt of a notice under section 3123.56 or 3123.57 of the Revised Code, a class F suspension imposed on an individual with respect to a license or permit pursuant to division (B) of section 3123.58 of the Revised Code.~~ The registrar or a deputy registrar may charge a fee of not more than twenty-five dollars for issuing or renewing or removing the suspension of a license, permit, or endorsement pursuant to this section. The fees collected by the registrar pursuant to this section shall be paid into the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code.

Sec. 3123.591. A child support enforcement agency may, pursuant to rules adopted under section 3123.63 of the Revised Code, direct the registrar of motor vehicles to eliminate from the abstract maintained by the bureau of motor vehicles any reference to the suspension of an individual's license, permit, or endorsement imposed under section 3123.58 of the Revised Code.

Sec. 3123.63. The director of job and family services ~~may~~ shall adopt rules in accordance with Chapter 119. of the Revised Code to implement sections 3123.41 to 3123.50, ~~3123.52~~ 3123.53 to ~~3123.614~~ 3123.60, and 3123.62 of the Revised Code. The rules shall include both of the following:

(A) Requirements concerning the contents of, and the conditions for issuance of, a notice required by section 3123.44 or 3123.55 of the Revised Code. The rules shall require the contents of the notice to include information about the effect of a license suspension and appropriate steps that an individual can take to avoid license suspension.

(B) Requirements concerning the authority of a child support enforcement agency to direct the registrar of motor vehicles to eliminate from the abstract maintained by the bureau of motor

vehicles any reference to the suspension of an individual's 39241  
license, permit, or endorsement imposed under section 3123.58 of 39242  
the Revised Code. 39243

**Sec. 3301.07.** The state board of education shall exercise 39244  
under the acts of the general assembly general supervision of the 39245  
system of public education in the state. In addition to the powers 39246  
otherwise imposed on the state board under the provisions of law, 39247  
the board shall have the powers described in this section. 39248

(A) The state board shall exercise policy forming, planning, 39249  
and evaluative functions for the public schools of the state 39250  
except as otherwise provided by law. 39251

(B)(1) The state board shall exercise leadership in the 39252  
improvement of public education in this state, and administer the 39253  
educational policies of this state relating to public schools, and 39254  
relating to instruction and instructional material, building and 39255  
equipment, transportation of pupils, administrative 39256  
responsibilities of school officials and personnel, and finance 39257  
and organization of school districts, educational service centers, 39258  
and territory. Consultative and advisory services in such matters 39259  
shall be provided by the board to school districts and educational 39260  
service centers of this state. 39261

(2) The state board also shall develop a standard of 39262  
financial reporting which shall be used by each school district 39263  
board of education and educational service center governing board 39264  
to make its financial information and annual budgets for each 39265  
school building under its control available to the public in a 39266  
format understandable by the average citizen. The format shall 39267  
show, among other things, at the district and educational service 39268  
center level or at the school building level, as determined 39269  
appropriate by the department of education, revenue by source; 39270  
expenditures for salaries, wages, and benefits of employees, 39271

showing such amounts separately for classroom teachers, other 39272  
employees required to hold licenses issued pursuant to sections 39273  
3319.22 to 3319.31 of the Revised Code, and all other employees; 39274  
expenditures other than for personnel, by category, including 39275  
utilities, textbooks and other educational materials, equipment, 39276  
permanent improvements, pupil transportation, extracurricular 39277  
athletics, and other extracurricular activities; and per pupil 39278  
expenditures. 39279

(C) The state board shall administer and supervise the 39280  
allocation and distribution of all state and federal funds for 39281  
public school education under the provisions of law, and may 39282  
prescribe such systems of accounting as are necessary and proper 39283  
to this function. It may require county auditors and treasurers, 39284  
boards of education, educational service center governing boards, 39285  
treasurers of such boards, teachers, and other school officers and 39286  
employees, or other public officers or employees, to file with it 39287  
such reports as it may prescribe relating to such funds, or to the 39288  
management and condition of such funds. 39289

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 39290  
XLVII, and LI of the Revised Code a reference is made to standards 39291  
prescribed under this section or division (D) of this section, 39292  
that reference shall be construed to refer to the standards 39293  
prescribed under division (D)(2) of this section, unless the 39294  
context specifically indicates a different meaning or intent. 39295

(2) The state board shall formulate and prescribe minimum 39296  
standards to be applied to all elementary and secondary schools in 39297  
this state for the purpose of requiring a general education of 39298  
high quality. Such standards shall provide adequately for: the 39299  
licensing of teachers, administrators, and other professional 39300  
personnel and their assignment according to training and 39301  
qualifications; efficient and effective instructional materials 39302  
and equipment, including library facilities; the proper 39303

organization, administration, and supervision of each school, 39304  
including regulations for preparing all necessary records and 39305  
reports and the preparation of a statement of policies and 39306  
objectives for each school; buildings, grounds, health and 39307  
sanitary facilities and services; admission of pupils, and such 39308  
requirements for their promotion from grade to grade as will 39309  
assure that they are capable and prepared for the level of study 39310  
to which they are certified; requirements for graduation; and such 39311  
other factors as the board finds necessary. 39312

In the formulation and administration of such standards for 39313  
nonpublic schools the board shall also consider the particular 39314  
needs, methods and objectives of those schools, provided they do 39315  
not conflict with the provision of a general education of a high 39316  
quality and provided that regular procedures shall be followed for 39317  
promotion from grade to grade of pupils who have met the 39318  
educational requirements prescribed. 39319

In the formulation and administration of such standards as 39320  
they relate to instructional materials and equipment in public 39321  
schools, including library materials, the board shall require that 39322  
the material and equipment be aligned with and promote skills 39323  
expected under the statewide academic standards adopted under 39324  
section 3301.079 of the Revised Code. 39325

(3) In addition to the minimum standards required by division 39326  
(D)(2) of this section, the state board ~~shall~~ may formulate and 39327  
prescribe the following additional minimum operating standards for 39328  
school districts: 39329

(a) Standards for the effective and efficient organization, 39330  
administration, and supervision of each school district so that it 39331  
becomes a thinking and learning organization according to 39332  
principles of systems design and collaborative professional 39333  
learning communities research as defined by the superintendent of 39334  
public instruction, including a focus on the personalized and 39335

individualized needs of each student; a shared responsibility 39336  
among school boards, administrators, faculty, and staff to develop 39337  
a common vision, mission, and set of guiding principles; a shared 39338  
responsibility among school boards, administrators, faculty, and 39339  
staff to engage in a process of collective inquiry, action 39340  
orientation, and experimentation to ensure the academic success of 39341  
all students; commitment to teaching and learning strategies that 39342  
utilize technological tools and emphasize inter-disciplinary, 39343  
real-world, project-based, and technology-oriented learning 39344  
experiences to meet the individual needs of every student; 39345  
commitment to high expectations for every student and commitment 39346  
to closing the achievement gap so that all students achieve core 39347  
knowledge and skills in accordance with the statewide academic 39348  
standards adopted under section 3301.079 of the Revised Code; 39349  
commitment to the use of assessments to diagnose the needs of each 39350  
student; effective connections and relationships with families and 39351  
others that support student success; and commitment to the use of 39352  
positive behavior intervention supports throughout a district to 39353  
ensure a safe and secure learning environment for all students; 39354

(b) Standards for the establishment of business advisory 39355  
councils under section 3313.82 of the Revised Code; 39356

(c) Standards for school district ~~organizational units, as~~ 39357  
~~defined in sections 3306.02 and 3306.04 of the Revised Code,~~ 39358  
buildings that may require: 39359

(i) The effective and efficient organization, administration, 39360  
and supervision of each school district ~~organizational unit~~ 39361  
building so that it becomes a thinking and learning organization 39362  
according to principles of systems design and collaborative 39363  
professional learning communities research as defined by the state 39364  
superintendent, including a focus on the personalized and 39365  
individualized needs of each student; a shared responsibility 39366  
among ~~organizational unit~~ building administrators, faculty, and 39367



staff to develop a common vision, mission, and set of guiding 39368  
principles; a shared responsibility among ~~organizational unit~~ 39369  
building administrators, faculty, and staff to engage in a process 39370  
of collective inquiry, action orientation, and experimentation to 39371  
ensure the academic success of all students; commitment to job 39372  
embedded professional development and professional mentoring and 39373  
coaching; established periods of time for teachers to pursue 39374  
planning time for the development of lesson plans, professional 39375  
development, and shared learning; commitment to effective 39376  
management strategies that allow administrators reasonable access 39377  
to classrooms for observation and professional development 39378  
experiences; commitment to teaching and learning strategies that 39379  
utilize technological tools and emphasize inter-disciplinary, 39380  
real-world, project-based, and technology-oriented learning 39381  
experiences to meet the individual needs of every student; 39382  
commitment to high expectations for every student and commitment 39383  
to closing the achievement gap so that all students achieve core 39384  
knowledge and skills in accordance with the statewide academic 39385  
standards adopted under section 3301.079 of the Revised Code; 39386  
commitment to the use of assessments to diagnose the needs of each 39387  
student; effective connections and relationships with families and 39388  
others that support student success; commitment to the use of 39389  
positive behavior intervention supports throughout the 39390  
~~organizational unit~~ building to ensure a safe and secure learning 39391  
environment for all students; 39392

(ii) A school ~~organizational unit~~ building leadership team to 39393  
coordinate positive behavior intervention supports, learning 39394  
environments, thinking and learning systems, collaborative 39395  
planning, planning time, student academic interventions, student 39396  
extended learning opportunities, and other activities identified 39397  
by the team and approved by the district board of education. The 39398  
team shall include the building principal, representatives from 39399  
each collective bargaining unit, ~~the building lead~~ a classroom 39400

teacher, parents, business representatives, and others that 39401  
support student success. 39402

(E) The state board may require as part of the health 39403  
curriculum information developed under section 2108.34 of the 39404  
Revised Code promoting the donation of anatomical gifts pursuant 39405  
to Chapter 2108. of the Revised Code and may provide the 39406  
information to high schools, educational service centers, and 39407  
joint vocational school district boards of education; 39408

(F) The state board shall prepare and submit annually to the 39409  
governor and the general assembly a report on the status, needs, 39410  
and major problems of the public schools of the state, with 39411  
recommendations for necessary legislative action and a ten-year 39412  
projection of the state's public and nonpublic school enrollment, 39413  
by year and by grade level. 39414

(G) The state board shall prepare and submit to the director 39415  
of budget and management the biennial budgetary requests of the 39416  
state board of education, for its agencies and for the public 39417  
schools of the state. 39418

(H) The state board shall cooperate with federal, state, and 39419  
local agencies concerned with the health and welfare of children 39420  
and youth of the state. 39421

(I) The state board shall require such reports from school 39422  
districts and educational service centers, school officers, and 39423  
employees as are necessary and desirable. The superintendents and 39424  
treasurers of school districts and educational service centers 39425  
shall certify as to the accuracy of all reports required by law or 39426  
state board or state department of education rules to be submitted 39427  
by the district or educational service center and which contain 39428  
information necessary for calculation of state funding. Any 39429  
superintendent who knowingly falsifies such report shall be 39430  
subject to license revocation pursuant to section 3319.31 of the 39431

Revised Code. 39432

(J) In accordance with Chapter 119. of the Revised Code, the 39433  
state board shall adopt procedures, standards, and guidelines for 39434  
the education of children with disabilities pursuant to Chapter 39435  
3323. of the Revised Code, including procedures, standards, and 39436  
guidelines governing programs and services operated by county 39437  
boards of developmental disabilities pursuant to section 3323.09 39438  
of the Revised Code. 39439

(K) For the purpose of encouraging the development of special 39440  
programs of education for academically gifted children, the state 39441  
board shall employ competent persons to analyze and publish data, 39442  
promote research, advise and counsel with boards of education, and 39443  
encourage the training of teachers in the special instruction of 39444  
gifted children. The board may provide financial assistance out of 39445  
any funds appropriated for this purpose to boards of education and 39446  
educational service center governing boards for developing and 39447  
conducting programs of education for academically gifted children. 39448

(L) The state board shall require that all public schools 39449  
emphasize and encourage, within existing units of study, the 39450  
teaching of energy and resource conservation as recommended to 39451  
each district board of education by leading business persons 39452  
involved in energy production and conservation, beginning in the 39453  
primary grades. 39454

(M) The state board shall formulate and prescribe minimum 39455  
standards requiring the use of phonics as a technique in the 39456  
teaching of reading in grades kindergarten through three. In 39457  
addition, the state board shall provide in-service training 39458  
programs for teachers on the use of phonics as a technique in the 39459  
teaching of reading in grades kindergarten through three. 39460

(N) The state board may adopt rules necessary for carrying 39461  
out any function imposed on it by law, and may provide rules as 39462

are necessary for its government and the government of its 39463  
employees, and may delegate to the superintendent of public 39464  
instruction the management and administration of any function 39465  
imposed on it by law. It may provide for the appointment of board 39466  
members to serve on temporary committees established by the board 39467  
for such purposes as are necessary. Permanent or standing 39468  
committees shall not be created. 39469

(O) Upon application from the board of education of a school 39470  
district, the superintendent of public instruction may issue a 39471  
waiver exempting the district from compliance with the standards 39472  
adopted under divisions (B)(2) and (D) of this section, as they 39473  
relate to the operation of a school operated by the district. The 39474  
state board shall adopt standards for the approval or disapproval 39475  
of waivers under this division. The state superintendent shall 39476  
consider every application for a waiver, and shall determine 39477  
whether to grant or deny a waiver in accordance with the state 39478  
board's standards. For each waiver granted, the state 39479  
superintendent shall specify the period of time during which the 39480  
waiver is in effect, which shall not exceed five years. A district 39481  
board may apply to renew a waiver. 39482

**Sec. 3301.071.** (A)(1) In the case of nontax-supported 39483  
schools, standards for teacher certification prescribed under 39484  
section 3301.07 of the Revised Code shall provide for 39485  
certification, without further educational requirements, of any 39486  
administrator, supervisor, or teacher who has attended and 39487  
received a bachelor's degree from a college or university 39488  
accredited by a national or regional association in the United 39489  
States except that, at the discretion of the state board of 39490  
education, this requirement may be met by having an equivalent 39491  
degree from a foreign college or university of comparable 39492  
standing. 39493

(2) In the case of nonchartered, nontax-supported schools, 39494  
the standards for teacher certification prescribed under section 39495  
3301.07 of the Revised Code shall provide for certification, 39496  
without further educational requirements, of any administrator, 39497  
supervisor, or teacher who has attended and received a diploma 39498  
from a "bible college" or "bible institute" described in division 39499  
(E) of section 1713.02 of the Revised Code. 39500

(3) A certificate issued under division (A)(3) of this 39501  
section shall be valid only for teaching foreign language, music, 39502  
religion, computer technology, or fine arts. 39503

Notwithstanding division (A)(1) of this section, the 39504  
standards for teacher certification prescribed under section 39505  
3301.07 of the Revised Code shall provide for certification of a 39506  
person as a teacher upon receipt by the state board of an 39507  
affidavit signed by the chief administrative officer of a 39508  
chartered nonpublic school seeking to employ the person, stating 39509  
that the person meets one of the following conditions: 39510

(a) The person has specialized knowledge, skills, or 39511  
expertise that qualifies the person to provide instruction. 39512

(b) The person has provided to the chief administrative 39513  
officer evidence of at least three years of teaching experience in 39514  
a public or nonpublic school. 39515

(c) The person has provided to the chief administrative 39516  
officer evidence of completion of a teacher training program named 39517  
in the affidavit. 39518

(B) Each person applying for a certificate under this section 39519  
for purposes of serving in a nonpublic school chartered by the 39520  
state board under section 3301.16 of the Revised Code shall pay a 39521  
fee in the amount established under division (A) of section 39522  
3319.51 of the Revised Code. Any fees received under this division 39523  
shall be paid into the state treasury to the credit of the state 39524

board of education certification fund established under division 39525  
(B) of section 3319.51 of the Revised Code. 39526

(C) A person applying for or holding any certificate pursuant 39527  
to this section for purposes of serving in a nonpublic school 39528  
chartered by the state board is subject to sections 3123.41 to 39529  
3123.50 of the Revised Code and any applicable rules adopted under 39530  
section 3123.63 of the Revised Code and sections 3319.31 and 39531  
3319.311 of the Revised Code. 39532

(D) Divisions (B) and (C) of this section and sections 39533  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 39534  
to any administrators, supervisors, or teachers in nonchartered, 39535  
nontax-supported schools. 39536

**Sec. 3301.079.** (A)(1) Not later than June 30, 2010, and at 39537  
least once every five years thereafter, the state board of 39538  
education shall adopt statewide academic standards with emphasis 39539  
on coherence, focus, and rigor for each of grades kindergarten 39540  
through twelve in English language arts, mathematics, science, and 39541  
social studies. 39542

The standards shall specify the following: 39543

(a) The core academic content and skills that students are 39544  
expected to know and be able to do at each grade level that will 39545  
allow each student to be prepared for postsecondary instruction 39546  
and the workplace for success in the twenty-first century; 39547

~~(b) The development of skill sets as they relate to 39548  
creativity and innovation, critical thinking and problem solving, 39549  
and communication and collaboration; 39550~~

~~(c) The development of skill sets that promote information, 39551  
media, and technological literacy; 39552~~

~~(d) The development of skill sets that promote personal 39553  
management, productivity and accountability, and leadership and 39554~~

~~responsibility;~~ 39555

~~(e)(c)~~ Interdisciplinary, project-based, real-world learning 39556  
opportunities. 39557

(2) After completing the standards required by division 39558  
(A)(1) of this section, the state board shall adopt standards and 39559  
model curricula for instruction in computer literacy, financial 39560  
literacy and entrepreneurship, fine arts, and foreign language for 39561  
grades kindergarten through twelve. The standards shall meet the 39562  
same requirements prescribed in divisions (A)(1)(a) to ~~(e)(c)~~ of 39563  
this section. 39564

(3) The state board shall adopt the most recent standards 39565  
developed by the national association for sport and physical 39566  
education for physical education in grades kindergarten through 39567  
twelve or shall adopt its own standards for physical education in 39568  
those grades and revise and update them periodically. 39569

The department shall employ a full-time physical education 39570  
coordinator to provide guidance and technical assistance to 39571  
districts, community schools, and STEM schools in implementing the 39572  
physical education standards adopted under this division. The 39573  
superintendent of public instruction shall determine that the 39574  
person employed as coordinator is qualified for the position, as 39575  
demonstrated by possessing an adequate combination of education, 39576  
license, and experience. 39577

(4) When academic standards have been completed for any 39578  
subject area required by this section, the state board shall 39579  
inform all school districts, all community schools established 39580  
under Chapter 3314. of the Revised Code, all STEM schools 39581  
established under Chapter 3326. of the Revised Code, and all 39582  
nonpublic schools required to administer the assessments 39583  
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 39584  
of the content of those standards. 39585

(B) Not later than March 31, 2011, the state board shall 39586  
adopt a model curriculum for instruction in each subject area for 39587  
which updated academic standards are required by division (A)(1) 39588  
of this section and for each of grades kindergarten through twelve 39589  
that is sufficient to meet the needs of students in every 39590  
community. The model curriculum shall be aligned with the 39591  
standards, to ensure that the academic content and skills 39592  
specified for each grade level are taught to students, and shall 39593  
demonstrate vertical articulation and emphasize coherence, focus, 39594  
and rigor. When any model curriculum has been completed, the state 39595  
board shall inform all school districts, community schools, and 39596  
STEM schools of the content of that model curriculum. 39597

All school districts, community schools, and STEM schools may 39598  
utilize the state standards and the model curriculum established 39599  
by the state board, together with other relevant resources, 39600  
examples, or models to ensure that students have the opportunity 39601  
to attain the academic standards. Upon request, the department of 39602  
education shall provide technical assistance to any district, 39603  
community school, or STEM school in implementing the model 39604  
curriculum. 39605

Nothing in this section requires any school district to 39606  
utilize all or any part of a model curriculum developed under this 39607  
division. 39608

(C) The state board shall develop achievement assessments 39609  
aligned with the academic standards and model curriculum for each 39610  
of the subject areas and grade levels required by divisions (A)(1) 39611  
and (B)(1) of section 3301.0710 of the Revised Code. 39612

When any achievement assessment has been completed, the state 39613  
board shall inform all school districts, community schools, STEM 39614  
schools, and nonpublic schools required to administer the 39615  
assessment of its completion, and the department of education 39616  
shall make the achievement assessment available to the districts 39617



and schools. 39618

(D)(1) The state board shall adopt a diagnostic assessment 39619  
aligned with the academic standards and model curriculum for each 39620  
of grades kindergarten through two in English language arts and 39621  
mathematics and for grade three in English language arts. The 39622  
diagnostic assessment shall be designed to measure student 39623  
comprehension of academic content and mastery of related skills 39624  
for the relevant subject area and grade level. Any diagnostic 39625  
assessment shall not include components to identify gifted 39626  
students. Blank copies of diagnostic assessments shall be public 39627  
records. 39628

(2) When each diagnostic assessment has been completed, the 39629  
state board shall inform all school districts of its completion 39630  
and the department of education shall make the diagnostic 39631  
assessment available to the districts at no cost to the district. 39632  
School districts shall administer the diagnostic assessment 39633  
pursuant to section 3301.0715 of the Revised Code beginning the 39634  
first school year following the development of the assessment. 39635

(E) The state board shall not adopt a diagnostic or 39636  
achievement assessment for any grade level or subject area other 39637  
than those specified in this section. 39638

(F) Whenever the state board or the department of education 39639  
consults with persons for the purpose of drafting or reviewing any 39640  
standards, diagnostic assessments, achievement assessments, or 39641  
model curriculum required under this section, the state board or 39642  
the department shall first consult with parents of students in 39643  
kindergarten through twelfth grade and with active Ohio classroom 39644  
teachers, other school personnel, and administrators with 39645  
expertise in the appropriate subject area. Whenever practicable, 39646  
the state board and department shall consult with teachers 39647  
recognized as outstanding in their fields. 39648

If the department contracts with more than one outside entity 39649  
for the development of the achievement assessments required by 39650  
this section, the department shall ensure the interchangeability 39651  
of those assessments. 39652

(G) The fairness sensitivity review committee, established by 39653  
rule of the state board of education, shall not allow any question 39654  
on any achievement or diagnostic assessment developed under this 39655  
section or any proficiency test prescribed by former section 39656  
3301.0710 of the Revised Code, as it existed prior to September 39657  
11, 2001, to include, be written to promote, or inquire as to 39658  
individual moral or social values or beliefs. The decision of the 39659  
committee shall be final. This section does not create a private 39660  
cause of action. 39661

(H) Not later than forty-five days prior to the initial 39662  
deadline established under division (A)(1) of this section and the 39663  
deadline established under division (B) of this section, the 39664  
superintendent of public instruction shall present the academic 39665  
standards or model curricula, as applicable, to the respective 39666  
committees of the house of representatives and senate that 39667  
consider education legislation. 39668

(I) As used in this section: 39669

(1) "Coherence" means a reflection of the structure of the 39670  
discipline being taught. 39671

(2) "Focus" means limiting the number of items included in a 39672  
curriculum to allow for deeper exploration of the subject matter. 39673

(3) "Rigor" means more challenging and demanding when 39674  
compared to international standards. 39675

(4) "Vertical articulation" means key academic concepts and 39676  
skills associated with mastery in particular content areas should 39677  
be articulated and reinforced in a developmentally appropriate 39678  
manner at each grade level so that over time students acquire a 39679

depth of knowledge and understanding in the core academic 39680  
disciplines. 39681

**Sec. 3301.0710.** The state board of education shall adopt 39682  
rules establishing a statewide program to assess student 39683  
achievement. The state board shall ensure that all assessments 39684  
administered under the program are aligned with the academic 39685  
standards and model curricula adopted by the state board and are 39686  
created with input from Ohio parents, Ohio classroom teachers, 39687  
Ohio school administrators, and other Ohio school personnel 39688  
pursuant to section 3301.079 of the Revised Code. 39689

The assessment program shall be designed to ensure that 39690  
students who receive a high school diploma demonstrate at least 39691  
high school levels of achievement in English language arts, 39692  
mathematics, science, and social studies, ~~and other skills~~ 39693  
~~necessary in the twenty-first century.~~ 39694

(A)(1) The state board shall prescribe all of the following: 39695

(a) Two statewide achievement assessments, one each designed 39696  
to measure the level of English language arts and mathematics 39697  
skill expected at the end of third grade; 39698

(b) Two statewide achievement assessments, one each designed 39699  
to measure the level of English language arts and mathematics 39700  
skill expected at the end of fourth grade; 39701

(c) Four statewide achievement assessments, one each designed 39702  
to measure the level of English language arts, mathematics, 39703  
science, and social studies skill expected at the end of fifth 39704  
grade; 39705

(d) Two statewide achievement assessments, one each designed 39706  
to measure the level of English language arts and mathematics 39707  
skill expected at the end of sixth grade; 39708

(e) Two statewide achievement assessments, one each designed 39709

to measure the level of English language arts and mathematics skill expected at the end of seventh grade;

(f) Four statewide achievement assessments, one each designed to measure the level of English language arts, mathematics, science, and social studies skill expected at the end of eighth grade.

(2) The state board shall determine and designate at least three ranges of scores on each of the achievement assessments described in divisions (A)(1) and (B)(1) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

(a) An advanced level of skill;

(b) A proficient level of skill;

(c) A limited level of skill.

(B)(1) The assessments prescribed under division (B)(1) of this section shall collectively be known as the Ohio graduation tests. The state board shall prescribe five statewide high school achievement assessments, one each designed to measure the level of reading, writing, mathematics, science, and social studies skill expected at the end of tenth grade. The state board shall designate a score in at least the range designated under division (A)(2)(b) of this section on each such assessment that shall be deemed to be a passing score on the assessment as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code until the assessment system prescribed by section 3301.0712 of the Revised Code is implemented in accordance with rules adopted by the state board under division ~~(E)~~(D) of that section.

(2) The state board shall prescribe an assessment system in accordance with section 3301.0712 of the Revised Code that shall

replace the Ohio graduation tests in the manner prescribed by 39741  
rules adopted by the state board under division ~~(E)~~(D) of that 39742  
section. 39743

(3) The state board may enter into a reciprocal agreement 39744  
with the appropriate body or agency of any other state that has 39745  
similar statewide achievement assessment requirements for 39746  
receiving high school diplomas, under which any student who has 39747  
met an achievement assessment requirement of one state is 39748  
recognized as having met the similar requirement of the other 39749  
state for purposes of receiving a high school diploma. For 39750  
purposes of this section and sections 3301.0711 and 3313.61 of the 39751  
Revised Code, any student enrolled in any public high school in 39752  
this state who has met an achievement assessment requirement 39753  
specified in a reciprocal agreement entered into under this 39754  
division shall be deemed to have attained at least the applicable 39755  
score designated under this division on each assessment required 39756  
by division (B)(1) or (2) of this section that is specified in the 39757  
agreement. 39758

(C) The superintendent of public instruction shall designate 39759  
dates and times for the administration of the assessments 39760  
prescribed by divisions (A) and (B) of this section. 39761

In prescribing administration dates pursuant to this 39762  
division, the superintendent shall designate the dates in such a 39763  
way as to allow a reasonable length of time between the 39764  
administration of assessments prescribed under this section and 39765  
any administration of the national assessment of educational 39766  
progress given to students in the same grade level pursuant to 39767  
section 3301.27 of the Revised Code or federal law. 39768

(D) The state board shall prescribe a practice version of 39769  
each Ohio graduation test described in division (B)(1) of this 39770  
section that is of comparable length to the actual test. 39771

(E) Any committee established by the department of education 39772  
for the purpose of making recommendations to the state board 39773  
regarding the state board's designation of scores on the 39774  
assessments described by this section shall inform the state board 39775  
of the probable percentage of students who would score in each of 39776  
the ranges established under division (A)(2) of this section on 39777  
the assessments if the committee's recommendations are adopted by 39778  
the state board. To the extent possible, these percentages shall 39779  
be disaggregated by gender, major racial and ethnic groups, 39780  
limited English proficient students, economically disadvantaged 39781  
students, students with disabilities, and migrant students. 39782

If the state board intends to make any change to the 39783  
committee's recommendations, the state board shall explain the 39784  
intended change to the Ohio accountability task force established 39785  
by section 3302.021 of the Revised Code. The task force shall 39786  
recommend whether the state board should proceed to adopt the 39787  
intended change. Nothing in this division shall require the state 39788  
board to designate assessment scores based upon the 39789  
recommendations of the task force. 39790

**Sec. 3301.0711.** (A) The department of education shall: 39791

(1) Annually furnish to, grade, and score all assessments 39792  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 39793  
the Revised Code to be administered by city, local, exempted 39794  
village, and joint vocational school districts, except that each 39795  
district shall score any assessment administered pursuant to 39796  
division (B)(10) of this section. Each assessment so furnished 39797  
shall include the data verification code of the student to whom 39798  
the assessment will be administered, as assigned pursuant to 39799  
division (D)(2) of section 3301.0714 of the Revised Code. In 39800  
furnishing the practice versions of Ohio graduation tests 39801  
prescribed by division (D) of section 3301.0710 of the Revised 39802

Code, the department shall make the tests available on its web 39803  
site for reproduction by districts. In awarding contracts for 39804  
grading assessments, the department shall give preference to 39805  
Ohio-based entities employing Ohio residents. 39806

(2) Adopt rules for the ethical use of assessments and 39807  
prescribing the manner in which the assessments prescribed by 39808  
section 3301.0710 of the Revised Code shall be administered to 39809  
students. 39810

(B) Except as provided in divisions (C) and (J) of this 39811  
section, the board of education of each city, local, and exempted 39812  
village school district shall, in accordance with rules adopted 39813  
under division (A) of this section: 39814

(1) Administer the English language arts assessments 39815  
prescribed under division (A)(1)(a) of section 3301.0710 of the 39816  
Revised Code twice annually to all students in the third grade who 39817  
have not attained the score designated for that assessment under 39818  
division (A)(2)(b) of section 3301.0710 of the Revised Code. 39819

(2) Administer the mathematics assessment prescribed under 39820  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 39821  
least once annually to all students in the third grade. 39822

(3) Administer the assessments prescribed under division 39823  
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 39824  
annually to all students in the fourth grade. 39825

(4) Administer the assessments prescribed under division 39826  
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 39827  
annually to all students in the fifth grade. 39828

(5) Administer the assessments prescribed under division 39829  
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 39830  
annually to all students in the sixth grade. 39831

(6) Administer the assessments prescribed under division 39832

(A)(1)(e) of section 3301.0710 of the Revised Code at least once 39833  
annually to all students in the seventh grade. 39834

(7) Administer the assessments prescribed under division 39835  
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 39836  
annually to all students in the eighth grade. 39837

(8) Except as provided in division (B)(9) of this section, 39838  
administer any assessment prescribed under division (B)(1) of 39839  
section 3301.0710 of the Revised Code as follows: 39840

(a) At least once annually to all tenth grade students and at 39841  
least twice annually to all students in eleventh or twelfth grade 39842  
who have not yet attained the score on that assessment designated 39843  
under that division; 39844

(b) To any person who has successfully completed the 39845  
curriculum in any high school or the individualized education 39846  
program developed for the person by any high school pursuant to 39847  
section 3323.08 of the Revised Code but has not received a high 39848  
school diploma and who requests to take such assessment, at any 39849  
time such assessment is administered in the district. 39850

(9) In lieu of the board of education of any city, local, or 39851  
exempted village school district in which the student is also 39852  
enrolled, the board of a joint vocational school district shall 39853  
administer any assessment prescribed under division (B)(1) of 39854  
section 3301.0710 of the Revised Code at least twice annually to 39855  
any student enrolled in the joint vocational school district who 39856  
has not yet attained the score on that assessment designated under 39857  
that division. A board of a joint vocational school district may 39858  
also administer such an assessment to any student described in 39859  
division (B)(8)(b) of this section. 39860

(10) If the district has been declared to be under an 39861  
academic watch or in a state of academic emergency pursuant to 39862  
section 3302.03 of the Revised Code or has a three-year average 39863



graduation rate of not more than seventy-five per cent, administer 39864  
each assessment prescribed by division (D) of section 3301.0710 of 39865  
the Revised Code in September to all ninth grade students, 39866  
beginning in the school year that starts July 1, 2005. 39867

Except as provided in section 3313.614 of the Revised Code 39868  
for administration of an assessment to a person who has fulfilled 39869  
the curriculum requirement for a high school diploma but has not 39870  
passed one or more of the required assessments, the assessments 39871  
prescribed under division (B)(1) of section 3301.0710 of the 39872  
Revised Code and the practice assessments prescribed under 39873  
division (D) of that section and required to be administered under 39874  
divisions (B)(8), (9), and (10) of this section shall not be 39875  
administered after the assessment system prescribed by division 39876  
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 39877  
Code is implemented under rule of the state board adopted under 39878  
division ~~(E)~~(D)(1) of section 3301.0712 of the Revised Code. 39879

(11) Administer the assessments prescribed by division (B)(2) 39880  
of section 3301.0710 and section 3301.0712 of the Revised Code in 39881  
accordance with the timeline and plan for implementation of those 39882  
assessments prescribed by rule of the state board adopted under 39883  
division ~~(E)~~(D)(1) of section 3301.0712 of the Revised Code. 39884

(C)(1)(a) ~~Any~~ In the case of a student receiving special 39885  
education services under Chapter 3323. of the Revised Code, the 39886  
individualized education program developed for the student under 39887  
that chapter shall specify the manner in which the student will 39888  
participate in the assessments administered under this section. 39889  
The individualized education program may be excused excuse the 39890  
student from taking any particular assessment required to be 39891  
administered under this section if ~~the individualized education~~ 39892  
~~program developed for the student pursuant to section 3323.08 of~~ 39893  
~~the Revised Code excuses the student from taking that assessment~~ 39894  
~~and it~~ instead specifies an alternate assessment method approved 39895

by the department of education as conforming to requirements of 39896  
federal law for receipt of federal funds for disadvantaged pupils. 39897  
To the extent possible, the individualized education program shall 39898  
not excuse the student from taking an assessment unless no 39899  
reasonable accommodation can be made to enable the student to take 39900  
the assessment. 39901

(b) Any alternate assessment approved by the department for a 39902  
student under this division shall produce measurable results 39903  
comparable to those produced by the assessment it replaces in 39904  
order to allow for the student's results to be included in the 39905  
data compiled for a school district or building under section 39906  
3302.03 of the Revised Code. 39907

(c) Any student enrolled in a chartered nonpublic school who 39908  
has been identified, based on an evaluation conducted in 39909  
accordance with section 3323.03 of the Revised Code or section 504 39910  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 39911  
794, as amended, as a child with a disability shall be excused 39912  
from taking any particular assessment required to be administered 39913  
under this section if a plan developed for the student pursuant to 39914  
rules adopted by the state board excuses the student from taking 39915  
that assessment. In the case of any student so excused from taking 39916  
an assessment, the chartered nonpublic school shall not prohibit 39917  
the student from taking the assessment. 39918

(2) A district board may, for medical reasons or other good 39919  
cause, excuse a student from taking an assessment administered 39920  
under this section on the date scheduled, but that assessment 39921  
shall be administered to the excused student not later than nine 39922  
days following the scheduled date. The district board shall 39923  
annually report the number of students who have not taken one or 39924  
more of the assessments required by this section to the state 39925  
board of education not later than the thirtieth day of June. 39926

(3) As used in this division, "limited English proficient 39927

student" has the same meaning as in 20 U.S.C. 7801. 39928

No school district board shall excuse any limited English 39929  
proficient student from taking any particular assessment required 39930  
to be administered under this section, except that any limited 39931  
English proficient student who has been enrolled in United States 39932  
schools for less than one full school year shall not be required 39933  
to take any reading, writing, or English language arts assessment. 39934  
However, no board shall prohibit a limited English proficient 39935  
student who is not required to take an assessment under this 39936  
division from taking the assessment. A board may permit any 39937  
limited English proficient student to take an assessment required 39938  
to be administered under this section with appropriate 39939  
accommodations, as determined by the department. For each limited 39940  
English proficient student, each school district shall annually 39941  
assess that student's progress in learning English, in accordance 39942  
with procedures approved by the department. 39943

The governing authority of a chartered nonpublic school may 39944  
excuse a limited English proficient student from taking any 39945  
assessment administered under this section. However, no governing 39946  
authority shall prohibit a limited English proficient student from 39947  
taking the assessment. 39948

(D)(1) In the school year next succeeding the school year in 39949  
which the assessments prescribed by division (A)(1) or (B)(1) of 39950  
section 3301.0710 of the Revised Code or former division (A)(1), 39951  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 39952  
existed prior to September 11, 2001, are administered to any 39953  
student, the board of education of any school district in which 39954  
the student is enrolled in that year shall provide to the student 39955  
intervention services commensurate with the student's performance, 39956  
including any intensive intervention required under section 39957  
3313.608 of the Revised Code, in any skill in which the student 39958  
failed to demonstrate at least a score at the proficient level on 39959

the assessment. 39960

(2) Following any administration of the assessments 39961  
prescribed by division (D) of section 3301.0710 of the Revised 39962  
Code to ninth grade students, each school district that has a 39963  
three-year average graduation rate of not more than seventy-five 39964  
per cent shall determine for each high school in the district 39965  
whether the school shall be required to provide intervention 39966  
services to any students who took the assessments. In determining 39967  
which high schools shall provide intervention services based on 39968  
the resources available, the district shall consider each school's 39969  
graduation rate and scores on the practice assessments. The 39970  
district also shall consider the scores received by ninth grade 39971  
students on the English language arts and mathematics assessments 39972  
prescribed under division (A)(1)(f) of section 3301.0710 of the 39973  
Revised Code in the eighth grade in determining which high schools 39974  
shall provide intervention services. 39975

Each high school selected to provide intervention services 39976  
under this division shall provide intervention services to any 39977  
student whose results indicate that the student is failing to make 39978  
satisfactory progress toward being able to attain scores at the 39979  
proficient level on the Ohio graduation tests. Intervention 39980  
services shall be provided in any skill in which a student 39981  
demonstrates unsatisfactory progress and shall be commensurate 39982  
with the student's performance. Schools shall provide the 39983  
intervention services prior to the end of the school year, during 39984  
the summer following the ninth grade, in the next succeeding 39985  
school year, or at any combination of those times. 39986

(E) Except as provided in section 3313.608 of the Revised 39987  
Code and division (M) of this section, no school district board of 39988  
education shall utilize any student's failure to attain a 39989  
specified score on an assessment administered under this section 39990  
as a factor in any decision to deny the student promotion to a 39991

higher grade level. However, a district board may choose not to 39992  
promote to the next grade level any student who does not take an 39993  
assessment administered under this section or make up an 39994  
assessment as provided by division (C)(2) of this section and who 39995  
is not exempt from the requirement to take the assessment under 39996  
division (C)(3) of this section. 39997

(F) No person shall be charged a fee for taking any 39998  
assessment administered under this section. 39999

(G)(1) Each school district board shall designate one 40000  
location for the collection of assessments administered in the 40001  
spring under division (B)(1) of this section and those 40002  
administered under divisions (B)(2) to (7) of this section. Each 40003  
district board shall submit the assessments to the entity with 40004  
which the department contracts for the scoring of the assessments 40005  
as follows: 40006

(a) If the district's total enrollment in grades kindergarten 40007  
through twelve during the first full school week of October was 40008  
less than two thousand five hundred, not later than the Friday 40009  
after all of the assessments have been administered; 40010

(b) If the district's total enrollment in grades kindergarten 40011  
through twelve during the first full school week of October was 40012  
two thousand five hundred or more, but less than seven thousand, 40013  
not later than the Monday after all of the assessments have been 40014  
administered; 40015

(c) If the district's total enrollment in grades kindergarten 40016  
through twelve during the first full school week of October was 40017  
seven thousand or more, not later than the Tuesday after all of 40018  
the assessments have been administered. 40019

However, any assessment that a student takes during the 40020  
make-up period described in division (C)(2) of this section shall 40021  
be submitted not later than the Friday following the day the 40022

student takes the assessment. 40023

(2) The department or an entity with which the department 40024  
contracts for the scoring of the assessment shall send to each 40025  
school district board a list of the individual scores of all 40026  
persons taking an assessment prescribed by division (A)(1) or 40027  
(B)(1) of section 3301.0710 of the Revised Code within sixty days 40028  
after its administration, but in no case shall the scores be 40029  
returned later than the fifteenth day of June following the 40030  
administration. For assessments administered under this section by 40031  
a joint vocational school district, the department or entity shall 40032  
also send to each city, local, or exempted village school district 40033  
a list of the individual scores of any students of such city, 40034  
local, or exempted village school district who are attending 40035  
school in the joint vocational school district. 40036

(H) Individual scores on any assessments administered under 40037  
this section shall be released by a district board only in 40038  
accordance with section 3319.321 of the Revised Code and the rules 40039  
adopted under division (A) of this section. No district board or 40040  
its employees shall utilize individual or aggregate results in any 40041  
manner that conflicts with rules for the ethical use of 40042  
assessments adopted pursuant to division (A) of this section. 40043

(I) Except as provided in division (G) of this section, the 40044  
department or an entity with which the department contracts for 40045  
the scoring of the assessment shall not release any individual 40046  
scores on any assessment administered under this section. The 40047  
state board of education shall adopt rules to ensure the 40048  
protection of student confidentiality at all times. The rules may 40049  
require the use of the data verification codes assigned to 40050  
students pursuant to division (D)(2) of section 3301.0714 of the 40051  
Revised Code to protect the confidentiality of student scores. 40052

(J) Notwithstanding division (D) of section 3311.52 of the 40053  
Revised Code, this section does not apply to the board of 40054

education of any cooperative education school district except as 40055  
provided under rules adopted pursuant to this division. 40056

(1) In accordance with rules that the state board of 40057  
education shall adopt, the board of education of any city, 40058  
exempted village, or local school district with territory in a 40059  
cooperative education school district established pursuant to 40060  
divisions (A) to (C) of section 3311.52 of the Revised Code may 40061  
enter into an agreement with the board of education of the 40062  
cooperative education school district for administering any 40063  
assessment prescribed under this section to students of the city, 40064  
exempted village, or local school district who are attending 40065  
school in the cooperative education school district. 40066

(2) In accordance with rules that the state board of 40067  
education shall adopt, the board of education of any city, 40068  
exempted village, or local school district with territory in a 40069  
cooperative education school district established pursuant to 40070  
section 3311.521 of the Revised Code shall enter into an agreement 40071  
with the cooperative district that provides for the administration 40072  
of any assessment prescribed under this section to both of the 40073  
following: 40074

(a) Students who are attending school in the cooperative 40075  
district and who, if the cooperative district were not 40076  
established, would be entitled to attend school in the city, 40077  
local, or exempted village school district pursuant to section 40078  
3313.64 or 3313.65 of the Revised Code; 40079

(b) Persons described in division (B)(8)(b) of this section. 40080

Any assessment of students pursuant to such an agreement 40081  
shall be in lieu of any assessment of such students or persons 40082  
pursuant to this section. 40083

(K)(1) As a condition of compliance with section 3313.612 of 40084  
the Revised Code, each chartered nonpublic school that educates 40085

students in grades nine through twelve shall administer the 40086  
assessments prescribed by divisions (B)(1) and (2) of section 40087  
3301.0710 of the Revised Code. Any chartered nonpublic school may 40088  
participate in the assessment program by administering any of the 40089  
assessments prescribed by division (A) of section 3301.0710 of the 40090  
Revised Code. The chief administrator of the school shall specify 40091  
which assessments the school will administer. Such specification 40092  
shall be made in writing to the superintendent of public 40093  
instruction prior to the first day of August of any school year in 40094  
which assessments are administered and shall include a pledge that 40095  
the nonpublic school will administer the specified assessments in 40096  
the same manner as public schools are required to do under this 40097  
section and rules adopted by the department. 40098

(2) The department of education shall furnish the assessments 40099  
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 40100  
to each chartered nonpublic school that participates under this 40101  
division. 40102

(L)(1) The superintendent of the state school for the blind 40103  
and the superintendent of the state school for the deaf shall 40104  
administer the assessments described by sections 3301.0710 and 40105  
3301.0712 of the Revised Code. Each superintendent shall 40106  
administer the assessments in the same manner as district boards 40107  
are required to do under this section and rules adopted by the 40108  
department of education and in conformity with division (C)(1)(a) 40109  
of this section. 40110

(2) The department of education shall furnish the assessments 40111  
described by sections 3301.0710 and 3301.0712 of the Revised Code 40112  
to each superintendent. 40113

(M) Notwithstanding division (E) of this section, a school 40114  
district may use a student's failure to attain a score in at least 40115  
the proficient range on the mathematics assessment described by 40116  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 40117



an assessment described by division (A)(1)(b), (c), (d), (e), or 40118  
(f) of section 3301.0710 of the Revised Code as a factor in 40119  
retaining that student in the current grade level. 40120

(N)(1) In the manner specified in divisions (N)(3) and (4) of 40121  
this section, the assessments required by division (A)(1) of 40122  
section 3301.0710 of the Revised Code shall become public records 40123  
pursuant to section 149.43 of the Revised Code on the first day of 40124  
July following the school year that the assessments were 40125  
administered. 40126

(2) The department may field test proposed questions with 40127  
samples of students to determine the validity, reliability, or 40128  
appropriateness of questions for possible inclusion in a future 40129  
year's assessment. The department also may use anchor questions on 40130  
assessments to ensure that different versions of the same 40131  
assessment are of comparable difficulty. 40132

Field test questions and anchor questions shall not be 40133  
considered in computing scores for individual students. Field test 40134  
questions and anchor questions may be included as part of the 40135  
administration of any assessment required by division (A)(1) or 40136  
(B)(1) of section 3301.0710 of the Revised Code. 40137

(3) Any field test question or anchor question administered 40138  
under division (N)(2) of this section shall not be a public 40139  
record. Such field test questions and anchor questions shall be 40140  
redacted from any assessments which are released as a public 40141  
record pursuant to division (N)(1) of this section. 40142

(4) This division applies to the assessments prescribed by 40143  
division (A) of section 3301.0710 of the Revised Code. 40144

(a) The first administration of each assessment, as specified 40145  
in former section 3301.0712 of the Revised Code, shall be a public 40146  
record. 40147

(b) For subsequent administrations of each assessment, not 40148

less than forty per cent of the questions on the assessment that 40149  
are used to compute a student's score shall be a public record. 40150  
The department shall determine which questions will be needed for 40151  
reuse on a future assessment and those questions shall not be 40152  
public records and shall be redacted from the assessment prior to 40153  
its release as a public record. However, for each redacted 40154  
question, the department shall inform each city, local, and 40155  
exempted village school district of the statewide academic 40156  
standard adopted by the state board of education under section 40157  
3301.079 of the Revised Code and the corresponding benchmark to 40158  
which the question relates. The preceding sentence does not apply 40159  
to field test questions that are redacted under division (N)(3) of 40160  
this section. 40161

(5) Each assessment prescribed by division (B)(1) of section 40162  
3301.0710 of the Revised Code shall not be a public record. 40163

(0) As used in this section: 40164

(1) "Three-year average" means the average of the most recent 40165  
consecutive three school years of data. 40166

(2) "Dropout" means a student who withdraws from school 40167  
before completing course requirements for graduation and who is 40168  
not enrolled in an education program approved by the state board 40169  
of education or an education program outside the state. "Dropout" 40170  
does not include a student who has departed the country. 40171

(3) "Graduation rate" means the ratio of students receiving a 40172  
diploma to the number of students who entered ninth grade four 40173  
years earlier. Students who transfer into the district are added 40174  
to the calculation. Students who transfer out of the district for 40175  
reasons other than dropout are subtracted from the calculation. If 40176  
a student who was a dropout in any previous year returns to the 40177  
same school district, that student shall be entered into the 40178  
calculation as if the student had entered ninth grade four years 40179

before the graduation year of the graduating class that the 40180  
student joins. 40181

**Sec. 3301.0712.** (A) The state board of education, the 40182  
superintendent of public instruction, and the chancellor of the 40183  
Ohio board of regents shall develop a system of college and work 40184  
ready assessments as described in divisions (B)(1) ~~to (3)~~ and (2) 40185  
of this section to assess whether each student upon graduating 40186  
from high school is ready to enter college or the workforce. The 40187  
system shall replace the Ohio graduation tests prescribed in 40188  
division (B)(1) of section 3301.0710 of the Revised Code as a 40189  
measure of student academic performance and a prerequisite for 40190  
eligibility for a high school diploma in the manner prescribed by 40191  
rule of the state board adopted under division ~~(E)~~(D) of this 40192  
section. 40193

(B) The college and work ready assessment system shall 40194  
consist of the following: 40195

(1) A nationally standardized assessment that measures 40196  
competencies in science, mathematics, and English language arts 40197  
selected jointly by the state superintendent and the chancellor. 40198

(2) A series of end-of-course examinations in the areas of 40199  
science, mathematics, English language arts, and social studies 40200  
selected jointly by the state superintendent and the chancellor in 40201  
consultation with faculty in the appropriate subject areas at 40202  
institutions of higher education of the university system of Ohio. 40203

~~(3) A senior project completed by a student or a group of 40204  
students. The purpose of the senior project is to assess the 40205  
student's: 40206~~

~~(a) Mastery of core knowledge in a subject area chosen by the 40207  
student; 40208~~

~~(b) Written and verbal communication skills; 40209~~

<del>(c) Critical thinking and problem solving skills;</del>	40210
<del>(d) Real world and interdisciplinary learning;</del>	40211
<del>(e) Creative and innovative thinking;</del>	40212
<del>(f) Acquired technology, information, and media skills;</del>	40213
<del>(g) Personal management skills such as self direction, time management, work ethic, enthusiasm, and the desire to produce a high quality product.</del>	40214 40215 40216
<del>The state superintendent and the chancellor jointly shall develop standards for the senior project for students participating in dual enrollment programs.</del>	40217 40218 40219
<del>(C)(1) The state superintendent and the chancellor jointly shall designate the scoring rubrics and the required overall composite score for the assessment system to assess whether each student is college or work ready.</del>	40220 40221 40222 40223
<del>(2) Each senior project shall be judged by the student's high school in accordance with rubrics designated by the state superintendent and the chancellor.</del>	40224 40225 40226
<del>(D) Not later than thirty days after the state board adopts the model curricula required by division (B) of section 3301.079 of the Revised Code, the state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations and scoring rubrics prescribed by this section.</del>	40227 40228 40229 40230 40231 40232 40233 40234
<del>(E)(D) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following:</del>	40235 40236 40237
<del>(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board</del>	40238 40239

determines such a phase-in is warranted; 40240

(2) The date after which a person entering ninth grade shall 40241  
~~attain at least the composite score for~~ meet the requirements of 40242  
the entire assessment system as a prerequisite for a high school 40243  
diploma under ~~sections~~ section 3313.61, 3313.612, or 3325.08 of 40244  
the Revised Code; 40245

(3) The date after which a person shall ~~attain at least the~~ 40246  
~~composite score for~~ meet the requirements of the entire assessment 40247  
system as a prerequisite for a diploma of adult education under 40248  
section 3313.611 of the Revised Code; 40249

(4) Whether and the extent to which a person may be excused 40250  
from a social studies end-of-course examination under division (H) 40251  
of section 3313.61 and division (B)(2) of section 3313.612 of the 40252  
Revised Code; 40253

(5) The date after which a person who has fulfilled the 40254  
curriculum requirement for a diploma but has not passed one or 40255  
more of the required assessments at the time the person fulfilled 40256  
the curriculum requirement shall ~~attain at least the composite~~ 40257  
~~score for~~ meet the requirements of the entire assessment system as 40258  
a prerequisite for a high school diploma under division (B) of 40259  
section 3313.614 of the Revised Code; 40260

(6) The extent to which the assessment system applies to 40261  
students enrolled in a dropout recovery and prevention program for 40262  
purposes of division (F) of section 3313.603 and section 3314.36 40263  
of the Revised Code. 40264

No rule adopted under this division shall be effective 40265  
earlier than one year after the date the rule is filed in final 40266  
form pursuant to Chapter 119. of the Revised Code. 40267

~~(F)~~(E) Not later than forty-five days prior to the state 40268  
board's adoption of a resolution directing the department of 40269  
education to file the rules prescribed by division ~~(E)~~(D) of this 40270

section in final form under section 119.04 of the Revised Code, 40271  
the superintendent of public instruction shall present the 40272  
assessment system developed under this section to the respective 40273  
committees of the house of representatives and senate that 40274  
consider education legislation. 40275

**Sec. 3301.16.** Pursuant to standards prescribed by the state 40276  
board of education as provided in division (D) of section 3301.07 40277  
of the Revised Code, the state board shall classify and charter 40278  
school districts and individual schools within each district 40279  
except that no charter shall be granted to a nonpublic school 40280  
unless the school complies with section 3313.612 of the Revised 40281  
Code. 40282

In the course of considering the charter of a new school 40283  
district created under section 3311.26 or 3311.38 of the Revised 40284  
Code, the state board shall require the party proposing creation 40285  
of the district to submit to the board a map, certified by the 40286  
county auditor of the county in which the proposed new district is 40287  
located, showing the boundaries of the proposed new district. In 40288  
the case of a proposed new district located in more than one 40289  
county, the map shall be certified by the county auditor of each 40290  
county in which the proposed district is located. 40291

The state board shall revoke the charter of any school 40292  
district or school which fails to meet the standards for 40293  
elementary and high schools as prescribed by the board. The state 40294  
board shall also revoke the charter of any nonpublic school that 40295  
does not comply with section 3313.612 of the Revised Code. ~~The~~ 40296  
~~state board may revoke the charter of any school district that~~ 40297  
~~fails to meet the operating standards established under division~~ 40298  
~~(D)(3) of section 3301.07 of the Revised Code.~~ 40299

In the issuance and revocation of school district or school 40300  
charters, the state board shall be governed by the provisions of 40301

Chapter 119. of the Revised Code. 40302

No school district, or individual school operated by a school 40303  
district, shall operate without a charter issued by the state 40304  
board under this section. 40305

In case a school district charter is revoked pursuant to this 40306  
section, the state board may dissolve the school district and 40307  
transfer its territory to one or more adjacent districts. An 40308  
equitable division of the funds, property, and indebtedness of the 40309  
school district shall be made by the state board among the 40310  
receiving districts. The board of education of a receiving 40311  
district shall accept such territory pursuant to the order of the 40312  
state board. Prior to dissolving the school district, the state 40313  
board shall notify the appropriate educational service center 40314  
governing board and all adjacent school district boards of 40315  
education of its intention to do so. Boards so notified may make 40316  
recommendations to the state board regarding the proposed 40317  
dissolution and subsequent transfer of territory. Except as 40318  
provided in section 3301.161 of the Revised Code, the transfer 40319  
ordered by the state board shall become effective on the date 40320  
specified by the state board, but the date shall be at least 40321  
thirty days following the date of issuance of the order. 40322

A high school is one of higher grade than an elementary 40323  
school, in which instruction and training are given in accordance 40324  
with sections 3301.07 and 3313.60 of the Revised Code and which 40325  
also offers other subjects of study more advanced than those 40326  
taught in the elementary schools and such other subjects as may be 40327  
approved by the state board of education. 40328

An elementary school is one in which instruction and training 40329  
are given in accordance with sections 3301.07 and 3313.60 of the 40330  
Revised Code and which offers such other subjects as may be 40331  
approved by the state board of education. In districts wherein a 40332  
junior high school is maintained, the elementary schools in that 40333

district may be considered to include only the work of the first 40334  
six school years inclusive, plus the kindergarten year. 40335

~~A high school or an elementary school may consist of less 40336  
than one or more than one organizational unit, as defined in 40337  
sections 3306.02 and 3306.04 of the Revised Code. 40338~~

**Sec. 3301.162.** (A) If the governing authority of a chartered 40339  
nonpublic school intends to close the school, the governing 40340  
authority shall notify all of the following of that intent prior 40341  
to closing the school: 40342

(1) The department of education; 40343

(2) The school district that receives auxiliary services 40344  
funding under division ~~(I)~~(E) of section 3317.024 of the Revised 40345  
Code on behalf of the students enrolled in the school; 40346

(3) The accrediting association that most recently accredited 40347  
the school for purposes of chartering the school in accordance 40348  
with the rules of the state board of education, if applicable. 40349

The notice shall include the school year and, if possible, 40350  
the actual date the school will close. 40351

(B) The chief administrator of each chartered nonpublic 40352  
school that closes shall deposit the school's records with either: 40353

(1) The accrediting association that most recently accredited 40354  
the school for purposes of chartering the school in accordance 40355  
with the rules of the state board, if applicable; 40356

(2) The school district that received auxiliary services 40357  
funding under division ~~(I)~~(E) of section 3317.024 of the Revised 40358  
Code on behalf of the students enrolled in the school. 40359

The school district that receives the records may charge for 40360  
and receive a one-time reimbursement from auxiliary services 40361  
funding under division ~~(I)~~(E) of section 3317.024 of the Revised 40362



Code for costs the district incurred to store the records. 40363

**Sec. 3301.70.** (A) The state board of education is the 40364  
designated state agency responsible for the coordination and 40365  
administration of sections 110 to 118 of the "National and 40366  
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 40367  
12401 to 12431, as amended. With the assistance of the Ohio 40368  
~~community~~ commission on service council and volunteerism created 40369  
in section 121.40 of the Revised Code, the state board shall 40370  
coordinate with other state agencies to apply for funding under 40371  
the act when appropriate. 40372

(B) With the assistance of the Ohio ~~community~~ commission on 40373  
service council and volunteerism, the state board of education 40374  
shall develop a plan to assist school districts in the 40375  
implementation of section 3313.605 of the Revised Code and other 40376  
community service activities of school districts. The state board 40377  
shall encourage the development of school district programs 40378  
meeting the requirements for funding under the National and 40379  
Community Service Act of 1990. The plan shall include the 40380  
investigation of funding from all available sources for school 40381  
community service education programs, including funds available 40382  
under the National and Community Service Act of 1990, and the 40383  
provision of technical assistance to school districts for the 40384  
implementation of community service education programs. The plan 40385  
shall also provide for technical assistance to be given to school 40386  
boards to assist in obtaining funds for community service 40387  
education programs from any source. 40388

(C) With the assistance of the Ohio ~~community~~ commission on 40389  
service council and volunteerism, the state board of education 40390  
shall do all of the following: 40391

(1) Disseminate information about school district community 40392  
service education programs to other school districts and to 40393

statewide organizations involved with or promoting volunteerism; 40394

(2) Recruit additional school districts to develop community 40395  
service education programs; 40396

(3) Identify or develop model community service programs, 40397  
teacher training courses, and community service curricula and 40398  
teaching materials for possible use by school districts in their 40399  
programs. 40400

**Sec. 3302.02.** Not later than one year after the adoption of 40401  
rules under division ~~(E)~~(D) of section 3301.0712 of the Revised 40402  
Code and at least every sixth year thereafter, upon 40403  
recommendations of the superintendent of public instruction, the 40404  
state board of education shall establish performance indicators 40405  
for the report cards required by division (C) of section 3302.03 40406  
of the Revised Code. In establishing these indicators, the 40407  
superintendent shall consider inclusion of student performance on 40408  
assessments prescribed under section 3301.0710 or 3301.0712 of the 40409  
Revised Code, rates of student improvement on such assessments, 40410  
student attendance, the breadth of coursework available within the 40411  
district, and other indicators of student success. Not later than 40412  
December 31, 2011, the state board, upon recommendation of the 40413  
superintendent, shall establish a performance indicator reflecting 40414  
the level of services provided to, and the performance of, 40415  
students identified as gifted under Chapter 3324. of the Revised 40416  
Code. 40417

The superintendent shall inform the Ohio accountability task 40418  
force established under section 3302.021 of the Revised Code of 40419  
the performance indicators the superintendent establishes under 40420  
this section and the rationale for choosing each indicator and for 40421  
determining how a school district or building meets that 40422  
indicator. 40423

The superintendent shall not establish any performance 40424

indicator for passage of the third or fourth grade English 40425  
language arts assessment that is solely based on the assessment 40426  
given in the fall for the purpose of determining whether students 40427  
have met the reading guarantee provisions of section 3313.608 of 40428  
the Revised Code. 40429

**Sec. 3302.031.** In addition to the report cards required under 40430  
section 3302.03 of the Revised Code, the department of education 40431  
shall annually prepare the following reports for each school 40432  
district and make a copy of each report available to the 40433  
superintendent of each district: 40434

(A) A funding and expenditure accountability report which 40435  
shall consist of the amount of state aid payments the school 40436  
district will receive during the fiscal year under ~~Chapters 3306-~~ 40437  
~~and Chapter~~ 3317. of the Revised Code and any other fiscal data 40438  
the department determines is necessary to inform the public about 40439  
the financial status of the district; 40440

(B) A school safety and discipline report which shall consist 40441  
of statistical information regarding student safety and discipline 40442  
in each school building, including the number of suspensions and 40443  
expulsions disaggregated according to race and gender; 40444

(C) A student equity report which shall consist of at least a 40445  
description of the status of teacher qualifications, library and 40446  
media resources, textbooks, classroom materials and supplies, and 40447  
technology resources for each district. To the extent possible, 40448  
the information included in the report required under this 40449  
division shall be disaggregated according to grade level, race, 40450  
gender, disability, and scores attained on assessments required 40451  
under section 3301.0710 of the Revised Code. 40452

(D) A school enrollment report which shall consist of 40453  
information about the composition of classes within each district 40454  
by grade and subject disaggregated according to race, gender, and 40455

scores attained on assessments required under section 3301.0710 of the Revised Code; 40456  
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(E) A student retention report which shall consist of the number of students retained in their respective grade levels in the district disaggregated by grade level, subject area, race, gender, and disability; 40458  
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(F) A school district performance report which shall describe for the district and each building within the district the extent to which the district or building meets each of the applicable performance indicators established under section 3302.02 of the Revised Code, the number of performance indicators that have been achieved, and the performance index score. In calculating the rates of achievement on the performance indicators and the performance index scores for each report, the department shall exclude all students with disabilities. 40462  
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Sec. 3302.042. (A) The department of education annually shall rank all schools statewide that are operated by a city, exempted village, or local school district in order according to the schools' performance index scores. 40471  
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(B) This section shall operate as a pilot project that applies to any school that has been ranked in the lowest five per cent of performance index scores statewide for three or more consecutive school years and is operated by the Columbus city school district. 40475  
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(C) Except as provided in division (E) of this section, if the parents or guardians of at least fifty per cent of the students enrolled in a school to which this section applies, or if the parents or guardians of at least fifty per cent of the total number of students enrolled in that school and the schools of lower grade levels whose students typically matriculate into that school, sign and file with the school district treasurer a 40480  
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petition requesting the district board of education to implement 40487  
one of the following reforms in the school, and if the validity 40488  
and sufficiency of the petition is certified in accordance with 40489  
division (D) of this section, the board shall implement the 40490  
requested reform in the next school year: 40491

(1) Reopen the school as a community school under Chapter 40492  
3314. of the Revised Code; 40493

(2) Replace at least seventy per cent of the school's 40494  
personnel who are related to the school's poor academic 40495  
performance or, at the request of the petitioners, retain not more 40496  
than thirty per cent of the personnel; 40497

(3) Contract with another school district or a nonprofit or 40498  
for-profit entity with a demonstrated record of effectiveness to 40499  
operate the school; 40500

(4) Turn operation of the school over to the department; 40501

(5) Any other major restructuring of the school that makes 40502  
fundamental reforms in the school's staffing or governance. 40503

(D) Not later than thirty days after receipt of a petition 40504  
under division (C) of this section, the district treasurer shall 40505  
verify the validity and sufficiency of the signatures on the 40506  
petition and certify to the district board whether the petition 40507  
contains the necessary number of valid signatures to require the 40508  
board to implement the reform requested by the petitioners. If the 40509  
treasurer certifies to the district board that the petition does 40510  
not contain the necessary number of valid signatures, any person 40511  
who signed the petition may file an appeal with the county auditor 40512  
within ten days after the certification. Not later than thirty 40513  
days after the filing of an appeal, the county auditor shall 40514  
conduct an independent verification of the validity and 40515  
sufficiency of the signatures on the petition and certify to the 40516  
district board whether the petition contains the necessary number 40517

of valid signatures to require the board to implement the 40518  
requested reform. If the treasurer or county auditor certifies 40519  
that the petition contains the necessary number of valid 40520  
signatures, the district board shall notify the superintendent of 40521  
public instruction and the state board of education of the 40522  
certification. 40523

(E) The district board shall not implement the reform 40524  
requested by the petitioners in any of the following 40525  
circumstances: 40526

(1) The district board has determined that the request is for 40527  
reasons other than improving student academic achievement or 40528  
student safety. 40529

(2) The state superintendent has determined that 40530  
implementation of the requested reform would not comply with the 40531  
model of differentiated accountability described in section 40532  
3302.041 of the Revised Code. 40533

(3) The petitioners have requested the district board to 40534  
implement the reform described in division (C)(4) of this section 40535  
and the department has not agreed to take over the school's 40536  
operation. 40537

(4) When all of the following have occurred: 40538

(a) After a public hearing on the matter, the district board 40539  
issued a written statement explaining the reasons that it is 40540  
unable to implement the requested reform and agreeing to implement 40541  
one of the other reforms described in division (C) of this 40542  
section. 40543

(b) The district board submitted its written statement to the 40544  
state superintendent and the state board along with evidence 40545  
showing how the alternative reform the district board has agreed 40546  
to implement will enable the school to improve its academic 40547  
performance. 40548

(c) Both the state superintendent and the state board have 40549  
approved implementation of the alternative reform. 40550

(F) Beginning not later than six months after the first 40551  
petition under this section has been resolved, the department of 40552  
education shall annually evaluate the pilot program and submit a 40553  
report to the general assembly under section 101.68 of the Revised 40554  
Code. Such reports shall contain its recommendations to the 40555  
general assembly with respect to the continuation of the pilot 40556  
program, its expansion to other school districts, or the enactment 40557  
of further legislation establishing the program statewide under 40558  
permanent law. 40559

**Sec. 3302.05.** The state board of education shall adopt rules 40560  
freeing school districts declared to be excellent under division 40561  
(B)(1) or effective under division (B)(2) of section 3302.03 of 40562  
the Revised Code from specified state mandates. Any mandates 40563  
included in the rules shall be only those statutes or rules 40564  
pertaining to state education requirements. The rules shall not 40565  
exempt districts ~~from any standard or requirement of section~~ 40566  
~~3306.09 of the Revised Code or~~ from any operating standard adopted 40567  
under division (D)(3) of section 3301.07 or from the requirements 40568  
of sections 3317.141, 3319.08, 3319.111, or 3319.17 of the Revised 40569  
Code. 40570

**Sec. 3302.06.** (A) Any school operated by a city, exempted 40571  
village, or local school district may apply to the district board 40572  
of education to be designated as an innovation school. Each 40573  
application shall include an innovation plan that contains the 40574  
following: 40575

(1) A statement of the school's mission and an explanation of 40576  
how the designation would enhance the school's ability to fulfill 40577  
its mission; 40578

<u>(2) A description of the innovations the school would</u>	40579
<u>implement;</u>	40580
<u>(3) An explanation of how implementation of the innovations</u>	40581
<u>described in division (A)(2) of this section would affect the</u>	40582
<u>school's programs and policies, including any of the following</u>	40583
<u>that apply:</u>	40584
<u>(a) The school's educational program;</u>	40585
<u>(b) The length of the school day and the school year;</u>	40586
<u>(c) The school's student promotion policy;</u>	40587
<u>(d) The school's plan for the assessment of students;</u>	40588
<u>(e) The school's budget;</u>	40589
<u>(f) The school's staffing levels.</u>	40590
<u>(4) A description of the improvements in student academic</u>	40591
<u>performance that the school expects to achieve by implementing the</u>	40592
<u>innovations described in division (A)(2) of this section;</u>	40593
<u>(5) An estimate of the cost savings and increased</u>	40594
<u>efficiencies, if any, that the school expects to achieve by</u>	40595
<u>implementing the innovations described in division (A)(2) of this</u>	40596
<u>section;</u>	40597
<u>(6) A description of any laws in Title XXXIII of the Revised</u>	40598
<u>Code, rules adopted by the state board of education, or</u>	40599
<u>requirements enacted by the district board that would need to be</u>	40600
<u>waived to implement the innovations described in division (A)(2)</u>	40601
<u>of this section;</u>	40602
<u>(7) A description of any provisions of a collective</u>	40603
<u>bargaining agreement covering personnel of the school that would</u>	40604
<u>need to be waived to implement the innovations described in</u>	40605
<u>division (A)(2) of this section;</u>	40606
<u>(8) Evidence that a majority of the administrators assigned</u>	40607



to the school and a majority of the teachers assigned to the 40608  
school consent to seeking the designation and a statement of the 40609  
level of support for seeking the designation demonstrated by other 40610  
staff working in the school, students enrolled in the school and 40611  
their parents, and members of the community in which the school is 40612  
located. 40613

(B) Two or more schools that are operated by the district may 40614  
apply to the district board to be designated as an innovation 40615  
school zone, if the schools share common interests based on 40616  
factors such as geographical proximity or similar educational 40617  
programs or if the schools serve the same classes of students as 40618  
they advance to higher grade levels. Each application shall 40619  
include an innovation plan that contains the information 40620  
prescribed by divisions (A)(1) to (8) of this section for each 40621  
participating school and the following additional information: 40622

(1) A description of how innovations in the participating 40623  
schools would be integrated to achieve results that would be less 40624  
likely to be achieved by each participating school alone; 40625

(2) An estimate of any economies of scale that would be 40626  
realized by implementing innovations jointly. 40627

**Sec. 3302.061.** (A) A school district board of education shall 40628  
review each application received under section 3302.06 of the 40629  
Revised Code and, within sixty days after receipt of the 40630  
application, shall approve or disapprove the application. In 40631  
reviewing applications, the board shall give preference to 40632  
applications that propose innovations in one or more of the 40633  
following areas: 40634

(1) Curriculum; 40635

(2) Student assessments, other than the assessments 40636  
prescribed by sections 3301.0710 and 3301.0712 of the Revised 40637

<u>Code;</u>	40638
<u>(3) Class scheduling;</u>	40639
<u>(4) Accountability measures, including innovations that</u>	40640
<u>expand the number and variety of measures used in order to collect</u>	40641
<u>more complete data about student academic performance. For this</u>	40642
<u>purpose, schools may consider use of measures such as</u>	40643
<u>end-of-course examinations, portfolios of student work, nationally</u>	40644
<u>or internationally normed assessments, the percentage of students</u>	40645
<u>enrolling in post-secondary education, or the percentage of</u>	40646
<u>students simultaneously obtaining a high school diploma and an</u>	40647
<u>associate's degree or certification to work in an industry or</u>	40648
<u>career field.</u>	40649
<u>(5) Provision of student services, including services for</u>	40650
<u>students who are disabled, identified as gifted under Chapter</u>	40651
<u>3324. of the Revised Code, limited English proficient, at risk of</u>	40652
<u>academic failure or dropping out, or at risk of suspension or</u>	40653
<u>expulsion;</u>	40654
<u>(6) Provision of health, counseling, or other social services</u>	40655
<u>to students;</u>	40656
<u>(7) Preparation of students for transition to higher</u>	40657
<u>education or the workforce;</u>	40658
<u>(8) Teacher recruitment, employment, and evaluation;</u>	40659
<u>(9) Compensation for school personnel;</u>	40660
<u>(10) Professional development;</u>	40661
<u>(11) School governance and the roles and responsibilities of</u>	40662
<u>principals;</u>	40663
<u>(12) Use of financial or other resources.</u>	40664
<u>(B)(1) If the board approves an application seeking</u>	40665
<u>designation as an innovation school, it shall so designate the</u>	40666
<u>school that submitted the application. If the board approves an</u>	40667

application seeking designation as an innovation school zone, it shall so designate the participating schools that submitted the application. 40668  
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(2) If the board disapproves an application, it shall provide a written explanation of the basis for its decision to the school or schools that submitted the application. The school or schools may reapply for designation as an innovation school or innovation school zone at any time. 40671  
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(C) The board may approve an application that allows an innovation school or a school participating in an innovation school zone to determine the compensation of board employees working in the school, but the total compensation for all such employees shall not exceed the financial resources allocated to the school by the board. The school shall not be required to comply with the salary schedule adopted by the board under section 3317.14 or 3317.141 of the Revised Code. The board may approve an application that allows an innovation school or a school participating in an innovation school zone to remove board employees from the school, but no employee shall be terminated except as provided in section 3319.081 or 3319.16 of the Revised Code. 40676  
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(D) The board may do either of the following at any time: 40689

(1) Designate a school as an innovation school by creating an innovation plan for that school and offering the school an opportunity to participate in the plan's creation; 40690  
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(2) Designate as an innovation school zone two or more schools that share common interests based on factors such as geographical proximity or similar educational programs or that serve the same classes of students as they advance to higher grade levels, by creating an innovation plan for those schools and offering the schools an opportunity to participate in the plan's 40693  
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creation. 40699

Sec. 3302.062. (A) If a school district board of education 40700  
approves an application under division (B)(1) of section 3302.061 40701  
of the Revised Code or designates an innovation school or 40702  
innovation school zone under division (D) of that section, the 40703  
district board shall apply to the state board of education for 40704  
designation as a school district of innovation by submitting to 40705  
the state board the innovation plan included in the approved 40706  
application or created by the district board. 40707

Within sixty days after receipt of the application, the state 40708  
board shall designate the district as a school district of 40709  
innovation, unless the state board determines that the submitted 40710  
innovation plan is not financially feasible or will likely result 40711  
in decreased academic achievement. If the state board so 40712  
determines, it shall provide a written explanation of the basis 40713  
for its determination to the district board. If the district is 40714  
not designated as a school district of innovation, the district 40715  
board shall not implement the innovation plan. However, the 40716  
district board may reapply for designation as a school district of 40717  
innovation at any time. 40718

(B) A district board may request the state board to make a 40719  
preliminary review of an innovation plan prior to the district 40720  
board's formal application for designation as a school district of 40721  
innovation. In that case, the state board shall review the 40722  
innovation plan and, within sixty days after the request, 40723  
recommend to the district board any changes or additions that the 40724  
state board believes will improve the plan, which may include 40725  
further innovations or measures to increase the likelihood that 40726  
the innovations will result in higher academic achievement. The 40727  
district board may revise the innovation plan prior to making 40728  
formal application for designation as a school district of 40729

innovation. 40730

Sec. 3302.063. (A) Except as provided in division (B) of this 40731  
section, upon designation of a school district of innovation under 40732  
section 3302.062 of the Revised Code, the state board of education 40733  
shall waive any laws in Title XXXIII of the Revised Code or rules 40734  
adopted by the state board that are specified in the innovation 40735  
plan submitted by the district board of education as needing to be 40736  
waived to implement the plan. The waiver shall apply only to the 40737  
school or schools participating in the innovation plan and shall 40738  
not apply to the district as a whole, unless each of the 40739  
district's schools is a participating school. The waiver shall 40740  
cease to apply to a school if the school's designation as an 40741  
innovation school is revoked or the innovation school zone in 40742  
which the school participates has its designation revoked under 40743  
section 3302.065 of the Revised Code, or if the school is removed 40744  
from an innovation school zone under that section or section 40745  
3302.064 of the Revised Code. 40746

(B) The state board shall not waive any law or rule regarding 40747  
the following: 40748

(1) Funding for school districts under Chapter 3317. of the 40749  
Revised Code; 40750

(2) The requirements of Chapters 3323. and 3324. of the 40751  
Revised Code for the provision of services to students with 40752  
disabilities and gifted students; 40753

(3) Requirements related to the provision of career-technical 40754  
education that are necessary to comply with federal law or 40755  
maintenance of effort provisions; 40756

(4) Administration of the assessments prescribed by sections 40757  
3301.0710, 3301.0712, and 3301.0715 of the Revised Code; 40758

(5) Requirements related to the issuance of report cards and 40759

the assignment of performance ratings under section 3302.03 of the Revised Code; 40760  
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(6) Implementation of the model of differentiated accountability under section 3302.041 of the Revised Code; 40762  
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(7) Requirements for the reporting of data to the department of education; 40764  
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(8) Criminal records checks of school employees; 40766

(9) The requirements of Chapters 3307. and 3309. regarding the retirement systems for teachers and school employees. 40767  
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(C) If a district board's revisions to an innovation plan under section 3302.066 of the Revised Code require a waiver of additional laws or state board rules, the state board shall grant a waiver from those laws or rules upon evidence that administrators and teachers have consented to the revisions as required by that section. 40769  
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**Sec. 3302.064.** (A) Each collective bargaining agreement entered into by a school district board of education under Chapter 4117. of the Revised Code on or after the effective date of this section shall allow for the waiver of any provision of the agreement specified in the innovation plan approved or created under section 3302.061 of the Revised Code as needing to be waived to implement the plan, in the event the district is designated as a school district of innovation. 40775  
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(B)(1) In the case of an innovation school, waiver of the provisions specified in the innovation plan shall be contingent upon at least sixty per cent of the members of the bargaining unit covered by the collective bargaining agreement who work in the school voting, by secret ballot, to approve the waiver. 40783  
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(2) In the case of an innovation school zone, waiver of the provisions specified in the innovation plan shall be contingent 40788  
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upon, in each participating school, at least sixty per cent of the 40790  
members of the bargaining unit covered by the collective 40791  
bargaining agreement who work in that school voting, by secret 40792  
ballot, to approve the waiver. If at least sixty per cent of the 40793  
members of the bargaining unit in a participating school do not 40794  
vote to approve the waiver, the board may revise the innovation 40795  
plan to remove that school from the innovation school zone. 40796

(3) If a board's revisions to an innovation plan under 40797  
section 3302.066 of the Revised Code require a waiver of 40798  
additional provisions of the collective bargaining agreement, that 40799  
waiver shall be contingent upon approval under division (B)(1) or 40800  
(2) of this section in the same manner as the initial waiver. 40801

(C) A waiver approved under division (B) of this section 40802  
shall continue to apply relative to any substantially similar 40803  
provision of a collective bargaining agreement entered into after 40804  
the approval of the waiver. 40805

(D) A waiver approved under division (B) of this section 40806  
shall cease to apply to a school if the school's designation as an 40807  
innovation school is revoked or the innovation school zone in 40808  
which the school participates has its designation revoked under 40809  
section 3302.065 of the Revised Code, or if the school is removed 40810  
from an innovation school zone under that section. 40811

(E) An employee working in an innovation school or a school 40812  
participating in an innovation school zone who is a member of a 40813  
bargaining unit that approves a waiver under division (B) of this 40814  
section may request the board to transfer the employee to another 40815  
school operated by the district. The board shall make every 40816  
reasonable effort to accommodate the employee's request. 40817

**Sec. 3302.065.** Not later than three years after obtaining 40818  
designation as a school district of innovation under section 40819  
3302.062 of the Revised Code, and every three years thereafter, 40820

the district board of education shall review the performance of 40821  
the innovation school or innovation school zone and determine if 40822  
it is achieving, or making sufficient progress toward achieving, 40823  
the improvements in student academic performance that were 40824  
described in its innovation plan. If the board finds that an 40825  
innovation school is not achieving, or not making sufficient 40826  
progress toward achieving, those improvements in student academic 40827  
performance, the board may revoke the designation as an innovation 40828  
school. If the board finds that a school participating in an 40829  
innovation school zone is not achieving, or not making sufficient 40830  
progress toward achieving, those improvements in student academic 40831  
performance, the board may remove that school from the innovation 40832  
school zone or may revoke the designation of all participating 40833  
schools as an innovation school zone. 40834

**Sec. 3302.066.** A school district board of education may 40835  
revise an innovation plan approved or created under section 40836  
3302.061 of the Revised Code, in collaboration with the school or 40837  
schools participating in the plan, to further improve student 40838  
academic performance. The revisions may include identifying 40839  
additional laws in Title XXXIII of the Revised Code, rules adopted 40840  
by the state board of education, requirements enacted by the 40841  
district board, or provisions of a collective bargaining agreement 40842  
that need to be waived. Any revisions to an innovation plan shall 40843  
require the consent, in each school participating in the plan, of 40844  
a majority of the administrators assigned to that school and a 40845  
majority of the teachers assigned to that school. 40846

**Sec. 3302.067.** The board of education of any district 40847  
designated as a school district of innovation or any school 40848  
participating in an innovation plan may accept, receive, and 40849  
expend gifts, grants, or donations from any public or private 40850



entity to support the implementation of the plan. 40851

Sec. 3302.068. Not later than the first day of July each 40852  
year, the department of education shall issue, and post on its web 40853  
site, a report on school districts of innovation. The report shall 40854  
include the following information: 40855

(A) The number of districts designated as school districts of 40856  
innovation in the preceding school year and the total number of 40857  
school districts of innovation statewide; 40858

(B) The number of innovation schools in each school district 40859  
of innovation and the number of district students served by the 40860  
schools, expressed as a total number and as a percentage of the 40861  
district's total student population; 40862

(C) The number of innovation school zones in each school 40863  
district of innovation, the number of schools participating in 40864  
each zone, and the number of district students served by the 40865  
participating schools, expressed as a total number and as a 40866  
percentage of the district's total student population; 40867

(D) An overview of the innovations implemented in innovation 40868  
schools and innovation school zones; 40869

(E) Data on the academic performance of the students enrolled 40870  
in an innovation school or an innovation school zone in each 40871  
school district of innovation, including a comparison of the 40872  
students' academic performance before and after the district's 40873  
designation as a school district of innovation; 40874

(F) Recommendations for legislative changes based on the 40875  
innovations implemented or to enhance the ability of schools and 40876  
districts to implement innovations. 40877

Sec. 3302.07. (A) The board of education of any school 40878  
district, the governing board of any educational service center, 40879

or the administrative authority of any chartered nonpublic school 40880  
may submit to the state board of education an application 40881  
proposing an innovative education pilot program the implementation 40882  
of which requires exemptions from specific statutory provisions or 40883  
rules. If a district or service center board employs teachers 40884  
under a collective bargaining agreement adopted pursuant to 40885  
Chapter 4117. of the Revised Code, any application submitted under 40886  
this division shall include the written consent of the teachers' 40887  
employee representative designated under division (B) of section 40888  
4117.04 of the Revised Code. The exemptions requested in the 40889  
application shall be limited to any requirement of Title XXXVIII of 40890  
the Revised Code or of any rule of the state board adopted 40891  
pursuant to that title except that the application may not propose 40892  
an exemption from any requirement of or rule adopted pursuant to 40893  
~~section 3306.09~~, Chapter 3307. or 3309., sections 3319.07 to 40894  
3319.21, or Chapter 3323. of the Revised Code. Furthermore, an 40895  
exemption from any operating standard adopted under division 40896  
(B)(2) or (D)~~(3)~~ of section 3301.07 of the Revised Code shall be 40897  
granted only pursuant to a waiver granted by the superintendent of 40898  
public instruction under division (O) of that section. 40899

(B) The state board of education shall accept any application 40900  
submitted in accordance with division (A) of this section. The 40901  
superintendent of public instruction shall approve or disapprove 40902  
the application in accordance with standards for approval, which 40903  
shall be adopted by the state board. 40904

(C) The superintendent of public instruction shall exempt 40905  
each district or service center board or chartered nonpublic 40906  
school administrative authority with an application approved under 40907  
division (B) of this section for a specified period from the 40908  
statutory provisions or rules specified in the approved 40909  
application. The period of exemption shall not exceed the period 40910  
during which the pilot program proposed in the application is 40911

being implemented and a reasonable period to allow for evaluation 40912  
of the effectiveness of the program. 40913

Sec. 3302.12. (A) Not later than the first day of September 40914  
each year, the superintendent of public instruction shall rank all 40915  
school buildings operated by a school district statewide from 40916  
highest to lowest according to the buildings' performance index 40917  
scores. For school buildings to which the performance index score 40918  
does not apply, the superintendent shall develop another measure 40919  
of student academic performance and use that measure to include 40920  
those buildings in the ranking so that all district-operated 40921  
buildings may be reliably compared to each other. 40922

(B) For any school building that is ranked in the lowest five 40923  
per cent of all district-operated buildings statewide for three 40924  
consecutive years and is declared to be under an academic watch or 40925  
in a state of academic emergency under section 3302.03 of the 40926  
Revised Code, the district board of education shall do one of the 40927  
following at the conclusion of the school year in which the 40928  
building first becomes subject to this division: 40929

(1) Close the school and direct the district superintendent 40930  
to reassign the students enrolled in the school to other school 40931  
buildings that demonstrate higher academic achievement; 40932

(2) Contract with another school district or a nonprofit or 40933  
for-profit entity with a demonstrated record of effectiveness to 40934  
operate the school; 40935

(3) Replace the principal and all teaching staff of the 40936  
school and, upon request from the new principal, exempt the school 40937  
from all requested policies and regulations of the board regarding 40938  
curriculum and instruction. The board also shall distribute 40939  
funding to the school in an amount that is at least equal to the 40940  
product of the per pupil amount of all revenues received by the 40941  
district multiplied by the student population of the school. 40942

(4) Reopen the school as a conversion community school under Chapter 3314. of the Revised Code. 40943  
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(C) If an action taken by the board under division (B) of this section causes the district to no longer maintain all grades kindergarten through twelve, as required by section 3311.29 of the Revised Code, the board shall enter into a contract with another school district pursuant to section 3327.04 of the Revised Code for enrollment of students in the schools of that other district to the extent necessary to comply with the requirement of section 3311.29 of the Revised Code. Notwithstanding any provision of the Revised Code to the contrary, if the board enters into and maintains a contract under section 3327.04 of the Revised Code, the district shall not be considered to have failed to comply with the requirement of section 3311.29 of the Revised Code. If, however, the district board fails to or is unable to enter into or maintain such a contract, the state board of education shall take all necessary actions to dissolve the district as provided in division (A) of section 3311.29 of the Revised Code. 40945  
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**Sec. 3302.20.** (A) The department of education shall develop standards for determining, from the existing data reported in accordance with sections 3301.0714 and 3314.17 of the Revised Code, the amount of annual operating expenditures for classroom instructional purposes and for nonclassroom purposes for each city, exempted village, local, and joint vocational school district, each community school established under Chapter 3314. that is not an internet- or computer-based community school, each internet- or computer-based community school, and each STEM school established under Chapter 3326. of the Revised Code. Not later than January 1, 2012, the department shall present those standards to the state board of education for consideration. In developing the standards, the department shall adapt existing standards used by professional organizations, research organizations, and other 40961  
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state governments. 40975

The state board shall consider the proposed standards and 40976  
adopt a final set of standards not later than July 1, 2012. 40977

(B)(1) The department shall categorize all city, exempted 40978  
village, and local school districts into not less than three nor 40979  
more than five groups based primarily on average daily student 40980  
enrollment as reported on the most recent report card issued for 40981  
each district under section 3302.03 of the Revised Code. 40982

(2) The department shall categorize all joint vocational 40983  
school districts into not less than three nor more than five 40984  
groups based primarily on average daily membership as reported 40985  
under division (D) of section 3317.03 of the Revised Code rounded 40986  
to the nearest whole number. 40987

(3) The department shall categorize all community schools 40988  
that are not internet- or computer-based community schools into 40989  
not less than three nor more than five groups based primarily on 40990  
average daily student enrollment as reported on the most recent 40991  
report card issued for each community school under sections 40992  
3302.03 and 3314.012 of the Revised Code. 40993

(4) The department shall categorize all internet- or 40994  
computer-based community schools into a single category. 40995

(5) The department shall categorize all STEM schools into a 40996  
single category. 40997

(C) Using the standards adopted under division (A) of this 40998  
section and the data reported under sections 3301.0714 and 3314.17 40999  
of the Revised Code, the department shall compute, for fiscal 41000  
years 2008 through 2012, and annually for each fiscal year 41001  
thereafter, the following: 41002

(1) The percentage of each district's, community school's, or 41003  
STEM school's total operating budget spent for classroom 41004

<u>instructional purposes;</u>	41005
<u>(2) The statewide average percentage for all districts,</u>	41006
<u>community schools, and STEM schools combined spent for classroom</u>	41007
<u>instructional purposes;</u>	41008
<u>(3) The average percentage for each of the categories of</u>	41009
<u>districts and schools established under division (B) of this</u>	41010
<u>section spent for classroom instructional purposes;</u>	41011
<u>(4) The ranking of each district, community school, or STEM</u>	41012
<u>school within its respective category established under division</u>	41013
<u>(B) of this section according to the following:</u>	41014
<u>(a) From highest to lowest percentage spent for classroom</u>	41015
<u>instructional purposes;</u>	41016
<u>(b) From lowest to highest percentage spent for</u>	41017
<u>noninstructional purposes.</u>	41018
<u>(D) In its display of rankings within each category under</u>	41019
<u>division (C)(4) of this section, the department shall make the</u>	41020
<u>following notations:</u>	41021
<u>(1) Within each category of city, exempted village, and local</u>	41022
<u>school districts, the department shall denote each district that</u>	41023
<u>is:</u>	41024
<u>(a) Among the twenty per cent of all city, exempted village,</u>	41025
<u>and local school districts statewide with the lowest total</u>	41026
<u>operating expenditures per pupil;</u>	41027
<u>(b) Among the twenty per cent of all city, exempted village,</u>	41028
<u>and local school districts statewide with the highest performance</u>	41029
<u>index scores.</u>	41030
<u>(2) Within each category of joint vocational school</u>	41031
<u>districts, the department shall denote each district that is:</u>	41032
<u>(a) Among the twenty per cent of all joint vocational school</u>	41033
<u>districts statewide with the lowest total operating expenditures</u>	41034

per pupil; 41035

(b) Among the twenty per cent of all joint vocational school districts statewide with the highest performance measures required for career-technical education under 20 U.S.C. 2323, as ranked under division (A)(3) of section 3302.21 of the Revised Code. 41036  
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(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is: 41040  
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(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil; 41043  
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(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores. 41045  
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(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is: 41047  
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(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil; 41050  
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(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores. 41052  
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(5) Within the category of STEM schools, the department shall denote each school that is: 41054  
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(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditures per pupil; 41056  
41057

(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores. 41058  
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(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 of the Revised Code the 41060  
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respective information computed for the district or school under divisions (C)(1) and (4) of this section, the statewide information computed under division (C)(2) of this section, and the information computed for the district's or school's category under division (C)(3) of this section. 41065  
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(F) As used in this section, "internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 41070  
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**Sec. 3302.21.** (A) The department of education shall develop a system to rank order all city, exempted village, local, and joint vocational school districts, community schools established under Chapter 3314., and STEM schools established under Chapter 3326. of the Revised Code according to the following measures: 41073  
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(1) Performance index score; 41078

(2) Student performance growth from year to year, using the value-added progress dimension, if applicable, and other measures of student performance growth designated by the superintendent of public instruction for subjects and grades not covered by the value-added progress dimension; 41079  
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(3) Performance measures required for career-technical education under 20 U.S.C. 2323, if applicable. If a school district is a "VEPD" or "lead district" as those terms are defined in section 3317.023 of the Revised Code, the district's ranking shall be based on the performance of career-technical students from that district and all other districts served by that district, and such fact, including the identity of the other districts served by that district, shall be noted on the report required by division (B) of this section. 41084  
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(4) Current operating expenditures per pupil; 41093

(5) Of total current operating expenditures, percentage spent 41094



for classroom instruction as determined under standards adopted by 41095  
the state board of education. 41096

The department shall rank each district, community school, 41097  
and STEM school annually in accordance with the system developed 41098  
under this section. 41099

(B) In addition to the reports required by sections 3302.03 41100  
and 3302.031 of the Revised Code, the department shall issue an 41101  
annual report for each city, exempted village, local, and joint 41102  
vocational school district, each community school, and each STEM 41103  
school indicating the district's or school's rank on each measure 41104  
described in divisions (A)(1) to (5) of this section. 41105

**Sec. 3302.22.** (A) The governor's effective and efficient 41106  
schools recognition program is hereby created. Each year, the 41107  
governor shall recognize, in a manner deemed appropriate by the 41108  
governor, the top ten per cent of all public and chartered 41109  
nonpublic schools in this state. Public schools shall include 41110  
schools operated by city, exempted village, local, or joint 41111  
vocational school districts, community schools established under 41112  
Chapter 3314. of the Revised Code, and STEM schools established 41113  
under Chapter 3326. of the Revised Code. 41114

(B) The top ten per cent of schools shall be determined by 41115  
the department of education according to standards established by 41116  
the department. The standards shall include, but need not be 41117  
limited to, both of the following: 41118

(1) Student performance, as determined by factors including, 41119  
but not limited to, performance indicators under section 3302.02 41120  
of the Revised Code, report cards issued under section 3302.03 of 41121  
the Revised Code, and any other statewide or national assessment 41122  
or student performance recognition program the department selects; 41123

(2) Fiscal performance, including cost-effective measures 41124

taken by the school. 41125

Sec. 3302.23. The teacher incentive payment program is hereby 41126  
established. Under the program, the department of education shall 41127  
pay to eligible classroom teachers an annual stipend of fifty 41128  
dollars for each of the teachers' students in classes that have 41129  
achieved more than a standard year of academic growth, as defined 41130  
in the rules adopted under section 3302.021 of the Ohio Revised 41131  
Code, in one or more eligible subject areas taught by the 41132  
teachers, as measured by the value-added progress dimension. The 41133  
program applies only to teachers who teach in city, exempted 41134  
village, local, and joint vocational school districts, community 41135  
schools established under Chapter 3314. of the Revised Code, or 41136  
STEM schools established under Chapter 3326. of the Revised Code 41137  
in subject areas and grade levels for which value-added data is 41138  
available under the value-added progress dimension, as determined 41139  
by the department. 41140

If a student attains more than a standard year of academic 41141  
growth in more than one eligible subject area, the fifty-dollar 41142  
stipend attributable to that student shall be divided among the 41143  
teachers who taught those subjects. If more than one teacher is 41144  
responsible to teach a particular student in one eligible subject 41145  
area, such as in a team-teaching arrangement, and that student 41146  
attains more than a standard year of academic growth in that 41147  
subject area, the portion of the stipend attributable to that 41148  
student for that subject area shall be divided among the teachers 41149  
who taught that student in that subject area. 41150

The first stipends paid under this section shall be based on 41151  
student performance for the 2011-2012 school year as computed for 41152  
the school district and school report cards issued by the 41153  
department in 2012. 41154

The department shall pay the stipend to each eligible teacher 41155

as soon as possible after determining the teacher's eligibility. 41156

The state board of education, in consultation with the 41157  
governor's office, shall adopt rules for the implementation of 41158  
this section. 41159

**Sec. 3302.24.** The teacher incentive payment program fund is 41160  
hereby established in the state treasury. The fund shall consist 41161  
of moneys appropriated by the general assembly specifically for 41162  
the payment of stipends under the teacher incentive payment 41163  
program established under section 3302.23 of the Revised Code. The 41164  
department of education shall use moneys in the fund for that 41165  
purpose. 41166

**Sec. 3302.25.** (A) In accordance with standards prescribed by 41167  
the state board of education for categorization of school district 41168  
expenditures adopted under division (A) of section 3302.20 of the 41169  
Revised Code, the department of education annually shall determine 41170  
all of the following for the previous fiscal year: 41171

(1) For each school district, the ratio of the district's 41172  
operating expenditures for instructional purposes compared to its 41173  
operating expenditures for administrative purposes; 41174

(2) For each school district, the per pupil amount of the 41175  
district's expenditures for instructional purposes; 41176

(3) For each school district, the per pupil amount of the 41177  
district's operating expenditures for administrative purposes; 41178

(4) For each school district, the percentage of the 41179  
district's operating expenditures attributable to school district 41180  
funds; 41181

(5) The statewide average among all school districts for each 41182  
of the items described in divisions (A)(1) to (4) of this section. 41183

(B) The department annually shall submit a report to each 41184

school district indicating the district's information for each of 41185  
the items described in divisions (A)(1) to (4) of this section and 41186  
the statewide averages described in division (A)(5) of this 41187  
section. 41188

(C) Each school district, upon receipt of the report 41189  
prescribed by division (B) of this section, shall publish the 41190  
information contained in that report in a prominent location on 41191  
the district's web site and publish the report in another fashion 41192  
so that it is available to all parents of students enrolled in the 41193  
district and to taxpayers of the district. 41194

**Sec. 3302.30.** (A) The superintendent of public instruction 41195  
shall establish a pilot project in Columbiana county under which 41196  
one or more school districts in that county shall offer a 41197  
multiple-track high school curriculum for students with differing 41198  
career plans. The superintendent shall solicit and select 41199  
districts to participate in the pilot project. Selected districts 41200  
shall begin offering their career track curricula not later than 41201  
the school year that begins at least six months after the 41202  
effective date of this section. No district shall be required to 41203  
participate in the pilot project. 41204

The curricula provided under the pilot project at each 41205  
participating district shall offer at least three distinct career 41206  
tracks, including at least a college preparatory track and a 41207  
career-technical track. Each track shall comply with the 41208  
curriculum requirements of section 3313.603 of the Revised Code. 41209  
The different tracks may be offered at different campuses. Two or 41210  
more participating districts may offer some or all of their 41211  
respective curriculum tracks through a cooperative agreement 41212  
entered into under section 3313.842 of the Revised Code. 41213

The department of education shall provide technical 41214  
assistance to participating districts in developing the curriculum 41215

tracks to offer to students under the pilot project. 41216

Part or all of selected curriculum materials or services may 41217

be purchased from other public or private sources. 41218

The state superintendent shall apply for private and other 41219

nonstate funds, and may use other available state funds, to 41220

support the pilot project. 41221

(B) Each participating school district shall report to the 41222

state superintendent data about the operation and results of the 41223

pilot project, as required by the superintendent. 41224

(C) Not later than the thirty-first day of December of the 41225

third school year in which the pilot project is operating, the 41226

state superintendent shall submit a report to the general 41227

assembly, in accordance with section 101.68 of the Revised Code, 41228

containing the superintendent's evaluation of the results of the 41229

pilot project and legislative recommendations whether to continue, 41230

expand, or make changes to the pilot project. 41231

**Sec. 3304.181.** If the total of all funds available from 41232

nonfederal sources to support the activities of the rehabilitation 41233

services commission does not comply with the expenditure 41234

requirements of 34 C.F.R. 361.60 and 361.62 for those activities 41235

or would cause the state to lose an allotment or fail to receive a 41236

reallotment under 34 C.F.R. 361.65, the commission shall solicit 41237

additional funds from, and enter into agreements for the use of 41238

those funds with, private or public entities, including local 41239

government entities of this state. The commission shall continue 41240

to solicit additional funds and enter into agreements until the 41241

total funding available is sufficient for the commission to 41242

receive federal funds at the maximum amount and in the most 41243

advantageous proportion possible. 41244

Any agreement entered into between the commission and a 41245

private or public entity to provide funds under this section shall 41246  
be in accordance with 34 C.F.R. 361.28 and section 3304.182 of the 41247  
Revised Code. 41248

**Sec. 3304.182.** Any agreement between the rehabilitation 41249  
services commission and a private or public entity providing funds 41250  
under section 3304.181 of the Revised Code may permit the 41251  
commission to receive a specified percentage of the funds ~~for~~ 41252  
~~administration~~, but the percentage shall be not more than thirteen 41253  
per cent of the total funds available under the agreement. The 41254  
agreement shall not be for less than six months or be discontinued 41255  
by the commission without the commission first providing three 41256  
months notice of intent to discontinue the agreement. The 41257  
commission may terminate an agreement only for good cause. 41258

Any services provided under an agreement entered into under 41259  
section 3304.181 of the Revised Code shall be provided by a person 41260  
or government entity that meets the accreditation standards 41261  
established in rules adopted by the commission under section 41262  
3304.16 of the Revised Code. 41263

**Sec. 3307.20.** (A) As used in this section: 41264

(1) "Personal history record" means information maintained by 41265  
the state teachers retirement board on an individual who is a 41266  
member, former member, contributor, former contributor, retirant, 41267  
or beneficiary that includes the address, telephone number, social 41268  
security number, record of contributions, correspondence with the 41269  
state teachers retirement system, or other information the board 41270  
determines to be confidential. 41271

(2) "Retirant" has the same meaning as in section 3307.50 of 41272  
the Revised Code. 41273

(B) The records of the board shall be open to public 41274  
inspection, except for the following, which shall be excluded, 41275

except with the written authorization of the individual concerned:	41276
(1) The individual's personal records provided for in section 3307.23 of the Revised Code;	41277 41278
(2) The individual's personal history record;	41279
(3) Any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual.	41280 41281
(C) All medical reports and recommendations under sections 3307.62, 3307.64, and 3307.66 of the Revised Code are privileged, except that copies of such medical reports or recommendations shall be made available to the personal physician, attorney, or authorized agent of the individual concerned upon written release received from the individual or the individual's agent, or, when necessary for the proper administration of the fund, to the board assigned physician.	41282 41283 41284 41285 41286 41287 41288 41289
(D) Any person who is a member or contributor of the system shall be furnished, on written request, with a statement of the amount to the credit of the person's account. The board need not answer more than one request of a person in any one year.	41290 41291 41292 41293
(E) Notwithstanding the exceptions to public inspection in division (B) of this section, the board may furnish the following information:	41294 41295 41296
(1) If a member, former member, retirant, contributor, or former contributor is subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) or (B) of section 2929.192 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record.	41297 41298 41299 41300 41301 41302 41303 41304 41305

(2) Pursuant to a court or administrative order issued under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section.

(3) At the written request of any person, the board shall provide to the person a list of the names and addresses of members, former members, retirants, contributors, former contributors, or beneficiaries. The costs of compiling, copying, and mailing the list shall be paid by such person.

(4) Within fourteen days after receiving from the director of job and family services a list of the names and social security numbers of recipients of public assistance pursuant to section 5101.181 of the Revised Code, the board shall inform the auditor of state of the name, current or most recent employer address, and social security number of each member whose name and social security number are the same as that of a person whose name or social security number was submitted by the director. The board and its employees shall, except for purposes of furnishing the auditor of state with information required by this section, preserve the confidentiality of recipients of public assistance in compliance with ~~division (A)~~ of section 5101.181 of the Revised Code.

(5) The system shall comply with orders issued under section 3105.87 of the Revised Code.

On the written request of an alternate payee, as defined in section 3105.80 of the Revised Code, the system shall furnish to the alternate payee information on the amount and status of any amounts payable to the alternate payee under an order issued under section 3105.171 or 3105.65 of the Revised Code.

(6) At the request of any person, the board shall make available to the person copies of all documents, including



resumes, in the board's possession regarding filling a vacancy of 41337  
a contributing member or retired teacher member of the board. The 41338  
person who made the request shall pay the cost of compiling, 41339  
copying, and mailing the documents. The information described in 41340  
this division is a public record. 41341

(F) A statement that contains information obtained from the 41342  
system's records that is signed by an officer of the retirement 41343  
system and to which the system's official seal is affixed, or 41344  
copies of the system's records to which the signature and seal are 41345  
attached, shall be received as true copies of the system's records 41346  
in any court or before any officer of this state. 41347

**Sec. 3307.31.** (A) Payments by boards of education and 41348  
governing authorities of community schools to the state teachers 41349  
retirement system, as provided in sections 3307.29 and 3307.291 of 41350  
the Revised Code, shall be made from the amount allocated under 41351  
section 3314.08, ~~Chapter 3306.~~, or Chapter 3317. of the Revised 41352  
Code prior to its distribution to the individual school districts 41353  
or community schools. The amount due from each school district or 41354  
community school shall be certified by the secretary of the system 41355  
to the superintendent of public instruction monthly, or at such 41356  
times as may be determined by the state teachers retirement board. 41357

The superintendent shall deduct, from the amount allocated to 41358  
each district or community school under section 3314.08, ~~Chapter~~ 41359  
~~3306.~~, or Chapter 3317. of the Revised Code, the entire amounts 41360  
due to the system from such district or school upon the 41361  
certification to the superintendent by the secretary thereof. 41362

The superintendent shall certify to the director of budget 41363  
and management the amounts thus due the system for payment. 41364

(B) Payments to the state teachers retirement system by a 41365  
science, technology, engineering, and mathematics school shall be 41366  
deducted from the amount allocated under section 3326.33 of the 41367

Revised Code and shall be made in the same manner as payments by 41368  
boards of education under this section. 41369

**Sec. 3307.64.** A disability benefit recipient, notwithstanding 41370  
section 3319.13 of the Revised Code, shall retain membership in 41371  
the state teachers retirement system and shall be considered on 41372  
leave of absence during the first five years following the 41373  
effective date of a disability benefit. 41374

The state teachers retirement board shall require any 41375  
disability benefit recipient to submit to an annual medical 41376  
examination by a physician selected by the board, except that the 41377  
board may waive the medical examination if the board's physician 41378  
certifies that the recipient's disability is ongoing. If a 41379  
disability benefit recipient refuses to submit to a medical 41380  
examination, the recipient's disability benefit shall be suspended 41381  
until the recipient withdraws the refusal. If the refusal 41382  
continues for one year, all the recipient's rights under and to 41383  
the disability benefit shall be terminated as of the effective 41384  
date of the original suspension. 41385

After the examination, the examiner shall report and certify 41386  
to the board whether the disability benefit recipient is no longer 41387  
physically and mentally incapable of resuming the service from 41388  
which the recipient was found disabled. If the board concurs in a 41389  
report by the examining physician that the disability benefit 41390  
recipient is no longer incapable, the payment of a disability 41391  
benefit shall be terminated not later than the following 41392  
thirty-first day of August or upon employment as a teacher prior 41393  
thereto. If the leave of absence has not expired, the board shall 41394  
so certify to the disability benefit recipient's last employer 41395  
before being found disabled that the recipient is no longer 41396  
physically and mentally incapable of resuming service that is the 41397  
same or similar to that from which the recipient was found 41398

disabled. If the recipient was under contract at the time the 41399  
recipient was found disabled, the employer by the first day of the 41400  
next succeeding year shall restore the recipient to the 41401  
recipient's previous position and salary or to a position and 41402  
salary similar thereto, unless the recipient was dismissed or 41403  
resigned in lieu of dismissal for dishonesty, misfeasance, 41404  
malfeasance, or conviction of a felony. 41405

A disability benefit shall terminate if the disability 41406  
benefit recipient becomes employed as a teacher in any public or 41407  
private school or institution in this state or elsewhere. An 41408  
individual receiving a disability benefit from the system shall be 41409  
ineligible for any employment as a teacher and it shall be 41410  
unlawful for any employer to employ the individual as a teacher. 41411  
If any employer should employ or reemploy the individual prior to 41412  
the termination of a disability benefit, the employer shall file 41413  
notice of employment with the board designating the date of the 41414  
employment. If the individual should be paid both a disability 41415  
benefit and also compensation for teaching service for all or any 41416  
part of the same month, the secretary of the board shall certify 41417  
to the employer or to the superintendent of public instruction the 41418  
amount of the disability benefit received by the individual during 41419  
the employment, which amount shall be deducted from any amount due 41420  
the employing district under ~~Chapters 3306.~~ and Chapter 3317. of 41421  
the Revised Code or shall be paid by the employer to the annuity 41422  
and pension reserve fund. 41423

Each disability benefit recipient shall file with the board 41424  
an annual statement of earnings, current medical information on 41425  
the recipient's condition, and any other information required in 41426  
rules adopted by the board. The board may waive the requirement 41427  
that a disability benefit recipient file an annual statement of 41428  
earnings or current medical information if the board's physician 41429  
certifies that the recipient's disability is ongoing. 41430

The board shall annually examine the information submitted by the recipient. If a disability benefit recipient refuses to file the statement or information, the disability benefit shall be suspended until the statement and information are filed. If the refusal continues for one year, the recipient's right to the disability benefit shall be terminated as of the effective date of the original suspension.

A disability benefit also may be terminated by the board at the request of the disability benefit recipient.

If disability retirement under section 3307.63 of the Revised Code is terminated for any reason, the annuity and pension reserves at that time in the annuity and pension reserve fund shall be transferred to the teachers' savings fund and the employers' trust fund, respectively. If the total disability benefit paid was less than the amount of the accumulated contributions of the member transferred to the annuity and pension reserve fund at the time of the member's disability retirement, then the difference shall be transferred from the annuity and pension reserve fund to another fund as required. In determining the amount of a member's account following the termination of disability retirement for any reason, the total amount paid shall be charged against the member's refundable account.

If a disability allowance paid under section 3307.631 of the Revised Code is terminated for any reason, the reserve on the allowance at that time in the annuity and pension reserve fund shall be transferred from that fund to the employers' trust fund.

If a former disability benefit recipient again becomes a contributor, other than as an other system retirant under section 3307.35 of the Revised Code, to this retirement system, the school employees retirement system, or the public employees retirement system, and completes at least two additional years of service credit, the former disability benefit recipient shall receive

credit for the period as a disability benefit recipient. 41463

**Sec. 3309.22.** (A)(1) As used in this division, "personal 41464  
history record" means information maintained by the board on an 41465  
individual who is a member, former member, contributor, former 41466  
contributor, retirant, or beneficiary that includes the address, 41467  
telephone number, social security number, record of contributions, 41468  
correspondence with the system, and other information the board 41469  
determines to be confidential. 41470

(2) The records of the board shall be open to public 41471  
inspection, except for the following, which shall be excluded, 41472  
except with the written authorization of the individual concerned: 41473

(a) The individual's statement of previous service and other 41474  
information as provided for in section 3309.28 of the Revised 41475  
Code; 41476

(b) Any information identifying by name and address the 41477  
amount of a monthly allowance or benefit paid to the individual; 41478

(c) The individual's personal history record. 41479

(B) All medical reports and recommendations required by the 41480  
system are privileged except that copies of such medical reports 41481  
or recommendations shall be made available to the personal 41482  
physician, attorney, or authorized agent of the individual 41483  
concerned upon written release received from the individual or the 41484  
individual's agent, or when necessary for the proper 41485  
administration of the fund, to the board assigned physician. 41486

(C) Any person who is a contributor of the system shall be 41487  
furnished, on written request, with a statement of the amount to 41488  
the credit of the person's account. The board need not answer more 41489  
than one such request of a person in any one year. 41490

(D) Notwithstanding the exceptions to public inspection in 41491  
division (A)(2) of this section, the board may furnish the 41492

following information: 41493

(1) If a member, former member, contributor, former 41494  
contributor, or retirant is subject to an order issued under 41495  
section 2907.15 of the Revised Code or an order issued under 41496  
division (A) or (B) of section 2929.192 of the Revised Code or is 41497  
convicted of or pleads guilty to a violation of section 2921.41 of 41498  
the Revised Code, on written request of a prosecutor as defined in 41499  
section 2935.01 of the Revised Code, the board shall furnish to 41500  
the prosecutor the information requested from the individual's 41501  
personal history record. 41502

(2) Pursuant to a court or administrative order issued under 41503  
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 41504  
Revised Code, the board shall furnish to a court or child support 41505  
enforcement agency the information required under that section. 41506

(3) At the written request of any person, the board shall 41507  
provide to the person a list of the names and addresses of 41508  
members, former members, retirants, contributors, former 41509  
contributors, or beneficiaries. The costs of compiling, copying, 41510  
and mailing the list shall be paid by such person. 41511

(4) Within fourteen days after receiving from the director of 41512  
job and family services a list of the names and social security 41513  
numbers of recipients of public assistance pursuant to section 41514  
5101.181 of the Revised Code, the board shall inform the auditor 41515  
of state of the name, current or most recent employer address, and 41516  
social security number of each contributor whose name and social 41517  
security number are the same as that of a person whose name or 41518  
social security number was submitted by the director. The board 41519  
and its employees shall, except for purposes of furnishing the 41520  
auditor of state with information required by this section, 41521  
preserve the confidentiality of recipients of public assistance in 41522  
compliance with ~~division (A) of~~ section 5101.181 of the Revised 41523  
Code. 41524

(5) The system shall comply with orders issued under section 41525  
3105.87 of the Revised Code. 41526

On the written request of an alternate payee, as defined in 41527  
section 3105.80 of the Revised Code, the system shall furnish to 41528  
the alternate payee information on the amount and status of any 41529  
amounts payable to the alternate payee under an order issued under 41530  
section 3105.171 or 3105.65 of the Revised Code. 41531

(6) At the request of any person, the board shall make 41532  
available to the person copies of all documents, including 41533  
resumes, in the board's possession regarding filling a vacancy of 41534  
an employee member or retirant member of the board. The person who 41535  
made the request shall pay the cost of compiling, copying, and 41536  
mailing the documents. The information described in this division 41537  
is a public record. 41538

(E) A statement that contains information obtained from the 41539  
system's records that is signed by an officer of the retirement 41540  
system and to which the system's official seal is affixed, or 41541  
copies of the system's records to which the signature and seal are 41542  
attached, shall be received as true copies of the system's records 41543  
in any court or before any officer of this state. 41544

**Sec. 3309.41.** (A) A disability benefit recipient shall retain 41545  
membership status and shall be considered on leave of absence from 41546  
employment during the first five years following the effective 41547  
date of a disability benefit, notwithstanding any contrary 41548  
provisions in Chapter 124. or 3319. of the Revised Code. 41549

(B) The school employees retirement board shall require a 41550  
disability benefit recipient to undergo an annual medical 41551  
examination, except that the board may waive the medical 41552  
examination if the board's physician or physicians certify that 41553  
the recipient's disability is ongoing. Should any disability 41554  
benefit recipient refuse to submit to a medical examination, the 41555

recipient's disability benefit shall be suspended until withdrawal 41556  
of the refusal. Should the refusal continue for one year, all the 41557  
recipient's rights in and to the disability benefit shall be 41558  
terminated as of the effective date of the original suspension. 41559

(C) On completion of the examination by an examining 41560  
physician or physicians selected by the board, the physician or 41561  
physicians shall report and certify to the board whether the 41562  
disability benefit recipient is no longer physically and mentally 41563  
incapable of resuming the service from which the recipient was 41564  
found disabled. If the board concurs in the report that the 41565  
disability benefit recipient is no longer incapable, the payment 41566  
of the disability benefit shall be terminated not later than three 41567  
months after the date of the board's concurrence or upon 41568  
employment as an employee. If the leave of absence has not 41569  
expired, the retirement board shall certify to the disability 41570  
benefit recipient's last employer before being found disabled that 41571  
the recipient is no longer physically and mentally incapable of 41572  
resuming service that is the same or similar to that from which 41573  
the recipient was found disabled. The employer shall restore the 41574  
recipient to the recipient's previous position and salary or to a 41575  
position and salary similar thereto not later than the first day 41576  
of the first month following termination of the disability 41577  
benefit, unless the recipient was dismissed or resigned in lieu of 41578  
dismissal for dishonesty, misfeasance, malfeasance, or conviction 41579  
of a felony. 41580

(D) Each disability benefit recipient shall file with the 41581  
board an annual statement of earnings, current medical information 41582  
on the recipient's condition, and any other information required 41583  
in rules adopted by the board. The board may waive the requirement 41584  
that a disability benefit recipient file an annual statement of 41585  
earnings or current medical information on the recipient's 41586  
condition if the board's physician or physicians certify that the 41587



recipient's disability is ongoing. 41588

The board shall annually examine the information submitted by 41589  
the recipient. If a disability benefit recipient refuses to file 41590  
the statement or information, the disability benefit shall be 41591  
suspended until the statement and information are filed. If the 41592  
refusal continues for one year, the recipient's right to the 41593  
disability benefit shall be terminated as of the effective date of 41594  
the original suspension. 41595

(E) If a disability benefit recipient is employed by an 41596  
employer covered by this chapter, the recipient's disability 41597  
benefit shall cease. 41598

(F) If disability retirement under section 3309.40 of the 41599  
Revised Code is terminated for any reason, the annuity and pension 41600  
reserves at that time in the annuity and pension reserve fund 41601  
shall be transferred to the employees' savings fund and the 41602  
employers' trust fund, respectively. If the total disability 41603  
benefit paid is less than the amount of the accumulated 41604  
contributions of the member transferred into the annuity and 41605  
pension reserve fund at the time of the member's disability 41606  
retirement, the difference shall be transferred from the annuity 41607  
and pension reserve fund to another fund as may be required. In 41608  
determining the amount of a member's account following the 41609  
termination of disability retirement for any reason, the amount 41610  
paid shall be charged against the member's refundable account. 41611

If a disability allowance paid under section 3309.401 of the 41612  
Revised Code is terminated for any reason, the reserve on the 41613  
allowance at that time in the annuity and pension reserve fund 41614  
shall be transferred from that fund to the employers' trust fund. 41615

The board may terminate a disability benefit at the request 41616  
of the recipient. 41617

(G) If a disability benefit is terminated and a former 41618

disability benefit recipient again becomes a contributor, other 41619  
than as an other system retirant as defined in section 3309.341 of 41620  
the Revised Code, to this system, the public employees retirement 41621  
system, or the state teachers retirement system, and completes an 41622  
additional two years of service credit after the termination of 41623  
the disability benefit, the former disability benefit recipient 41624  
shall be entitled to full service credit for the period as a 41625  
disability benefit recipient. 41626

(H) If any employer employs any member who is receiving a 41627  
disability benefit, the employer shall file notice of employment 41628  
with the retirement board, designating the date of employment. In 41629  
case the notice is not filed, the total amount of the benefit paid 41630  
during the period of employment prior to notice shall be paid from 41631  
amounts allocated under ~~Chapters 3306.~~ and Chapter 3317. of the 41632  
Revised Code prior to its distribution to the school district in 41633  
which the disability benefit recipient was so employed. 41634

**Sec. 3309.48.** Any employee who left the service of an 41635  
employer after attaining age sixty-five or over and such employer 41636  
had failed or refused to deduct and transmit to the school 41637  
employees retirement system the employee contributions as required 41638  
by section 3309.47 of the Revised Code during any year for which 41639  
membership was compulsory as determined by the school employees 41640  
retirement board, shall be granted service credit without cost, 41641  
which shall be considered as total service credit for the purposes 41642  
of meeting the qualifications for service retirement provided by 41643  
the law in effect on and retroactive to the first eligible 41644  
retirement date following the date such employment terminated, but 41645  
shall not be paid until formal application for such allowance on a 41646  
form provided by the retirement board is received in the office of 41647  
the retirement system. The total service credit granted under this 41648  
section shall not exceed ten years for any such employee. 41649

The liability incurred by the retirement board because of the 41650  
service credit granted under this section shall be determined by 41651  
the retirement board, the cost of which shall be equal to an 41652  
amount that is determined by applying the combined employee and 41653  
employer rates of contribution against the compensation of such 41654  
employee at the rates of contribution and maximum salary 41655  
provisions in effect during such employment for each year for 41656  
which credit is granted, together with interest at the rate to be 41657  
credited accumulated contributions at retirement, compounded 41658  
annually from the first day of the month payment was due the 41659  
retirement system to and including the month of deposit, the total 41660  
amount of which shall be collected from the employer. Such amounts 41661  
shall be certified by the retirement board to the superintendent 41662  
of public instruction, who shall deduct the amount due the system 41663  
from any funds due the affected school district under ~~Chapters~~ 41664  
~~3306.~~ and Chapter 3317. of the Revised Code. The superintendent 41665  
shall certify to the director of budget and management the amount 41666  
due the system for payment. The total amount paid shall be 41667  
deposited into the employers' trust fund, and shall not be 41668  
considered as accumulated contributions of the employee in the 41669  
event of the employee's death or withdrawal of funds. 41670

**Sec. 3309.51.** (A) Each employer shall pay annually into the 41671  
employers' trust fund, in such monthly or less frequent 41672  
installments as the school employees retirement board requires, an 41673  
amount certified by the school employees retirement board, which 41674  
shall be as required by Chapter 3309. of the Revised Code. 41675

Payments by school district boards of education to the 41676  
employers' trust fund of the school employees retirement system 41677  
may be made from the amounts allocated under ~~Chapters 3306.~~ and 41678  
Chapter 3317. of the Revised Code prior to their distribution to 41679  
the individual school districts. The amount due from each school 41680  
district may be certified by the secretary of the system to the 41681

superintendent of public instruction monthly, or at such times as 41682  
is determined by the school employees retirement board. 41683

Payments by governing authorities of community schools to the 41684  
employers' trust fund of the school employees retirement system 41685  
shall be made from the amounts allocated under section 3314.08 of 41686  
the Revised Code prior to their distribution to the individual 41687  
community schools. The amount due from each community school shall 41688  
be certified by the secretary of the system to the superintendent 41689  
of public instruction monthly, or at such times as determined by 41690  
the school employees retirement board. 41691

Payments by a science, technology, engineering, and 41692  
mathematics school to the employers' trust fund of the school 41693  
employees retirement system shall be made from the amounts 41694  
allocated under section 3326.33 of the Revised Code prior to their 41695  
distribution to the school. The amount due from a science, 41696  
technology, engineering, and mathematics school shall be certified 41697  
by the secretary of the school employees retirement system to the 41698  
superintendent of public instruction monthly, or at such times as 41699  
determined by the school employees retirement board. 41700

(B) The superintendent shall deduct from the amount allocated 41701  
to each community school under section 3314.08 of the Revised 41702  
Code, to each school district under ~~Chapters 3306.~~ and Chapter 41703  
3317. of the Revised Code, or to each science, technology, 41704  
engineering, and mathematics school under section 3326.33 of the 41705  
Revised Code the entire amounts due to the school employees 41706  
retirement system from such school or school district upon the 41707  
certification to the superintendent by the secretary thereof. 41708

(C) Where an employer fails or has failed or refuses to make 41709  
payments to the employers' trust fund, as provided for under 41710  
Chapter 3309. of the Revised Code, the secretary of the school 41711  
employees retirement system may certify to the state 41712  
superintendent of public instruction, monthly or at such times as 41713

is determined by the school employees retirement board, the amount 41714  
due from such employer, and the superintendent shall deduct from 41715  
the amount allocated to the employer under section 3314.08 or 41716  
3326.33 or Chapter ~~3306.~~ or 3317. of the Revised Code, as 41717  
applicable, the entire amounts due to the system from the employer 41718  
upon the certification to the superintendent by the secretary of 41719  
the school employees retirement system. 41720

(D) The superintendent shall certify to the director of 41721  
budget and management the amounts thus due the system for payment. 41722

**Sec. 3310.02.** (A) The educational choice scholarship pilot 41723  
program is hereby established. Under the program, the department 41724  
of education annually shall pay scholarships to attend chartered 41725  
nonpublic schools in accordance with section 3310.08 of the 41726  
Revised Code for up to ~~fourteen thousand~~ the following number of 41727  
eligible students: 41728

(1) Thirty thousand in the 2011-2012 school year; 41729

(2) Sixty thousand in the 2012-2013 school year and 41730  
thereafter. ~~¶¶~~ 41731

(B) If the number of students who apply for a scholarship 41732  
exceeds ~~fourteen thousand~~ the number of scholarships available 41733  
under division (A) of this section for the applicable school year, 41734  
the department shall award scholarships in the following order of 41735  
priority: 41736

~~(A)~~(1) First, to eligible students who received scholarships 41737  
in the prior school year; 41738

~~(B)~~(2) Second, to eligible students with family incomes at or 41739  
below two hundred per cent of the federal poverty guidelines, as 41740  
defined in section 5101.46 of the Revised Code, who qualify under 41741  
division (A) of section 3310.03 of the Revised Code. If the number 41742  
of students described in ~~this~~ division (B)(2) of this section who 41743

apply for a scholarship exceeds the number of available 41744  
scholarships after awards are made under division ~~(A)~~(B)(1) of 41745  
this section, the department shall select students described in 41746  
~~this~~ division (B)(2) of this section by lot to receive any 41747  
remaining scholarships. 41748

~~(C)~~(3) Third, to other eligible students who qualify under 41749  
division (A) of section 3310.03 of the Revised Code. If the number 41750  
of students described in ~~this~~ division (B)(3) of this section who 41751  
apply for a scholarship exceeds the number of available 41752  
scholarships after awards are made under divisions ~~(A)~~(B)(1) and 41753  
~~(B)~~(2) of this section, the department shall select students 41754  
described in ~~this~~ division (B)(3) of this section by lot to 41755  
receive any remaining scholarships. 41756

(4) Fourth, to eligible students with family incomes at or 41757  
below two hundred per cent of the federal poverty guidelines who 41758  
qualify under division (B) of section 3310.03 of the Revised Code. 41759  
If the number of students described in division (B)(4) of this 41760  
section who apply for a scholarship exceeds the number of 41761  
available scholarships after awards are made under divisions 41762  
(B)(1) to (3) of this section, the department shall select 41763  
students described in division (B)(4) of this section by lot to 41764  
receive any remaining scholarships. 41765

(5) Fifth, to other eligible students who qualify under 41766  
division (B) of section 3310.03 of the Revised Code. If the number 41767  
of students described in division (B)(5) of this section who apply 41768  
for a scholarship exceeds the number of available scholarships 41769  
after awards are made under divisions (B)(1) to (4) of this 41770  
section, the department shall select students described in 41771  
division (B)(5) of this section by lot to receive any remaining 41772  
scholarships. 41773

**Sec. 3310.03.** ~~(A)~~ A student is an "eligible student" for 41774

purposes of the educational choice scholarship pilot program if 41775  
the student's resident district is not a school district in which 41776  
the pilot project scholarship program is operating under sections 41777  
3313.974 to 3313.979 of the Revised Code and the student satisfies 41778  
one of the ~~following~~ conditions in division (A) or (B) of this 41779  
section: 41780

(A)(1) The student is enrolled in a school building that is 41781  
operated by the student's resident district and to which both of 41782  
the following apply: 41783

(a) The building was declared, in at least two of the three 41784  
most recent ratings of school buildings published prior to the 41785  
first day of July of the school year for which a scholarship is 41786  
sought, to be in a state of academic emergency or academic watch 41787  
under section 3302.03 of the Revised Code; 41788

(b) The building was not declared to be excellent or 41789  
effective under that section in the most recent rating published 41790  
prior to the first day of July of the school year for which a 41791  
scholarship is sought. 41792

(2) The student is eligible to enroll in kindergarten in the 41793  
school year for which a scholarship is sought and otherwise would 41794  
be assigned under section 3319.01 of the Revised Code to a school 41795  
building described in division (A)(1) of this section. 41796

(3) The student is enrolled in a community school established 41797  
under Chapter 3314. of the Revised Code but otherwise would be 41798  
assigned under section 3319.01 of the Revised Code to a building 41799  
described in division (A)(1) of this section. 41800

(4) The student is enrolled in a school building that is 41801  
operated by the student's resident district or in a community 41802  
school established under Chapter 3314. of the Revised Code and 41803  
otherwise would be assigned under section 3319.01 of the Revised 41804

Code to a school building described in division (A)(1) of this 41805  
section in the school year for which the scholarship is sought. 41806

(5) The student is eligible to enroll in kindergarten in the 41807  
school year for which a scholarship is sought, or is enrolled in a 41808  
community school established under Chapter 3314. of the Revised 41809  
Code, and all of the following apply to the student's resident 41810  
district: 41811

(a) The district has in force an intradistrict open 41812  
enrollment policy under which no student in kindergarten or the 41813  
community school student's grade level, respectively, is 41814  
automatically assigned to a particular school building; 41815

(b) In at least two of the three most recent ratings of 41816  
school districts published prior to the first day of July of the 41817  
school year for which a scholarship is sought, the district was 41818  
declared to be in a state of academic emergency under section 41819  
3302.03 of the Revised Code; 41820

(c) The district was not declared to be excellent or 41821  
effective under that section in the most recent rating published 41822  
prior to the first day of July of the school year for which a 41823  
scholarship is sought. 41824

(B)(1) The student is enrolled in a school building that is 41825  
operated by the student's resident district and to which both of 41826  
the following apply: 41827

(a) The building was ranked, in at least two of the three 41828  
most recent ratings of school buildings published prior to the 41829  
first day of July of the school year for which a scholarship is 41830  
sought, in the lowest ten per cent of school buildings according 41831  
to performance index score reported under section 3302.03 of the 41832  
Revised Code. 41833

(b) The building was not declared to be excellent or 41834  
effective under that section in the most recent rating published 41835



prior to the first day of July of the school year for which a scholarship is sought. 41836  
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(2) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (B)(1) of this section. 41838  
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(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (B)(1) of this section. 41842  
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(4) The student is enrolled in a school building that is operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (B)(1) of this section in the school year for which the scholarship is sought. 41846  
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(C) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply: 41852  
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(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1) or ~~(6)~~(B)(1) of this section; 41857  
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(2) The student takes each assessment prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school; 41861  
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(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, 41864  
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not including excused absences. 41867

~~(C)~~(D)(1) The department shall cease awarding first-time 41868  
scholarships pursuant to divisions (A)(1) to (4) of this section 41869  
with respect to a school building that, in the most recent ratings 41870  
of school buildings published under section 3302.03 of the Revised 41871  
Code prior to the first day of July of the school year, ceases to 41872  
meet the criteria in division (A)(1) of this section. The 41873  
department shall cease awarding first-time scholarships pursuant 41874  
to division (A)(5) of this section with respect to a school 41875  
district that, in the most recent ratings of school districts 41876  
published under section 3302.03 of the Revised Code prior to the 41877  
first day of July of the school year, ceases to meet the criteria 41878  
in division (A)(5) of this section. ~~However~~ 41879

(2) The department shall cease awarding first-time 41880  
scholarships pursuant to divisions (B)(1) to (4) of this section 41881  
with respect to a school building that, in the most recent ratings 41882  
of school buildings under section 3302.03 of the Revised Code 41883  
prior to the first day of July of the school year, ceases to meet 41884  
the criteria in division (B)(1) of this section. 41885

(3) However, students who have received scholarships in the 41886  
prior school year remain eligible students pursuant to division 41887  
~~(B)~~(C) of this section. 41888

~~(D)~~(E) The state board of education shall adopt rules 41889  
defining excused absences for purposes of division ~~(B)~~(C)(3) of 41890  
this section. 41891

**Sec. 3310.05.** A scholarship under the educational choice 41892  
scholarship pilot program is not available for any student whose 41893  
resident district is a school district in which the pilot project 41894  
scholarship program is operating under sections 3313.974 to 41895  
3313.979 of the Revised Code. The two pilot programs are separate 41896  
and distinct. ~~The general assembly has prescribed separate 41897~~

~~scholarship amounts for the two pilot programs in recognition of~~ 41898  
~~their, with~~ differing eligibility criteria. The pilot project 41899  
scholarship program operating under sections 3313.974 to 3313.979 41900  
of the Revised Code is a district-wide program that may award 41901  
scholarships to students who do not attend district schools that 41902  
face academic challenges, whereas the educational choice 41903  
scholarship pilot program established under sections 3310.01 to 41904  
3310.17 of the Revised Code is limited to students of individual 41905  
district school buildings that face academic challenges. 41906

**Sec. 3310.08.** (A) The amount paid for an eligible student 41907  
under the educational choice scholarship pilot program shall be 41908  
the lesser of the tuition of the chartered nonpublic school in 41909  
which the student is enrolled or the maximum amount prescribed in 41910  
section 3310.09 of the Revised Code. 41911

(B)(1) The department shall pay to the parent of each 41912  
eligible student for whom a scholarship is awarded under the 41913  
program, or to the student if at least eighteen years of age, 41914  
periodic partial payments of the scholarship. 41915

(2) The department shall proportionately reduce or terminate 41916  
the payments for any student who withdraws from a chartered 41917  
nonpublic school prior to the end of the school year. 41918

(C)(1) The department shall deduct ~~five thousand two hundred~~ 41919  
~~dollars~~ from the payments made to each school district under 41920  
~~Chapters 3306. and Chapter 3317.,~~ and, if necessary, sections 41921  
321.24 and 323.156 of the Revised Code, the amount paid under 41922  
division (B) of this section for each eligible student awarded a 41923  
scholarship under the ~~educational choice scholarship pilot~~ program 41924  
who is entitled under section 3313.64 or 3313.65 of the Revised 41925  
Code to attend school in the district. 41926

~~The amount deducted under division (C)(1) of this section~~ 41927

~~funds scholarships for students under both the educational choice 41928  
scholarship pilot program and the pilot project scholarship 41929  
program under sections 3313.974 to 3313.979 of the Revised Code. 41930~~

(2) If the department reduces or terminates payments to a 41931  
parent or a student, as prescribed in division (B)(2) of this 41932  
section, and the student enrolls in the schools of the student's 41933  
resident district or in a community school, established under 41934  
Chapter 3314. of the Revised Code, before the end of the school 41935  
year, the department shall proportionally restore to the resident 41936  
district the amount deducted for that student under division 41937  
(C)(1) of this section. 41938

~~(D) In the case of any school district from which a deduction 41939  
is made under division (C) of this section, the department shall 41940  
disclose on the district's SF 3 form, or any successor to that 41941  
form used to calculate a district's state funding for operating 41942  
expenses, a comparison of the following: 41943~~

~~(1) The district's state share of the adequacy amount 41944  
payment, as calculated under section 3306.13 of the Revised Code 41945  
with the scholarship students included in the district's formula 41946  
ADM; 41947~~

~~(2) What the district's state share of the adequacy amount 41948  
payment would have been, as calculated under that section if the 41949  
scholarship students were not included in the district's formula 41950  
ADM. 41951~~

~~This comparison shall display both the aggregate difference 41952  
between the amounts described in divisions (D)(1) and (2) of this 41953  
section, and the quotient of that aggregate difference divided by 41954  
the number of eligible students for whom deductions are made under 41955  
division (C) of this section. 41956~~

**Sec. 3310.41.** (A) As used in this section: 41957

(1) "Alternative public provider" means either of the 41958  
following providers that agrees to enroll a child in the 41959  
provider's special education program to implement the child's 41960  
individualized education program and to which the child's parent 41961  
owes fees for the services provided to the child: 41962

(a) A school district that is not the school district in 41963  
which the child is entitled to attend school; 41964

(b) A public entity other than a school district. 41965

(2) "Entitled to attend school" means entitled to attend 41966  
school in a school district under section 3313.64 or 3313.65 of 41967  
the Revised Code. 41968

(3) "Formula ADM" and "category six special education ADM" 41969  
have the same meanings as in section 3317.02 of the Revised Code. 41970

(4) "Preschool child with a disability" and "individualized 41971  
education program" have the same meanings as in section 3323.01 of 41972  
the Revised Code. 41973

(5) "Parent" has the same meaning as in section 3313.64 of 41974  
the Revised Code, except that "parent" does not mean a parent 41975  
whose custodial rights have been terminated. 41976

(6) "Preschool scholarship ADM" means the number of preschool 41977  
children with disabilities reported under division (B)(3)(h) of 41978  
section 3317.03 of the Revised Code. 41979

(7) "Qualified special education child" is a child for whom 41980  
all of the following conditions apply: 41981

(a) The school district in which the child is entitled to 41982  
attend school has identified the child as autistic. A child who 41983  
has been identified as having a "pervasive developmental disorder 41984  
- not otherwise specified (PPD-NOS)" shall be considered to be an 41985  
autistic child for purposes of this section. 41986

(b) The school district in which the child is entitled to 41987

attend school has developed an individualized education program 41988  
under Chapter 3323. of the Revised Code for the child. 41989

(c) The child either: 41990

(i) Was enrolled in the school district in which the child is 41991  
entitled to attend school in any grade from preschool through 41992  
twelve in the school year prior to the year in which a scholarship 41993  
under this section is first sought for the child; or 41994

(ii) Is eligible to enter school in any grade preschool 41995  
through twelve in the school district in which the child is 41996  
entitled to attend school in the school year in which a 41997  
scholarship under this section is first sought for the child. 41998

(8) "Registered private provider" means a nonpublic school or 41999  
other nonpublic entity that has been approved by the department of 42000  
education to participate in the program established under this 42001  
section. 42002

(9) "Special education program" means a school or facility 42003  
that provides special education and related services to children 42004  
with disabilities. 42005

(B) There is hereby established the autism scholarship 42006  
program. Under the program, the department of education shall pay 42007  
a scholarship to the parent of each qualified special education 42008  
child upon application of that parent pursuant to procedures and 42009  
deadlines established by rule of the state board of education. 42010  
Each scholarship shall be used only to pay tuition for the child 42011  
on whose behalf the scholarship is awarded to attend a special 42012  
education program that implements the child's individualized 42013  
education program and that is operated by an alternative public 42014  
provider or by a registered private provider. Each scholarship 42015  
shall be in an amount not to exceed the lesser of the tuition 42016  
charged for the child by the special education program or twenty 42017  
thousand dollars. The purpose of the scholarship is to permit the 42018

parent of a qualified special education child the choice to send 42019  
the child to a special education program, instead of the one 42020  
operated by or for the school district in which the child is 42021  
entitled to attend school, to receive the services prescribed in 42022  
the child's individualized education program once the 42023  
individualized education program is finalized. A The services 42024  
provided under the scholarship shall include an educational 42025  
component. 42026

A scholarship under this section shall not be awarded to the 42027  
parent of a child while the child's individualized education 42028  
program is being developed by the school district in which the 42029  
child is entitled to attend school, or while any administrative or 42030  
judicial mediation or proceedings with respect to the content of 42031  
the child's individualized education program are pending. A 42032  
scholarship under this section shall not be used for a child to 42033  
attend a public special education program that operates under a 42034  
contract, compact, or other bilateral agreement between the school 42035  
district in which the child is entitled to attend school and 42036  
another school district or other public provider, or for a child 42037  
to attend a community school established under Chapter 3314. of 42038  
the Revised Code. However, nothing in this section or in any rule 42039  
adopted by the state board shall prohibit a parent whose child 42040  
attends a public special education program under a contract, 42041  
compact, or other bilateral agreement, or a parent whose child 42042  
attends a community school, from applying for and accepting a 42043  
scholarship under this section so that the parent may withdraw the 42044  
child from that program or community school and use the 42045  
scholarship for the child to attend a special education program 42046  
for which the parent is required to pay for services for the 42047  
child. A 42048

A child attending a special education program with a 42049  
scholarship under this section shall continue to be entitled to 42050

transportation to and from that program in the manner prescribed 42051  
by law. 42052

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and 42053  
(B)(10) of section 3317.03 of the Revised Code, a child who is not 42054  
a preschool child with a disability for whom a scholarship is 42055  
awarded under this section shall be counted in the formula ADM and 42056  
the category six special education ADM of the district in which 42057  
the child is entitled to attend school and not in the formula ADM 42058  
and the category six special education ADM of any other school 42059  
district. As prescribed in divisions (B)(3)(h) and (B)(10) of 42060  
section 3317.03 of the Revised Code, a child who is a preschool 42061  
child with a disability for whom a scholarship is awarded under 42062  
this section shall be counted in the preschool scholarship ADM and 42063  
category six special education ADM of the school district in which 42064  
the child is entitled to attend school and not in the preschool 42065  
scholarship ADM or category six special education ADM of any other 42066  
school district. 42067

(2) In each fiscal year, the department shall deduct from the 42068  
amounts paid to each school district under ~~Chapters 3306. and~~ 42069  
~~Chapter~~ 3317. of the Revised Code, and, if necessary, sections 42070  
321.24 and 323.156 of the Revised Code, the aggregate amount of 42071  
scholarships awarded under this section for qualified special 42072  
education children included in the formula ADM, or preschool 42073  
scholarship ADM, and in the category six special education ADM of 42074  
that school district as provided in division (C)(1) of this 42075  
section. ~~When computing the school district's instructional~~ 42076  
~~services support under section 3306.05 of the Revised Code, the~~ 42077  
~~department shall add the district's preschool scholarship ADM to~~ 42078  
~~the district's formula ADM.~~ 42079

The scholarships deducted shall be considered as an approved 42080  
special education and related services expense of the school 42081  
district. 42082



(3) From time to time, the department shall make a payment to the parent of each qualified special education child for whom a scholarship has been awarded under this section. The scholarship amount shall be proportionately reduced in the case of any such child who is not enrolled in the special education program for which a scholarship was awarded under this section for the entire school year. The department shall make no payments to the parent of a child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending.

(D) A scholarship shall not be paid to a parent for payment of tuition owed to a nonpublic entity unless that entity is a registered private provider. The department shall approve entities that meet the standards established by rule of the state board for the program established under this section.

(E) The state board shall adopt rules under Chapter 119. of the Revised Code prescribing procedures necessary to implement this section, including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for approval of entities as registered private providers.

**Sec. 3311.05.** (A) The territory within the territorial limits of a county, or the territory included in a district formed under ~~either~~ section 3311.053 ~~or 3311.059~~ of the Revised Code, exclusive of the territory embraced in any city school district or exempted village school district, and excluding the territory detached therefrom for school purposes and including the territory attached thereto for school purposes constitutes an educational service center.

(B) A county school financing district created under section 3311.50 of the Revised Code is not the school district described

in division (A) of this section or any other school district but 42114  
is a taxing district. 42115

Sec. 3311.0510. (A) If all of the local school districts that 42116  
make up the territory of an educational service center have 42117  
severed from the territory of that service center, upon the 42118  
effective date of the severance of the last remaining local school 42119  
district to make up the territory of the service center, the 42120  
governing board of that service center shall be abolished and such 42121  
service center shall be dissolved by order of the superintendent 42122  
of public instruction. The superintendent's order shall provide 42123  
for the equitable division and disposition of the assets, 42124  
property, debts, and obligations of the service center among the 42125  
local school districts, of which the territory of the service 42126  
center is or previously was made up, and the city and exempted 42127  
village school districts with which the service center had 42128  
agreements under section 3313.843 of the Revised Code for the 42129  
service center's last fiscal year of operation. The 42130  
superintendent's order shall provide that the tax duplicate of 42131  
each of those school districts shall be bound for and assume the 42132  
district's equitable share of the outstanding indebtedness of the 42133  
service center. The superintendent's order is final and is not 42134  
appealable. 42135

Immediately upon the abolishment of the service center 42136  
governing board pursuant to this section, the superintendent of 42137  
public instruction shall appoint a qualified individual to 42138  
administer the dissolution of the service center and to implement 42139  
the terms of the superintendent's dissolution order. 42140

Prior to distributing assets to any school district under 42141  
this section, but after paying in full other debts and obligations 42142  
of the service center under this section, the superintendent of 42143  
public instruction may assess against the remaining assets of the 42144

service center the amount of the costs incurred by the department 42145  
of education in performing the superintendent's duties under this 42146  
division, including the fees, if any, owed to the individual 42147  
appointed to administer the superintendent's dissolution order. 42148  
Any excess cost incurred by the department under this division 42149  
shall be divided equitably among the local school districts, of 42150  
which the territory of the service center is or previously was 42151  
made up, and the city and exempted village school districts with 42152  
which the service center had agreements under section 3313.843 of 42153  
the Revised Code for the service center's last fiscal year of 42154  
operation. Each district's share of that excess cost shall be 42155  
bound against the tax duplicate of that district. 42156

(B) A final audit of the former service center shall be 42157  
performed in accordance with procedures established by the auditor 42158  
of state. 42159

(C) The public records of an educational service center that 42160  
is dissolved under this section shall be transferred in accordance 42161  
with this division. Public records maintained by the service 42162  
center in connection with services provided by the service center 42163  
to local school districts shall be transferred to each of the 42164  
respective local school districts. Public records maintained by 42165  
the service center in connection with services provided under an 42166  
agreement with a city or exempted village school district pursuant 42167  
to section 3313.843 of the Revised Code shall be transferred to 42168  
each of the respective city or exempted village school districts. 42169  
All other public records maintained by the service center at the 42170  
time the service center ceases operations shall be transferred to 42171  
the Ohio historical society for analysis and disposition by the 42172  
society in its capacity as archives administrator for the state 42173  
and its political subdivisions pursuant to division (C) of section 42174  
149.30 and section 149.31 of the Revised Code. 42175

Sec. 3311.06. (A) As used in this section:	42176
(1) "Annexation" and "annexed" mean annexation for municipal purposes under sections 709.02 to 709.37 of the Revised Code.	42177 42178
(2) "Annexed territory" means territory that has been annexed for municipal purposes to a city served by an urban school district, but on September 24, 1986, has not been transferred to the urban school district.	42179 42180 42181 42182
(3) "Urban school district" means a city school district with an average daily membership for the 1985-1986 school year in excess of twenty thousand that is the school district of a city that contains annexed territory.	42183 42184 42185 42186
(4) "Annexation agreement" means an agreement entered into under division (F) of this section that has been approved by the state board of education or an agreement entered into prior to September 24, 1986, that meets the requirements of division (F) of this section and has been filed with the state board.	42187 42188 42189 42190 42191
(B) The territory included within the boundaries of a city, local, exempted village, or joint vocational school district shall be contiguous except where a natural island forms an integral part of the district, where the state board of education authorizes a noncontiguous school district, as provided in division (E)(1) of this section, or where a local school district is created pursuant to section 3311.26 of the Revised Code from one or more local school districts, one of which has entered into an agreement under section 3313.42 of the Revised Code.	42192 42193 42194 42195 42196 42197 42198 42199 42200
(C)(1) When all of the territory of a school district is annexed to a city or village, such territory thereby becomes a part of the city school district or the school district of which the village is a part, and the legal title to school property in such territory for school purposes shall be vested in the board of	42201 42202 42203 42204 42205

education of the city school district or the school district of 42206  
which the village is a part. 42207

(2) When the territory so annexed to a city or village 42208  
comprises part but not all of the territory of a school district, 42209  
the said territory becomes part of the city school district or the 42210  
school district of which the village is a part only upon approval 42211  
by the state board of education, unless the district in which the 42212  
territory is located is a party to an annexation agreement with 42213  
the city school district. 42214

Any urban school district that has not entered into an 42215  
annexation agreement with any other school district whose 42216  
territory would be affected by any transfer under this division 42217  
and that desires to negotiate the terms of transfer with any such 42218  
district shall conduct any negotiations under division (F) of this 42219  
section as part of entering into an annexation agreement with such 42220  
a district. 42221

Any school district, except an urban school district, 42222  
desiring state board approval of a transfer under this division 42223  
shall make a good faith effort to negotiate the terms of transfer 42224  
with any other school district whose territory would be affected 42225  
by the transfer. Before the state board may approve any transfer 42226  
of territory to a school district, except an urban school 42227  
district, under this section, it must receive the following: 42228

(a) A resolution requesting approval of the transfer, passed 42229  
by at least one of the school districts whose territory would be 42230  
affected by the transfer; 42231

(b) Evidence determined to be sufficient by the state board 42232  
to show that good faith negotiations have taken place or that the 42233  
district requesting the transfer has made a good faith effort to 42234  
hold such negotiations; 42235

(c) If any negotiations took place, a statement signed by all 42236

boards that participated in the negotiations, listing the terms 42237  
agreed on and the points on which no agreement could be reached. 42238

(D) The state board of education shall adopt rules governing 42239  
negotiations held by any school district except an urban school 42240  
district pursuant to division (C)(2) of this section. The rules 42241  
shall encourage the realization of the following goals: 42242

(1) A discussion by the negotiating districts of the present 42243  
and future educational needs of the pupils in each district; 42244

(2) The educational, financial, and territorial stability of 42245  
each district affected by the transfer; 42246

(3) The assurance of appropriate educational programs, 42247  
services, and opportunities for all the pupils in each 42248  
participating district, and adequate planning for the facilities 42249  
needed to provide these programs, services, and opportunities. 42250

Districts involved in negotiations under such rules may agree 42251  
to share revenues from the property included in the territory to 42252  
be transferred, establish cooperative programs between the 42253  
participating districts, and establish mechanisms for the 42254  
settlement of any future boundary disputes. 42255

(E)(1) If territory annexed after September 24, 1986, is part 42256  
of a school district that is a party to an annexation agreement 42257  
with the urban school district serving the annexing city, the 42258  
transfer of such territory shall be governed by the agreement. If 42259  
the agreement does not specify how the territory is to be dealt 42260  
with, the boards of education of the district in which the 42261  
territory is located and the urban school district shall negotiate 42262  
with regard to the transfer of the territory which shall be 42263  
transferred to the urban school district unless, not later than 42264  
ninety days after the effective date of municipal annexation, the 42265  
boards of education of both districts, by resolution adopted by a 42266  
majority of the members of each board, agree that the territory 42267

will not be transferred and so inform the state board of 42268  
education. 42269

If territory is transferred under this division the transfer 42270  
shall take effect on the first day of July occurring not sooner 42271  
than ninety-one days after the effective date of the municipal 42272  
annexation. Territory transferred under this division need not be 42273  
contiguous to the district to which it is transferred. 42274

(2) Territory annexed prior to September 24, 1986, by a city 42275  
served by an urban school district shall not be subject to 42276  
transfer under this section if the district in which the territory 42277  
is located is a party to an annexation agreement or becomes a 42278  
party to such an agreement not later than ninety days after 42279  
September 24, 1986. If the district does not become a party to an 42280  
annexation agreement within the ninety-day period, transfer of 42281  
territory shall be governed by division (C)(2) of this section. If 42282  
the district subsequently becomes a party to an agreement, 42283  
territory annexed prior to September 24, 1986, other than 42284  
territory annexed under division (C)(2) of this section prior to 42285  
the effective date of the agreement, shall not be subject to 42286  
transfer under this section. 42287

(F) An urban school district may enter into a comprehensive 42288  
agreement with one or more school districts under which transfers 42289  
of territory annexed by the city served by the urban school 42290  
district after September 24, 1986, shall be governed by the 42291  
agreement. Such agreement must provide for the establishment of a 42292  
cooperative education program under section 3313.842 of the 42293  
Revised Code in which all the parties to the agreement are 42294  
participants and must be approved by resolution of the majority of 42295  
the members of each of the boards of education of the school 42296  
districts that are parties to it. An agreement may provide for 42297  
interdistrict payments based on local revenue growth resulting 42298  
from development in any territory annexed by the city served by 42299

the urban school district. 42300

An agreement entered into under this division may be altered, 42301  
modified, or terminated only by agreement, by resolution approved 42302  
by the majority of the members of each board of education, of all 42303  
school districts that are parties to the agreement, except that 42304  
with regard to any provision that affects only the urban school 42305  
district and one of the other districts that is a party, that 42306  
district and the urban district may modify or alter the agreement 42307  
by resolution approved by the majority of the members of the board 42308  
of that district and the urban district. Alterations, 42309  
modifications, terminations, and extensions of an agreement 42310  
entered into under this division do not require approval of the 42311  
state board of education, but shall be filed with the board after 42312  
approval and execution by the parties. 42313

If an agreement provides for interdistrict payments, each 42314  
party to the agreement, except any school district specifically 42315  
exempted by the agreement, shall agree to make an annual payment 42316  
to the urban school district with respect to any of its territory 42317  
that is annexed territory in an amount not to exceed the amount 42318  
certified for that year under former section 3317.029 of the 42319  
Revised Code as that section existed prior to July 1, 1998; except 42320  
that such limitation of annual payments to amounts certified under 42321  
former section 3317.029 of the Revised Code does not apply to 42322  
agreements or extensions of agreements entered into on or after 42323  
June 1, 1992, unless such limitation is expressly agreed to by the 42324  
parties. The agreement may provide that all or any part of the 42325  
payment shall be waived if the urban school district receives its 42326  
payment with respect to such annexed territory under former 42327  
section 3317.029 of the Revised Code and that all or any part of 42328  
such payment may be waived if the urban school district does not 42329  
receive its payment with respect to such annexed territory under 42330  
such section. 42331



With respect to territory that is transferred to the urban school district after September 24, 1986, the agreement may provide for annual payments by the urban school district to the school district whose territory is transferred to the urban school district subsequent to annexation by the city served by the urban school district.

(G) In the event territory is transferred from one school district to another under this section, an equitable division of the funds and indebtedness between the districts involved shall be made under the supervision of the state board of education and that board's decision shall be final. Such division shall not include funds payable to or received by a school district under Chapter ~~3306~~ ~~or~~ 3317. of the Revised Code or payable to or received by a school district from the United States or any department or agency thereof. In the event such transferred territory includes real property owned by a school district, the state board of education, as part of such division of funds and indebtedness, shall determine the true value in money of such real property and all buildings or other improvements thereon. The board of education of the school district receiving such territory shall forthwith pay to the board of education of the school district losing such territory such true value in money of such real property, buildings, and improvements less such percentage of the true value in money of each school building located on such real property as is represented by the ratio of the total enrollment in day classes of the pupils residing in the territory transferred enrolled at such school building in the school year in which such annexation proceedings were commenced to the total enrollment in day classes of all pupils residing in the school district losing such territory enrolled at such school building in such school year. The school district receiving such payment shall place the proceeds thereof in its sinking fund or bond retirement fund.

(H) The state board of education, before approving such 42365  
transfer of territory, shall determine that such payment has been 42366  
made and shall apportion to the acquiring school district such 42367  
percentage of the indebtedness of the school district losing the 42368  
territory as is represented by the ratio that the assessed 42369  
valuation of the territory transferred bears to the total assessed 42370  
valuation of the entire school district losing the territory as of 42371  
the effective date of the transfer, provided that in ascertaining 42372  
the indebtedness of the school district losing the territory the 42373  
state board of education shall disregard such percentage of the 42374  
par value of the outstanding and unpaid bonds and notes of said 42375  
school district issued for construction or improvement of the 42376  
school building or buildings for which payment was made by the 42377  
acquiring district as is equal to the percentage by which the true 42378  
value in money of such building or buildings was reduced in fixing 42379  
the amount of said payment. 42380

(I) No transfer of school district territory or division of 42381  
funds and indebtedness incident thereto, pursuant to the 42382  
annexation of territory to a city or village shall be completed in 42383  
any other manner than that prescribed by this section regardless 42384  
of the date of the commencement of such annexation proceedings, 42385  
and this section applies to all proceedings for such transfers and 42386  
divisions of funds and indebtedness pending or commenced on or 42387  
after October 2, 1959. 42388

**Sec. 3311.19.** (A) The management and control of a joint 42389  
vocational school district shall be vested in the joint vocational 42390  
school district board of education. Where a joint vocational 42391  
school district is composed only of two or more local school 42392  
districts located in one county, or when all the participating 42393  
districts are in one county and the boards of such participating 42394  
districts so choose, the educational service center governing 42395  
board of the county in which the joint vocational school district 42396

is located shall serve as the joint vocational school district 42397  
board of education. Where a joint vocational school district is 42398  
composed of local school districts of more than one county, or of 42399  
any combination of city, local, or exempted village school 42400  
districts or educational service centers, unless administration by 42401  
the educational service center governing board has been chosen by 42402  
all the participating districts in one county pursuant to this 42403  
section, the board of education of the joint vocational school 42404  
district shall be composed of one or more persons who are members 42405  
of the boards of education from each of the city or exempted 42406  
village school districts or members of the educational service 42407  
centers' governing boards affected to be appointed by the boards 42408  
of education or governing boards of such school districts and 42409  
educational service centers. In such joint vocational school 42410  
districts the number and terms of members of the joint vocational 42411  
school district board of education and the allocation of a given 42412  
number of members to each of the city and exempted village 42413  
districts and educational service centers shall be determined in 42414  
the plan for such district, provided that each such joint 42415  
vocational school district board of education shall be composed of 42416  
an odd number of members. 42417

(B) Notwithstanding division (A) of this section, a governing 42418  
board of an educational service center that has members of its 42419  
governing board serving on a joint vocational school district 42420  
board of education may make a request to the joint vocational 42421  
district board that the joint vocational school district plan be 42422  
revised to provide for one or more members of boards of education 42423  
of local school districts that are within the territory of the 42424  
educational service district and within the joint vocational 42425  
school district to serve in the place of or in addition to its 42426  
educational service center governing board members. If agreement 42427  
is obtained among a majority of the boards of education and 42428  
governing boards that have a member serving on the joint 42429

vocational school district board of education and among a majority 42430  
of the local school district boards of education included in the 42431  
district and located within the territory of the educational 42432  
service center whose board requests the substitution or addition, 42433  
the state board of education may revise the joint vocational 42434  
school district plan to conform with such agreement. 42435

(C) If the board of education of any school district or 42436  
educational service center governing board included within a joint 42437  
vocational district that has had its board or governing board 42438  
membership revised under division (B) of this section requests the 42439  
joint vocational school district board to submit to the state 42440  
board of education a revised plan under which one or more joint 42441  
vocational board members chosen in accordance with a plan revised 42442  
under such division would again be chosen in the manner prescribed 42443  
by division (A) of this section, the joint vocational board shall 42444  
submit the revised plan to the state board of education, provided 42445  
the plan is agreed to by a majority of the boards of education 42446  
represented on the joint vocational board, a majority of the local 42447  
school district boards included within the joint vocational 42448  
district, and each educational service center governing board 42449  
affected by such plan. The state board of education may revise the 42450  
joint vocational school district plan to conform with the revised 42451  
plan. 42452

(D) The vocational schools in such joint vocational school 42453  
district shall be available to all youth of school age within the 42454  
joint vocational school district subject to the rules adopted by 42455  
the joint vocational school district board of education in regard 42456  
to the standards requisite to admission. A joint vocational school 42457  
district board of education shall have the same powers, duties, 42458  
and authority for the management and operation of such joint 42459  
vocational school district as is granted by law, except by this 42460  
chapter and Chapters 124., ~~3306.~~ 3317., 3323., and 3331. of the 42461

Revised Code, to a board of education of a city school district, 42462  
and shall be subject to all the provisions of law that apply to a 42463  
city school district, except such provisions in this chapter and 42464  
Chapters 124., ~~3306.7~~ 3317., 3323., and 3331. of the Revised Code. 42465

(E) Where a governing board of an educational service center 42466  
has been designated to serve as the joint vocational school 42467  
district board of education, the educational service center 42468  
superintendent shall be the executive officer for the joint 42469  
vocational school district, and the governing board may provide 42470  
for additional compensation to be paid to the educational service 42471  
center superintendent by the joint vocational school district, but 42472  
the educational service center superintendent shall have no 42473  
continuing tenure other than that of educational service center 42474  
superintendent. The superintendent of schools of a joint 42475  
vocational school district shall exercise the duties and authority 42476  
vested by law in a superintendent of schools pertaining to the 42477  
operation of a school district and the employment and supervision 42478  
of its personnel. The joint vocational school district board of 42479  
education shall appoint a treasurer of the joint vocational school 42480  
district who shall be the fiscal officer for such district and who 42481  
shall have all the powers, duties, and authority vested by law in 42482  
a treasurer of a board of education. Where a governing board of an 42483  
educational service center has been designated to serve as the 42484  
joint vocational school district board of education, such board 42485  
may appoint the educational service center superintendent as the 42486  
treasurer of the joint vocational school district. 42487

(F) Each member of a joint vocational school district board 42488  
of education may be paid such compensation as the board provides 42489  
by resolution, but it shall not exceed one hundred twenty-five 42490  
dollars per member for each meeting attended plus mileage, at the 42491  
rate per mile provided by resolution of the board, to and from 42492  
meetings of the board. 42493

~~The board may provide by resolution for the deduction of~~ 42494  
~~amounts payable for benefits under section 3313.202 of the Revised~~ 42495  
~~Code.~~ 42496

Each member of a joint vocational school district board may 42497  
be paid such compensation as the board provides by resolution for 42498  
attendance at an approved training program, provided that such 42499  
compensation shall not exceed sixty dollars per day for attendance 42500  
at a training program three hours or fewer in length and one 42501  
hundred twenty-five dollars a day for attendance at a training 42502  
program longer than three hours in length. However, no board 42503  
member shall be compensated for the same training program under 42504  
this section and section 3313.12 of the Revised Code. 42505

**Sec. 3311.21.** (A) In addition to the resolutions authorized 42506  
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 42507  
the Revised Code, the board of education of a joint vocational or 42508  
cooperative education school district by a vote of two-thirds of 42509  
its full membership may at any time adopt a resolution declaring 42510  
the necessity to levy a tax in excess of the ten-mill limitation 42511  
for a period not to exceed ten years to provide funds for any one 42512  
or more of the following purposes, which may be stated in the 42513  
following manner in such resolution, the ballot, and the notice of 42514  
election: purchasing a site or enlargement thereof and for the 42515  
erection and equipment of buildings; for the purpose of enlarging, 42516  
improving, or rebuilding thereof; for the purpose of providing for 42517  
the current expenses of the joint vocational or cooperative school 42518  
district; or for a continuing period for the purpose of providing 42519  
for the current expenses of the joint vocational or cooperative 42520  
education school district. The resolution shall specify the amount 42521  
of the proposed rate and, if a renewal, whether the levy is to 42522  
renew all, or a portion of, the existing levy, and shall specify 42523  
the first year in which the levy will be imposed. If the levy 42524  
provides for but is not limited to current expenses, the 42525

resolution shall apportion the annual rate of the levy between 42526  
current expenses and the other purpose or purposes. Such 42527  
apportionment may but need not be the same for each year of the 42528  
levy, but the respective portions of the rate actually levied each 42529  
year for current expenses and the other purpose or purposes shall 42530  
be limited by such apportionment. The portion of any such rate 42531  
actually levied for current expenses of a joint vocational or 42532  
cooperative education school district shall be used in applying 42533  
~~division (A)(1) of section 3306.01 and~~ division (A) of section 42534  
3317.01 of the Revised Code. The portion of any such rate not 42535  
apportioned to the current expenses of a joint vocational or 42536  
cooperative education school district shall be used in applying 42537  
division (B) of this section. On the adoption of such resolution, 42538  
the joint vocational or cooperative education school district 42539  
board of education shall certify the resolution to the board of 42540  
elections of the county containing the most populous portion of 42541  
the district, which board shall receive resolutions for filing and 42542  
send them to the boards of elections of each county in which 42543  
territory of the district is located, furnish all ballots for the 42544  
election as provided in section 3505.071 of the Revised Code, and 42545  
prepare the election notice; and the board of elections of each 42546  
county in which the territory of such district is located shall 42547  
make the other necessary arrangements for the submission of the 42548  
question to the electors of the joint vocational or cooperative 42549  
education school district at the next primary or general election 42550  
occurring not less than ninety days after the resolution was 42551  
received from the joint vocational or cooperative education school 42552  
district board of education, or at a special election to be held 42553  
at a time designated by the district board of education consistent 42554  
with the requirements of section 3501.01 of the Revised Code, 42555  
which date shall not be earlier than ninety days after the 42556  
adoption and certification of the resolution. 42557

The board of elections of the county or counties in which 42558

territory of the joint vocational or cooperative education school 42559  
district is located shall cause to be published in ~~one or more~~ 42560  
~~newspapers~~ a newspaper of general circulation in that district an 42561  
advertisement of the proposed tax levy question, together with a 42562  
statement of the amount of the proposed levy once a week for two 42563  
consecutive weeks or as provided in section 7.16 of the Revised 42564  
Code, prior to the election at which the question is to appear on 42565  
the ballot, ~~and, if,~~ If the board of elections operates and 42566  
maintains a web site, the board also shall post ~~a similar~~ the 42567  
advertisement on its web site for thirty days prior to that 42568  
election. 42569

If a majority of the electors voting on the question of 42570  
levying such tax vote in favor of the levy, the joint vocational 42571  
or cooperative education school district board of education shall 42572  
annually make the levy within the district at the rate specified 42573  
in the resolution and ballot or at any lesser rate, and the county 42574  
auditor of each affected county shall annually place the levy on 42575  
the tax list and duplicate of each school district in the county 42576  
having territory in the joint vocational or cooperative education 42577  
school district. The taxes realized from the levy shall be 42578  
collected at the same time and in the same manner as other taxes 42579  
on the duplicate, and the taxes, when collected, shall be paid to 42580  
the treasurer of the joint vocational or cooperative education 42581  
school district and deposited to a special fund, which shall be 42582  
established by the joint vocational or cooperative education 42583  
school district board of education for all revenue derived from 42584  
any tax levied pursuant to this section and for the proceeds of 42585  
anticipation notes which shall be deposited in such fund. After 42586  
the approval of the levy, the joint vocational or cooperative 42587  
education school district board of education may anticipate a 42588  
fraction of the proceeds of the levy and from time to time, during 42589  
the life of the levy, but in any year prior to the time when the 42590  
tax collection from the levy so anticipated can be made for that 42591



year, issue anticipation notes in an amount not exceeding fifty 42592  
per cent of the estimated proceeds of the levy to be collected in 42593  
each year up to a period of five years after the date of the 42594  
issuance of the notes, less an amount equal to the proceeds of the 42595  
levy obligated for each year by the issuance of anticipation 42596  
notes, provided that the total amount maturing in any one year 42597  
shall not exceed fifty per cent of the anticipated proceeds of the 42598  
levy for that year. Each issue of notes shall be sold as provided 42599  
in Chapter 133. of the Revised Code, and shall, except for such 42600  
limitation that the total amount of such notes maturing in any one 42601  
year shall not exceed fifty per cent of the anticipated proceeds 42602  
of the levy for that year, mature serially in substantially equal 42603  
installments, during each year over a period not to exceed five 42604  
years after their issuance. 42605

(B) Prior to the application of section 319.301 of the 42606  
Revised Code, the rate of a levy that is limited to, or to the 42607  
extent that it is apportioned to, purposes other than current 42608  
expenses shall be reduced in the same proportion in which the 42609  
district's total valuation increases during the life of the levy 42610  
because of additions to such valuation that have resulted from 42611  
improvements added to the tax list and duplicate. 42612

(C) The form of ballot cast at an election under division (A) 42613  
of this section shall be as prescribed by section 5705.25 of the 42614  
Revised Code. 42615

**Sec. 3311.213.** (A) With the approval of the board of 42616  
education of a joint vocational school district ~~which~~ that is in 42617  
existence, any school district in the county or counties 42618  
comprising the joint vocational school district or any school 42619  
district in a county adjacent to a county comprising part of a 42620  
joint vocational school district may become a part of the joint 42621  
vocational school district. On the adoption of a resolution of 42622

approval by the board of education of the joint vocational school 42623  
district, it shall advertise a copy of such resolution in a 42624  
newspaper of general circulation in the school district proposing 42625  
to become a part of such joint vocational school district once 42626  
each week for ~~at least~~ two weeks, or as provided in section 7.16 42627  
of the Revised Code, immediately following the date of the 42628  
adoption of such resolution. Such resolution shall not become 42629  
effective until the later of the sixty-first day after its 42630  
adoption or until the board of elections certifies the results of 42631  
an election in favor of joining of the school district to the 42632  
joint vocational school district if such an election is held under 42633  
division (B) of this section. 42634

(B) During the sixty-day period following the date of the 42635  
adoption of a resolution to join a school district to a joint 42636  
vocational school district under division (A) of this section, the 42637  
electors of the school district that proposes joining the joint 42638  
vocational school district may petition for a referendum vote on 42639  
the resolution. The question whether to approve or disapprove the 42640  
resolution shall be submitted to the electors of such school 42641  
district if a number of qualified electors equal to twenty per 42642  
cent of the number of electors in the school district who voted 42643  
for the office of governor at the most recent general election for 42644  
that office sign a petition asking that the question of whether 42645  
the resolution shall be disapproved be submitted to the electors. 42646  
The petition shall be filed with the board of elections of the 42647  
county in which the school district is located. If the school 42648  
district is located in more than one county, the petition shall be 42649  
filed with the board of elections of the county in which the 42650  
majority of the territory of the school district is located. The 42651  
board shall certify the validity and sufficiency of the signatures 42652  
on the petition. 42653

The board of elections shall immediately notify the board of 42654

education of the joint vocational school district and the board of 42655  
education of the school district that proposes joining the joint 42656  
vocational school district that the petition has been filed. 42657

The effect of the resolution shall be stayed until the board 42658  
of elections certifies the validity and sufficiency of the 42659  
signatures on the petition. If the board of elections determines 42660  
that the petition does not contain a sufficient number of valid 42661  
signatures and sixty days have passed since the adoption of the 42662  
resolution, the resolution shall become effective. 42663

If the board of elections certifies that the petition 42664  
contains a sufficient number of valid signatures, the board shall 42665  
submit the question to the qualified electors of the school 42666  
district on the day of the next general or primary election held 42667  
at least ninety days after but no later than six months after the 42668  
board of elections certifies the validity and sufficiency of 42669  
signatures on the petition. If there is no general or primary 42670  
election held at least ninety days after but no later than six 42671  
months after the board of elections certifies the validity and 42672  
sufficiency of signatures on the petition, the board shall submit 42673  
the question to the electors at a special election to be held on 42674  
the next day specified for special elections in division (D) of 42675  
section 3501.01 of the Revised Code that occurs at least ninety 42676  
days after the board certifies the validity and sufficiency of 42677  
signatures on the petition. The election shall be conducted and 42678  
canvassed and the results shall be certified in the same manner as 42679  
in regular elections for the election of members of a board of 42680  
education. 42681

If a majority of the electors voting on the question 42682  
disapprove the resolution, the resolution shall not become 42683  
effective. 42684

(C) If the resolution becomes effective, the board of 42685  
education of the joint vocational school district shall notify the 42686

county auditor of the county in which the school district becoming 42687  
a part of the joint vocational school district is located, who 42688  
shall thereupon have any outstanding levy for building purposes, 42689  
bond retirement, or current expenses in force in the joint 42690  
vocational school district spread over the territory of the school 42691  
district becoming a part of the joint vocational school district. 42692  
On the addition of a city or exempted village school district or 42693  
an educational service center to the joint vocational school 42694  
district, pursuant to this section, the board of education of such 42695  
joint vocational school district shall submit to the state board 42696  
of education a proposal to enlarge the membership of such board by 42697  
the addition of one or more persons at least one of whom shall be 42698  
a member of the board of education or governing board of such 42699  
additional school district or educational service center, and the 42700  
term of each such additional member. On the addition of a local 42701  
school district to the joint vocational school district, pursuant 42702  
to this section, the board of education of such joint vocational 42703  
school district may submit to the state board of education a 42704  
proposal to enlarge the membership of such board by the addition 42705  
of one or more persons who are members of the educational service 42706  
center governing board of such additional local school district. 42707  
On approval by the state board of education additional members 42708  
shall be added to such joint vocational school district board of 42709  
education. 42710

**Sec. 3311.214.** (A) With the approval of the state board of 42711  
education, the boards of education of any two or more joint 42712  
vocational school districts may, by the adoption of identical 42713  
resolutions by a majority of the members of each such board, 42714  
propose that one new joint vocational school district be created 42715  
by adding together all of the territory of each of the districts 42716  
and dissolving such districts. A copy of each resolution shall be 42717  
filed with the state board of education for its approval or 42718

disapproval. The resolutions shall include a provision that the 42719  
board of education of the new district shall be composed of the 42720  
members from the same boards of education that composed the 42721  
membership of the board of each of the districts to be dissolved, 42722  
except that, if an even number of districts are to be dissolved, 42723  
one additional member shall be added, who may be from any school 42724  
district included in the territory of any of the districts to be 42725  
dissolved as designated in the resolutions. The members of the new 42726  
board shall have the same terms of office as they had under the 42727  
respective plans of the districts adopting the resolutions, except 42728  
that, if the new board has an additional member, ~~he~~ the additional 42729  
member shall have a term as specified in the resolutions. 42730

If the state board approves the resolutions, the board of 42731  
education of each district to be dissolved shall advertise a copy 42732  
of the resolution in a newspaper of general circulation in its 42733  
district once each week for ~~at least~~ two weeks, or as provided in 42734  
section 7.16 of the Revised Code, immediately following the date 42735  
the resolutions are approved by the state board. The resolutions 42736  
shall become effective on the first day of July next succeeding 42737  
the sixtieth day following approval by the state board unless 42738  
prior to the expiration of such sixty-day period, qualified 42739  
electors residing in one of the districts to be dissolved equal in 42740  
number to a majority of the qualified electors of that district 42741  
voting at the last general election file with the state board a 42742  
petition of remonstrance against creation of the proposed new 42743  
district. 42744

(B) When a resolution becomes effective under division (A) of 42745  
this section, each district in which a resolution was adopted and 42746  
the board of each such district are dissolved. The territory of 42747  
each dissolved district becomes a part of the new joint vocational 42748  
school district. The net indebtedness of each dissolved district 42749  
shall be assumed in full by the new district and the funds and 42750

property of each dissolved district shall become in full the funds 42751  
and property of the new district. All existing contracts of each 42752  
dissolved board shall be honored by the board of the new district 42753  
until their expiration dates. The board of the new district shall 42754  
notify the county auditor of each county in which each dissolved 42755  
district was located that a resolution has become effective and a 42756  
new district has been created and shall certify to each auditor 42757  
any changes that might be required in the tax rate as a result of 42758  
the creation of the new district. 42759

(C) As used in this section, "net indebtedness" means the 42760  
difference between the par value of the outstanding and unpaid 42761  
bonds and notes of the school district and the amount held in the 42762  
sinking fund and other indebtedness retirement funds for their 42763  
redemption. 42764

**Sec. 3311.29.** (A) Except as provided under division (B) or 42765  
(C) of this section, no school district shall be created and no 42766  
school district shall exist which does not maintain within such 42767  
district public schools consisting of grades kindergarten through 42768  
twelve and any such existing school district not maintaining such 42769  
schools shall be dissolved and its territory joined with another 42770  
school district or districts by order of the state board of 42771  
education if no agreement is made among the surrounding districts 42772  
voluntarily, which order shall provide an equitable division of 42773  
the funds, property, and indebtedness of the dissolved school 42774  
district among the districts receiving its territory. The state 42775  
board of education may authorize exceptions to school districts 42776  
where topography, sparsity of population, and other factors make 42777  
compliance impracticable. 42778

The superintendent of public instruction is without authority 42779  
to distribute funds under Chapter ~~3306~~ or 3317. of the Revised 42780  
Code to any school district that does not maintain schools with 42781

grades kindergarten through twelve and to which no exception has 42782  
been granted by the state board of education. 42783

(B) Division (A) of this section does not apply to any joint 42784  
vocational school district or any cooperative education school 42785  
district established pursuant to divisions (A) to (C) of section 42786  
3311.52 of the Revised Code. 42787

(C)(1)(a) Except as provided in division (C)(3) of this 42788  
section, division (A) of this section does not apply to any 42789  
cooperative education school district established pursuant to 42790  
section 3311.521 of the Revised Code nor to the city, exempted 42791  
village, or local school districts that have territory within such 42792  
a cooperative education district. 42793

(b) The cooperative district and each city, exempted village, 42794  
or local district with territory within the cooperative district 42795  
shall maintain the grades that the resolution adopted or amended 42796  
pursuant to section 3311.521 of the Revised Code specifies. 42797

(2) Any cooperative education school district described under 42798  
division (C)(1) of this section that fails to maintain the grades 42799  
it is specified to operate shall be dissolved by order of the 42800  
state board of education unless prior to such an order the 42801  
cooperative district is dissolved pursuant to section 3311.54 of 42802  
the Revised Code. Any such order shall provide for the equitable 42803  
adjustment, division, and disposition of the assets, property, 42804  
debts, and obligations of the district among each city, local, and 42805  
exempted village school district whose territory is in the 42806  
cooperative district and shall provide that the tax duplicate of 42807  
each city, local, and exempted village school district whose 42808  
territory is in the cooperative district shall be bound for and 42809  
assume its share of the outstanding indebtedness of the 42810  
cooperative district. 42811

(3) If any city, exempted village, or local school district 42812

described under division (C)(1) of this section fails to maintain 42813  
the grades it is specified to operate the cooperative district 42814  
within which it has territory shall be dissolved in accordance 42815  
with division (C)(2) of this section and upon that dissolution any 42816  
city, exempted village, or local district failing to maintain 42817  
grades kindergarten through twelve shall be subject to the 42818  
provisions for dissolution in division (A) of this section. 42819

**Sec. 3311.50.** (A) As used in this section, "county school 42820  
financing district" means a taxing district consisting of the 42821  
following territory: 42822

(1) The territory that constitutes the educational service 42823  
center on the date that the governing board of that educational 42824  
service center adopts a resolution under division (B) of this 42825  
section declaring that the territory of the educational service 42826  
center is a county school financing district, exclusive of any 42827  
territory subsequently withdrawn from the district under division 42828  
(D) of this section; 42829

(2) Any territory that has been added to the county school 42830  
financing district under this section. 42831

A county school financing district may include the territory 42832  
of a city, local, or exempted village school district whose 42833  
territory also is included in the territory of one or more other 42834  
county school financing districts. 42835

(B) The governing board of any educational service center 42836  
may, by resolution, declare that the territory of the educational 42837  
service center is a county school financing district. The 42838  
resolution shall state the purpose for which the county school 42839  
financing district is created which may be for any one or more of 42840  
the following purposes: 42841

(1) To levy taxes for the provision of special education by 42842



the school districts that are a part of the district, including 42843  
taxes for permanent improvements for special education; 42844

(2) To levy taxes for the provision of specified educational 42845  
programs and services by the school districts that are a part of 42846  
the district, as identified in the resolution creating the 42847  
district, including the levying of taxes for permanent 42848  
improvements for those programs and services; 42849

(3) To levy taxes for permanent improvements of school 42850  
districts that are a part of the district. 42851

The governing board of the educational service center that 42852  
creates a county school financing district shall serve as the 42853  
taxing authority of the district and may use educational service 42854  
center governing board employees to perform any of the functions 42855  
necessary in the performance of its duties as a taxing authority. 42856  
A county school financing district shall not employ any personnel. 42857

With the approval of a majority of the members of the board 42858  
of education of each school district within the territory of the 42859  
county school financing district, the taxing authority of the 42860  
financing district may amend the resolution creating the district 42861  
to broaden or narrow the purposes for which it was created. 42862

A governing board of an educational service center may create 42863  
more than one county school financing district. If a governing 42864  
board of an educational service center creates more than one such 42865  
district, it shall clearly distinguish among the districts it 42866  
creates by including a designation of each district's purpose in 42867  
the district's name. 42868

(C) A majority of the members of a board of education of a 42869  
city, local, or exempted village school district may adopt a 42870  
resolution requesting that its territory be joined with the 42871  
territory of any county school financing district. Copies of the 42872  
resolution shall be filed with the state board of education and 42873

the taxing authority of the county school financing district. 42874

Within sixty days of its receipt of such a resolution, the county 42875

school financing district's taxing authority shall vote on the 42876

question of whether to accept the school district's territory as 42877

part of the county school financing district. If a majority of the 42878

members of the taxing authority vote to accept the territory, the 42879

school district's territory shall thereupon become a part of the 42880

county school financing district unless the county school 42881

financing district has in effect a tax imposed under section 42882

5705.211 of the Revised Code. If the county school financing 42883

district has such a tax in effect, the taxing authority shall 42884

certify a copy of its resolution accepting the school district's 42885

territory to the school district's board of education, which may 42886

then adopt a resolution, with the affirmative vote of a majority 42887

of its members, proposing the submission to the electors of the 42888

question of whether the district's territory shall become a part 42889

of the county school financing district and subject to the taxes 42890

imposed by the financing district. The resolution shall set forth 42891

the date on which the question shall be submitted to the electors, 42892

which shall be at a special election held on a date specified in 42893

the resolution, which shall not be earlier than ninety days after 42894

the adoption and certification of the resolution. A copy of the 42895

resolution shall immediately be certified to the board of 42896

elections of the proper county, which shall make arrangements for 42897

the submission of the proposal to the electors of the school 42898

district. The board of the joining district shall publish notice 42899

of the election in ~~one or more newspapers~~ a newspaper of general 42900

circulation in the county once a week for two consecutive weeks, 42901

or as provided in section 7.16 of the Revised Code, prior to the 42902

election. Additionally, if the board of elections operates and 42903

maintains a web site, the board of elections shall post notice of 42904

the election on its web site for thirty days prior to the 42905

election. The question appearing on the ballot shall read: 42906

"Shall the territory within ..... (name of the school district proposing to join the county school financing district) ..... be added to ..... (name) ..... county school financing district, and a property tax for the purposes of ..... (here insert purposes) ..... at a rate of taxation not exceeding ..... (here insert the outstanding tax rate) ..... be in effect for ..... (here insert the number of years the tax is to be in effect or "a continuing period of time," as applicable) .....?"

If the proposal is approved by a majority of the electors voting on it, the joinder shall take effect on the first day of July following the date of the election, and the county board of elections shall notify the county auditor of each county in which the school district joining its territory to the county school financing district is located.

(D) The board of any city, local, or exempted village school district whose territory is part of a county school financing district may withdraw its territory from the county school financing district thirty days after submitting to the governing board that is the taxing authority of the district and the state board a resolution proclaiming such withdrawal, adopted by a majority vote of its members, but any county school financing district tax levied in such territory on the effective date of the withdrawal shall remain in effect in such territory until such tax expires or is renewed. No board may adopt a resolution withdrawing from a county school financing district that would take effect during the forty-five days preceding the date of an election at which a levy proposed under section 5705.215 of the Revised Code is to be voted upon.

(E) A city, local, or exempted village school district does not lose its separate identity or legal existence by reason of joining its territory to a county school financing district under

this section and an educational service center does not lose its 42939  
separate identity or legal existence by reason of creating a 42940  
county school financing district that accepts or loses territory 42941  
under this section. 42942

**Sec. 3311.52.** A cooperative education school district may be 42943  
established pursuant to divisions (A) to (C) of this section or 42944  
pursuant to section 3311.521 of the Revised Code. 42945

(A) A cooperative education school district may be 42946  
established upon the adoption of identical resolutions within a 42947  
sixty-day period by a majority of the members of the board of 42948  
education of each city, local, and exempted village school 42949  
district that is within the territory of a county school financing 42950  
district. 42951

A copy of each resolution shall be filed with the governing 42952  
board of the educational service center which created the county 42953  
school financing district. Upon the filing of the last such 42954  
resolution, the educational service center governing board shall 42955  
immediately notify each board of education filing such a 42956  
resolution of the date on which the last resolution was filed. 42957

Ten days after the date on which the last resolution is filed 42958  
with the educational service center governing board or ten days 42959  
after the last of any notices required under division (C) of this 42960  
section is received by the educational service center governing 42961  
board, whichever is later, the county school financing district 42962  
shall be dissolved and the new cooperative education school 42963  
district and the board of education of the cooperative education 42964  
school district shall be established. 42965

On the date that any county school financing district is 42966  
dissolved and a cooperative education school district is 42967  
established under this section, each of the following shall apply: 42968

(1) The territory of the dissolved district becomes the 42969  
territory of the new district. 42970

(2) Any outstanding tax levy in force in the dissolved 42971  
district shall be spread over the territory of the new district 42972  
and shall remain in force in the new district until the levy 42973  
expires or is renewed. 42974

(3) Any funds of the dissolved district shall be paid over in 42975  
full to the new district. 42976

(4) Any net indebtedness of the dissolved district shall be 42977  
assumed in full by the new district. As used in division (A)(4) of 42978  
this section, "net indebtedness" means the difference between the 42979  
par value of the outstanding and unpaid bonds and notes of the 42980  
dissolved district and the amount held in the sinking fund and 42981  
other indebtedness retirement funds for their redemption. 42982

When a county school financing district is dissolved and a 42983  
cooperative education school district is established under this 42984  
section, the governing board of the educational service center 42985  
that created the dissolved district shall give written notice of 42986  
this fact to the county auditor and the board of elections of each 42987  
county having any territory in the new district. 42988

(B) The resolutions adopted under division (A) of this 42989  
section shall include all of the following provisions: 42990

(1) Provision that the governing board of the educational 42991  
service center which created the county school financing district 42992  
shall be the board of education of the cooperative education 42993  
school district, except that provision may be made for the 42994  
composition, selection, and terms of office of an alternative 42995  
board of education of the cooperative district, which board shall 42996  
include at least one member selected from or by the members of the 42997  
board of education of each city, local, and exempted village 42998  
school district and at least one member selected from or by the 42999

members of the educational service center governing board within 43000  
the territory of the cooperative district; 43001

(2) Provision that the treasurer and superintendent of the 43002  
educational service center which created the county school 43003  
financing district shall be the treasurer and superintendent of 43004  
the cooperative education school district, except that provision 43005  
may be made for the selection of a treasurer or superintendent of 43006  
the cooperative district other than the treasurer or 43007  
superintendent of the educational service center, which provision 43008  
shall require one of the following: 43009

(a) The selection of one person as both the treasurer and 43010  
superintendent of the cooperative district, which provision may 43011  
require such person to be the treasurer or superintendent of any 43012  
city, local, or exempted village school district or educational 43013  
service center within the territory of the cooperative district; 43014

(b) The selection of one person as the treasurer and another 43015  
person as the superintendent of the cooperative district, which 43016  
provision may require either one or both such persons to be 43017  
treasurers or superintendents of any city, local, or exempted 43018  
village school districts or educational service center within the 43019  
territory of the cooperative district. 43020

(3) A statement of the educational program the board of 43021  
education of the cooperative education school district will 43022  
conduct, including but not necessarily limited to the type of 43023  
educational program, the grade levels proposed for inclusion in 43024  
the program, the timetable for commencing operation of the 43025  
program, and the facilities proposed to be used or constructed to 43026  
be used by the program; 43027

(4) A statement of the annual amount, or the method for 43028  
determining that amount, of funds or services or facilities that 43029  
each city, local, and exempted village school district within the 43030

territory of the cooperative district is required to pay to or 43031  
provide for the use of the board of education of the cooperative 43032  
education school district; 43033

(5) Provision for adopting amendments to the provisions of 43034  
divisions (B)(2) to (4) of this section. 43035

(C) If the resolutions adopted under division (A) of this 43036  
section provide for a board of education of the cooperative 43037  
education school district that is not the governing board of the 43038  
educational service center that created the county school 43039  
financing district, each board of education of each city, local, 43040  
or exempted village school district and the governing board of the 43041  
educational service center within the territory of the cooperative 43042  
district shall, within thirty days after the date on which the 43043  
last resolution is filed with the educational service center 43044  
governing board under division (A) of this section, select one or 43045  
more members of the board of education of the cooperative district 43046  
as provided in the resolutions filed with the educational service 43047  
center governing board. Each such board shall immediately notify 43048  
the educational service center governing board of each such 43049  
selection. 43050

(D) Except for the powers and duties in this chapter and 43051  
Chapters 124., ~~3306.7~~ 3317., 3318., 3323., and 3331. of the 43052  
Revised Code, a cooperative education school district established 43053  
pursuant to divisions (A) to (C) of this section or pursuant to 43054  
section 3311.521 of the Revised Code has all the powers of a city 43055  
school district and its board of education has all the powers and 43056  
duties of a board of education of a city school district with 43057  
respect to the educational program specified in the resolutions 43058  
adopted under division (A) of this section. All laws applicable to 43059  
a city school district or the board of education or the members of 43060  
the board of education of a city school district, except such laws 43061  
in this chapter and Chapters 124., ~~3306.7~~ 3317., 3318., 3323., and 43062

3331. of the Revised Code, are applicable to a cooperative 43063  
education school district and its board. 43064

The treasurer and superintendent of a cooperative education 43065  
school district shall have the same respective duties and powers 43066  
as a treasurer and superintendent of a city school district, 43067  
except for any powers and duties in this chapter and Chapters 43068  
124., ~~3306.~~, 3317., 3318., 3323., and 3331. of the Revised Code. 43069

(E) For purposes of this title, any student included in the 43070  
formula ADM certified for any city, exempted village, or local 43071  
school district under section 3317.03 of the Revised Code by 43072  
virtue of being counted, in whole or in part, in the average daily 43073  
membership of a cooperative education school district under 43074  
division (A)(2)(f) of that section shall be construed to be 43075  
enrolled both in that city, exempted village, or local school 43076  
district and in that cooperative education school district. This 43077  
division shall not be construed to mean that any such individual 43078  
student may be counted more than once for purposes of determining 43079  
the average daily membership of any one school district. 43080

**Sec. 3311.53.** (A)(1) The board of education of any city, 43081  
local, or exempted village school district that wishes to become 43082  
part of a cooperative education school district established 43083  
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 43084  
Code may adopt a resolution proposing to become a part of the 43085  
cooperative education school district. 43086

(2) The board of education of any city, local, or exempted 43087  
village school district that is contiguous to a cooperative 43088  
education school district established pursuant to section 3311.521 43089  
of the Revised Code and that wishes to become part of that 43090  
cooperative district may adopt a resolution proposing to become 43091  
part of that cooperative district. 43092

(B) If, after the adoption of a resolution in accordance with 43093



division (A) of this section, the board of education of the 43094  
cooperative education school district named in that resolution 43095  
also adopts a resolution accepting the new district, the board of 43096  
the district wishing to become part of the cooperative district 43097  
shall advertise a copy of the cooperative district board's 43098  
resolution in a newspaper of general circulation in the school 43099  
district proposing to become a part of the cooperative education 43100  
school district once each week for ~~at least~~ two weeks, or as 43101  
provided in section 7.16 of the Revised Code, immediately 43102  
following the date of the adoption of the resolution. The 43103  
resolution shall become legally effective on the sixtieth day 43104  
after its adoption, unless prior to the expiration of that 43105  
sixty-day period qualified electors residing in the school 43106  
district proposed to become a part of the cooperative education 43107  
school district equal in number to a majority of the qualified 43108  
electors voting at the last general election file with the board 43109  
of education a petition of remonstrance against the transfer. If 43110  
the resolution becomes legally effective, both of the following 43111  
shall apply: 43112

(1) The resolution that established the cooperative education 43113  
school district pursuant to divisions (A) to (C) of section 43114  
3311.52 or section 3311.521 of the Revised Code shall be amended 43115  
to reflect the addition of the new district to the cooperative 43116  
district. 43117

(2) The board of education of the cooperative education 43118  
school district shall give written notice of this fact to the 43119  
county auditor and the board of elections of each county in which 43120  
the school district becoming a part of the cooperative education 43121  
school district has territory. Any such county auditor shall 43122  
thereupon have any outstanding levy for building purposes, bond 43123  
retirement, or current expenses in force in the cooperative 43124  
education school district spread over the territory of the school 43125

district becoming a part of the cooperative education school 43126  
district. 43127

(C) If the board of education of the cooperative education 43128  
school district is not the governing board of an educational 43129  
service center, the board of education of the cooperative 43130  
education school district shall, on the addition of a city, local, 43131  
or exempted village school district to the district pursuant to 43132  
this section, submit to the state board of education a proposal to 43133  
enlarge the membership of the board. In the case of a cooperative 43134  
district established pursuant to divisions (A) to (C) of section 43135  
3311.52 of the Revised Code, the proposal shall add one or more 43136  
persons to the district's board, at least one of whom shall be a 43137  
member of or selected by the board of education of the additional 43138  
school district, and shall specify the term of each such 43139  
additional member. In the case of a cooperative district 43140  
established pursuant to section 3311.521 of the Revised Code, the 43141  
proposal shall add two or more persons to the district's board, at 43142  
least two of whom shall be a member of or selected by the board of 43143  
education of the additional school district, and shall specify the 43144  
term of each such additional member. On approval by the state 43145  
board of education, the additional members shall be added to the 43146  
cooperative education school district board of education. 43147

**Sec. 3311.73.** (A) No later than ninety days before the 43148  
general election held in the first even-numbered year occurring at 43149  
least four years after the date it assumed control of the 43150  
municipal school district pursuant to division (B) of section 43151  
3311.71 of the Revised Code, the board of education appointed 43152  
under that division shall notify the board of elections of each 43153  
county containing territory of the municipal school district of 43154  
the referendum election required by division (B) of this section. 43155

(B) At the general election held in the first even-numbered 43156

year occurring at least four years after the date the new board 43157  
assumed control of a municipal school district pursuant to 43158  
division (B) of section 3311.71 of the Revised Code, the following 43159  
question shall be submitted to the electors residing in the school 43160  
district: 43161

"Shall the mayor of ..... (here insert the name of the 43162  
applicable municipal corporation) continue to appoint the members 43163  
of the board of education of the ..... (here insert the name of 43164  
the municipal school district)?" 43165

The board of elections of the county in which the majority of 43166  
the school district's territory is located shall make all 43167  
necessary arrangements for the submission of the question to the 43168  
electors, and the election shall be conducted, canvassed, and 43169  
certified in the same manner as regular elections in the district 43170  
for the election of county officers, provided that in any such 43171  
election in which only part of the electors of a precinct are 43172  
qualified to vote, the board of elections may assign voters in 43173  
such part to an adjoining precinct. Such an assignment may be made 43174  
to an adjoining precinct in another county with the consent and 43175  
approval of the board of elections of such other county. Notice of 43176  
the election shall be published in a newspaper of general 43177  
circulation in the school district once a week for two consecutive 43178  
weeks, or as provided in section 7.16 of the Revised Code, prior 43179  
to the election, ~~and, if~~. If the board of elections operates and 43180  
maintains a web site, the board of elections shall post notice of 43181  
the election on its web site for thirty days prior to the 43182  
election. The notice shall state the question on which the 43183  
election is being held. The ballot shall be in the form prescribed 43184  
by the secretary of state. Costs of submitting the question to the 43185  
electors shall be charged to the municipal school district in 43186  
accordance with section 3501.17 of the Revised Code. 43187

(C) If a majority of electors voting on the issue proposed in 43188

division (B) of this section approve the question, the mayor shall 43189  
appoint a new board on the immediately following first day of July 43190  
pursuant to division (F) of section 3311.71 of the Revised Code. 43191

(D) If a majority of electors voting on the issue proposed in 43192  
division (B) of this section disapprove the question, a new 43193  
seven-member board of education shall be elected at the next 43194  
regular election occurring in November of an odd-numbered year. At 43195  
such election, four members shall be elected for terms of four 43196  
years and three members shall be elected for terms of two years. 43197  
Thereafter, their successors shall be elected in the same manner 43198  
and for the same terms as members of boards of education of a city 43199  
school district. All members of the board of education of a 43200  
municipal school district appointed pursuant to division (B) of 43201  
section 3311.71 of the Revised Code shall continue to serve after 43202  
the end of the terms to which they were appointed until their 43203  
successors are qualified and assume office in accordance with 43204  
section 3313.09 of the Revised Code. 43205

**Sec. 3311.76.** (A) Notwithstanding Chapters 3302., ~~3306.~~, and 43206  
3317. of the Revised Code, upon written request of the district 43207  
chief executive officer the state superintendent of public 43208  
instruction may exempt a municipal school district from any rules 43209  
adopted under Title XXXIII of the Revised Code except for any rule 43210  
adopted under Chapter 3307. or 3309., sections 3319.07 to 3319.21, 43211  
or Chapter 3323. of the Revised Code, and may authorize a 43212  
municipal school district to apply funds allocated to the district 43213  
under ~~Chapters 3306. and Chapter~~ 3317. of the Revised Code, except 43214  
those specifically allocated to purposes other than current 43215  
expenses, to the payment of debt charges on the district's public 43216  
obligations. The request must specify the provisions from which 43217  
the district is seeking exemption or the application requested and 43218  
the reasons for the request. The state superintendent shall 43219  
approve the request if the superintendent finds the requested 43220

exemption or application is in the best interest of the district's 43221  
students. The superintendent shall approve or disapprove the 43222  
request within thirty days and shall notify the district board and 43223  
the district chief executive officer of approval or reasons for 43224  
disapproving the request. 43225

(B) In addition to the rights, authority, and duties 43226  
conferred upon a municipal school district and its board of 43227  
education in sections 3311.71 to 3311.76 of the Revised Code, a 43228  
municipal school district and its board shall have all of the 43229  
rights, authority, and duties conferred upon a city school 43230  
district and its board by law that are not inconsistent with 43231  
sections 3311.71 to 3311.76 of the Revised Code. 43232

**Sec. 3313.12.** Each member of the educational service center 43233  
governing board may be paid such compensation as the governing 43234  
board provides by resolution, provided that any such compensation 43235  
shall not exceed one hundred twenty-five dollars a day plus 43236  
mileage both ways, at the rate per mile provided by resolution of 43237  
the governing board, for attendance at any meeting of the board. 43238  
Such compensation and the expenses of the educational service 43239  
center superintendent, itemized and verified, shall be paid from 43240  
the educational service center governing board fund upon vouchers 43241  
signed by the president of the governing board. 43242

The board of education of any city, local, or exempted 43243  
village school district may provide by resolution for compensation 43244  
of its members, provided that such compensation shall not exceed 43245  
one hundred twenty-five dollars per member for meetings attended. 43246  
~~The board may provide by resolution for the deduction of amounts 43247~~  
~~payable for benefits under section 3313.202 of the Revised Code. 43248~~

Each member of a district board or educational service center 43249  
governing board may be paid such compensation as the respective 43250  
board provides by resolution for attendance at an approved 43251

training program, provided that such compensation shall not exceed 43252  
sixty dollars a day for attendance at a training program three 43253  
hours or fewer in length and one hundred twenty-five dollars a day 43254  
for attendance at a training program longer than three hours in 43255  
length. 43256

**Sec. 3313.29.** The treasurer of each board of education shall 43257  
keep an account of all school funds of the district. The treasurer 43258  
shall receive all vouchers for payments and disbursements made to 43259  
and by the board and preserve such vouchers for a period of ten 43260  
years unless copied or reproduced according to the procedure 43261  
prescribed in section 9.01 of the Revised Code. Thereafter, such 43262  
vouchers may be destroyed by the treasurer upon applying to and 43263  
obtaining an order from the school district records commission in 43264  
the manner prescribed by section 149.41 of the Revised Code, 43265  
except that it shall not be necessary to copy or reproduce such 43266  
vouchers before their destruction. The treasurer shall render a 43267  
statement to the board and to the superintendent of the school 43268  
district, monthly, or more often if required, showing the revenues 43269  
and receipts from whatever sources derived, the various 43270  
appropriations made by the board, the expenditures and 43271  
disbursements therefrom, the purposes thereof, the balances 43272  
remaining in each appropriation, and the assets and liabilities of 43273  
the school district. At the end of the fiscal year such statement 43274  
shall be a complete exhibit of the financial affairs of the school 43275  
district which may be published and distributed with the approval 43276  
of the board. All monthly and yearly statements as required in 43277  
this section shall be available for examination by the public. 43278

On request of the principal or other chief administrator of 43279  
any nonpublic school located within the school district's 43280  
territory, the treasurer shall provide such principal or 43281  
administrator with an account of the moneys received by the 43282  
district under division ~~(I)~~(E) of section 3317.024 of the Revised 43283

Code as reported to the district's board in the treasurer's most 43284  
recent monthly statement. 43285

**Sec. 3313.33.** (A) Conveyances made by a board of education 43286  
shall be executed by the president and treasurer thereof. 43287

(B) Except as provided in division (C) of this section, no 43288  
member of the board shall have, directly or indirectly, any 43289  
pecuniary interest in any contract of the board or be employed in 43290  
any manner for compensation by the board of which the person is a 43291  
member. No contract shall be binding upon any board unless it is 43292  
made or authorized at a regular or special meeting of such board. 43293

(C) A member of the board may have a pecuniary interest in a 43294  
contract of the board if all of the following apply: 43295

(1) The member's pecuniary interest in that contract is that 43296  
the member is employed by a political subdivision, 43297  
instrumentality, or agency of the state that is contracting with 43298  
the board; 43299

(2) The member does not participate in any discussion or 43300  
debate regarding the contract or vote on the contract; 43301

(3) The member files with the school district treasurer an 43302  
affidavit stating the member's exact employment status with the 43303  
political subdivision, instrumentality, or agency contracting with 43304  
the board. 43305

(D) This section does not apply where a member of the board, 43306  
being a shareholder of a corporation but not being an officer or 43307  
director thereof, owns not in excess of five per cent of the stock 43308  
of such corporation. If a stockholder desires to avail self of the 43309  
exception, before entering upon such contract such person shall 43310  
first file with the treasurer an affidavit stating the 43311  
stockholder's exact status and connection with said corporation. 43312

~~This section does not apply where a member of the board~~ 43313

~~elects to be covered by a health care plan under section 3313.202~~ 43314  
~~of the Revised Code.~~ 43315

**Sec. 3313.372.** (A) As used in this section, "energy 43316  
conservation measure" means an installation or modification of an 43317  
installation in, or remodeling of, a building, to reduce energy 43318  
consumption. It includes: 43319

(1) Insulation of the building structure and systems within 43320  
the building; 43321

(2) Storm windows and doors, multiglazed windows and doors, 43322  
heat absorbing or heat reflective glazed and coated window and 43323  
door systems, additional glazing, reductions in glass area, and 43324  
other window and door system modifications that reduce energy 43325  
consumption; 43326

(3) Automatic energy control systems; 43327

(4) Heating, ventilating, or air conditioning system 43328  
modifications or replacements; 43329

(5) Caulking and weatherstripping; 43330

(6) Replacement or modification of lighting fixtures to 43331  
increase the energy efficiency of the system without increasing 43332  
the overall illumination of a facility, unless such increase in 43333  
illumination is necessary to conform to the applicable state or 43334  
local building code for the proposed lighting system; 43335

(7) Energy recovery systems; 43336

(8) Cogeneration systems that produce steam or forms of 43337  
energy such as heat, as well as electricity, for use primarily 43338  
within a building or complex of buildings; 43339

(9) Any other modification, installation, or remodeling 43340  
approved by the Ohio school facilities commission as an energy 43341  
conservation measure. 43342



(B) A board of education of a city, exempted village, local, 43343  
or joint vocational school district may enter into an installment 43344  
payment contract for the purchase and installation of energy 43345  
conservation measures. The provisions of such installment payment 43346  
contracts dealing with interest charges and financing terms shall 43347  
not be subject to the competitive bidding requirements of section 43348  
3313.46 of the Revised Code, and shall be on the following terms: 43349

(1) Not less than one-fifteenth of the costs thereof shall be 43350  
paid within two years from the date of purchase. 43351

(2) The remaining balance of the costs thereof shall be paid 43352  
within fifteen years from the date of purchase. 43353

An installment payment contract entered into by a board of 43354  
education under this section shall require the board to contract 43355  
in accordance with division (A) of section 3313.46 of the Revised 43356  
Code for the installation, modification, or remodeling of energy 43357  
conservation measures unless division (A) of section 3313.46 of 43358  
the Revised Code does not apply pursuant to division (B)(3) of 43359  
that section. 43360

(C) The board may issue the notes of the school district 43361  
signed by the president and the treasurer of the board and 43362  
specifying the terms of the purchase and securing the deferred 43363  
payments provided in this section, payable at the times provided 43364  
and bearing interest at a rate not exceeding the rate determined 43365  
as provided in section 9.95 of the Revised Code. The notes may 43366  
contain an option for prepayment and shall not be subject to 43367  
Chapter 133. of the Revised Code. In the resolution authorizing 43368  
the notes, the board may provide, without the vote of the electors 43369  
of the district, for annually levying and collecting taxes in 43370  
amounts sufficient to pay the interest on and retire the notes, 43371  
except that the total net indebtedness of the district without a 43372  
vote of the electors incurred under this and all other sections of 43373  
the Revised Code, except section 3318.052 of the Revised Code, 43374

shall not exceed one per cent of the district's tax valuation. 43375  
Revenues derived from local taxes or otherwise, for the purpose of 43376  
conserving energy or for defraying the current operating expenses 43377  
of the district, may be applied to the payment of interest and the 43378  
retirement of such notes. The notes may be sold at private sale or 43379  
given to the contractor under the installment payment contract 43380  
authorized by division (B) of this section. 43381

(D) Debt incurred under this section shall not be included in 43382  
the calculation of the net indebtedness of a school district under 43383  
section 133.06 of the Revised Code. 43384

(E) No school district board shall enter into an installment 43385  
payment contract under division (B) of this section unless it 43386  
first obtains a report of the costs of the energy conservation 43387  
measures and the savings thereof as described under division (G) 43388  
of section 133.06 of the Revised Code as a requirement for issuing 43389  
energy securities, makes a finding that the amount spent on such 43390  
measures is not likely to exceed the amount of money it would save 43391  
in energy costs and resultant operational and maintenance costs as 43392  
described in that division, except that that finding shall cover 43393  
the ensuing fifteen years, and the Ohio school facilities 43394  
commission determines that the district board's findings are 43395  
reasonable and approves the contract as described in that 43396  
division. 43397

The district board shall monitor the savings and maintain a 43398  
report of those savings, which shall be ~~available~~ submitted to the 43399  
commission in the same manner as required by division (G) of 43400  
section 133.06 of the Revised Code in the case of energy 43401  
securities. 43402

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 43403  
(F), and (G) of this section, when a board of education decides to 43404  
dispose of real or personal property that it owns in its corporate 43405

capacity and that exceeds in value ten thousand dollars, it shall 43406  
sell the property at public auction, after giving at least thirty 43407  
days' notice of the auction by publication in a newspaper of 43408  
general circulation in the school district, by publication as 43409  
provided in section 7.16 of the Revised Code, or by posting 43410  
notices in five of the most public places in the school district 43411  
in which the property, if it is real property, is situated, or, if 43412  
it is personal property, in the school district of the board of 43413  
education that owns the property. The board may offer real 43414  
property for sale as an entire tract or in parcels. 43415

(B) When the board of education has offered real or personal 43416  
property for sale at public auction at least once pursuant to 43417  
division (A) of this section, and the property has not been sold, 43418  
the board may sell it at a private sale. Regardless of how it was 43419  
offered at public auction, at a private sale, the board shall, as 43420  
it considers best, sell real property as an entire tract or in 43421  
parcels, and personal property in a single lot or in several lots. 43422

(C) If a board of education decides to dispose of real or 43423  
personal property that it owns in its corporate capacity and that 43424  
exceeds in value ten thousand dollars, it may sell the property to 43425  
the adjutant general; to any subdivision or taxing authority as 43426  
respectively defined in divisions (A) and (C) of section 5705.01 43427  
of the Revised Code, township park district, board of park 43428  
commissioners established under Chapter 755. of the Revised Code, 43429  
or park district established under Chapter 1545. of the Revised 43430  
Code; to a wholly or partially tax-supported university, 43431  
university branch, or college; or to the board of trustees of a 43432  
school district library, upon such terms as are agreed upon. The 43433  
sale of real or personal property to the board of trustees of a 43434  
school district library is limited, in the case of real property, 43435  
to a school district library within whose boundaries the real 43436  
property is situated, or, in the case of personal property, to a 43437

school district library whose boundaries lie in whole or in part 43438  
within the school district of the selling board of education. 43439

(D) When a board of education decides to trade as a part or 43440  
an entire consideration, an item of personal property on the 43441  
purchase price of an item of similar personal property, it may 43442  
trade the same upon such terms as are agreed upon by the parties 43443  
to the trade. 43444

(E) The president and the treasurer of the board of education 43445  
shall execute and deliver deeds or other necessary instruments of 43446  
conveyance to complete any sale or trade under this section. 43447

(F) When a board of education has identified a parcel of real 43448  
property that it determines is needed for school purposes, the 43449  
board may, upon a majority vote of the members of the board, 43450  
acquire that property by exchanging real property that the board 43451  
owns in its corporate capacity for the identified real property or 43452  
by using real property that the board owns in its corporate 43453  
capacity as part or an entire consideration for the purchase price 43454  
of the identified real property. Any exchange or acquisition made 43455  
pursuant to this division shall be made by a conveyance executed 43456  
by the president and the treasurer of the board. 43457

(G)(1) When a school district board of education decides to 43458  
dispose of real property ~~suitable for use as classroom space,~~ 43459  
prior to disposing of that property under divisions (A) to (F) of 43460  
this section, it shall first offer that property for sale ~~to~~ by 43461  
public auction as described in division (A) of this section. Only 43462  
the governing authorities of ~~the start-up~~ community schools 43463  
established under Chapter 3314. of the Revised Code ~~located within~~ 43464  
~~the territory of the school district, at a price that is not~~ 43465  
~~higher than the appraised fair market value of that property. If~~ 43466  
~~more than one community school governing authority accepts the~~ 43467  
~~offer made by the school district board, the board shall sell the~~ 43468  
~~property to the governing authority that accepted the offer first~~ 43469

~~in time, operators of community schools, and any persons or~~ 43470  
~~entities that have entered into a lease agreement with a governing~~ 43471  
~~authority or operator of a community school shall be eligible to~~ 43472  
~~bid at the auction.~~ If no community school governing authority 43473  
~~accepts the offer within sixty days after the offer is made by the~~ 43474  
~~school district board, operator, or lessor or leasing entity~~ 43475  
~~offers a bid to purchase the property,~~ the board may dispose of 43476  
the property in the applicable manner prescribed under divisions 43477  
(A) to (F) of this section. 43478

(2) When a school district board of education has not used 43479  
real property ~~suitable for classroom space for academic~~ 43480  
~~instruction, administration, storage, or any other educational~~ 43481  
~~purpose for one full school year and has not adopted a resolution~~ 43482  
~~outlining a plan for using that property for any of those purposes~~ 43483  
~~within the next three school years,~~ it immediately shall offer 43484  
that property for sale ~~to~~ by public auction as described in 43485  
division (A) of this section. Only the governing authorities of 43486  
~~the start-up~~ community schools established under Chapter 3314. of 43487  
the Revised Code ~~located within the territory of the school~~ 43488  
~~district, at a price that is not higher than the appraised fair~~ 43489  
~~market value of that property. If more than one community school~~ 43490  
~~governing authority accepts the offer made by the school district~~ 43491  
~~board, the board shall sell the property to the governing~~ 43492  
~~authority that accepted the offer first in time, operators of~~ 43493  
community schools, and any persons or entities that have entered 43494  
into a lease agreement with a governing authority or operator of a 43495  
community school shall be eligible to bid at the auction. If no 43496  
governing authority, operator, or lessor or leasing entity offers 43497  
a bid to purchase property, the board may dispose of property in 43498  
the applicable manner under divisions (A) to (F) of this section. 43499

(H) When a school district board of education has property 43500  
that the board, by resolution, finds is not needed for school 43501

district use, is obsolete, or is unfit for the use for which it 43502  
was acquired, the board may donate that property in accordance 43503  
with this division if the fair market value of the property is, in 43504  
the opinion of the board, two thousand five hundred dollars or 43505  
less. 43506

The board shall first offer the property to the governing 43507  
authorities and operators of community schools established under 43508  
Chapter 3314. of the Revised Code located within the territory of 43509  
the school district. If no community school governing authority or 43510  
operator accepts the donation, the property may be donated to an 43511  
eligible nonprofit organization that is located in this state and 43512  
is exempt from federal income taxation pursuant to 26 U.S.C. 43513  
501(a) and (c)(3). Before donating any property under this 43514  
division, the board shall adopt a resolution expressing its intent 43515  
to make unneeded, obsolete, or unfit-for-use school district 43516  
property available to these organizations. The resolution shall 43517  
include guidelines and procedures the board considers to be 43518  
necessary to implement the donation program and shall indicate 43519  
whether the school district will conduct the donation program or 43520  
the board will contract with a representative to conduct it. If a 43521  
representative is known when the resolution is adopted, the 43522  
resolution shall provide contact information such as the 43523  
representative's name, address, and telephone number. 43524

The resolution shall include within its procedures a 43525  
requirement that any nonprofit organization desiring to obtain 43526  
donated property under this division shall submit a written notice 43527  
to the board or its representative. The written notice shall 43528  
include evidence that the organization is a nonprofit organization 43529  
that is located in this state and is exempt from federal income 43530  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 43531  
the organization's primary purpose; a description of the type or 43532  
types of property the organization needs; and the name, address, 43533

and telephone number of a person designated by the organization's 43534  
governing board to receive donated property and to serve as its 43535  
agent. 43536

After adoption of the resolution, the board shall publish, in 43537  
a newspaper of general circulation in the school district or as 43538  
provided in section 7.16 of the Revised Code, notice of its intent 43539  
to donate unneeded, obsolete, or unfit-for-use school district 43540  
property to eligible nonprofit organizations. The notice shall 43541  
include a summary of the information provided in the resolution 43542  
and shall be published ~~at least~~ twice. The second ~~and any~~ 43543  
~~subsequent~~ notice shall be published not less than ten nor more 43544  
than twenty days after the previous notice. A similar notice also 43545  
shall be posted continually in the board's office, ~~and, if.~~ If the 43546  
school district maintains a web site on the internet, the notice 43547  
shall be posted continually at that web site. 43548

The board or its representatives shall maintain a list of all 43549  
nonprofit organizations that notify the board or its 43550  
representative of their desire to obtain donated property under 43551  
this division and that the board or its representative determines 43552  
to be eligible, in accordance with the requirements set forth in 43553  
this section and in the donation program's guidelines and 43554  
procedures, to receive donated property. 43555

The board or its representative also shall maintain a list of 43556  
all school district property the board finds to be unneeded, 43557  
obsolete, or unfit for use and to be available for donation under 43558  
this division. The list shall be posted continually in a 43559  
conspicuous location in the board's office, and, if the school 43560  
district maintains a web site on the internet, the list shall be 43561  
posted continually at that web site. An item of property on the 43562  
list shall be donated to the eligible nonprofit organization that 43563  
first declares to the board or its representative its desire to 43564  
obtain the item unless the board previously has established, by 43565

resolution, a list of eligible nonprofit organizations that shall 43566  
be given priority with respect to the item's donation. Priority 43567  
may be given on the basis that the purposes of a nonprofit 43568  
organization have a direct relationship to specific school 43569  
district purposes of programs provided or administered by the 43570  
board. A resolution giving priority to certain nonprofit 43571  
organizations with respect to the donation of an item of property 43572  
shall specify the reasons why the organizations are given that 43573  
priority. 43574

Members of the board shall consult with the Ohio ethics 43575  
commission, and comply with Chapters 102. and 2921. of the Revised 43576  
Code, with respect to any donation under this division to a 43577  
nonprofit organization of which a board member, any member of a 43578  
board member's family, or any business associate of a board member 43579  
is a trustee, officer, board member, or employee. 43580

Any community school, or its governing authority or operator, 43581  
or person or entity that has entered into a lease agreement with a 43582  
governing authority or operator of a community school may bring 43583  
civil action in the court of common pleas for the county in which 43584  
the subject real property is located to enforce the provisions of 43585  
division (G) or (H) of this section. 43586

Sec. 3313.411. (A) On or after the effective date of this 43587  
section, when a school district board of education decides to 43588  
lease to another entity, on a basis of not less than one school 43589  
year at a time, real property that it owns in its corporate 43590  
capacity and that is suitable for use as classroom space or for 43591  
other educational purposes, the board shall first offer to lease 43592  
that property to the governing authorities of the community 43593  
schools, established under Chapter 3314. of the Revised Code, 43594  
located within the territory of the school district. The lease 43595  
price offered by the district board shall not be higher than the 43596



fair market value for such a leasehold. If more than one community 43597  
school governing authority accepts the offer to lease that 43598  
property, the district board shall lease the property to the 43599  
governing authority that accepted the offer first in time, except 43600  
that any conversion community school sponsored by the school 43601  
district shall have highest priority for the leasehold. If no 43602  
community school governing authority accepts the offer to lease 43603  
the property within sixty days after the offer is made, the 43604  
district board may offer the property for lease to any other 43605  
entity. 43606

(B) Notwithstanding division (A) of this section, a school 43607  
district board may renew any agreement it originally entered into 43608  
prior to the effective date of this section to lease real property 43609  
to an entity other than a community school. Nothing in this 43610  
section shall affect the leasehold arrangements between the 43611  
district board and that other entity. 43612

**Sec. 3313.46.** (A) In addition to any other law governing the 43613  
bidding for contracts by the board of education of any school 43614  
district, when any such board determines to build, repair, 43615  
enlarge, improve, or demolish any school building, the cost of 43616  
which will exceed twenty-five thousand dollars, except in cases of 43617  
urgent necessity, or for the security and protection of school 43618  
property, and except as otherwise provided in division (D) of 43619  
section 713.23 and in section 125.04 of the Revised Code, all of 43620  
the following shall apply: 43621

(1) The board shall cause to be prepared the plans, 43622  
specifications, and related information as required in divisions 43623  
(A), ~~(B)~~(1), (2), and ~~(D)~~(3) of section 153.01 of the Revised Code 43624  
unless the board determines that other information is sufficient 43625  
to inform any bidders of the board's requirements. However, if the 43626  
board determines that such other information is sufficient for 43627

bidding a project, the board shall not engage in the construction 43628  
of any such project involving the practice of professional 43629  
engineering, professional surveying, or architecture, for which 43630  
plans, specifications, and estimates have not been made by, and 43631  
the construction thereof inspected by, a licensed professional 43632  
engineer, licensed professional surveyor, or registered architect. 43633

(2) The board shall advertise for bids once each week for a 43634  
period of not less than two consecutive weeks, or as provided in 43635  
section 7.16 of the Revised Code, in a newspaper of general 43636  
circulation in the district before the date specified by the board 43637  
for receiving bids. The board may also cause notice to be inserted 43638  
in trade papers or other publications designated by it or to be 43639  
distributed by electronic means, including posting the notice on 43640  
the board's internet web site. If the board posts the notice on 43641  
its web site, it may eliminate the second notice otherwise 43642  
required to be published in a newspaper of general circulation 43643  
within the school district, provided that the first notice 43644  
published in such newspaper meets all of the following 43645  
requirements: 43646

(a) It is published at least two weeks before the opening of 43647  
bids. 43648

(b) It includes a statement that the notice is posted on the 43649  
board of education's internet web site. 43650

(c) It includes the internet address of the board's internet 43651  
web site. 43652

(d) It includes instructions describing how the notice may be 43653  
accessed on the board's internet web site. 43654

(3) Unless the board extends the time for the opening of bids 43655  
they shall be opened at the time and place specified by the board 43656  
in the advertisement for the bids. 43657

(4) Each bid shall contain the name of every person 43658

interested therein. Each bid shall meet the requirements of 43659  
section 153.54 of the Revised Code. 43660

(5) When both labor and materials are embraced in the work 43661  
bid for, the board may require that each be separately stated in 43662  
the bid, with the price thereof, or may require that bids be 43663  
submitted without such separation. 43664

(6) None but the lowest responsible bid shall be accepted. 43665  
The board may reject all the bids, or accept any bid for both 43666  
labor and material for such improvement or repair, which is the 43667  
lowest in the aggregate. In all other respects, the award of 43668  
contracts for improvement or repair, but not for purchases made 43669  
under section 3327.08 of the Revised Code, shall be pursuant to 43670  
section 153.12 of the Revised Code. 43671

(7) The contract shall be between the board and the bidders. 43672  
The board shall pay the contract price for the work pursuant to 43673  
sections 153.13 and 153.14 of the Revised Code. The board shall 43674  
approve and retain the estimates referred to in section 153.13 of 43675  
the Revised Code and make them available to the auditor of state 43676  
upon request. 43677

(8) When two or more bids are equal, in the whole, or in any 43678  
part thereof, and are lower than any others, either may be 43679  
accepted, but in no case shall the work be divided between such 43680  
bidders. 43681

(9) When there is reason to believe there is collusion or 43682  
combination among the bidders, or any number of them, the bids of 43683  
those concerned therein shall be rejected. 43684

(B) Division (A) of this section does not apply to the board 43685  
of education of any school district in any of the following 43686  
situations: 43687

(1) The acquisition of educational materials used in 43688  
teaching. 43689

(2) If the board determines and declares by resolution 43690  
adopted by two-thirds of all its members that any item is 43691  
available and can be acquired only from a single source. 43692

(3) If the board declares by resolution adopted by two-thirds 43693  
of all its members that division (A) of this section does not 43694  
apply to any installation, modification, or remodeling involved in 43695  
any energy conservation measure undertaken through an installment 43696  
payment contract under section 3313.372 of the Revised Code or 43697  
undertaken pursuant to division (G) of section 133.06 of the 43698  
Revised Code. 43699

(4) The acquisition of computer software for instructional 43700  
purposes and computer hardware for instructional purposes pursuant 43701  
to division (B)(4) of section 3313.37 of the Revised Code. 43702

(C) No resolution adopted pursuant to division (B)(2) or (3) 43703  
of this section shall have any effect on whether sections 153.12 43704  
to 153.14 and 153.54 of the Revised Code apply to the board of 43705  
education of any school district with regard to any item. 43706

**Sec. ~~3314.20~~ 3313.473.** This section does not apply to any 43707  
school district declared to be excellent or effective pursuant to 43708  
division (B)(1) or (2) of section 3302.03 of the Revised Code. 43709

(A) The state board of education shall adopt rules requiring 43710  
school districts with a total student count of over five thousand, 43711  
as determined pursuant to section 3317.03 of the Revised Code, to 43712  
designate one school building to be operated by a site-based 43713  
management council. The rules shall specify the composition of the 43714  
council and the manner in which members of the council are to be 43715  
selected and removed. 43716

(B) The rules adopted under division (A) of this section 43717  
shall specify those powers, duties, functions, and 43718  
responsibilities that shall be vested in the management council 43719

and that would otherwise be exercised by the district board of 43720  
education. The rules shall also establish a mechanism for 43721  
resolving any differences between the council and the district 43722  
board if there is disagreement as to their respective powers, 43723  
duties, functions, and responsibilities. 43724

(C) The board of education of any school district described 43725  
by division (A) of this section may, in lieu of complying with the 43726  
rules adopted under this section, file with the department of 43727  
education an alternative structure for a district site-based 43728  
management program in at least one of its school buildings. The 43729  
proposal shall specify the composition of the council, which shall 43730  
include an equal number of parents and teachers and the building 43731  
principal, and the method of selection and removal of the council 43732  
members. The proposal shall also clearly delineate the respective 43733  
powers, duties, functions, and responsibilities of the district 43734  
board and the council. The district's proposal shall comply 43735  
substantially with the rules adopted under division (A) of this 43736  
section. 43737

**Sec. 3313.482.** (A) Annually, prior to the first day of 43738  
September, the board of education of each city, local, and 43739  
exempted village school district shall adopt a resolution 43740  
specifying a contingency plan under which the district's students 43741  
will make up days on which it was necessary to close schools for 43742  
any of the reasons specified in ~~division (A)(2) of section 3306.01~~ 43743  
~~and~~ division (B) of section 3317.01 of the Revised Code, if any 43744  
such days must be made up in order to comply with the requirements 43745  
of sections ~~3306.01~~, 3313.48, 3313.481, and 3317.01 of the Revised 43746  
Code. The plan shall provide for making up at least five school 43747  
days. The plan may provide for making up some or all of the days a 43748  
school is closed by increasing the length of other school days in 43749  
the manner authorized in division (B) of this section. No 43750  
resolution adopted pursuant to this division shall conflict with 43751

any collective bargaining agreement into which a board has entered 43752  
pursuant to Chapter 4117. of the Revised Code and that is in 43753  
effect in the district. 43754

(B) Notwithstanding anything to the contrary in the 43755  
contingency plan it adopts under division (A) of this section, if 43756  
a school district closes or evacuates any school building for any 43757  
of the reasons specified in ~~division (A)(2) of section 3306.01 and~~ 43758  
division (B) of section 3317.01 of the Revised Code, or as a 43759  
result of a bomb threat or any other report of an alleged or 43760  
impending explosion, and if, as a result of the closing or 43761  
evacuation, the school district would be unable to meet the 43762  
requirements of sections ~~3306.01~~, 3313.48, 3313.481, and 3317.01 43763  
of the Revised Code regarding the number of days schools must be 43764  
open for instruction or the requirements of the state minimum 43765  
standards for the school day that are established by the 43766  
department of education regarding the number of hours there must 43767  
be in the school day, the school district may increase the length 43768  
of one or more other school days for the school that was closed or 43769  
evacuated, in increments of one-half hour, to make up the number 43770  
of hours or days that the school building in question was so 43771  
closed or evacuated for the purpose of satisfying the requirements 43772  
of those sections. 43773

A school district that makes up, as described in this 43774  
division, all of the hours or days that its school buildings were 43775  
closed or evacuated for any of the reasons identified in this 43776  
division shall be deemed to have complied with the requirements of 43777  
sections ~~3306.01~~, 3313.48, 3313.481, and 3317.01 of the Revised 43778  
Code regarding the number of days schools must be open for 43779  
instruction and the requirements of the state minimum standards 43780  
regarding the number of hours there must be in the school day. 43781

**Sec. 3313.533.** (A) The board of education of a city, exempted 43782

village, or local school district may adopt a resolution to 43783  
establish and maintain an alternative school in accordance with 43784  
this section. The resolution shall specify, but not necessarily be 43785  
limited to, all of the following: 43786

(1) The purpose of the school, which purpose shall be to 43787  
serve students who are on suspension, who are having truancy 43788  
problems, who are experiencing academic failure, who have a 43789  
history of class disruption, who are exhibiting other academic or 43790  
behavioral problems specified in the resolution, or who have been 43791  
discharged or released from the custody of the department of youth 43792  
services under section 5139.51 of the Revised Code; 43793

(2) The grades served by the school, which may include any of 43794  
grades kindergarten through twelve; 43795

(3) A requirement that the school be operated in accordance 43796  
with this section. The board of education adopting the resolution 43797  
under division (A) of this section shall be the governing board of 43798  
the alternative school. The board shall develop and implement a 43799  
plan for the school in accordance with the resolution establishing 43800  
the school and in accordance with this section. Each plan shall 43801  
include, but not necessarily be limited to, all of the following: 43802

(a) Specification of the reasons for which students will be 43803  
accepted for assignment to the school and any criteria for 43804  
admission that are to be used by the board to approve or 43805  
disapprove the assignment of students to the school; 43806

(b) Specification of the criteria and procedures that will be 43807  
used for returning students who have been assigned to the school 43808  
back to the regular education program of the district; 43809

(c) An evaluation plan for assessing the effectiveness of the 43810  
school and its educational program and reporting the results of 43811  
the evaluation to the public. 43812

(B) Notwithstanding any provision of Title XXXIII of the 43813

Revised Code to the contrary, the alternative school plan may 43814  
include any of the following: 43815

(1) A requirement that on each school day students must 43816  
attend school or participate in other programs specified in the 43817  
plan or by the chief administrative officer of the school for a 43818  
period equal to the minimum school day set by the state board of 43819  
education under section 3313.48 of the Revised Code plus any 43820  
additional time required in the plan or by the chief 43821  
administrative officer; 43822

(2) Restrictions on student participation in extracurricular 43823  
or interscholastic activities; 43824

(3) A requirement that students wear uniforms prescribed by 43825  
the district board of education. 43826

(C) In accordance with the alternative school plan, the 43827  
district board of education may employ teachers and nonteaching 43828  
employees necessary to carry out its duties and fulfill its 43829  
responsibilities or may contract with a nonprofit or for profit 43830  
entity to operate the alternative school, including the provision 43831  
of personnel, supplies, equipment, or facilities. 43832

(D) An alternative school may be established in all or part 43833  
of a school building. 43834

(E) If a district board of education elects under this 43835  
section, or is required by section 3313.534 of the Revised Code, 43836  
to establish an alternative school, the district board may join 43837  
with the board of education of one or more other districts to form 43838  
a joint alternative school by forming a cooperative education 43839  
school district under section 3311.52 or 3311.521 of the Revised 43840  
Code, or a joint educational program under section 3313.842 of the 43841  
Revised Code. The authority to employ personnel or to contract 43842  
with a nonprofit or for profit entity under division (C) of this 43843  
section applies to any alternative school program established 43844



under this division. 43845

(F) Any individual employed as a teacher at an alternative 43846  
school operated by a nonprofit or for profit entity under this 43847  
section shall be licensed and shall be subject to background 43848  
checks, as described in section 3319.39 of the Revised Code, in 43849  
the same manner as an individual employed by a school district. 43850

(G) Division (G) of this section applies only to any 43851  
alternative school that is operated by a nonprofit or for profit 43852  
entity under contract with the school district. 43853

(1) In addition to the specifications authorized under 43854  
division (B) of this section, any plan adopted under that division 43855  
for an alternative school to which division (G) of this section 43856  
also applies shall include the following: 43857

(a) A description of the educational program provided at the 43858  
alternative school, which shall include: 43859

(i) Provisions for the school to be configured in clusters or 43860  
small learning communities; 43861

(ii) Provisions for the incorporation of education technology 43862  
into the curriculum; 43863

(iii) Provisions for accelerated learning programs in reading 43864  
and mathematics. 43865

(b) A method to determine the reading and mathematics level 43866  
of each student assigned to the alternative school and a method to 43867  
continuously monitor each student's progress in those areas. The 43868  
methods employed under this division shall be aligned with the 43869  
curriculum adopted by the school district board of education under 43870  
section 3313.60 of the Revised Code. 43871

(c) A plan for social services to be provided at the 43872  
alternative school, such as, but not limited to, counseling 43873  
services, psychological support services, and enrichment programs; 43874

(d) A plan for a student's transition from the alternative school back to a school operated by the school district;	43875 43876
(e) A requirement that the alternative school maintain financial records in a manner that is compatible with the form prescribed for school districts by the auditor of state to enable the district to comply with any rules adopted by the auditor of state.	43877 43878 43879 43880 43881
(2) Notwithstanding division (A)(2) of this section, any alternative school to which division (G) of this section applies shall include only grades six through twelve.	43882 43883 43884
(3) Notwithstanding anything in division (A)(3)(a) of this section to the contrary, the characteristics of students who may be assigned to an alternative school to which division (G) of this section applies shall include only disruptive and low-performing students.	43885 43886 43887 43888 43889
(H) When any district board of education determines to contract with a nonprofit or for profit entity to operate an alternative school under this section, the board shall use the procedure set forth in this division.	43890 43891 43892 43893
(1) The board shall publish notice of a request for proposals in a newspaper of general circulation in the district once each week for a period of <del>at least</del> <u>two consecutive weeks, or as provided in section 7.16 of the Revised Code</u> , prior to the date specified by the board for receiving proposals. Notices of requests for proposals shall contain a general description of the subject of the proposed contract and the location where the request for proposals may be obtained. The request for proposals shall include all of the following information:	43894 43895 43896 43897 43898 43899 43900 43901 43902
(a) Instructions and information to respondents concerning the submission of proposals, including the name and address of the office where proposals are to be submitted;	43903 43904 43905

(b) Instructions regarding communications, including at least the names, titles, and telephone numbers of persons to whom questions concerning a proposal may be directed;

(c) A description of the performance criteria that will be used to evaluate whether a respondent to which a contract is awarded is meeting the district's educational standards or the method by which such performance criteria will be determined;

(d) Factors and criteria to be considered in evaluating proposals, the relative importance of each factor or criterion, and a description of the evaluation procedures to be followed;

(e) Any terms or conditions of the proposed contract, including any requirement for a bond and the amount of such bond;

(f) Documents that may be incorporated by reference into the request for proposals, provided that the request for proposals specifies where such documents may be obtained and that such documents are readily available to all interested parties.

(2) After the date specified for receiving proposals, the board shall evaluate the submitted proposals and may hold discussions with any respondent to ensure a complete understanding of the proposal and the qualifications of such respondent to execute the proposed contract. Such qualifications shall include, but are not limited to, all of the following:

(a) Demonstrated competence in performance of the required services as indicated by effective implementation of educational programs in reading and mathematics and at least three years of experience successfully serving a student population similar to the student population assigned to the alternative school;

(b) Demonstrated performance in the areas of cost containment, the provision of educational services of a high quality, and any other areas determined by the board;

(c) Whether the respondent has the resources to undertake the operation of the alternative school and to provide qualified personnel to staff the school;

(d) Financial responsibility.

(3) The board shall select for further review at least three proposals from respondents the board considers qualified to operate the alternative school in the best interests of the students and the district. If fewer than three proposals are submitted, the board shall select each proposal submitted. The board may cancel a request for proposals or reject all proposals at any time prior to the execution of a contract.

The board may hold discussions with any of the three selected respondents to clarify or revise the provisions of a proposal or the proposed contract to ensure complete understanding between the board and the respondent of the terms under which a contract will be entered. Respondents shall be accorded fair and equal treatment with respect to any opportunity for discussion regarding clarifications or revisions. The board may terminate or discontinue any further discussion with a respondent upon written notice.

(4) Upon further review of the three proposals selected by the board, the board shall award a contract to the respondent the board considers to have the most merit, taking into consideration the scope, complexity, and nature of the services to be performed by the respondent under the contract.

(5) Except as provided in division (H)(6) of this section, the request for proposals, submitted proposals, and related documents shall become public records under section 149.43 of the Revised Code after the award of the contract.

(6) Any respondent may request in writing that the board not disclose confidential or proprietary information or trade secrets

contained in the proposal submitted by the respondent to the 43967  
board. Any such request shall be accompanied by an offer of 43968  
indemnification from the respondent to the board. The board shall 43969  
determine whether to agree to the request and shall inform the 43970  
respondent in writing of its decision. If the board agrees to 43971  
nondisclosure of specified information in a proposal, such 43972  
information shall not become a public record under section 149.43 43973  
of the Revised Code. If the respondent withdraws its proposal at 43974  
any time prior to the execution of a contract, the proposal shall 43975  
not be a public record under section 149.43 of the Revised Code. 43976

(I) Upon a recommendation from the department and in 43977  
accordance with section 3301.16 of the Revised Code, the state 43978  
board of education may revoke the charter of any alternative 43979  
school operated by a school district that violates this section. 43980

**Sec. 3313.55.** The board of education of any school district 43981  
in which is located a state, district, county, or municipal 43982  
hospital for children with epilepsy or any public institution, 43983  
except state institutions for the care and treatment of 43984  
delinquent, unstable, or socially maladjusted children, shall make 43985  
provision for the education of all educable children therein; 43986  
except that in the event another school district within the same 43987  
county or an adjoining county is the source of sixty per cent or 43988  
more of the children in said hospital or institution, the board of 43989  
that school district shall make provision for the education of all 43990  
the children therein. In any case in which a board provides 43991  
educational facilities under this section, the board that provides 43992  
the facilities shall be entitled to all moneys authorized for the 43993  
attendance of pupils as provided in Chapter ~~3306.~~<sup>or</sup> 3317. of the 43994  
Revised Code, tuition as provided in section 3317.08 of the 43995  
Revised Code, and such additional compensation as is provided for 43996  
crippled children in sections 3323.01 to 3323.12 of the Revised 43997  
Code. Any board that provides the educational facilities for 43998

children in county or municipal institutions established for the 43999  
care and treatment of children who are delinquent, unstable, or 44000  
socially maladjusted shall not be entitled to any moneys provided 44001  
for crippled children in sections 3323.01 to 3323.12 of the 44002  
Revised Code. 44003

**Sec. 3313.603.** (A) As used in this section: 44004

(1) "One unit" means a minimum of one hundred twenty hours of 44005  
course instruction, except that for a laboratory course, "one 44006  
unit" means a minimum of one hundred fifty hours of course 44007  
instruction. 44008

(2) "One-half unit" means a minimum of sixty hours of course 44009  
instruction, except that for physical education courses, "one-half 44010  
unit" means a minimum of one hundred twenty hours of course 44011  
instruction. 44012

(B) Beginning September 15, 2001, except as required in 44013  
division (C) of this section and division (C) of section 3313.614 44014  
of the Revised Code, the requirements for graduation from every 44015  
high school shall include twenty units earned in grades nine 44016  
through twelve and shall be distributed as follows: 44017

(1) English language arts, four units; 44018

(2) Health, one-half unit; 44019

(3) Mathematics, three units; 44020

(4) Physical education, one-half unit; 44021

(5) Science, two units until September 15, 2003, and three 44022  
units thereafter, which at all times shall include both of the 44023  
following: 44024

(a) Biological sciences, one unit; 44025

(b) Physical sciences, one unit. 44026

(6) Social studies, three units, which shall include both of 44027

the following:	44028
(a) American history, one-half unit;	44029
(b) American government, one-half unit.	44030
(7) Elective units, seven units until September 15, 2003, and six units thereafter.	44031 44032
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	44033 44034 44035
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	44036 44037 44038 44039 44040 44041 44042
(1) English language arts, four units;	44043
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	44044 44045 44046
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	44047 44048
(4) Physical education, one-half unit;	44049
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	44050 44051 44052 44053
(a) Physical sciences, one unit;	44054
(b) Life sciences, one unit;	44055
(c) Advanced study in one or more of the following sciences,	44056

one unit:	44057
(i) Chemistry, physics, or other physical science;	44058
(ii) Advanced biology or other life science;	44059
(iii) Astronomy, physical geology, or other earth or space science.	44060 44061
(6) Social studies, three units, which shall include both of the following:	44062 44063
(a) American history, one-half unit;	44064
(b) American government, one-half unit.	44065
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(6) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	44066 44067 44068 44069 44070 44071 44072 44073 44074 44075 44076 44077 44078 44079
(7) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology, agricultural education, a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C)	44080 44081 44082 44083 44084 44085 44086



of this section. 44087

Ohioans must be prepared to apply increased knowledge and 44088  
skills in the workplace and to adapt their knowledge and skills 44089  
quickly to meet the rapidly changing conditions of the 44090  
twenty-first century. National studies indicate that all high 44091  
school graduates need the same academic foundation, regardless of 44092  
the opportunities they pursue after graduation. The goal of Ohio's 44093  
system of elementary and secondary education is to prepare all 44094  
students for and seamlessly connect all students to success in 44095  
life beyond high school graduation, regardless of whether the next 44096  
step is entering the workforce, beginning an apprenticeship, 44097  
engaging in post-secondary training, serving in the military, or 44098  
pursuing a college degree. 44099

The Ohio core curriculum is the standard expectation for all 44100  
students entering ninth grade for the first time at a public or 44101  
chartered nonpublic high school on or after July 1, 2010. A 44102  
student may satisfy this expectation through a variety of methods, 44103  
including, but not limited to, integrated, applied, 44104  
career-technical, and traditional coursework. 44105

Whereas teacher quality is essential for student success in 44106  
completing the Ohio core curriculum, the general assembly shall 44107  
appropriate funds for strategic initiatives designed to strengthen 44108  
schools' capacities to hire and retain highly qualified teachers 44109  
in the subject areas required by the curriculum. Such initiatives 44110  
are expected to require an investment of \$120,000,000 over five 44111  
years. 44112

Stronger coordination between high schools and institutions 44113  
of higher education is necessary to prepare students for more 44114  
challenging academic endeavors and to lessen the need for academic 44115  
remediation in college, thereby reducing the costs of higher 44116  
education for Ohio's students, families, and the state. The state 44117  
board and the chancellor of the Ohio board of regents shall 44118

develop policies to ensure that only in rare instances will 44119  
students who complete the Ohio core curriculum require academic 44120  
remediation after high school. 44121

School districts, community schools, and chartered nonpublic 44122  
schools shall integrate technology into learning experiences 44123  
~~whenever practicable~~ across the curriculum in order to maximize 44124  
efficiency, enhance learning, and prepare students for success in 44125  
the technology-driven twenty-first century. Districts and schools 44126  
~~may~~ shall use distance and web-based course delivery as a method 44127  
of providing or augmenting all instruction required under this 44128  
division, including laboratory experience in science. Districts 44129  
and schools shall ~~whenever practicable~~ utilize technology access 44130  
and electronic learning opportunities provided by the eTech Ohio 44131  
commission, the Ohio learning network, education technology 44132  
centers, public television stations, and other public and private 44133  
providers. 44134

(D) Except as provided in division (E) of this section, a 44135  
student who enters ninth grade on or after July 1, 2010, and 44136  
before July 1, 2014, may qualify for graduation from a public or 44137  
chartered nonpublic high school even though the student has not 44138  
completed the Ohio core curriculum prescribed in division (C) of 44139  
this section if all of the following conditions are satisfied: 44140

(1) After the student has attended high school for two years, 44141  
as determined by the school, the student and the student's parent, 44142  
guardian, or custodian sign and file with the school a written 44143  
statement asserting the parent's, guardian's, or custodian's 44144  
consent to the student's graduating without completing the Ohio 44145  
core curriculum and acknowledging that one consequence of not 44146  
completing the Ohio core curriculum is ineligibility to enroll in 44147  
most state universities in Ohio without further coursework. 44148

(2) The student and parent, guardian, or custodian fulfill 44149  
any procedural requirements the school stipulates to ensure the 44150

student's and parent's, guardian's, or custodian's informed 44151  
consent and to facilitate orderly filing of statements under 44152  
division (D)(1) of this section. 44153

(3) The student and the student's parent, guardian, or 44154  
custodian and a representative of the student's high school 44155  
jointly develop an individual career plan for the student that 44156  
specifies the student matriculating to a two-year degree program, 44157  
acquiring a business and industry credential, or entering an 44158  
apprenticeship. 44159

(4) The student's high school provides counseling and support 44160  
for the student related to the plan developed under division 44161  
(D)(3) of this section during the remainder of the student's high 44162  
school experience. 44163

(5) The student successfully completes, at a minimum, the 44164  
curriculum prescribed in division (B) of this section. 44165

The department of education, in collaboration with the 44166  
chancellor, shall analyze student performance data to determine if 44167  
there are mitigating factors that warrant extending the exception 44168  
permitted by division (D) of this section to high school classes 44169  
beyond those entering ninth grade before July 1, 2014. The 44170  
department shall submit its findings and any recommendations not 44171  
later than August 1, 2014, to the speaker and minority leader of 44172  
the house of representatives, the president and minority leader of 44173  
the senate, the chairpersons and ranking minority members of the 44174  
standing committees of the house of representatives and the senate 44175  
that consider education legislation, the state board of education, 44176  
and the superintendent of public instruction. 44177

(E) Each school district and chartered nonpublic school 44178  
retains the authority to require an even more rigorous minimum 44179  
curriculum for high school graduation than specified in division 44180  
(B) or (C) of this section. A school district board of education, 44181

through the adoption of a resolution, or the governing authority 44182  
of a chartered nonpublic school may stipulate any of the 44183  
following: 44184

(1) A minimum high school curriculum that requires more than 44185  
twenty units of academic credit to graduate; 44186

(2) An exception to the district's or school's minimum high 44187  
school curriculum that is comparable to the exception provided in 44188  
division (D) of this section but with additional requirements, 44189  
which may include a requirement that the student successfully 44190  
complete more than the minimum curriculum prescribed in division 44191  
(B) of this section; 44192

(3) That no exception comparable to that provided in division 44193  
(D) of this section is available. 44194

(F) A student enrolled in a dropout prevention and recovery 44195  
program, which program has received a waiver from the department, 44196  
may qualify for graduation from high school by successfully 44197  
completing a competency-based instructional program administered 44198  
by the dropout prevention and recovery program in lieu of 44199  
completing the Ohio core curriculum prescribed in division (C) of 44200  
this section. The department shall grant a waiver to a dropout 44201  
prevention and recovery program, within sixty days after the 44202  
program applies for the waiver, if the program meets all of the 44203  
following conditions: 44204

(1) The program serves only students not younger than sixteen 44205  
years of age and not older than twenty-one years of age. 44206

(2) The program enrolls students who, at the time of their 44207  
initial enrollment, either, or both, are at least one grade level 44208  
behind their cohort age groups or experience crises that 44209  
significantly interfere with their academic progress such that 44210  
they are prevented from continuing their traditional programs. 44211

(3) The program requires students to attain at least the 44212

applicable score designated for each of the assessments prescribed 44213  
under division (B)(1) of section 3301.0710 of the Revised Code or, 44214  
to the extent prescribed by rule of the state board under division 44215  
~~(E)~~(D)(6) of section 3301.0712 of the Revised Code, division 44216  
(B)(2) of that section. 44217

(4) The program develops an individual career plan for the 44218  
student that specifies the student's matriculating to a two-year 44219  
degree program, acquiring a business and industry credential, or 44220  
entering an apprenticeship. 44221

(5) The program provides counseling and support for the 44222  
student related to the plan developed under division (F)(4) of 44223  
this section during the remainder of the student's high school 44224  
experience. 44225

(6) The program requires the student and the student's 44226  
parent, guardian, or custodian to sign and file, in accordance 44227  
with procedural requirements stipulated by the program, a written 44228  
statement asserting the parent's, guardian's, or custodian's 44229  
consent to the student's graduating without completing the Ohio 44230  
core curriculum and acknowledging that one consequence of not 44231  
completing the Ohio core curriculum is ineligibility to enroll in 44232  
most state universities in Ohio without further coursework. 44233

(7) Prior to receiving the waiver, the program has submitted 44234  
to the department an instructional plan that demonstrates how the 44235  
academic content standards adopted by the state board under 44236  
section 3301.079 of the Revised Code will be taught and assessed. 44237

If the department does not act either to grant the waiver or 44238  
to reject the program application for the waiver within sixty days 44239  
as required under this section, the waiver shall be considered to 44240  
be granted. 44241

(G) Every high school may permit students below the ninth 44242  
grade to take advanced work. If a high school so permits, it shall 44243

award high school credit for successful completion of the advanced 44244  
work and shall count such advanced work toward the graduation 44245  
requirements of division (B) or (C) of this section if the 44246  
advanced work was both: 44247

(1) Taught by a person who possesses a license or certificate 44248  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 44249  
Code that is valid for teaching high school; 44250

(2) Designated by the board of education of the city, local, 44251  
or exempted village school district, the board of the cooperative 44252  
education school district, or the governing authority of the 44253  
chartered nonpublic school as meeting the high school curriculum 44254  
requirements. 44255

Each high school shall record on the student's high school 44256  
transcript all high school credit awarded under division (G) of 44257  
this section. In addition, if the student completed a seventh- or 44258  
eighth-grade fine arts course described in division (K) of this 44259  
section and the course qualified for high school credit under that 44260  
division, the high school shall record that course on the 44261  
student's high school transcript. 44262

(H) The department shall make its individual academic career 44263  
plan available through its Ohio career information system web site 44264  
for districts and schools to use as a tool for communicating with 44265  
and providing guidance to students and families in selecting high 44266  
school courses. 44267

(I) Units earned in English language arts, mathematics, 44268  
science, and social studies that are delivered through integrated 44269  
academic and career-technical instruction are eligible to meet the 44270  
graduation requirements of division (B) or (C) of this section. 44271

(J) The state board, in consultation with the chancellor, 44272  
shall adopt a statewide plan implementing methods for students to 44273  
earn units of high school credit based on a demonstration of 44274

subject area competency, instead of or in combination with 44275  
completing hours of classroom instruction. The state board shall 44276  
adopt the plan not later than March 31, 2009, and commence phasing 44277  
in the plan during the 2009-2010 school year. The plan shall 44278  
include a standard method for recording demonstrated proficiency 44279  
on high school transcripts. Each school district, community 44280  
school, and chartered nonpublic school shall comply with the state 44281  
board's plan adopted under this division and award units of high 44282  
school credit in accordance with the plan. The state board may 44283  
adopt existing methods for earning high school credit based on a 44284  
demonstration of subject area competency as necessary prior to the 44285  
2009-2010 school year. 44286

(K) This division does not apply to students who qualify for 44287  
graduation from high school under division (D) or (F) of this 44288  
section, or to students pursuing a career-technical instructional 44289  
track as determined by the school district board of education or 44290  
the chartered nonpublic school's governing authority. 44291  
Nevertheless, the general assembly encourages such students to 44292  
consider enrolling in a fine arts course as an elective. 44293

Beginning with students who enter ninth grade for the first 44294  
time on or after July 1, 2010, each student enrolled in a public 44295  
or chartered nonpublic high school shall complete two semesters or 44296  
the equivalent of fine arts to graduate from high school. The 44297  
coursework may be completed in any of grades seven to twelve. Each 44298  
student who completes a fine arts course in grade seven or eight 44299  
may elect to count that course toward the five units of electives 44300  
required for graduation under division (C)(7) of this section, if 44301  
the course satisfied the requirements of division (G) of this 44302  
section. In that case, the high school shall award the student 44303  
high school credit for the course and count the course toward the 44304  
five units required under division (C)(7) of this section. If the 44305  
course in grade seven or eight did not satisfy the requirements of 44306

division (G) of this section, the high school shall not award the student high school credit for the course but shall count the course toward the two semesters or the equivalent of fine arts required by this division.

(L) Notwithstanding anything to the contrary in this section, the board of education of each school district and the governing authority of each chartered nonpublic school may adopt a policy to excuse from the high school physical education requirement each student who, during high school, has participated in interscholastic athletics, marching band, or cheerleading for at least two full seasons or in the junior reserve officer training corps for at least two full school years. If the board or authority adopts such a policy, the board or authority shall not require the student to complete any physical education course as a condition to graduate. However, the student shall be required to complete one-half unit, consisting of at least sixty hours of instruction, in another course of study. In the case of a student who has participated in the junior reserve officer training corps for at least two full school years, credit received for that participation may be used to satisfy the requirement to complete one-half unit in another course of study.

**Sec. 3313.61.** (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply:

(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that no school district shall require a student to remain in school for any



specific number of semesters or other terms if the student 44338  
completes the required curriculum early; 44339

(2) Subject to section 3313.614 of the Revised Code, the 44340  
person has met the assessment requirements of division (A)(2)(a) 44341  
or (b) of this section, as applicable. 44342

(a) If the person entered the ninth grade prior to the date 44343  
prescribed by rule of the state board of education under division 44344  
~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the person 44345  
either: 44346

(i) Has attained at least the applicable scores designated 44347  
under division (B)(1) of section 3301.0710 of the Revised Code on 44348  
all the assessments required by that division unless the person 44349  
was excused from taking any such assessment pursuant to section 44350  
3313.532 of the Revised Code or unless division (H) or (L) of this 44351  
section applies to the person; 44352

(ii) Has satisfied the alternative conditions prescribed in 44353  
section 3313.615 of the Revised Code. 44354

(b) If the person entered the ninth grade on or after the 44355  
date prescribed by rule of the state board under division 44356  
~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the person has 44357  
~~attained on~~ met the requirements of the entire assessment system 44358  
prescribed under division (B)(2) of section 3301.0710 of the 44359  
Revised Code ~~at least the required passing composite score,~~ 44360  
~~designated under division (C)(1) of section 3301.0712 of the~~ 44361  
~~Revised Code~~, except to the extent that the person is excused from 44362  
some portion of that assessment system pursuant to section 44363  
3313.532 of the Revised Code or division (H) or (L) of this 44364  
section. 44365

(3) The person is not eligible to receive an honors diploma 44366  
granted pursuant to division (B) of this section. 44367

Except as provided in divisions (C), (E), (J), and (L) of 44368

this section, no diploma shall be granted under this division to 44369  
anyone except as provided under this division. 44370

(B) In lieu of a diploma granted under division (A) of this 44371  
section, an honors diploma shall be granted, in accordance with 44372  
rules of the state board, by any such district board to anyone who 44373  
accomplishes all of the following: 44374

(1) Successfully completes the curriculum in any high school 44375  
or the individualized education program developed for the person 44376  
by any high school pursuant to section 3323.08 of the Revised 44377  
Code; 44378

(2) Subject to section 3313.614 of the Revised Code, has met 44379  
the assessment requirements of division (B)(2)(a) or (b) of this 44380  
section, as applicable. 44381

(a) If the person entered the ninth grade prior to the date 44382  
prescribed by rule of the state board of education under division 44383  
~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the person 44384  
either: 44385

(i) Has attained at least the applicable scores designated 44386  
under division (B)(1) of section 3301.0710 of the Revised Code on 44387  
all the assessments required by that division; 44388

(ii) Has satisfied the alternative conditions prescribed in 44389  
section 3313.615 of the Revised Code. 44390

(b) If the person entered the ninth grade on or after the 44391  
date prescribed by rule of the state board under division 44392  
~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the person has 44393  
~~attained on~~ met the requirements of the entire assessment system 44394  
prescribed under division (B)(2) of section 3301.0710 of the 44395  
Revised Code ~~at least the required passing composite score,~~ 44396  
~~designated under division (C)(1) of section 3301.0712 of the~~ 44397  
Revised Code. 44398

(3) Has met additional criteria established by the state board for the granting of such a diploma.

An honors diploma shall not be granted to a student who is subject to the Ohio core curriculum prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division.

The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the granting of an honors diploma recognizing technical expertise for a career-technical student. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this division and the number of such criteria that must be met for the granting of that type of diploma. The number of such criteria for any type of honors diploma shall be at least one less than the total number of criteria designated for that type and no one or more particular criteria shall be required of all persons who are to be granted that type of diploma.

(C) Any district board administering any of the assessments required by section 3301.0710 of the Revised Code to any person requesting to take such assessment pursuant to division (B)(8)(b) of section 3301.0711 of the Revised Code shall award a diploma to such person if the person attains at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments administered and if the person

has previously attained the applicable scores on all the other 44431  
assessments required by division (B)(1) of that section or has 44432  
been exempted or excused from attaining the applicable score on 44433  
any such assessment pursuant to division (H) or (L) of this 44434  
section or from taking any such assessment pursuant to section 44435  
3313.532 of the Revised Code. 44436

(D) Each diploma awarded under this section shall be signed 44437  
by the president and treasurer of the issuing board, the 44438  
superintendent of schools, and the principal of the high school. 44439  
Each diploma shall bear the date of its issue, be in such form as 44440  
the district board prescribes, and be paid for out of the 44441  
district's general fund. 44442

(E) A person who is a resident of Ohio and is eligible under 44443  
state board of education minimum standards to receive a high 44444  
school diploma based in whole or in part on credits earned while 44445  
an inmate of a correctional institution operated by the state or 44446  
any political subdivision thereof, shall be granted such diploma 44447  
by the correctional institution operating the programs in which 44448  
such credits were earned, and by the board of education of the 44449  
school district in which the inmate resided immediately prior to 44450  
the inmate's placement in the institution. The diploma granted by 44451  
the correctional institution shall be signed by the director of 44452  
the institution, and by the person serving as principal of the 44453  
institution's high school and shall bear the date of issue. 44454

(F) Persons who are not residents of Ohio but who are inmates 44455  
of correctional institutions operated by the state or any 44456  
political subdivision thereof, and who are eligible under state 44457  
board of education minimum standards to receive a high school 44458  
diploma based in whole or in part on credits earned while an 44459  
inmate of the correctional institution, shall be granted a diploma 44460  
by the correctional institution offering the program in which the 44461  
credits were earned. The diploma granted by the correctional 44462

institution shall be signed by the director of the institution and 44463  
by the person serving as principal of the institution's high 44464  
school and shall bear the date of issue. 44465

(G) The state board of education shall provide by rule for 44466  
the administration of the assessments required by section 44467  
3301.0710 of the Revised Code to inmates of correctional 44468  
institutions. 44469

(H) Any person to whom all of the following apply shall be 44470  
exempted from attaining the applicable score on the assessment in 44471  
social studies designated under division (B)(1) of section 44472  
3301.0710 of the Revised Code, any social studies end-of-course 44473  
examination required under division (B)(2) of that section if such 44474  
an exemption is prescribed by rule of the state board under 44475  
division ~~(E)~~(D)(4) of section 3301.0712 of the Revised Code, or 44476  
the test in citizenship designated under former division (B) of 44477  
section 3301.0710 of the Revised Code as it existed prior to 44478  
September 11, 2001: 44479

(1) The person is not a citizen of the United States; 44480

(2) The person is not a permanent resident of the United 44481  
States; 44482

(3) The person indicates no intention to reside in the United 44483  
States after the completion of high school. 44484

(I) Notwithstanding division (D) of section 3311.19 and 44485  
division (D) of section 3311.52 of the Revised Code, this section 44486  
and section 3311.611 of the Revised Code do not apply to the board 44487  
of education of any joint vocational school district or any 44488  
cooperative education school district established pursuant to 44489  
divisions (A) to (C) of section 3311.52 of the Revised Code. 44490

(J) Upon receipt of a notice under division (D) of section 44491  
3325.08 of division (D) of section 3328.25 of the Revised Code 44492  
that a student has received a diploma under ~~that~~ either section, 44493

the board of education receiving the notice may grant a high 44494  
school diploma under this section to the student, except that such 44495  
board shall grant the student a diploma if the student meets the 44496  
graduation requirements that the student would otherwise have had 44497  
to meet to receive a diploma from the district. The diploma 44498  
granted under this section shall be of the same type the notice 44499  
indicates the student received under section 3325.08 or 3328.25 of 44500  
the Revised Code. 44501

(K) As used in this division, "limited English proficient 44502  
student" has the same meaning as in division (C)(3) of section 44503  
3301.0711 of the Revised Code. 44504

Notwithstanding division (C)(3) of section 3301.0711 of the 44505  
Revised Code, no limited English proficient student who has not 44506  
either attained the applicable scores designated under division 44507  
(B)(1) of section 3301.0710 of the Revised Code on all the 44508  
assessments required by that division, or ~~attained the composite~~ 44509  
~~score designated for~~ met the requirements of the assessments 44510  
required by division (B)(2) of that section, shall be awarded a 44511  
diploma under this section. 44512

(L) Any student described by division (A)(1) of this section 44513  
may be awarded a diploma without attaining the applicable scores 44514  
designated on the assessments prescribed under division (B) of 44515  
section 3301.0710 of the Revised Code provided an individualized 44516  
education program specifically exempts the student from attaining 44517  
such scores. This division does not negate the requirement for 44518  
such a student to take all such assessments or alternate 44519  
assessments required by division (C)(1) of section 3301.0711 of 44520  
the Revised Code for the purpose of assessing student progress as 44521  
required by federal law. 44522

**Sec. 3313.611.** (A) The state board of education shall adopt, 44523  
by rule, standards for awarding high school credit equivalent to 44524

credit for completion of high school academic and vocational	44525
education courses to applicants for diplomas under this section.	44526
The standards may permit high school credit to be granted to an	44527
applicant for any of the following:	44528
(1) Work experiences or experiences as a volunteer;	44529
(2) Completion of academic, vocational, or self-improvement	44530
courses offered to persons over the age of twenty-one by a	44531
chartered public or nonpublic school;	44532
(3) Completion of academic, vocational, or self-improvement	44533
courses offered by an organization, individual, or educational	44534
institution other than a chartered public or nonpublic school;	44535
(4) Other life experiences considered by the board to provide	44536
knowledge and learning experiences comparable to that gained in a	44537
classroom setting.	44538
(B) The board of education of any city, exempted village, or	44539
local school district that operates a high school shall grant a	44540
diploma of adult education to any applicant if all of the	44541
following apply:	44542
(1) The applicant is a resident of the district;	44543
(2) The applicant is over the age of twenty-one and has not	44544
been issued a diploma as provided in section 3313.61 of the	44545
Revised Code;	44546
(3) Subject to section 3313.614 of the Revised Code, the	44547
applicant has met the assessment requirements of division	44548
(B)(3)(a) or (b) of this section, as applicable.	44549
(a) Prior to the date prescribed by rule of the state board	44550
under division <del>(E)</del> (D)(3) of section 3301.0712 of the Revised Code,	44551
the applicant either:	44552
(i) Has attained the applicable scores designated under	44553
division (B)(1) of section 3301.0710 of the Revised Code on all of	44554

the assessments required by that division or was excused or 44555  
exempted from any such assessment pursuant to section 3313.532 or 44556  
was exempted from attaining the applicable score on any such 44557  
assessment pursuant to division (H) or (L) of section 3313.61 of 44558  
the Revised Code; 44559

(ii) Has satisfied the alternative conditions prescribed in 44560  
section 3313.615 of the Revised Code. 44561

(b) On or after the date prescribed by rule of the state 44562  
board under division ~~(E)(D)~~(3) of section 3301.0712 of the Revised 44563  
Code, has ~~attained on~~ met the requirements of the entire 44564  
assessment system prescribed under division (B)(2) of section 44565  
3301.0710 of the Revised Code ~~at least the required passing~~ 44566  
~~composite score, designated under division (C)(1) of section~~ 44567  
~~3301.0712 of the Revised Code~~, except and only to the extent that 44568  
the applicant is excused from some portion of that assessment 44569  
system pursuant to section 3313.532 of the Revised Code or 44570  
division (H) or (L) of section 3313.61 of the Revised Code. 44571

(4) The district board determines, in accordance with the 44572  
standards adopted under division (A) of this section, that the 44573  
applicant has attained sufficient high school credits, including 44574  
equivalent credits awarded under such standards, to qualify as 44575  
having successfully completed the curriculum required by the 44576  
district for graduation. 44577

(C) If a district board determines that an applicant is not 44578  
eligible for a diploma under division (B) of this section, it 44579  
shall inform the applicant of the reason the applicant is 44580  
ineligible and shall provide a list of any courses required for 44581  
the diploma for which the applicant has not received credit. An 44582  
applicant may reapply for a diploma under this section at any 44583  
time. 44584

(D) If a district board awards an adult education diploma 44585



under this section, the president and treasurer of the board and 44586  
the superintendent of schools shall sign it. Each diploma shall 44587  
bear the date of its issuance, be in such form as the district 44588  
board prescribes, and be paid for from the district's general 44589  
fund, except that the state board may by rule prescribe standard 44590  
language to be included on each diploma. 44591

(E) As used in this division, "limited English proficient 44592  
student" has the same meaning as in division (C)(3) of section 44593  
3301.0711 of the Revised Code. 44594

Notwithstanding division (C)(3) of section 3301.0711 of the 44595  
Revised Code, no limited English proficient student who has not 44596  
either attained the applicable scores designated under division 44597  
(B)(1) of section 3301.0710 of the Revised Code on all the 44598  
assessments required by that division, or ~~attained the composite~~ 44599  
~~score designated for~~ has not met the requirements of the 44600  
assessments required by division (B)(2) of that section, shall be 44601  
awarded a diploma under this section. 44602

**Sec. 3313.612.** (A) No nonpublic school chartered by the state 44603  
board of education shall grant a high school diploma to any person 44604  
unless, subject to section 3313.614 of the Revised Code, the 44605  
person has met the assessment requirements of division (A)(1) or 44606  
(2) of this section, as applicable. 44607

(1) If the person entered the ninth grade prior to the date 44608  
prescribed by rule of the state board under division ~~(E)~~(D)(2) of 44609  
section 3301.0712 of the Revised Code, the person has attained at 44610  
least the applicable scores designated under division (B)(1) of 44611  
section 3301.0710 of the Revised Code on all the assessments 44612  
required by that division, or has satisfied the alternative 44613  
conditions prescribed in section 3313.615 of the Revised Code. 44614

(2) If the person entered the ninth grade on or after the 44615  
date prescribed by rule of the state board under division (E)(2) 44616

of section 3301.0712 of the Revised Code, the person has ~~attained~~ 44617  
~~or met the requirements of~~ the entire assessment system prescribed 44618  
under division (B)(2) of section 3301.0710 of the Revised Code ~~at~~ 44619  
~~least the required passing composite score, designated under~~ 44620  
~~division (C)(1) of section 3301.0712 of the Revised Code.~~ 44621  
44622

(B) This section does not apply to either of the following: 44623

(1) Any person with regard to any assessment from which the 44624  
person was excused pursuant to division (C)(1)(c) of section 44625  
3301.0711 of the Revised Code; 44626

(2) Any person with regard to the social studies assessment 44627  
under division (B)(1) of section 3301.0710 of the Revised Code, 44628  
any social studies end-of-course examination required under 44629  
division (B)(2) of that section if such an exemption is prescribed 44630  
by rule of the state board of education under division ~~(E)~~(D)(4) 44631  
of section 3301.0712 of the Revised Code, or the citizenship test 44632  
under former division (B) of section 3301.0710 of the Revised Code 44633  
as it existed prior to September 11, 2001, if all of the following 44634  
apply: 44635

(a) The person is not a citizen of the United States; 44636

(b) The person is not a permanent resident of the United 44637  
States; 44638

(c) The person indicates no intention to reside in the United 44639  
States after completion of high school. 44640

(C) As used in this division, "limited English proficient 44641  
student" has the same meaning as in division (C)(3) of section 44642  
3301.0711 of the Revised Code. 44643

Notwithstanding division (C)(3) of section 3301.0711 of the 44644  
Revised Code, no limited English proficient student who has not 44645  
either attained the applicable scores designated under division 44646

(B)(1) of section 3301.0710 of the Revised Code on all the 44647  
assessments required by that division, or ~~attained the composite~~ 44648  
~~score designated for~~ met the requirements of the assessments 44649  
~~required by~~ under division (B)(2) of that section, shall be 44650  
awarded a diploma under this section. 44651

**Sec. 3313.614.** (A) As used in this section, a person 44652  
"fulfills the curriculum requirement for a diploma" at the time 44653  
one of the following conditions is satisfied: 44654

(1) The person successfully completes the high school 44655  
curriculum of a school district, a community school, a chartered 44656  
nonpublic school, or a correctional institution. 44657

(2) The person successfully completes the individualized 44658  
education program developed for the person under section 3323.08 44659  
of the Revised Code. 44660

(3) A board of education issues its determination under 44661  
section 3313.611 of the Revised Code that the person qualifies as 44662  
having successfully completed the curriculum required by the 44663  
district. 44664

(B) This division specifies the assessment requirements that 44665  
must be fulfilled as a condition toward granting high school 44666  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 44667  
of the Revised Code. 44668

(1) A person who fulfills the curriculum requirement for a 44669  
diploma before September 15, 2000, is not required to pass any 44670  
proficiency test or achievement test in science as a condition to 44671  
receiving a diploma. 44672

(2) A person who began ninth grade prior to July 1, 2003, is 44673  
not required to pass the Ohio graduation test prescribed under 44674  
division (B)(1) of section 3301.0710 or any assessment prescribed 44675  
under division (B)(2) of that section in any subject as a 44676

condition to receiving a diploma once the person has passed the 44677  
ninth grade proficiency test in the same subject, so long as the 44678  
person passed the ninth grade proficiency test prior to September 44679  
15, 2008. However, any such person who passes the Ohio graduation 44680  
test in any subject prior to passing the ninth grade proficiency 44681  
test in the same subject shall be deemed to have passed the ninth 44682  
grade proficiency test in that subject as a condition to receiving 44683  
a diploma. For this purpose, the ninth grade proficiency test in 44684  
citizenship substitutes for the Ohio graduation test in social 44685  
studies. If a person began ninth grade prior to July 1, 2003, but 44686  
does not pass a ninth grade proficiency test or the Ohio 44687  
graduation test in a particular subject before September 15, 2008, 44688  
and passage of a test in that subject is a condition for the 44689  
person to receive a diploma, the person must pass the Ohio 44690  
graduation test instead of the ninth grade proficiency test in 44691  
that subject to receive a diploma. 44692

(3) A person who begins ninth grade on or after July 1, 2003, 44693  
in a school district, community school, or chartered nonpublic 44694  
school is not eligible to receive a diploma based on passage of 44695  
ninth grade proficiency tests. Each such person who begins ninth 44696  
grade prior to the date prescribed by the state board of education 44697  
under division ~~(E)~~(D)(5) of section 3301.0712 of the Revised Code 44698  
must pass Ohio graduation tests to meet the assessment 44699  
requirements applicable to that person as a condition to receiving 44700  
a diploma. 44701

(4) A person who begins ninth grade on or after the date 44702  
prescribed by the state board of education under division 44703  
~~(E)~~(D)(5) of section 3301.0712 of the Revised Code is not eligible 44704  
to receive a diploma based on passage of the Ohio graduation 44705  
tests. Each such person must ~~attain on~~ meet the requirements of 44706  
the entire assessment system prescribed under division (B)(2) of 44707  
section 3301.0710 of the Revised Code ~~at least the required~~ 44708

~~passing composite score, designated under division (C)(1) of~~ 44709  
~~section 3301.0712 of the Revised Code.~~ 44710

(C) This division specifies the curriculum requirement that 44711  
shall be completed as a condition toward granting high school 44712  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 44713  
of the Revised Code. 44714

(1) A person who is under twenty-two years of age, or under 44715  
thirty years of age for a person enrolled under section 3314.38 of 44716  
the Revised Code in a dropout prevention and recovery program 44717  
operated by a community school, when the person fulfills the 44718  
curriculum requirement for a diploma shall complete the curriculum 44719  
required by the school district or school issuing the diploma for 44720  
the first year that the person originally enrolled in high school, 44721  
except for a person who qualifies for graduation from high school 44722  
under either division (D) or (F) of section 3313.603 of the 44723  
Revised Code. 44724

(2) Once a person fulfills the curriculum requirement for a 44725  
diploma, the person is never required, as a condition of receiving 44726  
a diploma, to meet any different curriculum requirements that take 44727  
effect pending the person's passage of proficiency tests or 44728  
achievement tests or assessments, including changes mandated by 44729  
section 3313.603 of the Revised Code, the state board, a school 44730  
district board of education, or a governing authority of a 44731  
community school or chartered nonpublic school. 44732

**Sec. 3313.617.** (A) When a person who is at least sixteen 44733  
years of age but less than nineteen years of age applies to the 44734  
department of education to take the tests of general educational 44735  
development, the person shall submit with the application written 44736  
approval from the superintendent of the school district in which 44737  
the person was last enrolled, or the superintendent's designee, 44738  
except that if the person was last enrolled in a community school 44739

established under Chapter 3314. of the Revised Code or a science, 44740  
technology, engineering, and mathematics school established under 44741  
Chapter 3326. of the Revised Code, the approval shall be from the 44742  
principal of the school, or the principal's designee. The 44743  
department may require the person also to submit written approval 44744  
from the person's parent or guardian or a court official, if the 44745  
person is younger than eighteen years of age. 44746

(B) For the purpose of calculating graduation rates for the 44747  
school district report cards under section 3302.03 of the Revised 44748  
Code, the department shall count any person for whom approval is 44749  
obtained from the superintendent or principal, or a designee, 44750  
under division (A) of this section as a dropout from the district 44751  
in which the person was last enrolled prior to obtaining the 44752  
approval. 44753

**Sec. 3313.64.** (A) As used in this section and in section 44754  
3313.65 of the Revised Code: 44755

(1)(a) Except as provided in division (A)(1)(b) of this 44756  
section, "parent" means either parent, unless the parents are 44757  
separated or divorced or their marriage has been dissolved or 44758  
annulled, in which case "parent" means the parent who is the 44759  
residential parent and legal custodian of the child. When a child 44760  
is in the legal custody of a government agency or a person other 44761  
than the child's natural or adoptive parent, "parent" means the 44762  
parent with residual parental rights, privileges, and 44763  
responsibilities. When a child is in the permanent custody of a 44764  
government agency or a person other than the child's natural or 44765  
adoptive parent, "parent" means the parent who was divested of 44766  
parental rights and responsibilities for the care of the child and 44767  
the right to have the child live with the parent and be the legal 44768  
custodian of the child and all residual parental rights, 44769  
privileges, and responsibilities. 44770

(b) When a child is the subject of a power of attorney 44771  
executed under sections 3109.51 to 3109.62 of the Revised Code, 44772  
"parent" means the grandparent designated as attorney in fact 44773  
under the power of attorney. When a child is the subject of a 44774  
caretaker authorization affidavit executed under sections 3109.64 44775  
to 3109.73 of the Revised Code, "parent" means the grandparent 44776  
that executed the affidavit. 44777

(2) "Legal custody," "permanent custody," and "residual 44778  
parental rights, privileges, and responsibilities" have the same 44779  
meanings as in section 2151.011 of the Revised Code. 44780

(3) "School district" or "district" means a city, local, or 44781  
exempted village school district and excludes any school operated 44782  
in an institution maintained by the department of youth services. 44783

(4) Except as used in division (C)(2) of this section, "home" 44784  
means a home, institution, foster home, group home, or other 44785  
residential facility in this state that receives and cares for 44786  
children, to which any of the following applies: 44787

(a) The home is licensed, certified, or approved for such 44788  
purpose by the state or is maintained by the department of youth 44789  
services. 44790

(b) The home is operated by a person who is licensed, 44791  
certified, or approved by the state to operate the home for such 44792  
purpose. 44793

(c) The home accepted the child through a placement by a 44794  
person licensed, certified, or approved to place a child in such a 44795  
home by the state. 44796

(d) The home is a children's home created under section 44797  
5153.21 or 5153.36 of the Revised Code. 44798

(5) "Agency" means all of the following: 44799

(a) A public children services agency; 44800

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Child," unless otherwise indicated, includes preschool children with disabilities.

(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and



any preschool child with a disability shall be admitted to school 44831  
as provided in this division. 44832

(1) A child shall be admitted to the schools of the school 44833  
district in which the child's parent resides. 44834

(2) A child who does not reside in the district where the 44835  
child's parent resides shall be admitted to the schools of the 44836  
district in which the child resides if any of the following 44837  
applies: 44838

(a) The child is in the legal or permanent custody of a 44839  
government agency or a person other than the child's natural or 44840  
adoptive parent. 44841

(b) The child resides in a home. 44842

(c) The child requires special education. 44843

(3) A child who is not entitled under division (B)(2) of this 44844  
section to be admitted to the schools of the district where the 44845  
child resides and who is residing with a resident of this state 44846  
with whom the child has been placed for adoption shall be admitted 44847  
to the schools of the district where the child resides unless 44848  
either of the following applies: 44849

(a) The placement for adoption has been terminated. 44850

(b) Another school district is required to admit the child 44851  
under division (B)(1) of this section. 44852

Division (B) of this section does not prohibit the board of 44853  
education of a school district from placing a child with a 44854  
disability who resides in the district in a special education 44855  
program outside of the district or its schools in compliance with 44856  
Chapter 3323. of the Revised Code. 44857

(C) A district shall not charge tuition for children admitted 44858  
under division (B)(1) or (3) of this section. If the district 44859  
admits a child under division (B)(2) of this section, tuition 44860

shall be paid to the district that admits the child as provided in 44861  
divisions (C)(1) to (3) of this section, unless division (C)(4) of 44862  
this section applies to the child: 44863

(1) If the child receives special education in accordance 44864  
with Chapter 3323. of the Revised Code, the school district of 44865  
residence, as defined in section 3323.01 of the Revised Code, 44866  
shall pay tuition for the child in accordance with section 44867  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 44868  
regardless of who has custody of the child or whether the child 44869  
resides in a home. 44870

(2) For a child that does not receive special education in 44871  
accordance with Chapter 3323. of the Revised Code, except as 44872  
otherwise provided in division (C)(2)(d) of this section, if the 44873  
child is in the permanent or legal custody of a government agency 44874  
or person other than the child's parent, tuition shall be paid by: 44875

(a) The district in which the child's parent resided at the 44876  
time the court removed the child from home or at the time the 44877  
court vested legal or permanent custody of the child in the person 44878  
or government agency, whichever occurred first; 44879

(b) If the parent's residence at the time the court removed 44880  
the child from home or placed the child in the legal or permanent 44881  
custody of the person or government agency is unknown, tuition 44882  
shall be paid by the district in which the child resided at the 44883  
time the child was removed from home or placed in legal or 44884  
permanent custody, whichever occurred first; 44885

(c) If a school district cannot be established under division 44886  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 44887  
district determined as required by section 2151.362 of the Revised 44888  
Code by the court at the time it vests custody of the child in the 44889  
person or government agency; 44890

(d) If at the time the court removed the child from home or 44891

vested legal or permanent custody of the child in the person or 44892  
government agency, whichever occurred first, one parent was in a 44893  
residential or correctional facility or a juvenile residential 44894  
placement and the other parent, if living and not in such a 44895  
facility or placement, was not known to reside in this state, 44896  
tuition shall be paid by the district determined under division 44897  
(D) of section 3313.65 of the Revised Code as the district 44898  
required to pay any tuition while the parent was in such facility 44899  
or placement; 44900

(e) If the department of education has determined, pursuant 44901  
to division (A)(2) of section 2151.362 of the Revised Code, that a 44902  
school district other than the one named in the court's initial 44903  
order, or in a prior determination of the department, is 44904  
responsible to bear the cost of educating the child, the district 44905  
so determined shall be responsible for that cost. 44906

(3) If the child is not in the permanent or legal custody of 44907  
a government agency or person other than the child's parent and 44908  
the child resides in a home, tuition shall be paid by one of the 44909  
following: 44910

(a) The school district in which the child's parent resides; 44911

(b) If the child's parent is not a resident of this state, 44912  
the home in which the child resides. 44913

(4) Division (C)(4) of this section applies to any child who 44914  
is admitted to a school district under division (B)(2) of this 44915  
section, resides in a home that is not a foster home or a home 44916  
maintained by the department of youth services, receives 44917  
educational services at the home in which the child resides 44918  
pursuant to a contract between the home and the school district 44919  
providing those services, and does not receive special education. 44920

In the case of a child to which division (C)(4) of this 44921  
section applies, the total educational cost to be paid for the 44922

child shall be determined by a formula approved by the department 44923  
of education, which formula shall be designed to calculate a per 44924  
diem cost for the educational services provided to the child for 44925  
each day the child is served and shall reflect the total actual 44926  
cost incurred in providing those services. The department shall 44927  
certify the total educational cost to be paid for the child to 44928  
both the school district providing the educational services and, 44929  
if different, the school district that is responsible to pay 44930  
tuition for the child. The department shall deduct the certified 44931  
amount from the state basic aid funds payable under Chapter 3317. 44932  
of the Revised Code to the district responsible to pay tuition and 44933  
shall pay that amount to the district providing the educational 44934  
services to the child. 44935

(D) Tuition required to be paid under divisions (C)(2) and 44936  
(3)(a) of this section shall be computed in accordance with 44937  
section 3317.08 of the Revised Code. Tuition required to be paid 44938  
under division (C)(3)(b) of this section shall be computed in 44939  
accordance with section 3317.081 of the Revised Code. If a home 44940  
fails to pay the tuition required by division (C)(3)(b) of this 44941  
section, the board of education providing the education may 44942  
recover in a civil action the tuition and the expenses incurred in 44943  
prosecuting the action, including court costs and reasonable 44944  
attorney's fees. If the prosecuting attorney or city director of 44945  
law represents the board in such action, costs and reasonable 44946  
attorney's fees awarded by the court, based upon the prosecuting 44947  
attorney's, director's, or one of their designee's time spent 44948  
preparing and presenting the case, shall be deposited in the 44949  
county or city general fund. 44950

(E) A board of education may enroll a child free of any 44951  
tuition obligation for a period not to exceed sixty days, on the 44952  
sworn statement of an adult resident of the district that the 44953  
resident has initiated legal proceedings for custody of the child. 44954

(F) In the case of any individual entitled to attend school 44955  
under this division, no tuition shall be charged by the school 44956  
district of attendance and no other school district shall be 44957  
required to pay tuition for the individual's attendance. 44958  
Notwithstanding division (B), (C), or (E) of this section: 44959

(1) All persons at least eighteen but under twenty-two years 44960  
of age who live apart from their parents, support themselves by 44961  
their own labor, and have not successfully completed the high 44962  
school curriculum or the individualized education program 44963  
developed for the person by the high school pursuant to section 44964  
3323.08 of the Revised Code, are entitled to attend school in the 44965  
district in which they reside. 44966

(2) Any child under eighteen years of age who is married is 44967  
entitled to attend school in the child's district of residence. 44968

(3) A child is entitled to attend school in the district in 44969  
which either of the child's parents is employed if the child has a 44970  
medical condition that may require emergency medical attention. 44971  
The parent of a child entitled to attend school under division 44972  
(F)(3) of this section shall submit to the board of education of 44973  
the district in which the parent is employed a statement from the 44974  
child's physician certifying that the child's medical condition 44975  
may require emergency medical attention. The statement shall be 44976  
supported by such other evidence as the board may require. 44977

(4) Any child residing with a person other than the child's 44978  
parent is entitled, for a period not to exceed twelve months, to 44979  
attend school in the district in which that person resides if the 44980  
child's parent files an affidavit with the superintendent of the 44981  
district in which the person with whom the child is living resides 44982  
stating all of the following: 44983

(a) That the parent is serving outside of the state in the 44984  
armed services of the United States; 44985

(b) That the parent intends to reside in the district upon 44986  
returning to this state; 44987

(c) The name and address of the person with whom the child is 44988  
living while the parent is outside the state. 44989

(5) Any child under the age of twenty-two years who, after 44990  
the death of a parent, resides in a school district other than the 44991  
district in which the child attended school at the time of the 44992  
parent's death is entitled to continue to attend school in the 44993  
district in which the child attended school at the time of the 44994  
parent's death for the remainder of the school year, subject to 44995  
approval of that district board. 44996

(6) A child under the age of twenty-two years who resides 44997  
with a parent who is having a new house built in a school district 44998  
outside the district where the parent is residing is entitled to 44999  
attend school for a period of time in the district where the new 45000  
house is being built. In order to be entitled to such attendance, 45001  
the parent shall provide the district superintendent with the 45002  
following: 45003

(a) A sworn statement explaining the situation, revealing the 45004  
location of the house being built, and stating the parent's 45005  
intention to reside there upon its completion; 45006

(b) A statement from the builder confirming that a new house 45007  
is being built for the parent and that the house is at the 45008  
location indicated in the parent's statement. 45009

(7) A child under the age of twenty-two years residing with a 45010  
parent who has a contract to purchase a house in a school district 45011  
outside the district where the parent is residing and who is 45012  
waiting upon the date of closing of the mortgage loan for the 45013  
purchase of such house is entitled to attend school for a period 45014  
of time in the district where the house is being purchased. In 45015  
order to be entitled to such attendance, the parent shall provide 45016

the district superintendent with the following: 45017

(a) A sworn statement explaining the situation, revealing the 45018  
location of the house being purchased, and stating the parent's 45019  
intent to reside there; 45020

(b) A statement from a real estate broker or bank officer 45021  
confirming that the parent has a contract to purchase the house, 45022  
that the parent is waiting upon the date of closing of the 45023  
mortgage loan, and that the house is at the location indicated in 45024  
the parent's statement. 45025

The district superintendent shall establish a period of time 45026  
not to exceed ninety days during which the child entitled to 45027  
attend school under division (F)(6) or (7) of this section may 45028  
attend without tuition obligation. A student attending a school 45029  
under division (F)(6) or (7) of this section shall be eligible to 45030  
participate in interscholastic athletics under the auspices of 45031  
that school, provided the board of education of the school 45032  
district where the student's parent resides, by a formal action, 45033  
releases the student to participate in interscholastic athletics 45034  
at the school where the student is attending, and provided the 45035  
student receives any authorization required by a public agency or 45036  
private organization of which the school district is a member 45037  
exercising authority over interscholastic sports. 45038

(8) A child whose parent is a full-time employee of a city, 45039  
local, or exempted village school district, or of an educational 45040  
service center, may be admitted to the schools of the district 45041  
where the child's parent is employed, or in the case of a child 45042  
whose parent is employed by an educational service center, in the 45043  
district that serves the location where the parent's job is 45044  
primarily located, provided the district board of education 45045  
establishes such an admission policy by resolution adopted by a 45046  
majority of its members. Any such policy shall take effect on the 45047  
first day of the school year and the effective date of any 45048

amendment or repeal may not be prior to the first day of the 45049  
subsequent school year. The policy shall be uniformly applied to 45050  
all such children and shall provide for the admission of any such 45051  
child upon request of the parent. No child may be admitted under 45052  
this policy after the first day of classes of any school year. 45053

(9) A child who is with the child's parent under the care of 45054  
a shelter for victims of domestic violence, as defined in section 45055  
3113.33 of the Revised Code, is entitled to attend school free in 45056  
the district in which the child is with the child's parent, and no 45057  
other school district shall be required to pay tuition for the 45058  
child's attendance in that school district. 45059

The enrollment of a child in a school district under this 45060  
division shall not be denied due to a delay in the school 45061  
district's receipt of any records required under section 3313.672 45062  
of the Revised Code or any other records required for enrollment. 45063  
Any days of attendance and any credits earned by a child while 45064  
enrolled in a school district under this division shall be 45065  
transferred to and accepted by any school district in which the 45066  
child subsequently enrolls. The state board of education shall 45067  
adopt rules to ensure compliance with this division. 45068

(10) Any child under the age of twenty-two years whose parent 45069  
has moved out of the school district after the commencement of 45070  
classes in the child's senior year of high school is entitled, 45071  
subject to the approval of that district board, to attend school 45072  
in the district in which the child attended school at the time of 45073  
the parental move for the remainder of the school year and for one 45074  
additional semester or equivalent term. A district board may also 45075  
adopt a policy specifying extenuating circumstances under which a 45076  
student may continue to attend school under division (F)(10) of 45077  
this section for an additional period of time in order to 45078  
successfully complete the high school curriculum for the 45079  
individualized education program developed for the student by the 45080



high school pursuant to section 3323.08 of the Revised Code. 45081

(11) As used in this division, "grandparent" means a parent 45082  
of a parent of a child. A child under the age of twenty-two years 45083  
who is in the custody of the child's parent, resides with a 45084  
grandparent, and does not require special education is entitled to 45085  
attend the schools of the district in which the child's 45086  
grandparent resides, provided that, prior to such attendance in 45087  
any school year, the board of education of the school district in 45088  
which the child's grandparent resides and the board of education 45089  
of the school district in which the child's parent resides enter 45090  
into a written agreement specifying that good cause exists for 45091  
such attendance, describing the nature of this good cause, and 45092  
consenting to such attendance. 45093

In lieu of a consent form signed by a parent, a board of 45094  
education may request the grandparent of a child attending school 45095  
in the district in which the grandparent resides pursuant to 45096  
division (F)(11) of this section to complete any consent form 45097  
required by the district, including any authorization required by 45098  
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 45099  
Code. Upon request, the grandparent shall complete any consent 45100  
form required by the district. A school district shall not incur 45101  
any liability solely because of its receipt of a consent form from 45102  
a grandparent in lieu of a parent. 45103

Division (F)(11) of this section does not create, and shall 45104  
not be construed as creating, a new cause of action or substantive 45105  
legal right against a school district, a member of a board of 45106  
education, or an employee of a school district. This section does 45107  
not affect, and shall not be construed as affecting, any 45108  
immunities from defenses to tort liability created or recognized 45109  
by Chapter 2744. of the Revised Code for a school district, 45110  
member, or employee. 45111

(12) A child under the age of twenty-two years is entitled to 45112

attend school in a school district other than the district in 45113  
which the child is entitled to attend school under division (B), 45114  
(C), or (E) of this section provided that, prior to such 45115  
attendance in any school year, both of the following occur: 45116

(a) The superintendent of the district in which the child is 45117  
entitled to attend school under division (B), (C), or (E) of this 45118  
section contacts the superintendent of another district for 45119  
purposes of this division; 45120

(b) The superintendents of both districts enter into a 45121  
written agreement that consents to the attendance and specifies 45122  
that the purpose of such attendance is to protect the student's 45123  
physical or mental well-being or to deal with other extenuating 45124  
circumstances deemed appropriate by the superintendents. 45125

While an agreement is in effect under this division for a 45126  
student who is not receiving special education under Chapter 3323. 45127  
of the Revised Code and notwithstanding Chapter 3327. of the 45128  
Revised Code, the board of education of neither school district 45129  
involved in the agreement is required to provide transportation 45130  
for the student to and from the school where the student attends. 45131

A student attending a school of a district pursuant to this 45132  
division shall be allowed to participate in all student 45133  
activities, including interscholastic athletics, at the school 45134  
where the student is attending on the same basis as any student 45135  
who has always attended the schools of that district while of 45136  
compulsory school age. 45137

(13) All school districts shall comply with the 45138  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 45139  
seq., for the education of homeless children. Each city, local, 45140  
and exempted village school district shall comply with the 45141  
requirements of that act governing the provision of a free, 45142  
appropriate public education, including public preschool, to each 45143

homeless child. 45144

When a child loses permanent housing and becomes a homeless 45145  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 45146  
such a homeless person changes temporary living arrangements, the 45147  
child's parent or guardian shall have the option of enrolling the 45148  
child in either of the following: 45149

(a) The child's school of origin, as defined in 42 U.S.C.A. 45150  
11432(g)(3)(C); 45151

(b) The school that is operated by the school district in 45152  
which the shelter where the child currently resides is located and 45153  
that serves the geographic area in which the shelter is located. 45154

(14) A child under the age of twenty-two years who resides 45155  
with a person other than the child's parent is entitled to attend 45156  
school in the school district in which that person resides if both 45157  
of the following apply: 45158

(a) That person has been appointed, through a military power 45159  
of attorney executed under section 574(a) of the "National Defense 45160  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 45161  
U.S.C. 1044b, or through a comparable document necessary to 45162  
complete a family care plan, as the parent's agent for the care, 45163  
custody, and control of the child while the parent is on active 45164  
duty as a member of the national guard or a reserve unit of the 45165  
armed forces of the United States or because the parent is a 45166  
member of the armed forces of the United States and is on a duty 45167  
assignment away from the parent's residence. 45168

(b) The military power of attorney or comparable document 45169  
includes at least the authority to enroll the child in school. 45170

The entitlement to attend school in the district in which the 45171  
parent's agent under the military power of attorney or comparable 45172  
document resides applies until the end of the school year in which 45173  
the military power of attorney or comparable document expires. 45174

(G) A board of education, after approving admission, may 45175  
waive tuition for students who will temporarily reside in the 45176  
district and who are either of the following: 45177

(1) Residents or domiciliaries of a foreign nation who 45178  
request admission as foreign exchange students; 45179

(2) Residents or domiciliaries of the United States but not 45180  
of Ohio who request admission as participants in an exchange 45181  
program operated by a student exchange organization. 45182

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 45183  
3327.04, and 3327.06 of the Revised Code, a child may attend 45184  
school or participate in a special education program in a school 45185  
district other than in the district where the child is entitled to 45186  
attend school under division (B) of this section. 45187

(I)(1) Notwithstanding anything to the contrary in this 45188  
section or section 3313.65 of the Revised Code, a child under 45189  
twenty-two years of age may attend school in the school district 45190  
in which the child, at the end of the first full week of October 45191  
of the school year, was entitled to attend school as otherwise 45192  
provided under this section or section 3313.65 of the Revised 45193  
Code, if at that time the child was enrolled in the schools of the 45194  
district but since that time the child or the child's parent has 45195  
relocated to a new address located outside of that school district 45196  
and within the same county as the child's or parent's address 45197  
immediately prior to the relocation. The child may continue to 45198  
attend school in the district, and at the school to which the 45199  
child was assigned at the end of the first full week of October of 45200  
the current school year, for the balance of the school year. 45201  
Division (I)(1) of this section applies only if both of the 45202  
following conditions are satisfied: 45203

(a) The board of education of the school district in which 45204  
the child was entitled to attend school at the end of the first 45205

full week in October and of the district to which the child or 45206  
child's parent has relocated each has adopted a policy to enroll 45207  
children described in division (I)(1) of this section. 45208

(b) The child's parent provides written notification of the 45209  
relocation outside of the school district to the superintendent of 45210  
each of the two school districts. 45211

(2) At the beginning of the school year following the school 45212  
year in which the child or the child's parent relocated outside of 45213  
the school district as described in division (I)(1) of this 45214  
section, the child is not entitled to attend school in the school 45215  
district under that division. 45216

(3) Any person or entity owing tuition to the school district 45217  
on behalf of the child at the end of the first full week in 45218  
October, as provided in division (C) of this section, shall 45219  
continue to owe such tuition to the district for the child's 45220  
attendance under division (I)(1) of this section for the lesser of 45221  
the balance of the school year or the balance of the time that the 45222  
child attends school in the district under division (I)(1) of this 45223  
section. 45224

(4) A pupil who may attend school in the district under 45225  
division (I)(1) of this section shall be entitled to 45226  
transportation services pursuant to an agreement between the 45227  
district and the district in which the child or child's parent has 45228  
relocated unless the districts have not entered into such 45229  
agreement, in which case the child shall be entitled to 45230  
transportation services in the same manner as a pupil attending 45231  
school in the district under interdistrict open enrollment as 45232  
described in division (H) of section 3313.981 of the Revised Code, 45233  
regardless of whether the district has adopted an open enrollment 45234  
policy as described in division (B)(1)(b) or (c) of section 45235  
3313.98 of the Revised Code. 45236

(J) This division does not apply to a child receiving special 45237  
education. 45238

A school district required to pay tuition pursuant to 45239  
division (C)(2) or (3) of this section or section 3313.65 of the 45240  
Revised Code shall have an amount deducted under division ~~(F)~~(C) 45241  
of section 3317.023 of the Revised Code equal to its own tuition 45242  
rate for the same period of attendance. A school district entitled 45243  
to receive tuition pursuant to division (C)(2) or (3) of this 45244  
section or section 3313.65 of the Revised Code shall have an 45245  
amount credited under division ~~(F)~~(C) of section 3317.023 of the 45246  
Revised Code equal to its own tuition rate for the same period of 45247  
attendance. If the tuition rate credited to the district of 45248  
attendance exceeds the rate deducted from the district required to 45249  
pay tuition, the department of education shall pay the district of 45250  
attendance the difference from amounts deducted from all 45251  
districts' payments under division ~~(F)~~(C) of section 3317.023 of 45252  
the Revised Code but not credited to other school districts under 45253  
such division and from appropriations made for such purpose. The 45254  
treasurer of each school district shall, by the fifteenth day of 45255  
January and July, furnish the superintendent of public instruction 45256  
a report of the names of each child who attended the district's 45257  
schools under divisions (C)(2) and (3) of this section or section 45258  
3313.65 of the Revised Code during the preceding six calendar 45259  
months, the duration of the attendance of those children, the 45260  
school district responsible for tuition on behalf of the child, 45261  
and any other information that the superintendent requires. 45262

Upon receipt of the report the superintendent, pursuant to 45263  
division ~~(F)~~(C) of section 3317.023 of the Revised Code, shall 45264  
deduct each district's tuition obligations under divisions (C)(2) 45265  
and (3) of this section or section 3313.65 of the Revised Code and 45266  
pay to the district of attendance that amount plus any amount 45267  
required to be paid by the state. 45268

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment.

**Sec. 3313.6410.** This section applies to any school that is operated by a school district and in which the enrolled students work primarily on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method.

(A) Any school to which this section applies shall withdraw from the school any student who, for two consecutive school years,

has failed to participate in the spring administration of any 45300  
assessment prescribed under section 3301.0710 or 3301.0712 of the 45301  
Revised Code for the student's grade level and was not excused 45302  
from the assessment pursuant to division (C)(1) or (3) of section 45303  
3301.0711 of the Revised Code, regardless of whether a waiver was 45304  
granted for the student under division (E) of section 3317.03 of 45305  
the Revised Code. The school shall report any such student's data 45306  
verification code, as assigned pursuant to section 3301.0714 of 45307  
the Revised Code, to the department of education to be added to 45308  
the list maintained by the department under section 3314.26 of the 45309  
Revised Code. 45310

(B) No school to which this section applies shall receive any 45311  
state funds under Chapter ~~3306.~~<sup>or</sup> 3317. of the Revised Code for 45312  
any enrolled student whose data verification code appears on the 45313  
list maintained by the department under section 3314.26 of the 45314  
Revised Code. Notwithstanding any provision of the Revised Code to 45315  
the contrary, the parent of any such student shall pay tuition to 45316  
the school district that operates the school in an amount equal to 45317  
the state funds the district otherwise would receive for that 45318  
student, as determined by the department. A school to which this 45319  
section applies may withdraw any student for whom the parent does 45320  
not pay tuition as required by this division. 45321

**Sec. 3313.65.** (A) As used in this section and section 3313.64 45322  
of the Revised Code: 45323

(1) A person is "in a residential facility" if the person is 45324  
a resident or a resident patient of an institution, home, or other 45325  
residential facility that is: 45326

(a) Licensed as a nursing home, residential care facility, or 45327  
home for the aging by the director of health under section 3721.02 45328  
of the Revised Code; 45329

(b) Licensed as an adult care facility by the director of 45330



mental health under ~~Chapter 3722.~~ sections 5119.70 to 5119.88 of 45331  
the Revised Code; 45332

(c) Maintained as a county home or district home by the board 45333  
of county commissioners or a joint board of county commissioners 45334  
under Chapter 5155. of the Revised Code; 45335

(d) Operated or administered by a board of alcohol, drug 45336  
addiction, and mental health services under section 340.03 or 45337  
340.06 of the Revised Code, or provides residential care pursuant 45338  
to contracts made under section 340.03 or 340.033 of the Revised 45339  
Code; 45340

(e) Maintained as a state institution for the mentally ill 45341  
under Chapter 5119. of the Revised Code; 45342

(f) Licensed by the department of mental health under section 45343  
5119.20 or 5119.22 of the Revised Code; 45344

(g) Licensed as a residential facility by the department of 45345  
developmental disabilities under section 5123.19 of the Revised 45346  
Code; 45347

(h) Operated by the veteran's administration or another 45348  
agency of the United States government; 45349

(i) The Ohio soldiers' and sailors' home. 45350

(2) A person is "in a correctional facility" if any of the 45351  
following apply: 45352

(a) The person is an Ohio resident and is: 45353

(i) Imprisoned, as defined in section 1.05 of the Revised 45354  
Code; 45355

(ii) Serving a term in a community-based correctional 45356  
facility or a district community-based correctional facility; 45357

(iii) Required, as a condition of parole, a post-release 45358  
control sanction, a community control sanction, transitional 45359

control, or early release from imprisonment, as a condition of 45360  
shock parole or shock probation granted under the law in effect 45361  
prior to July 1, 1996, or as a condition of a furlough granted 45362  
under the version of section 2967.26 of the Revised Code in effect 45363  
prior to March 17, 1998, to reside in a halfway house or other 45364  
community residential center licensed under section 2967.14 of the 45365  
Revised Code or a similar facility designated by the court of 45366  
common pleas that established the condition or by the adult parole 45367  
authority. 45368

(b) The person is imprisoned in a state correctional 45369  
institution of another state or a federal correctional institution 45370  
but was an Ohio resident at the time the sentence was imposed for 45371  
the crime for which the person is imprisoned. 45372

(3) A person is "in a juvenile residential placement" if the 45373  
person is an Ohio resident who is under twenty-one years of age 45374  
and has been removed, by the order of a juvenile court, from the 45375  
place the person resided at the time the person became subject to 45376  
the court's jurisdiction in the matter that resulted in the 45377  
person's removal. 45378

(4) "Community control sanction" has the same meaning as in 45379  
section 2929.01 of the Revised Code. 45380

(5) "Post-release control sanction" has the same meaning as 45381  
in section 2967.01 of the Revised Code. 45382

(B) If the circumstances described in division (C) of this 45383  
section apply, the determination of what school district must 45384  
admit a child to its schools and what district, if any, is liable 45385  
for tuition shall be made in accordance with this section, rather 45386  
than section 3313.64 of the Revised Code. 45387

(C) A child who does not reside in the school district in 45388  
which the child's parent resides and for whom a tuition obligation 45389  
previously has not been established under division (C)(2) of 45390

section 3313.64 of the Revised Code shall be admitted to the 45391  
schools of the district in which the child resides if at least one 45392  
of the child's parents is in a residential or correctional 45393  
facility or a juvenile residential placement and the other parent, 45394  
if living and not in such a facility or placement, is not known to 45395  
reside in this state. 45396

(D) Regardless of who has custody or care of the child, 45397  
whether the child resides in a home, or whether the child receives 45398  
special education, if a district admits a child under division (C) 45399  
of this section, tuition shall be paid to that district as 45400  
follows: 45401

(1) If the child's parent is in a juvenile residential 45402  
placement, by the district in which the child's parent resided at 45403  
the time the parent became subject to the jurisdiction of the 45404  
juvenile court; 45405

(2) If the child's parent is in a correctional facility, by 45406  
the district in which the child's parent resided at the time the 45407  
sentence was imposed; 45408

(3) If the child's parent is in a residential facility, by 45409  
the district in which the parent resided at the time the parent 45410  
was admitted to the residential facility, except that if the 45411  
parent was transferred from another residential facility, tuition 45412  
shall be paid by the district in which the parent resided at the 45413  
time the parent was admitted to the facility from which the parent 45414  
first was transferred; 45415

(4) In the event of a disagreement as to which school 45416  
district is liable for tuition under division (C)(1), (2), or (3) 45417  
of this section, the superintendent of public instruction shall 45418  
determine which district shall pay tuition. 45419

(E) If a child covered by division (D) of this section 45420  
receives special education in accordance with Chapter 3323. of the 45421

Revised Code, the tuition shall be paid in accordance with section 45422  
3323.13 or 3323.14 of the Revised Code. Tuition for children who 45423  
do not receive special education shall be paid in accordance with 45424  
division (J) of section 3313.64 of the Revised Code. 45425

**Sec. 3313.75.** (A) The board of education of a city, exempted 45426  
village, or local school district may authorize the opening of 45427  
schoolhouses for any lawful purposes. ~~This~~ 45428

(B) In accordance with this section and section 3313.77 of 45429  
the Revised Code, a district board may rent or lease facilities 45430  
under its control to any public or nonpublic institution of higher 45431  
education for the institution's use in providing evening and 45432  
summer classes. 45433

(C) This section does not authorize a board to rent or lease 45434  
a schoolhouse when such rental or lease interferes with the public 45435  
schools in such district, or for any purpose other than is 45436  
authorized by law. 45437

**Sec. 3313.842.** (A) The boards of education or governing 45438  
authorities of any two or more school districts or community 45439  
schools may enter into an agreement for joint or cooperative 45440  
establishment and operation of any educational program including 45441  
any class, course, or program that may be included in a school 45442  
district's or community school's graded course of study and staff 45443  
development programs for teaching and nonteaching school 45444  
employees. Each school district or community school that is party 45445  
to such an agreement may contribute funds of the district or 45446  
school in support of the agreement and for the establishment and 45447  
operation of any educational program established under the 45448  
agreement. The agreement shall designate one of the districts or 45449  
community schools as ~~the district~~ responsible for receiving and 45450  
disbursing the funds contributed by the ~~districts that are~~ parties 45451

to the agreement. 45452

(B) Notwithstanding sections 3313.48 and 3313.64 of the 45453  
Revised Code, any school district that is party to an agreement 45454  
for joint or cooperative establishment and operation of an 45455  
educational program may charge fees or tuition for students who 45456  
participate in the program and are entitled to attend school in 45457  
the district under section 3313.64 or 3313.65 of the Revised Code. 45458  
Except as otherwise provided in division (H) of section 3321.01 of 45459  
the Revised Code, no community school that is party to the 45460  
agreement shall charge fees or tuition for students who 45461  
participate in the program and are reported by the school under 45462  
division (B)(2) of section 3314.08 of the Revised Code. 45463

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 45464  
3311.52 of the Revised Code, this section does not apply to ~~either~~ 45465  
~~of the following:~~ 45466

~~(1) Any any cooperative education school district;~~ 45467

~~(2) Any city or exempted village school district with a total 45468  
student count of thirteen thousand or more determined pursuant to 45469  
section 3317.03 of the Revised Code that has not entered into one 45470  
or more agreements pursuant to this section prior to July 1, 1993, 45471  
unless the district's total student count did not exceed thirteen 45472  
thousand at the time it entered into an initial agreement under 45473  
this section.~~ 45474

(B)(1) The board of education of a each city ~~or~~, exempted 45475  
village, or local school district ~~and~~ with a student count of 45476  
sixteen thousand or less, as defined in section 3301.011 of the 45477  
Revised Code, shall enter into an agreement with the governing 45478  
board of an educational service center ~~may enter into an~~ 45479  
~~agreement, through adoption of identical resolutions,~~ under which 45480  
the educational service center governing board will provide 45481  
services to the ~~city or exempted village school~~ district. 45482

(2) The board of education of a city, exempted village, or local school district with a student count of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district. 45483  
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(3) Services provided under the an agreement entered into under division (B)(1) or (2) of this section shall be specified in the agreement, and may include any one or a combination of the following: supervisory teachers; in-service and continuing education programs for city or exempted village school district personnel; curriculum services as provided to the local school districts under the supervision of the service center governing board; research and development programs; academic instruction for which the governing board employs teachers pursuant to section 3319.02 of the Revised Code; and assistance in the provision of special accommodations and classes for students with disabilities; or any other services the district board and service center governing board agree can be better provided by the service center and are not provided under an agreement entered into under section 3313.845 of the Revised Code. 45488  
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(C) If an educational service center received funding under division (B) of former section 3317.11 or division (F) of section 3317.11 of the Revised Code for an agreement under this section involving a city school district whose total student count was less than thirteen thousand, the service center may continue to receive funding under that division for such an agreement in any 45509  
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~~subsequent year if the city district's total student count exceeds 45515  
thirteen thousand. However, only the first thirteen thousand 45516  
pupils in the formula ADM of such district shall be included in 45517  
determining the amount of the per pupil subsidy the service center 45518  
shall receive under division (F) of section 3317.11 of the Revised 45519  
Code. 45520~~

~~(D) Any agreement entered into pursuant to this section shall 45521  
be valid only if a copy is filed with the department of education 45522  
by the first day of July of the school year for which the 45523  
agreement is in effect. 45524~~

(D)(1) An agreement for services from an educational service 45525  
center entered into under this section may be terminated by the 45526  
school district board of education, at its option, by notifying 45527  
the governing board of the service center by January 1, 2012, or 45528  
by the first day of January of any odd-numbered year thereafter, 45529  
that the district board intends to terminate the agreement in that 45530  
year, and that termination shall be effective on the thirtieth day 45531  
of June of that year. The failure of a district board to notify an 45532  
educational service center of its intent to terminate an agreement 45533  
by the first day of January of an odd-numbered year shall result 45534  
in renewal of the existing agreement for the following two school 45535  
years. 45536

(2) If the school district that terminates an agreement for 45537  
services under division (D)(1) of this section is also subject to 45538  
the requirement of division (B)(1) of this section, the district 45539  
board shall enter into a new agreement with a different 45540  
educational service center so that the new agreement is effective 45541  
on the first day of July of that same year. 45542

**Sec. 3313.845.** The board of education of a city, exempted 45543  
village, or local school district and the governing board of an 45544  
educational service center may enter into an agreement, ~~through~~ 45545

~~adoption of identical resolutions, under which the educational 45546  
service center will provide services to the school district. 45547  
Services provided under the agreement and the amount to be paid 45548  
for such services shall be mutually agreed to by the district 45549  
board of education and the service center governing board, and 45550  
shall be specified in the agreement. Payment for services 45551  
specified in the agreement shall be made pursuant to division (D) 45552  
of section 3317.11 of the Revised Code and shall not include any 45553  
deduction under division (B), (C), or (F) of that section. Any 45554  
agreement entered into pursuant to this section shall be valid 45555  
only if a copy is filed with the department of education by the 45556  
first day of the school year for which the agreement is in effect. 45557~~

~~The authority granted under this section to the boards of 45558  
education of city ~~and~~, exempted village, and local school 45559  
districts is in addition to the authority granted to such boards 45560  
under section 3313.843 of the Revised Code. ~~No city or exempted 45561  
village district that is eligible to receive services from an 45562  
educational service center under section 3313.843 of the Revised 45563  
Code may receive any of the services described in division (B) of 45564  
that section pursuant to an agreement entered into with an 45565  
educational service center under this section. 45566~~~~

~~If a local school district enters into an agreement with an 45567  
educational service center under this section and the district is 45568  
not located within the territory of the service center, the 45569  
agreement shall not require the district to receive any 45570  
supervisory services described in division (B) of section 3317.11 45571  
of the Revised Code from the service center. The supervisory 45572  
services described in that section shall be provided to the 45573  
district by the educational service center of the territory in 45574  
which the district is located. 45575~~

Sec. 3313.846. The governing board of an educational service 45576



center may enter into a contract with any political subdivision as 45577  
defined in section 2744.01 of the Revised Code, not including 45578  
school districts, community schools, or STEM schools contracting 45579  
for services under section 3313.843, 3313.844, 3313.845, or 45580  
3326.45 of the Revised Code, under which the educational service 45581  
center will provide services to the political subdivision. 45582  
Services provided under the contract and the amount to be paid for 45583  
such services shall be mutually agreed to by the parties and shall 45584  
be specified in the contract. The political subdivision shall 45585  
directly pay an educational service center for services specified 45586  
in the contract. The board of the educational service center shall 45587  
file a copy of each contract entered into under this section with 45588  
the department of education by the first day the contract is in 45589  
effect. 45590

Sec. 3313.88. (A)(1) Prior to the first day of August of each 45591  
school year, the board of education of any school district or the 45592  
governing authority of any chartered nonpublic school may submit 45593  
to the department of education a plan to require students to 45594  
access and complete classroom lessons posted on the district's or 45595  
nonpublic school's web portal or web site in order to make up days 45596  
in that school year on which it is necessary to close schools for 45597  
any of the reasons specified in division (B) of section 3317.01 of 45598  
the Revised Code in excess of the number of days permitted under 45599  
sections 3313.48, 3313.481, and 3317.01 of the Revised Code. 45600

Prior to the first day of August of each school year, the 45602  
governing authority of any community school established under 45603  
Chapter 3314. that is not an internet- or computer-based community 45604  
school, as defined in section 3314.02 of the Revised Code, may 45605  
submit to the department a plan to require students to access and 45606  
complete classroom lessons posted on the school's web portal or 45607

web site in order to make up days or hours in that school year on 45608  
which it is necessary to close the school for any of the reasons 45609  
specified in division (L)(4) of section 3314.08 of the Revised 45610  
Code so that the school is in compliance with the minimum number 45611  
of hours required under Chapter 3314. of the Revised Code. 45612

A plan submitted by a school district board or chartered 45613  
nonpublic school governing authority shall provide for making up 45614  
any number of days, up to a maximum of three days. A plan 45615  
submitted by a community school governing authority shall provide 45616  
for making up any number of hours, up to a maximum of the 45617  
equivalent of three days. Provided the plan meets all requirements 45618  
of this section, the department shall permit the board or 45619  
governing authority to implement the plan for the applicable 45620  
school year. 45621

(2) Each plan submitted under this section by a school 45622  
district board of education shall include the written consent of 45623  
the teachers' employee representative designated under division 45624  
(B) of section 4117.04 of the Revised Code. 45625

(3) Each plan submitted under this section shall provide for 45626  
the following: 45627

(a) Not later than the first day of November of the school 45628  
year, each classroom teacher shall develop a sufficient number of 45629  
lessons for each course taught by the teacher that school year to 45630  
cover the number of make-up days or hours specified in the plan. 45631  
The teacher shall designate the order in which the lessons are to 45632  
be posted on the district's, community school's, or nonpublic 45633  
school's web portal or web site in the event of a school closure. 45634  
Teachers may be granted up to one professional development day to 45635  
create lesson plans for those lessons. 45636

(b) To the extent possible and necessary, a classroom teacher 45637  
shall update or replace, based on current instructional progress, 45638

one or more of the lesson plans developed under division (A)(3)(a) 45639  
of this section before they are posted on the web portal or web 45640  
site under division (A)(3)(c) of this section or distributed under 45641  
division (B) of this section. 45642

(c) As soon as practicable after a school closure, a district 45643  
or school employee responsible for web portal or web site 45644  
operations shall make the designated lessons available to students 45645  
on the district's, community school's, or nonpublic school's 45646  
portal or site. A lesson shall be posted for each course that was 45647  
scheduled to meet on the day or hours of the closure. 45648

(d) Each student enrolled in a course for which a lesson is 45649  
posted on the portal or site shall be granted a two-week period 45650  
from the date of posting to complete the lesson. The student's 45651  
classroom teacher shall grade the lesson in the same manner as 45652  
other lessons. The student may receive an incomplete or failing 45653  
grade if the lesson is not completed on time. 45654

(e) If a student does not have access to a computer at the 45655  
student's residence and the plan does not include blizzard bags 45656  
under division (B) of this section, the student shall be permitted 45657  
to work on the posted lessons at school after the student's school 45658  
reopens. If the lessons were posted prior to the reopening, the 45659  
student shall be granted a two-week period from the date of the 45660  
reopening, rather than from the date of posting as otherwise 45661  
required under division (A)(3)(d) of this section, to complete the 45662  
lessons. The district board or community school or nonpublic 45663  
school governing authority may provide the student access to a 45664  
computer before, during, or after the regularly scheduled school 45665  
day or may provide a substantially similar paper lesson in order 45666  
to complete the lessons. 45667

(B)(1) In addition to posting classroom lessons online under 45668  
division (A) of this section, the board of education of any school 45669  
district or governing authority of any community or chartered 45670

nonpublic school may include in the plan distribution of "blizzard bags," which are paper copies of the lessons posted online. 45671  
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(2) If a school opts to use blizzard bags, teachers shall prepare paper copies in conjunction with the lessons to be posted online and update the paper copies whenever the teacher updates the online lesson plans. 45673  
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(3) The board of education of any school district or governing authority of any community or chartered nonpublic school that opts to use blizzard bags shall specify in the plan the method of distribution of blizzard bag lessons, which may include, but not be limited to, requiring distribution by a specific deadline or requiring distribution prior to anticipated school closure as directed by the superintendent of a school district or the principal, director, chief administrative officer, or the equivalent, of a school. 45677  
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(4) Students shall turn in completed lessons in accordance with division (A)(3)(d) of this section. 45686  
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(C)(1) No school district that implements a plan in accordance with this section shall be considered to have failed to comply with division (B) of section 3317.01 of the Revised Code with respect to the number of make-up days specified in the plan. 45688  
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(2) No community school that implements a plan in accordance with this section shall be considered to have failed to comply with the minimum number of hours required under Chapter 3314. of the Revised Code with respect to the number of make-up hours specified in the plan. 45692  
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**Sec. 3313.911.** The state board of education may adopt a resolution assigning a city, exempted village, or local school district that is not a part of a joint vocational school district to membership in a joint vocational school district. A copy of the 45697  
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resolution shall be certified to the board of education of the 45701  
joint vocational school district and the board of education of the 45702  
district proposed to be assigned. The board of education of the 45703  
joint vocational school district shall advertise a copy of the 45704  
resolution in a newspaper of general circulation in the district 45705  
proposed to be assigned once each week for ~~at least~~ two weeks, or 45706  
as provided in section 7.16 of the Revised Code, immediately 45707  
following the certification of the resolution to the board. The 45708  
assignment shall take effect on the ninety-first day after the 45709  
state board adopts the resolution, unless prior to that date 45710  
qualified electors residing in the school district proposed for 45711  
assignment, equal in number to ten per cent of the qualified 45712  
electors of that district voting at the last general election, 45713  
file a petition against the assignment. 45714

The petition of referendum shall be filed with the treasurer 45715  
of the board of education of the district proposed to be assigned 45716  
to the joint vocational school district. The treasurer shall give 45717  
the person presenting the petition a receipt showing the time of 45718  
day, date, and purpose of the petition. The treasurer shall cause 45719  
the board of elections to determine the sufficiency of signatures 45720  
on the petition and if the signatures are found to be sufficient, 45721  
shall present the petition to the board of education of the 45722  
district. The board of education shall promptly certify the 45723  
question to the board of elections for the purpose of having the 45724  
question placed on the ballot at the next general, primary, or 45725  
special election not earlier than sixty days after the date of the 45726  
certification. 45727

Only those qualified electors residing in the district 45728  
proposed for assignment to the joint vocational school district 45729  
are qualified to vote on the question. If a majority of the 45730  
electors voting on the question vote against the assignment, it 45731  
shall not take place, and the state board of education shall 45732

require the district to contract with the joint vocational school 45733  
district or another school district as authorized by section 45734  
3313.91 of the Revised Code. 45735

If a majority of the electors voting on the question do not 45736  
vote against the assignment, the assignment shall take immediate 45737  
effect, and the board of education of the joint vocational school 45738  
district shall notify the county auditor of the county in which 45739  
the school district becoming a part of the joint vocational school 45740  
district is located to have any outstanding levy of the joint 45741  
vocational school district spread over the territory of the school 45742  
district that has become a part of the joint vocational school 45743  
district. 45744

The assignment of a school district to a joint vocational 45745  
school district pursuant to this section is subject to any 45746  
agreements made between the board of education of the assigned 45747  
school district and the board of education of the joint vocational 45748  
school district. Such an agreement may include provisions for a 45749  
payment by the assigned school district to the joint vocational 45750  
school district of an amount to be contributed toward the cost of 45751  
the existing facilities of the joint vocational school district. 45752

On the assignment of a school district to a joint vocational 45753  
school district pursuant to this section, the joint vocational 45754  
school district's board of education shall submit a proposal to 45755  
the state board of education to enlarge or reorganize the 45756  
membership of the joint vocational school district's board of 45757  
education if expansion or reorganization of the board is necessary 45758  
in order to comply with section 3311.19 of the Revised Code. 45759

**Sec. 3313.975.** As used in this section and in sections 45760  
3313.975 to 3313.979 of the Revised Code, "the pilot project 45761  
school district" or "the district" means any school district 45762  
included in the pilot project scholarship program pursuant to this 45763

section. 45764

(A) The superintendent of public instruction shall establish 45765  
a pilot project scholarship program and shall include in such 45766  
program any school districts that are or have ever been under 45767  
federal court order requiring supervision and operational 45768  
management of the district by the state superintendent. The 45769  
program shall provide for a number of students residing in any 45770  
such district to receive scholarships to attend alternative 45771  
schools, and for an equal number of students to receive tutorial 45772  
assistance grants while attending public school in any such 45773  
district. 45774

(B) The state superintendent shall establish an application 45775  
process and deadline for accepting applications from students 45776  
residing in the district to participate in the scholarship 45777  
program. In the initial year of the program students may only use 45778  
a scholarship to attend school in grades kindergarten through 45779  
third. 45780

The state superintendent shall award as many scholarships and 45781  
tutorial assistance grants as can be funded given the amount 45782  
appropriated for the program. In no case, however, shall more than 45783  
fifty per cent of all scholarships awarded be used by students who 45784  
were enrolled in a nonpublic school during the school year of 45785  
application for a scholarship. 45786

(C)(1) The pilot project program shall continue in effect 45787  
each year that the general assembly has appropriated sufficient 45788  
money to fund scholarships and tutorial assistance grants. In each 45789  
year the program continues, ~~no~~ new students may receive 45790  
scholarships ~~unless they are enrolled~~ in grades kindergarten to 45791  
~~eight~~ twelve. ~~However, any~~ A student who has received a 45792  
scholarship ~~the preceding year~~ may continue to receive one until 45793  
the student has completed grade ~~ten~~. ~~Beginning in the 2005-2006~~ 45794  
~~academic year, a student who previously has received a scholarship~~ 45795

~~may receive a scholarship in grade eleven. Beginning in the 45796~~  
~~2006-2007 academic year, a student who previously has received a 45797~~  
~~scholarship may receive a scholarship in grade twelve. 45798~~

(2) If the general assembly discontinues the scholarship 45799  
program, all students who are attending an alternative school 45800  
under the pilot project shall be entitled to continued admittance 45801  
to that specific school through all grades that are provided in 45802  
such school, under the same conditions as when they were 45803  
participating in the pilot project. The state superintendent shall 45804  
continue to make scholarship payments in accordance with division 45805  
(A) or (B) of section 3313.979 of the Revised Code for students 45806  
who remain enrolled in an alternative school under this provision 45807  
in any year that funds have been appropriated for this purpose. 45808

If funds are not appropriated, the tuition charged to the 45809  
parents of a student who remains enrolled in an alternative school 45810  
under this provision shall not be increased beyond the amount 45811  
equal to the amount of the scholarship plus any additional amount 45812  
charged that student's parent in the most recent year of 45813  
attendance as a participant in the pilot project, except that 45814  
tuition for all the students enrolled in such school may be 45815  
increased by the same percentage. 45816

(D) Notwithstanding sections 124.39, 3307.54, and 3319.17 of 45817  
the Revised Code, if the pilot project school district experiences 45818  
a decrease in enrollment due to participation in a state-sponsored 45819  
scholarship program pursuant to sections 3313.974 to 3313.979 of 45820  
the Revised Code, the district board of education may enter into 45821  
an agreement with any teacher it employs to provide to that 45822  
teacher severance pay or early retirement incentives, or both, if 45823  
the teacher agrees to terminate the employment contract with the 45824  
district board, provided any collective bargaining agreement in 45825  
force pursuant to Chapter 4117. of the Revised Code does not 45826  
prohibit such an agreement for termination of a teacher's 45827



employment contract. 45828

**Sec. 3313.978.** (A) Annually by the first day of November, the 45829  
superintendent of public instruction shall notify the pilot 45830  
project school district of the number of initial scholarships that 45831  
the state superintendent will be awarding in each of grades 45832  
kindergarten through ~~eight~~ twelve. 45833

The state superintendent shall provide information about the 45834  
scholarship program to all students residing in the district, 45835  
shall accept applications from any such students until such date 45836  
as shall be established by the state superintendent as a deadline 45837  
for applications, and shall establish criteria for the selection 45838  
of students to receive scholarships from among all those applying 45839  
prior to the deadline, which criteria shall give preference to 45840  
students from low-income families. For each student selected, the 45841  
state superintendent shall also determine whether the student 45842  
qualifies for seventy-five or ninety per cent of the scholarship 45843  
amount. Students whose family income is at or above two hundred 45844  
per cent of the maximum income level established by the state 45845  
superintendent for low-income families shall qualify for 45846  
seventy-five per cent of the scholarship amount and students whose 45847  
family income is below two hundred per cent of that maximum income 45848  
level shall qualify for ninety per cent of the scholarship amount. 45849  
The state superintendent shall notify students of their selection 45850  
prior to the fifteenth day of January and whether they qualify for 45851  
seventy-five or ninety per cent of the scholarship amount. 45852

(1) A student receiving a pilot project scholarship may 45853  
utilize it at an alternative public school by notifying the 45854  
district superintendent, at any time before the beginning of the 45855  
school year, of the name of the public school in an adjacent 45856  
school district to which the student has been accepted pursuant to 45857  
section 3327.06 of the Revised Code. 45858

(2) A student may decide to utilize a pilot project 45859  
scholarship at a registered private school in the district if all 45860  
of the following conditions are met: 45861

(a) By the fifteenth day of February of the preceding school 45862  
year, or at any time prior to the start of the school year, the 45863  
parent makes an application on behalf of the student to a 45864  
registered private school. 45865

(b) The registered private school notifies the parent and the 45866  
state superintendent as follows that the student has been 45867  
admitted: 45868

(i) By the fifteenth day of March of the preceding school 45869  
year if the student filed an application by the fifteenth day of 45870  
February and was admitted by the school pursuant to division (A) 45871  
of section 3313.977 of the Revised Code; 45872

(ii) Within one week of the decision to admit the student if 45873  
the student is admitted pursuant to division (C) of section 45874  
3313.977 of the Revised Code. 45875

(c) The student actually enrolls in the registered private 45876  
school to which the student was first admitted or in another 45877  
registered private school in the district or in a public school in 45878  
an adjacent school district. 45879

(B) The state superintendent shall also award in any school 45880  
year tutorial assistance grants to a number of students equal to 45881  
the number of students who receive scholarships under division (A) 45882  
of this section. Tutorial assistance grants shall be awarded 45883  
solely to students who are enrolled in the public schools of the 45884  
district in a grade level covered by the pilot project. Tutorial 45885  
assistance grants may be used solely to obtain tutorial assistance 45886  
from a provider approved pursuant to division (D) of section 45887  
3313.976 of the Revised Code. 45888

All students wishing to obtain tutorial assistance grants 45889

shall make application to the state superintendent by the first 45890  
day of the school year in which the assistance will be used. The 45891  
state superintendent shall award assistance grants in accordance 45892  
with criteria the superintendent shall establish. For each student 45893  
awarded a grant, the state superintendent shall also determine 45894  
whether the student qualifies for seventy-five or ninety per cent 45895  
of the grant amount and so notify the student. Students whose 45896  
family income is at or above two hundred per cent of the maximum 45897  
income level established by the state superintendent for 45898  
low-income families shall qualify for seventy-five per cent of the 45899  
grant amount and students whose family income is below two hundred 45900  
per cent of that maximum income level shall qualify for ninety per 45901  
cent of the grant amount. 45902

(C)(1) In the case of basic scholarships for students in 45903  
grades kindergarten through eight, the scholarship amount shall 45904  
not exceed the lesser of the tuition charges of the alternative 45905  
school the scholarship recipient attends or three thousand dollars 45906  
before fiscal year 2007 ~~and~~, three thousand four hundred fifty 45907  
dollars in fiscal year 2007 through fiscal year 2011, and four 45908  
thousand two hundred fifty dollars in fiscal year 2012 and 45909  
thereafter. 45910

In the case of basic scholarships for students in grades nine 45911  
through twelve, the scholarship amount shall not exceed the lesser 45912  
of the tuition charges of the alternative school the scholarship 45913  
recipient attends or two thousand seven hundred dollars before 45914  
fiscal year 2007 ~~and~~, three thousand four hundred fifty dollars in 45915  
fiscal year 2007 through fiscal year 2011, and five thousand 45916  
dollars in fiscal year 2012 and thereafter. 45917

(2) The state superintendent shall provide for an increase in 45918  
the basic scholarship amount in the case of any student who is a 45919  
mainstreamed student with a disability and shall further increase 45920  
such amount in the case of any separately educated student with a 45921

disability. Such increases shall take into account the 45922  
instruction, related services, and transportation costs of 45923  
educating such students. 45924

(3) In the case of tutorial assistance grants, the grant 45925  
amount shall not exceed the lesser of the provider's actual 45926  
charges for such assistance or: 45927

(a) Before fiscal year 2007, a percentage established by the 45928  
state superintendent, not to exceed twenty per cent, of the amount 45929  
of the pilot project school district's average basic scholarship 45930  
amount; 45931

(b) In fiscal year 2007 and thereafter, four hundred dollars. 45932

(4) No scholarship or tutorial assistance grant shall be 45933  
awarded unless the state superintendent determines that 45934  
twenty-five or ten per cent, as applicable, of the amount 45935  
specified for such scholarship or grant pursuant to division 45936  
(C)(1), (2), or (3) of this section will be furnished by a 45937  
political subdivision, a private nonprofit or for profit entity, 45938  
or another person. Only seventy-five or ninety per cent of such 45939  
amounts, as applicable, shall be paid from state funds pursuant to 45940  
section 3313.979 of the Revised Code. 45941

(D)(1) Annually by the first day of November, the state 45942  
superintendent shall estimate the maximum per-pupil scholarship 45943  
amounts for the ensuing school year. The state superintendent 45944  
shall make this estimate available to the general public at the 45945  
offices of the district board of education together with the forms 45946  
required by division (D)(2) of this section. 45947

(2) Annually by the fifteenth day of January, the chief 45948  
administrator of each registered private school located in the 45949  
pilot project district and the principal of each public school in 45950  
such district shall complete a parental information form and 45951  
forward it to the president of the board of education. The 45952

parental information form shall be prescribed by the department of 45953  
education and shall provide information about the grade levels 45954  
offered, the numbers of students, tuition amounts, achievement 45955  
test results, and any sectarian or other organizational 45956  
affiliations. 45957

(E)(1) Only for the purpose of administering the pilot 45958  
project scholarship program, the department may request from any 45959  
of the following entities the data verification code assigned 45960  
under division (D)(2) of section 3301.0714 of the Revised Code to 45961  
any student who is seeking a scholarship under the program: 45962

(a) The school district in which the student is entitled to 45963  
attend school under section 3313.64 or 3313.65 of the Revised 45964  
Code; 45965

(b) If applicable, the community school in which the student 45966  
is enrolled; 45967

(c) The independent contractor engaged to create and maintain 45968  
data verification codes. 45969

(2) Upon a request by the department under division (E)(1) of 45970  
this section for the data verification code of a student seeking a 45971  
scholarship or a request by the student's parent for that code, 45972  
the school district or community school shall submit that code to 45973  
the department or parent in the manner specified by the 45974  
department. If the student has not been assigned a code, because 45975  
the student will be entering kindergarten during the school year 45976  
for which the scholarship is sought, the district shall assign a 45977  
code to that student and submit the code to the department or 45978  
parent by a date specified by the department. If the district does 45979  
not assign a code to the student by the specified date, the 45980  
department shall assign a code to the student. 45981

The department annually shall submit to each school district 45982  
the name and data verification code of each student residing in 45983

the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (E) of this section to any person except as provided by law.

(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

(G)(1) The department annually shall compile the scores attained by scholarship students enrolled in registered private schools on the assessments administered to the students pursuant to division (A)(11) of section 3313.976 of the Revised Code. The scores shall be aggregated as follows:

(a) By school district, which shall include all scholarship students residing in the pilot project school district who are enrolled in a registered private school and were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code;

(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code.

(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories:

(a) Age;

(b) Race and ethnicity;

(c) Gender;	46014
(d) Students who have participated in the scholarship program for three or more years;	46015 46016
(e) Students who have participated in the scholarship program for more than one year and less than three years;	46017 46018
(f) Students who have participated in the scholarship program for one year or less;	46019 46020
(g) Economically disadvantaged students.	46021
(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.	46022 46023 46024 46025 46026 46027 46028 46029 46030 46031
(4) The department shall provide the parent of each scholarship student enrolled in a registered private school with information comparing the student's performance on the assessments administered pursuant to division (A)(11) of section 3313.976 of the Revised Code with the average performance of similar students enrolled in the building operated by the pilot project school district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status.	46032 46033 46034 46035 46036 46037 46038 46039 46040 46041
<b>Sec. 3313.981.</b> (A) The state board of education shall adopt rules requiring all of the following:	46042 46043

(1) The board of education of each city, exempted village, 46044  
and local school district to annually report to the department of 46045  
education all of the following: 46046

(a) The number of adjacent district or other district 46047  
students, as applicable, and adjacent district or other district 46048  
joint vocational students, as applicable, enrolled in the district 46049  
and the number of native students enrolled in adjacent or other 46050  
districts, in accordance with a policy adopted under division (B) 46051  
of section 3313.98 of the Revised Code; 46052

(b) Each adjacent district or other district student's or 46053  
adjacent district or other district joint vocational student's 46054  
date of enrollment in the district; 46055

(c) The full-time equivalent number of adjacent district or 46056  
other district students enrolled in vocational education programs 46057  
or classes described in division (A) of section 3317.014 of the 46058  
Revised Code and the full-time equivalent number of such students 46059  
enrolled in vocational education programs or classes described in 46060  
division (B) of that section; 46061

(d) Each native student's date of enrollment in an adjacent 46062  
or other district. 46063

(2) The board of education of each joint vocational school 46064  
district to annually report to the department all of the 46065  
following: 46066

(a) The number of adjacent district or other district joint 46067  
vocational students, as applicable, enrolled in the district; 46068

(b) The full-time equivalent number of adjacent district or 46069  
other district joint vocational students enrolled in vocational 46070  
education programs or classes described in division (A) of section 46071  
3317.014 of the Revised Code and the full-time equivalent number 46072  
of such students enrolled in vocational education programs or 46073  
classes described in division (B) of that section; 46074



(c) For each adjacent district or other district joint vocational student, the city, exempted village, or local school district in which the student is also enrolled.

(3) Prior to the first full school week in October each year, the superintendent of each city, local, or exempted village school district that admits adjacent district or other district students or adjacent district or other district joint vocational students in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code to notify each adjacent or other district where those students are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code of the number of the adjacent or other district's native students who are enrolled in the superintendent's district under the policy.

The rules shall provide for the method of counting students who are enrolled for part of a school year in an adjacent or other district or as an adjacent district or other district joint vocational student.

(B) From the payments made to a city, exempted village, or local school district under Chapter ~~3306~~. 3317. of the Revised Code and, if necessary, from the payments made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract both of the following:

(1) An amount equal to the number of the district's native students reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the adjusted formula amount;

(2) The excess costs computed in accordance with division (E) of this section for any such native students receiving special

education and related services in adjacent or other school 46106  
districts or as an adjacent district or other district joint 46107  
vocational student; 46108

(3) For the full-time equivalent number of the district's 46109  
native students reported under division (A)(1)(c) or (2)(b) of 46110  
this section as enrolled in vocational education programs or 46111  
classes described in section 3317.014 of the Revised Code, an 46112  
amount equal to ~~the formula amount~~ \$5,732 times the applicable 46113  
multiple prescribed by that section. 46114

(C) To the payments made to a city, exempted village, or 46115  
local school district under Chapter ~~3306.~~ 3317. of the Revised 46116  
Code, the department of education shall annually add all of the 46117  
following: 46118

(1) An amount equal to the adjusted formula amount multiplied 46119  
by the remainder obtained by subtracting the number of adjacent 46120  
district or other district joint vocational students from the 46121  
number of adjacent district or other district students enrolled in 46122  
the district, as reported under division (A)(1) of this section; 46123

(2) The excess costs computed in accordance with division (E) 46124  
of this section for any adjacent district or other district 46125  
students, except for any adjacent or other district joint 46126  
vocational students, receiving special education and related 46127  
services in the district; 46128

(3) For the full-time equivalent number of the adjacent or 46129  
other district students who are not adjacent district or other 46130  
district joint vocational students and are reported under division 46131  
(A)(1)(c) of this section as enrolled in vocational education 46132  
programs or classes described in section 3317.014 of the Revised 46133  
Code, an amount equal to ~~the formula amount~~ \$5,732 times the 46134  
applicable multiple prescribed by that section; 46135

(4) An amount equal to the number of adjacent district or 46136

other district joint vocational students reported under division 46137  
(A)(1) of this section multiplied by an amount equal to twenty per 46138  
cent of the adjusted formula amount. 46139

(D) To the payments made to a joint vocational school 46140  
district under Chapter 3317. of the Revised Code, the department 46141  
of education shall add, for each adjacent district or other 46142  
district joint vocational student reported under division (A)(2) 46143  
of this section, both of the following: 46144

(1) The adjusted formula amount; 46145

(2) An amount equal to the full-time equivalent number of 46146  
students reported pursuant to division (A)(2)(b) of this section 46147  
times ~~the formula amount~~ \$5,732 times the applicable multiple 46148  
prescribed by section 3317.014 of the Revised Code. 46149

(E)(1) A city, exempted village, or local school board 46150  
providing special education and related services to an adjacent or 46151  
other district student in accordance with an IEP shall, pursuant 46152  
to rules of the state board, compute the excess costs to educate 46153  
such student as follows: 46154

(a) Subtract the adjusted formula amount from the actual 46155  
costs to educate the student; 46156

(b) From the amount computed under division (E)(1)(a) of this 46157  
section subtract the amount of any funds received by the district 46158  
under Chapter ~~3306-~~ 3317. of the Revised Code to provide special 46159  
education and related services to the student. 46160

(2) The board shall report the excess costs computed under 46161  
this division to the department of education. 46162

(3) If any student for whom excess costs are computed under 46163  
division (E)(1) of this section is an adjacent or other district 46164  
joint vocational student, the department of education shall add 46165  
the amount of such excess costs to the payments made under Chapter 46166

~~3306-~~ 3317. of the Revised Code to the joint vocational school 46167  
district enrolling the student. 46168

(F) As provided in division (D)(1)(b) of section 3317.03 of 46169  
the Revised Code, no joint vocational school district shall count 46170  
any adjacent or other district joint vocational student enrolled 46171  
in the district in its formula ADM certified under section 3317.03 46172  
of the Revised Code. 46173

(G) No city, exempted village, or local school district shall 46174  
receive a payment under division (C) of this section for a 46175  
student, and no joint vocational school district shall receive a 46176  
payment under division (D) of this section for a student, if for 46177  
the same school year that student is counted in the district's 46178  
formula ADM certified under section 3317.03 of the Revised Code. 46179

(H) Upon request of a parent, and provided the board offers 46180  
transportation to native students of the same grade level and 46181  
distance from school under section 3327.01 of the Revised Code, a 46182  
city, exempted village, or local school board enrolling an 46183  
adjacent or other district student shall provide transportation 46184  
for the student within the boundaries of the board's district, 46185  
except that the board shall be required to pick up and drop off a 46186  
nonhandicapped student only at a regular school bus stop 46187  
designated in accordance with the board's transportation policy. 46188  
Pursuant to rules of the state board of education, such board may 46189  
reimburse the parent from funds received for pupil transportation 46190  
under section ~~3306.12~~ 3317.0212 of the Revised Code, or other 46191  
provisions of law, for the reasonable cost of transportation from 46192  
the student's home to the designated school bus stop if the 46193  
student's family has an income below the federal poverty line. 46194

**Sec. 3314.01.** (A)(1) A board of education may permit all or 46195  
part of any of the schools under its control, upon request of a 46196  
proposing person ~~or~~, group of individuals, or entity and provided 46197

the person ~~or~~, group of individuals, or entity meets the 46198  
requirements of this chapter, to become a community school. 46199

(2) Any person ~~or~~, group of individuals, or entity may 46200  
propose the creation of a community school pursuant to the 46201  
provisions of this chapter. No nonpublic chartered or nonchartered 46202  
school in existence on January 1, 1997, is eligible to become a 46203  
community school under this chapter. 46204

(B) A community school created under this chapter is a public 46205  
school, independent of any school district, and is part of the 46206  
state's program of education. A community school may sue and be 46207  
sued, acquire facilities as needed, contract for any services 46208  
necessary for the operation of the school, and enter into 46209  
contracts with a sponsor pursuant to this chapter. The governing 46210  
authority of a community school may carry out any act and ensure 46211  
the performance of any function that is in compliance with the 46212  
Ohio Constitution, this chapter, other statutes applicable to 46213  
community schools, and the contract entered into under this 46214  
chapter establishing the school. 46215

~~Sec. 3314.013. (A)(1) Until July 1, 2000, no more than 46216  
seventy five contracts between start up schools and the state 46217  
board of education may be in effect outside the pilot project area 46218  
at any time under this chapter. 46219~~

~~(2) After July 1, 2000, and until July 1, 2001, no more than 46220  
one hundred twenty five contracts between start up schools and the 46221  
state board of education may be in effect outside the pilot 46222  
project area at any time under this chapter. 46223~~

~~(3) This division applies only to contracts between start up 46224  
schools and the state board of education and contracts between 46225  
start up schools and entities described in divisions (C)(1)(b) to 46226  
(f) of section 3314.02 of the Revised Code. 46227~~

~~Until July 1, 2005, not more than two hundred twenty five  
contracts to which this division applies may be in effect at any  
time under this chapter.~~

~~(4) This division applies only to contracts between start-up  
schools and entities described in divisions (C)(1)(b) to (f) of  
section 3314.02 of the Revised Code.~~

~~Except as otherwise provided in section 3314.014 of the  
Revised Code, after July 1, 2005, and until July 1, 2007, the  
number of contracts to which this division applies in effect at  
any time under this chapter shall be not more than thirty plus the  
number of such contracts with schools that were open for operation  
as of May 1, 2005.~~

~~(5) This division applies only to contracts between a  
conversion school that is an internet- or computer-based community  
school or a start-up school and the board of education of the  
school district in which the school is or is proposed to be  
located.~~

~~Except as otherwise provided in section 3314.014 of the  
Revised Code, until July 1, 2007, the number of contracts to which  
this division applies in effect at any time under this chapter  
shall be not more than thirty plus the number of such contracts  
with schools that were open for operation as of May 1, 2005.~~

~~(6) Until the effective date of any standards enacted by the  
general assembly governing the operation of internet- or  
computer-based community schools, no internet- or computer-based  
community school shall operate unless the school was open for  
instruction as of May 1, 2005. No entity described in division  
(C)(1) of section 3314.02 of the Revised Code shall enter into a  
contract to sponsor an internet- or computer-based community  
school, including a conversion school, between May 1, 2005, and  
the effective date of any standards enacted by the general~~

assembly governing the operation of internet- or computer-based 46259  
community schools, except as follows: 46260

~~(a) Any (1) The entity described in division (C)(1) of that 46261  
section may renew a contract that the entity entered into with an 46262  
internet- or computer-based community school prior to May 1, 2005, 46263  
if the school was open for operation as of that date. 46264~~

~~(b) Any (2) The entity described in divisions (C)(1)(a) to 46265  
(e) of that section may assume sponsorship of an existing 46266  
internet- or computer-based community school that was formerly 46267  
sponsored by another entity and may enter into a contract with 46268  
that community school in accordance with section 3314.03 of the 46269  
Revised Code. 46270~~

~~(c) Any entity described in division (C)(1)(f) of that 46271  
section may assume sponsorship of an existing internet- or 46272  
computer based community school in accordance with division (A)(7) 46273  
of this section and may enter into a contract with that community 46274  
school in accordance with section 3314.03 of the Revised Code. 46275~~

If a sponsor entered into a contract with an internet- or 46276  
computer-based community school, including a conversion school, 46277  
but the school was not open for operation as of May 1, 2005, the 46278  
contract shall be void and the entity shall not enter into another 46279  
contract with the school until the effective date of any standards 46280  
enacted by the general assembly governing the operation of 46281  
internet- or computer-based community schools. 46282

~~(7) Until July 1, 2005, any entity described in division 46283  
(C)(1)(f) of section 3314.02 of the Revised Code may sponsor only 46284  
a community school that formerly was sponsored by the state board 46285  
of education under division (C)(1)(d) of that section, as it 46286  
existed prior to April 8, 2003. After July 1, 2005, any such 46287  
entity may assume sponsorship of any existing community school, 46288  
and may sponsor any new community school that is not an internet- 46289~~

~~or computer based community school. Beginning on the effective date of any standards enacted by the general assembly governing the operation of internet or computer based community schools, any such entity may sponsor a new internet or computer based community school.~~

~~(8)(B) Nothing in division (A) of this section prohibits a an internet- or computer-based community school from increasing the number of grade levels it offers.~~

~~(B) Within twenty four hours of a request by any person, the superintendent of public instruction shall indicate the number of preliminary agreements for start up schools currently outstanding and the number of contracts for these schools in effect at the time of the request.~~

~~(C) It is the intent of the general assembly to consider whether to provide limitations on the number of start up community schools after July 1, 2001, following its examination of the results of the studies by the legislative office of education oversight required under Section 50.39 of Am. Sub. H.B. No. 215 of the 122nd general assembly and Section 50.52.2 of Am. Sub. H.B. No. 215 of the 122nd general assembly, as amended by Am. Sub. H.B. No. 770 of the 122nd general assembly Not later than July 1, 2013, the superintendent of public instruction, the chancellor of the Ohio board of regents, and the director of the governor's office of 21st century education jointly shall develop standards for the operation of internet- and computer-based community schools. The superintendent shall submit those standards to the speaker of the house of representatives and the president of the senate for consideration of enactment by the general assembly.~~

**Sec. 3314.015.** (A) The department of education shall be responsible for the oversight of any and all sponsors of the community schools established under this chapter and shall provide



technical assistance to schools and sponsors in their compliance 46321  
with applicable laws and the terms of the contracts entered into 46322  
under section 3314.03 of the Revised Code and in the development 46323  
and start-up activities of those schools. In carrying out its 46324  
duties under this section, the department shall do all of the 46325  
following: 46326

(1) In providing technical assistance to proposing parties, 46327  
governing authorities, and sponsors, conduct training sessions and 46328  
distribute informational materials; 46329

(2) Approve entities to be sponsors of community schools; 46330

(3) Monitor the effectiveness of any and all sponsors in 46331  
their oversight of the schools with which they have contracted; 46332

(4) By December thirty-first of each year, issue a report to 46333  
the governor, the speaker of the house of representatives, the 46334  
president of the senate, and the chairpersons of the house and 46335  
senate committees principally responsible for education matters 46336  
regarding the effectiveness of academic programs, operations, and 46337  
legal compliance and of the financial condition of all community 46338  
schools established under this chapter and on the performance of 46339  
community school sponsors; 46340

(5) From time to time, make legislative recommendations to 46341  
the general assembly designed to enhance the operation and 46342  
performance of community schools. 46343

(B)(1) Except as provided in sections 3314.021 and 3314.027 46344  
of the Revised Code, no entity listed in division (C)(1) of 46345  
section 3314.02 of the Revised Code shall enter into a preliminary 46346  
agreement under division (C)(2) of section 3314.02 of the Revised 46347  
Code until it has received approval from the department of 46348  
education to sponsor community schools under this chapter and has 46349  
entered into a written agreement with the department regarding the 46350  
manner in which the entity will conduct such sponsorship. The 46351

department shall adopt in accordance with Chapter 119. of the 46352  
Revised Code rules containing criteria, procedures, and deadlines 46353  
for processing applications for such approval, for oversight of 46354  
sponsors, for revocation of the approval of sponsors, and for 46355  
entering into written agreements with sponsors. The rules shall 46356  
require an entity to submit evidence of the entity's ability and 46357  
willingness to comply with the provisions of division (D) of 46358  
section 3314.03 of the Revised Code. The rules also shall require 46359  
entities approved as sponsors on and after June 30, 2005, to 46360  
demonstrate a record of financial responsibility and successful 46361  
implementation of educational programs. If an entity seeking 46362  
approval on or after June 30, 2005, to sponsor community schools 46363  
in this state sponsors or operates schools in another state, at 46364  
least one of the schools sponsored or operated by the entity must 46365  
be comparable to or better than the performance of Ohio schools in 46366  
need of continuous improvement under section 3302.03 of the 46367  
Revised Code, as determined by the department. 46368

~~An Subject to section 3314.016 of the Revised Code, an entity 46369  
that sponsors community schools may enter into preliminary 46370  
agreements and sponsor up to one hundred schools as follows, 46371  
provided each school and the contract for sponsorship meets the 46372  
requirements of this chapter:~~ 46373

~~(a) An entity that sponsored fifty or fewer schools that were 46374  
open for operation as of May 1, 2005, may sponsor not more than 46375  
fifty schools.~~ 46376

~~(b) An entity that sponsored more than fifty but not more 46377  
than seventy five schools that were open for operation as of May 46378  
1, 2005, may sponsor not more than the number of schools the 46379  
entity sponsored that were open for operation as of May 1, 2005.~~ 46380

~~(c) Until June 30, 2006, an entity that sponsored more than 46381  
seventy five schools that were open for operation as of May 1, 46382  
2005, may sponsor not more than the number of schools the entity 46383~~

~~sponsored that were open for operation as of May 1, 2005. After 46384  
June 30, 2006, such an entity may sponsor not more than 46385  
seventy five schools. 46386~~

~~Upon approval of an entity to be a sponsor under this 46387  
division, the department shall notify the entity of the number of 46388  
schools the entity may sponsor. 46389~~

~~The limit imposed on an entity to which division (B)(1) of 46390  
this section applies shall be decreased by one for each school 46391  
sponsored by the entity that permanently closes. 46392~~

~~If at any time an entity exceeds the number of schools it may 46393  
sponsor under this division, the department shall assist the 46394  
schools in excess of the entity's limit in securing new sponsors. 46395  
If a school is unable to secure a new sponsor, the department 46396  
shall assume sponsorship of the school in accordance with division 46397  
(C) of this section. Those schools for which another sponsor or 46398  
the department assumes sponsorship shall be the schools that most 46399  
recently entered into contracts with the entity under section 46400  
3314.03 of the Revised Code. 46401~~

(2) The department of education shall determine, pursuant to 46402  
criteria adopted by rule of the department, whether the mission 46403  
proposed to be specified in the contract of a community school to 46404  
be sponsored by a state university board of trustees or the 46405  
board's designee under division (C)(1)(e) of section 3314.02 of 46406  
the Revised Code complies with the requirements of that division. 46407  
Such determination of the department is final. 46408

(3) The department of education shall determine, pursuant to 46409  
criteria adopted by rule of the department, if any tax-exempt 46410  
entity under section 501(c)(3) of the Internal Revenue Code that 46411  
is proposed to be a sponsor of a community school is an 46412  
education-oriented entity for purpose of satisfying the condition 46413  
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 46414

Revised Code. Such determination of the department is final. 46415

(C) If at any time the state board of education finds that a 46416  
sponsor is not in compliance or is no longer willing to comply 46417  
with its contract with any community school or with the 46418  
department's rules for sponsorship, the state board or designee 46419  
shall conduct a hearing in accordance with Chapter 119. of the 46420  
Revised Code on that matter. If after the hearing, the state board 46421  
or designee has confirmed the original finding, the department of 46422  
education may revoke the sponsor's approval to sponsor community 46423  
schools and may assume the sponsorship of any schools with which 46424  
the sponsor has contracted until the earlier of the expiration of 46425  
two school years or until a new sponsor as described in division 46426  
(C)(1) of section 3314.02 of the Revised Code is secured by the 46427  
school's governing authority. The department may extend the term 46428  
of the contract in the case of a school for which it has assumed 46429  
sponsorship under this division as necessary to accommodate the 46430  
term of the department's authorization to sponsor the school 46431  
specified in this division. 46432

(D) The decision of the department to disapprove an entity 46433  
for sponsorship of a community school or to revoke approval for 46434  
such sponsorship under division (C) of this section, may be 46435  
appealed by the entity in accordance with section 119.12 of the 46436  
Revised Code. 46437

(E) The department shall adopt procedures for use by a 46438  
community school governing authority and sponsor when the school 46439  
permanently closes and ceases operation, which shall include at 46440  
least procedures for data reporting to the department, handling of 46441  
student records, distribution of assets in accordance with section 46442  
3314.074 of the Revised Code, and other matters related to ceasing 46443  
operation of the school. 46444

(F) In carrying out its duties under this chapter, the 46445  
department shall not impose requirements on community schools or 46446

their sponsors that are not permitted by law or duly adopted 46447  
rules. 46448

Sec. 3314.016. This section applies to any entity that 46449  
sponsors a community school, regardless of whether section 46450  
3314.021 or 3314.027 of the Revised Code exempts the entity from 46451  
the requirement to be approved for sponsorship under divisions 46452  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. 46453

(A) An entity that sponsors a community school on the 46454  
effective date of this section shall be permitted to enter into 46455  
contracts under section 3314.03 of the Revised Code to sponsor 46456  
additional community schools only if the entity meets both of the 46457  
following criteria: 46458

(1) The entity is in compliance with all provisions of this 46459  
chapter requiring sponsors of community schools to report data or 46460  
information to the department. 46461

(2) The entity is not ranked in the lowest ten per cent of 46462  
community school sponsors on the ranking prescribed by division 46463  
(B) of this section. 46464

(B) For purposes of this section, the department shall 46465  
develop a composite performance index score, as defined in section 46466  
3302.01 of the Revised Code, that measures the academic 46467  
performance of students enrolled in all community schools 46468  
sponsored by the same entity. The department annually shall rank 46469  
all entities that sponsor community schools from highest to lowest 46470  
according to the entities' composite performance index scores. 46471

**Sec. 3314.02.** (A) As used in this chapter: 46472

(1) "Sponsor" means an entity listed in division (C)(1) of 46473  
this section, which has been approved by the department of 46474  
education to sponsor community schools and with which the 46475  
governing authority of the proposed community school enters into a 46476

contract pursuant to this section. 46477

(2) "Pilot project area" means the school districts included 46478  
in the territory of the former community school pilot project 46479  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 46480  
the 122nd general assembly. 46481

(3) "Challenged school district" means any of the following: 46482

(a) A school district that is part of the pilot project area; 46483

(b) A school district that is either in a state of academic 46484  
emergency or in a state of academic watch under section 3302.03 of 46485  
the Revised Code; 46486

(c) A big eight school district. 46487

(4) "Big eight school district" means a school district that 46488  
for fiscal year 1997 had both of the following: 46489

(a) A percentage of children residing in the district and 46490  
participating in the predecessor of Ohio works first greater than 46491  
thirty per cent, as reported pursuant to section 3317.10 of the 46492  
Revised Code; 46493

(b) An average daily membership greater than twelve thousand, 46494  
as reported pursuant to former division (A) of section 3317.03 of 46495  
the Revised Code. 46496

(5) "New start-up school" means a community school other than 46497  
one created by converting all or part of an existing public school 46498  
or educational service center building, as designated in the 46499  
school's contract pursuant to division (A)(17) of section 3314.03 46500  
of the Revised Code. 46501

(6) "Urban school district" means one of the state's 46502  
twenty-one urban school districts as defined in division (O) of 46503  
section 3317.02 of the Revised Code as that section existed prior 46504  
to July 1, 1998. 46505

(7) "Internet- or computer-based community school" means a 46506

community school established under this chapter in which the 46507  
enrolled students work primarily from their residences on 46508  
assignments in nonclassroom-based learning opportunities provided 46509  
via an internet- or other computer-based instructional method that 46510  
does not rely on regular classroom instruction or via 46511  
comprehensive instructional methods that include internet-based, 46512  
other computer-based, and noncomputer-based learning 46513  
opportunities. 46514

(8) "Operator" means either of the following: 46515

(a) An individual or organization that manages the daily 46516  
operations of a community school pursuant to a contract between 46517  
the operator and the school's governing authority; 46518

(b) An individual or organization that provides programmatic 46519  
oversight and support to a community school under a contract with 46520  
the school's governing authority and that retains the right to 46521  
terminate affiliation with the school if the school fails to meet 46522  
the individual's or organization's quality standards. 46523

(B) Any person or group of individuals may initially propose 46524  
under this division the conversion of all or a portion of a public 46525  
school or a building operated by an educational service center to 46526  
a community school. The proposal shall be made to the board of 46527  
education of the city, local, exempted village, or joint 46528  
vocational school district in which the public school is proposed 46529  
to be converted or, in the case of the conversion of a building 46530  
operated by an educational service center, to the governing board 46531  
of the service center. Upon receipt of a proposal, a board may 46532  
enter into a preliminary agreement with the person or group 46533  
proposing the conversion of the public school or service center 46534  
building, indicating the intention of the board to support the 46535  
conversion to a community school. A proposing person or group that 46536  
has a preliminary agreement under this division may proceed to 46537  
finalize plans for the school, establish a governing authority for 46538

the school, and negotiate a contract with the board. Provided the 46539  
proposing person or group adheres to the preliminary agreement and 46540  
all provisions of this chapter, the board shall negotiate in good 46541  
faith to enter into a contract in accordance with section 3314.03 46542  
of the Revised Code and division (C) of this section. 46543

(C)(1) Any person or group of individuals may propose under 46544  
this division the establishment of a new start-up school to be 46545  
located in a challenged school district. The proposal may be made 46546  
to any of the following entities: 46547

(a) The board of education of the district in which the 46548  
school is proposed to be located; 46549

(b) The board of education of any joint vocational school 46550  
district with territory in the county in which is located the 46551  
majority of the territory of the district in which the school is 46552  
proposed to be located; 46553

(c) The board of education of any other city, local, or 46554  
exempted village school district having territory in the same 46555  
county where the district in which the school is proposed to be 46556  
located has the major portion of its territory; 46557

(d) The governing board of any educational service center, as 46558  
long as the proposed school will be located in a county within the 46559  
territory of the service center or in a county contiguous to such 46560  
county; 46561

(e) A sponsoring authority designated by the board of 46562  
trustees of any of the thirteen state universities listed in 46563  
section 3345.011 of the Revised Code or the board of trustees 46564  
itself as long as a mission of the proposed school to be specified 46565  
in the contract under division (A)(2) of section 3314.03 of the 46566  
Revised Code and as approved by the department of education under 46567  
division (B)(2) of section 3314.015 of the Revised Code will be 46568  
the practical demonstration of teaching methods, educational 46569



technology, or other teaching practices that are included in the 46570  
curriculum of the university's teacher preparation program 46571  
approved by the state board of education; 46572

(f) Any qualified tax-exempt entity under section 501(c)(3) 46573  
of the Internal Revenue Code as long as all of the following 46574  
conditions are satisfied: 46575

(i) The entity has been in operation for at least five years 46576  
prior to applying to be a community school sponsor. 46577

(ii) The entity has assets of at least five hundred thousand 46578  
dollars and a demonstrated record of financial responsibility. 46579

(iii) The department of education has determined that the 46580  
entity is an education-oriented entity under division (B)(3) of 46581  
section 3314.015 of the Revised Code and the entity has a 46582  
demonstrated record of successful implementation of educational 46583  
programs. 46584

(iv) The entity is not a community school. 46585

Any entity described in division (C)(1) of this section may 46586  
enter into a preliminary agreement pursuant to division (C)(2) of 46587  
this section with the proposing person or group. 46588

(2) A preliminary agreement indicates the intention of an 46589  
entity described in division (C)(1) of this section to sponsor the 46590  
community school. A proposing person or group that has such a 46591  
preliminary agreement may proceed to finalize plans for the 46592  
school, establish a governing authority as described in division 46593  
(E) of this section for the school, and negotiate a contract with 46594  
the entity. Provided the proposing person or group adheres to the 46595  
preliminary agreement and all provisions of this chapter, the 46596  
entity shall negotiate in good faith to enter into a contract in 46597  
accordance with section 3314.03 of the Revised Code. 46598

(3) A new start-up school that is established in a school 46599

district while that district is either in a state of academic 46600  
emergency or in a state of academic watch under section 3302.03 of 46601  
the Revised Code may continue in existence once the school 46602  
district is no longer in a state of academic emergency or academic 46603  
watch, provided there is a valid contract between the school and a 46604  
sponsor. 46605

(4) A copy of every preliminary agreement entered into under 46606  
this division shall be filed with the superintendent of public 46607  
instruction. 46608

(D) A majority vote of the board of a sponsoring entity and a 46609  
majority vote of the members of the governing authority of a 46610  
community school shall be required to adopt a contract and convert 46611  
the public school or educational service center building to a 46612  
community school or establish the new start-up school. Beginning 46613  
September 29, 2005, adoption of the contract shall occur not later 46614  
than the fifteenth day of March, and signing of the contract shall 46615  
occur not later than the fifteenth day of May, prior to the school 46616  
year in which the school will open. The governing authority shall 46617  
notify the department of education when the contract has been 46618  
signed. Subject to ~~sections~~ section 3314.013, ~~3314.014, 3314.016,~~ 46619  
~~and 3314.017~~ of the Revised Code, an unlimited number of community 46620  
schools may be established in any school district provided that a 46621  
contract is entered into for each community school pursuant to 46622  
this chapter. 46623

(E)(1) As used in this division, "immediate relatives" are 46624  
limited to spouses, children, parents, grandparents, siblings, and 46625  
in-laws. 46626

Each new start-up community school established under this 46627  
chapter shall be under the direction of a governing authority 46628  
which shall consist of a board of directors, a board of managers, 46629  
or a board of trustees, as appropriate under division (A)(1) of 46630  
section 3314.03 of the Revised Code, of not less than five 46631

individuals. 46632

No person shall serve on the governing authority or operate 46633  
the community school under contract with the governing authority 46634  
so long as the person owes the state any money or is in a dispute 46635  
over whether the person owes the state any money concerning the 46636  
operation of a community school that has closed. 46637

(2) No person shall serve on the governing authorities of 46638  
more than two start-up community schools at the same time. 46639

(3) No present or former member, or immediate relative of a 46640  
present or former member, of the governing authority of any 46641  
community school established under this chapter shall be an owner, 46642  
employee, or consultant of any ~~nonprofit~~ sponsor or ~~for-profit~~ 46643  
operator of a community school, unless at least one year has 46644  
elapsed since the conclusion of the person's membership. 46645

(4) No person shall be appointed to serve on a governing 46646  
authority for a term of more than three years. 46647

(5) The governing authority of a start-up community school 46648  
may provide by resolution for the compensation of its members. 46649  
However, no individual who serves on the governing authority of a 46650  
start-up community school shall be compensated more than a total 46651  
amount of five thousand dollars per year for all governing 46652  
authorities upon which the individual serves. 46653

(6) No person shall be deemed to have acquired a vested right 46654  
in a position as a member of a governing authority. 46655

(F)(1) A new start-up school that is established prior to 46656  
August 15, 2003, in an urban school district that is not also a 46657  
big-eight school district may continue to operate after that date 46658  
and the contract between the school's governing authority and the 46659  
school's sponsor may be renewed, as provided under this chapter, 46660  
after that date, but no additional new start-up schools may be 46661  
established in such a district unless the district is a challenged 46662

school district as defined in this section as it exists on and 46663  
after that date. 46664

(2) A community school that was established prior to June 29, 46665  
1999, and is located in a county contiguous to the pilot project 46666  
area and in a school district that is not a challenged school 46667  
district may continue to operate after that date, provided the 46668  
school complies with all provisions of this chapter. The contract 46669  
between the school's governing authority and the school's sponsor 46670  
may be renewed, but no additional start-up community school may be 46671  
established in that district unless the district is a challenged 46672  
school district. 46673

(3) Any educational service center that, on June 30, 2007, 46674  
sponsors a community school that is not located in a county within 46675  
the territory of the service center or in a county contiguous to 46676  
such county may continue to sponsor that community school on and 46677  
after June 30, 2007, and may renew its contract with the school. 46678  
However, the educational service center shall not enter into a 46679  
contract with any additional community school unless the school is 46680  
located in a county within the territory of the service center or 46681  
in a county contiguous to such county. 46682

(G) No entity described in division (B) or (C) of this 46683  
section shall refuse to enter into a preliminary agreement under 46684  
those divisions, or to enter into a contract under section 3314.03 46685  
of the Revised Code, for the sponsorship of a community school 46686  
based solely on the type of school that is proposed to be 46687  
established, the composition of the members of the public benefit 46688  
corporation that will comprise the school, or the involvement of 46689  
any for-profit entity as a member of that public benefit 46690  
corporation. 46691

**Sec. 3314.021.** (A) This section applies to any entity that is 46692  
exempt from taxation under section 501(c)(3) of the Internal 46693

Revenue Code and that satisfies the conditions specified in 46694  
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 46695  
Revised Code but does not satisfy the condition specified in 46696  
division (C)(1)(f)(i) of that section. 46697

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 46698  
of the Revised Code, an entity described in division (A) of this 46699  
section may do both of the following without obtaining the 46700  
department of education's initial approval of its sponsorship 46701  
under divisions (A)(2) and (B)(1) of section 3314.015 of the 46702  
Revised Code: 46703

(1) Succeed the board of trustees of a state university 46704  
located in the pilot project area or that board's designee as the 46705  
sponsor of a community school established under this chapter; 46706

(2) Continue to sponsor that school in conformance with the 46707  
terms of the contract between the board of trustees or its 46708  
designee and the governing authority of the community school and 46709  
renew that contract as provided in division (E) of section 3314.03 46710  
of the Revised Code. 46711

(C) The entity that succeeds the board of trustees or the 46712  
board's designee as sponsor of a community school under division 46713  
(B) of this section also may enter into contracts to sponsor other 46714  
community schools located in any challenged school district, 46715  
without obtaining the department's initial approval of its 46716  
sponsorship of those schools under divisions (A)(2) and (B)(1) of 46717  
section 3314.015 of the Revised Code, ~~and not subject to the~~ 46718  
~~restriction of division (A)(7) of section 3314.013 of the Revised~~ 46719  
~~Code,~~ as long as the contracts conform with and the entity 46720  
complies with all other requirements of this chapter. 46721

(D) Regardless of the entity's authority to sponsor community 46722  
schools without the initial approval of the department, the entity 46723  
is under the continuing oversight of the department in accordance 46724

with rules adopted under section 3314.015 of the Revised Code. 46725

**Sec. 3314.026.** If the governing authority of a community 46726  
school intends to terminate its contract with the school's 46727  
operator prior to expiration or intends not to renew that contract 46728  
upon expiration, the governing authority shall notify the operator 46729  
of that intent not less than one hundred eighty days prior to the 46730  
expiration of the contract. Any failure to give such notice 46731  
constitutes the governing authority's irrevocable agreement to 46732  
continue the contract as then in effect for one additional school 46733  
year. The operator may appeal the contract termination or 46734  
nonrenewal to the school's sponsor, if the sponsor has sponsored 46735  
the school for at least twelve months, or to the state board of 46736  
education, if the sponsor has sponsored the school for less than 46737  
twelve months. Upon appeal, the sponsor or state board shall 46738  
determine whether the operator should continue to manage the 46739  
school. In making its determination, the sponsor or state board 46740  
shall consider whether the operator has managed the school in 46741  
compliance with all applicable laws and terms of the contract 46742  
between the sponsor and the governing authority entered into under 46743  
section 3314.03 of the Revised Code and whether the school's 46744  
progress in meeting the academic goals prescribed in that contract 46745  
has been satisfactory. The sponsor or state board shall notify the 46746  
governing authority and operator of its determination. If the 46747  
sponsor or state board determines that the operator should 46748  
continue to manage the school, the ~~sponsor shall remove the~~ 46749  
~~existing governing authority and the operator shall appoint a new~~ 46750  
~~governing authority for the school.~~ The contract between the 46751  
governing authority and the operator shall continue until terms of 46752  
office of all members of the governing board in office prior to 46753  
the determination have expired and those members have been 46754  
replaced with individuals recommended by the operator. An operator 46755  
may reappoint a member to the governing authority. Once all the 46756

terms of the members in office prior to the determination have 46757  
expired, the new governing authority shall assume responsibility 46758  
for the school immediately and shall exercise all functions 46759  
assigned to it by the Revised Code or rule in the same manner as 46760  
any other community school governing authority. 46761

Sec. 3314.029. (A)(1) Notwithstanding anything to the 46762  
contrary in this chapter, but subject to division (A) of section 46763  
3314.013 of the Revised Code, any person, group of individuals, or 46764  
entity may apply to the department of education for direct 46765  
authorization to establish a community school and, upon approval 46766  
of the application, may establish and operate the school without a 46767  
sponsor. Notwithstanding anything to the contrary in this chapter, 46768  
the governing authority of an existing community school, upon the 46769  
expiration or termination of its contract with the school's 46770  
sponsor entered into under section 3314.03 of the Revised Code, 46771  
may apply to the department for direct authorization to continue 46772  
operating the school and, upon approval of the application, may 46773  
continue to operate the school without a sponsor. Each application 46774  
submitted to the department shall include both of the following: 46775

(a) Evidence that the applicant will be able to comply with 46776  
division (C) of this section; 46777

(b) A statement indicating that the applicant agrees to 46778  
comply with all applicable provisions of this chapter. 46779

(2) The department shall approve each application submitted 46780  
under division (A)(1) of this section, unless, within thirty days 46781  
after receipt of the application, the department determines that 46782  
the application does not satisfy the requirements of that division 46783  
and provides the applicant a written explanation of the reasons 46784  
for the determination. In that case, the department shall grant 46785  
the applicant thirty days to correct the insufficiencies in the 46786

application. If the department determines that the insufficiencies 46787  
have been corrected, it shall approve the application. If the 46788  
department determines that the insufficiencies have not been 46789  
corrected, it shall deny the application and provide the applicant 46790  
with a written explanation of the reasons for the denial. The 46791  
denial of an application may be appealed in accordance with 46792  
section 119.12 of the Revised Code. 46793

(3) An unlimited number of applications may be submitted and 46794  
approved under division (A) of this section. 46795

(B) The department and the governing authority of each 46796  
community school authorized under this section shall enter into a 46797  
contract under section 3314.03 of the Revised Code, except that 46798  
the contract shall not be required to specify the provisions of 46799  
divisions (A)(4), (5), (16), (18), (20), (23), and (24) of that 46800  
section. Notwithstanding division (A)(13) of that section, the 46801  
contract may begin at any time during the academic year and the 46802  
length of the initial contract may be for any term up to fifteen 46803  
years. The contract may be renewed in accordance with division (E) 46804  
of that section. The contract shall not provide for the school's 46805  
governing authority to make any payments to the department. 46806

(C) A community school authorized under this section shall 46807  
post and file with the superintendent of public instruction a bond 46808  
payable to the state in the amount of one million dollars or file 46809  
with the state superintendent a guarantee in the amount of one 46810  
million dollars issued by an entity with a certified net worth of 46811  
at least five million dollars. The bond or guarantee shall be used 46812  
to pay the state any moneys owed by the community school in the 46813  
event the school closes. 46814

(D) A community school sponsored by an entity described in 46815  
division (C)(1) of section 3314.02 of the Revised Code may merge 46816  
with a community school authorized under this section. In that 46817  
case, on the effective date of the merger, the contract between 46818



the governing authority of the sponsored community school and the 46819  
school's sponsor shall be terminated and that community school 46820  
shall be covered by the contract between the department and the 46821  
governing authority of the community school with which it merges 46822  
under this division. 46823

(E) Except as otherwise provided in this section, a community 46824  
school authorized under this section shall comply with all 46825  
applicable provisions of this chapter. The department may take any 46826  
action that a sponsor may take under this chapter to enforce the 46827  
school's compliance with this division and the terms of the 46828  
contract entered into under division (B) of this section. 46829

**Sec. 3314.03.** A copy of every contract entered into under 46830  
this section shall be filed with the superintendent of public 46831  
instruction. 46832

(A) Each contract entered into between a sponsor and the 46833  
governing authority of a community school shall specify the 46834  
following: 46835

(1) That the school shall be established as ~~either~~ any of the 46836  
following: 46837

(a) A nonprofit corporation established under Chapter 1702. 46838  
of the Revised Code, if established prior to April 8, 2003; 46839

(b) A public benefit corporation established under Chapter 46840  
1702. of the Revised Code, if established after April 8, 2003; 46841

(c) A for-profit corporation formed under Chapter 1701. of 46842  
the Revised Code or a limited liability corporation formed under 46843  
Chapter 1705. of the Revised Code. 46844

(2) The education program of the school, including the 46845  
school's mission, the characteristics of the students the school 46846  
is expected to attract, the ages and grades of students, and the 46847  
focus of the curriculum; 46848

- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 46849  
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46851
- (4) Performance standards by which the success of the school will be evaluated by the sponsor; 46852  
46853
- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 46854  
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- (6)(a) Dismissal procedures; 46856
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student. 46857  
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- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 46863  
46864
- (8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 46865  
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- (9) The facilities to be used and their locations; 46871
- (10) Qualifications of teachers, including the following: 46872
- (a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code; 46873  
46874  
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- (b) A requirement that each classroom teacher initially hired 46878

by the school on or after July 1, 2013, and employed to provide 46879  
instruction in physical education hold a valid license issued 46880  
pursuant to section 3319.22 of the Revised Code for teaching 46881  
physical education. 46882

(11) That the school will comply with the following 46883  
requirements: 46884

(a) The school will provide learning opportunities to a 46885  
minimum of twenty-five students for a minimum of nine hundred 46886  
twenty hours per school year. 46887

(b) The governing authority will purchase liability 46888  
insurance, or otherwise provide for the potential liability of the 46889  
school. 46890

(c) The school will be nonsectarian in its programs, 46891  
admission policies, employment practices, and all other 46892  
operations, and will not be operated by a sectarian school or 46893  
religious institution. 46894

(d) The school will comply with sections 9.90, 9.91, 109.65, 46895  
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 46896  
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 46897  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 46898  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 46899  
~~3313.671~~, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 46900  
3313.718, 3313.719, 3313.80, 3313.814, 3313.816, ~~3314.817~~ 46901  
3313.817, 3313.86, 3313.96, 3317.141, 3319.073, 3319.08, 3319.111, 46902  
3319.17, 3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 46903  
3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 46904  
4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 46905  
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 46906  
as if it were a school district and will comply with section 46907  
3301.0714 of the Revised Code in the manner specified in section 46908  
3314.17 of the Revised Code. 46909

(e) The school shall comply with Chapter 102. and section 46910  
2921.42 of the Revised Code. 46911

(f) The school will comply with sections 3313.61, 3313.611, 46912  
and 3313.614 of the Revised Code, except that for students who 46913  
enter ninth grade for the first time before July 1, 2010, the 46914  
requirement in sections 3313.61 and 3313.611 of the Revised Code 46915  
that a person must successfully complete the curriculum in any 46916  
high school prior to receiving a high school diploma may be met by 46917  
completing the curriculum adopted by the governing authority of 46918  
the community school rather than the curriculum specified in Title 46919  
XXXIII of the Revised Code or any rules of the state board of 46920  
education. Beginning with students who enter ninth grade for the 46921  
first time on or after July 1, 2010, the requirement in sections 46922  
3313.61 and 3313.611 of the Revised Code that a person must 46923  
successfully complete the curriculum of a high school prior to 46924  
receiving a high school diploma shall be met by completing the 46925  
Ohio core curriculum prescribed in division (C) of section 46926  
3313.603 of the Revised Code, unless the person qualifies under 46927  
division (D) or (F) of that section. Each school shall comply with 46928  
the plan for awarding high school credit based on demonstration of 46929  
subject area competency, adopted by the state board of education 46930  
under division (J) of section 3313.603 of the Revised Code. 46931

(g) The school governing authority will submit within four 46932  
months after the end of each school year a report of its 46933  
activities and progress in meeting the goals and standards of 46934  
divisions (A)(3) and (4) of this section and its financial status 46935  
to the sponsor and the parents of all students enrolled in the 46936  
school. 46937

(h) The school, unless it is an internet- or computer-based 46938  
community school, will comply with sections ~~3313.674~~ 3313.671 and 46939  
3313.801 of the Revised Code as if it were a school district. 46940

(12) Arrangements for providing health and other benefits to 46941

employees; 46942

(13) The length of the contract, which shall begin at the 46943  
beginning of an academic year. No contract shall exceed five years 46944  
unless such contract has been renewed pursuant to division (E) of 46945  
this section. 46946

(14) The governing authority of the school, which shall be 46947  
responsible for carrying out the provisions of the contract; 46948

(15) A financial plan detailing an estimated school budget 46949  
for each year of the period of the contract and specifying the 46950  
total estimated per pupil expenditure amount for each such year. 46951  
The plan shall specify for each year the base formula amount that 46952  
will be used for purposes of funding calculations under section 46953  
3314.08 of the Revised Code. This base formula amount for any year 46954  
shall not exceed the formula amount defined under section 3317.02 46955  
of the Revised Code. The plan may also specify for any year a 46956  
percentage figure to be used for reducing the per pupil amount of 46957  
the subsidy calculated pursuant to section 3317.029 of the Revised 46958  
Code the school is to receive that year under section 3314.08 of 46959  
the Revised Code. 46960

(16) Requirements and procedures regarding the disposition of 46961  
employees of the school in the event the contract is terminated or 46962  
not renewed pursuant to section 3314.07 of the Revised Code; 46963

(17) Whether the school is to be created by converting all or 46964  
part of an existing public school or educational service center 46965  
building or is to be a new start-up school, and if it is a 46966  
converted public school or service center building, specification 46967  
of any duties or responsibilities of an employer that the board of 46968  
education or service center governing board that operated the 46969  
school or building before conversion is delegating to the 46970  
governing authority of the community school with respect to all or 46971  
any specified group of employees provided the delegation is not 46972

prohibited by a collective bargaining agreement applicable to such employees; 46973  
46974

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 46975  
46976  
46977

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following: 46978  
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46981  
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46983

(a) Prohibit the enrollment of students who reside outside the district in which the school is located; 46984  
46985

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located; 46986  
46987

(c) Permit the enrollment of students who reside in any other district in the state. 46988  
46989

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code; 46990  
46991  
46992  
46993

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code; 46994  
46995  
46996

(22) A provision recognizing both of the following: 46997

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations; 46998  
46999  
47000  
47001

(b) The authority of the department of education as the 47002

community school oversight body to suspend the operation of the 47003  
school under section 3314.072 of the Revised Code if the 47004  
department has evidence of conditions or violations of law at the 47005  
school that pose an imminent danger to the health and safety of 47006  
the school's students and employees and the sponsor refuses to 47007  
take such action; 47008

(23) A description of the learning opportunities that will be 47009  
offered to students including both classroom-based and 47010  
non-classroom-based learning opportunities that is in compliance 47011  
with criteria for student participation established by the 47012  
department under division (L)(2) of section 3314.08 of the Revised 47013  
Code; 47014

(24) The school will comply with sections 3302.04 and 47015  
3302.041 of the Revised Code, except that any action required to 47016  
be taken by a school district pursuant to those sections shall be 47017  
taken by the sponsor of the school. However, the sponsor shall not 47018  
be required to take any action described in division (F) of 47019  
section 3302.04 of the Revised Code. 47020

(25) Beginning in the 2006-2007 school year, the school will 47021  
open for operation not later than the thirtieth day of September 47022  
each school year, unless the mission of the school as specified 47023  
under division (A)(2) of this section is solely to serve dropouts. 47024  
In its initial year of operation, if the school fails to open by 47025  
the thirtieth day of September, or within one year after the 47026  
adoption of the contract pursuant to division (D) of section 47027  
3314.02 of the Revised Code if the mission of the school is solely 47028  
to serve dropouts, the contract shall be void. 47029

(B) The community school shall also submit to the sponsor a 47030  
comprehensive plan for the school. The plan shall specify the 47031  
following: 47032

(1) The process by which the governing authority of the 47033

school will be selected in the future; 47034

(2) The management and administration of the school; 47035

(3) If the community school is a currently existing public 47036  
school or educational service center building, alternative 47037  
arrangements for current public school students who choose not to 47038  
attend the converted school and for teachers who choose not to 47039  
teach in the school or building after conversion; 47040

(4) The instructional program and educational philosophy of 47041  
the school; 47042

(5) Internal financial controls. 47043

(C) A contract entered into under section 3314.02 of the 47044  
Revised Code between a sponsor and the governing authority of a 47045  
community school may provide for the community school governing 47046  
authority to make payments to the sponsor, which is hereby 47047  
authorized to receive such payments as set forth in the contract 47048  
between the governing authority and the sponsor. The total amount 47049  
of such payments for oversight and monitoring of the school shall 47050  
not exceed three per cent of the total amount of payments for 47051  
operating expenses that the school receives from the state. 47052

(D) The contract shall specify the duties of the sponsor 47053  
which shall be in accordance with the written agreement entered 47054  
into with the department of education under division (B) of 47055  
section 3314.015 of the Revised Code and shall include the 47056  
following: 47057

(1) Monitor the community school's compliance with all laws 47058  
applicable to the school and with the terms of the contract; 47059

(2) Monitor and evaluate the academic and fiscal performance 47060  
and the organization and operation of the community school on at 47061  
least an annual basis; 47062

(3) Report on an annual basis the results of the evaluation 47063



conducted under division (D)(2) of this section to the department 47064  
of education and to the parents of students enrolled in the 47065  
community school; 47066

(4) Provide technical assistance to the community school in 47067  
complying with laws applicable to the school and terms of the 47068  
contract; 47069

(5) Take steps to intervene in the school's operation to 47070  
correct problems in the school's overall performance, declare the 47071  
school to be on probationary status pursuant to section 3314.073 47072  
of the Revised Code, suspend the operation of the school pursuant 47073  
to section 3314.072 of the Revised Code, or terminate the contract 47074  
of the school pursuant to section 3314.07 of the Revised Code as 47075  
determined necessary by the sponsor; 47076

(6) Have in place a plan of action to be undertaken in the 47077  
event the community school experiences financial difficulties or 47078  
closes prior to the end of a school year. 47079

(E) Upon the expiration of a contract entered into under this 47080  
section, the sponsor of a community school may, with the approval 47081  
of the governing authority of the school and any operator of the 47082  
school, renew that contract for a period of time determined by the 47083  
sponsor, but not ending earlier than the end of any school year, 47084  
if the sponsor finds that the school's compliance with applicable 47085  
laws and terms of the contract and the school's progress in 47086  
meeting the academic goals prescribed in the contract have been 47087  
satisfactory. Any contract that is renewed under this division 47088  
remains subject to the provisions of sections 3314.07, 3314.072, 47089  
and 3314.073 of the Revised Code. 47090

(F) If a community school fails to open for operation within 47091  
one year after the contract entered into under this section is 47092  
adopted pursuant to division (D) of section 3314.02 of the Revised 47093  
Code or permanently closes prior to the expiration of the 47094

contract, the contract shall be void and the school shall not 47095  
enter into a contract with any other sponsor. A school shall not 47096  
be considered permanently closed because the operations of the 47097  
school have been suspended pursuant to section 3314.072 of the 47098  
Revised Code. ~~Any contract that becomes void under this division~~ 47099  
~~shall not count toward any statewide limit on the number of such~~ 47100  
~~contracts prescribed by section 3314.013 of the Revised Code.~~ 47101

**Sec. 3314.04.** Except as otherwise specified in this chapter 47102  
and in the contract ~~between a community school and a sponsor~~ 47103  
entered into under section 3314.08 of the Revised Code, such 47104  
school is exempt from all state laws and rules pertaining to 47105  
schools, school districts, and boards of education, except those 47106  
laws and rules that grant certain rights to parents. No community 47107  
school shall be required to comply with any education laws or 47108  
rules or other requirements that are not specified in this chapter 47109  
or in the contract entered into under section 3314.03 of the 47110  
Revised Code that otherwise would not apply to a chartered 47111  
nonpublic school. 47112

**Sec. 3314.05.** (A) The contract between the community school 47113  
and the sponsor shall specify the facilities to be used for the 47114  
community school and the method of acquisition. Except as provided 47115  
in ~~division~~ divisions (B)(3) and (4) of this section, no community 47116  
school shall be established in more than one school district under 47117  
the same contract. 47118

(B) Division (B) of this section shall not apply to internet- 47119  
or computer-based community schools. 47120

(1) A community school may be located in multiple facilities 47121  
under the same contract only if the limitations on availability of 47122  
space prohibit serving all the grade levels specified in the 47123  
contract in a single facility or division (B)(2) or (3), or (4) 47124

of this section applies to the school. The school shall not offer 47125  
the same grade level classrooms in more than one facility. 47126

(2) A community school may be located in multiple facilities 47127  
under the same contract and, notwithstanding division (B)(1) of 47128  
this section, may assign students in the same grade level to 47129  
multiple facilities, as long as all of the following apply: 47130

(a) The governing authority of the community school filed a 47131  
copy of its contract with the school's sponsor under section 47132  
3314.03 of the Revised Code with the superintendent of public 47133  
instruction on or before May 15, 2008. 47134

(b) The school was not open for operation prior to July 1, 47135  
2008. 47136

(c) The governing authority has entered into and maintains a 47137  
contract with an operator of the type described in division 47138  
(A)~~(2)~~(8)(b) of section ~~3314.014~~ 3314.02 of the Revised Code. 47139

(d) The contract with that operator qualified the school to 47140  
be established pursuant to division (A) of former section 3314.016 47141  
of the Revised Code. 47142

(e) The school's rating under section 3302.03 of the Revised 47143  
Code does not fall below "in need of continuous improvement" for 47144  
two or more consecutive years. 47145

(3) A new start-up community school may be established in two 47146  
school districts under the same contract if all of the following 47147  
apply: 47148

(a) At least one of the school districts in which the school 47149  
is established is a challenged school district; 47150

(b) The school operates not more than one facility in each 47151  
school district and, in accordance with division (B)(1) of this 47152  
section, the school does not offer the same grade level classrooms 47153  
in both facilities; and 47154

(c) Transportation between the two facilities does not 47155  
require more than thirty minutes of direct travel time as measured 47156  
by school bus. 47157

In the case of a community school to which division (B)(3) of 47158  
this section applies, if only one of the school districts in which 47159  
the school is established is a challenged school district, that 47160  
district shall be considered the school's primary location and the 47161  
district in which the school is located for the purposes of 47162  
division (A)(19) of section 3314.03 and divisions (C) and (H) of 47163  
section 3314.06 of the Revised Code and for all other purposes of 47164  
this chapter. If both of the school districts in which the school 47165  
is established are challenged school districts, the school's 47166  
governing authority shall designate one of those districts to be 47167  
considered the school's primary location and the district in which 47168  
the school is located for the purposes of those divisions and all 47169  
other purposes of this chapter and shall notify the department of 47170  
education of that designation. 47171

(4) A community school may be located in multiple facilities 47172  
under the same contract and, notwithstanding division (B)(1) of 47173  
this section, may assign students in the same grade level to 47174  
multiple facilities, as long as both of the following apply: 47175

(a) The facilities are all located in the same county. 47176

(b) The governing authority has entered into and maintains a 47177  
contract with an operator. 47178

In the case of a community school to which division (B)(4) of 47179  
this section applies and that maintains facilities in more than 47180  
one school district, the school's governing authority shall 47181  
designate one of those districts to be considered the school's 47182  
primary location and the district in which the school is located 47183  
for the purposes of division (A)(19) of section 3314.03 and 47184  
divisions (C) and (H) of section 3314.06 of the Revised Code and 47185

for all other purposes of this chapter and shall notify the 47186  
department of that designation. 47187

(5) Any facility used for a community school shall meet all 47188  
health and safety standards established by law for school 47189  
buildings. 47190

(C) In the case where a community school is proposed to be 47191  
located in a facility owned by a school district or educational 47192  
service center, the facility may not be used for such community 47193  
school unless the district or service center board owning the 47194  
facility enters into an agreement for the community school to 47195  
utilize the facility. Use of the facility may be under any terms 47196  
and conditions agreed to by the district or service center board 47197  
and the school. 47198

(D) In the case of a community school that is located in 47199  
multiple facilities, the department shall assign a separate 47200  
internal retrieval number to the school and to each facility 47201  
maintained by the school. 47202

(E) Two or more separate community schools may be located in 47203  
the same facility. 47204

**Sec. 3314.06.** The governing authority of each community 47205  
school established under this chapter shall adopt admission 47206  
procedures that specify the following: 47207

(A) That except as otherwise provided in this section, 47208  
admission to the school shall be open to any individual age five 47209  
to twenty-two entitled to attend school pursuant to section 47210  
3313.64 or 3313.65 of the Revised Code in a school district in the 47211  
state, and, in the case of a community school operating a dropout 47212  
prevention and recovery program granted a waiver under section 47213  
3314.36 of the Revised Code, to any individual who is between 47214  
twenty-two and thirty years of age, pursuant to section 3314.38 of 47215

the Revised Code. 47216

(B)(1) That admission to the school may be limited to 47217  
students who have attained a specific grade level or are within a 47218  
specific age group; to students that meet a definition of 47219  
"at-risk," as defined in the contract; to residents of a specific 47220  
geographic area within the district, as defined in the contract; 47221  
or to separate groups of autistic students and nondisabled 47222  
students, as authorized in section 3314.061 of the Revised Code 47223  
and as defined in the contract. 47224

(2) For purposes of division (B)(1) of this section, 47225  
"at-risk" students may include those students identified as gifted 47226  
students under section 3324.03 of the Revised Code. 47227

(C) Whether enrollment is limited to students who reside in 47228  
the district in which the school is located or is open to 47229  
residents of other districts, as provided in the policy adopted 47230  
pursuant to the contract. 47231

(D)(1) That there will be no discrimination in the admission 47232  
of students to the school on the basis of race, creed, color, 47233  
disability, or sex except that: 47234

(a) The governing authority may establish single-gender 47235  
schools for the purpose described in division (G) of this section 47236  
provided comparable facilities and learning opportunities are 47237  
offered for both boys and girls. Such comparable facilities and 47238  
opportunities may be offered for each sex at separate locations. 47239

(b) The governing authority may establish a school that 47240  
simultaneously serves a group of students identified as autistic 47241  
and a group of students who are not disabled, as authorized in 47242  
section 3314.061 of the Revised Code. However, unless the total 47243  
capacity established for the school has been filled, no student 47244  
with any disability shall be denied admission on the basis of that 47245  
disability. 47246

(2) That upon admission of any student with a disability, the community school will comply with all federal and state laws regarding the education of students with disabilities.

(E) That the school may not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability, except that a school may limit its enrollment to students as described in division (B) of this section.

(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities.

(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education.

(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year.

Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order.

**Sec. 3314.07.** (A) The expiration of the contract for a 47277  
community school between a sponsor and a school shall be the date 47278  
provided in the contract. ~~A successor contract may be entered into~~ 47279  
~~pursuant to division (E) of section 3314.03 of the Revised Code~~ 47280  
~~unless the contract is terminated or not renewed pursuant to this~~ 47281  
~~section.~~ 47282

(B)(1) A sponsor may choose not to renew a contract at its 47283  
expiration or may choose to terminate a contract prior to its 47284  
expiration for any of the following reasons: 47285

(a) Failure to meet student performance requirements stated 47286  
in the contract; 47287

(b) Failure to meet generally accepted standards of fiscal 47288  
management; 47289

(c) Violation of any provision of the contract or applicable 47290  
state or federal law; 47291

(d) Other good cause. 47292

(2) A sponsor may choose to terminate a contract prior to its 47293  
expiration if the sponsor has suspended the operation of the 47294  
contract under section 3314.072 of the Revised Code. 47295

(3) At least ~~ninety~~ one hundred eighty days prior to the 47296  
termination or nonrenewal of a contract, the sponsor shall notify 47297  
the school of the proposed action in writing. The notice shall 47298  
include the reasons for the proposed action in detail, the 47299  
effective date of the termination or nonrenewal, and a statement 47300  
that the school may, within fourteen days of receiving the notice, 47301  
request an informal hearing before the sponsor. Such request must 47302  
be in writing. The informal hearing shall be held within seventy 47303  
days of the receipt of a request for the hearing. Promptly 47304  
following the informal hearing, the sponsor shall issue a written 47305  
decision either affirming or rescinding the decision to terminate 47306



or not renew the contract. 47307

(4) A decision by the sponsor to terminate a contract may be 47308  
appealed to the state board of education. The decision by the 47309  
state board pertaining to an appeal under this division is final. 47310  
If the sponsor is the state board, its decision to terminate a 47311  
contract under division (B)(3) of this section shall be final. 47312

(5) The termination of a contract under this section shall be 47313  
effective upon the occurrence of the later of the following 47314  
events: 47315

(a) Ninety days following the date the sponsor notifies the 47316  
school of its decision to terminate the contract as prescribed in 47317  
division (B)(3) of this section; 47318

(b) If an informal hearing is requested under division (B)(3) 47319  
of this section and as a result of that hearing the sponsor 47320  
affirms its decision to terminate the contract, the effective date 47321  
of the termination specified in the notice issued under division 47322  
(B)(3) of this section, or if that decision is appealed to the 47323  
state board under division (B)(4) of this section and the state 47324  
board affirms that decision, the date established in the 47325  
resolution of the state board affirming the sponsor's decision. 47326

(6) Any community school whose contract is terminated under 47327  
this division shall not enter into a contract with any other 47328  
sponsor. 47329

(C) A child attending a community school whose contract has 47330  
been terminated, nonrenewed, or suspended or that closes for any 47331  
reason shall be admitted to the schools of the district in which 47332  
the child is entitled to attend under section 3313.64 or 3313.65 47333  
of the Revised Code. Any deadlines established for the purpose of 47334  
admitting students under section 3313.97 or 3313.98 of the Revised 47335  
Code shall be waived for students to whom this division pertains. 47336

(D) If a community school does not intend to renew a contract 47337

with its sponsor, the community school shall notify its sponsor in writing of that fact at least one hundred eighty days prior to the expiration of the contract. Such a community school may enter into a contract with a new sponsor in accordance with section 3314.03 of the Revised Code upon the expiration of the previous contract.

(E) A sponsor of a community school and the officers, directors, or employees of such a sponsor are not liable in damages in a tort or other civil action for harm allegedly arising from either of the following:

(1) A failure of the community school or any of its officers, directors, or employees to perform any statutory or common law duty or responsibility or any other legal obligation;

(2) An action or omission of the community school or any of its officers, directors, or employees that results in harm.

(F) As used in this section:

(1) "Harm" means injury, death, or loss to person or property.

(2) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons.

**Sec. 3314.08.** The deductions under division (C) and the payments under division (D) of this section for fiscal years ~~2010~~ 2012 and ~~2011~~ 2013 shall be made in accordance with section 3314.088 of the Revised Code.

(A) As used in this section:

(1) "Base formula amount" means the amount specified as such in a community school's financial plan for a school year pursuant to division (A)(15) of section 3314.03 of the Revised Code.

(2) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 47367  
47368

(3) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section. 47369  
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47371

(4) "Applicable vocational education weight" means: 47372

(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division; 47373  
47374  
47375

(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division. 47376  
47377  
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(5) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code. 47379  
47380  
47381

(6) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program. 47382  
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(7) "Poverty-based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty-based assistance a community school is entitled to receive pursuant to divisions (D)(5) to (9) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code. 47386  
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(8) "All-day kindergarten" has the same meaning as in section ~~3317.029~~ 3321.05 of the Revised Code. 47392  
47393

(9) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 47394  
47395

(B) The state board of education shall adopt rules requiring 47396

both of the following: 47397

(1) The board of education of each city, exempted village, 47398  
and local school district to annually report the number of 47399  
students entitled to attend school in the district who are 47400  
enrolled in grades one through twelve in a community school 47401  
established under this chapter, the number of students entitled to 47402  
attend school in the district who are enrolled in kindergarten in 47403  
a community school, the number of those kindergartners who are 47404  
enrolled in all-day kindergarten in their community school, and 47405  
for each child, the community school in which the child is 47406  
enrolled. 47407

(2) The governing authority of each community school 47408  
established under this chapter to annually report all of the 47409  
following: 47410

(a) The number of students enrolled in grades one through 47411  
twelve and the number of students enrolled in kindergarten in the 47412  
school who are not receiving special education and related 47413  
services pursuant to an IEP; 47414

(b) The number of enrolled students in grades one through 47415  
twelve and the number of enrolled students in kindergarten, who 47416  
are receiving special education and related services pursuant to 47417  
an IEP; 47418

(c) The number of students reported under division (B)(2)(b) 47419  
of this section receiving special education and related services 47420  
pursuant to an IEP for a disability described in each of divisions 47421  
(A) to (F) of section 3317.013 of the Revised Code; 47422

(d) The full-time equivalent number of students reported 47423  
under divisions (B)(2)(a) and (b) of this section who are enrolled 47424  
in vocational education programs or classes described in each of 47425  
divisions (A) and (B) of section 3317.014 of the Revised Code that 47426  
are provided by the community school; 47427

(e) Twenty per cent of the number of students reported under 47428  
divisions (B)(2)(a) and (b) of this section who are not reported 47429  
under division (B)(2)(d) of this section but who are enrolled in 47430  
vocational education programs or classes described in each of 47431  
divisions (A) and (B) of section 3317.014 of the Revised Code at a 47432  
joint vocational school district under a contract between the 47433  
community school and the joint vocational school district and are 47434  
entitled to attend school in a city, local, or exempted village 47435  
school district whose territory is part of the territory of the 47436  
joint vocational school district; 47437

(f) The number of enrolled preschool children with 47438  
disabilities receiving special education services in a 47439  
state-funded unit; 47440

(g) The community school's base formula amount; 47441

(h) For each student, the city, exempted village, or local 47442  
school district in which the student is entitled to attend school; 47443

(i) Any poverty-based assistance reduction factor that 47444  
applies to a school year. 47445

Each community school in its report of students under this 47446  
division shall specify separately those individuals between 47447  
twenty-two and thirty years of age enrolled in the school's 47448  
dropout prevention and recovery program under section 3314.38 of 47449  
the Revised Code for funding prescribed by that section. 47450

(C) From the state education aid calculated for a city, 47451  
exempted village, or local school district and, if necessary, from 47452  
the payment made to the district under sections 321.24 and 323.156 47453  
of the Revised Code, the department of education shall annually 47454  
subtract the sum of the amounts described in divisions (C)(1) to 47455  
(9) of this section. However, when deducting payments on behalf of 47456  
students enrolled in internet- or computer-based community 47457  
schools, the department shall deduct only those amounts described 47458

in divisions (C)(1) and (2) of this section. Furthermore, the 47459  
aggregate amount deducted under this division shall not exceed the 47460  
sum of the district's state education aid and its payment under 47461  
sections 321.24 and 323.156 of the Revised Code. 47462

(1) An amount equal to the sum of the amounts obtained when, 47463  
for each community school where the district's students are 47464  
enrolled, the number of the district's students reported under 47465  
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 47466  
in grades one through twelve, and one-half the number of students 47467  
reported under those divisions who are enrolled in kindergarten, 47468  
in that community school is multiplied by the sum of the base 47469  
formula amount of that community school plus the per pupil amount 47470  
of the base funding supplements specified in divisions (C)(1) to 47471  
(4) of section 3317.012 of the Revised Code. 47472

(2) The sum of the amounts calculated under divisions 47473  
(C)(2)(a) and (b) of this section: 47474

(a) For each of the district's students reported under 47475  
division (B)(2)(c) of this section as enrolled in a community 47476  
school in grades one through twelve and receiving special 47477  
education and related services pursuant to an IEP for a disability 47478  
described in section 3317.013 of the Revised Code, the product of 47479  
the applicable special education weight times the community 47480  
school's base formula amount; 47481

(b) For each of the district's students reported under 47482  
division (B)(2)(c) of this section as enrolled in kindergarten in 47483  
a community school and receiving special education and related 47484  
services pursuant to an IEP for a disability described in section 47485  
3317.013 of the Revised Code, one-half of the amount calculated as 47486  
prescribed in division (C)(2)(a) of this section. 47487

When computing deductions under division (C)(2) of this 47488  
section, the department shall use the number of students with an 47489

IEP reported by each community school under divisions (B)(2)(b) 47490  
and (c) of this section, as verified by the department, as the 47491  
basis for those deductions, regardless of whether any particular 47492  
student enrolls in a community school after the date required 47493  
under federal law for reporting to the United States department of 47494  
education the number of children with disabilities receiving 47495  
special education and related services. 47496

(3) For each of the district's students reported under 47497  
division (B)(2)(d) of this section for whom payment is made under 47498  
division (D)(4) of this section, the amount of that payment; 47499

(4) An amount equal to the sum of the amounts obtained when, 47500  
for each community school where the district's students are 47501  
enrolled, the number of the district's students enrolled in that 47502  
community school who are included in the district's poverty 47503  
student count is multiplied by the per pupil amount of 47504  
poverty-based assistance the school district receives that year 47505  
pursuant to division (C) of section 3317.029 of the Revised Code, 47506  
as adjusted by any poverty-based assistance reduction factor of 47507  
that community school. The per pupil amount of that aid for the 47508  
district shall be calculated by the department. 47509

(5) An amount equal to the sum of the amounts obtained when, 47510  
for each community school where the district's students are 47511  
enrolled, the district's per pupil amount of aid received under 47512  
division (E) of section 3317.029 of the Revised Code, as adjusted 47513  
by any poverty-based assistance reduction factor of the community 47514  
school, is multiplied by the sum of the following: 47515

(a) The number of the district's students reported under 47516  
division (B)(2)(a) of this section who are enrolled in grades one 47517  
to three in that community school and who are not receiving 47518  
special education and related services pursuant to an IEP; 47519

(b) One-half of the district's students who are enrolled in 47520

all-day or any other kindergarten class in that community school 47521  
and who are not receiving special education and related services 47522  
pursuant to an IEP; 47523

(c) One-half of the district's students who are enrolled in 47524  
all-day kindergarten in that community school and who are not 47525  
receiving special education and related services pursuant to an 47526  
IEP. 47527

The district's per pupil amount of aid under division (E) of 47528  
section 3317.029 of the Revised Code is the quotient of the amount 47529  
the district received under that division divided by the 47530  
district's kindergarten through third grade ADM, as defined in 47531  
that section. 47532

(6) An amount equal to the sum of the amounts obtained when, 47533  
for each community school where the district's students are 47534  
enrolled, the district's per pupil amount received under division 47535  
(F) of section 3317.029 of the Revised Code, as adjusted by any 47536  
poverty-based assistance reduction factor of that community 47537  
school, is multiplied by the number of the district's students 47538  
enrolled in the community school who are identified as 47539  
limited-English proficient. 47540

(7) An amount equal to the sum of the amounts obtained when, 47541  
for each community school where the district's students are 47542  
enrolled, the district's per pupil amount received under division 47543  
(G) of section 3317.029 of the Revised Code, as adjusted by any 47544  
poverty-based assistance reduction factor of that community 47545  
school, is multiplied by the sum of the following: 47546

(a) The number of the district's students enrolled in grades 47547  
one through twelve in that community school; 47548

(b) One-half of the number of the district's students 47549  
enrolled in kindergarten in that community school. 47550

The district's per pupil amount under division (G) of section 47551



3317.029 of the Revised Code is the district's amount per teacher 47552  
calculated under division (G)(1) or (2) of that section divided by 47553  
17. 47554

(8) An amount equal to the sum of the amounts obtained when, 47555  
for each community school where the district's students are 47556  
enrolled, the district's per pupil amount received under divisions 47557  
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 47558  
by any poverty-based assistance reduction factor of that community 47559  
school, is multiplied by the sum of the following: 47560

(a) The number of the district's students enrolled in grades 47561  
one through twelve in that community school; 47562

(b) One-half of the number of the district's students 47563  
enrolled in kindergarten in that community school. 47564

The district's per pupil amount under divisions (H) and (I) 47565  
of section 3317.029 of the Revised Code is the amount calculated 47566  
under each division divided by the district's formula ADM, as 47567  
defined in section 3317.02 of the Revised Code. 47568

(9) An amount equal to the per pupil state parity aid funding 47569  
calculated for the school district under either division (C) or 47570  
(D) of section 3317.0217 of the Revised Code multiplied by the sum 47571  
of the number of students in grades one through twelve, and 47572  
one-half of the number of students in kindergarten, who are 47573  
entitled to attend school in the district and are enrolled in a 47574  
community school as reported under division (B)(1) of this 47575  
section. 47576

(D) The department shall annually pay to a community school 47577  
established under this chapter the sum of the amounts described in 47578  
divisions (D)(1) to (10) of this section. However, the department 47579  
shall calculate and pay to each internet- or computer-based 47580  
community school only the amounts described in divisions (D)(1) to 47581  
(3) of this section. Furthermore, the sum of the payments to all 47582

community schools under divisions (D)(1), (2), and (4) to (10) of 47583  
this section for the students entitled to attend school in any 47584  
particular school district shall not exceed the sum of that 47585  
district's state education aid and its payment under sections 47586  
321.24 and 323.156 of the Revised Code. If the sum of the payments 47587  
calculated under those divisions for the students entitled to 47588  
attend school in a particular school district exceeds the sum of 47589  
that district's state education aid and its payment under sections 47590  
321.24 and 323.156 of the Revised Code, the department shall 47591  
calculate and apply a proration factor to the payments to all 47592  
community schools under those divisions for the students entitled 47593  
to attend school in that district. 47594

(1) ~~Subject to section 3314.085 of the Revised Code, an~~ An 47595  
amount equal to the sum of the amounts obtained when the number of 47596  
students enrolled in grades one through twelve, plus one-half of 47597  
the kindergarten students in the school, reported under divisions 47598  
(B)(2)(a), (b), and (e) of this section who are not receiving 47599  
special education and related services pursuant to an IEP for a 47600  
disability described in section 3317.013 of the Revised Code is 47601  
multiplied by the sum of the community school's base formula 47602  
amount plus the per pupil amount of the base funding supplements 47603  
specified in divisions (C)(1) to (4) of section 3317.012 of the 47604  
Revised Code. 47605

(2) ~~Prior to fiscal year 2007, the greater of the amount~~ 47606  
~~calculated under division (D)(2)(a) or (b) of this section, and in~~ 47607  
~~fiscal year 2007 and thereafter, the amount calculated under~~ 47608  
~~division (D)(2)(b) of this section:~~ 47609

~~(a) The aggregate amount that the department paid to the~~ 47610  
~~community school in fiscal year 1999 for students receiving~~ 47611  
~~special education and related services pursuant to IEPs, excluding~~ 47612  
~~federal funds and state disadvantaged pupil impact aid funds;~~ 47613

~~(b) The sum of the following amounts calculated under~~ 47614

~~divisions (D)(2)(b)(i) and (ii) of this section:~~ 47615

~~(i)(a)~~ For each student reported under division (B)(2)(c) of 47616  
this section as enrolled in the school in grades one through 47617  
twelve and receiving special education and related services 47618  
pursuant to an IEP for a disability described in section 3317.013 47619  
of the Revised Code, the following amount: 47620

(the school's base formula amount plus 47621  
the per pupil amount of the base funding supplements specified in 47622  
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 47623  
+ (the applicable special education weight X the 47624  
community school's base formula amount); 47625

~~(ii)(b)~~ For each student reported under division (B)(2)(c) of 47626  
this section as enrolled in kindergarten and receiving special 47627  
education and related services pursuant to an IEP for a disability 47628  
described in section 3317.013 of the Revised Code, one-half of the 47629  
amount calculated under the formula prescribed in division 47630  
(D)(2)(~~b~~)(~~i~~)(a) of this section. 47631

When computing payments under division (D)(2) of this 47632  
section, the department shall use the number of students with an 47633  
IEP reported by the community school under divisions (B)(2)(b) and 47634  
(c) of this section, as verified by the department, as the basis 47635  
for those payments, regardless of whether any particular student 47636  
enrolls in the community school after the date required under 47637  
federal law for reporting to the United States department of 47638  
education the number of children with disabilities receiving 47639  
special education and related services. 47640

(3) An amount received from federal funds to provide special 47641  
education and related services to students in the community 47642  
school, as determined by the superintendent of public instruction. 47643

(4) For each student reported under division (B)(2)(d) of 47644  
this section as enrolled in vocational education programs or 47645

classes that are described in section 3317.014 of the Revised Code, are provided by the community school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, an amount equal to the applicable vocational education weight times the community school's base formula amount times the percentage of time the student spends in the vocational education programs or classes.

(5) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the number of that district's students enrolled in the community school who are included in the district's poverty student count is multiplied by the per pupil amount of poverty-based assistance that school district receives that year pursuant to division (C) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school. The per pupil amount of aid shall be determined as described in division (C)(4) of this section.

(6) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of aid received under division (E) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school, is multiplied by the sum of the following:

(a) The number of the district's students reported under division (B)(2)(a) of this section who are enrolled in grades one to three in that community school and who are not receiving special education and related services pursuant to an IEP;

(b) One-half of the district's students who are enrolled in

all-day or any other kindergarten class in that community school 47678  
and who are not receiving special education and related services 47679  
pursuant to an IEP; 47680

(c) One-half of the district's students who are enrolled in 47681  
all-day kindergarten in that community school and who are not 47682  
receiving special education and related services pursuant to an 47683  
IEP. 47684

The district's per pupil amount of aid under division (E) of 47685  
section 3317.029 of the Revised Code shall be determined as 47686  
described in division (C)(5) of this section. 47687

(7) An amount equal to the sum of the amounts obtained when, 47688  
for each school district where the community school's students are 47689  
entitled to attend school, the number of that district's students 47690  
enrolled in the community school who are identified as 47691  
limited-English proficient is multiplied by the district's per 47692  
pupil amount received under division (F) of section 3317.029 of 47693  
the Revised Code, as adjusted by any poverty-based assistance 47694  
reduction factor of the community school. 47695

(8) An amount equal to the sum of the amounts obtained when, 47696  
for each school district where the community school's students are 47697  
entitled to attend school, the district's per pupil amount 47698  
received under division (G) of section 3317.029 of the Revised 47699  
Code, as adjusted by any poverty-based assistance reduction factor 47700  
of the community school, is multiplied by the sum of the 47701  
following: 47702

(a) The number of the district's students enrolled in grades 47703  
one through twelve in that community school; 47704

(b) One-half of the number of the district's students 47705  
enrolled in kindergarten in that community school. 47706

The district's per pupil amount under division (G) of section 47707  
3317.029 of the Revised Code shall be determined as described in 47708

division (C)(7) of this section. 47709

(9) An amount equal to the sum of the amounts obtained when, 47710  
for each school district where the community school's students are 47711  
entitled to attend school, the district's per pupil amount 47712  
received under divisions (H) and (I) of section 3317.029 of the 47713  
Revised Code, as adjusted by any poverty-based assistance 47714  
reduction factor of the community school, is multiplied by the sum 47715  
of the following: 47716

(a) The number of the district's students enrolled in grades 47717  
one through twelve in that community school; 47718

(b) One-half of the number of the district's students 47719  
enrolled in kindergarten in that community school. 47720

The district's per pupil amount under divisions (H) and (I) 47721  
of section 3317.029 of the Revised Code shall be determined as 47722  
described in division (C)(8) of this section. 47723

(10) An amount equal to the sum of the amounts obtained when, 47724  
for each school district where the community school's students are 47725  
entitled to attend school, the district's per pupil amount of 47726  
state parity aid funding calculated under either division (C) or 47727  
(D) of section 3317.0217 of the Revised Code is multiplied by the 47728  
sum of the number of that district's students enrolled in grades 47729  
one through twelve, and one-half of the number of that district's 47730  
students enrolled in kindergarten, in the community school as 47731  
reported under ~~division~~ divisions (B)(2)(a) and (b) of this 47732  
section. 47733

(E)(1) If a community school's costs for a fiscal year for a 47734  
student receiving special education and related services pursuant 47735  
to an IEP for a disability described in divisions (B) to (F) of 47736  
section 3317.013 of the Revised Code exceed the threshold 47737  
catastrophic cost for serving the student as specified in division 47738  
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 47739

submit to the superintendent of public instruction documentation, 47740  
as prescribed by the superintendent, of all its costs for that 47741  
student. Upon submission of documentation for a student of the 47742  
type and in the manner prescribed, the department shall pay to the 47743  
community school an amount equal to the school's costs for the 47744  
student in excess of the threshold catastrophic costs. 47745

(2) The community school shall only report under division 47746  
(E)(1) of this section, and the department shall only pay for, the 47747  
costs of educational expenses and the related services provided to 47748  
the student in accordance with the student's individualized 47749  
education program. Any legal fees, court costs, or other costs 47750  
associated with any cause of action relating to the student may 47751  
not be included in the amount. 47752

(F) A community school may apply to the department of 47753  
education for preschool children with disabilities ~~or gifted~~ unit 47754  
funding the school would receive if it were a school district. 47755  
Upon request of its governing authority, a community school that 47756  
received such unit funding as a school district-operated school 47757  
before it became a community school shall retain any units awarded 47758  
to it as a school district-operated school provided the school 47759  
continues to meet eligibility standards for the unit. 47760

A community school shall be considered a school district and 47761  
its governing authority shall be considered a board of education 47762  
for the purpose of applying to any state or federal agency for 47763  
grants that a school district may receive under federal or state 47764  
law or any appropriations act of the general assembly. The 47765  
governing authority of a community school may apply to any private 47766  
entity for additional funds. 47767

(G) A board of education sponsoring a community school may 47768  
utilize local funds to make enhancement grants to the school or 47769  
may agree, either as part of the contract or separately, to 47770  
provide any specific services to the community school at no cost 47771

to the school. 47772

(H) A community school may not levy taxes or issue bonds 47773  
secured by tax revenues. 47774

(I) No community school shall charge tuition for the 47775  
enrollment of any student. 47776

(J)(1)(a) A community school may borrow money to pay any 47777  
necessary and actual expenses of the school in anticipation of the 47778  
receipt of any portion of the payments to be received by the 47779  
school pursuant to division (D) of this section. The school may 47780  
issue notes to evidence such borrowing. The proceeds of the notes 47781  
shall be used only for the purposes for which the anticipated 47782  
receipts may be lawfully expended by the school. 47783

(b) A school may also borrow money for a term not to exceed 47784  
fifteen years for the purpose of acquiring facilities. 47785

(2) Except for any amount guaranteed under section 3318.50 of 47786  
the Revised Code, the state is not liable for debt incurred by the 47787  
governing authority of a community school. 47788

(K) For purposes of determining the number of students for 47789  
which divisions (D)(5) and (6) of this section applies in any 47790  
school year, a community school may submit to the department of 47791  
job and family services, no later than the first day of March, a 47792  
list of the students enrolled in the school. For each student on 47793  
the list, the community school shall indicate the student's name, 47794  
address, and date of birth and the school district where the 47795  
student is entitled to attend school. Upon receipt of a list under 47796  
this division, the department of job and family services shall 47797  
determine, for each school district where one or more students on 47798  
the list is entitled to attend school, the number of students 47799  
residing in that school district who were included in the 47800  
department's report under section 3317.10 of the Revised Code. The 47801  
department shall make this determination on the basis of 47802



information readily available to it. Upon making this 47803  
determination and no later than ninety days after submission of 47804  
the list by the community school, the department shall report to 47805  
the state department of education the number of students on the 47806  
list who reside in each school district who were included in the 47807  
department's report under section 3317.10 of the Revised Code. In 47808  
complying with this division, the department of job and family 47809  
services shall not report to the state department of education any 47810  
personally identifiable information on any student. 47811

(L) The department of education shall adjust the amounts 47812  
subtracted and paid under divisions (C) and (D) of this section to 47813  
reflect any enrollment of students in community schools for less 47814  
than the equivalent of a full school year. The state board of 47815  
education within ninety days after April 8, 2003, shall adopt in 47816  
accordance with Chapter 119. of the Revised Code rules governing 47817  
the payments to community schools under this section and section 47818  
3314.13 of the Revised Code including initial payments in a school 47819  
year and adjustments and reductions made in subsequent periodic 47820  
payments to community schools and corresponding deductions from 47821  
school district accounts as provided under divisions (C) and (D) 47822  
of this section and section 3314.13 of the Revised Code. For 47823  
purposes of this section and section 3314.13 of the Revised Code: 47824

(1) A student shall be considered enrolled in the community 47825  
school for any portion of the school year the student is 47826  
participating at a college under Chapter 3365. of the Revised 47827  
Code. 47828

(2) A student shall be considered to be enrolled in a 47829  
community school ~~during a school year~~ for the period of time 47830  
beginning on the later of the date on which the school both has 47831  
received documentation of the student's enrollment from a parent 47832  
and the student has commenced participation in learning 47833  
opportunities as defined in the contract with the sponsor, or 47834

thirty days prior to the date on which the student is entered into 47835  
the education management information system established under 47836  
section 3301.0714 of the Revised Code. For purposes of applying 47837  
this division and divisions (L)(3) and (4) of this section to a 47838  
community school student, "learning opportunities" shall be 47839  
defined in the contract, which shall describe both classroom-based 47840  
and non-classroom-based learning opportunities and shall be in 47841  
compliance with criteria and documentation requirements for 47842  
student participation which shall be established by the 47843  
department. Any student's instruction time in non-classroom-based 47844  
learning opportunities shall be certified by an employee of the 47845  
community school. A student's enrollment shall be considered to 47846  
cease on the date on which any of the following occur: 47847

(a) The community school receives documentation from a parent 47848  
terminating enrollment of the student. 47849

(b) The community school is provided documentation of a 47850  
student's enrollment in another public or private school. 47851

(c) The community school ceases to offer learning 47852  
opportunities to the student pursuant to the terms of the contract 47853  
with the sponsor or the operation of any provision of this 47854  
chapter. 47855

Beginning in the 2011-2012 school year, any student who 47856  
completed the prior school year in a community school shall be 47857  
considered to be enrolled in the same school in the subsequent 47858  
school year until the student's enrollment has ceased as specified 47859  
in division (L)(2) of this section. 47860

(3) The department shall determine each community school 47861  
student's percentage of full-time equivalency based on the 47862  
percentage of learning opportunities offered by the community 47863  
school to that student, reported either as number of hours or 47864  
number of days, is of the total learning opportunities offered by 47865

the community school to a student who attends for the school's 47866  
entire school year. However, no internet- or computer-based 47867  
community school shall be credited for any time a student spends 47868  
participating in learning opportunities beyond ten hours within 47869  
any period of twenty-four consecutive hours. Whether it reports 47870  
hours or days of learning opportunities, each community school 47871  
shall offer not less than nine hundred twenty hours of learning 47872  
opportunities during the school year. 47873

(4) With respect to the calculation of full-time equivalency 47874  
under division (L)(3) of this section, the department shall waive 47875  
the number of hours or days of learning opportunities not offered 47876  
to a student because the community school was closed during the 47877  
school year due to disease epidemic, hazardous weather conditions, 47878  
inoperability of school buses or other equipment necessary to the 47879  
school's operation, damage to a school building, or other 47880  
temporary circumstances due to utility failure rendering the 47881  
school building unfit for school use, so long as the school was 47882  
actually open for instruction with students in attendance during 47883  
that school year for not less than the minimum number of hours 47884  
required by this chapter. The department shall treat the school as 47885  
if it were open for instruction with students in attendance during 47886  
the hours or days waived under this division. 47887

(M) The department of education shall reduce the amounts paid 47888  
under division (D) of this section to reflect payments made to 47889  
colleges under division (B) of section 3365.07 of the Revised Code 47890  
or through alternative funding agreements entered into under rules 47891  
adopted under section 3365.12 of the Revised Code. 47892

(N)(1) No student shall be considered enrolled in any 47893  
internet- or computer-based community school or, if applicable to 47894  
the student, in any community school that is required to provide 47895  
the student with a computer pursuant to division (C) of section 47896  
3314.22 of the Revised Code, unless both of the following 47897

conditions are satisfied: 47898

(a) The student possesses or has been provided with all 47899  
required hardware and software materials and all such materials 47900  
are operational so that the student is capable of fully 47901  
participating in the learning opportunities specified in the 47902  
contract between the school and the school's sponsor as required 47903  
by division (A)(23) of section 3314.03 of the Revised Code; 47904

(b) The school is in compliance with division (A) of section 47905  
3314.22 of the Revised Code, relative to such student. 47906

(2) In accordance with policies adopted jointly by the 47907  
superintendent of public instruction and the auditor of state, the 47908  
department shall reduce the amounts otherwise payable under 47909  
division (D) of this section to any community school that includes 47910  
in its program the provision of computer hardware and software 47911  
materials to any student, if such hardware and software materials 47912  
have not been delivered, installed, and activated for each such 47913  
student in a timely manner or other educational materials or 47914  
services have not been provided according to the contract between 47915  
the individual community school and its sponsor. 47916

The superintendent of public instruction and the auditor of 47917  
state shall jointly establish a method for auditing any community 47918  
school to which this division pertains to ensure compliance with 47919  
this section. 47920

The superintendent, auditor of state, and the governor shall 47921  
jointly make recommendations to the general assembly for 47922  
legislative changes that may be required to assure fiscal and 47923  
academic accountability for such schools. 47924

(O)(1) If the department determines that a review of a 47925  
community school's enrollment is necessary, such review shall be 47926  
completed and written notice of the findings shall be provided to 47927  
the governing authority of the community school and its sponsor 47928

within ninety days of the end of the community school's fiscal 47929  
year, unless extended for a period not to exceed thirty additional 47930  
days for one of the following reasons: 47931

(a) The department and the community school mutually agree to 47932  
the extension. 47933

(b) Delays in data submission caused by either a community 47934  
school or its sponsor. 47935

(2) If the review results in a finding that additional 47936  
funding is owed to the school, such payment shall be made within 47937  
thirty days of the written notice. If the review results in a 47938  
finding that the community school owes moneys to the state, the 47939  
following procedure shall apply: 47940

(a) Within ten business days of the receipt of the notice of 47941  
findings, the community school may appeal the department's 47942  
determination to the state board of education or its designee. 47943

(b) The board or its designee shall conduct an informal 47944  
hearing on the matter within thirty days of receipt of such an 47945  
appeal and shall issue a decision within fifteen days of the 47946  
conclusion of the hearing. 47947

(c) If the board has enlisted a designee to conduct the 47948  
hearing, the designee shall certify its decision to the board. The 47949  
board may accept the decision of the designee or may reject the 47950  
decision of the designee and issue its own decision on the matter. 47951

(d) Any decision made by the board under this division is 47952  
final. 47953

(3) If it is decided that the community school owes moneys to 47954  
the state, the department shall deduct such amount from the 47955  
school's future payments in accordance with guidelines issued by 47956  
the superintendent of public instruction. 47957

(P) The department shall not subtract from a school 47958

district's state aid account under division (C) of this section 47959  
and shall not pay to a community school under division (D) of this 47960  
section any amount for any of the following: 47961

(1) Any student who has graduated from the twelfth grade of a 47962  
public or nonpublic high school; 47963

(2) Any student who is not a resident of the state; 47964

(3) Any student who was enrolled in the community school 47965  
during the previous school year when assessments were administered 47966  
under section 3301.0711 of the Revised Code but did not take one 47967  
or more of the assessments required by that section and was not 47968  
excused pursuant to division (C)(1) or (3) of that section, unless 47969  
the superintendent of public instruction grants the student a 47970  
waiver from the requirement to take the assessment and a parent is 47971  
not paying tuition for the student pursuant to section 3314.26 of 47972  
the Revised Code. The superintendent may grant a waiver only for 47973  
good cause in accordance with rules adopted by the state board of 47974  
education. 47975

(4) Any student who has attained the age of twenty-two years, 47976  
except for ~~veterans~~ the following: 47977

(a) A veteran of the armed services whose attendance was 47978  
interrupted before completing the recognized twelve-year course of 47979  
the public schools by reason of induction or enlistment in the 47980  
armed forces and who ~~apply~~ applies for enrollment in a community 47981  
school not later than four years after termination of war or ~~their~~ 47982  
the veteran's honorable discharge. If, however, any such veteran 47983  
elects to enroll in special courses organized for veterans for 47984  
whom tuition is paid under federal law, or otherwise, the 47985  
department shall not subtract from a school district's state aid 47986  
account under division (C) of this section and shall not pay to a 47987  
community school under division (D) of this section any amount for 47988  
that veteran. 47989

(b) An individual enrolled under section 3314.38 of the 47990  
Revised Code in a dropout prevention and recovery program operated 47991  
by a community school. 47992

**Sec. 3314.087.** (A) As used in this section: 47993

(1) "Career-technical program" means vocational programs or 47994  
classes described in division (A) or (B) of section 3317.014 of 47995  
the Revised Code in which a student is enrolled. 47996

(2) "Formula ADM," "category one or two vocational education 47997  
ADM," and "FTE basis" have the same meanings as in section 3317.02 47998  
of the Revised Code. 47999

(3) "Resident school district" means the city, exempted 48000  
village, or local school district in which a student is entitled 48001  
to attend school under section 3313.64 or 3313.65 of the Revised 48002  
Code. 48003

(B) Notwithstanding anything to the contrary in this chapter 48004  
or Chapter ~~3306~~ or 3317. of the Revised Code, a student enrolled 48005  
in a community school may simultaneously enroll in the 48006  
career-technical program operated by the student's resident school 48007  
district. On an FTE basis, the student's resident school district 48008  
shall count the student in the category one or two vocational 48009  
education ADM for the proportion of the time the student is 48010  
enrolled in the district's career-technical program and, 48011  
accordingly, the department of education shall calculate funds 48012  
under ~~Chapters 3306 and~~ Chapter 3317. for the district 48013  
attributable to the student for the proportion of time the student 48014  
attends the career-technical program. The community school shall 48015  
count the student in its enrollment report under section 3314.08 48016  
of the Revised Code and shall report to the department the 48017  
proportion of time that the student attends classes at the 48018  
community school. The department shall pay the community school 48019  
and deduct from the student's resident school district the amount 48020

computed for the student under section 3314.08 of the Revised Code 48021  
in proportion to the fraction of the time on an FTE basis that the 48022  
student attends classes at the community school. "Full-time 48023  
equivalency" for a community school student, as defined in 48024  
division (L) of section 3314.08 of the Revised Code, does not 48025  
apply to the student. 48026

**Sec. 3314.088.** ~~(A)~~ For purposes of applying sections 3314.08 48027  
and 3314.13 of the Revised Code to fiscal years ~~2010~~ 2012 and ~~2011~~ 48028  
2013: 48029

~~(1)~~(A) The base formula amount for community schools for each 48030  
of fiscal year ~~2010~~ is \$5,718 and for fiscal year ~~2011~~ is \$5,703. 48031  
~~These respective amounts~~ years 2012 and 2013 is \$5,653. That 48032  
amount shall be applied wherein sections 3314.08 and 3314.13 of 48033  
the Revised Code the base formula amount is specified, except for 48034  
deducting and paying amounts for special education weighted 48035  
funding and vocational education weighted funding. 48036

~~(2)~~(B) The base funding supplements under section 3317.012 of 48037  
the Revised Code shall be deemed in each year to be the amounts 48038  
specified in that section for fiscal year 2009. 48039

~~(3)~~(C) Special education additional weighted funding shall be 48040  
calculated by multiplying the applicable weight specified for 48041  
fiscal year 2009 in section 3317.013 of the Revised Code, as it 48042  
existed for that fiscal year ~~2009~~, times \$5,732. 48043

~~(4)~~(D) Vocational education additional weighted funding shall 48044  
be calculated by multiplying the applicable weight specified in 48045  
section 3317.014 of the Revised Code for fiscal year 2009 times 48046  
\$5,732. 48047

~~(5)~~(E) The per pupil amounts paid to a school district under 48048  
sections 3317.029 and 3317.0217 of the Revised Code shall be 48049  
deemed to be the respective per pupil amounts paid under those 48050



sections to that district for fiscal year 2009. 48051

~~(6)~~(F) A community school may receive all-day kindergarten 48052  
payments under section 3314.13 of the Revised Code only for 48053  
all-day kindergarten students who are entitled to attend school in 48054  
school districts that, for fiscal year 2009, met the eligibility 48055  
requirements of division (D) of section 3317.029 of the Revised 48056  
Code. For students entitled to attend school in such school 48057  
districts that actually received payment for all-day kindergarten 48058  
for fiscal year 2009, the payments to community schools under 48059  
section 3314.13 of the Revised Code shall be deducted from the 48060  
school district's state education aid. For students entitled to 48061  
attend school in such school districts that did not receive 48062  
payment for all-day kindergarten for fiscal year 2009, the 48063  
payments to community schools under section 3314.13 of the Revised 48064  
Code shall be paid out of the funds appropriated under 48065  
appropriation item 200550, foundation funding, ~~as appropriated in~~ 48066  
~~section 265.10 of Am. Sub. H.B. 1 of the 128th General Assembly.~~ 48067  
As used in this division, "entitled to attend school" has the same 48068  
meaning as in section 3314.08 of the Revised Code. 48069

~~(B) For purposes of applying section 3314.085 of the Revised~~ 48070  
~~Code to fiscal years 2010 and 2011, the minimum per pupil~~ 48071  
~~expenditure required for pupil instruction under that section is~~ 48072  
~~\$2,931, which equals the minimum amount required by that section~~ 48073  
~~for fiscal year 2009.~~ 48074

**Sec. 3314.091.** (A) A school district is not required to 48075  
provide transportation for any native student enrolled in a 48076  
community school if the district board of education has entered 48077  
into an agreement with the community school's governing authority 48078  
that designates the community school as responsible for providing 48079  
or arranging for the transportation of the district's native 48080  
students to and from the community school. For any such agreement 48081

to be effective, it must be certified by the superintendent of 48082  
public instruction as having met all of the following 48083  
requirements: 48084

(1) It is submitted to the department of education by a 48085  
deadline which shall be established by the department. 48086

(2) In accordance with divisions (C)(1) and (2) of this 48087  
section, it specifies qualifications, such as residing a minimum 48088  
distance from the school, for students to have their 48089  
transportation provided or arranged. 48090

(3) The transportation provided by the community school is 48091  
subject to all provisions of the Revised Code and all rules 48092  
adopted under the Revised Code pertaining to pupil transportation. 48093

(4) The sponsor of the community school also has signed the 48094  
agreement. 48095

(B)(1) For the school year that begins on July 1, 2007, a 48096  
school district is not required to provide transportation for any 48097  
native student enrolled in a community school, if the community 48098  
school during the previous school year transported the students 48099  
enrolled in the school or arranged for the students' 48100  
transportation, even if that arrangement consisted of having 48101  
parents transport their children to and from the school, but did 48102  
not enter into an agreement to transport or arrange for 48103  
transportation for those students under division (A) of this 48104  
section, and if the governing authority of the community school by 48105  
July 15, 2007, submits written notification to the district board 48106  
of education stating that the governing authority is accepting 48107  
responsibility for providing or arranging for the transportation 48108  
of the district's native students to and from the community 48109  
school. 48110

(2) For any school year subsequent to the school year that 48111  
begins on July 1, 2007, a school district is not required to 48112

provide transportation for any native student enrolled in a 48113  
community school if the governing authority of the community 48114  
school, by the thirty-first day of January of the previous school 48115  
year, submits written notification to the district board of 48116  
education stating that the governing authority is accepting 48117  
responsibility for providing or arranging for the transportation 48118  
of the district's native students to and from the community 48119  
school. If the governing authority of the community school has 48120  
previously accepted responsibility for providing or arranging for 48121  
the transportation of a district's native students to and from the 48122  
community school, under division (B)(1) or (2) of this section, 48123  
and has since relinquished that responsibility under division 48124  
(B)(3) of this section, the governing authority shall not accept 48125  
that responsibility again unless the district board consents to 48126  
the governing authority's acceptance of that responsibility. 48127

(3) A governing authority's acceptance of responsibility 48128  
under division (B)(1) or (2) of this section shall cover an entire 48129  
school year, and shall remain in effect for subsequent school 48130  
years unless the governing authority submits written notification 48131  
to the district board that the governing authority is 48132  
relinquishing the responsibility. However, a governing authority 48133  
shall not relinquish responsibility for transportation before the 48134  
end of a school year, and shall submit the notice relinquishing 48135  
responsibility by the thirty-first day of January, in order to 48136  
allow the school district reasonable time to prepare 48137  
transportation for its native students enrolled in the school. 48138

(C)(1) A community school governing authority that enters 48139  
into an agreement under division (A) of this section, or that 48140  
accepts responsibility under division (B) of this section, shall 48141  
provide or arrange transportation free of any charge for each of 48142  
its enrolled students who is required to be transported under 48143  
section 3327.01 of the Revised Code or who would otherwise be 48144

transported by the school district under the district's 48145  
transportation policy. The governing authority shall report to the 48146  
department of education the number of students transported or for 48147  
whom transportation is arranged under this section in accordance 48148  
with rules adopted by the state board of education. 48149

(2) The governing authority may provide or arrange 48150  
transportation for any other enrolled student who is not eligible 48151  
for transportation in accordance with division (C)(1) of this 48152  
section and may charge a fee for such service up to the actual 48153  
cost of the service. 48154

(3) Notwithstanding anything to the contrary in division 48155  
(C)(1) or (2) of this section, a community school governing 48156  
authority shall provide or arrange transportation free of any 48157  
charge for any disabled student enrolled in the school for whom 48158  
the student's individualized education program developed under 48159  
Chapter 3323. of the Revised Code specifies transportation. 48160

(D)(1) If a school district board and a community school 48161  
governing authority elect to enter into an agreement under 48162  
division (A) of this section, the department of education shall 48163  
make payments to the community school according to the terms of 48164  
the agreement for each student actually transported under division 48165  
(C)(1) of this section. 48166

If a community school governing authority accepts 48167  
transportation responsibility under division (B) of this section, 48168  
the department shall make payments to the community school for 48169  
each student actually transported or for whom transportation is 48170  
arranged by the community school under division (C)(1) of this 48171  
section, calculated as follows: 48172

(a) For any fiscal year which the general assembly has 48173  
specified that transportation payments to school districts be 48174  
based on an across-the-board percentage of the district's payment 48175

for the previous school year, the per pupil payment to the 48176  
community school shall be the following quotient: 48177

(i) The total amount calculated for the school district in 48178  
which the child is entitled to attend school for student 48179  
transportation other than transportation of children with 48180  
disabilities; divided by 48181

(ii) The number of students included in the district's 48182  
transportation ADM for the current fiscal year, as reported under 48183  
division (B)(13) of section 3317.03 of the Revised Code, plus the 48184  
number of students enrolled in the community school not counted in 48185  
the district's transportation ADM who are transported under 48186  
division (B)(1) or (2) of this section. 48187

(b) For any fiscal year which the general assembly has 48188  
specified that the transportation payments to school districts be 48189  
calculated in accordance with section ~~3306.12~~ 3317.0212 of the 48190  
Revised Code and any rules of the state board of education 48191  
implementing that section, the payment to the community school 48192  
shall be the amount so calculated that otherwise would be paid to 48193  
the school district in which the student is entitled to attend 48194  
school by the method of transportation the district would have 48195  
used. The community school, however, is not required to use the 48196  
same method to transport that student. 48197

(c) Divisions (D)(1)(a) and (b) of this section do not apply 48198  
to fiscal years 2012 and 2013. Rather, for each of those fiscal 48199  
years, the per pupil payment to a community school for 48200  
transporting a student shall be the total amount paid under former 48201  
section 3306.12 of the Revised Code for fiscal year 2011 to the 48202  
school district in which the child is entitled to attend school 48203  
divided by that district's "qualifying ridership," as defined in 48204  
that section for fiscal year 2011. 48205

As used in this division "entitled to attend school" means 48206

entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 48207  
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(2) The department shall deduct the payment under division (D)(1) of this section from the state education aid, as defined in section 3314.08 of the Revised Code, and, if necessary, the payment under sections 321.14 and 323.156 of the Revised Code, that is otherwise paid to the school district in which the student enrolled in the community school is entitled to attend school. The department shall include the number of the district's native students for whom payment is made to a community school under division (D)(1) of this section in the calculation of the district's transportation payment under section ~~3306.12~~ 3317.0212 of the Revised Code and the operating appropriations act. 48209  
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(3) A community school shall be paid under division (D)(1) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of this section, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department. 48220  
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(4) A community school shall use payments received under this section solely to pay the costs of providing or arranging for the transportation of students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of this section, which may include payments to a parent, guardian, or other person in charge of a child in lieu of transportation. 48232  
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(E) Except when arranged through payment to a parent, 48238

guardian, or person in charge of a child, transportation provided 48239  
or arranged for by a community school pursuant to an agreement 48240  
under this section is subject to all provisions of the Revised 48241  
Code, and all rules adopted under the Revised Code, pertaining to 48242  
the construction, design, equipment, and operation of school buses 48243  
and other vehicles transporting students to and from school. The 48244  
drivers and mechanics of the vehicles are subject to all 48245  
provisions of the Revised Code, and all rules adopted under the 48246  
Revised Code, pertaining to drivers and mechanics of such 48247  
vehicles. The community school also shall comply with sections 48248  
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 48249  
of section 3327.16 of the Revised Code and, subject to division 48250  
(C)(1) of this section, sections 3327.01 and 3327.02 of the 48251  
Revised Code, as if it were a school district. 48252

**Sec. 3314.10.** (A)~~(1)~~ The governing authority of any community 48253  
school established under this chapter, or any operator of the 48254  
school, or both, may employ teachers and nonteaching employees 48255  
necessary to carry out ~~its~~ the school's mission and fulfill ~~its~~ 48256  
the school's contract. 48257

~~(2)~~ Except as otherwise provided under this division ~~(A)(3)~~ 48258  
~~of this section,~~ employees hired by a community school governing 48259  
authority under this section are not subject to Chapter 4117. of 48260  
the Revised Code and may not organize ~~and~~ or collectively bargain 48261  
pursuant to ~~Chapter 4117. of the Revised Code~~ that chapter. 48262  
~~Notwithstanding division (D)(1) of section 4117.06 of the Revised~~ 48263  
~~Code, a unit containing teaching and nonteaching employees~~ 48264  
~~employed under this section shall be considered an appropriate~~ 48265  
~~unit.~~ As applicable, employment under this section is subject to 48266  
either Chapter 3307. or 3309. of the Revised Code. 48267

~~(3)~~ If a school is created by converting all or part of an 48268  
existing public school rather than by establishment of a new 48269

~~start up school, at the time of conversion, the The employees of 48270  
the a community school shall remain part of any governing 48271  
authority who are covered by a collective bargaining unit in which 48272  
they were included immediately prior to the conversion and 48273  
agreement on the effective date of this amendment shall remain 48274  
subject to any that collective bargaining agreement for that unit 48275  
in effect on the first day of July of the year in which the 48276  
community school initially begins operation and shall be subject 48277  
to any subsequent until the collective bargaining agreement for 48278  
that unit, unless a petition is certified as sufficient under 48279  
division (A)(6) of this section with regard to those employees. 48280  
Any new employees of the community school shall also be included 48281  
in the unit to which they would have been assigned had not the 48282  
conversion taken place and shall be subject to the collective 48283  
bargaining agreement for that unit unless a petition is certified 48284  
as sufficient under division (A)(6) of this section with regard to 48285  
those employees expires on its terms. Upon expiration of the 48286  
collective bargaining agreement, the employees are not subject to 48287  
Chapter 4117. of the Revised Code and may not organize or 48288  
collectively bargain pursuant to that chapter. 48289~~

~~Notwithstanding division (B) of section 4117.01 of the 48290  
Revised Code, the board of education of a school district and not 48291  
the governing authority of a community school shall be regarded, 48292  
for purposes of Chapter 4117. of the Revised Code, as the "public 48293  
employer" of the employees of a conversion community school 48294  
subject to a collective bargaining agreement pursuant to division 48295  
(A)(3) of this section unless a petition is certified under 48296  
division (A)(6) of this section with regard to those employees. 48297  
Only on and after the effective date of a petition certified as 48298  
sufficient under division (A)(6) of this section shall division 48299  
(A)(2) of this section apply to those employees of that community 48300  
school and only on and after the effective date of that petition 48301  
shall Chapter 4117. of the Revised Code apply to the governing 48302~~



~~authority of that community school with regard to those employees.~~ 48303

~~(4) Notwithstanding sections 4117.03 to 4117.18 of the 48304  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 48305  
133 of the 115th general assembly, the employees of a conversion 48306  
community school who are subject to a collective bargaining 48307  
agreement pursuant to division (A)(3) of this section shall cease 48308  
to be subject to that agreement and all subsequent agreements 48309  
pursuant to that division and shall cease to be part of the 48310  
collective bargaining unit that is subject to that and all 48311  
subsequent agreements, if a majority of the employees of that 48312  
community school who are subject to that collective bargaining 48313  
agreement sign and submit to the state employment relations board 48314  
a petition requesting all of the following:~~ 48315

~~(a) That all the employees of the community school who are 48316  
subject to that agreement be removed from the bargaining unit that 48317  
is subject to that agreement and be designated by the state 48318  
employment relations board as a new and separate bargaining unit 48319  
for purposes of Chapter 4117. of the Revised Code;~~ 48320

~~(b) That the employee organization certified as the exclusive 48321  
representative of the employees of the bargaining unit from which 48322  
the employees are to be removed be certified as the exclusive 48323  
representative of the new and separate bargaining unit for 48324  
purposes of Chapter 4117. of the Revised Code;~~ 48325

~~(c) That the governing authority of the community school be 48326  
regarded as the "public employer" of these employees for purposes 48327  
of Chapter 4117. of the Revised Code.~~ 48328

~~(5) Notwithstanding sections 4117.03 to 4117.18 of the 48329  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 48330  
133 of the 115th general assembly, the employees of a conversion 48331  
community school who are subject to a collective bargaining 48332  
agreement pursuant to division (A)(3) of this section shall cease 48333~~

~~to be subject to that agreement and all subsequent agreements 48334  
pursuant to that division, shall cease to be part of the 48335  
collective bargaining unit that is subject to that and all 48336  
subsequent agreements, and shall cease to be represented by any 48337  
exclusive representative of that collective bargaining unit, if a 48338  
majority of the employees of the community school who are subject 48339  
to that collective bargaining agreement sign and submit to the 48340  
state employment relations board a petition requesting all of the 48341  
following: 48342~~

~~(a) That all the employees of the community school who are 48343  
subject to that agreement be removed from the bargaining unit that 48344  
is subject to that agreement; 48345~~

~~(b) That any employee organization certified as the exclusive 48346  
representative of the employees of that bargaining unit be 48347  
decertified as the exclusive representative of the employees of 48348  
the community school who are subject to that agreement; 48349~~

~~(c) That the governing authority of the community school be 48350  
regarded as the "public employer" of these employees for purposes 48351  
of Chapter 4117. of the Revised Code. 48352~~

~~(6) Upon receipt of a petition under division (A)(4) or (5) 48353  
of this section, the state employment relations board shall check 48354  
the sufficiency of the signatures on the petition. If the 48355  
signatures are found sufficient, the board shall certify the 48356  
sufficiency of the petition and so notify the parties involved, 48357  
including the board of education, the governing authority of the 48358  
community school, and any exclusive representative of the 48359  
bargaining unit. The changes requested in a certified petition 48360  
shall take effect on the first day of the month immediately 48361  
following the date on which the sufficiency of the petition is 48362  
certified under division (A)(6) of this section. 48363~~

(B)(1) The board of education of each city, local, and 48364

exempted village school district sponsoring a community school and 48365  
the governing board of each educational service center in which a 48366  
community school is located shall adopt a policy that provides a 48367  
leave of absence of at least three years to each teacher or 48368  
nonteaching employee of the district or service center who is 48369  
employed by the government authority of a conversion or new 48370  
start-up community school sponsored by the district or located in 48371  
the district or center for the period during which the teacher or 48372  
employee is continuously employed by the community school. The 48373  
policy shall also provide that any teacher or nonteaching employee 48374  
may return to employment by the district or service center if the 48375  
teacher or employee leaves or is discharged from employment with 48376  
the community school for any reason, unless, in the case of a 48377  
teacher, the board of the district or service center determines 48378  
that the teacher was discharged for a reason for which the board 48379  
would have sought to discharge the teacher under section 3319.16 48380  
of the Revised Code, in which case the board may proceed to 48381  
discharge the teacher utilizing the procedures of that section. 48382  
Upon termination of such a leave of absence, any seniority that is 48383  
applicable to the person shall be calculated to include all of the 48384  
following: all employment by the district or service center prior 48385  
to the leave of absence; all employment by the community school 48386  
during the leave of absence; and all employment by the district or 48387  
service center after the leave of absence. The policy shall also 48388  
provide that if any teacher holding valid certification returns to 48389  
employment by the district or service center upon termination of 48390  
such a leave of absence, the teacher shall be restored to the 48391  
previous position and salary or to a position and salary similar 48392  
thereto. If, as a result of teachers returning to employment upon 48393  
termination of such leaves of absence, a school district or 48394  
educational service center reduces the number of teachers it 48395  
employs, it shall make such reductions in accordance with section 48396  
~~3319.17 or, if applicable, 3319.171~~ of the Revised Code. 48397

~~Unless a collective bargaining agreement providing otherwise~~ 48398  
~~is in effect for an employee of a conversion community school~~ 48399  
~~pursuant to division (A)(3) of this section, an~~ An employee on a 48400  
leave of absence pursuant to this division shall remain eligible 48401  
for any benefits that are in addition to benefits under Chapter 48402  
3307. or 3309. of the Revised Code provided by the district or 48403  
service center to its employees provided the employee pays the 48404  
entire cost associated with such benefits, except that personal 48405  
leave and vacation leave cannot be accrued for use as an employee 48406  
of a school district or service center while in the employ of a 48407  
community school unless the district or service center board 48408  
adopts a policy expressly permitting this accrual. 48409

(2) While on a leave of absence pursuant to division (B)(1) 48410  
of this section, a conversion community school shall permit a 48411  
teacher to use sick leave accrued while in the employ of the 48412  
school district from which the leave of absence was taken and 48413  
prior to commencing such leave. If a teacher who is on such a 48414  
leave of absence uses sick leave so accrued, the cost of any 48415  
salary paid by the community school to the teacher for that time 48416  
shall be reported to the department of education. The cost of 48417  
employing a substitute teacher for that time shall be paid by the 48418  
community school. The department of education shall add amounts to 48419  
the payments made to a community school under this chapter as 48420  
necessary to cover the cost of salary reported by a community 48421  
school as paid to a teacher using sick leave so accrued pursuant 48422  
to this section. The department shall subtract the amounts of any 48423  
payments made to community schools under this division from 48424  
payments made to such sponsoring school district under ~~Chapters~~ 48425  
~~3306. and Chapter~~ Chapter 3317. of the Revised Code. 48426

A school district providing a leave of absence and employee 48427  
benefits to a person pursuant to this division is not liable for 48428  
any action of that person while the person is on such leave and 48429

employed by a community school. 48430

**Sec. 3314.13.** Payments and deductions under this section for 48431  
fiscal years ~~2010~~ 2012 and ~~2011~~ 2013 shall be made in accordance 48432  
with section 3314.088 of the Revised Code. 48433

(A) As used in this section: 48434

(1) "All-day kindergarten" has the same meaning as in section 48435  
3317.029 of the Revised Code. 48436

(2) "Formula amount" has the same meaning as in section 48437  
3317.02 of the Revised Code. 48438

(B) Except as provided in division (C) of this section, the 48439  
department of education annually shall pay each community school 48440  
established under this chapter one-half of the formula amount for 48441  
each student to whom both of the following apply: 48442

(1) The student is entitled to attend school under section 48443  
3313.64 or 3313.65 of the Revised Code in a school district that 48444  
is eligible to receive a payment under division (D) of section 48445  
3317.029 of the Revised Code if it provides all-day kindergarten; 48446

(2) The student is reported by the community school as 48447  
enrolled in all-day kindergarten at the community school. 48448

(C) The department shall make no payments under this section 48449  
to any internet- or computer-based community school. 48450

(D) If a student for whom payment is made under division (B) 48451  
of this section is entitled to attend school in a district that 48452  
receives any payment for all-day kindergarten under division (D) 48453  
of section 3317.029 of the Revised Code, the department shall 48454  
deduct the payment to the community school under this section from 48455  
the amount paid that school district under that division. If that 48456  
school district does not receive payment for all-day kindergarten 48457  
under that division because it does not provide all-day 48458  
kindergarten, the department shall pay the community school from 48459

state funds appropriated generally for poverty-based assistance to 48460  
school districts. 48461

(E) The department shall adjust the amounts deducted from 48462  
school districts and paid to community schools under this section 48463  
to reflect any enrollments of students in all-day kindergarten in 48464  
community schools for less than the equivalent of a full school 48465  
year. 48466

**Sec. 3314.19.** The sponsor of each community school annually 48467  
shall provide the following assurances in writing to the 48468  
department of education not later than ~~ten business~~ five days 48469  
prior to the opening of the school: 48470

(A) That a current copy of the contract between the sponsor 48471  
and the governing authority of the school entered into under 48472  
section 3314.03 of the Revised Code has been filed with the state 48473  
office of community schools established under section 3314.11 of 48474  
the Revised Code and that any subsequent modifications to that 48475  
contract will be filed with the office; 48476

(B) That the school has submitted to the sponsor a plan for 48477  
providing special education and related services to students with 48478  
disabilities and has demonstrated the capacity to provide those 48479  
services in accordance with Chapter 3323. of the Revised Code and 48480  
federal law, as measured on an instructional-period basis; 48481

(C) That the school has a plan and procedures for 48482  
administering the achievement and diagnostic assessments 48483  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 48484  
Revised Code; 48485

(D) That school personnel have the necessary training, 48486  
knowledge, and resources to properly use and submit information to 48487  
all databases maintained by the department for the collection of 48488  
education data, including the education management information 48489

system established under section 3301.0714 of the Revised Code in 48490  
accordance with methods and timelines established under section 48491  
3314.17 of the Revised Code; 48492

(E) That all required information about the school has been 48493  
submitted to the Ohio education directory system or any successor 48494  
system; 48495

(F) That the school will enroll at least the minimum number 48496  
of students required by division (A)(11)(a) of section 3314.03 of 48497  
the Revised Code in the school year for which the assurances are 48498  
provided; 48499

(G) That all classroom teachers are licensed in accordance 48500  
with sections 3319.22 to 3319.31 of the Revised Code, except for 48501  
noncertificated persons engaged to teach up to twelve hours per 48502  
week pursuant to section 3319.301 of the Revised Code; 48503

(H) That the school's fiscal officer is in compliance with 48504  
section 3314.011 of the Revised Code; 48505

(I) That the school has complied with sections 3319.39 and 48506  
3319.391 of the Revised Code with respect to all employees and 48507  
that the school has conducted a criminal records check of each of 48508  
its governing authority members; 48509

(J) That the school holds all of the following: 48510

(1) Proof of property ownership or a lease for the facilities 48511  
used by the school; 48512

(2) A certificate of occupancy; 48513

(3) Liability insurance for the school, as required by 48514  
division (A)(11)(b) of section 3314.03 of the Revised Code, that 48515  
the sponsor considers sufficient to indemnify the school's 48516  
facilities, staff, and governing authority against risk; 48517

(4) A satisfactory health and safety inspection; 48518

(5) A satisfactory fire inspection; 48519

(6) A valid food permit, if applicable. 48520

(K) That the sponsor has conducted a pre-opening site visit 48521  
to the school for the school year for which the assurances are 48522  
provided; 48523

(L) That the school has designated a date it will open for 48524  
the school year for which the assurances are provided that is in 48525  
compliance with division (A)(25) of section 3314.03 of the Revised 48526  
Code; 48527

(M) That the school has met all of the sponsor's requirements 48528  
for opening and any other requirements of the sponsor. 48529

**Sec. 3314.22.** (A)(1) Each household with a child enrolled in 48530  
an internet- or computer-based community school is entitled to a 48531  
at least one computer supplied by the school; ~~however. If there~~ 48532  
are at least three children enrolled in an internet- or 48533  
computer-based community school residing in the same household, 48534  
the household shall be entitled to at least one additional 48535  
computer supplied by the school. However, the parent of any child 48536  
enrolled in the school may waive this entitlement in the manner 48537  
specified in division (A)~~(3)~~(2) of this section. In no case shall 48538  
an internet- or computer-based community school provide a stipend 48539  
or other substitute to the household of an enrolled child ~~or the~~ 48540  
~~child's parent~~ in lieu of supplying a computer ~~to the child or~~ 48541  
computers to the household as required by this section. The 48542  
~~prohibition contained in the preceding sentence is intended to~~ 48543  
~~clarify the meaning of this division as it existed prior to~~ 48544  
~~September 29, 2005, and is not intended to change that meaning in~~ 48545  
~~any way.~~ 48546

(2) ~~Notwithstanding division (A)(1) of this section, if more~~ 48547  
~~than one child living in a single residence is enrolled in an~~ 48548  
~~internet- or computer-based community school, at the option of the~~ 48549  
~~parent of those children, the school may supply less than one~~ 48550



~~computer per child, as long as at least one computer is supplied 48551  
to the residence. An internet or computer based community school 48552  
may supply no computer at all only if the parent has waived the 48553  
entitlement prescribed in division (A)(1) of this section in the 48554  
manner specified in division (A)(3) of this section. The parent 48555  
may amend the decision to accept less than one computer per child 48556  
anytime during the school year, and, in such case, within thirty 48557  
days after the parent notifies the school of such amendment, the 48558  
school shall provide any additional computers requested by the 48559  
parent up to the number necessary to comply with division (A)(1) 48560  
of this section. 48561~~

~~(3) The parent of any child enrolled in an internet- or 48562  
computer-based community school may waive the entitlement to one 48563  
computer per child, and have no computer at all supplied by the 48564  
school a computer or computers as specified in division (A)(1) of 48565  
this section, if the school and parent set forth that waiver in 48566  
writing with both parties attesting that there is a computer 48567  
available to the child in the child's residence with sufficient 48568  
hardware, software, programming, and connectivity so that the 48569  
child may fully participate in all of the learning opportunities 48570  
offered to the child by the school. The parent may amend the 48571  
decision to waive the entitlement at any time during the school 48572  
year and, in such case, within thirty days after the parent 48573  
notifies the school of that decision, the school shall provide any 48574  
additional computers requested by the parent up to the number 48575  
necessary to comply with division (A)(1) of this section, 48576  
regardless of whether there is any change in the conditions 48577  
attested to in the waiver. 48578~~

~~(4)(3) A copy of a waiver executed under division (A)(3)(2) 48579  
of this section shall be retained by the internet- or 48580  
computer-based community school and the parent who attested to the 48581  
conditions prescribed in that division. The school shall submit a 48582~~

copy of the waiver to the office of community schools, established 48583  
under section 3314.11 of the Revised Code, immediately upon 48584  
execution of the waiver. 48585

~~(5)(4)~~ (4) The school shall notify the office of community 48586  
schools, in the manner specified by the office, ~~of any parent's~~ 48587  
~~decision under division (A)(2) of this section to accept less than~~ 48588  
~~one computer per child or the parent's amendment to that decision,~~ 48589  
and of any parent's decision to amend the waiver executed under 48590  
division (A)~~(3)~~(2) of this section. 48591

(B) Each internet- or computer-based community school shall 48592  
provide to each parent who is considering enrolling the parent's 48593  
child in the school and to the parent of each child already 48594  
enrolled in the school a written notice of the provisions 48595  
prescribed in division (A) of this section. 48596

(C) If a community school that is not an internet- or 48597  
computer-based community school provides any of its enrolled 48598  
students with nonclassroom-based learning opportunities provided 48599  
via an internet- or other computer-based instructional method and 48600  
requires such students to participate in any of those learning 48601  
opportunities from their residences, the school shall be subject 48602  
to this section and division (C)(1) of section 3314.21 of the 48603  
Revised Code relative to each such student in the same manner as 48604  
an internet- or computer-based community school, unless both of 48605  
the following conditions apply to the student: 48606

(1) The nonclassroom-based learning opportunities in which 48607  
the student is required to participate from the student's 48608  
residence are supplemental in nature or do not constitute a 48609  
significant portion of the total classroom-based and 48610  
nonclassroom-based learning opportunities provided to the student 48611  
by the school; 48612

(2) The student's residence is equipped with a computer 48613

available for the student's use. 48614

**Sec. 3314.26.** (A) Each internet- or computer-based community 48615  
school shall withdraw from the school any student who, for two 48616  
consecutive school years, has failed to participate in the spring 48617  
administration of any assessment prescribed under section 48618  
3301.0710 or 3301.0712 of the Revised Code for the student's grade 48619  
level and was not excused from the assessment pursuant to division 48620  
(C)(1) or (3) of section 3301.0711 of the Revised Code, regardless 48621  
of whether a waiver was granted for the student under division 48622  
(P)(3) of section 3314.08 of the Revised Code. The school shall 48623  
report any such student's data verification code, as assigned 48624  
pursuant to section 3301.0714 of the Revised Code, to the 48625  
department of education. The department shall maintain a list of 48626  
all data verification codes reported under this division and 48627  
section 3313.6410 of the Revised Code and provide that list to 48628  
each internet- or computer-based community school and to each 48629  
school to which section 3313.6410 of the Revised Code applies. 48630  
Each internet- or computer-based school shall withdraw a student 48631  
under this section not later than the end of the second 48632  
consecutive school year in which the student has failed to 48633  
participate in the spring administration of assessments as 48634  
specified under this section. 48635

(B) No internet- or computer-based community school shall 48636  
receive any state funds under this chapter for any enrolled 48637  
student whose data verification code appears on the list 48638  
maintained by the department under division (A) of this section. 48639

Notwithstanding any provision of the Revised Code to the 48640  
contrary, the parent of any such student shall pay tuition to the 48641  
internet- or computer-based community school in an amount equal to 48642  
the state funds the school otherwise would receive for that 48643  
student, as determined by the department. An internet- or 48644

computer-based community school may withdraw any student for whom 48645  
the parent does not pay tuition as required by this division. 48646

~~Sec. 3314.35. (A)(1) Except as provided in division (A)(3) of 48647  
this section, this section applies to any community school that 48648  
meets one of the following criteria after July 1, 2008, but before 48649  
July 1, 2009:~~ 48650

~~(a) The school does not offer a grade level higher than three 48651  
and has been declared to be in a state of academic emergency under 48652  
section 3302.03 of the Revised Code for four consecutive school 48653  
years.~~ 48654

~~(b) The school satisfies all of the following conditions:~~ 48655

~~(i) The school offers any of grade levels four to eight but 48656  
does not offer a grade level higher than nine.~~ 48657

~~(ii) The school has been declared to be in a state of 48658  
academic emergency under section 3302.03 of the Revised Code for 48659  
three consecutive school years.~~ 48660

~~(iii) For two of those school years, the school showed less 48661  
than one standard year of academic growth in either reading or 48662  
mathematics, as determined by the department of education in 48663  
accordance with rules adopted under division (A) of section 48664  
3302.021 of the Revised Code.~~ 48665

~~(c) The school satisfies all of the following conditions:~~ 48666

~~(i) The school offers any of grade levels ten to twelve.~~ 48667

~~(ii) The school has been declared to be in a state of 48668  
academic emergency under section 3302.03 of the Revised Code for 48669  
three consecutive school years.~~ 48670

~~(iii) For two of those school years, the school showed less 48671  
than two standard years of academic growth in either reading or 48672  
mathematics, as determined by the department in accordance with 48673~~

~~rules adopted under division (A) of section 3302.021 of the~~ 48674  
~~Revised Code.~~ 48675

~~(2) Except as provided in division (A)(3) of this section,~~ 48676  
this section applies to any community school that meets one of the 48677  
following criteria after July 1, 2009, but before July 1, 2011: 48678

(a) The school does not offer a grade level higher than three 48679  
and has been declared to be in a state of academic emergency under 48680  
section 3302.03 of the Revised Code for three of the four most 48681  
recent school years. 48682

(b) The school satisfies all of the following conditions: 48683

(i) The school offers any of grade levels four to eight but 48684  
does not offer a grade level higher than nine. 48685

(ii) The school has been declared to be in a state of 48686  
academic emergency under section 3302.03 of the Revised Code for 48687  
two of the three most recent school years. 48688

(iii) In at least two of the three most recent school years, 48689  
the school showed less than one standard year of academic growth 48690  
in either reading or mathematics, as determined by the department 48691  
of education in accordance with rules adopted under division (A) 48692  
of section 3302.021 of the Revised Code. 48693

(c) The school offers any of grade levels ten to twelve and 48694  
has been declared to be in a state of academic emergency under 48695  
section 3302.03 of the Revised Code for three of the four most 48696  
recent school years. 48697

(2) Except as provided in division (A)(3) of this section, 48698  
this section applies to any community school that meets one of the 48699  
following criteria after July 1, 2011: 48700

(a) The school does not offer a grade level higher than three 48701  
and has been declared to be in a state of academic emergency under 48702  
section 3302.03 of the Revised Code for two of the three most 48703

<u>recent school years.</u>	48704
<u>(b) The school satisfies all of the following conditions:</u>	48705
<u>(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.</u>	48706 48707
<u>(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.</u>	48708 48709 48710
<u>(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.</u>	48711 48712 48713 48714 48715
<u>(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.</u>	48716 48717 48718 48719
(3) This section does not apply to either of the following:	48720
(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver under section 3314.36 of the Revised Code;	48721 48722 48723 48724
(b) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code.	48725 48726 48727 48728
(B) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under	48729 48730 48731 48732 48733

division (E) of section 3314.015 of the Revised Code. The 48734  
governing authority of the school shall not enter into a contract 48735  
with any other sponsor under section 3314.03 of the Revised Code 48736  
after the school closes. 48737

~~(C) Not later than July 1, 2008, the department shall 48738  
determine the feasibility of using the value added progress 48739  
dimension, as defined in section 3302.01 of the Revised Code, as a 48740  
factor in evaluating the academic performance of community schools 48741  
described in division (A)(1)(c)(i) of this section. 48742  
Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, 48743  
if the department determines that using the value added progress 48744  
dimension to evaluate community schools described in division 48745  
(A)(1)(c)(i) of this section is not feasible, a community school 48746  
described in that division shall be required to permanently close 48747  
under this section only if it has been declared to be in a state 48748  
of academic emergency under section 3302.03 of the Revised Code 48749  
for four consecutive school years. 48750~~

~~(D) In accordance with division (B) of section 3314.012 of 48751  
the Revised Code, the department shall not consider the 48752  
performance ratings assigned to a community school for its first 48753  
two years of operation when determining whether the school meets 48754  
the criteria prescribed by division (A)(1) or (2) of this section. 48755  
The department shall reevaluate each community school that the 48756  
department directed to close at the conclusion of the 2009-2010 48757  
school year to determine if the school still meets the criteria 48758  
prescribed by division (A)(2) of this section when the school's 48759  
performance ratings for its first two years of operation are not 48760  
considered and, if the school no longer meets those criteria, the 48761  
department shall not require the school to close at the conclusion 48762  
of that school year. 48763~~

**Sec. 3314.36.** (A) Section 3314.35 of the Revised Code does 48764

not apply to any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver by the department of education. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:

(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.

(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.

(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board of education under division ~~(E)~~(D)(6) of section 3301.0712 of the Revised Code, division (B)(2) of that section.

(4) The program develops an individual career plan for the student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.

(5) The program provides counseling and support for the student related to the plan developed under division (A)(4) of this section during the remainder of the student's high school experience.

(6) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board of education



under section 3301.079 of the Revised Code will be taught and 48796  
assessed. 48797

If the department does not act either to grant the waiver or 48798  
to reject the program application for the waiver within sixty days 48799  
as required under this section, the waiver shall be considered to 48800  
be granted. 48801

(B) Notwithstanding division (A) of this section, the 48802  
department shall not grant a waiver to any community school that 48803  
did not qualify for a waiver under this section when it initially 48804  
began operations, unless the state board of education approves the 48805  
waiver. 48806

Sec. 3314.38. An individual who is at least twenty-two but 48807  
younger than thirty years of age and who has not been awarded a 48808  
high school diploma or a certificate of high school equivalence, 48809  
as defined in section 4109.06 of the Revised Code, may enroll in a 48810  
dropout prevention and recovery program operated by a community 48811  
school that has been granted a waiver under section 3314.36 of the 48812  
Revised Code for the same educational program offered to students 48813  
who are entitled to attend school in a school district under 48814  
section 3313.64 or 3313.65 of the Revised Code for up to two 48815  
cumulative school years. The community school shall include that 48816  
individual in the school's student enrollment reported under 48817  
division (B) of section 3314.08 of the Revised Code. The community 48818  
school shall receive the amounts attributable to the individual's 48819  
enrollment prescribed by division (D) of section 3314.08 of the 48820  
Revised Code paid from funds specifically appropriated for that 48821  
purpose. 48822

Sec. 3314.50. If the governing authority of a community 48823  
school contracts with an operator, all of the following shall 48824  
apply: 48825

(A) The governing authority may delegate any or all of the rights, duties, and responsibilities of the governing authority to the operator. 48826  
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(B) Upon the expiration of the contract, the governing authority shall offer the operator the opportunity to renew the contract prior to soliciting services from any other operator. 48829  
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(C) The operator shall have standing to bring an action or proceeding in any court concerning the school's operations or the renewal, nonrenewal, or termination of the governing authority's contract with the school's sponsor entered into under section 3314.03 of the Revised Code, or to appear in any such action or proceeding. 48832  
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**Sec. 3315.01.** (A) Except as provided in division (B) of this section and notwithstanding sections 3315.12 and 3315.14 of the Revised Code, the board of education of any school district may adopt a resolution requiring the treasurer of the district to credit the earnings made on the investment of the principal of the moneys specified in the resolution to the fund from which the earnings arose or any other fund of the district as the board specifies in its resolution. 48838  
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(B) This section does not apply to the earnings made on the investment of the bond retirement fund, the sinking fund, a project construction fund established pursuant to sections 3318.01 to 3318.20 of the Revised Code, or the payments received by school districts pursuant to division ~~(I)~~(E) of section 3317.024 of the Revised Code. 48846  
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**Sec. 3316.041.** (A) Notwithstanding any provision of Chapter 133. or sections 3313.483 to 3313.4811 of the Revised Code, and subject to the approval of the superintendent of public instruction, a school district that is in a state of fiscal watch 48852  
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48854  
48855

declared under section 3316.03 of the Revised Code may restructure 48856  
or refinance loans obtained or in the process of being obtained 48857  
under section 3313.483 of the Revised Code if all of the following 48858  
requirements are met: 48859

(1) The operating deficit certified for the school district 48860  
for the current or preceding fiscal year under section 3313.483 of 48861  
the Revised Code exceeds fifteen per cent of the district's 48862  
general revenue fund for the fiscal year preceding the year for 48863  
which the certification of the operating deficit is made. 48864

(2) The school district voters have, during the period of the 48865  
fiscal watch, approved the levy of a tax under section 718.09, 48866  
718.10, 5705.194, 5705.21, or 5748.02 of the Revised Code that is 48867  
not a renewal or replacement levy, or a levy under section 48868  
5705.199 of the Revised Code, and that will provide new operating 48869  
revenue. 48870

(3) The board of education of the school district has adopted 48871  
or amended the financial plan required by section 3316.04 of the 48872  
Revised Code to reflect the restructured or refinanced loans, and 48873  
sets forth the means by which the district will bring projected 48874  
operating revenues and expenditures, and projected debt service 48875  
obligations, into balance for the life of any such loan. 48876

(B) Subject to the approval of the superintendent of public 48877  
instruction, the school district may issue securities to evidence 48878  
the restructuring or refinancing authorized by this section. Such 48879  
securities may extend the original period for repayment not to 48880  
exceed ten years, and may alter the frequency and amount of 48881  
repayments, interest or other financing charges, and other terms 48882  
or agreements under which the loans were originally contracted, 48883  
provided the loans received under sections 3313.483 of the Revised 48884  
Code are repaid from funds the district would otherwise receive 48885  
under Chapter ~~3306~~. 3317, of the Revised Code, as required under 48886  
division (E)(3) of section 3313.483 of the Revised Code. 48887

Securities issued for the purpose of restructuring or refinancing 48888  
under this section shall be repaid in equal payments and at equal 48889  
intervals over the term of the debt and are not eligible to be 48890  
included in any subsequent proposal to restructure or refinance. 48891

(C) Unless the district is declared to be in a state of 48892  
fiscal emergency under division (D) of section 3316.04 of the 48893  
Revised Code, a school district shall remain in a state of fiscal 48894  
watch for the duration of the repayment period of any loan 48895  
restructured or refinanced under this section. 48896

**Sec. 3316.06.** (A) Within one hundred twenty days after the 48897  
first meeting of a school district financial planning and 48898  
supervision commission, the commission shall adopt a financial 48899  
recovery plan regarding the school district for which the 48900  
commission was created. During the formulation of the plan, the 48901  
commission shall seek appropriate input from the school district 48902  
board and from the community. This plan shall contain the 48903  
following: 48904

(1) Actions to be taken to: 48905

(a) Eliminate all fiscal emergency conditions declared to 48906  
exist pursuant to division (B) of section 3316.03 of the Revised 48907  
Code; 48908

(b) Satisfy any judgments, past-due accounts payable, and all 48909  
past-due and payable payroll and fringe benefits; 48910

(c) Eliminate the deficits in all deficit funds, except that 48911  
any prior year deficits in the capital and maintenance fund 48912  
established pursuant to section 3315.18 of the Revised Code shall 48913  
be forgiven; 48914

(d) Restore to special funds any moneys from such funds that 48915  
were used for purposes not within the purposes of such funds, or 48916  
borrowed from such funds by the purchase of debt obligations of 48917

the school district with the moneys of such funds, or missing from 48918  
the special funds and not accounted for, if any; 48919

(e) Balance the budget, avoid future deficits in any funds, 48920  
and maintain on a current basis payments of payroll, fringe 48921  
benefits, and all accounts; 48922

(f) Avoid any fiscal emergency condition in the future; 48923

(g) Restore the ability of the school district to market 48924  
long-term general obligation bonds under provisions of law 48925  
applicable to school districts generally. 48926

(2) The management structure that will enable the school 48927  
district to take the actions enumerated in division (A)(1) of this 48928  
section. The plan shall specify the level of fiscal and management 48929  
control that the commission will exercise within the school 48930  
district during the period of fiscal emergency, and shall 48931  
enumerate respectively, the powers and duties of the commission 48932  
and the powers and duties of the school board during that period. 48933  
The commission may elect to assume any of the powers and duties of 48934  
the school board it considers necessary, including all powers 48935  
related to personnel, curriculum, and legal issues in order to 48936  
successfully implement the actions described in division (A)(1) of 48937  
this section. 48938

(3) The target dates for the commencement, progress upon, and 48939  
completion of the actions enumerated in division (A)(1) of this 48940  
section and a reasonable period of time expected to be required to 48941  
implement the plan. The commission shall prepare a reasonable time 48942  
schedule for progress toward and achievement of the requirements 48943  
for the plan, and the plan shall be consistent with that time 48944  
schedule. 48945

(4) The amount and purpose of any issue of debt obligations 48946  
that will be issued, together with assurances that any such debt 48947  
obligations that will be issued will not exceed debt limits 48948

supported by appropriate certifications by the fiscal officer of 48949  
the school district and the county auditor. Debt obligations 48950  
issued pursuant to section 133.301 of the Revised Code shall 48951  
include assurances that such debt shall be in an amount not to 48952  
exceed the amount certified under division (B) of such section. If 48953  
the commission considers it necessary in order to maintain or 48954  
improve educational opportunities of pupils in the school 48955  
district, the plan may include a proposal to restructure or 48956  
refinance outstanding debt obligations incurred by the board under 48957  
section 3313.483 of the Revised Code contingent upon the approval, 48958  
during the period of the fiscal emergency, by district voters of a 48959  
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 48960  
5748.02, or 5748.08 of the Revised Code that is not a renewal or 48961  
replacement levy, or a levy under section 5705.199 of the Revised 48962  
Code, and that will provide new operating revenue. Notwithstanding 48963  
any provision of Chapter 133. or sections 3313.483 to 3313.4811 of 48964  
the Revised Code, following the required approval of the district 48965  
voters and with the approval of the commission, the school 48966  
district may issue securities to evidence the restructuring or 48967  
refinancing. Those securities may extend the original period for 48968  
repayment, not to exceed ten years, and may alter the frequency 48969  
and amount of repayments, interest or other financing charges, and 48970  
other terms of agreements under which the debt originally was 48971  
contracted, at the discretion of the commission, provided that any 48972  
loans received pursuant to section 3313.483 of the Revised Code 48973  
shall be paid from funds the district would otherwise receive 48974  
under Chapter ~~3306~~ 3317. of the Revised Code, as required under 48975  
division (E)(3) of section 3313.483 of the Revised Code. The 48976  
securities issued for the purpose of restructuring or refinancing 48977  
the debt shall be repaid in equal payments and at equal intervals 48978  
over the term of the debt and are not eligible to be included in 48979  
any subsequent proposal for the purpose of restructuring or 48980  
refinancing debt under this section. 48981

(B) Any financial recovery plan may be amended subsequent to 48982  
its adoption. Each financial recovery plan shall be updated 48983  
annually. 48984

(C) Each school district financial planning and supervision 48985  
commission shall submit the financial recovery plan it adopts or 48986  
updates under this section to the state superintendent of public 48987  
instruction for approval immediately following its adoption or 48988  
updating. The state superintendent shall evaluate the plan and 48989  
either approve or disapprove it within thirty calendar days from 48990  
the date of its submission. If the plan is disapproved, the state 48991  
superintendent shall recommend modifications that will render it 48992  
acceptable. No financial planning and supervision commission shall 48993  
implement a financial recovery plan that is adopted or updated on 48994  
or after April 10, 2001, unless the state superintendent has 48995  
approved it. 48996

**Sec. 3316.20.** (A)(1) The school district solvency assistance 48997  
fund is hereby created in the state treasury, to consist of such 48998  
amounts designated for the purposes of the fund by the general 48999  
assembly. The fund shall be used to provide assistance and grants 49000  
to school districts to enable them to remain solvent and to pay 49001  
unforeseeable expenses of a temporary or emergency nature that 49002  
they are unable to pay from existing resources. 49003

(2) There is hereby created within the fund an account known 49004  
as the school district shared resource account, which shall 49005  
consist of money appropriated to it by the general assembly. The 49006  
money in the account shall be used solely for solvency assistance 49007  
to school districts that have been declared under division (B) of 49008  
section 3316.03 of the Revised Code to be in a state of fiscal 49009  
emergency. 49010

(3) There is hereby created within the fund an account known 49011  
as the catastrophic expenditures account, which shall consist of 49012

money appropriated to the account by the general assembly plus all 49013  
investment earnings of the fund. Money in the account shall be 49014  
used solely for the following: 49015

(a) Solvency assistance to school districts that have been 49016  
declared under division (B) of section 3316.03 of the Revised Code 49017  
to be in a state of fiscal emergency, in the event that all money 49018  
in the shared resource account is utilized for solvency 49019  
assistance; 49020

(b) Grants to school districts under division (C) of this 49021  
section. 49022

(B) Solvency assistance payments under division (A)(2) or 49023  
(3)(a) of this section shall be made from the fund by the 49024  
superintendent of public instruction in accordance with rules 49025  
adopted by the director of budget and management, after consulting 49026  
with the superintendent, specifying approval criteria and 49027  
procedures necessary for administering the fund. 49028

The fund shall be reimbursed for any solvency assistance 49029  
amounts paid under division (A)(2) or (3)(a) of this section not 49030  
later than the end of the second fiscal year following the fiscal 49031  
year in which the solvency assistance payment was made. If not 49032  
made directly by the school district, such reimbursement shall be 49033  
made by the director of budget and management from the amounts the 49034  
school district would otherwise receive pursuant to Chapter ~~3306-~~ 49035  
3317 of the Revised Code, or from any other funds appropriated 49036  
for the district by the general assembly. Reimbursements shall be 49037  
credited to the respective account from which the solvency 49038  
assistance paid to the district was deducted. 49039

(C) The superintendent of public instruction may make 49040  
recommendations, and the controlling board may grant money from 49041  
the catastrophic expenditures account to any school district that 49042  
suffers an unforeseen catastrophic event that severely depletes 49043



the district's financial resources. The superintendent shall make 49044  
recommendations for the grants in accordance with rules adopted by 49045  
the director of budget and management, after consulting with the 49046  
superintendent. A school district shall not be required to repay 49047  
any grant awarded to the district under this division, unless the 49048  
district receives money from this state or a third party, 49049  
including an agency of the government of the United States, 49050  
specifically for the purpose of compensating the district for 49051  
revenue lost or expenses incurred as a result of the unforeseen 49052  
catastrophic event. If a school district receives a grant from the 49053  
catastrophic expenditures account on the basis of the same 49054  
circumstances for which an adjustment or recomputation is 49055  
authorized under section 3317.025, 3317.026, 3317.027, 3317.028, 49056  
3317.0210, or 3317.0211 of the Revised Code, the department of 49057  
education shall reduce the adjustment or recomputation by an 49058  
amount not to exceed the total amount of the grant, and an amount 49059  
equal to the reduction shall be transferred, from the funding 49060  
source from which the adjustment or recomputation would be paid, 49061  
to the catastrophic expenditures account. Any adjustment or 49062  
recomputation under such sections that is in excess of the total 49063  
amount of the grant shall be paid to the school district. 49064

Sec. 3316.21. (A) If a school district has been declared to 49065  
be in a state of fiscal emergency by the auditor of state under 49066  
section 3316.03 of the Revised Code, and if the auditor of state 49067  
has further determined upon examination of the district's 49068  
financial recovery plan that implementing that plan cannot 49069  
reasonably be expected to correct and eliminate all of the 49070  
district's fiscal emergency conditions within five fiscal years, 49071  
the auditor of state shall notify the superintendent of public 49072  
instruction of that determination. 49073

(B) Not later than ninety days after the state superintendent 49074  
receives the auditor of state's notification under division (A) of 49075

this section, the state superintendent shall develop an operations 49076  
plan for the district and submit that plan to the state board of 49077  
education for approval. Upon approval of the plan, the state board 49078  
shall suspend the charter of the district and shall take over the 49079  
operation of the district. The state board shall continue to 49080  
operate the school district until such time as the district's 49081  
board and its financial planning and supervision commission submit 49082  
an acceptable financial recovery plan to the state superintendent 49083  
and the auditor of state has determined that the district does 49084  
have a plan that can reasonably be expected to correct and 49085  
eliminate the district's fiscal emergency conditions within five 49086  
fiscal years. 49087

(C) While the state board is operating the district, all of 49088  
the following apply: 49089

(1) The state board shall exercise all powers granted to the 49090  
school district board under the Revised Code for management and 49091  
control of the schools of the district, except for the power to 49092  
propose property tax or school district income tax levies under 49093  
Title LVII of the Revised Code, and shall carry out such powers in 49094  
the place of the district board. 49095

(2) Subject to approval of the state board, the district 49096  
board shall continue to propose tax levies necessary to operate 49097  
the district and to resolve the district's fiscal emergency 49098  
conditions. 49099

(3) Employees and officers of the district shall be deemed 49100  
employees of the state board. 49101

(4) The state board may delegate any management and control 49102  
functions of the district to the district's financial planning and 49103  
supervision commission. 49104

(5) The state board shall not revoke the charter of the 49105  
district or transfer its territory to other districts. 49106

Sec. 3317.01. As used in this section ~~and section 3317.011 of~~ 49107  
~~the Revised Code,~~ "school district," unless otherwise specified, 49108  
means any city, local, exempted village, joint vocational, or 49109  
cooperative education school district and any educational service 49110  
center. 49111

This chapter shall be administered by the state board of 49112  
education. The superintendent of public instruction shall 49113  
calculate the amounts payable to each school district and shall 49114  
certify the amounts payable to each eligible district to the 49115  
treasurer of the district as provided by this chapter. As soon as 49116  
possible after such amounts are calculated, the superintendent 49117  
shall certify to the treasurer of each school district the 49118  
district's adjusted charge-off increase, as defined in section 49119  
5705.211 of the Revised Code. No moneys shall be distributed 49120  
pursuant to this chapter without the approval of the controlling 49121  
board. 49122

The state board of education shall, in accordance with 49123  
appropriations made by the general assembly, meet the financial 49124  
obligations of this chapter. 49125

Moneys distributed pursuant to this chapter shall be 49126  
calculated and paid on a fiscal year basis, beginning with the 49127  
first day of July and extending through the thirtieth day of June. 49128  
The moneys appropriated for each fiscal year shall be distributed 49129  
periodically to each school district unless otherwise provided 49130  
for. The state board, in June of each year, shall submit ~~a yearly~~ 49131  
~~distribution plan~~ to the controlling board ~~at its first meeting in~~ 49132  
~~July. The state board shall submit any proposed midyear revision~~ 49133  
~~of the plan to the controlling board in January. Any year end~~ 49134  
~~revision of the plan shall be submitted to the controlling board~~ 49135  
~~in June. If moneys appropriated for each fiscal year are~~ 49136  
~~distributed other than monthly, such distribution shall be on the~~ 49137

~~same basis for each school district the state board's year-end~~ 49138  
~~distributions pursuant to this chapter.~~ 49139

Except as otherwise provided, payments under this chapter 49140  
shall be made only to those school districts in which: 49141

(A) The school district, except for any educational service 49142  
center and any joint vocational or cooperative education school 49143  
district, levies for current operating expenses at least twenty 49144  
mills. Levies for joint vocational or cooperative education school 49145  
districts or county school financing districts, limited to or to 49146  
the extent apportioned to current expenses, shall be included in 49147  
this qualification requirement. School district income tax levies 49148  
under Chapter 5748. of the Revised Code, limited to or to the 49149  
extent apportioned to current operating expenses, shall be 49150  
included in this qualification requirement to the extent 49151  
determined by the tax commissioner under division (D) of section 49152  
3317.021 of the Revised Code. 49153

(B) The school year next preceding the fiscal year for which 49154  
such payments are authorized meets the requirement of section 49155  
3313.48 or 3313.481 of the Revised Code, with regard to the 49156  
minimum number of days or hours school must be open for 49157  
instruction with pupils in attendance, for individualized 49158  
parent-teacher conference and reporting periods, and for 49159  
professional meetings of teachers. This requirement shall be 49160  
waived by the superintendent of public instruction if it had been 49161  
necessary for a school to be closed because of disease epidemic, 49162  
hazardous weather conditions, inoperability of school buses or 49163  
other equipment necessary to the school's operation, damage to a 49164  
school building, or other temporary circumstances due to utility 49165  
failure rendering the school building unfit for school use, 49166  
provided that for those school districts operating pursuant to 49167  
section 3313.48 of the Revised Code the number of days the school 49168  
was actually open for instruction with pupils in attendance and 49169

for individualized parent-teacher conference and reporting periods 49170  
is not less than one hundred seventy-five, or for those school 49171  
districts operating on a trimester plan the number of days the 49172  
school was actually open for instruction with pupils in attendance 49173  
not less than seventy-nine days in any trimester, for those school 49174  
districts operating on a quarterly plan the number of days the 49175  
school was actually open for instruction with pupils in attendance 49176  
not less than fifty-nine days in any quarter, or for those school 49177  
districts operating on a pentamester plan the number of days the 49178  
school was actually open for instruction with pupils in attendance 49179  
not less than forty-four days in any pentamester. 49180

A school district shall not be considered to have failed to 49181  
comply with this division or section 3313.481 of the Revised Code 49182  
because schools were open for instruction but either twelfth grade 49183  
students were excused from attendance for up to three days or only 49184  
a portion of the kindergarten students were in attendance for up 49185  
to three days in order to allow for the gradual orientation to 49186  
school of such students. 49187

The superintendent of public instruction shall waive the 49188  
requirements of this section with reference to the minimum number 49189  
of days or hours school must be in session with pupils in 49190  
attendance for the school year succeeding the school year in which 49191  
a board of education initiates a plan of operation pursuant to 49192  
section 3313.481 of the Revised Code. The minimum requirements of 49193  
this section shall again be applicable to such a district 49194  
beginning with the school year commencing the second July 49195  
succeeding the initiation of one such plan, and for each school 49196  
year thereafter. 49197

A school district shall not be considered to have failed to 49198  
comply with this division or section 3313.48 or 3313.481 of the 49199  
Revised Code because schools were open for instruction but the 49200  
length of the regularly scheduled school day, for any number of 49201

days during the school year, was reduced by not more than two 49202  
hours due to hazardous weather conditions. 49203

~~(C) The school district has on file, and is paying in 49204  
accordance with, a teachers' salary schedule which complies with 49205  
section 3317.13 of the Revised Code. 49206~~

A board of education or governing board of an educational 49207  
service center which has not conformed with other law and the 49208  
rules pursuant thereto, shall not participate in the distribution 49209  
of funds authorized by ~~sections 3317.022 to 3317.0211, 3317.11, 49210  
3317.16, 3317.17, and 3317.19 of the Revised Code~~ this chapter, 49211  
except for good and sufficient reason established to the 49212  
satisfaction of the state board of education and the state 49213  
controlling board. 49214

All funds allocated to school districts under this chapter, 49215  
except those specifically allocated for other purposes, shall be 49216  
used to pay current operating expenses only. 49217

**Sec. 3317.013.** Except for a preschool child with a disability 49218  
for whom a scholarship has been awarded under section 3310.41 of 49219  
the Revised Code, this section does not apply to preschool 49220  
children with disabilities. 49221

Analysis of special education cost data has resulted in a 49222  
finding that the average special education additional cost per 49223  
pupil, including the costs of related services, can be expressed 49224  
as a multiple of the ~~base cost per pupil calculated under section 49225  
3317.012 of the Revised Code~~ formula amount. The multiples for the 49226  
following categories of special education programs, as these 49227  
programs are defined for purposes of Chapter 3323. of the Revised 49228  
Code, and adjusted as provided in this section, are as follows: 49229

(A) A multiple of ~~0.2892~~ 0.2906 for students whose primary or 49230  
only identified disability is a speech and language disability, as 49231

this term is defined pursuant to Chapter 3323. of the Revised Code; 49232  
49233

(B) A multiple of ~~0.3691~~ 0.7374 for students identified as specific learning disabled or developmentally disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-minor; 49234  
49235  
49236  
49237

(C) A multiple of ~~1.7695~~ 1.7716 for students identified as hearing disabled, ~~vision impaired,~~ or severe behavior disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code; 49238  
49239  
49240  
49241

(D) A multiple of ~~2.3646~~ 2.3643 for students identified as ~~orthopedically disabled~~ vision impaired, as this term is defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-major; 49242  
49243  
49244  
49245

(E) A multiple of ~~3.1129~~ 3.2022 for students identified as orthopedically disabled or as having multiple disabilities, as ~~this term is~~ these terms are defined pursuant to Chapter 3323. of the Revised Code; 49246  
49247  
49248  
49249

(F) A multiple of ~~4.7342~~ 4.7205 for students identified as autistic, having traumatic brain injuries, or as both visually and hearing impaired, as these terms are defined pursuant to Chapter 3323. of the Revised Code. 49250  
49251  
49252  
49253

In fiscal years 2008, 2009, 2010, ~~and~~ 2011, 2012, and 2013, the multiples specified in divisions (A) to (F) of this section shall be adjusted by multiplying them by 0.90. 49254  
49255  
49256

~~Not later than the thirtieth day of December in 2007, 2008, and 2009, the department of education shall submit to the office of budget and management a report that specifies for each city, local, exempted village, and joint vocational school district the fiscal year allocation of the state and local shares of special education and related services additional weighted funding and~~ 49257  
49258  
49259  
49260  
49261  
49262

~~federal special education funds passed through to the district.~~ 49263

**Sec. 3317.014.** The ~~average~~ vocational education additional 49264  
cost per pupil can be expressed as a multiple of the ~~base cost per~~ 49265  
~~pupil calculated under section 3317.012 of the Revised Code~~ 49266  
formula amount. The multiples for the following categories of 49267  
vocational education programs are as follows: 49268

(A) A multiple of 0.57 for students enrolled in vocational 49269  
education job-training and workforce development programs approved 49270  
by the department of education in accordance with rules adopted 49271  
under section 3313.90 of the Revised Code. 49272

(B) A multiple of 0.28 for students enrolled in vocational 49273  
education classes other than job-training and workforce 49274  
development programs. 49275

Vocational education associated services costs can be 49276  
expressed as a multiple of 0.05 of the ~~base cost per pupil~~ 49277  
~~calculated under section 3317.012 of the Revised Code~~ formula 49278  
amount. 49279

~~By the thirtieth day of each December, the department of~~ 49280  
~~education shall report to the office of budget and management and~~ 49281  
~~the general assembly the amount of weighted funding for vocational~~ 49282  
~~education and associated services that was spent by each city,~~ 49283  
~~local, exempted village, and joint vocational school district~~ 49284  
~~specifically for vocational educational and associated services~~ 49285  
~~during the previous fiscal year.~~ 49286

**Sec. 3317.018.** (A) The department of education shall make no 49287  
calculations or payments under ~~Chapter 3317. of the Revised Code~~ 49288  
this chapter for any fiscal year except as prescribed in this 49289  
section. The payments authorized under this section are in 49290  
addition to payments computed and paid for fiscal years 2012 and 49291  
2013 under the section of H.B. 153 of the 129th general assembly 49292



entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS." 49293  
49294

(B) School districts shall report student enrollment data as 49295  
prescribed by section 3317.03 of the Revised Code, which data the 49296  
department shall use to make payments under ~~Chapters 3306. and~~ 49297  
~~3317. of the Revised Code.~~ this chapter and the section of H.B. 49298  
153 of the 129th general assembly entitled "FUNDING FOR CITY, 49299  
EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS." 49300

(C) The tax commissioner shall report data regarding tax 49301  
valuation and receipts for school districts as prescribed by 49302  
sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 49303  
3317.028, 3317.0210, 3317.0211, and 3317.08 and by division ~~(M)~~(K) 49304  
of section 3317.02 of the Revised Code, which data the department 49305  
shall use to make payments under ~~Chapters 3306. and 3317. of the~~ 49306  
~~Revised Code.~~ this chapter and the section of H.B. 153 of the 49307  
129th general assembly entitled "FUNDING FOR CITY, EXEMPTED 49308  
VILLAGE, AND LOCAL SCHOOL DISTRICTS." 49309

(D) Unless otherwise specified by another provision of law, 49310  
~~in addition to the payments prescribed by Chapter 3306. of the~~ 49311  
~~Revised Code,~~ the department shall continue to make payments to or 49312  
adjustments for school districts in fiscal years after fiscal year 49313  
2009 under the following provisions of ~~Chapter 3317. of the~~ 49314  
~~Revised Code~~ this chapter: 49315

(1) The catastrophic cost reimbursement under division (C)(3) 49316  
of section 3317.022 of the Revised Code; however, when computing 49317  
that payment, the department shall use the disability categories 49318  
and multiples specified in section 3317.013 of the Revised Code as 49319  
that section existed prior to the effective date of this 49320  
amendment. No other payments shall be made under ~~that~~ section 49321  
3317.022 of the Revised Code. 49322

(2) All payments or adjustments under section 3317.023 of the 49323

~~Revised Code, except no payments or adjustments shall be made~~ 49324  
~~under divisions (B), (C), and (D) of that section.;~~ 49325

(3) All payments or adjustments under section 3317.024 of the 49326  
Revised Code, ~~except no payments or adjustments shall be made~~ 49327  
~~under divisions (F) and (N) of that section for fiscal years after~~ 49328  
~~fiscal year 2009 or under division (L) of that section for fiscal~~ 49329  
~~years 2010 and 2011.;~~ 49330

(4) All payments and adjustments under sections 3317.025, 49331  
3317.026, 3317.027, 3317.028, 3317.0210, and 3317.0211 of the 49332  
Revised Code; 49333

~~(5) Payments under section 3317.04 of the Revised Code;~~ 49334

~~(6)~~ Unit payments under sections 3317.05, 3317.051, 3317.052, 49335  
and 3317.053 of the Revised Code, except that no units for gifted 49336  
funding are authorized ~~for~~ after fiscal years ~~2010 and 2011 year~~ 49337  
2009. 49338

~~(7)~~(6) Payments under sections 3317.06, 3317.063, and 49339  
3317.064 of the Revised Code; 49340

~~(8) Payments under section 3317.07 of the Revised Code;~~ 49341

~~(9)~~(7) Payments to educational service centers under section 49342  
3317.11 of the Revised Code; 49343

~~(10)~~(8) The catastrophic cost reimbursement under division 49344  
(E) of section 3317.16 of the Revised Code and excess cost 49345  
reimbursements under division (G) of that section; however, when 49346  
computing that payment, the department shall use the disability 49347  
categories and multiples specified in section 3317.013 of the 49348  
Revised Code as that section existed prior to the effective date 49349  
of this amendment. No other payments shall be made under ~~that~~ 49350  
section; 3317.16 of the Revised Code. 49351

~~(11) Payments under section 3317.17 of the Revised Code;~~ 49352

~~(12)~~(9) Adjustments under section 3317.18 of the Revised 49353

Code;	49354
<del>(13)</del> (10) Payments to cooperative education school districts under section 3317.19 of the Revised Code;	49355 49356
<del>(14)</del> (11) Payments to county <del>MR/DD</del> <u>DD</u> boards under section 3317.20 of the Revised Code;	49357 49358
<del>(15)</del> (12) Payments to state institutions for weighted special education funding under section 3317.201 of the Revised Code.	49359 49360
(E) <del>Sections 3317.016 and 3317.017 shall not apply to fiscal years after fiscal year 2009.</del>	49361 49362
<del>(F)</del> This section does not affect the provisions of sections 3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 3317.081, 3317.082, 3317.09, 3317.12, 3317.13, 3317.14, <u>3317.141</u> , 3317.15, 3317.50, <u>and</u> 3317.51, <del>3317.62, 3317.63, and 3317.64</del> of the Revised Code.	49363 49364 49365 49366 49367
<u>(F) The department shall make no payments for fiscal years 2012 or 2013 under section 3317.0212 of the Revised Code.</u>	49368 49369
<b>Sec. 3317.02.</b> As used in this chapter:	49370
(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.	49371 49372
(B) "Formula amount" means <del>\$5,732</del> <u>\$5,653</u> for fiscal year <del>2010</del> <u>2012</u> and fiscal year <del>2011</del> <u>2013</u> .	49373 49374
(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM.	49375 49376 49377 49378 49379 49380 49381 49382

(D)(1) "Formula ADM" means, for a city, local, or exempted village school district, ~~"formula ADM" as defined in section 3306.02 of the Revised Code.~~ the average daily membership described in division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical educational compact.

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section. ~~For purposes of the calculation of payments to or adjustments for a city, exempted village, local, or joint vocational school district under this chapter or under Chapter 3306. of the Revised Code, calculations required under Chapter 3318. of the Revised Code, or adjustments required under Chapter 3365. of the Revised Code, the department of education shall use the district's formula ADM for the previous fiscal year, unless the district's average daily membership reported and verified for the current fiscal year is at least two per cent greater than the formula ADM reported for the previous fiscal year, in which case the department shall use the district's formula ADM for the current fiscal year.~~

(E) "Three-year average formula ADM" means the average of formula ADMs for the preceding three fiscal years.

(F)(1) "Category one special education ADM" means the average 49415  
daily membership of children with disabilities receiving special 49416  
education services for the disability specified in division 49417  
~~(D)(1)(A)~~ of section ~~3306.02~~ 3317.013 of the Revised Code and 49418  
reported under division (B)(5) or (D)(2)(b) of section 3317.03 of 49419  
the Revised Code. 49420

(2) "Category two special education ADM" means the average 49421  
daily membership of children with disabilities receiving special 49422  
education services for those disabilities specified in division 49423  
~~(D)(2)(B)~~ of section ~~3306.02~~ 3317.013 of the Revised Code and 49424  
reported under division (B)(6) or (D)(2)(c) of section 3317.03 of 49425  
the Revised Code. 49426

(3) "Category three special education ADM" means the average 49427  
daily membership of students receiving special education services 49428  
for those disabilities specified in division ~~(D)(3)(C)~~ of section 49429  
~~3306.02~~ 3317.013 of the Revised Code, and reported under division 49430  
(B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 49431

(4) "Category four special education ADM" means the average 49432  
daily membership of students receiving special education services 49433  
for those disabilities specified in division (D)~~(4)~~ of section 49434  
~~3306.02~~ 3317.013 of the Revised Code and reported under division 49435  
(B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 49436

(5) "Category five special education ADM" means the average 49437  
daily membership of students receiving special education services 49438  
for the disabilities specified in division ~~(D)(5)(E)~~ of section 49439  
~~3306.02~~ 3317.013 of the Revised Code and reported under division 49440  
(B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. 49441

(6) "Category six special education ADM" means the average 49442  
daily membership of students receiving special education services 49443  
for the disabilities specified in division ~~(D)(6)(F)~~ of section 49444  
~~3306.02~~ 3317.013 of the Revised Code and reported under division 49445

(B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code. 49446

(7) "Category one vocational education ADM" means the average 49447  
daily membership of students receiving vocational education 49448  
services described in division (A) of section 3317.014 of the 49449  
Revised Code and reported under division (B)(11) or (D)(2)(h) of 49450  
section 3317.03 of the Revised Code. 49451

(8) "Category two vocational education ADM" means the average 49452  
daily membership of students receiving vocational education 49453  
services described in division (B) of section 3317.014 of the 49454  
Revised Code and reported under division (B)(12) or (D)(2)(i) of 49455  
section 3317.03 of the Revised Code. 49456

(G) "Preschool child with a disability" means a child with a 49457  
disability, as defined in section 3323.01 of the Revised Code, who 49458  
is at least age three but is not of compulsory school age, as 49459  
defined in section 3321.01 of the Revised Code, and who is not 49460  
currently enrolled in kindergarten. 49461

(H) "County DD board" means a county board of developmental 49462  
disabilities. 49463

(I) "Recognized valuation" means the amount calculated for a 49464  
school district pursuant to section 3317.015 of the Revised Code. 49465

~~(J) "Transportation ADM" means the number of children 49466  
reported under division (B)(13) of section 3317.03 of the Revised 49467  
Code. 49468~~

~~(K) "Average efficient transportation use cost per student" 49469  
means a statistical representation of transportation costs as 49470  
calculated under division (D)(2) of section 3317.022 of the 49471  
Revised Code. 49472~~

~~(L) "Taxes charged and payable" means the taxes charged and 49473  
payable against real and public utility property after making the 49474  
reduction required by section 319.301 of the Revised Code, plus 49475~~

the taxes levied against tangible personal property. 49476

~~(M)~~(K) "Total taxable value" means the sum of the amounts 49477  
certified for a city, local, exempted village, or joint vocational 49478  
school district under divisions (A)(1) and (2) of section 3317.021 49479  
of the Revised Code. 49480

~~(N)~~(L) "Tax exempt value" of a school district means the 49481  
amount certified for a school district under division (A)(4) of 49482  
section 3317.021 of the Revised Code. 49483

~~(O)~~(M) "Potential value" of a school district means the 49484  
recognized valuation of a school district plus the tax exempt 49485  
value of the district. 49486

~~(P)~~(N) "District median income" means the median Ohio 49487  
adjusted gross income certified for a school district. On or 49488  
before the first day of July of each year, the tax commissioner 49489  
shall certify to the department of education and the office of 49490  
budget and management for each city, exempted village, and local 49491  
school district the median Ohio adjusted gross income of the 49492  
residents of the school district determined on the basis of tax 49493  
returns filed for the second preceding tax year by the residents 49494  
of the district. 49495

~~(Q)~~(O) "Statewide median income" means the median district 49496  
median income of all city, exempted village, and local school 49497  
districts in the state. 49498

~~(R)~~(P) "Income factor" for a city, exempted village, or local 49499  
school district means the quotient obtained by dividing that 49500  
district's median income by the statewide median income. 49501

~~(S)~~(Q) "Medically fragile child" means a child to whom all of 49502  
the following apply: 49503

(1) The child requires the services of a doctor of medicine 49504  
or osteopathic medicine at least once a week due to the 49505

instability of the child's medical condition. 49506

(2) The child requires the services of a registered nurse on 49507  
a daily basis. 49508

(3) The child is at risk of institutionalization in a 49509  
hospital, skilled nursing facility, or intermediate care facility 49510  
for the mentally retarded. 49511

~~(T)~~(R) A child may be identified as having an "other health 49512  
impairment-major" if the child's condition meets the definition of 49513  
"other health impaired" established in rules adopted by the state 49514  
board of education prior to July 1, 2001, and if either of the 49515  
following apply: 49516

(1) The child is identified as having a medical condition 49517  
that is among those listed by the superintendent of public 49518  
instruction as conditions where a substantial majority of cases 49519  
fall within the definition of "medically fragile child." The 49520  
superintendent of public instruction shall issue an initial list 49521  
no later than September 1, 2001. 49522

(2) The child is determined by the superintendent of public 49523  
instruction to be a medically fragile child. A school district 49524  
superintendent may petition the superintendent of public 49525  
instruction for a determination that a child is a medically 49526  
fragile child. 49527

~~(U)~~(S) A child may be identified as having an "other health 49528  
impairment-minor" if the child's condition meets the definition of 49529  
"other health impaired" established in rules adopted by the state 49530  
board of education prior to July 1, 2001, but the child's 49531  
condition does not meet either of the conditions specified in 49532  
division ~~(T)~~(R)(1) or (2) of this section. 49533

~~(V)~~(T) "State education aid" has the same meaning as in 49534  
section 5751.20 of the Revised Code. 49535



~~(W)~~(U) "Property exemption value" means zero in fiscal year 49536  
2006, and in fiscal year 2007 and each fiscal year thereafter, the 49537  
amount certified for a school district under divisions (A)(6) and 49538  
(7) of section 3317.021 of the Revised Code. 49539

~~(X)~~(V) "Internet- or computer-based community school" has the 49540  
same meaning as in section 3314.02 of the Revised Code. 49541

~~(Y)~~(W) "State share percentage" has the same meaning as in," 49542  
for a city, exempted village, or local school district, for fiscal 49543  
years 2012 and 2013, means the district's state share percentage 49544  
as computed for fiscal year 2011 under former section 3306.02 of 49545  
the Revised Code. "State share percentage," for a joint vocational 49546  
school district, for fiscal years 2012 and 2013, means the 49547  
district's state share percentage as computed for fiscal year 2009 49548  
under section 3317.16 of the Revised Code as that section existed 49549  
for that fiscal year. 49550

~~Sec. 3317.021. The information certified under this section~~ 49551  
~~shall be used to calculate payments under this chapter and Chapter~~ 49552  
~~3306. of the Revised Code.~~ 49553

(A) On or before the first day of June of each year, the tax 49554  
commissioner shall certify to the department of education and the 49555  
office of budget and management the information described in 49556  
divisions (A)(1) to (7) of this section for each city, exempted 49557  
village, and local school district, and the information required 49558  
by divisions (A)(1) and (2) of this section for each joint 49559  
vocational school district, and it shall be used, along with the 49560  
information certified under division (B) of this section, in 49561  
making the computations for the district under this chapter ~~and~~ 49562  
~~Chapter 3306. of the Revised Code.~~ 49563

(1) The taxable value of real and public utility real 49564  
property in the school district subject to taxation in the 49565  
preceding tax year, by class and by county of location. 49566

(2) The taxable value of tangible personal property,	49567
including public utility personal property, subject to taxation by	49568
the district for the preceding tax year.	49569
(3)(a) The total property tax rate and total taxes charged	49570
and payable for the current expenses for the preceding tax year	49571
and the total property tax rate and the total taxes charged and	49572
payable to a joint vocational district for the preceding tax year	49573
that are limited to or to the extent apportioned to current	49574
expenses.	49575
(b) The portion of the amount of taxes charged and payable	49576
reported for each city, local, and exempted village school	49577
district under division (A)(3)(a) of this section attributable to	49578
a joint vocational school district.	49579
(4) The value of all real and public utility real property in	49580
the school district exempted from taxation minus both of the	49581
following:	49582
(a) The value of real and public utility real property in the	49583
district owned by the United States government and used	49584
exclusively for a public purpose;	49585
(b) The value of real and public utility real property in the	49586
district exempted from taxation under Chapter 725. or 1728. or	49587
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632,	49588
5709.73, or 5709.78 of the Revised Code.	49589
(5) The total federal adjusted gross income of the residents	49590
of the school district, based on tax returns filed by the	49591
residents of the district, for the most recent year for which this	49592
information is available.	49593
(6) The sum of the school district compensation value as	49594
indicated on the list of exempted property for the preceding tax	49595
year under section 5713.08 of the Revised Code as if such property	49596
had been assessed for taxation that year and the other	49597

compensation value for the school district, minus the amounts 49598  
described in divisions (A)(6)(c) to (i) of this section. The 49599  
portion of school district compensation value or other 49600  
compensation value attributable to an incentive district exemption 49601  
may be subtracted only once even if that incentive district 49602  
satisfies more than one of the criteria in divisions (A)(6)(c) to 49603  
(i) of this section. 49604

(a) "School district compensation value" means the aggregate 49605  
value of real property in the school district exempted from 49606  
taxation pursuant to an ordinance or resolution adopted under 49607  
division (C) of section 5709.40, division (C) of section 5709.73, 49608  
or division (B) of section 5709.78 of the Revised Code to the 49609  
extent that the exempted value results in the charging of payments 49610  
in lieu of taxes required to be paid to the school district under 49611  
division (D)(1) or (2) of section 5709.40, division (D) of section 49612  
5709.73, or division (C) of section 5709.78 of the Revised Code. 49613

(b) "Other compensation value" means the quotient that 49614  
results from dividing (i) the dollar value of compensation 49615  
received by the school district during the preceding tax year 49616  
pursuant to division (B), (C), or (D) of section 5709.82 of the 49617  
Revised Code and the amounts received pursuant to an agreement as 49618  
specified in division (D)(2) of section 5709.40, division (D) of 49619  
section 5709.73, or division (C) of section 5709.78 of the Revised 49620  
Code to the extent those amounts were not previously reported or 49621  
included in division (A)(6)(a) of this section, and so that any 49622  
such amount is reported only once under division (A)(6)(b) of this 49623  
section, in relation to exemptions from taxation granted pursuant 49624  
to an ordinance or resolution adopted under division (C) of 49625  
section 5709.40, division (C) of section 5709.73, or division (B) 49626  
of section 5709.78 of the Revised Code, by (ii) the real property 49627  
tax rate in effect for the preceding tax year for 49628  
nonresidential/agricultural real property after making the 49629

reductions required by section 319.301 of the Revised Code. 49630

(c) The portion of school district compensation value or 49631  
other compensation value that was exempted from taxation pursuant 49632  
to such an ordinance or resolution for the preceding tax year, if 49633  
the ordinance or resolution is adopted prior to January 1, 2006, 49634  
and the legislative authority or board of township trustees or 49635  
county commissioners, prior to January 1, 2006, executes a 49636  
contract or agreement with a developer, whether for-profit or 49637  
not-for-profit, with respect to the development of a project 49638  
undertaken or to be undertaken and identified in the ordinance or 49639  
resolution, and upon which parcels such project is being, or will 49640  
be, undertaken; 49641

(d) The portion of school district compensation value that 49642  
was exempted from taxation for the preceding tax year and for 49643  
which payments in lieu of taxes for the preceding tax year were 49644  
provided to the school district under division (D)(1) of section 49645  
5709.40 of the Revised Code. 49646

(e) The portion of school district compensation value that 49647  
was exempted from taxation for the preceding tax year pursuant to 49648  
such an ordinance or resolution, if and to the extent that, on or 49649  
before April 1, 2006, the fiscal officer of the municipal 49650  
corporation that adopted the ordinance, or of the township or 49651  
county that adopted the resolution, certifies and provides 49652  
appropriate supporting documentation to the tax commissioner and 49653  
the director of development that, based on hold-harmless 49654  
provisions in any agreement between the school district and the 49655  
legislative authority of the municipal corporation, board of 49656  
township trustees, or board of county commissioners that was 49657  
entered into on or before June 1, 2005, the ability or obligation 49658  
of the municipal corporation, township, or county to repay bonds, 49659  
notes, or other financial obligations issued or entered into prior 49660  
to January 1, 2006, will be impaired, including obligations to or 49661

of any other body corporate and politic with whom the legislative 49662  
authority of the municipal corporation or board of township 49663  
trustees or county commissioners has entered into an agreement 49664  
pertaining to the use of service payments derived from the 49665  
improvements exempted; 49666

(f) The portion of school district compensation value that 49667  
was exempted from taxation for the preceding tax year pursuant to 49668  
such an ordinance or resolution, if the ordinance or resolution is 49669  
adopted prior to January 1, 2006, in a municipal corporation with 49670  
a population that exceeds one hundred thousand, as shown by the 49671  
most recent federal decennial census, that includes a major 49672  
employment center and that is adjacent to historically distressed 49673  
neighborhoods, if the legislative authority of the municipal 49674  
corporation that exempted the property prepares an economic 49675  
analysis that demonstrates that all taxes generated within the 49676  
incentive district accruing to the state by reason of improvements 49677  
constructed within the district during its existence exceed the 49678  
amount the state pays the school district under section 3317.022 49679  
of the Revised Code attributable to such property exemption from 49680  
the school district's recognized valuation. The analysis shall be 49681  
submitted to and approved by the department of development prior 49682  
to January 1, 2006, and the department shall not unreasonably 49683  
withhold approval. 49684

(g) The portion of school district compensation value that 49685  
was exempted from taxation for the preceding tax year under such 49686  
an ordinance or resolution, if the ordinance or resolution is 49687  
adopted prior to January 1, 2006, and if service payments have 49688  
been pledged to be used for mixed-use riverfront entertainment 49689  
development in any county with a population that exceeds six 49690  
hundred thousand, as shown by the most recent federal decennial 49691  
census; 49692

(h) The portion of school district compensation value that 49693

was exempted from taxation for the preceding tax year under such 49694  
an ordinance or resolution, if, prior to January 1, 2006, the 49695  
legislative authority of a municipal corporation, board of 49696  
township trustees, or board of county commissioners has pledged 49697  
service payments for a designated transportation capacity project 49698  
approved by the transportation review advisory council under 49699  
Chapter 5512. of the Revised Code; 49700

(i) The portion of school district compensation value that 49701  
was exempted from taxation for the preceding tax year under such 49702  
an ordinance or resolution if the legislative authority of a 49703  
municipal corporation, board of township trustees, or board of 49704  
county commissioners have, by January 1, 2006, pledged proceeds 49705  
for designated transportation improvement projects that involve 49706  
federal funds for which the proceeds are used to meet a local 49707  
share match requirement for such funding. 49708

As used in division (A)(6) of this section, "project" has the 49709  
same meaning as in section 5709.40 of the Revised Code. 49710

(7) The aggregate value of real property in the school 49711  
district for which an exemption from taxation is granted by an 49712  
ordinance or resolution adopted on or after January 1, 2006, under 49713  
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 49714  
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 49715  
Code, as indicated on the list of exempted property for the 49716  
preceding tax year under section 5713.08 of the Revised Code and 49717  
as if such property had been assessed for taxation that year, 49718  
minus the product determined by multiplying (a) the aggregate 49719  
value of the real property in the school district exempted from 49720  
taxation for the preceding tax year under any of the chapters or 49721  
sections specified in this division, by (b) a fraction, the 49722  
numerator of which is the difference between (i) the amount of 49723  
anticipated revenue such school district would have received for 49724  
the preceding tax year if the real property exempted from taxation 49725

had not been exempted from taxation and (ii) the aggregate amount 49726  
of payments in lieu of taxes on the exempt real property for the 49727  
preceding tax year and other compensation received for the 49728  
preceding tax year by the school district pursuant to any 49729  
agreements entered into on or after January 1, 2006, under section 49730  
5709.82 of the Revised Code between the school district and the 49731  
legislative authority of a political subdivision that acted under 49732  
the authority of a chapter or statute specified in this division, 49733  
that were entered into in relation to such exemption, and the 49734  
denominator of which is the amount of anticipated revenue such 49735  
school district would have received in the preceding fiscal year 49736  
if the real property exempted from taxation had not been exempted. 49737

(B) On or before the first day of May each year, the tax 49738  
commissioner shall certify to the department of education and the 49739  
office of budget and management the total taxable real property 49740  
value of railroads and, separately, the total taxable tangible 49741  
personal property value of all public utilities for the preceding 49742  
tax year, by school district and by county of location. 49743

(C) If a public utility has properly and timely filed a 49744  
petition for reassessment under section 5727.47 of the Revised 49745  
Code with respect to an assessment issued under section 5727.23 of 49746  
the Revised Code affecting taxable property apportioned by the tax 49747  
commissioner to a school district, the taxable value of public 49748  
utility tangible personal property included in the certification 49749  
under divisions (A)(2) and (B) of this section for the school 49750  
district shall include only the amount of taxable value on the 49751  
basis of which the public utility paid tax for the preceding year 49752  
as provided in division (B)(1) or (2) of section 5727.47 of the 49753  
Revised Code. 49754

(D) If on the basis of the information certified under 49755  
division (A) of this section, the department determines that any 49756  
district fails in any year to meet the qualification requirement 49757

specified in ~~division (A)(1) of section 3306.01~~ and division (A) 49758  
of section 3317.01 of the Revised Code, the department shall 49759  
immediately request the tax commissioner to determine the extent 49760  
to which any school district income tax levied by the district 49761  
under Chapter 5748. of the Revised Code shall be included in 49762  
meeting that requirement. Within five days of receiving such a 49763  
request from the department, the tax commissioner shall make the 49764  
determination required by this division and report the quotient 49765  
obtained under division (D)(3) of this section to the department 49766  
and the office of budget and management. This quotient represents 49767  
the number of mills that the department shall include in 49768  
determining whether the district meets the qualification 49769  
requirement of ~~division (A)(1) of section 3306.01~~ and division (A) 49770  
of section 3317.01 of the Revised Code. 49771

The tax commissioner shall make the determination required by 49772  
this division as follows: 49773

(1) Multiply one mill times the total taxable value of the 49774  
district as determined in divisions (A)(1) and (2) of this 49775  
section; 49776

(2) Estimate the total amount of tax liability for the 49777  
current tax year under taxes levied by Chapter 5748. of the 49778  
Revised Code that are apportioned to current operating expenses of 49779  
the district, excluding any income tax receipts allocated for the 49780  
project cost, debt service, or maintenance set-aside associated 49781  
with a state-assisted classroom facilities project as authorized 49782  
by section 3318.052 of the Revised Code; 49783

(3) Divide the amount estimated under division (D)(2) of this 49784  
section by the product obtained under division (D)(1) of this 49785  
section. 49786

(E)(1) On or before June 1, 2006, and the first day of April 49787  
of each year thereafter, the director of development shall report 49788



to the department of education, the tax commissioner, and the 49789  
director of budget and management the total amounts of payments 49790  
received by each city, local, exempted village, or joint 49791  
vocational school district for the preceding tax year pursuant to 49792  
division (D) of section 5709.40, division (D) of section 5709.73, 49793  
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 49794  
or (D) of section 5709.82 of the Revised Code in relation to 49795  
exemptions from taxation granted pursuant to an ordinance adopted 49796  
by the legislative authority of a municipal corporation under 49797  
division (C) of section 5709.40 of the Revised Code, or a 49798  
resolution adopted by a board of township trustees or board of 49799  
county commissioners under division (C) of section 5709.73 or 49800  
division (B) of section 5709.78 of the Revised Code, respectively. 49801  
On or before April 1, 2006, and the first day of March of each 49802  
year thereafter, the treasurer of each city, local, exempted 49803  
village, or joint vocational school district that has entered into 49804  
such an agreement shall report to the director of development the 49805  
total amounts of such payments the district received for the 49806  
preceding tax year as provided in this section. The state board of 49807  
education, in accordance with sections 3319.31 and 3319.311 of the 49808  
Revised Code, may suspend or revoke the license of a treasurer 49809  
found to have willfully reported erroneous, inaccurate, or 49810  
incomplete data under this division. 49811

(2) On or before April 1, 2007, and the first day of April of 49812  
each year thereafter, the director of development shall report to 49813  
the department of education, the tax commissioner, and the 49814  
director of budget and management the total amounts of payments 49815  
received by each city, local, exempted village, or joint 49816  
vocational school district for the preceding tax year pursuant to 49817  
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 49818  
in relation to exemptions from taxation granted pursuant to 49819  
ordinances or resolutions adopted on or after January 1, 2006, 49820  
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 49821

section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code. On or before March 1, 2007, and the first day of March of each year thereafter, the treasurer of each city, local, exempted village, or joint vocational school district that has entered into such an agreement shall report to the director of development the total amounts of such payments the district received for the preceding tax year as provided by this section. The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke the license of a treasurer found to have willfully reported erroneous, inaccurate, or incomplete data under this division.

**Sec. 3317.022.** (A)(1) The department of education shall compute and distribute state base cost funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, according to the following formula:

{[the formula amount X (formula ADM + preschool scholarship ADM)] + the sum of the base funding supplements prescribed in divisions (C)(1) to (4) of section 3317.012 of the Revised Code} - [.023 x (the sum of recognized valuation and property exemption value)] + the amounts calculated for the district under sections 3317.029 and 3317.0217 of the Revised Code

If the difference obtained is a negative number, the district's computation shall be zero.

(2)(a) For each school district for which the tax exempt value of the district equals or exceeds twenty-five per cent of the potential value of the district, the department of education

shall calculate the difference between the district's tax exempt value and twenty-five per cent of the district's potential value. 49853  
49854

(b) For each school district to which division (A)(2)(a) of this section applies, the department shall adjust the recognized valuation used in the calculation under division (A)(1) of this section by subtracting from it the amount calculated under division (A)(2)(a) of this section. 49855  
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(B) As used in this section: 49860

(1) The "total special education weight" for a district means the sum of the following amounts: 49861  
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(a) The district's category one special education ADM multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code; 49863  
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(b) The district's category two special education ADM multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code; 49866  
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(c) The district's category three special education ADM multiplied by the multiple specified in division (C) of section 3317.013 of the Revised Code; 49869  
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(d) The district's category four special education ADM multiplied by the multiple specified in division (D) of section 3317.013 of the Revised Code; 49872  
49873  
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(e) The district's category five special education ADM multiplied by the multiple specified in division (E) of section 3317.013 of the Revised Code; 49875  
49876  
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(f) The district's category six special education ADM multiplied by the multiple specified in division (F) of section 3317.013 of the Revised Code. 49878  
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(2) "Related services" includes: 49881

(a) Child study, special education supervisors and 49882

coordinators, speech and hearing services, adaptive physical 49883  
development services, occupational or physical therapy, teacher 49884  
assistants for children with disabilities whose disabilities are 49885  
described in division (B) of section 3317.013 or division (F)(3) 49886  
of section 3317.02 of the Revised Code, behavioral intervention, 49887  
interpreter services, work study, nursing services, and 49888  
specialized integrative services as those terms are defined by the 49889  
department; 49890

(b) Speech and language services provided to any student with 49891  
a disability, including any student whose primary or only 49892  
disability is a speech and language disability; 49893

(c) Any related service not specifically covered by other 49894  
state funds but specified in federal law, including but not 49895  
limited to, audiology and school psychological services; 49896

(d) Any service included in units funded under former 49897  
division (O)(1) of section 3317.024 of the Revised Code; 49898

(e) Any other related service needed by children with 49899  
disabilities in accordance with their individualized education 49900  
programs. 49901

(3) The "total vocational education weight" for a district 49902  
means the sum of the following amounts: 49903

(a) The district's category one vocational education ADM 49904  
multiplied by the multiple specified in division (A) of section 49905  
3317.014 of the Revised Code; 49906

(b) The district's category two vocational education ADM 49907  
multiplied by the multiple specified in division (B) of section 49908  
3317.014 of the Revised Code. 49909

(4) "Preschool scholarship ADM" means the number of preschool 49910  
children with disabilities reported under division (B)(3)(h) of 49911  
section 3317.03 of the Revised Code. 49912

(C)(1) The department shall compute and distribute state 49913  
special education and related services additional weighted costs 49914  
funds to each school district in accordance with the following 49915  
formula: 49916

The district's state share percentage X 49917  
the formula amount for the year for which 49918  
the aid is calculated X the district's 49919  
total special education weight 49920

(2) The attributed local share of special education and 49921  
related services additional weighted costs equals: 49922

(1 - the district's state share percentage) X the district's 49923  
total special education weight X the formula amount 49924

(3)(a) The department shall compute and pay in accordance 49925  
with this division additional state aid to school districts for 49926  
students in categories two through six special education ADM. If a 49927  
district's costs for the fiscal year for a student in its 49928  
categories two through six special education ADM exceed the 49929  
threshold catastrophic cost for serving the student, the district 49930  
may submit to the superintendent of public instruction 49931  
documentation, as prescribed by the superintendent, of all its 49932  
costs for that student. Upon submission of documentation for a 49933  
student of the type and in the manner prescribed, the department 49934  
shall pay to the district an amount equal to the sum of the 49935  
following: 49936

(i) One-half of the district's costs for the student in 49937  
excess of the threshold catastrophic cost; 49938

(ii) The product of one-half of the district's costs for the 49939  
student in excess of the threshold catastrophic cost multiplied by 49940  
the district's state share percentage. 49941

(b) For purposes of division (C)(3)(a) of this section, the 49942  
threshold catastrophic cost for serving a student equals: 49943

(i) For a student in the school district's category two, 49944  
three, four, or five special education ADM, twenty-seven thousand 49945  
three hundred seventy-five dollars; 49946

(ii) For a student in the district's category six special 49947  
education ADM, thirty-two thousand eight hundred fifty dollars. 49948

(c) The district shall only report under division (C)(3)(a) 49949  
of this section, and the department shall only pay for, the costs 49950  
of educational expenses and the related services provided to the 49951  
student in accordance with the student's individualized education 49952  
program. Any legal fees, court costs, or other costs associated 49953  
with any cause of action relating to the student may not be 49954  
included in the amount. 49955

(4)(a) As used in this division, the "personnel allowance" 49956  
means thirty thousand dollars in fiscal years 2008 and 2009. 49957

(b) For the provision of speech language pathology services 49958  
to students, including students who do not have individualized 49959  
education programs prepared for them under Chapter 3323. of the 49960  
Revised Code, and for no other purpose, the department of 49961  
education shall pay each school district an amount calculated 49962  
under the following formula: 49963

(formula ADM divided by 2000) X 49964

the personnel allowance X 49965

the state share percentage 49966

(5) In any fiscal year, a school district shall spend for 49967  
purposes that the department designates as approved for special 49968  
education and related services expenses at least the amount 49969  
calculated as follows: 49970

(formula amount X the sum of categories 49971

one through six special education ADM) + 49972

(total special education weight X formula amount) 49973

The purposes approved by the department for special education 49974

expenses shall include, but shall not be limited to, 49975  
identification of children with disabilities, compliance with 49976  
state rules governing the education of children with disabilities 49977  
and prescribing the continuum of program options for children with 49978  
disabilities, provision of speech language pathology services, and 49979  
the portion of the school district's overall administrative and 49980  
overhead costs that are attributable to the district's special 49981  
education student population. 49982

The scholarships deducted from the school district's account 49983  
under section 3310.41 of the Revised Code shall be considered to 49984  
be an approved special education and related services expense for 49985  
the purpose of the school district's compliance with division 49986  
(C)(5) of this section. 49987

The department shall require school districts to report data 49988  
annually to allow for monitoring compliance with division (C)(5) 49989  
of this section. The department shall annually report to the 49990  
governor and the general assembly the amount of money spent by 49991  
each school district for special education and related services. 49992

(6) In any fiscal year, a school district shall spend for the 49993  
provision of speech language pathology services not less than the 49994  
sum of the amount calculated under division (C)(1) of this section 49995  
for the students in the district's category one special education 49996  
ADM and the amount calculated under division (C)(4) of this 49997  
section. 49998

(D)(1) ~~As used in this division:~~ 49999

~~(a) "Daily bus miles per student" equals the number of bus 50000  
miles traveled per day, divided by transportation base. 50001~~

~~(b) "Transportation base" equals total student count as 50002  
defined in section 3301.011 of the Revised Code, minus the number 50003  
of students enrolled in units for preschool children with 50004  
disabilities, plus the number of nonpublic school students 50005~~

included in transportation ADM. 50006

~~(c) "Transported student percentage" equals transportation ADM divided by transportation base. 50007~~

~~(d) "Transportation cost per student" equals total operating costs for board owned or contractor operated school buses divided by transportation base. 50008~~

~~(2) Analysis of student transportation cost data has resulted in a finding that an average efficient transportation use cost per student can be calculated by means of a regression formula that has as its two independent variables the number of daily bus miles per student and the transported student percentage. For fiscal year 1998 transportation cost data, the average efficient transportation use cost per student is expressed as follows: 50009~~

~~$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + (116.25573 \times \text{transported student percentage})$$
 50010~~

~~The department of education shall annually determine the average efficient transportation use cost per student in accordance with the principles stated in division (D)(2) of this section, updating the intercept and regression coefficients of the regression formula modeled in this division, based on an annual statewide analysis of each school district's daily bus miles per student, transported student percentage, and transportation cost per student data. The department shall conduct the annual update using data, including daily bus miles per student, transported student percentage, and transportation cost per student data, from the prior fiscal year. The department shall notify the office of budget and management of such update by the fifteenth day of February of each year. 50011~~

~~(3) In addition to funds paid under divisions (A), (C), and (E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a 50012~~

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~~percentage of the product of the district's transportation base 50037  
from the prior fiscal year times the annually updated average 50038  
efficient transportation use cost per student, times an inflation 50039  
factor of two and eight tenths per cent to account for the 50040  
one year difference between the data used in updating the formula 50041  
and calculating the payment and the year in which the payment is 50042  
made. The percentage shall be the following percentage of that 50043  
product specified for the corresponding fiscal year:~~ 50044

<del>FISCAL YEAR</del>	<del>PERCENTAGE</del>	50045
<del>2000</del>	<del>52.5%</del>	50046
<del>2001</del>	<del>55%</del>	50047
<del>2002</del>	<del>57.5%</del>	50048
<del>2003 and thereafter</del>	<del>The greater of 60% or the 50049 district's state share percentage</del>	

~~The payments made under division (D)(3) of this section each 50050  
year shall be calculated based on all of the same prior year's 50051  
data used to update the formula. 50052~~

~~(4) In addition to funds paid under divisions (D)(2) and (3) 50053  
of this section, a school district shall receive a rough road 50054  
subsidy if both of the following apply: 50055~~

~~(a) Its county rough road percentage is higher than the 50056  
statewide rough road percentage, as those terms are defined in 50057  
division (D)(5) of this section: 50058~~

~~(b) Its district student density is lower than the statewide 50059  
student density, as those terms are defined in that division. 50060~~

~~(5) The rough road subsidy paid to each district meeting the 50061  
qualifications of division (D)(4) of this section shall be 50062  
calculated in accordance with the following formula: 50063~~

~~(per rough mile subsidy X total rough road miles) 50064  
X density multiplier 50065~~

~~where:~~ 50066

~~(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula:~~ 50067  
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~~0.75 — {0.75 X [(maximum rough road percentage — county rough road percentage)/(maximum rough road percentage — statewide rough road percentage)]}~~ 50069  
50070  
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~~(i) "Maximum rough road percentage" means the highest county rough road percentage in the state.~~ 50072  
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~~(ii) "County rough road percentage" equals the percentage of the mileage of state, municipal, county, and township roads that is rated by the department of transportation as type A, B, C, E2, or F in the county in which the school district is located or, if the district is located in more than one county, the county to which it is assigned for purposes of determining its cost of doing business factor.~~ 50074  
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~~(iii) "Statewide rough road percentage" means the percentage of the statewide total mileage of state, municipal, county, and township roads that is rated as type A, B, C, E2, or F by the department of transportation.~~ 50081  
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~~(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage.~~ 50085  
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~~(c) "Density multiplier" means a figure calculated in accordance with the following formula:~~ 50088  
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~~1 — [(minimum student density — district student density)/(minimum student density — statewide student density)]~~ 50090  
50091  
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~~(i) "Minimum student density" means the lowest district student density in the state.~~ 50093  
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~~(ii) "District student density" means a school district's~~ 50095

~~transportation base divided by the number of square miles in the district.~~ 50096  
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~~(iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts.~~ 50098  
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50100

~~(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board owned or contractor operated buses and whose transportation is not funded under division (G) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.~~ 50101  
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~~(E)(1)~~ The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula: 50109  
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state share percentage X 50112

the formula amount X 50113

total vocational education weight 50114

In any fiscal year, a school district receiving funds under division ~~(E)(D)~~(1) of this section shall spend those funds only for the purposes that the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division ~~(E)(D)~~(1) of this section may be spent. 50115  
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(2) The department shall compute for each school district 50126

state funds for vocational education associated services in 50127  
accordance with the following formula: 50128

state share percentage X .05 X the formula amount X 50129  
the sum of categories one and two vocational education ADM 50130

In any fiscal year, a school district receiving funds under 50131  
division ~~(E)~~(D)(2) of this section, or through a transfer of funds 50132  
pursuant to division ~~(L)~~(I) of section 3317.023 of the Revised 50133  
Code, shall spend those funds only for the purposes that the 50134  
department designates as approved for vocational education 50135  
associated services expenses, which may include such purposes as 50136  
apprenticeship coordinators, coordinators for other vocational 50137  
education services, vocational evaluation, and other purposes 50138  
designated by the department. The department may deny payment 50139  
under division ~~(E)~~(D)(2) of this section to any district that the 50140  
department determines is not operating those services or is using 50141  
funds paid under division ~~(E)~~(D)(2) of this section, or through a 50142  
transfer of funds pursuant to division ~~(L)~~(I) of section 3317.023 50143  
of the Revised Code, for other purposes. 50144

~~(F)~~(E) The actual local share in any fiscal year for the 50145  
combination of special education and related services additional 50146  
weighted costs funding calculated under division (C)(1) of this 50147  
section, transportation ~~funding~~ base payment calculated under 50148  
divisions ~~(D)(2) and (3)~~ division (E) of ~~this~~ section 3317.0212 of 50149  
the Revised Code, and vocational education and associated services 50150  
additional weighted costs funding calculated under divisions 50151  
~~(E)~~(D)(1) and (2) of this section shall not exceed for any school 50152  
district the product of three and three-tenths mills times the 50153  
district's recognized valuation. The department annually shall pay 50154  
each school district as an excess cost supplement any amount by 50155  
which the sum of the district's attributed local shares for that 50156  
funding exceeds that product. For purposes of calculating the 50157  
excess cost supplement: 50158

(1) The attributed local share for special education and related services additional weighted costs funding is the amount specified in division (C)(2) of this section. 50159  
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(2) The attributed local share of the district's transportation ~~funding~~ base payment equals the difference of the total amount calculated for the district ~~using the formula developed~~ under division ~~(D)(2)(E)~~ of ~~this~~ section 3317.0212 of the Revised Code minus the actual amount paid to the district after applying the percentage specified in division ~~(D)(E)~~(3) of ~~this~~ that section. 50162  
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(3) The attributed local share of vocational education and associated services additional weighted costs funding is the amount determined as follows: 50169  
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50171

(1 - state share percentage) X 50172  
[(total vocational education weight X  
the formula amount) + the payment under 50173  
division ~~(E)(D)~~(2) of this section] 50174  
50175

**Sec. 3317.023.** (A) The amounts required to be paid to a district under this chapter ~~and Chapter 3306. of the Revised Code~~ shall be adjusted by the amount of the computations made under divisions (B) to ~~(N)(K)~~ of this section. ~~The department of education shall not make payments or adjustments under divisions (B), (C), and (D) of this section for any fiscal year after fiscal year 2009.~~ 50176  
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As used in this section: 50183

(1) ~~"Classroom teacher" means a licensed employee who provides direct instruction to pupils, excluding teachers funded from money paid to the district from federal sources; educational service personnel; and vocational and special education teachers.~~ 50184  
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~~(2) "Educational service personnel" shall not include such~~ 50188

~~specialists funded from money paid to the district from federal 50189  
sources or assigned full time to vocational or special education 50190  
students and classes and may only include those persons employed 50191  
in the eight specialist areas in a pattern approved by the 50192  
department of education under guidelines established by the state 50193  
board of education. 50194~~

~~(3) "Annual salary" means the annual base salary stated in 50195  
the state minimum salary schedule for the performance of the 50196  
teacher's regular teaching duties that the teacher earns for 50197  
services rendered for the first full week of October of the fiscal 50198  
year for which the adjustment is made under division (C) of this 50199  
section. It shall not include any salary payments for supplemental 50200  
teachers contracts. 50201~~

~~(4) "Regular student population" means the formula ADM plus 50202  
the number of students reported as enrolled in the district 50203  
pursuant to division (A)(1) of section 3313.981 of the Revised 50204  
Code; minus the number of students reported under division (A)(2) 50205  
of section 3317.03 of the Revised Code; minus the FTE of students 50206  
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 50207  
of that section who are enrolled in a vocational education class 50208  
or receiving special education; and minus twenty per cent of the 50209  
students enrolled concurrently in a joint vocational school 50210  
district. 50211~~

~~(5) "VEPD" means a school district or group of school 50212  
districts designated by the department of education as being 50213  
responsible for the planning for and provision of vocational 50214  
education services to students within the district or group. 50215~~

~~(6)(2) "Lead district" means a school district, including a 50216  
joint vocational school district, designated by the department as 50217  
a VEPD, or designated to provide primary vocational education 50218  
leadership within a VEPD composed of a group of districts. 50219~~

~~(B) If the district employs less than one full time equivalent classroom teacher for each twenty five pupils in the regular student population in any school district, deduct the sum of the amounts obtained from the following computations:~~

~~(1) Divide the number of the district's full time equivalent classroom teachers employed by one twenty fifth;~~

~~(2) Subtract the quotient in (1) from the district's regular student population;~~

~~(3) Multiply the difference in (2) by seven hundred fifty two dollars.~~

~~(C) If a positive amount, add one half of the amount obtained by multiplying the number of full time equivalent classroom teachers by:~~

~~(1) The mean annual salary of all full time equivalent classroom teachers employed by the district at their respective training and experience levels minus;~~

~~(2) The mean annual salary of all such teachers at their respective levels in all school districts receiving payments under this section.~~

~~The number of full time equivalent classroom teachers used in this computation shall not exceed one twenty fifth of the district's regular student population. In calculating the district's mean salary under this division, those full time equivalent classroom teachers with the highest training level shall be counted first, those with the next highest training level second, and so on, in descending order. Within the respective training levels, teachers with the highest years of service shall be counted first, the next highest years of service second, and so on, in descending order.~~

~~(D) This division does not apply to a school district that~~

~~has entered into an agreement under division (A) of section 50250  
3313.42 of the Revised Code. Deduct the amount obtained from the 50251  
following computations if the district employs fewer than five 50252  
full-time equivalent educational service personnel, including 50253  
elementary school art, music, and physical education teachers, 50254  
counselors, librarians, visiting teachers, school social workers, 50255  
and school nurses for each one thousand pupils in the regular 50256  
student population. 50257~~

~~(1) Divide the number of full-time equivalent educational 50258  
service personnel employed by the district by five 50259  
one-thousandths. 50260~~

~~(2) Subtract the quotient in (1) from the district's regular 50261  
student population. 50262~~

~~(3) Multiply the difference in (2) by ninety-four dollars. 50263~~

~~(E) If a local school district, or a city or exempted village 50264  
school district to which a governing board of an educational 50265  
service center provides services pursuant to section 3313.843 of 50266  
the Revised Code, deduct the amount of the payment required for 50267  
the reimbursement of the governing board under section 3317.11 of 50268  
the Revised Code. 50269~~

~~(F)(C)(1) If the district is required to pay to or entitled 50270  
to receive tuition from another school district under division 50271  
(C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised 50272  
Code, or if the superintendent of public instruction is required 50273  
to determine the correct amount of tuition and make a deduction or 50274  
credit under section 3317.08 of the Revised Code, deduct and 50275  
credit such amounts as provided in division (J) of section 3313.64 50276  
or section 3317.08 of the Revised Code. 50277~~

~~(2) For each child for whom the district is responsible for 50278  
tuition or payment under division (A)(1) of section 3317.082 or 50279  
section 3323.091 of the Revised Code, deduct the amount of tuition 50280~~



or payment for which the district is responsible. 50281

~~(G)~~(D) If the district has been certified by the 50282  
superintendent of public instruction under section 3313.90 of the 50283  
Revised Code as not in compliance with the requirements of that 50284  
section, deduct an amount equal to ten per cent of the amount 50285  
computed for the district under ~~Chapter 3306. of the Revised Code~~ 50286  
this chapter. 50287

~~(H)~~(E) If the district has received a loan from a commercial 50288  
lending institution for which payments are made by the 50289  
superintendent of public instruction pursuant to division (E)(3) 50290  
of section 3313.483 of the Revised Code, deduct an amount equal to 50291  
such payments. 50292

~~(I)~~(F)(1) If the district is a party to an agreement entered 50293  
into under division (D), (E), or (F) of section 3311.06 or 50294  
division (B) of section 3311.24 of the Revised Code and is 50295  
obligated to make payments to another district under such an 50296  
agreement, deduct an amount equal to such payments if the district 50297  
school board notifies the department in writing that it wishes to 50298  
have such payments deducted. 50299

(2) If the district is entitled to receive payments from 50300  
another district that has notified the department to deduct such 50301  
payments under division ~~(I)~~(F)(1) of this section, add the amount 50302  
of such payments. 50303

~~(J)~~(G) If the district is required to pay an amount of funds 50304  
to a cooperative education district pursuant to a provision 50305  
described by division (B)(4) of section 3311.52 or division (B)(8) 50306  
of section 3311.521 of the Revised Code, deduct such amounts as 50307  
provided under that provision and credit those amounts to the 50308  
cooperative education district for payment to the district under 50309  
division (B)(1) of section 3317.19 of the Revised Code. 50310

~~(K)~~(H)(1) If a district is educating a student entitled to 50311

attend school in another district pursuant to a shared education 50312  
contract, compact, or cooperative education agreement other than 50313  
an agreement entered into pursuant to section 3313.842 of the 50314  
Revised Code, credit to that educating district on an FTE basis 50315  
both of the following: 50316

(a) An amount equal to the formula amount. 50317

(b) An amount equal to ~~the current formula amount~~ \$5,732 50318  
times the state share percentage times any multiple applicable to 50319  
the student for fiscal year 2009 pursuant to section ~~3306.11~~ 50320  
3317.013 or 3317.014 of the Revised Code, as those sections 50321  
existed for that fiscal year. 50322

(2) Deduct any amount credited pursuant to division ~~(K)~~(H)(1) 50323  
of this section from amounts paid to the school district in which 50324  
the student is entitled to attend school pursuant to section 50325  
3313.64 or 3313.65 of the Revised Code. 50326

(3) If the district is required by a shared education 50327  
contract, compact, or cooperative education agreement to make 50328  
payments to an educational service center, deduct the amounts from 50329  
payments to the district and add them to the amounts paid to the 50330  
service center pursuant to section 3317.11 of the Revised Code. 50331

~~(I)~~(I)(1) If a district, including a joint vocational school 50332  
district, is a lead district of a VEPD, credit to that district 50333  
the following amounts calculated for all the school districts 50334  
within that VEPD ~~pursuant to:~~ 50335

(a) In any fiscal year except fiscal year 2012 or 2013, the 50336  
amount computed under division ~~(E)~~(D)(2) of section 3317.022 of 50337  
the Revised Code; 50338

(b) In fiscal years 2012 and 2013, an amount equal to the 50339  
following: 50340

state share percentage X .05 X \$5,732 X 50341

the sum of categories one 50342  
and two vocational education ADM 50343

(2) Deduct from each appropriate district that is not a lead 50344  
district, the amount attributable to that district that is 50345  
credited to a lead district under division ~~(L)~~(I)(1) of this 50346  
section. 50347

~~(M)~~(J) If the department pays a joint vocational school 50348  
district under division (G)(4) of section 3317.16 of the Revised 50349  
Code for excess costs of providing special education and related 50350  
services to a student with a disability, as calculated under 50351  
division (G)(2) of that section, the department shall deduct the 50352  
amount of that payment from the city, local, or exempted village 50353  
school district that is responsible as specified in that section 50354  
for the excess costs. 50355

~~(N)~~(K)(1) If the district reports an amount of excess cost 50356  
for special education services for a child under division (C) of 50357  
section 3323.14 of the Revised Code, the department shall pay that 50358  
amount to the district. 50359

(2) If the district reports an amount of excess cost for 50360  
special education services for a child under division (C) of 50361  
section 3323.14 of the Revised Code, the department shall deduct 50362  
that amount from the district of residence of that child. 50363

**Sec. 3317.024.** The following shall be distributed monthly, 50364  
quarterly, or annually as may be determined by the state board of 50365  
education, ~~except that the department of education shall not make~~ 50366  
~~payments under divisions (F) and (N) of this section for any~~ 50367  
~~fiscal year after fiscal year 2009 or under division (L) of this~~ 50368  
~~section for fiscal year 2010 or 2011:~~ 50369

(A) An amount for each island school district and each joint 50370  
state school district for the operation of each high school and 50371  
each elementary school maintained within such district and for 50372

capital improvements for such schools. Such amounts shall be 50373  
determined on the basis of standards adopted by the state board of 50374  
education. However, for fiscal years 2012 and 2013, an island 50375  
district shall receive the lesser of its actual cost of operation, 50376  
as certified to the department of education, or ninety-three per 50377  
cent of the amount the district received in state operating 50378  
funding for fiscal year 2011. If an island district received no 50379  
funding for fiscal year 2011, it shall receive no funding for 50380  
either of fiscal year 2012 or 2013. 50381

~~(B) An amount for each school district operating classes for 50382~~  
~~children of migrant workers who are unable to be in attendance in 50383~~  
~~an Ohio school during the entire regular school year. The amounts 50384~~  
~~shall be determined on the basis of standards adopted by the state 50385~~  
~~board of education, except that payment shall be made only for 50386~~  
~~subjects regularly offered by the school district providing the 50387~~  
~~classes.~~ 50388

~~(C) An amount for each school district with guidance, 50389~~  
~~testing, and counseling programs approved by the state board of 50390~~  
~~education. The amount shall be determined on the basis of 50391~~  
~~standards adopted by the state board of education.~~ 50392

~~(D) An amount for the emergency purchase of school buses as 50393~~  
~~provided for in section 3317.07 of the Revised Code;~~ 50394

~~(E) An amount for each school district required to pay 50395~~  
~~tuition for a child in an institution maintained by the department 50396~~  
~~of youth services pursuant to section 3317.082 of the Revised 50397~~  
~~Code, provided the child was not included in the calculation of 50398~~  
~~the district's average daily membership for the preceding school 50399~~  
~~year.~~ 50400

~~(F) An amount for adult basic literacy education for each 50401~~  
~~district participating in programs approved by the state board of 50402~~  
~~education. The amount shall be determined on the basis of 50403~~

~~standards adopted by the state board of education.~~ 50404

~~(G)~~(C) An amount for the approved cost of transporting 50405  
eligible pupils with disabilities attending a special education 50406  
program approved by the department of education whom it is 50407  
impossible or impractical to transport by regular school bus in 50408  
the course of regular route transportation provided by the school 50409  
district or educational service center. No district or service 50410  
center is eligible to receive a payment under this division for 50411  
the cost of transporting any pupil whom it transports by regular 50412  
school bus and who is included in the district's transportation 50413  
ADM. The state board of education shall establish standards and 50414  
guidelines for use by the department of education in determining 50415  
the approved cost of such transportation for each district or 50416  
service center. 50417

~~(H)~~(D) An amount to each school district, including each 50418  
cooperative education school district, pursuant to section 3313.81 50419  
of the Revised Code to assist in providing free lunches to needy 50420  
children ~~and an amount to assist needy school districts in~~ 50421  
~~purchasing necessary equipment for food preparation.~~ The amounts 50422  
shall be determined on the basis of rules adopted by the state 50423  
board of education. 50424

~~(I)~~(E) An amount to each school district, for each pupil 50425  
attending a chartered nonpublic elementary or high school within 50426  
the district. The amount shall equal the amount appropriated for 50427  
the implementation of section 3317.06 of the Revised Code divided 50428  
by the average daily membership in grades kindergarten through 50429  
twelve in nonpublic elementary and high schools within the state 50430  
as determined during the first full week in October of each school 50431  
year. 50432

~~(J)~~(F) An amount for each county DD board, distributed on the 50433  
basis of standards adopted by the state board of education, for 50434  
the approved cost of transportation required for children 50435

attending special education programs operated by the county DD 50436  
board under section 3323.09 of the Revised Code; 50437

~~(K) An amount for each school district that establishes a 50438  
mentor teacher program that complies with rules of the state board 50439  
of education. No school district shall be required to establish or 50440  
maintain such a program in any year unless sufficient funds are 50441  
appropriated to cover the district's total costs for the program. 50442~~

~~(L) An amount to each school district or educational service 50443  
center for the total number of gifted units approved pursuant to 50444  
section 3317.05 of the Revised Code. The amount for each such unit 50445  
shall be the sum of the minimum salary for the teacher of the 50446  
unit, calculated on the basis of the teacher's training level and 50447  
years of experience pursuant to the salary schedule prescribed in 50448  
the version of section 3317.13 of the Revised Code in effect prior 50449  
to July 1, 2001, plus fifteen per cent of that minimum salary 50450  
amount, plus two thousand six hundred seventy eight dollars. 50451~~

~~(M)(G) An amount to each institution defined under section 50452  
3317.082 of the Revised Code providing elementary or secondary 50453  
education to children other than children receiving special 50454  
education under section 3323.091 of the Revised Code. This amount 50455  
for any institution in any fiscal year shall equal the total of 50456  
all tuition amounts required to be paid to the institution under 50457  
division (A)(1) of section 3317.082 of the Revised Code. 50458~~

~~(N) A grant to each school district and joint vocational 50459  
school district that operates a "graduation, reality, and 50460  
dual role skills" (GRADS) program for pregnant and parenting 50461  
students that is approved by the department. The amount of the 50462  
payment shall be the district's state share percentage, as defined 50463  
in section 3317.022 or 3317.16 of the Revised Code, times the 50464  
GRADS personnel allowance times the full time equivalent number of 50465  
GRADS teachers approved by the department. The GRADS personnel 50466  
allowance is \$47,555 in fiscal years 2008 and 2009. The GRADS 50467~~

~~program shall include instruction on adoption as an option for~~ 50468  
~~unintended pregnancies.~~ 50469

The state board of education or any other board of education 50470  
or governing board may provide for any resident of a district or 50471  
educational service center territory any educational service for 50472  
which funds are made available to the board by the United States 50473  
under the authority of public law, whether such funds come 50474  
directly or indirectly from the United States or any agency or 50475  
department thereof or through the state or any agency, department, 50476  
or political subdivision thereof. 50477

**Sec. 3317.025.** On or before the first day of June of each 50478  
year, the tax commissioner shall certify the following information 50479  
to the department of education and the office of budget and 50480  
management, for each school district in which the value of the 50481  
property described under division (A) of this section exceeds one 50482  
per cent of the taxable value of all real and tangible personal 50483  
property in the district or in which is located tangible personal 50484  
property designed for use or used in strip mining operations, 50485  
whose taxable value exceeds five million dollars, and the taxes 50486  
upon which the district is precluded from collecting by virtue of 50487  
legal proceedings to determine the value of such property: 50488

(A) The total taxable value of all property in the district 50489  
owned by a public utility or railroad that has filed a petition 50490  
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 50491  
(1898), 11 U.S.C. 205, as amended, and all tangible personal 50492  
property in the district designed for use or used in strip mining 50493  
operations whose taxable value exceeds five million dollars upon 50494  
which have not been paid in full on or before the first day of 50495  
April of that calendar year all real and tangible personal 50496  
property taxes levied for the preceding calendar year and which 50497  
the district was precluded from collecting by virtue of 50498

proceedings under section 205 of said act or by virtue of legal 50499  
proceedings to determine the tax liability of such strip mining 50500  
equipment; 50501

(B) The percentage of the total operating taxes charged and 50502  
payable for school district purposes levied against such valuation 50503  
for the preceding calendar year that have not been paid by such 50504  
date; 50505

(C) The product obtained by multiplying the value certified 50506  
under division (A) of this section by the percentage certified 50507  
under division (B) of this section. If the value certified under 50508  
division (A) of this section includes taxable property owned by a 50509  
public utility or railroad that has filed a petition for 50510  
reorganization under the bankruptcy act, the amount used in making 50511  
the calculation under this division shall be reduced by one per 50512  
cent of the total value of all real and tangible personal property 50513  
in the district or the value of the utility's or railroad's 50514  
property, whichever is less. 50515

Upon receipt of the certification, the department shall 50516  
recompute the payments required under ~~Chapter 3306. of the Revised~~ 50517  
~~Code~~ this chapter in the manner the payments would have been 50518  
computed if: 50519

(1) The amount certified under division (C) of this section 50520  
was not subject to taxation by the district and was not included 50521  
in the certification made under division (A)(1), (A)(2), or (D) of 50522  
section 3317.021 of the Revised Code. 50523

(2) The amount of taxes charged and payable and unpaid and 50524  
used to make the computation under division (B) of this section 50525  
had not been levied and had not been used in the computation 50526  
required by division (B) of section 3317.021 of the Revised Code. 50527  
The department shall pay the district that amount in the ensuing 50528  
fiscal year in lieu of the amounts computed under ~~Chapter 3306. of~~ 50529



~~the Revised Code~~ this chapter. 50530

If a school district received a grant from the catastrophic 50531  
expenditures account pursuant to division (C) of section 3316.20 50532  
of the Revised Code on the basis of the same circumstances for 50533  
which a recomputation is made under this section, the amount of 50534  
the recomputation shall be reduced and transferred in accordance 50535  
with division (C) of section 3316.20 of the Revised Code. 50536

**Sec. 3317.0210.** (A) As used in this section: 50537

(1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act 50538  
of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended. 50539

(2) "Chapter 11 corporation" means a corporation, company, or 50540  
other business organization that has filed a petition for 50541  
reorganization under Chapter 11 of the "Bankruptcy Reform Act," 92 50542  
Stat. 2626, 11 U.S.C. 1101, as amended. 50543

(3) "Uncollectable taxes" means property taxes payable in a 50544  
calendar year by a Chapter 11 corporation on its property that a 50545  
school district is precluded from collecting by virtue of 50546  
proceedings under the Bankruptcy Reform Act. 50547

(4) "Basic state aid" means ~~the a school district's state~~ 50548  
~~education aid calculated for a school district under Chapter 3306-~~ 50549  
~~of the Revised Code.~~ 50550

(5) "Effective value" means the amount obtained by 50551  
multiplying the total taxable value certified in a calendar year 50552  
under section 3317.021 of the Revised Code by a fraction, the 50553  
numerator of which is the total taxes charged and payable in that 50554  
calendar year exclusive of the uncollectable taxes payable in that 50555  
year, and the denominator of which is the total taxes charged and 50556  
payable in that year. 50557

(6) "Total taxes charged and payable" has the same meaning 50558  
given "taxes charged and payable" in section 3317.02 of the 50559

Revised Code. 50560

(B)(1) Between the first day of January and the first day of 50561  
February of any year, a school district shall notify the 50562  
department of education if it has uncollectable taxes payable in 50563  
the preceding calendar year from one Chapter 11 corporation. 50564

(2) The department shall verify whether the district has such 50565  
uncollectable taxes from such a corporation, and if the district 50566  
does, shall immediately request the tax commissioner to certify 50567  
the district's total taxes charged and payable in the preceding 50568  
calendar year, and the tax commissioner shall certify that 50569  
information to the department within thirty days after receiving 50570  
the request. For the purposes of this section, taxes are payable 50571  
in the calendar year that includes the day prescribed by law for 50572  
their payment, including any lawful extension thereof. 50573

(C) Upon receiving the certification from the tax 50574  
commissioner, the department shall determine whether the amount of 50575  
uncollectable taxes from the corporation equals at least one per 50576  
cent of the total taxes charged and payable as certified by the 50577  
tax commissioner. If it does, the department shall compute the 50578  
district's effective value and shall recompute the basic state aid 50579  
payable to the district for the current fiscal year using the 50580  
effective value in lieu of the total taxable value used to compute 50581  
the basic state aid for the current fiscal year. The difference 50582  
between the basic state aid amount originally computed for the 50583  
district for the current fiscal year and the recomputed amount 50584  
shall be paid to the district from the lottery profits education 50585  
fund before the end of the current fiscal year. 50586

(D) Except as provided in division (E) of this section, 50587  
amounts received by a school district under division (C) of this 50588  
section shall be repaid to the department of education in any 50589  
future year to the extent the district receives payments of 50590  
uncollectable taxes in such future year. The district shall notify 50591

the department of any amount owed under this division. 50592

(E) If a school district received a grant from the 50593  
catastrophic expenditures account pursuant to division (C) of 50594  
section 3316.20 of the Revised Code on the basis of the same 50595  
circumstances for which a recomputation is made under this 50596  
section, the amount of the recomputation shall be reduced and 50597  
transferred in accordance with division (C) of section 3316.20 of 50598  
the Revised Code. 50599

**Sec. 3317.0211.** (A) As used in this section: 50600

(1) "Port authority" means any port authority as defined in 50601  
section 4582.01 or 4582.21 of the Revised Code. 50602

(2) "Real property" includes public utility real property and 50603  
"personal property" includes public utility personal property. 50604

(3) "Uncollected taxes" means property taxes charged and 50605  
payable against the property of a port authority for a tax year 50606  
that a school district has not collected. 50607

(4) "Basic state aid" means ~~the a school district's state~~ 50608  
~~education aid calculated for a school district under Chapter 3306.~~ 50609  
~~of the Revised Code.~~ 50610

(5) "Effective value" means the sum of the effective 50611  
residential/agricultural real property value, the effective 50612  
nonresidential/agricultural real property value, and the effective 50613  
personal value. 50614

(6) "Effective residential/agricultural real property value" 50615  
means, for a tax year, the amount obtained by multiplying the 50616  
value for that year of residential/agricultural real property 50617  
subject to taxation in the district by a fraction, the numerator 50618  
of which is the total taxes charged and payable for that year 50619  
against the residential/agricultural real property subject to 50620  
taxation in the district, exclusive of the uncollected taxes for 50621

that year on all real property subject to taxation in the 50622  
district, and the denominator of which is the total taxes charged 50623  
and payable for that year against the residential/agricultural 50624  
real property subject to taxation in the district. 50625

(7) "Effective nonresidential/agricultural real property 50626  
value" means, for a tax year, the amount obtained by multiplying 50627  
the value for that year of nonresidential/agricultural real 50628  
property subject to taxation in the district by a fraction, the 50629  
numerator of which is the total taxes charged and payable for that 50630  
year against the nonresidential/agricultural real property subject 50631  
to taxation in the district, exclusive of the uncollected taxes 50632  
for that year on all real property subject to taxation in the 50633  
district, and the denominator of which is the total taxes charged 50634  
and payable for that year against the nonresidential/agricultural 50635  
real property subject to taxation in the district. 50636

(8) "Effective personal value" means, for a tax year, the 50637  
amount obtained by multiplying the value for that year certified 50638  
under division (A)(2) of section 3317.021 of the Revised Code by a 50639  
fraction, the numerator of which is the total taxes charged and 50640  
payable for that year against personal property subject to 50641  
taxation in the district, exclusive of the uncollected taxes for 50642  
that year on that property, and the denominator of which is the 50643  
total taxes charged and payable for that year against personal 50644  
property subject to taxation in the district. 50645

(9) "Nonresidential/agricultural real property value" means, 50646  
for a tax year, the sum of the values certified for a school 50647  
district for that year under division (B)(2)(a) of this section, 50648  
and "residential/agricultural real property value" means, for a 50649  
tax year, the sum of the values certified for a school district 50650  
under division (B)(2)(b) of this section. 50651

(10) "Taxes charged and payable against real property" means 50652  
the taxes charged and payable against that property after making 50653

the reduction required by section 319.301 of the Revised Code. 50654

(11) "Total taxes charged and payable" has the same meaning 50655  
given "taxes charged and payable" in section 3317.02 of the 50656  
Revised Code. 50657

(B)(1) By the first day of August of any calendar year, a 50658  
school district shall notify the department of education if it has 50659  
any uncollected taxes from one port authority for the second 50660  
preceding tax year whose taxes charged and payable represent at 50661  
least one-half of one per cent of the district's total taxes 50662  
charged and payable for that tax year. 50663

(2) The department shall verify whether the district has such 50664  
uncollected taxes by the first day of September, and if the 50665  
district does, shall immediately request the county auditor of 50666  
each county in which the school district has territory to certify 50667  
the following information concerning the district's property 50668  
values and taxes for the second preceding tax year, and each such 50669  
auditor shall certify that information to the department within 50670  
thirty days of receiving the request: 50671

(a) The value of the property subject to taxation in the 50672  
district that was classified as nonresidential/agricultural real 50673  
property pursuant to section 5713.041 of the Revised Code, and the 50674  
taxes charged and payable on that property; and 50675

(b) The value of the property subject to taxation in the 50676  
district that was classified as residential/agricultural real 50677  
property under section 5713.041 of the Revised Code. 50678

(C) By the fifteenth day of November, the department shall 50679  
compute the district's effective nonresidential/agricultural real 50680  
property value, effective residential/agricultural real property 50681  
value, effective personal value, and effective value, and shall 50682  
determine whether the school district's effective value for the 50683  
second preceding tax year is at least one per cent less than its 50684

total value for that year certified under divisions (A)(1) and (2) 50685  
of section 3317.021 of the Revised Code. If it is, the department 50686  
shall recompute the basic state aid payable to the district for 50687  
the immediately preceding fiscal year using the effective value in 50688  
lieu of the amounts previously certified under section 3317.021 of 50689  
the Revised Code. The difference between the original basic state 50690  
aid amount computed for the district for the preceding fiscal year 50691  
and the recomputed amount shall be paid to the district from the 50692  
lottery profits education fund before the end of the current 50693  
fiscal year. 50694

(D) Except as provided in division (E) of this section, 50695  
amounts received by a school district under division (C) of this 50696  
section shall be repaid to the department of education in any 50697  
future year to the extent the district receives payments of 50698  
uncollectable taxes in such future year. The department shall 50699  
notify a district of any amount owed under this division. 50700

(E) If a school district received a grant from the 50701  
catastrophic expenditures account pursuant to division (C) of 50702  
section 3316.20 of the Revised Code on the basis of the same 50703  
circumstances for which a recomputation is made under this 50704  
section, the amount of the recomputation shall be reduced and 50705  
transferred in accordance with division (C) of section 3316.20 of 50706  
the Revised Code. 50707

**Sec. ~~3306.12~~ 3317.0212.** ~~(A)~~ The department of education shall 50708  
make no payments under this section for fiscal year 2012 or 2013. 50709

(A) As used in this section: 50710

(1) "Assigned bus" means a school bus used to transport 50711  
qualifying riders. 50712

(2) "Nontraditional ridership" means the average number of 50713  
qualifying riders who are enrolled in a community school 50714

established under Chapter 3314. of the Revised Code, in a STEM 50715  
school established under Chapter 3326. of the Revised Code, or in 50716  
a nonpublic school and are provided school bus service by a school 50717  
district during the first full week of October. 50718

(3) "Qualifying riders" means resident students enrolled in 50719  
regular education in grades kindergarten to twelve who are 50720  
provided school bus service by a school district and who live more 50721  
than one mile from the school they attend, including students with 50722  
dual enrollment in a joint vocational school district or a 50723  
cooperative education school district, and students enrolled in a 50724  
community school, STEM school, or nonpublic school. 50725

(4) "Qualifying ridership" means the average number of 50726  
qualifying riders who are provided school bus service by a school 50727  
district during the first full week of October. 50728

(5) "Rider density" means the number of qualifying riders per 50729  
square mile of a school district. 50730

(6) "School bus service" means a school district's 50731  
transportation of qualifying riders in any of the following types 50732  
of vehicles: 50733

(a) School buses owned or leased by the district; 50734

(b) School buses operated by a private contractor hired by 50735  
the district; 50736

(c) School buses operated by another school district or 50737  
entity with which the district has contracted, either as part of a 50738  
consortium for the provision of transportation or otherwise. 50739

(B) Not later than the fifteenth day of October each year, 50740  
each city, local, and exempted village school district shall 50741  
report to the department of education its qualifying ridership, 50742  
nontraditional ridership, number of qualifying riders per assigned 50743  
bus, and any other information requested by the department. 50744

Subsequent adjustments to the reported numbers shall be made only 50745  
in accordance with rules adopted by the department. 50746

(C) The department shall calculate the statewide 50747  
transportation cost per student as follows: 50748

(1) Determine each city, local, and exempted village school 50749  
district's transportation cost per student by dividing the 50750  
district's total costs for school bus service in the previous 50751  
fiscal year by its qualifying ridership in the previous fiscal 50752  
year. 50753

(2) After excluding districts that do not provide school bus 50754  
service and the ten districts with the highest transportation 50755  
costs per student and the ten districts with the lowest 50756  
transportation costs per student, divide the aggregate cost for 50757  
school bus service for the remaining districts in the previous 50758  
fiscal year by the aggregate qualifying ridership of those 50759  
districts in the previous fiscal year. 50760

(D) The department shall calculate the statewide 50761  
transportation cost per mile as follows: 50762

(1) Determine each city, local, and exempted village school 50763  
district's transportation cost per mile by dividing the district's 50764  
total costs for school bus service in the previous fiscal year by 50765  
its total number of miles driven for school bus service in the 50766  
previous fiscal year. 50767

(2) After excluding districts that do not provide school bus 50768  
service and the ten districts with the highest transportation 50769  
costs per mile and the ten districts with the lowest 50770  
transportation costs per mile, divide the aggregate cost for 50771  
school bus service for the remaining districts in the previous 50772  
fiscal year by the aggregate miles driven for school bus service 50773  
in those districts in the previous fiscal year. 50774

(E) The department shall calculate each city, local, and 50775



exempted village school district's transportation base payment as 50776  
follows: 50777

(1) Multiply the statewide transportation cost per student by 50778  
the district's qualifying ridership for the current fiscal year. 50779

(2) Multiply the statewide transportation cost per mile by 50780  
the district's total number of miles driven for school bus service 50781  
in the current fiscal year. 50782

(3) Multiply the greater of the amounts calculated under 50783  
divisions (E)(1) and (2) of this section by the greater of sixty 50784  
per cent or the district's state share percentage, as defined in 50785  
section 3317.02 of the Revised Code. 50786

(F) The department shall calculate each city, local, and 50787  
exempted village school district's nontraditional ridership 50788  
adjustment according to the following formula: 50789

(nontraditional ridership for the current fiscal year / 50790  
qualifying ridership for the current fiscal year) X 0.1 X 50791  
transportation base payment 50792

(G) If a city, local, ~~and~~ or exempted village school district 50793  
offers school bus service to all resident students who are 50794  
enrolled in regular education in district schools in grades nine 50795  
to twelve and who live more than one mile from the school they 50796  
attend, the department shall calculate the district's high school 50797  
ridership adjustment according to the following formula: 50798

0.025 X transportation base payment 50799

(H) If a city, local, ~~and~~ or exempted village school district 50800  
offers school bus service to students enrolled in grades 50801  
kindergarten to eight who live more than one mile, but two miles 50802  
or less, from the school they attend, the department shall 50803  
calculate an additional adjustment according to the following 50804  
formula: 50805

0.025 X transportation base payment 50806

(I)(1) The department annually shall establish a target number of qualifying riders per assigned bus for each city, local, and exempted village school district. The department shall use the most recently available data in establishing the target number. The target number shall be based on the statewide median number of qualifying riders per assigned bus as adjusted to reflect the district's rider density in comparison to the rider density of all other districts. The department shall post on the department's web site each district's target number of qualifying riders per assigned bus and a description of how the target number was determined.

(2) The department shall determine each school district's efficiency index by dividing the district's median number of qualifying riders per assigned bus by its target number of qualifying riders per assigned bus.

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment as follows:

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment shall be calculated according to the following formula:

$$0.1 \times \text{transportation base payment}$$

(b) If the district's efficiency index is less than 1.5 but equal to or greater than 1.0, the efficiency adjustment shall be calculated according to the following formula:

$$[(\text{efficiency index} - 1) / 5] \times \text{transportation base payment}$$

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment shall be zero.

(J) The department shall pay each city, local, and exempted village school district the lesser of the following:

(1) The sum of the amounts calculated under divisions (E) to

(H) and (I)(3) of this section; 50838

(2) The district's total costs for school bus service for the 50839  
prior fiscal year. 50840

(K) In addition to funds paid under division (J) of this 50841  
section, each city, local, and exempted village district shall 50842  
receive in accordance with rules adopted by the state board of 50843  
education a payment for students transported by means other than 50844  
school bus service and whose transportation is not funded under 50845  
division ~~(G)~~(C) of section 3317.024 of the Revised Code. The rules 50846  
shall include provisions for school district reporting of such 50847  
students. 50848

~~(L)(1) In fiscal years 2010 and 2011, the department shall 50849  
pay each district a pro rata portion of the amounts calculated 50850  
under division (J) of this section and described in division (K) 50851  
of this section, based on state appropriations. 50852~~

~~(2) In addition to the prorated payment under division (L)(1) 50853  
of this section, in fiscal years 2010 and 2011, the department 50854  
shall pay each school district that meets the conditions 50855  
prescribed in division (L)(3) of this section an additional amount 50856  
equal to the following product: 50857~~

~~(a) The difference of (i) the amounts calculated under 50858  
division (J) of this section and prescribed in division (K) of 50859  
this section minus (ii) that prorated payment; times 50860~~

~~(b) 0.30 in fiscal year 2010 and 0.70 in fiscal year 2011. 50861~~

~~(3) Division (L)(2) of this section applies to each school 50862  
district that meets all of the following conditions: 50863~~

~~(a) The district qualifies for the calculation of a payment 50864  
under division (J) of this section because it transports students 50865  
on board owned or contractor owned school buses. 50866~~

~~(b) The district's local wealth per pupil, calculated as 50867~~

~~prescribed in section 3317.0217 of the Revised Code, is at or 50868  
below the median local wealth per pupil of all districts that 50869  
qualify for calculation of a payment under division (J) of this 50870  
section. 50871~~

~~(c) The district's rider density is at or below the median 50872  
rider density of all districts that qualify for calculation of a 50873  
payment under division (J) of this section. 50874~~

~~Sec. 3317.03. The information certified and verified under 50875  
this section shall be used to calculate payments under this 50876  
chapter and Chapter 3306. of the Revised Code. 50877~~

(A) The superintendent of each city, local, and exempted 50878  
village school district and of each educational service center 50879  
shall, for the schools under the superintendent's supervision, 50880  
certify to the state board of education on or before the fifteenth 50881  
day of October in each year for the first full school week in 50882  
October the average daily membership of students receiving 50883  
services from schools under the superintendent's supervision, and 50884  
the numbers of other students entitled to attend school in the 50885  
district under section 3313.64 or 3313.65 of the Revised Code the 50886  
superintendent is required to report under this section, so that 50887  
the department of education can calculate the district's formula 50888  
ADM. If a school under the superintendent's supervision is closed 50889  
for one or more days during that week due to hazardous weather 50890  
conditions or other circumstances described in the first paragraph 50891  
of division (B) of section 3317.01 of the Revised Code, the 50892  
superintendent may apply to the superintendent of public 50893  
instruction for a waiver, under which the superintendent of public 50894  
instruction may exempt the district superintendent from certifying 50895  
the average daily membership for that school for that week and 50896  
specify an alternate week for certifying the average daily 50897  
membership of that school. 50898

The average daily membership during such week shall consist 50899  
of the sum of the following: 50900

(1) On an FTE basis, the number of students in grades 50901  
kindergarten through twelve receiving any educational services 50902  
from the district, except that the following categories of 50903  
students shall not be included in the determination: 50904

(a) Students enrolled in adult education classes; 50905

(b) Adjacent or other district students enrolled in the 50906  
district under an open enrollment policy pursuant to section 50907  
3313.98 of the Revised Code; 50908

(c) Students receiving services in the district pursuant to a 50909  
compact, cooperative education agreement, or a contract, but who 50910  
are entitled to attend school in another district pursuant to 50911  
section 3313.64 or 3313.65 of the Revised Code; 50912

(d) Students for whom tuition is payable pursuant to sections 50913  
3317.081 and 3323.141 of the Revised Code; 50914

(e) Students receiving services in the district through a 50915  
scholarship awarded under section 3310.41 of the Revised Code. 50916

(2) On an FTE basis, the number of students entitled to 50917  
attend school in the district pursuant to section 3313.64 or 50918  
3313.65 of the Revised Code, but receiving educational services in 50919  
grades kindergarten through twelve from one or more of the 50920  
following entities: 50921

(a) A community school pursuant to Chapter 3314. of the 50922  
Revised Code, including any participation in a college pursuant to 50923  
Chapter 3365. of the Revised Code while enrolled in such community 50924  
school; 50925

(b) An alternative school pursuant to sections 3313.974 to 50926  
3313.979 of the Revised Code as described in division (I)(2)(a) or 50927  
(b) of this section; 50928

(c) A college pursuant to Chapter 3365. of the Revised Code, 50929  
except when the student is enrolled in the college while also 50930  
enrolled in a community school pursuant to Chapter 3314. or a 50931  
science, technology, engineering, and mathematics school 50932  
established under Chapter 3326. of the Revised Code; 50933

(d) An adjacent or other school district under an open 50934  
enrollment policy adopted pursuant to section 3313.98 of the 50935  
Revised Code; 50936

(e) An educational service center or cooperative education 50937  
district; 50938

(f) Another school district under a cooperative education 50939  
agreement, compact, or contract; 50940

(g) A chartered nonpublic school with a scholarship paid 50941  
under section 3310.08 of the Revised Code; 50942

(h) An alternative public provider or a registered private 50943  
provider with a scholarship awarded under section 3310.41 of the 50944  
Revised Code. 50945

As used in this section, "alternative public provider" and 50946  
"registered private provider" have the same meanings as in section 50947  
3310.41 of the Revised Code. 50948

(i) A science, technology, engineering, and mathematics 50949  
school established under Chapter 3326. of the Revised Code, 50950  
including any participation in a college pursuant to Chapter 3365. 50951  
of the Revised Code while enrolled in the school. 50952

(3) The number of students enrolled in a joint vocational 50953  
school district or under a vocational education compact, excluding 50954  
any students entitled to attend school in the district under 50955  
section 3313.64 or 3313.65 of the Revised Code who are enrolled in 50956  
another school district through an open enrollment policy as 50957  
reported under division (A)(2)(d) of this section and then enroll 50958

in a joint vocational school district or under a vocational 50959  
education compact; 50960

(4) The number of children with disabilities, other than 50961  
preschool children with disabilities, entitled to attend school in 50962  
the district pursuant to section 3313.64 or 3313.65 of the Revised 50963  
Code who are placed by the district with a county DD board, minus 50964  
the number of such children placed with a county DD board in 50965  
fiscal year 1998. If this calculation produces a negative number, 50966  
the number reported under division (A)(4) of this section shall be 50967  
zero. 50968

(B) To enable the department of education to obtain the data 50969  
needed to complete the calculation of payments pursuant to this 50970  
chapter ~~and Chapter 3306. of the Revised Code~~, in addition to the 50971  
average daily membership, each superintendent shall report 50972  
separately the following student counts for the same week for 50973  
which average daily membership is certified: 50974

(1) The total average daily membership in regular learning 50975  
day classes included in the report under division (A)(1) or (2) of 50976  
this section for each of the individual grades kindergarten 50977  
through twelve in schools under the superintendent's supervision; 50978

(2) The number of all preschool children with disabilities 50979  
enrolled as of the first day of December in classes in the 50980  
district that are eligible for approval under division (B) of 50981  
section 3317.05 of the Revised Code and the number of those 50982  
classes, which shall be reported not later than the fifteenth day 50983  
of December, in accordance with rules adopted under that section; 50984

(3) The number of children entitled to attend school in the 50985  
district pursuant to section 3313.64 or 3313.65 of the Revised 50986  
Code who are: 50987

(a) Participating in a pilot project scholarship program 50988  
established under sections 3313.974 to 3313.979 of the Revised 50989

Code as described in division (I)(2)(a) or (b) of this section;	50990
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	50991 50992 50993 50994 50995
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	50996 50997
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	50998 50999 51000 51001 51002 51003
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	51004 51005 51006 51007
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	51008 51009
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	51010 51011 51012
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	51013 51014 51015
(i) Participating in a program operated by a county DD board or a state institution;	51016 51017
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised	51018 51019



Code, including any participation in a college pursuant to Chapter	51020
3365. of the Revised Code while enrolled in the school.	51021
(4) The number of pupils enrolled in joint vocational	51022
schools;	51023
(5) The average daily membership of children with	51024
disabilities reported under division (A)(1) or (2) of this section	51025
receiving special education services for the category one	51026
disability described in division <del>(D)(1)(A)</del> of section <del>3306.02</del>	51027
<u>3317.013</u> of the Revised Code;	51028
(6) The average daily membership of children with	51029
disabilities reported under division (A)(1) or (2) of this section	51030
receiving special education services for category two disabilities	51031
described in division <del>(D)(2)(B)</del> of section <del>3306.02</del> <u>3317.013</u> of the	51032
Revised Code;	51033
(7) The average daily membership of children with	51034
disabilities reported under division (A)(1) or (2) of this section	51035
receiving special education services for category three	51036
disabilities described in division <del>(D)(3)(C)</del> of section <del>3306.02</del>	51037
<u>3317.013</u> of the Revised Code;	51038
(8) The average daily membership of children with	51039
disabilities reported under division (A)(1) or (2) of this section	51040
receiving special education services for category four	51041
disabilities described in division (D) <del>(4)</del> of section <del>3306.02</del>	51042
<u>3317.013</u> of the Revised Code;	51043
(9) The average daily membership of children with	51044
disabilities reported under division (A)(1) or (2) of this section	51045
receiving special education services for the category five	51046
disabilities described in division <del>(D)(5)(E)</del> of section <del>3306.02</del>	51047
<u>3317.013</u> of the Revised Code;	51048
(10) The combined average daily membership of children with	51049
disabilities reported under division (A)(1) or (2) and under	51050

division (B)(3)(h) of this section receiving special education 51051  
services for category six disabilities described in division 51052  
~~(D)(6)(F)~~ of section ~~3306.02~~ 3317.013 of the Revised Code, 51053  
including children attending a special education program operated 51054  
by an alternative public provider or a registered private provider 51055  
with a scholarship awarded under section 3310.41 of the Revised 51056  
Code; 51057

(11) The average daily membership of pupils reported under 51058  
division (A)(1) or (2) of this section enrolled in category one 51059  
vocational education programs or classes, described in division 51060  
(A) of section 3317.014 of the Revised Code, operated by the 51061  
school district or by another district, other than a joint 51062  
vocational school district, or by an educational service center, 51063  
excluding any student reported under division (B)(3)(e) of this 51064  
section as enrolled in an internet- or computer-based community 51065  
school, notwithstanding division (C) of section 3317.02 of the 51066  
Revised Code and division (C)(3) of this section; 51067

(12) The average daily membership of pupils reported under 51068  
division (A)(1) or (2) of this section enrolled in category two 51069  
vocational education programs or services, described in division 51070  
(B) of section 3317.014 of the Revised Code, operated by the 51071  
school district or another school district, other than a joint 51072  
vocational school district, or by an educational service center, 51073  
excluding any student reported under division (B)(3)(e) of this 51074  
section as enrolled in an internet- or computer-based community 51075  
school, notwithstanding division (C) of section 3317.02 of the 51076  
Revised Code and division (C)(3) of this section; 51077

Beginning with fiscal year 2010, vocational education ADM 51078  
shall not be used to calculate a district's funding but shall be 51079  
reported under divisions (B)(11) and (12) of this section for 51080  
statistical purposes. 51081

(13) The average number of children transported by the school 51082

district on board-owned or contractor-owned and -operated buses, 51083  
reported in accordance with rules adopted by the department of 51084  
education; 51085

(14)(a) The number of children, other than preschool children 51086  
with disabilities, the district placed with a county DD board in 51087  
fiscal year 1998; 51088

(b) The number of children with disabilities, other than 51089  
preschool children with disabilities, placed with a county DD 51090  
board in the current fiscal year to receive special education 51091  
services for the category one disability described in division 51092  
~~(D)(1)(A)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 51093

(c) The number of children with disabilities, other than 51094  
preschool children with disabilities, placed with a county DD 51095  
board in the current fiscal year to receive special education 51096  
services for category two disabilities described in division 51097  
~~(D)(2)(B)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 51098

(d) The number of children with disabilities, other than 51099  
preschool children with disabilities, placed with a county DD 51100  
board in the current fiscal year to receive special education 51101  
services for category three disabilities described in division 51102  
~~(D)(3)(C)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 51103

(e) The number of children with disabilities, other than 51104  
preschool children with disabilities, placed with a county DD 51105  
board in the current fiscal year to receive special education 51106  
services for category four disabilities described in division 51107  
(D)(4) of section ~~3306.02~~ 3317.013 of the Revised Code; 51108

(f) The number of children with disabilities, other than 51109  
preschool children with disabilities, placed with a county DD 51110  
board in the current fiscal year to receive special education 51111  
services for the category five disabilities described in division 51112  
~~(D)(5)(E)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 51113

(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category six disabilities described in division ~~(D)(6)(F)~~ of section ~~3306.02~~ 3317.013 of the Revised Code.

(C)(1) The average daily membership in divisions (B)(1) to (12) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section.

(2) A student enrolled in a community school established under Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code shall be counted in the formula ADM and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school or the science, technology, engineering, and mathematics school for purposes of section 3314.08 or 3326.33 of the Revised Code. Notwithstanding the number of students reported pursuant to division (B)(3)(d), (e), or (j) of this section, the department may adjust the formula ADM of a school district to account for students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a community school or a science, technology, engineering, and mathematics school for only a portion of the school year.

(3) No child shall be counted as more than a total of one child in the sum of the average daily memberships of a school district under division (A), divisions (B)(1) to (12), or division

(D) of this section, except as follows: 51146

(a) A child with a disability described in ~~division (D) of~~ 51147  
section ~~3306.02~~ 3317.013 of the Revised Code may be counted both 51148  
in formula ADM and in category one, two, three, four, five, or six 51149  
special education ADM and, if applicable, in category one or two 51150  
vocational education ADM. As provided in division (C) of section 51151  
3317.02 of the Revised Code, such a child shall be counted in 51152  
category one, two, three, four, five, or six special education ADM 51153  
in the same proportion that the child is counted in formula ADM. 51154

(b) A child enrolled in vocational education programs or 51155  
classes described in section 3317.014 of the Revised Code may be 51156  
counted both in formula ADM and category one or two vocational 51157  
education ADM and, if applicable, in category one, two, three, 51158  
four, five, or six special education ADM. Such a child shall be 51159  
counted in category one or two vocational education ADM in the 51160  
same proportion as the percentage of time that the child spends in 51161  
the vocational education programs or classes. 51162

(4) Based on the information reported under this section, the 51163  
department of education shall determine the total student count, 51164  
as defined in section 3301.011 of the Revised Code, for each 51165  
school district. 51166

(D)(1) The superintendent of each joint vocational school 51167  
district shall certify to the superintendent of public instruction 51168  
on or before the fifteenth day of October in each year for the 51169  
first full school week in October the formula ADM, for purposes of 51170  
section 3318.42 of the Revised Code and for any other purpose 51171  
prescribed by law for which "formula ADM" of the joint vocational 51172  
district is a factor. If a school operated by the joint vocational 51173  
school district is closed for one or more days during that week 51174  
due to hazardous weather conditions or other circumstances 51175  
described in the first paragraph of division (B) of section 51176  
3317.01 of the Revised Code, the superintendent may apply to the 51177

superintendent of public instruction for a waiver, under which the 51178  
superintendent of public instruction may exempt the district 51179  
superintendent from certifying the formula ADM for that school for 51180  
that week and specify an alternate week for certifying the formula 51181  
ADM of that school. 51182

The formula ADM, except as otherwise provided in this 51183  
division, shall consist of the average daily membership during 51184  
such week, on an FTE basis, of the number of students receiving 51185  
any educational services from the district, including students 51186  
enrolled in a community school established under Chapter 3314. or 51187  
a science, technology, engineering, and mathematics school 51188  
established under Chapter 3326. of the Revised Code who are 51189  
attending the joint vocational district under an agreement between 51190  
the district board of education and the governing authority of the 51191  
community school or the governing body of the science, technology, 51192  
engineering, and mathematics school and are entitled to attend 51193  
school in a city, local, or exempted village school district whose 51194  
territory is part of the territory of the joint vocational 51195  
district. 51196

The following categories of students shall not be included in 51197  
the determination made under division (D)(1) of this section: 51198

(a) Students enrolled in adult education classes; 51199

(b) Adjacent or other district joint vocational students 51200  
enrolled in the district under an open enrollment policy pursuant 51201  
to section 3313.98 of the Revised Code; 51202

(c) Students receiving services in the district pursuant to a 51203  
compact, cooperative education agreement, or a contract, but who 51204  
are entitled to attend school in a city, local, or exempted 51205  
village school district whose territory is not part of the 51206  
territory of the joint vocational district; 51207

(d) Students for whom tuition is payable pursuant to sections 51208

3317.081 and 3323.141 of the Revised Code. 51209

(2) ~~In~~ To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students for the same week for which formula ADM is certified: 51210 51211 51212 51213 51214 51215 51216

(a) Students enrolled in each individual grade included in the joint vocational district schools; 51217 51218

(b) Children with disabilities receiving special education services for the category one disability described in division ~~(D)(1)(A)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 51219 51220 51221

(c) Children with disabilities receiving special education services for the category two disabilities described in division ~~(D)(2)(B)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 51222 51223 51224

(d) Children with disabilities receiving special education services for category three disabilities described in division ~~(D)(3)(C)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 51225 51226 51227

(e) Children with disabilities receiving special education services for category four disabilities described in division ~~(D)(4)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 51228 51229 51230

(f) Children with disabilities receiving special education services for the category five disabilities described in division ~~(D)(5)(E)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 51231 51232 51233

(g) Children with disabilities receiving special education services for category six disabilities described in division ~~(D)(6)(F)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 51234 51235 51236

(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the 51237 51238

Revised Code; 51239

(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code. 51240  
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The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code. 51243  
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(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following: 51248  
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(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school; 51263  
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(2) Any pupil who is not a resident of the state; 51265

(3) Any pupil who was enrolled in the schools of the district during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not 51266  
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excused pursuant to division (C)(1) or (3) of that section; 51270

(4) Any pupil who has attained the age of twenty-two years, 51271  
except for veterans of the armed services whose attendance was 51272  
interrupted before completing the recognized twelve-year course of 51273  
the public schools by reason of induction or enlistment in the 51274  
armed forces and who apply for reenrollment in the public school 51275  
system of their residence not later than four years after 51276  
termination of war or their honorable discharge. 51277

If, however, any veteran described by division (E)(4) of this 51278  
section elects to enroll in special courses organized for veterans 51279  
for whom tuition is paid under the provisions of federal laws, or 51280  
otherwise, that veteran shall not be included in average daily 51281  
membership. 51282

Notwithstanding division (E)(3) of this section, the 51283  
membership of any school may include a pupil who did not take an 51284  
assessment required by section 3301.0711 of the Revised Code if 51285  
the superintendent of public instruction grants a waiver from the 51286  
requirement to take the assessment to the specific pupil and a 51287  
parent is not paying tuition for the pupil pursuant to section 51288  
3313.6410 of the Revised Code. The superintendent may grant such a 51289  
waiver only for good cause in accordance with rules adopted by the 51290  
state board of education. 51291

Except as provided in divisions (B)(2) and (F) of this 51292  
section, the average daily membership figure of any local, city, 51293  
exempted village, or joint vocational school district shall be 51294  
determined by dividing the figure representing the sum of the 51295  
number of pupils enrolled during each day the school of attendance 51296  
is actually open for instruction during the week for which the 51297  
average daily membership is being certified by the total number of 51298  
days the school was actually open for instruction during that 51299  
week. For purposes of state funding, "enrolled" persons are only 51300  
those pupils who are attending school, those who have attended 51301

school during the current school year and are absent for 51302  
authorized reasons, and those children with disabilities currently 51303  
receiving home instruction. 51304

The average daily membership figure of any cooperative 51305  
education school district shall be determined in accordance with 51306  
rules adopted by the state board of education. 51307

(F)(1) If the formula ADM for the first full school week in 51308  
February is at least three per cent greater than that certified 51309  
for the first full school week in the preceding October, the 51310  
superintendent of schools of any city, exempted village, or joint 51311  
vocational school district or educational service center shall 51312  
certify such increase to the superintendent of public instruction. 51313  
Such certification shall be submitted no later than the fifteenth 51314  
day of February. For the balance of the fiscal year, beginning 51315  
with the February payments, the superintendent of public 51316  
instruction shall use the increased formula ADM in calculating or 51317  
recalculating the amounts to be allocated in accordance with 51318  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 51319  
the superintendent use an increased membership certified to the 51320  
superintendent after the fifteenth day of February. Division 51321  
(F)(1) of this section does not apply after fiscal year 2006. 51322

(2) If on the first school day of April the total number of 51323  
classes or units for preschool children with disabilities that are 51324  
eligible for approval under division (B) of section 3317.05 of the 51325  
Revised Code exceeds the number of units that have been approved 51326  
for the year under that division, the superintendent of schools of 51327  
any city, exempted village, or cooperative education school 51328  
district or educational service center shall make the 51329  
certifications required by this section for that day. If the 51330  
department determines additional units can be approved for the 51331  
fiscal year within any limitations set forth in the acts 51332  
appropriating moneys for the funding of such units, the department 51333

shall approve additional units for the fiscal year on the basis of 51334  
such average daily membership. For each unit so approved, the 51335  
department shall pay an amount computed in the manner prescribed 51336  
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 51337  
Code. 51338

(3) If a student attending a community school under Chapter 51339  
3314. or a science, technology, engineering, and mathematics 51340  
school established under Chapter 3326. of the Revised Code is not 51341  
included in the formula ADM certified for the school district in 51342  
which the student is entitled to attend school under section 51343  
3313.64 or 3313.65 of the Revised Code, the department of 51344  
education shall adjust the formula ADM of that school district to 51345  
include the student in accordance with division (C)(2) of this 51346  
section, and shall recalculate the school district's payments 51347  
under this chapter ~~and Chapter 3306. of the Revised Code~~ for the 51348  
entire fiscal year on the basis of that adjusted formula ADM. This 51349  
requirement applies regardless of whether the student was 51350  
enrolled, as defined in division (E) of this section, in the 51351  
community school or the science, technology, engineering, and 51352  
mathematics school during the week for which the formula ADM is 51353  
being certified. 51354

(4) If a student awarded an educational choice scholarship is 51355  
not included in the formula ADM of the school district from which 51356  
the department deducts funds for the scholarship under section 51357  
3310.08 of the Revised Code, the department shall adjust the 51358  
formula ADM of that school district to include the student to the 51359  
extent necessary to account for the deduction, and shall 51360  
recalculate the school district's payments under this chapter ~~and~~ 51361  
~~Chapter 3306. of the Revised Code~~ for the entire fiscal year on 51362  
the basis of that adjusted formula ADM. This requirement applies 51363  
regardless of whether the student was enrolled, as defined in 51364  
division (E) of this section, in the chartered nonpublic school, 51365

the school district, or a community school during the week for 51366  
which the formula ADM is being certified. 51367

(G)(1)(a) The superintendent of an institution operating a 51368  
special education program pursuant to section 3323.091 of the 51369  
Revised Code shall, for the programs under such superintendent's 51370  
supervision, certify to the state board of education, in the 51371  
manner prescribed by the superintendent of public instruction, 51372  
both of the following: 51373

(i) The average daily membership of all children with 51374  
disabilities other than preschool children with disabilities 51375  
receiving services at the institution for each category of 51376  
disability described in divisions ~~(D)(1) to (6)~~(A) to (F) of 51377  
section ~~3306.02~~ 3317.013 of the Revised Code; 51378

(ii) The average daily membership of all preschool children 51379  
with disabilities in classes or programs approved annually by the 51380  
department of education for unit funding under section 3317.05 of 51381  
the Revised Code. 51382

(b) The superintendent of an institution with vocational 51383  
education units approved under division (A) of section 3317.05 of 51384  
the Revised Code shall, for the units under the superintendent's 51385  
supervision, certify to the state board of education the average 51386  
daily membership in those units, in the manner prescribed by the 51387  
superintendent of public instruction. 51388

(2) The superintendent of each county DD board that maintains 51389  
special education classes under section 3317.20 of the Revised 51390  
Code or units approved pursuant to section 3317.05 of the Revised 51391  
Code shall do both of the following: 51392

(a) Certify to the state board, in the manner prescribed by 51393  
the board, the average daily membership in classes under section 51394  
3317.20 of the Revised Code for each school district that has 51395  
placed children in the classes; 51396

(b) Certify to the state board, in the manner prescribed by the board, the number of all preschool children with disabilities enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes.

(3)(a) If on the first school day of April the number of classes or units maintained for preschool children with disabilities by the county DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day.

(b) If the department determines that additional classes or units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of the classes and units described in division (G)(3)(a) of this section, the department shall approve and fund additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department shall pay an amount computed in the manner prescribed in sections 3317.052 and 3317.053 of the Revised Code.

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's membership shall not be included in that district's membership figure used in the calculation of that district's formula ADM or included in the determination of any unit approved for the district under section 3317.05 of the Revised Code. The reporting official shall report separately the average daily membership of all pupils whose attendance in the district is unauthorized attendance, and the membership of each

such pupil shall be credited to the school district in which the 51429  
pupil is entitled to attend school under division (B) of section 51430  
3313.64 or section 3313.65 of the Revised Code as determined by 51431  
the department of education. 51432

(I)(1) A city, local, exempted village, or joint vocational 51433  
school district admitting a scholarship student of a pilot project 51434  
district pursuant to division (C) of section 3313.976 of the 51435  
Revised Code may count such student in its average daily 51436  
membership. 51437

(2) In any year for which funds are appropriated for pilot 51438  
project scholarship programs, a school district implementing a 51439  
state-sponsored pilot project scholarship program that year 51440  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 51441  
count in average daily membership: 51442

(a) All children residing in the district and utilizing a 51443  
scholarship to attend kindergarten in any alternative school, as 51444  
defined in section 3313.974 of the Revised Code; 51445

(b) All children who were enrolled in the district in the 51446  
preceding year who are utilizing a scholarship to attend ~~any such~~ 51447  
an alternative school. 51448

(J) The superintendent of each cooperative education school 51449  
district shall certify to the superintendent of public 51450  
instruction, in a manner prescribed by the state board of 51451  
education, the applicable average daily memberships for all 51452  
students in the cooperative education district, also indicating 51453  
the city, local, or exempted village district where each pupil is 51454  
entitled to attend school under section 3313.64 or 3313.65 of the 51455  
Revised Code. 51456

(K) If the superintendent of public instruction determines 51457  
that a component of the average daily membership certified or 51458  
reported by a district superintendent, or other reporting entity, 51459

is not correct, the superintendent of public instruction may order 51460  
that the formula ADM used for the purposes of payments under any 51461  
section of Title XXXVIII of the Revised Code be adjusted in the 51462  
amount of the error. 51463

**Sec. 3317.031.** A membership record shall be kept by grade 51464  
level in each city, local, exempted village, joint vocational, and 51465  
cooperative education school district and such a record shall be 51466  
kept by grade level in each educational service center that 51467  
provides academic instruction to pupils, classes for pupils with 51468  
disabilities, or any other direct instructional services to 51469  
pupils. Such membership record shall show the following 51470  
information for each pupil enrolled: Name, date of birth, name of 51471  
parent, date entered school, date withdrawn from school, days 51472  
present, days absent, and the number of days school was open for 51473  
instruction while the pupil was enrolled. At the end of the school 51474  
year this membership record shall show the total days present, the 51475  
total days absent, and the total days due for all pupils in each 51476  
grade. Such membership record shall show the pupils that are 51477  
transported to and from school and it shall also show the pupils 51478  
that are transported living within one mile of the school 51479  
attended. This membership record shall also show any other 51480  
information prescribed by the state board of education. 51481

This membership record shall be kept intact for at least five 51482  
years and shall be made available to the state board of education 51483  
or its representative in making an audit of the average daily 51484  
membership or the transportation of the district or educational 51485  
service center. ~~The membership records of local school districts~~ 51486  
~~shall be filed at the close of each school year in the office of~~ 51487  
~~the educational service center superintendent.~~ 51488

The state board of education may withhold any money due any 51489  
school district or educational service center under this chapter 51490

~~and Chapter 3306. of the Revised Code~~ until it has satisfactory 51491  
evidence that the board of education or educational service center 51492  
governing board has fully complied with all of the provisions of 51493  
this section. 51494

Nothing in this section shall require any person to release, 51495  
or to permit access to, public school records in violation of 51496  
section 3319.321 of the Revised Code. 51497

**Sec. 3317.05.** (A) For the purpose of calculating payments 51498  
under sections 3317.052 and 3317.053 of the Revised Code, the 51499  
department of education shall determine for each institution, by 51500  
the last day of January of each year and based on information 51501  
certified under section 3317.03 of the Revised Code, the number of 51502  
vocational education units or fractions of units approved by the 51503  
department on the basis of standards and rules adopted by the 51504  
state board of education. As used in this division, "institution" 51505  
means an institution operated by a department specified in section 51506  
3323.091 of the Revised Code and that provides vocational 51507  
education programs under the supervision of the division of 51508  
vocational education of the department that meet the standards and 51509  
rules for these programs, including licensure of professional 51510  
staff involved in the programs, as established by the state board. 51511

(B) For the purpose of calculating payments under sections 51512  
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 51513  
department shall determine, based on information certified under 51514  
section 3317.03 of the Revised Code, the following by the last day 51515  
of January of each year for each educational service center, for 51516  
each school district, including each cooperative education school 51517  
district, for each institution eligible for payment under section 51518  
3323.091 of the Revised Code, and for each county DD board: the 51519  
number of classes operated by the school district, service center, 51520  
institution, or county DD board for preschool children with 51521



disabilities, or fraction thereof, including in the case of a 51522  
district or service center that is a funding agent, classes taught 51523  
by a licensed teacher employed by that district or service center 51524  
under section 3313.841 of the Revised Code, approved annually by 51525  
the department on the basis of standards and rules adopted by the 51526  
state board. 51527

(C) For the purpose of calculating payments under sections 51528  
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 51529  
department shall determine, based on information certified under 51530  
section 3317.03 of the Revised Code, the following by the last day 51531  
of January of each year for each school district, including each 51532  
cooperative education school district, for each institution 51533  
eligible for payment under section 3323.091 of the Revised Code, 51534  
and for each county DD board: the number of units for related 51535  
services, as defined in section 3323.01 of the Revised Code, for 51536  
preschool children with disabilities approved annually by the 51537  
department on the basis of standards and rules adopted by the 51538  
state board. 51539

(D) All of the arithmetical calculations made under this 51540  
section shall be carried to the second decimal place. The total 51541  
number of units for school districts, service centers, and 51542  
institutions approved annually under this section shall not exceed 51543  
the number of units included in the estimate of cost for these 51544  
units and appropriations made for them by the general assembly. 51545

In the case of units for preschool children with disabilities 51546  
described in division (B) of this section, the department shall 51547  
approve only preschool units for children who are under age six on 51548  
the thirtieth day of September of the academic year, or on the 51549  
first day of August of the academic year if the school district in 51550  
which the child is enrolled has adopted a resolution under 51551  
division (A)(3) of section 3321.01 of the Revised Code, but not 51552  
less than age three on the first day of December of the academic 51553

year, except that such a unit may include one or more children who 51554  
are under age three or are age six or over on the applicable date, 51555  
as reported under division (B)(2) or (G)(2)(b) of section 3317.03 51556  
of the Revised Code, if such children have been admitted to the 51557  
unit pursuant to rules of the state board. The number of units for 51558  
county DD boards and institutions eligible for payment under 51559  
section 3323.091 of the Revised Code approved under this section 51560  
shall not exceed the number that can be funded with appropriations 51561  
made for such purposes by the general assembly. 51562

No unit shall be approved under divisions (B) and (C) of this 51563  
section unless a plan has been submitted and approved under 51564  
Chapter 3323. of the Revised Code. 51565

~~(E) The department shall approve units or fractions thereof 51566  
for gifted children on the basis of standards and rules adopted by 51567  
the state board. 51568~~

**Sec. 3317.051.** ~~(A)(1) Notwithstanding sections 3317.05 and 51569  
3317.11 of the Revised Code, a unit funded pursuant to division 51570  
(L) of section 3317.024 or division (A)(2) of section 3317.052 of 51571  
the Revised Code shall not be approved for state funding in one 51572  
school district, including any cooperative education school 51573  
district or any educational service center, to the extent that 51574  
such unit provides programs in or services to another district 51575  
which receives payment pursuant to section 3317.04 of the Revised 51576  
Code. 51577~~

~~(2) Any city, local, exempted village, or cooperative 51578  
education school district or any educational service center may 51579  
combine partial unit eligibility for programs for preschool 51580  
children with disabilities pursuant to section 3317.05 of the 51581  
Revised Code, and such combined partial units may be approved for 51582  
state funding in one school district or service center. 51583~~

~~(B) After units have been initially approved for any fiscal 51584~~

~~year under section 3317.05 of the Revised Code, no unit shall be~~ 51585  
~~subsequently transferred from a school district or educational~~ 51586  
~~service center to another city, exempted village, local, or~~ 51587  
~~cooperative education school district or educational service~~ 51588  
~~center or to an institution or county DD board solely for the~~ 51589  
~~purpose of reducing the financial obligations of the school~~ 51590  
~~district in a fiscal year it receives payment pursuant to section~~ 51591  
~~3317.04 of the Revised Code.~~ 51592

**Sec. 3317.053.** (A) As used in this section: 51593

(1) "State share percentage" has the same meaning as in 51594  
section 3317.022 of the Revised Code. 51595

(2) "Dollar amount" means the amount shown in the following 51596  
table for the corresponding type of unit: 51597

TYPE OF UNIT	DOLLAR AMOUNT	
Division (B) of section 3317.05		51599
of the Revised Code	\$8,334	51600
Division (C) of that section	\$3,234	51601
<del>Division (E) of that section</del>	<del>\$5,550</del>	51602

(3) "Average unit amount" means the amount shown in the 51603  
following table for the corresponding type of unit: 51604

TYPE OF UNIT	AVERAGE UNIT AMOUNT	
Division (B) of section 3317.05		51606
of the Revised Code	\$7,799	51607
Division (C) of that section	\$2,966	51608
<del>Division (E) of that section</del>	<del>\$5,251</del>	51609

(B) In the case of each unit described in division (B) or 51610  
(C) ~~or (E)~~ of section 3317.05 of the Revised Code and allocated 51611  
to a city, local, or exempted village school district, the 51612  
department of education, in addition to the amounts specified in 51613  
~~division (L) of section 3317.024 and sections 3317.052 and 3317.19~~ 51614  
of the Revised Code, shall pay a supplemental unit allowance equal 51615

to the sum of the following amounts: 51616

(1) An amount equal to 50% of the average unit amount for the 51617  
unit; 51618

(2) An amount equal to the percentage of the dollar amount 51619  
for the unit that equals the district's state share percentage. 51620

If, prior to the fifteenth day of May of a fiscal year, a 51621  
school district's aid computed under section 3317.022 of the 51622  
Revised Code is recomputed pursuant to section 3317.027 or 51623  
3317.028 of the Revised Code, the department shall also recompute 51624  
the district's entitlement to payment under this section utilizing 51625  
a new state share percentage. Such new state share percentage 51626  
shall be determined using the district's recomputed basic aid 51627  
amount pursuant to section 3317.027 or 3317.028 of the Revised 51628  
Code. During the last six months of the fiscal year, the 51629  
department shall pay the district a sum equal to one-half of the 51630  
recomputed payment in lieu of one-half the payment otherwise 51631  
calculated under this section. 51632

(C)(1) In the case of each unit allocated to an institution 51633  
pursuant to division (A) of section 3317.05 of the Revised Code, 51634  
the department, in addition to the amount specified in section 51635  
3317.052 of the Revised Code, shall pay a supplemental unit 51636  
allowance of \$7,227. 51637

(2) In the case of each unit described in division (B) of 51638  
section 3317.05 of the Revised Code that is allocated to any 51639  
entity other than a city, exempted village, or local school 51640  
district, the department, in addition to the amount specified in 51641  
section 3317.052 of the Revised Code, shall pay a supplemental 51642  
unit allowance of \$7,799. 51643

(3) In the case of each unit described in division (C) of 51644  
section 3317.05 of the Revised Code and allocated to any entity 51645  
other than a city, exempted village, or local school district, the 51646

department, in addition to the amounts specified in section 51647  
3317.052 of the Revised Code, shall pay a supplemental unit 51648  
allowance of \$2,966. 51649

~~(4) In the case of each unit described in division (E) of 51650  
section 3317.05 of the Revised Code and allocated to an 51651  
educational service center, the department, in addition to the 51652  
amounts specified in division (L) of section 3317.024 of the 51653  
Revised Code, shall pay a supplemental unit allowance of \$5,251. 51654~~

**Sec. 3317.06.** Moneys paid to school districts under division 51655  
~~(I)~~(E) of section 3317.024 of the Revised Code shall be used for 51656  
the following independent and fully severable purposes: 51657

(A) To purchase such secular textbooks or electronic 51658  
textbooks as have been approved by the superintendent of public 51659  
instruction for use in public schools in the state and to loan 51660  
such textbooks or electronic textbooks to pupils attending 51661  
nonpublic schools within the district or to their parents and to 51662  
hire clerical personnel to administer such lending program. Such 51663  
loans shall be based upon individual requests submitted by such 51664  
nonpublic school pupils or parents. Such requests shall be 51665  
submitted to the school district in which the nonpublic school is 51666  
located. Such individual requests for the loan of textbooks or 51667  
electronic textbooks shall, for administrative convenience, be 51668  
submitted by the nonpublic school pupil or the pupil's parent to 51669  
the nonpublic school, which shall prepare and submit collective 51670  
summaries of the individual requests to the school district. As 51671  
used in this section: 51672

(1) "Textbook" means any book or book substitute that a pupil 51673  
uses as a consumable or nonconsumable text, text substitute, or 51674  
text supplement in a particular class or program in the school the 51675  
pupil regularly attends. 51676

(2) "Electronic textbook" means ~~computer software,~~ 51677

~~interactive videodisc, magnetic media, CD-ROM, computer  
courseware, local and remote computer assisted instruction,  
on-line service, electronic medium, or other means of conveying  
information to the student or otherwise contributing any book or  
book substitute that a student accesses through the use of a  
computer or other electronic medium or that is available through  
an internet-based provider of course content, or any other  
material that contributes to the learning process through  
electronic means.~~

(B) To provide speech and hearing diagnostic services to  
pupils attending nonpublic schools within the district. Such  
service shall be provided in the nonpublic school attended by the  
pupil receiving the service.

(C) To provide physician, nursing, dental, and optometric  
services to pupils attending nonpublic schools within the  
district. Such services shall be provided in the school attended  
by the nonpublic school pupil receiving the service.

(D) To provide diagnostic psychological services to pupils  
attending nonpublic schools within the district. Such services  
shall be provided in the school attended by the pupil receiving  
the service.

(E) To provide therapeutic psychological and speech and  
hearing services to pupils attending nonpublic schools within the  
district. Such services shall be provided in the public school, in  
nonpublic schools, in public centers, or in mobile units located  
on or off of the nonpublic premises. If such services are provided  
in the public school or in public centers, transportation to and  
from such facilities shall be provided by the school district in  
which the nonpublic school is located.

(F) To provide guidance, counseling, and social work services  
to pupils attending nonpublic schools within the district. Such

services shall be provided in the public school, in nonpublic 51709  
schools, in public centers, or in mobile units located on or off 51710  
of the nonpublic premises. If such services are provided in the 51711  
public school or in public centers, transportation to and from 51712  
such facilities shall be provided by the school district in which 51713  
the nonpublic school is located. 51714

(G) To provide remedial services to pupils attending 51715  
nonpublic schools within the district. Such services shall be 51716  
provided in the public school, in nonpublic schools, in public 51717  
centers, or in mobile units located on or off of the nonpublic 51718  
premises. If such services are provided in the public school or in 51719  
public centers, transportation to and from such facilities shall 51720  
be provided by the school district in which the nonpublic school 51721  
is located. 51722

(H) To supply for use by pupils attending nonpublic schools 51723  
within the district such standardized tests and scoring services 51724  
as are in use in the public schools of the state; 51725

(I) To provide programs for children who attend nonpublic 51726  
schools within the district and are children with disabilities as 51727  
defined in section 3323.01 of the Revised Code or gifted children. 51728  
Such programs shall be provided in the public school, in nonpublic 51729  
schools, in public centers, or in mobile units located on or off 51730  
of the nonpublic premises. If such programs are provided in the 51731  
public school or in public centers, transportation to and from 51732  
such facilities shall be provided by the school district in which 51733  
the nonpublic school is located. 51734

(J) To hire clerical personnel to assist in the 51735  
administration of programs pursuant to divisions (B), (C), (D), 51736  
(E), (F), (G), and (I) of this section and to hire supervisory 51737  
personnel to supervise the providing of services and textbooks 51738  
pursuant to this section. 51739

(K) To purchase or lease any secular, neutral, and 51740  
nonideological computer application software ~~(including designed~~ 51741  
to assist students in performing a single task or multiple related 51742  
tasks, device management software, learning management software, 51743  
~~site-licensing), prerecorded video laserdiscs,~~ digital video on 51744  
demand (DVD), ~~compact discs, and video cassette cartridges,~~ wide 51745  
area connectivity and related technology as it relates to internet 51746  
access, mathematics or science equipment and materials, 51747  
instructional materials, and school library materials that are in 51748  
general use in the public schools of the state and loan such items 51749  
to pupils attending nonpublic schools within the district or to 51750  
their parents, and to hire clerical personnel to administer the 51751  
lending program. Only such items that are incapable of diversion 51752  
to religious use and that are susceptible of loan to individual 51753  
pupils and are furnished for the use of individual pupils shall be 51754  
purchased and loaned under this division. As used in this section, 51755  
"instructional materials" means prepared learning materials that 51756  
are secular, neutral, and nonideological in character and are of 51757  
benefit to the instruction of school children, and may include 51758  
educational resources and services developed by the eTech Ohio 51759  
commission. 51760

(L) To purchase or lease instructional equipment, including 51761  
computer hardware and related equipment in general use in the 51762  
public schools of the state, for use by pupils attending nonpublic 51763  
schools within the district and to loan such items to pupils 51764  
attending nonpublic schools within the district or to their 51765  
parents, and to hire clerical personnel to administer the lending 51766  
program. "Computer hardware and related equipment" includes 51767  
desktop computers and workstations; laptop computers, computer 51768  
tablets, and other mobile handheld devices; and their operating 51769  
systems and accessories. 51770

(M) To purchase mobile units to be used for the provision of 51771



services pursuant to divisions (E), (F), (G), and (I) of this 51772  
section and to pay for necessary repairs and operating costs 51773  
associated with these units. 51774

(N) To reimburse costs the district incurred to store the 51775  
records of a chartered nonpublic school that closes. 51776  
Reimbursements under this division shall be made one time only for 51777  
each chartered nonpublic school that closes. 51778

Clerical and supervisory personnel hired pursuant to division 51779  
(J) of this section shall perform their services in the public 51780  
schools, in nonpublic schools, public centers, or mobile units 51781  
where the services are provided to the nonpublic school pupil, 51782  
except that such personnel may accompany pupils to and from the 51783  
service sites when necessary to ensure the safety of the children 51784  
receiving the services. 51785

All services provided pursuant to this section may be 51786  
provided under contract with educational service centers, the 51787  
department of health, city or general health districts, or private 51788  
agencies whose personnel are properly licensed by an appropriate 51789  
state board or agency. 51790

Transportation of pupils provided pursuant to divisions (E), 51791  
(F), (G), and (I) of this section shall be provided by the school 51792  
district from its general funds and not from moneys paid to it 51793  
under division ~~(I)~~(E) of section 3317.024 of the Revised Code 51794  
unless a special transportation request is submitted by the parent 51795  
of the child receiving service pursuant to such divisions. If such 51796  
an application is presented to the school district, it may pay for 51797  
the transportation from moneys paid to it under division ~~(I)~~(E) of 51798  
section 3317.024 of the Revised Code. 51799

No school district shall provide health or remedial services 51800  
to nonpublic school pupils as authorized by this section unless 51801  
such services are available to pupils attending the public schools 51802

within the district. 51803

Materials, equipment, computer hardware or software, 51804  
textbooks, electronic textbooks, and health and remedial services 51805  
provided for the benefit of nonpublic school pupils pursuant to 51806  
this section and the admission of pupils to such nonpublic schools 51807  
shall be provided without distinction as to race, creed, color, or 51808  
national origin of such pupils or of their teachers. 51809

No school district shall provide services, materials, or 51810  
equipment that contain religious content for use in religious 51811  
courses, devotional exercises, religious training, or any other 51812  
religious activity. 51813

As used in this section, "parent" includes a person standing 51814  
in loco parentis to a child. 51815

Notwithstanding section 3317.01 of the Revised Code, payments 51816  
shall be made under this section to any city, local, or exempted 51817  
village school district within which is located one or more 51818  
nonpublic elementary or high schools and any payments made to 51819  
school districts under division ~~(I)~~(E) of section 3317.024 of the 51820  
Revised Code for purposes of this section may be disbursed without 51821  
submission to and approval of the controlling board. 51822

The allocation of payments for materials, equipment, 51823  
textbooks, electronic textbooks, health services, and remedial 51824  
services to city, local, and exempted village school districts 51825  
shall be on the basis of the state board of education's estimated 51826  
annual average daily membership in nonpublic elementary and high 51827  
schools located in the district. 51828

Payments made to city, local, and exempted village school 51829  
districts under this section shall be equal to specific 51830  
appropriations made for the purpose. All interest earned by a 51831  
school district on such payments shall be used by the district for 51832  
the same purposes and in the same manner as the payments may be 51833

used. 51834

The department of education shall adopt guidelines and 51835  
procedures under which such programs and services shall be 51836  
provided, under which districts shall be reimbursed for 51837  
administrative costs incurred in providing such programs and 51838  
services, and under which any unexpended balance of the amounts 51839  
appropriated by the general assembly to implement this section may 51840  
be transferred to the auxiliary services personnel unemployment 51841  
compensation fund established pursuant to section 4141.47 of the 51842  
Revised Code. The department shall also adopt guidelines and 51843  
procedures limiting the purchase and loan of the items described 51844  
in division (K) of this section to items that are in general use 51845  
in the public schools of the state, that are incapable of 51846  
diversion to religious use, and that are susceptible to individual 51847  
use rather than classroom use. Within thirty days after the end of 51848  
each biennium, each board of education shall remit to the 51849  
department all moneys paid to it under division ~~(I)~~(E) of section 51850  
3317.024 of the Revised Code and any interest earned on those 51851  
moneys that are not required to pay expenses incurred under this 51852  
section during the biennium for which the money was appropriated 51853  
and during which the interest was earned. If a board of education 51854  
subsequently determines that the remittal of moneys leaves the 51855  
board with insufficient money to pay all valid expenses incurred 51856  
under this section during the biennium for which the remitted 51857  
money was appropriated, the board may apply to the department of 51858  
education for a refund of money, not to exceed the amount of the 51859  
insufficiency. If the department determines the expenses were 51860  
lawfully incurred and would have been lawful expenditures of the 51861  
refunded money, it shall certify its determination and the amount 51862  
of the refund to be made to the director of job and family 51863  
services who shall make a refund as provided in section 4141.47 of 51864  
the Revised Code. 51865

Each school district shall label materials, equipment, 51866  
computer hardware or software, textbooks, and electronic textbooks 51867  
purchased or leased for loan to a nonpublic school under this 51868  
section, acknowledging that they were purchased or leased with 51869  
state funds under this section. However, a district need not label 51870  
materials, equipment, computer hardware or software, textbooks, or 51871  
electronic textbooks that the district determines are consumable 51872  
in nature or have a value of less than two hundred dollars. 51873

**Sec. 3317.061.** The superintendent of each school district, 51874  
including each cooperative education and joint vocational school 51875  
district and the superintendent of each educational service 51876  
center, shall, on forms prescribed and furnished by the state 51877  
board of education, certify to the state board of education, on or 51878  
before the fifteenth day of October of each year, the name of each 51879  
licensed employee employed, on an annual salary, in each school 51880  
under such superintendent's supervision during the first full 51881  
school week of said month of October, the number of years of 51882  
recognized college training such licensed employee has completed, 51883  
the college degrees from a recognized college earned by such 51884  
licensed employee, the type of teaching license held by such 51885  
licensed employee, the number of months such licensed employee is 51886  
employed in the school district, the annual salary of such 51887  
licensed employee, and such other information as the state board 51888  
of education may request. For the purposes of ~~Chapters 3306. and~~ 51889  
Chapter 3317. of the Revised Code, a licensed employee is any 51890  
employee in a position that requires a license issued pursuant to 51891  
sections 3319.22 to 3319.31 of the Revised Code. 51892

Pursuant to standards adopted by the state board of 51893  
education, experience of vocational teachers in trade and industry 51894  
shall be recognized by such board for the purpose of complying 51895  
with the requirements of recognized college training provided by 51896  
~~Chapters 3306. and~~ Chapter 3317. of the Revised Code. 51897

~~Sec. 3317.07. The state board of education shall establish rules for the purpose of distributing subsidies for the purchase of school buses under division (D) of section 3317.024 of the Revised Code.~~

~~No school bus subsidy payments shall be paid to any district unless such district can demonstrate that pupils residing more than one mile from the school could not be transported without such additional aid.~~

~~The amount paid to a county DD board for buses purchased for transportation of children in special education programs operated by the board shall be based on a per pupil allocation for eligible students.~~

~~The amount paid to a school district for buses purchased for transportation of pupils with disabilities and nonpublic school pupils shall be determined by a per pupil allocation based on the number of special education and nonpublic school pupils for whom transportation is provided.~~

~~The state board of education shall adopt a formula to determine the amount of payments that shall be distributed to school districts to purchase school buses for pupils other than pupils with disabilities or nonpublic school pupils.~~

~~If any district or county DD board obtains bus services for pupil transportation pursuant to a contract, such district or board may use payments received under this section to defray the costs of contracting for bus services in lieu of for purchasing buses.~~

~~If the department of education determines that a county DD board no longer needs a school bus because the board no longer transports children to a special education program operated by the board, or if the department determines that a school district no~~

longer needs a school bus to transport pupils to a nonpublic 51928  
school or special education program, the department may reassign a 51929  
bus that was funded with payments provided pursuant to the version 51930  
of this section in effect prior to the effective date of this 51931  
amendment for the purpose of transporting such pupils. The 51932  
department may reassign a bus to a county DD board or school 51933  
district that transports children to a special education program 51934  
designated in the children's individualized education plans, or to 51935  
a school district that transports pupils to a nonpublic school, 51936  
and needs an additional school bus. 51937

**Sec. 3317.08.** A board of education may admit to its schools a 51938  
child it is not required by section 3313.64 or 3313.65 of the 51939  
Revised Code to admit, if tuition is paid for the child. 51940

Unless otherwise provided by law, tuition shall be computed 51941  
in accordance with this section. A district's tuition charge for a 51942  
school year shall be one of the following: 51943

(A) For any child, except a preschool child with a disability 51944  
described in division (B) of this section, the quotient obtained 51945  
by dividing the sum of the amounts described in divisions (A)(1) 51946  
and (2) of this section by the district's formula ADM. 51947

(1) The district's total taxes charged and payable for 51948  
current expenses for the tax year preceding the tax year in which 51949  
the school year begins as certified under division (A)(3) of 51950  
section 3317.021 of the Revised Code. 51951

(2) The district's total taxes collected for current expenses 51952  
under a school district income tax adopted pursuant to section 51953  
5748.03 or 5748.08 of the Revised Code that are disbursed to the 51954  
district during the fiscal year, excluding any income tax receipts 51955  
allocated for the project cost, debt service, or maintenance 51956  
set-aside associated with a state-assisted classroom facilities 51957  
project as authorized by section 3318.052 of the Revised Code. On 51958

or before the first day of June of each year, the tax commissioner 51959  
shall certify the amount to be used in the calculation under this 51960  
division for the next fiscal year to the department of education 51961  
and the office of budget and management for each city, local, and 51962  
exempted village school district that levies a school district 51963  
income tax. 51964

(B) For any preschool child with a disability not included in 51965  
a unit approved under division (B) of section 3317.05 of the 51966  
Revised Code, an amount computed for the school year as follows: 51967

(1) For each type of special education service provided to 51968  
the child for whom tuition is being calculated, determine the 51969  
amount of the district's operating expenses in providing that type 51970  
of service to all preschool children with disabilities not 51971  
included in units approved under division (B) of section 3317.05 51972  
of the Revised Code; 51973

(2) For each type of special education service for which 51974  
operating expenses are determined under division (B)(1) of this 51975  
section, determine the amount of such operating expenses that was 51976  
paid from any state funds received under this chapter; 51977

(3) For each type of special education service for which 51978  
operating expenses are determined under division (B)(1) of this 51979  
section, divide the difference between the amount determined under 51980  
division (B)(1) of this section and the amount determined under 51981  
division (B)(2) of this section by the total number of preschool 51982  
children with disabilities not included in units approved under 51983  
division (B) of section 3317.05 of the Revised Code who received 51984  
that type of service; 51985

(4) Determine the sum of the quotients obtained under 51986  
division (B)(3) of this section for all types of special education 51987  
services provided to the child for whom tuition is being 51988  
calculated. 51989

The state board of education shall adopt rules defining the types of special education services and specifying the operating expenses to be used in the computation under this section.

If any child for whom a tuition charge is computed under this section for any school year is enrolled in a district for only part of that school year, the amount of the district's tuition charge for the child for the school year shall be computed in proportion to the number of school days the child is enrolled in the district during the school year.

Except as otherwise provided in division (J) of section 3313.64 of the Revised Code, whenever a district admits a child to its schools for whom tuition computed in accordance with this section is an obligation of another school district, the amount of the tuition shall be certified by the treasurer of the board of education of the district of attendance, to the board of education of the district required to pay tuition for its approval and payment. If agreement as to the amount payable or the district required to pay the tuition cannot be reached, or the board of education of the district required to pay the tuition refuses to pay that amount, the board of education of the district of attendance shall notify the superintendent of public instruction. The superintendent shall determine the correct amount and the district required to pay the tuition and shall deduct that amount, if any, under division ~~(G)~~(D) of section 3317.023 of the Revised Code, from the district required to pay the tuition and add that amount to the amount allocated to the district attended under such division. The superintendent of public instruction shall send to the district required to pay the tuition an itemized statement showing such deductions at the time of such deduction.

When a political subdivision owns and operates an airport, welfare, or correctional institution or other project or facility outside its corporate limits, the territory within which the



facility is located is exempt from taxation by the school district 52022  
within which such territory is located, and there are school age 52023  
children residing within such territory, the political subdivision 52024  
owning such tax exempt territory shall pay tuition to the district 52025  
in which such children attend school. The tuition for these 52026  
children shall be computed as provided for in this section. 52027

**Sec. 3317.081.** (A) Tuition shall be computed in accordance 52028  
with this section if: 52029

(1) The tuition is required by division (C)(3)(b) of section 52030  
3313.64 of the Revised Code; or 52031

(2) Neither the child nor the child's parent resides in this 52032  
state and tuition is required by section 3327.06 of the Revised 52033  
Code. 52034

(B) Tuition computed in accordance with this section shall 52035  
equal the attendance district's tuition rate computed under 52036  
section 3317.08 of the Revised Code plus the amount in state 52037  
education aid that district would have received for the child 52038  
~~pursuant to Chapter 3306. and sections 3317.023 and 3317.025 to~~ 52039  
~~3317.0211 of the Revised Code~~ during the school year had the 52040  
attendance district been authorized to count the child in its 52041  
formula ADM for that school year under section 3317.03 of the 52042  
Revised Code. 52043

**Sec. 3317.082.** As used in this section, "institution" means a 52044  
residential facility that receives and cares for children 52045  
maintained by the department of youth services and that operates a 52046  
school chartered by the state board of education under section 52047  
3301.16 of the Revised Code. 52048

(A) On or before the thirty-first day of each January and 52049  
July, the superintendent of each institution that during the 52050  
six-month period immediately preceding each January or July 52051

provided an elementary or secondary education for any child, other 52052  
than a child receiving special education under section 3323.091 of 52053  
the Revised Code, shall prepare and submit to the department of 52054  
education, a statement for each such child indicating the child's 52055  
name, any school district responsible to pay tuition for the child 52056  
as determined by the superintendent in accordance with division 52057  
(C)(2) or (3) of section 3313.64 of the Revised Code, and the 52058  
period of time during that six-month period that the child 52059  
received an elementary or secondary education. If any school 52060  
district is responsible to pay tuition for any such child, the 52061  
department of education, no later than the immediately succeeding 52062  
last day of February or August, as applicable, shall calculate the 52063  
amount of the tuition of the district under section 3317.08 of the 52064  
Revised Code for the period of time indicated on the statement and 52065  
do one of the following: 52066

(1) If the tuition amount is equal to or less than the ~~amount~~ 52067  
~~of state basic aid funds payable to the district under Chapter~~ 52068  
~~3306. and section 3317.023 of the Revised Code~~ district's state 52069  
education aid, pay to the institution submitting the statement an 52070  
amount equal to the tuition amount, as provided under division 52071  
~~(M)~~(G) of section 3317.024 of the Revised Code, and deduct the 52072  
tuition amount from the state basic aid funds payable to the 52073  
district, as provided under division ~~(F)~~(C)(2) of section 3317.023 52074  
of the Revised Code; 52075

(2) If the tuition amount is greater than the ~~amount of state~~ 52076  
~~basic aid funds payable to the district under Chapter 3306. and~~ 52077  
~~section 3317.023 of the Revised Code~~ district's state education 52078  
aid, require the district to pay to the institution submitting the 52079  
statement an amount equal to the tuition amount. 52080

(B) In the case of any disagreement about the school district 52081  
responsible to pay tuition for a child pursuant to this section, 52082  
the superintendent of public instruction shall make the 52083

determination in any such case in accordance with division (C)(2) 52084  
or (3) of section 3313.64 of the Revised Code. 52085

**Sec. 3317.09.** All moneys distributed to a school district, 52086  
including any cooperative education or joint vocational school 52087  
district and all moneys distributed to any educational service 52088  
center, by the state whether from a state or federal source, shall 52089  
be accounted for by the division of school finance of the 52090  
department of education. All moneys distributed shall be coded as 52091  
to county, school district or educational service center, source, 52092  
and other pertinent information, and at the end of each month, a 52093  
report of such distribution shall be made by such division of 52094  
school finance to each school district and educational service 52095  
center. If any board of education fails to make the report 52096  
required in section 3319.33 of the Revised Code, the 52097  
superintendent of public instruction shall be without authority to 52098  
distribute funds to that school district or educational service 52099  
center ~~pursuant to sections 3317.022 to 3317.0211, 3317.11,~~ 52100  
~~3317.16, 3317.17, or 3317.19 of the Revised Code~~ under this 52101  
chapter until such time as the required reports are filed with all 52102  
specified officers, boards, or agencies. 52103

**Sec. 3317.11.** (A) As used in this section: 52104

(1) "Client school district" means a city or exempted village 52105  
school district that has entered into an agreement under section 52106  
3313.843 of the Revised Code to receive any services from an 52107  
educational service center. 52108

(2) "Service center ADM" means the sum of the total student 52109  
counts of all local school districts within an educational service 52110  
center's territory and all of the service center's client school 52111  
districts. 52112

(3) "STEM school" means a science, technology, engineering, 52113

and mathematics school established under Chapter 3326. of the 52114  
Revised Code. 52115

(4) "Total student count" has the same meaning as in section 52116  
3301.011 of the Revised Code. 52117

(B)(1) The governing board of each educational service center 52118  
shall provide supervisory services to each local school district 52119  
within the service center's territory. Each city or exempted 52120  
village school district that enters into an agreement under 52121  
section 3313.843 of the Revised Code for a governing board to 52122  
provide any services also is considered to be provided supervisory 52123  
services by the governing board. Except as provided in division 52124  
(B)(2) of this section, the supervisory services shall not exceed 52125  
one supervisory teacher for the first fifty classroom teachers 52126  
required to be employed in the districts, as calculated in the 52127  
manner prescribed under former division (B) of section 3317.023 of 52128  
the Revised Code, as that division existed prior to the effective 52129  
date of this amendment, and one for each additional one hundred 52130  
required classroom teachers, as so calculated. 52131

The supervisory services shall be financed annually through 52132  
supervisory units. Except as provided in division (B)(2) of this 52133  
section, the number of supervisory units assigned to each district 52134  
shall not exceed one unit for the first fifty classroom teachers 52135  
required to be employed in the district, as calculated in the 52136  
manner prescribed under former division (B) of section 3317.023 of 52137  
the Revised Code, as that division existed prior to the effective 52138  
date of this amendment, and one for each additional one hundred 52139  
required classroom teachers, as so calculated. The cost of each 52140  
supervisory unit shall be the sum of: 52141

(a) The minimum salary prescribed by section 3317.13 of the 52142  
Revised Code for the licensed supervisory employee of the 52143  
governing board; 52144

(b) An amount equal to fifteen per cent of ~~the~~ that salary 52145  
~~prescribed by section 3317.13 of the Revised Code;~~ 52146

(c) An allowance for necessary travel expenses, limited to 52147  
the lesser of two hundred twenty-three dollars and sixteen cents 52148  
per month or two thousand six hundred seventy-eight dollars per 52149  
year. 52150

(2) If a majority of the boards of education, or 52151  
superintendents acting on behalf of the boards, of the local and 52152  
client school districts receiving services from the educational 52153  
service center agree to receive additional supervisory services 52154  
and to pay the cost of a corresponding number of supervisory units 52155  
in excess of the services and units specified in division (B)(1) 52156  
of this section, the service center shall provide the additional 52157  
services as agreed to by the majority of districts to, and the 52158  
department of education shall apportion the cost of the 52159  
corresponding number of additional supervisory units pursuant to 52160  
division (B)(3) of this section among, all of the service center's 52161  
local and client school districts. 52162

(3) The department shall apportion the total cost for all 52163  
supervisory units among the service center's local and client 52164  
school districts based on each district's total student count. The 52165  
department shall deduct each district's apportioned share pursuant 52166  
to division ~~(E)~~(B) of section 3317.023 of the Revised Code and pay 52167  
the apportioned share to the service center. 52168

(C) The department annually shall deduct from each local and 52169  
client school district of each educational service center, 52170  
pursuant to division ~~(E)~~(B) of section 3317.023 of the Revised 52171  
Code, and pay to the service center an amount equal to six dollars 52172  
and fifty cents times the school district's total student count. 52173  
The board of education, or the superintendent acting on behalf of 52174  
the board, of any local or client school district may agree to pay 52175  
an amount in excess of six dollars and fifty cents per student in 52176

total student count. If a majority of the boards of education, or 52177  
superintendents acting on behalf of the boards, of the local 52178  
school districts within a service center's territory approve an 52179  
amount in excess of six dollars and fifty cents per student in 52180  
total student count, the department shall deduct the approved 52181  
excess per student amount from all of the local school districts 52182  
within the service center's territory and pay the excess amount to 52183  
the service center. 52184

(D) The department shall pay each educational service center 52185  
the amounts due to it from school districts pursuant to contracts, 52186  
compacts, or agreements under which the service center furnishes 52187  
services to the districts or their students. In order to receive 52188  
payment under this division, an educational service center shall 52189  
furnish either a copy of the contract, compact, or agreement 52190  
clearly indicating the amounts of the payments, or a written 52191  
statement that clearly indicates the payments owed and is signed 52192  
by the superintendent or treasurer of the responsible school 52193  
district. The amounts paid to service centers under this division 52194  
shall be deducted from payments to school districts pursuant to 52195  
division ~~(K)~~(H)(3) of section 3317.023 of the Revised Code. 52196

(E) Each school district's deduction under this section and 52197  
divisions ~~(E)~~(B) and ~~(K)~~(H)(3) of section 3317.023 of the Revised 52198  
Code shall be made from the total payment computed for the 52199  
district under this chapter, after making any other adjustments in 52200  
that payment required by law. 52201

(F)(1) Except as provided in division (F)(2) of this section, 52202  
the department annually shall pay the governing board of each 52203  
educational service center state funds equal to thirty-seven 52204  
dollars times its service center ADM. 52205

(2) The department annually shall pay state funds equal to 52206  
forty dollars and fifty-two cents times the service center ADM to 52207  
each educational service center comprising territory that was 52208

included in the territory of at least three former service centers 52209  
or county school districts, which former centers or districts 52210  
engaged in one or more mergers under section 3311.053 of the 52211  
Revised Code to form the present center. 52212

(G) Each city, exempted village, local, joint vocational, or 52213  
cooperative education school district shall pay to the governing 52214  
board of an educational service center any amounts agreed to for 52215  
each child enrolled in the district who receives special education 52216  
and related services or career-technical education from the 52217  
educational service center, unless these educational services are 52218  
provided pursuant to a contract, compact, or agreement for which 52219  
the department deducts and transfers payments under division (D) 52220  
of this section and division ~~(K)~~(H)(3) of section 3317.023 of the 52221  
Revised Code. 52222

(H) The department annually shall pay the governing board of 52223  
each educational service center that has entered into a contract 52224  
with a STEM school for the provision of services described in 52225  
division (B) of section 3326.45 of the Revised Code state funds 52226  
equal to the per-pupil amount specified in the contract for the 52227  
provision of those services times the number of students enrolled 52228  
in the STEM school. 52229

(I) An educational service center: 52230

(1) May provide special education and career-technical 52231  
education to students in its local or client school districts; 52232

(2) Is eligible for transportation funding under division 52233  
~~(G)~~(C) of section 3317.024 of the Revised Code ~~and for state~~ 52234  
~~subsidies for the purchase of school buses under section 3317.07~~ 52235  
~~of the Revised Code;~~ 52236

(3) May apply for and receive gifted education units and 52237  
provide gifted education services to students in its local or 52238  
client school districts; 52239

(4) May conduct driver education for high school students in 52240  
accordance with Chapter 4508. of the Revised Code. 52241

**Sec. 3317.12.** Any board of education participating in funds 52242  
distributed under ~~Chapters 3306. and Chapter~~ 3317. of the Revised 52243  
Code shall annually adopt a salary schedule for nonteaching school 52244  
employees based upon training, experience, and qualifications with 52245  
initial salaries no less than the salaries in effect on October 52246  
13, 1967. Each board of education shall prepare and may amend from 52247  
time to time, specifications descriptive of duties, 52248  
responsibilities, requirements, and desirable qualifications of 52249  
the classifications of employees required to perform the duties 52250  
specified in the salary schedule. All nonteaching school employees 52251  
are to be notified of the position classification to which they 52252  
are assigned and the salary for the classification. The 52253  
compensation of all employees working for a particular school 52254  
board shall be uniform for like positions except as compensation 52255  
would be affected by salary increments based upon length of 52256  
service. 52257

On the fifteenth day of October each year the salary schedule 52258  
and the list of job classifications and salaries in effect on that 52259  
date shall be filed by each board of education with the 52260  
superintendent of public instruction. If such salary schedule and 52261  
classification plan is not filed the superintendent of public 52262  
instruction shall order the board to file such schedules 52263  
forthwith. If this condition is not corrected within ten days 52264  
after receipt of the order from the superintendent of public 52265  
instruction, no money shall be distributed to the district under 52266  
~~Chapters 3306. and Chapter~~ 3317. of the Revised Code until the 52267  
superintendent has satisfactory evidence of the board of 52268  
education's full compliance with such order. 52269

**Sec. 3317.13.** ~~(A)~~ This section shall not apply after the 52270



<u>2012-2013 school year.</u>	52271
(A) As used in this section and section 3317.14 of the Revised Code:	52272
(1) "Years of service" includes the following:	52273
(a) All years of teaching service in the same school district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;	52274
(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;	52275
(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and	52276
(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.	52277
(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board.	52278
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(B) No teacher shall be paid a salary less than that provided 52302  
in the schedule set forth in division (C) of this section. In 52303  
calculating the minimum salary any teacher shall be paid pursuant 52304  
to this section, years of service shall include the sum of all 52305  
years of the teacher's teaching service included in divisions 52306  
(A)(1)(a), (b), (c), and (d) of this section; except that any 52307  
school district or educational service center employing a teacher 52308  
new to the district or educational service center shall grant such 52309  
teacher a total of not more than ten years of service pursuant to 52310  
divisions (A)(1)(b), (c), and (d) of this section. 52311

Upon written complaint to the superintendent of public 52312  
instruction that the board of education of a district or the 52313  
governing board of an educational service center governing board 52314  
has failed or refused to annually adopt a salary schedule or to 52315  
pay salaries in accordance with the salary schedule set forth in 52316  
division (C) of this section, the superintendent of public 52317  
instruction shall cause to be made an immediate investigation of 52318  
such complaint. If the superintendent finds that the conditions 52319  
complained of exist, the superintendent shall order the board to 52320  
correct such conditions within ten days from the date of the 52321  
finding. No moneys shall be distributed to the district or 52322  
educational service center under this chapter until the 52323  
superintendent has satisfactory evidence of the board of 52324  
education's full compliance with such order. 52325

Each teacher shall be fully credited with placement in the 52326  
appropriate academic training level column in the district's or 52327  
educational service center's salary schedule with years of service 52328  
properly credited pursuant to this section or section 3317.14 of 52329  
the Revised Code. No rule shall be adopted or exercised by any 52330  
board of education or educational service center governing board 52331  
which restricts the placement or the crediting of annual salary 52332  
increments for any teacher according to the appropriate academic 52333

training level column. 52334

(C) Minimum salaries exclusive of retirement and sick leave 52335  
for teachers shall be as follows: 52336

Years of Service	Teachers with Less than Bachelor's Degree		Teachers with a Bachelor's Degree		Teachers with Five Years of Training, but no Master's Degree		Teachers with a Master's Degree or Higher		
	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900	52342
1	90.0	18,000	103.8	20,760	108.1	21,620	114.3	22,860	52343
2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	23,820	52344
3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	24,780	52345
4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	25,740	52346
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700	52347
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660	52348
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620	52349
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580	52350
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540	52351
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500	52352
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460	52353

\* Percentages represent the percentage which each salary is 52356  
of the base amount. 52357

For purposes of determining the minimum salary at any level 52358  
of training and service, the base of one hundred per cent shall be 52359  
the base amount. The percentages used in this section show the 52360  
relationships between the minimum salaries required by this 52361  
section and the base amount and shall not be construed as 52362  
requiring any school district or educational service center to 52363  
adopt a schedule containing salaries in excess of the amounts set 52364  
forth in this section for corresponding levels of training and 52365

experience. 52366

As used in this division: 52367

(1) "Base amount" means twenty thousand dollars. 52368

(2) "Five years of training" means at least one hundred fifty 52369  
semester hours, or the equivalent, and a bachelor's degree from a 52370  
recognized college or university. 52371

(D) For purposes of this section, all credited training shall 52372  
be from a recognized college or university. 52373

**Sec. 3317.14. Any This section shall not apply after the** 52374  
**2012-2013 school year.** 52375

Any school district board of education or educational service 52376  
center governing board participating in funds distributed under 52377  
Chapter 3317. of the Revised Code shall annually adopt a teachers' 52378  
salary schedule with provision for increments based upon training 52379  
and years of service. Notwithstanding sections 3317.13 and 52380  
3319.088 of the Revised Code, the board may establish its own 52381  
service requirements and may grant service credit for such 52382  
activities as teaching in public or nonpublic schools in this 52383  
state or in another state, for service as an educational assistant 52384  
other than as a classroom aide employed in accordance with section 52385  
5107.541 of the Revised Code, and for service in the military or 52386  
in an appropriate state or federal governmental agency, provided 52387  
no teacher receives less than the amount required to be paid 52388  
pursuant to section 3317.13 of the Revised Code and provided full 52389  
credit for a minimum of five years of actual teaching and military 52390  
experience as defined in division (A) of section 3317.13 of the 52391  
Revised Code is given to each teacher. 52392

On the fifteenth day of October of each year the salary 52393  
schedule in effect on that date in each school district and each 52394  
educational service center shall be filed with the superintendent 52395

of public instruction. A copy of such schedule shall also annually 52396  
be filed by the board of education of each local school district 52397  
with the educational service center superintendent, who thereupon 52398  
shall certify to the treasurer of such local district the correct 52399  
salary to be paid to each teacher in accordance with the adopted 52400  
schedule. 52401

Each teacher who has completed training which would qualify 52402  
such teacher for a higher salary bracket pursuant to this section 52403  
shall file by the fifteenth day of September with the treasurer of 52404  
the board of education or educational service center satisfactory 52405  
evidence of the completion of such additional training. The 52406  
treasurer shall then immediately place the teacher, pursuant to 52407  
this section and section 3317.13 of the Revised Code, in the 52408  
proper salary bracket in accordance with training and years of 52409  
service before certifying such salary, training, and years of 52410  
service to the superintendent of public instruction. No teacher 52411  
shall be paid less than the salary to which such teacher is 52412  
entitled pursuant to section 3317.13 of the Revised Code. 52413

Sec. 3317.141. (A) Beginning with the school year that begins 52414  
July 1, 2013, the board of education of each city, exempted 52415  
village, local, or joint vocational school district and the 52416  
governing board of each educational service center annually shall 52417  
adopt a salary schedule for teachers based upon performance as 52418  
described in division (B) of this section. 52419

(B) For purposes of the schedule, a board shall measure a 52420  
teacher's performance by considering all of the following: 52421

(1) The level of license issued under section 3319.22 of the 52422  
Revised Code that the teacher holds; 52423

(2) Whether the teacher is a highly qualified teacher, as 52424  
defined in section 3319.074 of the Revised Code; 52425

(3) The ratings received by the teacher on performance evaluations conducted under section 3319.111 of the Revised Code. 52426  
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(C) The schedule shall provide for annual adjustments based on performance on the evaluations conducted under section 3319.111 of the Revised Code. The annual performance-based adjustment for a teacher rated as highly effective shall be greater than the annual performance-based adjustment for a teacher rated as effective. The annual performance-based adjustment for a teacher rated as effective shall be at least fifty per cent but not more than seventy-five per cent of the annual performance-based adjustment for a teacher rated as highly effective. 52428  
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(D) The salary schedule adopted under this section may provide for additional compensation for teachers who agree to perform duties, not contracted for under a supplemental contract, that the employing board determines warrant additional compensation. Those duties may include, but are not limited to, assignment to a school building eligible for funding under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; assignment to a building in "school improvement" status under the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code; teaching in a grade level or subject area in which the board has determined there is a shortage within the district or service center; or assignment to a hard-to-staff school, as determined by the board. 52437  
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**Sec. 3317.16.** (A) As used in this section: 52450

(1) The "total special education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in section 3317.022 of the Revised Code. 52451  
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52453

(2) The "total vocational education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in section 3317.022 of the Revised Code. 52454  
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(3) The "total recognized valuation" of a joint vocational school district shall be determined by adding the recognized valuations of all its constituent school districts that were subject to the joint vocational school district's tax levies for both the current and preceding tax years.

(4) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(5) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(B) The department of education shall compute and distribute state base cost funding to each joint vocational school district for the fiscal year in accordance with the following formula:

$$\begin{aligned} & \text{(formula amount X formula ADM) -} \\ & \text{(.0005 X total recognized valuation)} \end{aligned}$$

If the difference obtained under this division is a negative number, the district's computation shall be zero.

(C)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each joint vocational school district in accordance with the following formula:

$$\begin{aligned} & \text{state share percentage X formula amount X} \\ & \text{total vocational education weight} \end{aligned}$$

In each fiscal year, a joint vocational school district receiving funds under division (C)(1) of this section shall spend those funds only for the purposes the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the joint vocational school district to report data annually so that the

department may monitor the district's compliance with the 52488  
requirements regarding the manner in which funding received under 52489  
division (C)(1) of this section may be spent. 52490

(2) The department shall compute for each joint vocational 52491  
school district state funds for vocational education associated 52492  
services costs in accordance with the following formula: 52493

state share percentage X .05 X 52494  
the formula amount X the sum of 52495  
categories one and two vocational 52496  
education ADM 52497

In any fiscal year, a joint vocational school district 52498  
receiving funds under division (C)(2) of this section, or through 52499  
a transfer of funds pursuant to division ~~(H)~~(I) of section 52500  
3317.023 of the Revised Code, shall spend those funds only for the 52501  
purposes that the department designates as approved for vocational 52502  
education associated services expenses, which may include such 52503  
purposes as apprenticeship coordinators, coordinators for other 52504  
vocational education services, vocational evaluation, and other 52505  
purposes designated by the department. The department may deny 52506  
payment under division (C)(2) of this section to any district that 52507  
the department determines is not operating those services or is 52508  
using funds paid under division (C)(2) of this section, or through 52509  
a transfer of funds pursuant to division ~~(H)~~(I) of section 52510  
3317.023 of the Revised Code, for other purposes. 52511

(D)(1) The department shall compute and distribute state 52512  
special education and related services additional weighted costs 52513  
funds to each joint vocational school district in accordance with 52514  
the following formula: 52515

state share percentage X formula amount X 52516  
total special education weight 52517

(2)(a) As used in this division, the "personnel allowance" 52518  
means thirty thousand dollars in fiscal years 2008 and 2009. 52519



(b) For the provision of speech language pathology services to students, including students who do not have individualized education programs prepared for them under Chapter 3323. of the Revised Code, and for no other purpose, the department shall pay each joint vocational school district an amount calculated under the following formula:

(formula ADM divided by 2000) X the personnel allowance X state share percentage

(3) In any fiscal year, a joint vocational school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:

(formula amount X the sum of categories one through six special education ADM) + (total special education weight X formula amount)

The purposes approved by the department for special education expenses shall include, but shall not be limited to, compliance with state rules governing the education of children with disabilities, providing services identified in a student's individualized education program as defined in section 3323.01 of the Revised Code, provision of speech language pathology services, and the portion of the district's overall administrative and overhead costs that are attributable to the district's special education student population.

The department shall require joint vocational school districts to report data annually to allow for monitoring compliance with division (D)(3) of this section. The department shall annually report to the governor and the general assembly the amount of money spent by each joint vocational school district for special education and related services.

(4) In any fiscal year, a joint vocational school district shall spend for the provision of speech language pathology services not less than the sum of the amount calculated under division (D)(1) of this section for the students in the district's category one special education ADM and the amount calculated under division (D)(2) of this section.

(E)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.

(2) The district shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants.

(G)(1) A joint vocational school district's local share of special education and related services additional weighted costs equals:

(1 - state share percentage) X  
Total special education weight X  
~~the formula amount~~ \$5,732

(2) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under divisions (B), (D), (E), and (G)(1) of this section.

Those excess costs shall be calculated by subtracting the sum of the following from the actual cost to provide special education and related services to the student:

(a) The formula amount;

(b) The product of ~~the formula amount~~ \$5,732 times the applicable multiple specified in section ~~3306.11~~ 3317.013 of the Revised Code as that section existed prior to the effective date of this amendment;

(c) Any funds paid under division (E) of this section for the student;

(d) Any other funds received by the joint vocational school district under this chapter to provide special education and related services to the student, not including the amount calculated under division (G)(2) of this section.

(3) The board of education of the joint vocational school

district may report the excess costs calculated under division 52614  
(G)(2) of this section to the department of education. 52615

(4) If the board of education of the joint vocational school 52616  
district reports excess costs under division (G)(3) of this 52617  
section, the department shall pay the amount of excess cost 52618  
calculated under division (G)(2) of this section to the joint 52619  
vocational school district and shall deduct that amount as 52620  
provided in division (G)(4)(a) or (b) of this section, as 52621  
applicable: 52622

(a) If the student is not enrolled in a community school, the 52623  
department shall deduct the amount from the account of the 52624  
student's resident district pursuant to division ~~(M)~~(J) of section 52625  
3317.023 of the Revised Code. 52626

(b) If the student is enrolled in a community school, the 52627  
department shall deduct the amount from the account of the 52628  
community school pursuant to section 3314.083 of the Revised Code. 52629

**Sec. 3317.18.** (A) As used in this section, the terms "Chapter 52630  
133. securities," "credit enhancement facilities," "debt charges," 52631  
"general obligation," "legislation," "public obligations," and 52632  
"securities" have the same meanings as in section 133.01 of the 52633  
Revised Code. 52634

(B) The board of education of any school district authorizing 52635  
the issuance of securities under section 133.10, 133.301, or 52636  
3313.372 of the Revised Code or general obligation Chapter 133. 52637  
securities may adopt legislation requesting the state department 52638  
of education to approve, and enter into an agreement with the 52639  
school district and the primary paying agent or fiscal agent for 52640  
such securities providing for, the withholding and deposit of 52641  
funds, otherwise due the district under ~~Chapters 3306.~~ and Chapter 52642  
3317. of the Revised Code, for the payment of debt service charges 52643  
on such securities. 52644

The board of education shall deliver to the state department 52645  
a copy of such resolution and any additional pertinent information 52646  
the state department may require. 52647

The department of education and the office of budget and 52648  
management shall evaluate each request received from a school 52649  
district under this section and the department, with the advice 52650  
and consent of the director of budget and management, shall 52651  
approve or deny each request based on all of the following: 52652

(1) Whether approval of the request will enhance the 52653  
marketability of the securities for which the request is made; 52654

(2) Any other pertinent factors or limitations established in 52655  
rules made under division (I) of this section, including: 52656

(a) Current and projected obligations of funds due to the 52657  
requesting school district under ~~Chapters 3306.~~ and Chapter 3317. 52658  
of the Revised Code including obligations of those funds to public 52659  
obligations or relevant credit enhancement facilities under this 52660  
section, Chapter 133. and section 3313.483 of the Revised Code, 52661  
and under any other similar provisions of law; 52662

(b) Whether the department of education or the office of 52663  
budget and management has any reason to believe the requesting 52664  
school district will be unable to pay when due the debt charges on 52665  
the securities for which the request is made. 52666

The department may require a school district to establish 52667  
schedules for the payment of all debt charges that take into 52668  
account the amount and timing of anticipated distributions of 52669  
funds to the district under Chapter 3317. of the Revised Code. 52670

(C) If the department approves the request of a school 52671  
district to withhold and deposit funds pursuant to this section, 52672  
the department shall enter into a written agreement with the 52673  
district and the primary paying agent or fiscal agent for the 52674  
securities which shall provide for the withholding of funds 52675

pursuant to this section for the payment of debt charges on those securities, and may include both of the following:

(1) Provisions for certification by the district to the department, at a time prior to any date for the payment of applicable debt charges, whether the district is able to pay those debt charges when due;

(2) Requirements that the district deposit amounts for the payment of debt charges on the securities with the primary paying agent or fiscal agent for the securities prior to the date on which those debt charge payments are due to the owners or holders of the securities.

(D) Whenever a district notifies the department of education that it will be unable to pay debt charges when they are due, subject to the withholding provisions of this section, or whenever the applicable paying agent or fiscal agent notifies the department that it has not timely received from a school district the full amount needed for the payment when due of those debt charges to the holders or owners of such securities, the department shall immediately contact the school district and the paying agent or fiscal agent to confirm or determine whether the district is unable to make the required payment by the date on which it is due.

Upon demand of the treasurer of state while holding a school district obligation purchased under division (G)(1) of section 135.143 of the Revised Code, the state department of education, without a request of the school district, shall withhold and deposit funds pursuant to this section for payment of debt service charges on that obligation.

If the department confirms or determines that the district will be unable to make such payment and payment will not be made pursuant to a credit enhancement facility, the department shall

promptly pay to the applicable primary paying agent or fiscal 52707  
agent the lesser of the amount due for debt charges or the amount 52708  
due the district for the remainder of the fiscal year under 52709  
Chapter 3317. of the Revised Code. If this amount is insufficient 52710  
to pay the total amount then due the agent for the payment of debt 52711  
charges, the department shall pay to the agent each fiscal year 52712  
thereafter, and until the full amount due the agent for unpaid 52713  
debt charges is paid in full, the lesser of the remaining amount 52714  
due the agent for debt charges or the amount due the district for 52715  
the fiscal year under Chapter 3317. of the Revised Code. 52716

(E) The state department may make any payments under this 52717  
division by direct deposit of funds by electronic transfer. 52718

Any amount received by a paying agent or fiscal agent under 52719  
this section shall be applied only to the payment of debt charges 52720  
on the securities of the school district subject to this section 52721  
or to the reimbursement to the provider of a credit enhancement 52722  
facility that has paid such debt charges. 52723

(F) To the extent a school district whose securities are 52724  
subject to this section is unable to pay applicable debt charges 52725  
because of the failure to collect property taxes levied for the 52726  
payment of those debt charges, the district may transfer to or 52727  
deposit into any fund that would have received payments under 52728  
~~3306.~~ or Chapter 3317. of the Revised Code that were withheld 52729  
under this section any such delinquent property taxes when later 52730  
collected, provided that transfer or deposit shall be limited to 52731  
the amounts withheld from that fund under this section. 52732

(G) The department may make payments under this section to 52733  
paying agents or fiscal agents only from and to the extent that 52734  
money is appropriated by the general assembly for Chapter 3317. of 52735  
the Revised Code or for the purposes of this section. No 52736  
securities of a school district to which this section is made 52737  
applicable constitute an obligation or a debt or a pledge of the 52738

faith, credit, or taxing power of the state, and the holders or 52739  
owners of such securities have no right to have taxes levied or 52740  
appropriations made by the general assembly for the payment of 52741  
debt charges on those securities, and those securities, if the 52742  
department requires, shall contain a statement to that effect. The 52743  
agreement for or the actual withholding and payment of moneys 52744  
under this section does not constitute the assumption by the state 52745  
of any debt of a school district. 52746

(H) In the case of securities subject to the withholding 52747  
provisions of this section, the issuing board of education shall 52748  
appoint a paying agent or fiscal agent who is not an officer or 52749  
employee of the school district. 52750

(I) The department of education, with the advice of the 52751  
office of budget and management, may adopt reasonable rules not 52752  
inconsistent with this section for the implementation of this 52753  
section and division (B) of section 133.25 of the Revised Code as 52754  
it relates to the withholding and depositing of payments under 52755  
~~Chapters 3306. and Chapter~~ Chapter 3317. of the Revised Code to secure 52756  
payment of debt charges on school district securities. Those rules 52757  
shall include criteria for the evaluation and approval or denial 52758  
of school district requests for withholding under this section and 52759  
limits on the obligation for the purpose of paying debt charges or 52760  
reimbursing credit enhancement facilities of funds otherwise to be 52761  
paid to school districts under Chapter 3317. of the Revised Code. 52762

(J) The authority granted by this section is in addition to 52763  
and not a limitation on any other authorizations granted by or 52764  
pursuant to law for the same or similar purposes. 52765

**Sec. 3317.19.** (A) As used in this section, "total unit 52766  
allowance" means an amount equal to the sum of the following: 52767

(1) The total of the salary allowances for the teachers 52768  
employed in the cooperative education school district for all 52769



units approved under division (B) or (C) of section 3317.05 of the Revised Code. The salary allowance for each unit shall equal the minimum salary for the teacher of the unit calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to July 1, 2001.

(2) Fifteen per cent of the total computed under division (A)(1) of this section;

(3) The total of the unit operating allowances for all approved units. The amount of each allowance shall equal one of the following:

(a) Eight thousand twenty-three dollars times the number of units for preschool children with disabilities or fraction thereof approved for the year under division (B) of section 3317.05 of the Revised Code;

(b) Two thousand one hundred thirty-two dollars times the number of units or fraction thereof approved for the year under division (C) of section 3317.05 of the Revised Code.

(B) The state board of education shall compute and distribute to each cooperative education school district for each fiscal year an amount equal to the sum of the following:

(1) An amount equal to the total of the amounts credited to the cooperative education school district pursuant to division ~~(K)~~(H) of section 3317.023 of the Revised Code;

(2) The total unit allowance;

(3) An amount for assisting in providing free lunches to needy children ~~and an amount for assisting needy school districts in purchasing necessary equipment for food preparation~~ pursuant to division ~~(H)~~(D) of section 3317.024 of the Revised Code.

(C) If a cooperative education school district has had

additional special education units approved for the year under 52800  
division (F)(2) of section 3317.03 of the Revised Code, the 52801  
district shall receive an additional amount during the last half 52802  
of the fiscal year. For each unit, the additional amount shall 52803  
equal fifty per cent of the amount computed under division (A) of 52804  
this section for a unit approved under division (B) of section 52805  
3317.05 of the Revised Code. 52806

**Sec. 3317.20.** This section does not apply to preschool 52807  
children with disabilities. 52808

(A) As used in this section: 52809

(1) "Applicable weight" means the multiple specified in 52810  
section ~~3306.11~~ 3317.013 of the Revised Code for a disability 52811  
described in that section. 52812

(2) "Child's school district" means the school district in 52813  
which a child is entitled to attend school pursuant to section 52814  
3313.64 or 3313.65 of the Revised Code. 52815

(3) "State share percentage" means the state share percentage 52816  
of the child's school district. 52817

(B) Except as provided in division (C) of this section, the 52818  
department shall annually pay each county DD board for each child 52819  
with a disability, other than a preschool child with a disability, 52820  
for whom the county DD board provides special education and 52821  
related services an amount equal to the formula amount + (state 52822  
share percentage X formula amount X the applicable weight). 52823

(C) If any school district places with a county DD board more 52824  
children with disabilities than it had placed with a county DD 52825  
board in fiscal year 1998, the department shall not make a payment 52826  
under division (B) of this section for the number of children 52827  
exceeding the number placed in fiscal year 1998. The department 52828  
instead shall deduct from the district's payments under this 52829

~~chapter and Chapter 3306. of the Revised Code, and pay to the~~ 52830  
county DD board, an amount calculated in accordance with the 52831  
formula prescribed in division (B) of this section for each child 52832  
over the number of children placed in fiscal year 1998. 52833

(D) The department shall calculate for each county DD board 52834  
receiving payments under divisions (B) and (C) of this section the 52835  
following amounts: 52836

(1) The amount received by the county DD board for approved 52837  
special education and related services units, other than units for 52838  
preschool children with disabilities, in fiscal year 1998, divided 52839  
by the total number of children served in the units that year; 52840

(2) The product of the quotient calculated under division 52841  
(D)(1) of this section times the number of children for whom 52842  
payments are made under divisions (B) and (C) of this section. 52843

If the amount calculated under division (D)(2) of this 52844  
section is greater than the total amount calculated under 52845  
divisions (B) and (C) of this section, the department shall pay 52846  
the county DD board one hundred per cent of the difference in 52847  
addition to the payments under divisions (B) and (C) of this 52848  
section. 52849

(E) Each county DD board shall report to the department, in 52850  
the manner specified by the department, the name of each child for 52851  
whom the county DD board provides special education and related 52852  
services and the child's school district. 52853

(F)(1) For the purpose of verifying the accuracy of the 52854  
payments under this section, the department may request from 52855  
either of the following entities the data verification code 52856  
assigned under division (D)(2) of section 3301.0714 of the Revised 52857  
Code to any child who is placed with a county DD board: 52858

(a) The child's school district; 52859

(b) The independent contractor engaged to create and maintain data verification codes. 52860  
52861

(2) Upon a request by the department under division (F)(1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child. 52862  
52863  
52864  
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The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division. 52871  
52872  
52873  
52874

(3) The department shall not release any data verification code that it receives under division (F) of this section to any person except as provided by law. 52875  
52876  
52877

(G) Any document relative to special education and related services provided by a county DD board that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 52878  
52879  
52880  
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52883

**Sec. 3317.201.** This section does not apply to preschool children with disabilities. 52884  
52885

(A) As used in this section, the "total special education weight" for an institution means the sum of the following amounts: 52886  
52887

(1) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 52888  
52889

receiving services for a disability described in division 52890  
~~(D)(1)(A)~~ of section ~~3306.02~~ 3317.013 of the Revised Code 52891  
multiplied by the multiple specified in that division; 52892

(2) The number of children reported by the institution under 52893  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 52894  
receiving services for a disability described in division 52895  
~~(D)(2)(B)~~ of section ~~3306.02~~ 3317.013 of the Revised Code 52896  
multiplied by the multiple specified in that division; 52897

(3) The number of children reported by the institution under 52898  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 52899  
receiving services for a disability described in division 52900  
~~(D)(3)(C)~~ of section ~~3306.02~~ 3317.013 of the Revised Code 52901  
multiplied by the multiple specified in that division; 52902

(4) The number of children reported by the institution under 52903  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 52904  
receiving services for a disability described in division ~~(D)(4)~~ 52905  
of section ~~3306.02~~ 3317.013 of the Revised Code multiplied by the 52906  
multiple specified in that division; 52907

(5) The number of children reported by the institution under 52908  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 52909  
receiving services for a disability described in division 52910  
~~(D)(5)(E)~~ of section ~~3306.02~~ 3317.013 of the Revised Code 52911  
multiplied by the multiple specified in that division; 52912

(6) The number of children reported by the institution under 52913  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 52914  
receiving services for a disability described in division 52915  
~~(D)(6)(F)~~ of section ~~3306.02~~ 3317.013 of the Revised Code 52916  
multiplied by the multiple specified in that division. 52917

(B) For each fiscal year, the department of education shall 52918  
pay each state institution required to provide special education 52919  
services under division (A) of section 3323.091 of the Revised 52920

Code an amount equal to the greater of: 52921

(1) The formula amount times the institution's total special 52922  
education weight; 52923

(2) The aggregate amount of special education and related 52924  
services unit funding the institution received for all children 52925  
with disabilities other than preschool children with disabilities 52926  
in fiscal year 2005 under sections 3317.052 and 3317.053 of the 52927  
Revised Code, as those sections existed prior to June 30, 2005. 52928

**Sec. 3318.032.** (A) Except as otherwise provided in divisions 52929  
(C) and (D) of this section, the portion of the basic project cost 52930  
supplied by the school district shall be the greater of: 52931

(1) The required percentage of the basic project costs; 52932

(2)(a) For all districts except a district that opts to 52933  
divide its entire classroom facilities needs into segments to be 52934  
completed separately as authorized by section 3318.034 of the 52935  
Revised Code, an amount necessary to raise the school district's 52936  
net bonded indebtedness, as of the date the controlling board 52937  
approved the project, to within five thousand dollars of the 52938  
required level of indebtedness; 52939

(b) For a district that opts to divide its entire classroom 52940  
facilities needs into segments to be completed separately as 52941  
authorized by section 3318.034 of the Revised Code, an amount 52942  
necessary to raise the school district's net bonded indebtedness, 52943  
as of the date the controlling board approved the project, to 52944  
within five thousand dollars of the following: 52945

The required level of indebtedness X (the basic 52946  
project cost of the segment as approved 52947  
by the controlling board / the estimated basic 52948  
project cost of the district's entire classroom facilities 52949  
needs as determined jointly by the staff of the Ohio 52950

school facilities commission and the district) 52951

(B) The amount of the district's share determined under this 52952  
section shall be calculated only as of the date the controlling 52953  
board approved the project, and that amount applies throughout the 52954  
~~one-year~~ thirteen-month period permitted under section 3318.05 of 52955  
the Revised Code for the district's electors to approve the 52956  
propositions described in that section. If the amount reserved and 52957  
encumbered for a project is released because the electors do not 52958  
approve those propositions within that ~~year~~ period, and the school 52959  
district later receives the controlling board's approval for the 52960  
project, subject to a new project scope and estimated costs under 52961  
section 3318.054 of the Revised Code, the district's portion shall 52962  
be recalculated in accordance with this section as of the date of 52963  
the controlling board's subsequent approval. 52964

(C) At no time shall a school district's portion of the basic 52965  
project cost be greater than ninety-five per cent of the total 52966  
basic project cost. 52967

(D) If the controlling board approves a project under 52968  
sections 3318.01 to 3318.20 of the Revised Code for a school 52969  
district that previously received assistance under those sections 52970  
or section 3318.37 of the Revised Code within the twenty-year 52971  
period prior to the date on which the controlling board approves 52972  
the new project, the district's portion of the basic project cost 52973  
for the new project shall be the lesser of the following: 52974

(1) The portion calculated under division (A) of this 52975  
section; 52976

(2) The greater of the following: 52977

(a) The required percentage of the basic project costs for 52978  
the new project; 52979

(b) The percentage of the basic project cost paid by the 52980  
district for the previous project. 52981

Sec. 3318.05. The conditional approval of the Ohio school 52982  
facilities commission for a project shall lapse and the amount 52983  
reserved and encumbered for such project shall be released unless 52984  
the school district board accepts such conditional approval within 52985  
one hundred twenty days following the date of certification of the 52986  
conditional approval to the school district board and the electors 52987  
of the school district vote favorably on both of the propositions 52988  
described in divisions (A) and (B) of this section within ~~one year~~ 52989  
thirteen months of the date of such certification, except that a 52990  
school district described in division (C) of this section does not 52991  
need to submit the proposition described in division (B) of this 52992  
section. The propositions described in divisions (A) and (B) of 52993  
this section shall be combined in a single proposal. If the 52994  
district board or the district's electors fail to meet such 52995  
requirements and the amount reserved and encumbered for the 52996  
district's project is released, the district shall be given first 52997  
priority for project funding as such funds become available, 52998  
subject to section 3318.054 of the Revised Code. 52999

(A) On the question of issuing bonds of the school district 53000  
board, for the school district's portion of the basic project 53001  
cost, in an amount equal to the school district's portion of the 53002  
basic project cost less the amount of the proceeds of any 53003  
securities authorized or to be authorized under division (J) of 53004  
section 133.06 of the Revised Code and dedicated by the school 53005  
district board to payment of the district's portion of the basic 53006  
project cost; and 53007

(B) On the question of levying a tax the proceeds of which 53008  
shall be used to pay the cost of maintaining the classroom 53009  
facilities included in the project. Such tax shall be at the rate 53010  
of not less than one-half mill for each dollar of valuation for a 53011  
period of twenty-three years, subject to any extension approved 53012  
under section 3318.061 of the Revised Code. 53013



(C) If a school district has in place a tax levied under 53014  
section 5705.21 of the Revised Code for general permanent 53015  
improvements for a continuing period of time and the proceeds of 53016  
such tax can be used for maintenance, or if a district agrees to 53017  
the transfers described in section 3318.051 of the Revised Code, 53018  
the school district need not levy the additional tax required 53019  
under division (B) of this section, provided the school district 53020  
board includes in the agreement entered into under section 3318.08 53021  
of the Revised Code provisions either: 53022

(1) Earmarking an amount from the proceeds of that permanent 53023  
improvement tax for maintenance of classroom facilities equivalent 53024  
to the amount of the additional tax and for the equivalent number 53025  
of years otherwise required under this section; 53026

(2) Requiring the transfer of money in accordance with 53027  
section 3318.051 of the Revised Code. 53028

The district board subsequently may rescind the agreement to 53029  
make the transfers under section 3318.051 of the Revised Code only 53030  
so long as the electors of the district have approved, in 53031  
accordance with section 3318.063 of the Revised Code, the levy of 53032  
a tax for the maintenance of the classroom facilities acquired 53033  
under the district's project and that levy continues to be 53034  
collected as approved by the electors. 53035

(D) Proceeds of the tax to be used for maintenance of the 53036  
classroom facilities under either division (B) or (C)(1) of this 53037  
section, and transfers of money in accordance with section 53038  
3318.051 of the Revised Code shall be deposited into a separate 53039  
fund established by the school district for such purpose. 53040

**Sec. 3318.051.** (A) Any city, exempted village, or local 53041  
school district that commences a project under sections 3318.01 to 53042  
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 53043  
after September 5, 2006, need not levy the tax otherwise required 53044

under division (B) of section 3318.05 of the Revised Code, if the 53045  
district board of education adopts a resolution petitioning the 53046  
Ohio school facilities commission to approve the transfer of money 53047  
in accordance with this section and the commission approves that 53048  
transfer. If so approved, the commission and the district board 53049  
shall enter into an agreement under which the board, in each of 53050  
twenty-three consecutive years beginning in the year in which the 53051  
board and the commission enter into the project agreement under 53052  
section 3318.08 of the Revised Code, shall transfer into the 53053  
maintenance fund required by division (D) of section 3318.05 of 53054  
the Revised Code not less than an amount equal to one-half mill 53055  
for each dollar of the district's valuation unless and until the 53056  
agreement to make those transfers is rescinded by the district 53057  
board pursuant to division (F) of this section. 53058

(B) On the first day of July each year, or on an alternative 53059  
date prescribed by the commission, the district treasurer shall 53060  
certify to the commission and the auditor of state that the amount 53061  
required for the year has been transferred. The auditor of state 53062  
shall include verification of the transfer as part of any audit of 53063  
the district under section 117.11 of the Revised Code. If the 53064  
auditor of state finds that less than the required amount has been 53065  
deposited into a district's maintenance fund, the auditor of state 53066  
shall notify the district board of education in writing of that 53067  
fact and require the board to deposit into the fund, within ninety 53068  
days after the date of the notice, the amount by which the fund is 53069  
deficient for the year. If the district board fails to demonstrate 53070  
to the auditor of state's satisfaction that the board has made the 53071  
deposit required in the notice, the auditor of state shall notify 53072  
the department of education. At that time, the department shall 53073  
withhold an amount equal to ten per cent of the district's funds 53074  
calculated for the current fiscal year under ~~Chapters 3306. and~~ 53075  
Chapter 3317. of the Revised Code until the auditor of state 53076  
notifies the department that the auditor of state is satisfied 53077

that the board has made the required transfer. 53078

(C) Money transferred to the maintenance fund shall be used 53079  
for the maintenance of the facilities acquired under the 53080  
district's project. 53081

(D) The transfers to the maintenance fund under this section 53082  
does not affect a district's obligation to establish and maintain 53083  
a capital and maintenance fund under section 3315.18 of the 53084  
Revised Code. 53085

(E) Any decision by the commission to approve or not approve 53086  
the transfer of money under this section is final and not subject 53087  
to appeal. The commission shall not be responsible for errors or 53088  
miscalculations made in deciding whether to approve a petition to 53089  
make transfers under this section. 53090

(F) If the district board determines that it no longer can 53091  
continue making the transfers agreed to under this section, the 53092  
board may rescind the agreement only so long as the electors of 53093  
the district have approved, in accordance with section 3318.063 of 53094  
the Revised Code, the levy of a tax for the maintenance of the 53095  
classroom facilities acquired under the district's project and 53096  
that levy continues to be collected as approved by the electors. 53097  
That levy shall be for a number of years that is equal to the 53098  
difference between twenty-three years and the number of years that 53099  
the district made transfers under this section and shall be at the 53100  
rate of not less than one-half mill for each dollar of the 53101  
district's valuation. The district board shall continue to make 53102  
the transfers agreed to under this section until that levy has 53103  
been approved by the electors. 53104

Sec. 3318.054. (A) If conditional approval of a city, 53105  
exempted village, or local school district's project lapses as 53106  
provided in section 3318.05 of the Revised Code, or if conditional 53107  
approval of a joint vocational school district's project lapses as 53108

provided in division (D) of section 3318.41 of the Revised Code, 53109  
because the district's electors have not approved the ballot 53110  
measures necessary to generate the district's portion of the basic 53111  
project cost, and if the district board desires to seek a new 53112  
conditional approval of the project, the district board shall 53113  
request that the Ohio school facilities commission establish a new 53114  
scope, estimated basic project cost, estimated school district 53115  
portion of the basic project cost, and rate of taxation necessary 53116  
to pay the district's portion of the basic project cost prior to 53117  
resubmitting the ballot measures to the electors. To do so, the 53118  
commission shall use the district's current tax valuation and the 53119  
district's percentile for the prior fiscal year. For a district 53120  
that has entered into an agreement under section 3318.36 of the 53121  
Revised Code and desires to proceed with a project under sections 53122  
3318.01 to 3318.20 of the Revised Code, the district's portion of 53123  
the basic project cost shall be the percentage specified in that 53124  
agreement. The project scope, estimated costs, and rate of 53125  
taxation established under this division shall be valid for one 53126  
year from the date the commission approves them. 53127

(B) Upon the commission's approval under division (A) of this 53128  
section, the district board may submit the ballot measures to the 53129  
district's electors for approval of the project based on the new 53130  
project scope, estimated costs, and rate of taxation. Upon 53131  
electoral approval of those measures, the district shall be given 53132  
first priority for project funding as such funds become available. 53133

(C) When the commission determines that funds are available 53134  
for the district's project, the commission shall do all of the 53135  
following: 53136

(1) Determine the school district portion of the basic 53137  
project cost under section 3318.032 of the Revised Code, in the 53138  
case of a city, exempted village, or local school district, or 53139

under section 3318.42 of the Revised Code, in the case of a joint vocational school district; 53140  
53141

(2) Conditionally approve the project and submit it to the controlling board for approval pursuant to section 3318.04 of the Revised Code; 53142  
53143  
53144

(3) Encumber funds for the project under section 3318.11 of the Revised Code; 53145  
53146

(4) Enter into an agreement with the district board under section 3318.08 of the Revised Code. 53147  
53148

**Sec. 3318.08.** Except in the case of a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, if the requisite favorable vote on the election is obtained, or if the school district board has resolved to apply the proceeds of a property tax levy or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized in section 3318.052 of the Revised Code, the Ohio school facilities commission, upon certification to it of either the results of the election or the resolution under section 3318.052 of the Revised Code, shall enter into a written agreement with the school district board for the construction and sale of the project. In the case of a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, if the school district board of education and the school district electors have satisfied the conditions prescribed in division (D)(1) of section 3318.41 of the Revised Code, the commission shall enter into an agreement with the school district board for the construction and sale of the project. In either case, the agreement shall include, but need not be limited to, the following provisions:

(A) The sale and issuance of bonds or notes in anticipation thereof, as soon as practicable after the execution of the

agreement, in an amount equal to the school district's portion of 53171  
the basic project cost, including any securities authorized under 53172  
division (J) of section 133.06 of the Revised Code and dedicated 53173  
by the school district board to payment of the district's portion 53174  
of the basic project cost of the project; provided, that if at 53175  
that time the county treasurer of each county in which the school 53176  
district is located has not commenced the collection of taxes on 53177  
the general duplicate of real and public utility property for the 53178  
year in which the controlling board approved the project, the 53179  
school district board shall authorize the issuance of a first 53180  
installment of bond anticipation notes in an amount specified by 53181  
the agreement, which amount shall not exceed an amount necessary 53182  
to raise the net bonded indebtedness of the school district as of 53183  
the date of the controlling board's approval to within five 53184  
thousand dollars of the required level of indebtedness for the 53185  
preceding year. In the event that a first installment of bond 53186  
anticipation notes is issued, the school district board shall, as 53187  
soon as practicable after the county treasurer of each county in 53188  
which the school district is located has commenced the collection 53189  
of taxes on the general duplicate of real and public utility 53190  
property for the year in which the controlling board approved the 53191  
project, authorize the issuance of a second and final installment 53192  
of bond anticipation notes or a first and final issue of bonds. 53193

The combined value of the first and second installment of 53194  
bond anticipation notes or the value of the first and final issue 53195  
of bonds shall be equal to the school district's portion of the 53196  
basic project cost. The proceeds of any such bonds shall be used 53197  
first to retire any bond anticipation notes. Otherwise, the 53198  
proceeds of such bonds and of any bond anticipation notes, except 53199  
the premium and accrued interest thereon, shall be deposited in 53200  
the school district's project construction fund. In determining 53201  
the amount of net bonded indebtedness for the purpose of fixing 53202  
the amount of an issue of either bonds or bond anticipation notes, 53203

gross indebtedness shall be reduced by moneys in the bond 53204  
retirement fund only to the extent of the moneys therein on the 53205  
first day of the year preceding the year in which the controlling 53206  
board approved the project. Should there be a decrease in the tax 53207  
valuation of the school district so that the amount of 53208  
indebtedness that can be incurred on the tax duplicates for the 53209  
year in which the controlling board approved the project is less 53210  
than the amount of the first installment of bond anticipation 53211  
notes, there shall be paid from the school district's project 53212  
construction fund to the school district's bond retirement fund to 53213  
be applied against such notes an amount sufficient to cause the 53214  
net bonded indebtedness of the school district, as of the first 53215  
day of the year following the year in which the controlling board 53216  
approved the project, to be within five thousand dollars of the 53217  
required level of indebtedness for the year in which the 53218  
controlling board approved the project. The maximum amount of 53219  
indebtedness to be incurred by any school district board as its 53220  
share of the cost of the project is either an amount that will 53221  
cause its net bonded indebtedness, as of the first day of the year 53222  
following the year in which the controlling board approved the 53223  
project, to be within five thousand dollars of the required level 53224  
of indebtedness, or an amount equal to the required percentage of 53225  
the basic project costs, whichever is greater. All bonds and bond 53226  
anticipation notes shall be issued in accordance with Chapter 133. 53227  
of the Revised Code, and notes may be renewed as provided in 53228  
section 133.22 of the Revised Code. 53229

(B) The transfer of such funds of the school district board 53230  
available for the project, together with the proceeds of the sale 53231  
of the bonds or notes, except premium, accrued interest, and 53232  
interest included in the amount of the issue, to the school 53233  
district's project construction fund; 53234

(C) For all school districts except joint vocational school 53235

districts that receive assistance under sections 3318.40 to 53236  
3318.45 of the Revised Code, the following provisions as 53237  
applicable: 53238

(1) If section 3318.052 of the Revised Code applies, the 53239  
earmarking of the proceeds of a tax levied under section 5705.21 53240  
of the Revised Code for general permanent improvements or under 53241  
section 5705.218 of the Revised Code for the purpose of permanent 53242  
improvements, or the proceeds of a school district income tax 53243  
levied under Chapter 5748. of the Revised Code, or the proceeds 53244  
from a combination of those two taxes, in an amount to pay all or 53245  
part of the service charges on bonds issued to pay the school 53246  
district portion of the project and an amount equivalent to all or 53247  
part of the tax required under division (B) of section 3318.05 of 53248  
the Revised Code; 53249

(2) If section 3318.052 of the Revised Code does not apply, 53250  
one of the following: 53251

(a) The levy of the tax authorized at the election for the 53252  
payment of maintenance costs, as specified in division (B) of 53253  
section 3318.05 of the Revised Code; 53254

(b) If the school district electors have approved a 53255  
continuing tax for general permanent improvements under section 53256  
5705.21 of the Revised Code and that tax can be used for 53257  
maintenance, the earmarking of an amount of the proceeds from such 53258  
tax for maintenance of classroom facilities as specified in 53259  
division (B) of section 3318.05 of the Revised Code; 53260

(c) If, in lieu of the tax otherwise required under division 53261  
(B) of section 3318.05 of the Revised Code, the commission has 53262  
approved the transfer of money to the maintenance fund in 53263  
accordance with section 3318.051 of the Revised Code, a 53264  
requirement that the district board comply with the provisions 53265  
that section. The district board may rescind the provision 53266



prescribed under division (C)(2)(c) of this section only so long 53267  
as the electors of the district have approved, in accordance with 53268  
section 3318.063 of the Revised Code, the levy of a tax for the 53269  
maintenance of the classroom facilities acquired under the 53270  
district's project and that levy continues to be collected as 53271  
approved by the electors. 53272

(D) For joint vocational school districts that receive 53273  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 53274  
provision for deposit of school district moneys dedicated to 53275  
maintenance of the classroom facilities acquired under those 53276  
sections as prescribed in section 3318.43 of the Revised Code; 53277

(E) Dedication of any local donated contribution as provided 53278  
for under section 3318.084 of the Revised Code, including a 53279  
schedule for depositing such moneys applied as an offset of the 53280  
district's obligation to levy the tax described in division (B) of 53281  
section 3318.05 of the Revised Code as required under division 53282  
(D)(2) of section 3318.084 of the Revised Code; 53283

(F) Ownership of or interest in the project during the period 53284  
of construction, which shall be divided between the commission and 53285  
the school district board in proportion to their respective 53286  
contributions to the school district's project construction fund; 53287

(G) Maintenance of the state's interest in the project until 53288  
any obligations issued for the project under section 3318.26 of 53289  
the Revised Code are no longer outstanding; 53290

(H) The insurance of the project by the school district from 53291  
the time there is an insurable interest therein and so long as the 53292  
state retains any ownership or interest in the project pursuant to 53293  
division (F) of this section, in such amounts and against such 53294  
risks as the commission shall require; provided, that the cost of 53295  
any required insurance until the project is completed shall be a 53296  
part of the basic project cost; 53297

(I) The certification by the director of budget and management that funds are available and have been set aside to meet the state's share of the basic project cost as approved by the controlling board pursuant to either section 3318.04 or division (B)(1) of section 3318.41 of the Revised Code;

(J) Authorization of the school district board to advertise for and receive construction bids for the project, for and on behalf of the commission, and to award contracts in the name of the state subject to approval by the commission;

(K) Provisions for the disbursement of moneys from the school district's project account upon issuance by the commission or the commission's designated representative of vouchers for work done to be certified to the commission by the treasurer of the school district board;

(L) Disposal of any balance left in the school district's project construction fund upon completion of the project;

(M) Limitations upon use of the project or any part of it so long as any obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding;

(N) Provision for vesting the state's interest in the project to the school district board when the obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding;

(O) Provision for deposit of an executed copy of the agreement in the office of the commission;

(P) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval, if the proceeds of the sale of the bonds of the school district board are not paid into the school district's project construction fund and if bids for the construction of the project have not been taken within such period after the execution of the agreement as

may be fixed by the commission; 53329

(Q) Provision for the school district to maintain the project 53330  
in accordance with a plan approved by the commission; 53331

~~(R)(1) For all school districts except a district undertaking~~ 53332  
~~a project under section 3318.38 of the Revised Code or a joint~~ 53333  
~~vocational school district undertaking a project under sections~~ 53334  
~~3318.40 to 3318.45 of the Revised Code, provision~~ Provision that 53335  
all state funds reserved and encumbered to pay the state share of 53336  
the cost of the project ~~pursuant to section 3318.03 of the Revised~~ 53337  
~~Code be spent on the construction or acquisition of the project~~ 53338  
~~prior to the expenditure of any~~ and the funds provided by the 53339  
school district to pay for its share of the project cost, ~~unless~~ 53340  
including the respective shares of the cost of a segment if the 53341  
project is divided into segments, be spent on the construction and 53342  
acquisition of the project or segment simultaneously in proportion 53343  
to the state's and the school district's respective shares of that 53344  
basic project cost as determined under section 3318.032 of the 53345  
Revised Code or, if the district is a joint vocational school 53346  
district, under section 3318.42 of the Revised Code. However, if 53347  
the school district certifies to the commission that expenditure 53348  
by the school district is necessary to maintain the federal tax 53349  
status or tax-exempt status of notes or bonds issued by the school 53350  
district to pay for its share of the project cost or to comply 53351  
with applicable temporary investment periods or spending 53352  
exceptions to rebate as provided for under federal law in regard 53353  
to those notes or bonds, ~~in which cases,~~ the school district may 53354  
commit to spend, or spend, a greater portion of the funds it 53355  
provides; 53356

~~(2) For a school district undertaking a project under section~~ 53357  
~~3318.38 of the Revised Code or a joint vocational school district~~ 53358  
~~undertaking a project under sections 3318.40 to 3318.45 of the~~ 53359  
~~Revised Code, provision that the state funds reserved and~~ 53360

~~encumbered and the funds provided by the school district to pay 53361  
the basic project cost of any segment of the project, or of the 53362  
entire project if it is not divided into segments, be spent on the 53363  
construction and acquisition of the project simultaneously in 53364  
proportion to the state's and the school district's respective 53365  
shares of that basic project cost as determined under section 53366  
3318.032 of the Revised Code or, if the district is a joint 53367  
vocational school district, under section 3318.42 of the Revised 53368  
Code during any specific period than would otherwise be required 53369  
under this division. 53370~~

(S) A provision stipulating that the commission may prohibit 53371  
the district from proceeding with any project if the commission 53372  
determines that the site is not suitable for construction 53373  
purposes. The commission may perform soil tests in its 53374  
determination of whether a site is appropriate for construction 53375  
purposes. 53376

(T) A provision stipulating that, unless otherwise authorized 53377  
by the commission, any contingency reserve portion of the 53378  
construction budget prescribed by the commission shall be used 53379  
only to pay costs resulting from unforeseen job conditions, to 53380  
comply with rulings regarding building and other codes, to pay 53381  
costs related to design clarifications or corrections to contract 53382  
documents, and to pay the costs of settlements or judgments 53383  
related to the project as provided under section 3318.086 of the 53384  
Revised Code; 53385

(U) Provision stipulating that for continued release of 53386  
project funds the school district board shall comply with section 53387  
3313.41 of the Revised Code throughout the project and shall 53388  
notify the department of education and the Ohio community school 53389  
association when the board plans to dispose of facilities by sale 53390  
under that section; 53391

(V) Provision that the commission shall not approve a 53392

contract for demolition of a facility until the school district 53393  
board has complied with section 3313.41 of the Revised Code 53394  
relative to that facility, unless demolition of that facility is 53395  
to clear a site for construction of a replacement facility 53396  
included in the district's project. 53397

**Sec. 3318.12.** (A) The Ohio school facilities commission shall 53398  
cause to be transferred to the school district's project 53399  
construction fund the necessary amounts from amounts appropriated 53400  
by the general assembly and set aside for such purpose, from time 53401  
to time as may be necessary to pay obligations chargeable to such 53402  
fund when due. All investment earnings of a school district's 53403  
project construction fund shall be credited to the fund. 53404

(B)(1) The treasurer of the school district board shall 53405  
disburse funds from the school district's project construction 53406  
fund, including investment earnings credited to the fund, only 53407  
upon the approval of the commission or the commission's designated 53408  
representative. The commission or the commission's designated 53409  
representative shall issue vouchers against such fund, in such 53410  
amounts, and at such times as required by the contracts for 53411  
construction of the project. 53412

(2) Notwithstanding anything to the contrary in division 53413  
(B)(1) of this section, the school district board may, by a duly 53414  
adopted resolution, choose to use all or part of the investment 53415  
earnings of the district's project construction fund that are 53416  
attributable to the district's contribution to the fund to pay the 53417  
cost of classroom facilities or portions or components of 53418  
classroom facilities that are not included in the district's basic 53419  
project cost but that are related to the district's project. If 53420  
the district board adopts a resolution in favor of using those 53421  
investment earnings as authorized under division (B)(2) of this 53422  
section, the treasurer shall disburse the amount as designated and 53423

directed by the board. However, if the district board chooses to use any part of the investment earnings for classroom facilities or portions or components of classroom facilities that are not included in the basic project cost, as authorized under division (B)(2) of this section, and, subsequently, the cost of the project exceeds the amount in the project construction fund, the district board shall restore to the project construction fund the full amount of the investment earnings used under division (B)(2) of this section before any additional state moneys shall be released for the project.

(C) After ~~the~~ a certificate of completion has been issued for a project has been completed under section 3318.48 of the Revised Code:

(1) At the discretion of the school district board, any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to the fund shall be:

(a) Retained in the project construction fund for future projects;

(b) Transferred to the district's maintenance fund required by division (B) of section 3318.05 or section 3318.43 of the Revised Code, and the money so transferred shall be used solely for maintaining the classroom facilities included in the project;

(c) Transferred to the district's permanent improvement fund.

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

(3) Any other surplus remaining in the school district's project construction fund ~~after the project has been completed~~

shall be transferred to the commission and the school district 53455  
board in proportion to their respective contributions to the fund. 53456  
The commission shall use the money transferred to it under this 53457  
division for expenditure pursuant to sections 3318.01 to 3318.20 53458  
or sections 3318.40 to 3318.45 of the Revised Code. 53459

(D) Pursuant to appropriations of the general assembly, any 53460  
moneys transferred to the commission under division (C)(2) or (3) 53461  
of this section from a project construction fund for a project 53462  
under sections 3318.40 to 3318.45 of the Revised Code may be used 53463  
for future expenditures for projects under sections 3318.40 to 53464  
3318.45 of the Revised Code, notwithstanding the two per cent 53465  
annual limit specified in division (B) of section 3318.40 of the 53466  
Revised Code. 53467

**Sec. 3318.31.** (A) The Ohio school facilities commission may 53468  
perform any act and ensure the performance of any function 53469  
necessary or appropriate to carry out the purposes of, and 53470  
exercise the powers granted under, Chapter 3318. of the Revised 53471  
Code, including any of the following: 53472

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 53473  
the Revised Code, rules for the administration of programs 53474  
authorized under Chapter 3318. of the Revised Code. 53475

(2) Contract with, retain the services of, or designate, and 53476  
fix the compensation of, such agents, accountants, consultants, 53477  
advisers, and other independent contractors as may be necessary or 53478  
desirable to carry out the programs authorized under Chapter 3318. 53479  
of the Revised Code, or authorize the executive director to 53480  
perform such powers and duties. 53481

(3) Receive and accept any gifts, grants, donations, and 53482  
pledges, and receipts therefrom, to be used for the programs 53483  
authorized under Chapter 3318. of the Revised Code. 53484

(4) Make and enter into all contracts, commitments, and 53485  
agreements, and execute all instruments, necessary or incidental 53486  
to the performance of its duties and the execution of its rights 53487  
and powers under Chapter 3318. of the Revised Code, or authorize 53488  
the executive director to perform such powers and duties. 53489

(5) Request the director of administrative services to debar 53490  
a contractor as provided in section 153.02 of the Revised Code. 53491

(B) The commission shall appoint and fix the compensation of 53492  
an executive director who shall serve at the pleasure of the 53493  
commission. The executive director shall supervise the operations 53494  
of the commission and perform such other duties as delegated by 53495  
the commission. The executive director also shall employ and fix 53496  
the compensation of such employees as will facilitate the 53497  
activities and purposes of the commission, who shall serve at the 53498  
pleasure of the executive director. The employees of the 53499  
commission shall be exempt from Chapter 4117. of the Revised Code 53500  
and shall not be public employees as defined in section 4117.01 of 53501  
the Revised Code. 53502

(C) The attorney general shall serve as the legal 53503  
representative for the commission and may appoint other counsel as 53504  
necessary for that purpose in accordance with section 109.07 of 53505  
the Revised Code. 53506

**Sec. 3318.36.** (A)(1) As used in this section: 53507

(a) "Ohio school facilities commission," "classroom 53508  
facilities," "school district," "school district board," "net 53509  
bonded indebtedness," "required percentage of the basic project 53510  
costs," "basic project cost," "valuation," and "percentile" have 53511  
the same meanings as in section 3318.01 of the Revised Code. 53512

(b) "Required level of indebtedness" means five per cent of 53513  
the school district's valuation for the year preceding the year in 53514



which the commission and school district enter into an agreement 53515  
under division (B) of this section, plus [two one-hundredths of 53516  
one per cent multiplied by (the percentile in which the district 53517  
ranks minus one)]. 53518

(c) "Local resources" means any moneys generated in any 53519  
manner permitted for a school district board to raise the school 53520  
district portion of a project undertaken with assistance under 53521  
sections 3318.01 to 3318.20 of the Revised Code. 53522

(d) "Tangible personal property phase-out impacted district" 53523  
means a school district for which the taxable value of its 53524  
tangible personal property certified under division (A)(2) of 53525  
section 3317.021 of the Revised Code for tax year 2005, excluding 53526  
the taxable value of public utility personal property, made up 53527  
eighteen per cent or more of its total taxable value for tax year 53528  
2005 as certified under that section. 53529

(2) For purposes of determining the required level of 53530  
indebtedness, the required percentage of the basic project costs 53531  
under division (C)(1) of this section, and priority for assistance 53532  
under sections 3318.01 to 3318.20 of the Revised Code, the 53533  
percentile ranking of a school district with which the commission 53534  
has entered into an agreement under this section between the first 53535  
day of July and the thirty-first day of August in each fiscal year 53536  
is the percentile ranking calculated for that district for the 53537  
immediately preceding fiscal year, and the percentile ranking of a 53538  
school district with which the commission has entered into such 53539  
agreement between the first day of September and the thirtieth day 53540  
of June in each fiscal year is the percentile ranking calculated 53541  
for that district for the current fiscal year. However, in the 53542  
case of a tangible personal property phase-out impacted district, 53543  
the district's priority for assistance under sections 3318.01 to 53544  
3318.20 of the Revised Code and its portion of the basic project 53545  
cost under those sections shall be determined in the manner 53546

prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of 53547  
this section. 53548

(B)(1) There is hereby established the school building 53549  
assistance expedited local partnership program. Under the program, 53550  
the Ohio school facilities commission may enter into an agreement 53551  
with the school district board of any school district under which 53552  
the school district board may proceed with the new construction or 53553  
major repairs of a part of the school district's classroom 53554  
facilities needs, as determined under sections 3318.01 to 3318.20 53555  
of the Revised Code, through the expenditure of local resources 53556  
prior to the school district's eligibility for state assistance 53557  
under those sections and may apply that expenditure toward meeting 53558  
the school district's portion of the basic project cost of the 53559  
total of the school district's classroom facilities needs, as 53560  
determined under sections 3318.01 to 3318.20 of the Revised Code 53561  
and as recalculated under division (E) of this section, that are 53562  
eligible for state assistance under sections 3318.01 to 3318.20 of 53563  
the Revised Code when the school district becomes eligible for 53564  
that assistance. Any school district that is reasonably expected 53565  
to receive assistance under sections 3318.01 to 3318.20 of the 53566  
Revised Code within two fiscal years from the date the school 53567  
district adopts its resolution under division (B) of this section 53568  
shall not be eligible to participate in the program established 53569  
under this section. 53570

(2) To participate in the program, a school district board 53571  
shall first adopt a resolution certifying to the commission the 53572  
board's intent to participate in the program. 53573

The resolution shall specify the approximate date that the 53574  
board intends to seek elector approval of any bond or tax measures 53575  
or to apply other local resources to use to pay the cost of 53576  
classroom facilities to be constructed under this section. The 53577  
resolution may specify the application of local resources or 53578

elector-approved bond or tax measures after the resolution is 53579  
adopted by the board, and in such case the board may proceed with 53580  
a discrete portion of its project under this section as soon as 53581  
the commission and the controlling board have approved the basic 53582  
project cost of the district's classroom facilities needs as 53583  
specified in division (D) of this section. The board shall submit 53584  
its resolution to the commission not later than ten days after the 53585  
date the resolution is adopted by the board. 53586

The commission shall not consider any resolution that is 53587  
submitted pursuant to division (B)(2) of this section, as amended 53588  
by this amendment, sooner than September 14, 2000. 53589

(3) For purposes of determining when a district that enters 53590  
into an agreement under this section becomes eligible for 53591  
assistance under sections 3318.01 to 3318.20 of the Revised Code, 53592  
the commission shall use one of the following as applicable: 53593

(a) Except for a tangible personal property phase-out 53594  
impacted district, the district's percentile ranking determined at 53595  
the time the district entered into the agreement under this 53596  
section, as prescribed by division (A)(2) of this section; 53597

(b) For a tangible personal property phase-out impacted 53598  
district, the lesser of (i) the district's percentile ranking 53599  
determined at the time the district entered into the agreement 53600  
under this section, as prescribed by division (A)(2) of this 53601  
section, or (ii) the district's current percentile ranking under 53602  
section 3318.011 of the Revised Code. 53603

(4) Any project under this section shall comply with section 53604  
3318.03 of the Revised Code and with any specifications for plans 53605  
and materials for classroom facilities adopted by the commission 53606  
under section 3318.04 of the Revised Code. 53607

(5) If a school district that enters into an agreement under 53608  
this section has not begun a project applying local resources as 53609

provided for under that agreement at the time the district is notified by the commission that it is eligible to receive state assistance under sections 3318.01 to 3318.20 of the Revised Code, all assessment and agreement documents entered into under this section are void.

(6) Only construction of or repairs to classroom facilities that have been approved by the commission and have been therefore included as part of a district's basic project cost qualify for application of local resources under this section.

(C) Based on the results of on-site visits and assessment, the commission shall determine the basic project cost of the school district's classroom facilities needs. The commission shall determine the school district's portion of such basic project cost, which shall be the greater of:

(1) The required percentage of the basic project costs, determined based on the school district's percentile ranking;

(2) An amount necessary to raise the school district's net bonded indebtedness, as of the fiscal year the commission and the school district enter into the agreement under division (B) of this section, to within five thousand dollars of the required level of indebtedness.

(D)(1) When the commission determines the basic project cost of the classroom facilities needs of a school district and the school district's portion of that basic project cost under division (C) of this section, the project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval thereof. The controlling board shall forthwith approve or reject the commission's determination, conditional approval, and the amount of the state's portion of the basic project cost; however, no state funds shall be encumbered under this section. Upon approval by the controlling board, the

school district board may identify a discrete part of its 53641  
classroom facilities needs, which shall include only new 53642  
construction of or additions or major repairs to a particular 53643  
building, to address with local resources. Upon identifying a part 53644  
of the school district's basic project cost to address with local 53645  
resources, the school district board may allocate any available 53646  
school district moneys to pay the cost of that identified part, 53647  
including the proceeds of an issuance of bonds if approved by the 53648  
electors of the school district. 53649

All local resources utilized under this division shall first 53650  
be deposited in the project construction account required under 53651  
section 3318.08 of the Revised Code. 53652

(2) Unless the school district board exercises its option 53653  
under division (D)(3) of this section, for a school district to 53654  
qualify for participation in the program authorized under this 53655  
section, one of the following conditions shall be satisfied: 53656

(a) The electors of the school district by a majority vote 53657  
shall approve the levy of taxes outside the ten-mill limitation 53658  
for a period of twenty-three years at the rate of not less than 53659  
one-half mill for each dollar of valuation to be used to pay the 53660  
cost of maintaining the classroom facilities included in the basic 53661  
project cost as determined by the commission. The form of the 53662  
ballot to be used to submit the question whether to approve the 53663  
tax required under this division to the electors of the school 53664  
district shall be the form for an additional levy of taxes 53665  
prescribed in section 3318.361 of the Revised Code, which may be 53666  
combined in a single ballot question with the questions prescribed 53667  
under section 5705.218 of the Revised Code. 53668

(b) As authorized under division (C) of section 3318.05 of 53669  
the Revised Code, the school district board shall earmark from the 53670  
proceeds of a permanent improvement tax levied under section 53671  
5705.21 of the Revised Code, an amount equivalent to the 53672

additional tax otherwise required under division (D)(2)(a) of this 53673  
section for the maintenance of the classroom facilities included 53674  
in the basic project cost as determined by the commission. 53675

(c) As authorized under section 3318.051 of the Revised Code, 53676  
the school district board shall, if approved by the commission, 53677  
annually transfer into the maintenance fund required under section 53678  
3318.05 of the Revised Code the amount prescribed in section 53679  
3318.051 of the Revised Code in lieu of the tax otherwise required 53680  
under division (D)(2)(a) of this section for the maintenance of 53681  
the classroom facilities included in the basic project cost as 53682  
determined by the commission. 53683

(d) If the school district board has rescinded the agreement 53684  
to make transfers under section 3318.051 of the Revised Code, as 53685  
provided under division (F) of that section, the electors of the 53686  
school district, in accordance with section 3318.063 of the 53687  
Revised Code, first shall approve the levy of taxes outside the 53688  
ten-mill limitation for the period specified in that section at a 53689  
rate of not less than one-half mill for each dollar of valuation. 53690

(e) The school district board shall apply the proceeds of a 53691  
tax to leverage bonds as authorized under section 3318.052 of the 53692  
Revised Code or dedicate a local donated contribution in the 53693  
manner described in division (B) of section 3318.084 of the 53694  
Revised Code in an amount equivalent to the additional tax 53695  
otherwise required under division (D)(2)(a) of this section for 53696  
the maintenance of the classroom facilities included in the basic 53697  
project cost as determined by the commission. 53698

(3) A school district board may opt to delay taking any of 53699  
the actions described in division (D)(2) of this section until the 53700  
school district becomes eligible for state assistance under 53701  
sections 3318.01 to 3318.20 of the Revised Code. In order to 53702  
exercise this option, the board shall certify to the commission a 53703  
resolution indicating the board's intent to do so prior to 53704

entering into an agreement under division (B) of this section. 53705

(4) If pursuant to division (D)(3) of this section a district 53706  
board opts to delay levying an additional tax until the district 53707  
becomes eligible for state assistance, it shall submit the 53708  
question of levying that tax to the district electors as follows: 53709

(a) In accordance with section 3318.06 of the Revised Code if 53710  
it will also be necessary pursuant to division (E) of this section 53711  
to submit a proposal for approval of a bond issue; 53712

(b) In accordance with section 3318.361 of the Revised Code 53713  
if it is not necessary to also submit a proposal for approval of a 53714  
bond issue pursuant to division (E) of this section. 53715

(5) No state assistance under sections 3318.01 to 3318.20 of 53716  
the Revised Code shall be released until a school district board 53717  
that adopts and certifies a resolution under division (D) of this 53718  
section also demonstrates to the satisfaction of the commission 53719  
compliance with the provisions of division (D)(2) of this section. 53720

Any amount required for maintenance under division (D)(2) of 53721  
this section shall be deposited into a separate fund as specified 53722  
in division (B) of section 3318.05 of the Revised Code. 53723

(E)(1) If the school district becomes eligible for state 53724  
assistance under sections 3318.01 to 3318.20 of the Revised Code 53725  
based on its percentile ranking under division (B)(3) of this 53726  
section, the commission shall conduct a new assessment of the 53727  
school district's classroom facilities needs and shall recalculate 53728  
the basic project cost based on this new assessment. The basic 53729  
project cost recalculated under this division shall include the 53730  
amount of expenditures made by the school district board under 53731  
division (D)(1) of this section. The commission shall then 53732  
recalculate the school district's portion of the new basic project 53733  
cost, which shall be one of the following as applicable: 53734

(a) Except for a tangible personal property phase-out 53735

impacted district, the percentage of the original basic project 53736  
cost assigned to the school district as its portion under division 53737  
(C) of this section; 53738

(b) For a tangible personal property phase-out impacted 53739  
district, the lesser of (i) the percentage of the original basic 53740  
project cost assigned to the school district as its portion under 53741  
division (C) of this section, or (ii) the percentage of the new 53742  
basic project cost determined under section 3318.032 of the 53743  
Revised Code using the district's current percentile ranking under 53744  
section 3318.011 of the Revised Code. The 53745

The commission shall deduct the expenditure of school 53746  
district moneys made under division (D)(1) of this section from 53747  
the school district's portion of the basic project cost as 53748  
recalculated under this division. If the amount of school district 53749  
resources applied by the school district board to the school 53750  
district's portion of the basic project cost under this section is 53751  
less than the total amount of such portion as recalculated under 53752  
this division, the school district board by a majority vote of all 53753  
of its members shall, if it desires to seek state assistance under 53754  
sections 3318.01 to 3318.20 of the Revised Code, adopt a 53755  
resolution as specified in section 3318.06 of the Revised Code to 53756  
submit to the electors of the school district the question of 53757  
approval of a bond issue in order to pay any additional amount of 53758  
school district portion required for state assistance. Any tax 53759  
levy approved under division (D) of this section satisfies the 53760  
requirements to levy the additional tax under section 3318.06 of 53761  
the Revised Code. 53762

(2) If the amount of school district resources applied by the 53763  
school district board to the school district's portion of the 53764  
basic project cost under this section is more than the total 53765  
amount of such portion as recalculated under ~~this~~ division (E)(1) 53766  
of this section, within one year after the school district's 53767



portion is so recalculated ~~under division (E)(1) of this section~~ 53768  
the commission may grant to the school district the difference 53769  
between the two calculated portions, but at no time shall the 53770  
commission expend any state funds on a project in an amount 53771  
greater than the state's portion of the basic project cost as 53772  
recalculated under ~~this~~ division (E)(1) of this section. 53773

Any reimbursement under this division shall be only for local 53774  
resources the school district has applied toward construction cost 53775  
expenditures for the classroom facilities approved by the 53776  
commission, which shall not include any financing costs associated 53777  
with that construction. 53778

The school district board shall use any moneys reimbursed to 53779  
the district under this division to pay off any debt service the 53780  
district owes for classroom facilities constructed under its 53781  
project under this section before such moneys are applied to any 53782  
other purpose. However, the district board first may deposit 53783  
moneys reimbursed under this division into the district's general 53784  
fund or a permanent improvement fund to replace local resources 53785  
the district withdrew from those funds, as long as, and to the 53786  
extent that, those local resources were used by the district for 53787  
constructing classroom facilities included in the district's basic 53788  
project cost. 53789

(3) A tangible personal property phase-out impacted district 53790  
shall receive credit under division (E) of this section for the 53791  
expenditure of local resources pursuant to any prior agreement 53792  
authorized by this section, notwithstanding any recalculation of 53793  
its average taxable value. 53794

**Sec. 3318.37.** (A)(1) As used in this section: 53795

(a) "Large land area school district" means a school district 53796  
with a territory of greater than three hundred square miles in any 53797  
percentile as determined under section 3318.011 of the Revised 53798

Code. 53799

(b) "Low wealth school district" means a school district in 53800  
the first through seventy-fifth percentiles as determined under 53801  
section 3318.011 of the Revised Code. 53802

(c) A "school district with an exceptional need for immediate 53803  
classroom facilities assistance" means a low wealth or large land 53804  
area school district with an exceptional need for new facilities 53805  
in order to protect the health and safety of all or a portion of 53806  
its students. 53807

~~(2) No school district reasonably expected to be eligible for 53808  
state assistance under sections 3318.01 to 3318.20 of the Revised 53809  
Code within three fiscal years after the year of the application 53810  
for assistance under this section shall be eligible for assistance 53811  
under this section, unless the district's entire classroom 53812  
facilities plan consists of only a single building designed to 53813  
house grades kindergarten through twelve and the district 53814  
satisfies the conditions prescribed in divisions (A)(3)(a) and (b) 53815  
of this section. 53816~~

~~(3) No school district that participates in the school 53817  
building assistance expedited local partnership program under 53818  
section 3318.36 of the Revised Code shall receive assistance under 53819  
the program established under this section unless the following 53820  
conditions are satisfied: 53821~~

(a) The district board adopted a resolution certifying its 53822  
intent to participate in the school building assistance expedited 53823  
local partnership program under section 3318.36 of the Revised 53824  
Code prior to September 14, 2000. 53825

(b) The district was selected by the Ohio school facilities 53826  
commission for participation in the school building assistance 53827  
expedited local partnership program under section 3318.36 of the 53828  
Revised Code in the manner prescribed by the commission under that 53829

section as it existed prior to September 14, 2000. 53830

(B)(1) There is hereby established the exceptional needs 53831  
school facilities assistance program. Under the program, the Ohio 53832  
school facilities commission may set aside from the moneys 53833  
annually appropriated to it for classroom facilities assistance 53834  
projects up to twenty-five per cent for assistance to school 53835  
districts with exceptional needs for immediate classroom 53836  
facilities assistance. 53837

(2)(a) After consulting with education and construction 53838  
experts, the commission shall adopt guidelines for identifying 53839  
school districts with an exceptional need for immediate classroom 53840  
facilities assistance. 53841

(b) The guidelines shall include application forms and 53842  
instructions for school districts to use in applying for 53843  
assistance under this section. 53844

(3) The commission shall evaluate the classroom facilities, 53845  
and the need for replacement classroom facilities from the 53846  
applications received under this section. The commission, 53847  
utilizing the guidelines adopted under division (B)(2)(a) of this 53848  
section, shall prioritize the school districts to be assessed. 53849

Notwithstanding section 3318.02 of the Revised Code, the 53850  
commission may conduct on-site evaluation of the school districts 53851  
prioritized under this section and approve and award funds until 53852  
such time as all funds set aside under division (B)(1) of this 53853  
section have been encumbered. However, the commission need not 53854  
conduct the evaluation of facilities if the commission determines 53855  
that a district's assessment conducted under section 3318.36 of 53856  
the Revised Code is sufficient for purposes of this section. 53857

(4) Notwithstanding division (A) of section 3318.05 of the 53858  
Revised Code, the school district's portion of the basic project 53859  
cost under this section shall be the "required percentage of the 53860

basic project costs," as defined in division (K) of section 53861  
3318.01 of the Revised Code. 53862

(5) Except as otherwise specified in this section, any 53863  
project undertaken with assistance under this section shall comply 53864  
with all provisions of sections 3318.01 to 3318.20 of the Revised 53865  
Code. A school district may receive assistance under sections 53866  
3318.01 to 3318.20 of the Revised Code for the remainder of the 53867  
district's classroom facilities needs as assessed under this 53868  
section when the district is eligible for such assistance pursuant 53869  
to section 3318.02 of the Revised Code, but any classroom facility 53870  
constructed with assistance under this section shall not be 53871  
included in a district's project at that time unless the 53872  
commission determines the district has experienced the increased 53873  
enrollment specified in division (B)(1) of section 3318.04 of the 53874  
Revised Code. 53875

(C) No school district shall receive assistance under this 53876  
section for a classroom facility that has been included in the 53877  
discrete part of the district's classroom facilities needs 53878  
identified and addressed in the district's project pursuant to an 53879  
agreement entered into under section 3318.36 of the Revised Code, 53880  
unless the district's entire classroom facilities plan consists of 53881  
only a single building designed to house grades kindergarten 53882  
through twelve. 53883

Sec. 3318.371. The Ohio school facilities commission may 53884  
provide assistance under the exceptional needs school facilities 53885  
program established by section 3318.37 of the Revised Code to any 53886  
school district for the purpose of the relocation or replacement 53887  
of classroom facilities required as a result of any contamination 53888  
of air, soil, or water that impacts the occupants of the facility. 53889  
Assistance under this section is not limited to school districts 53890  
in the first through seventy-fifth percentiles as determined under 53891

section 3318.011 of the Revised Code. 53892

The commission shall make a determination in accordance with 53893  
guidelines adopted by the commission regarding eligibility and 53894  
funding for projects under this section. The commission may 53895  
contract with an independent environmental consultant to conduct a 53896  
study to assist the commission in making the determination. 53897

If the federal government or other public or private entity 53898  
provides funds for restitution of costs incurred by the state or 53899  
school district in the relocation or replacement of the classroom 53900  
facilities, the school district shall use such funds in excess of 53901  
the school district's share to refund the state for the state's 53902  
contribution to the environmental contamination portion of the 53903  
project. The school district may apply an amount of such 53904  
restitution funds up to an amount equal to the school district's 53905  
portion of the project, as defined by the commission, toward 53906  
paying its portion of that project to reduce the amount of bonds 53907  
the school district otherwise must issue to receive state 53908  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 53909

**Sec. 3318.38.** (A) As used in this section, "big-eight school 53910  
district" has the same meaning as in section 3314.02 of the 53911  
Revised Code. 53912

(B) There is hereby established the accelerated urban school 53913  
building assistance program. Under the program, notwithstanding 53914  
section 3318.02 of the Revised Code, any big-eight school district 53915  
that has not been approved to receive assistance under sections 53916  
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may 53917  
beginning on that date apply for approval of and be approved for 53918  
such assistance. Except as otherwise provided in this section, any 53919  
project approved and undertaken pursuant to this section shall 53920  
comply with all provisions of sections 3318.01 to 3318.20 of the 53921

Revised Code. 53922

The Ohio school facilities commission shall provide 53923  
assistance to any big-eight school district eligible for 53924  
assistance under this section in the following manner: 53925

(1) Notwithstanding section 3318.02 of the Revised Code: 53926

(a) Not later than June 30, 2002, the commission shall 53927  
conduct an on-site visit and shall assess the classroom facilities 53928  
needs of each big-eight school district eligible for assistance 53929  
under this section; 53930

(b) Beginning July 1, 2002, any big-eight school district 53931  
eligible for assistance under this section may apply to the 53932  
commission for conditional approval of its project as determined 53933  
by the assessment conducted under division (B)(1)(a) of this 53934  
section. The commission may conditionally approve that project and 53935  
submit it to the controlling board for approval pursuant to 53936  
section 3318.04 of the Revised Code. 53937

(2) If the controlling board approves the project of a 53938  
big-eight school district eligible for assistance under this 53939  
section, the commission and the school district shall enter into 53940  
an agreement as prescribed in section 3318.08 of the Revised Code. 53941  
Any agreement executed pursuant to this division shall include any 53942  
applicable segmentation provisions as approved by the commission 53943  
under division (B)(3) of this section. 53944

(3) Notwithstanding any provision to the contrary in sections 53945  
3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight 53946  
school district eligible for assistance under this section may 53947  
with the approval of the commission opt to divide the project as 53948  
approved under division (B)(1)(b) of this section into discrete 53949  
segments to be completed sequentially. Any project divided into 53950  
segments shall comply with all other provisions of sections 53951  
3318.05, 3318.06, and 3318.08 of the Revised Code except as 53952

otherwise specified in this division. 53953

If a project is divided into segments under this division: 53954

(a) The school district need raise only the amount equal to 53955  
its proportionate share, as determined under section 3318.032 of 53956  
the Revised Code, of each segment at any one time and may seek 53957  
voter approval of each segment separately; 53958

(b) The state's proportionate share, as determined under 53959  
section 3318.032 of the Revised Code, of only the segment which 53960  
has been approved by the school district electors or for which the 53961  
district has applied a local donated contribution under section 53962  
3318.084 of the Revised Code shall be encumbered in accordance 53963  
with section 3318.11 of the Revised Code. Encumbrance of 53964  
additional amounts to cover the state's proportionate share of 53965  
later segments shall be approved separately as they are approved 53966  
by the school district electors or as the district applies a local 53967  
donated contribution to the segments under section 3318.084 of the 53968  
Revised Code. 53969

(c) The school district's maintenance levy requirement, as 53970  
defined in section 3318.18 of the Revised Code, shall run for 53971  
twenty-three years from the date the first segment is undertaken. 53972

~~(4) For any project under this section~~ (C) In accordance with 53973  
division (R) of section 3318.08 of the Revised Code, the state 53974  
funds reserved and encumbered and the funds provided by the school 53975  
district to pay the basic project cost of any segment of the 53976  
project under this section, or of the entire project if it is not 53977  
divided into segments, shall be spent on the construction and 53978  
acquisition of the project simultaneously in proportion to the 53979  
state's and the school district's respective shares of that basic 53980  
project cost as determined under section 3318.032 of the Revised 53981  
Code. 53982

**Sec. 3318.41.** (A)(1) The Ohio school facilities commission 53983  
annually shall assess the classroom facilities needs of the number 53984  
of joint vocational school districts that the commission 53985  
reasonably expects to be able to provide assistance to in a fiscal 53986  
year, based on the amount set aside for that fiscal year under 53987  
division (B) of section 3318.40 of the Revised Code and the order 53988  
of priority prescribed in division (B) of section 3318.42 of the 53989  
Revised Code, except that in fiscal year 2004 the commission shall 53990  
conduct at least the five assessments prescribed in division (E) 53991  
of section 3318.40 of the Revised Code. 53992

Upon conducting an assessment of the classroom facilities 53993  
needs of a school district, the commission shall make a 53994  
determination of all of the following: 53995

(a) The number of classroom facilities to be included in a 53996  
project and the basic project cost of acquiring the classroom 53997  
facilities included in the project. The number of facilities and 53998  
basic project cost shall be determined in accordance with the 53999  
specifications adopted under section 3318.311 of the Revised Code 54000  
except to the extent that compliance with such specifications is 54001  
waived by the commission pursuant to the rule of the commission 54002  
adopted under division (F) of section 3318.40 of the Revised Code. 54003

(b) The school district's portion of the basic project cost 54004  
as determined under division (C) of section 3318.42 of the Revised 54005  
Code; 54006

(c) The remaining portion of the basic project cost that 54007  
shall be supplied by the state; 54008

(d) The amount of the state's portion of the basic project 54009  
cost to be encumbered in accordance with section 3318.11 of the 54010  
Revised Code in the current and subsequent fiscal years from funds 54011  
set aside under division (B) of section 3318.40 of the Revised 54012  
Code. 54013



(2) Divisions (A), (C), and (D) of section 3318.03 of the Revised Code apply to any project under sections 3318.40 to 3318.45 of the Revised Code.

(B)(1) If the commission makes a determination under division (A) of this section in favor of the acquisition of classroom facilities for a project under sections 3318.40 to 3318.45 of the Revised Code, such project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval. The controlling board shall immediately approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and the amount of the state's portion of the basic project cost to be encumbered in the current fiscal year. In the event of approval by the controlling board, the commission shall certify the conditional approval to the joint vocational school district board of education and shall encumber the approved funds for the current fiscal year.

(2) No school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code shall have another such project conditionally approved until the expiration of twenty years after the school district's prior project was conditionally approved, unless the school district board demonstrates to the satisfaction of the commission that the school district has experienced since conditional approval of its prior project an exceptional increase in enrollment or program requirements significantly above the school district's design capacity under that prior project as determined by rule of the commission. Any rule adopted by the commission to implement this division shall be tailored to address the classroom facilities needs of joint vocational school districts.

(C) In addition to generating the amount of the school district's portion of the basic project cost as determined under

division (C) of section 3318.42 of the Revised Code, in order for 54046  
a school district to receive assistance under sections 3318.40 to 54047  
3318.45 of the Revised Code, the school district board shall set 54048  
aside school district moneys for the maintenance of the classroom 54049  
facilities included in the school district's project in the amount 54050  
and manner prescribed in section 3318.43 of the Revised Code. 54051

(D)(1) The conditional approval for a project certified under 54052  
division (B)(1) of this section shall lapse and the amount 54053  
reserved and encumbered for such project shall be released unless 54054  
both of the following conditions are satisfied: 54055

(a) Within one hundred twenty days following the date of 54056  
certification of the conditional approval to the joint vocational 54057  
school district board, the school district board accepts the 54058  
conditional approval and certifies to the commission the school 54059  
district board's plan to generate the school district's portion of 54060  
the basic project cost, as determined under division (C) of 54061  
section 3318.42 of the Revised Code, and to set aside moneys for 54062  
maintenance of the classroom facilities acquired under the 54063  
project, as prescribed in section 3318.43 of the Revised Code. 54064

(b) Within ~~one year~~ thirteen months following the date of 54065  
certification of the conditional approval to the school district 54066  
board, the electors of the school district vote favorably on any 54067  
ballot measures proposed by the school district board to generate 54068  
the school district's portion of the basic project cost. 54069

(2) If the school district board or electors fail to satisfy 54070  
the conditions prescribed in division (D)(1) of this section and 54071  
the amount reserved and encumbered for the school district's 54072  
project is released, the school district shall be given first 54073  
priority over other joint vocational school districts for project 54074  
funding under sections 3318.40 to 3318.45 of the Revised Code as 54075  
such funds become available, subject to section 3318.054 of the 54076  
Revised Code. 54077

(E) If the conditions prescribed in division (D)(1) of this section are satisfied, the commission and the school district board shall enter into an agreement as prescribed in section 3318.08 of the Revised Code and shall proceed with the development of plans, cost estimates, designs, drawings, and specifications as prescribed in section 3318.091 of the Revised Code.

(F) Costs in excess of those approved by the commission under section 3318.091 of the Revised Code shall be payable only as provided in sections 3318.042 and 3318.083 of the Revised Code.

(G) Advertisement for bids and the award of contracts for construction of any project under sections 3318.40 to 3318.45 of the Revised Code shall be conducted in accordance with section 3318.10 of the Revised Code.

(H) The In accordance with division (R) of section 3318.08 of the Revised Code, the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of a project under sections 3318.40 to 3318.45 of the Revised Code shall be spent simultaneously in proportion to the state's and the school district's respective portions of that basic project cost.

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised Code apply to projects under sections 3318.40 to 3318.45 of the Revised Code.

**Sec. 3318.48.** (A) When all of the following have occurred, a project undertaken by a school district pursuant to this chapter shall be considered complete and the Ohio school facilities commission shall issue a certificate of completion to the district board of education:

(1) All facilities to be constructed under the project, as specified in the project agreement entered into under section

3318.08 of the Revised Code, have been completed and the board has received a permanent certificate of occupancy for each of those facilities. 54108  
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(2) The commission has issued certificates of contract completion on all prime construction contracts entered into by the board under section 3318.10 of the Revised Code. 54111  
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(3) The commission has completed a final accounting of the district's project construction fund and has determined that all payments from the fund were made in compliance with all policies of the commission. 54114  
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(4) Any litigation concerning the project has been finally resolved with no chance of appeal. 54118  
54119

(5) All construction management services typically provided by the commission to school districts have been delivered and the commission has canceled any remaining encumbrance of funds for those services. 54120  
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(B) The commission may issue a certificate of completion to a district board prior to all of the conditions described in division (A) of this section being satisfied, if the commission determines that the circumstances preventing the conditions from being satisfied are so minor in nature that the project should be considered complete. When issuing a certificate of completion under this division, the commission may specify any of the following: 54124  
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(1) Any construction or work that has yet to be completed and the manner in which the board shall oversee its completion, which may include procedures for reporting progress to the commission and for accounting of expenditures; 54132  
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(2) Terms and conditions for the resolution of any pending litigation; 54136  
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(3) Any remaining responsibilities of the construction manager regarding the project. 54138  
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(C) The commission may issue a certificate of completion to a district board that does not voluntarily participate in the process of closing out the district's project, if the construction manager for the project verifies that all facilities to be constructed under the project, as specified in the project agreement entered into under section 3318.08 of the Revised Code, have been completed and the commission determines that those facilities have been occupied for at least one year. In that case, all funds due to the commission under division (C) of section 3318.12 of the Revised Code shall be returned to the commission not later than thirty days after receipt of the certificate of completion. If the funds due to the commission have not been returned within sixty days after receipt of the certificate of completion, the auditor of state shall issue a finding for recovery against the school district and shall request legal action under section 117.42 of the Revised Code. 54140  
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(D) Upon issuance of a certificate of completion under this section, the commission's ownership of and interest in the project, as specified in division (F) of section 3318.08 of the Revised Code, shall cease. This cessation shall not alter or otherwise affect the state's or commission's interest in the project or any limitations on the use of the project as specified in the project agreement pursuant to divisions (G), (M), and (N) of that section or as specified in section 3318.16 of the Revised Code. 54156  
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**Sec. 3318.60.** (A) As used in this section: 54165

(1) "Acquisition of classroom facilities" means constructing, reconstructing, repairing, or making additions to classroom facilities. 54166  
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(2) "Ohio school facilities commission" and "classroom facilities" have the same meanings as in section 3318.01 of the Revised Code. 54169  
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(B) There is hereby established the college-preparatory boarding school facilities program. Under the program, the Ohio school facilities commission shall provide assistance to the boards of trustees of college-preparatory boarding schools established under Chapter 3328. of the Revised Code for the acquisition of classroom facilities. 54172  
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(C) To be eligible for assistance under this program, a board of trustees shall secure at least twenty million dollars of private money to satisfy its share of facilities acquisition. A board of trustees that receives assistance under the program shall fund the acquisition of residential facilities and any other facilities other than classroom facilities through private means. 54178  
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(D) The lease payments made by the boards of trustees of college-preparatory boarding schools receiving assistance under the program shall be deposited into the state treasury and credited to the common schools capital facilities bond service fund created in section 151.03 of the Revised Code. 54184  
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(E) The acquisition of classroom facilities with assistance provided under the program shall not be subject to sections 3318.01 to 3318.20 of the Revised Code. 54189  
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(F) Within the ninety-day period immediately following the effective date of this section, the commission shall adopt rules necessary for the implementation and administration of the program. 54192  
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**Sec. 3319.02.** (A)(1) As used in this section, "other administrator" means any of the following: 54196  
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(a) Except as provided in division (A)(2) of this section, 54198

any employee in a position for which a board of education requires 54199  
a license designated by rule of the department of education for 54200  
being an administrator issued under section 3319.22 of the Revised 54201  
Code, including a professional pupil services employee or 54202  
administrative specialist or an equivalent of either one who is 54203  
not employed as a school counselor and spends less than fifty per 54204  
cent of the time employed teaching or working with students; 54205

(b) Any nonlicensed employee whose job duties enable such 54206  
employee to be considered as either a "supervisor" or a 54207  
"management level employee," as defined in section 4117.01 of the 54208  
Revised Code; 54209

(c) A business manager appointed under section 3319.03 of the 54210  
Revised Code. 54211

(2) As used in this section, "other administrator" does not 54212  
include a superintendent, assistant superintendent, principal, or 54213  
assistant principal. 54214

(B) The board of education of each school district and the 54215  
governing board of an educational service center may appoint one 54216  
or more assistant superintendents and such other administrators as 54217  
are necessary. An assistant educational service center 54218  
superintendent or service center supervisor employed on a 54219  
part-time basis may also be employed by a local board as a 54220  
teacher. The board of each city, exempted village, and local 54221  
school district shall employ principals for all high schools and 54222  
for such other schools as the board designates, and those boards 54223  
may appoint assistant principals for any school that they 54224  
designate. 54225

(C) In educational service centers and in city, exempted 54226  
village, and local school districts, assistant superintendents, 54227  
principals, assistant principals, and other administrators shall 54228  
only be employed or reemployed in accordance with nominations of 54229

the superintendent, except that a board of education of a school 54230  
district or the governing board of a service center, by a 54231  
three-fourths vote of its full membership, may reemploy any 54232  
assistant superintendent, principal, assistant principal, or other 54233  
administrator whom the superintendent refuses to nominate. 54234

The board of education or governing board shall execute a 54235  
written contract of employment with each assistant superintendent, 54236  
principal, assistant principal, and other administrator it employs 54237  
or reemploys. The term of such contract shall not exceed three 54238  
years except that in the case of a person who has been employed as 54239  
an assistant superintendent, principal, assistant principal, or 54240  
other administrator in the district or center for three years or 54241  
more, the term of the contract shall be for not more than five 54242  
years and, unless the superintendent of the district recommends 54243  
otherwise, not less than two years. If the superintendent so 54244  
recommends, the term of the contract of a person who has been 54245  
employed by the district or service center as an assistant 54246  
superintendent, principal, assistant principal, or other 54247  
administrator for three years or more may be one year, but all 54248  
subsequent contracts granted such person shall be for a term of 54249  
not less than two years and not more than five years. When a 54250  
teacher with continuing service status becomes an assistant 54251  
superintendent, principal, assistant principal, or other 54252  
administrator with the district or service center with which the 54253  
teacher holds continuing service status, the teacher retains such 54254  
status in the teacher's nonadministrative position as provided in 54255  
sections 3319.08 and 3319.09 of the Revised Code. 54256

A board of education or governing board may reemploy an 54257  
assistant superintendent, principal, assistant principal, or other 54258  
administrator at any regular or special meeting held during the 54259  
period beginning on the first day of January of the calendar year 54260  
immediately preceding the year of expiration of the employment 54261



contract and ending on the last day of March of the year the 54262  
employment contract expires. 54263

Except by mutual agreement of the parties thereto, no 54264  
assistant superintendent, principal, assistant principal, or other 54265  
administrator shall be transferred during the life of a contract 54266  
to a position of lesser responsibility. No contract may be 54267  
terminated by a board except pursuant to section 3319.16 of the 54268  
Revised Code. No contract may be suspended except pursuant to 54269  
section 3319.17 or 3319.171 of the Revised Code. The salaries and 54270  
compensation prescribed by such contracts shall not be reduced by 54271  
a board unless such reduction is a part of a uniform plan 54272  
affecting the entire district or center. The contract shall 54273  
specify the employee's administrative position and duties as 54274  
included in the job description adopted under division (D) of this 54275  
section, the salary and other compensation to be paid for 54276  
performance of duties, the number of days to be worked, the number 54277  
of days of vacation leave, if any, and any paid holidays in the 54278  
contractual year. 54279

An assistant superintendent, principal, assistant principal, 54280  
or other administrator is, at the expiration of the current term 54281  
of employment, deemed reemployed at the same salary plus any 54282  
increments that may be authorized by the board, unless such 54283  
employee notifies the board in writing to the contrary on or 54284  
before the first day of June, or unless such board, on or before 54285  
the last day of March of the year in which the contract of 54286  
employment expires, either reemploys such employee for a 54287  
succeeding term or gives written notice of its intention not to 54288  
reemploy the employee. The term of reemployment of a person 54289  
reemployed under this paragraph shall be one year, except that if 54290  
such person has been employed by the school district or service 54291  
center as an assistant superintendent, principal, assistant 54292  
principal, or other administrator for three years or more, the 54293

term of reemployment shall be two years. 54294

(D)(1) Each board shall adopt procedures for the evaluation 54295  
of all assistant superintendents, principals, assistant 54296  
principals, and other administrators and shall evaluate such 54297  
employees in accordance with those procedures. The procedures for 54298  
the evaluation of principals shall be based on principles 54299  
comparable to the teacher evaluation policy adopted by the board 54300  
under section 3319.111 of the Revised Code, including the 54301  
requirement for at least fifty per cent of each evaluation to be 54302  
based on measures of student academic growth, but shall be 54303  
tailored to the duties and responsibilities of principals and the 54304  
environment in which principals work. An evaluation based upon 54305  
~~sueh~~ procedures adopted under this division shall be considered by 54306  
the board in deciding whether to renew the contract of employment 54307  
of an assistant superintendent, principal, assistant principal, or 54308  
other administrator. In the case of a principal, the evaluation 54309  
also shall be considered in making decisions about compensation, 54310  
termination, reductions in force, and professional development. 54311

(2) The evaluation shall measure each assistant 54312  
superintendent's, principal's, assistant principal's, and other 54313  
administrator's effectiveness in performing the duties included in 54314  
the job description and the evaluation procedures shall provide 54315  
for, but not be limited to, the following: 54316

(a) Each assistant superintendent, principal, assistant 54317  
principal, and other administrator shall be evaluated annually 54318  
through a written evaluation process. 54319

(b) The evaluation shall be conducted by the superintendent 54320  
or designee. 54321

(c) In order to provide time to show progress in correcting 54322  
the deficiencies identified in the evaluation process, the 54323  
evaluation process shall be completed as follows: 54324

(i) In any school year that the employee's contract of employment is not due to expire, at least one evaluation shall be completed in that year. A written copy of the evaluation shall be provided to the employee no later than the end of the employee's contract year as defined by the employee's annual salary notice.

(ii) In any school year that the employee's contract of employment is due to expire, at least a preliminary evaluation and at least a final evaluation shall be completed in that year. A written copy of the preliminary evaluation shall be provided to the employee at least sixty days prior to any action by the board on the employee's contract of employment. The final evaluation shall indicate the superintendent's intended recommendation to the board regarding a contract of employment for the employee. A written copy of the evaluation shall be provided to the employee at least five days prior to the board's acting to renew or not renew the contract.

(3) Termination of an assistant superintendent, principal, assistant principal, or other administrator's contract shall be pursuant to section 3319.16 of the Revised Code. Suspension of any such employee shall be pursuant to section 3319.17 or 3319.171 of the Revised Code.

(4) Before taking action to renew or nonrenew the contract of an assistant superintendent, principal, assistant principal, or other administrator under this section and prior to the last day of March of the year in which such employee's contract expires, the board shall notify each such employee of the date that the contract expires and that the employee may request a meeting with the board. Upon request by such an employee, the board shall grant the employee a meeting in executive session. In that meeting, the board shall discuss its reasons for considering renewal or nonrenewal of the contract. The employee shall be permitted to have a representative, chosen by the employee, present at the

meeting. 54357

(5) The establishment of an evaluation procedure shall not 54358  
create an expectancy of continued employment. Nothing in division 54359  
(D) of this section shall prevent a board from making the final 54360  
determination regarding the renewal or nonrenewal of the contract 54361  
of any assistant superintendent, principal, assistant principal, 54362  
or other administrator. However, if a board fails to provide 54363  
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 54364  
section, or if the board fails to provide at the request of the 54365  
employee a meeting as prescribed in division (D)(4) of this 54366  
section, the employee automatically shall be reemployed at the 54367  
same salary plus any increments that may be authorized by the 54368  
board for a period of one year, except that if the employee has 54369  
been employed by the district or service center as an assistant 54370  
superintendent, principal, assistant principal, or other 54371  
administrator for three years or more, the period of reemployment 54372  
shall be for two years. 54373

(E) On nomination of the superintendent of a service center a 54374  
governing board may employ supervisors who shall be employed under 54375  
written contracts of employment for terms not to exceed five years 54376  
each. Such contracts may be terminated by a governing board 54377  
pursuant to section 3319.16 of the Revised Code. Any supervisor 54378  
employed pursuant to this division may terminate the contract of 54379  
employment at the end of any school year after giving the board at 54380  
least thirty days' written notice prior to such termination. On 54381  
the recommendation of the superintendent the contract or contracts 54382  
of any supervisor employed pursuant to this division may be 54383  
suspended for the remainder of the term of any such contract 54384  
pursuant to section 3319.17 or 3319.171 of the Revised Code. 54385

(F) A board may establish vacation leave for any individuals 54386  
employed under this section. Upon such an individual's separation 54387  
from employment, a board that has such leave may compensate such 54388

an individual at the individual's current rate of pay for all 54389  
lawfully accrued and unused vacation leave credited at the time of 54390  
separation, not to exceed the amount accrued within three years 54391  
before the date of separation. In case of the death of an 54392  
individual employed under this section, such unused vacation leave 54393  
as the board would have paid to the individual upon separation 54394  
under this section shall be paid in accordance with section 54395  
2113.04 of the Revised Code, or to the estate. 54396

(G) The board of education of any school district may 54397  
contract with the governing board of the educational service 54398  
center from which it otherwise receives services to conduct 54399  
searches and recruitment of candidates for assistant 54400  
superintendent, principal, assistant principal, and other 54401  
administrator positions authorized under this section. 54402

**Sec. 3319.08.** (A) The board of education of each city, 54403  
exempted village, local, and joint vocational school district and 54404  
the governing board of each educational service center shall enter 54405  
into written contracts for the employment and reemployment of all 54406  
teachers. Contracts for the employment of teachers shall be of two 54407  
types, limited contracts and continuing contracts. The board of 54408  
each school district or service center that authorizes 54409  
compensation in addition to the ~~base salary stated in the~~ 54410  
~~teachers' salary schedule~~ paid under section 3317.14 or 3317.141 54411  
of the Revised Code for the performance of duties by a teacher 54412  
that are in addition to the teacher's regular teaching duties, 54413  
shall enter into a supplemental written contract with each teacher 54414  
who is to perform additional duties. Such supplemental written 54415  
contracts shall be limited contracts. Such written contracts and 54416  
supplemental written contracts shall set forth the teacher's 54417  
duties and shall specify the salaries and compensation to be paid 54418  
for regular teaching duties and additional teaching duties, 54419  
respectively, either or both of which may be increased but not 54420

diminished during the term for which the contract is made, except 54421  
as provided in section 3319.12 of the Revised Code. 54422

If a board adopts a motion or resolution to employ a teacher 54423  
under a limited or continuing contract and the teacher accepts 54424  
such employment, the failure of such parties to execute a written 54425  
contract shall not void such employment contract. 54426

(B) Teachers must be paid for all time lost when the schools 54427  
in which they are employed are closed due to an epidemic or other 54428  
public calamity, and for time lost due to illness or otherwise for 54429  
not less than five days annually as authorized by regulations 54430  
which each board shall adopt. 54431

(C) A limited contract is: 54432

(1) For a superintendent, a contract for such term as 54433  
authorized by section 3319.01 of the Revised Code; 54434

(2) For an assistant superintendent, principal, assistant 54435  
principal, or other administrator, a contract for such term as 54436  
authorized by section 3319.02 of the Revised Code; 54437

(3) For a classroom teacher, a contract for a term not to 54438  
exceed the following: 54439

(a) Five years, in the case of a contract entered into prior 54440  
to the effective date of this amendment; 54441

(b) A term as authorized in division (D) of this section, in 54442  
the case of a contract entered into on or after the effective date 54443  
of this amendment. 54444

(4) For all other teachers, a contract for a term not to 54445  
exceed five years. 54446

(D) The term of an initial limited contract for a classroom 54447  
teacher described in division (C)(3)(b) of this section shall not 54448  
exceed three years. Any subsequent limited contract entered into 54449  
with that classroom teacher shall be for a term of not less than 54450

two years and not more than five years. 54451

(E) A continuing contract is a contract that remains in 54452  
effect until the teacher resigns, elects to retire, ~~or~~ is retired 54453  
pursuant to former section 3307.37 of the Revised Code, or becomes 54454  
subject to division (F) of section 3319.111 of the Revised Code, 54455  
or until it is terminated or suspended and shall be granted only 54456  
to the following: 54457

(1) Any teacher holding a professional, permanent, or life 54458  
teacher's certificate; 54459

(2) Any teacher who ~~meets~~ met the following conditions prior 54460  
to the effective date of this amendment: 54461

(a) The teacher was initially issued a teacher's certificate 54462  
or educator license prior to January 1, 2011. 54463

(b) The teacher ~~holds~~ held a professional educator license 54464  
issued under section 3319.22 or 3319.222 or former section 3319.22 54465  
of the Revised Code or a senior professional educator license or 54466  
lead professional educator license issued under section 3319.22 of 54467  
the Revised Code. 54468

(c) The teacher ~~has~~ had completed the applicable one of the 54469  
following: 54470

(i) If the teacher did not hold a master's degree at the time 54471  
of initially receiving a teacher's certificate under former law or 54472  
an educator license, thirty semester hours of coursework in the 54473  
area of licensure or in an area related to the teaching field 54474  
since the initial issuance of such certificate or license, as 54475  
specified in rules which the state board of education shall adopt; 54476

(ii) If the teacher held a master's degree at the time of 54477  
initially receiving a teacher's certificate under former law or an 54478  
educator license, six semester hours of graduate coursework in the 54479  
area of licensure or in an area related to the teaching field 54480

since the initial issuance of such certificate or license, as 54481  
specified in rules which the state board shall adopt. 54482

~~(3) Any teacher who meets the following conditions:~~ 54483

~~(a) The teacher never held a teacher's certificate and was 54484  
initially issued an educator license on or after January 1, 2011.~~ 54485

~~(b) The teacher holds a professional educator license, senior 54486  
professional educator license, or lead professional educator  
license issued under section 3319.22 of the Revised Code.~~ 54487  
54488

~~(c) The teacher has held an educator license for at least 54489  
seven years.~~ 54490

~~(d) The teacher has completed the applicable one of the 54491  
following:~~ 54492

~~(i) If the teacher did not hold a master's degree at the time 54493  
of initially receiving an educator license, thirty semester hours 54494  
of coursework in the area of licensure or in an area related to 54495  
the teaching field since the initial issuance of that license, as 54496  
specified in rules which the state board shall adopt;~~ 54497

~~(ii) If the teacher held a master's degree at the time of 54498  
initially receiving an educator license, six semester hours of 54499  
graduate coursework in the area of licensure or in an area related 54500  
to the teaching field since the initial issuance of that license, 54501  
as specified in rules which the state board shall adopt.~~ 54502

~~(E)(F)~~ Division ~~(D)~~(E) of this section applies only to 54503  
continuing contracts entered into on or after ~~the effective date~~ 54504  
~~of this amendment~~ the effective date of the amendment of this 54505  
section by H.B. 153 of the 129th general assembly. Nothing in that 54506  
division shall be construed to void or otherwise affect a 54507  
continuing contract entered into prior to that date. 54508

Notwithstanding any provision to the contrary in Chapter 54509  
4117. of the Revised Code, ~~the:~~ 54510



(1) The requirements of division ~~(D)~~(E)(3) of this section, 54511  
as it existed prior to the effective date of this amendment, 54512  
prevail over any conflicting provisions of a collective bargaining 54513  
agreement entered into ~~on or after the effective date of this~~ 54514  
amendment between October 16, 2009, and that effective date. 54515

(2) The requirements of division (E) of this section, as it 54516  
exists on and after the effective date of this amendment, prevail 54517  
over any conflicting provisions of a collective bargaining 54518  
agreement entered into on or after that effective date. 54519

~~(F)~~(G) Wherever the term "educator license" is used in this 54520  
section without reference to a specific type of educator license, 54521  
the term does not include an educator license for substitute 54522  
teaching issued under section 3319.226 of the Revised Code. 54523

**Sec. 3319.088.** As used in this section, "educational 54524  
assistant" means any nonteaching employee in a school district who 54525  
directly assists a teacher as defined in section 3319.09 of the 54526  
Revised Code, by performing duties for which a license issued 54527  
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 54528  
required. 54529

(A) The state board of education shall issue educational aide 54530  
permits and educational paraprofessional licenses for educational 54531  
assistants and shall adopt rules for the issuance and renewal of 54532  
such permits and licenses which shall be consistent with the 54533  
provisions of this section. Educational aide permits and 54534  
educational paraprofessional licenses may be of several types and 54535  
the rules shall prescribe the minimum qualifications of education, 54536  
health, and character for the service to be authorized under each 54537  
type. The prescribed minimum qualifications may require special 54538  
training or educational courses designed to qualify a person to 54539  
perform effectively the duties authorized under an educational 54540  
aide permit or educational paraprofessional license. 54541

(B)(1) Any application for a permit or license, or a renewal 54542  
or duplicate of a permit or license, under this section shall be 54543  
accompanied by the payment of a fee in the amount established 54544  
under division (A) of section 3319.51 of the Revised Code. Any 54545  
fees received under this division shall be paid into the state 54546  
treasury to the credit of the state board of education licensure 54547  
fund established under division (B) of section 3319.51 of the 54548  
Revised Code. 54549

(2) Any person applying for or holding a permit or license 54550  
pursuant to this section is subject to sections 3123.41 to 3123.50 54551  
of the Revised Code and any applicable rules adopted under section 54552  
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 54553  
the Revised Code. 54554

(C) Educational assistants shall at all times while in the 54555  
performance of their duties be under the supervision and direction 54556  
of a teacher as defined in section 3319.09 of the Revised Code. 54557  
Educational assistants may assist a teacher to whom assigned in 54558  
the supervision of pupils, in assisting with instructional tasks, 54559  
and in the performance of duties which, in the judgment of the 54560  
teacher to whom the assistant is assigned, may be performed by a 54561  
person not licensed pursuant to sections 3319.22 to 3319.30 of the 54562  
Revised Code and for which a teaching license, issued pursuant to 54563  
sections 3319.22 to 3319.30 of the Revised Code is not required. 54564  
The duties of an educational assistant shall not include the 54565  
assignment of grades to pupils. The duties of an educational 54566  
assistant need not be performed in the physical presence of the 54567  
teacher to whom assigned, but the activity of an educational 54568  
assistant shall at all times be under the direction of the teacher 54569  
to whom assigned. The assignment of an educational assistant need 54570  
not be limited to assisting a single teacher. In the event an 54571  
educational assistant is assigned to assist more than one teacher 54572  
the assignments shall be clearly delineated and so arranged that 54573

the educational assistant shall never be subject to simultaneous supervision or direction by more than one teacher.

Educational assistants assigned to supervise children shall, when the teacher to whom assigned is not physically present, maintain the degree of control and discipline that would be maintained by the teacher.

Educational assistants may not be used in place of classroom teachers or other employees and any payment of compensation by boards of education to educational assistants for such services is prohibited. The ratio between the number of licensed teachers and the pupils in a school district may not be decreased by utilization of educational assistants and no grouping, or other organization of pupils, for utilization of educational assistants shall be established which is inconsistent with sound educational practices and procedures. A school district may employ up to one full time equivalent educational assistant for each six full time equivalent licensed employees of the district. Educational assistants shall not be counted as licensed employees for purposes of state support in the school foundation program and no grouping or regrouping of pupils with educational assistants may be counted as a class or unit for school foundation program purposes. Neither special courses required by the regulations of the state board of education, prescribing minimum qualifications of education for an educational assistant, nor years of service as an educational assistant shall be counted in any way toward qualifying for a teacher license, or for a teacher contract of any type, ~~or for determining placement on a salary schedule in a school district as a teacher.~~

(D) Educational assistants employed by a board of education shall have all rights, benefits, and legal protection available to other nonteaching employees in the school district, except that provisions of Chapter 124. of the Revised Code shall not apply to

any person employed as an educational assistant, and shall be 54606  
members of the school employees retirement system. Educational 54607  
assistants shall be compensated according to a salary plan adopted 54608  
annually by the board. 54609

Except as provided in this section nonteaching employees 54610  
shall not serve as educational assistants without first obtaining 54611  
an appropriate educational aide permit or educational 54612  
paraprofessional license from the state board of education. A 54613  
nonteaching employee who is the holder of a valid educational aide 54614  
permit or educational paraprofessional license shall neither 54615  
render nor be required to render services inconsistent with the 54616  
type of services authorized by the permit or license held. No 54617  
person shall receive compensation from a board of education for 54618  
services rendered as an educational assistant in violation of this 54619  
provision. 54620

Nonteaching employees whose functions are solely 54621  
secretarial-clerical and who do not perform any other duties as 54622  
educational assistants, even though they assist a teacher and work 54623  
under the direction of a teacher shall not be required to hold a 54624  
permit or license issued pursuant to this section. Students 54625  
preparing to become licensed teachers or educational assistants 54626  
shall not be required to hold an educational aide permit or 54627  
paraprofessional license for such periods of time as such students 54628  
are assigned, as part of their training program, to work with a 54629  
teacher in a school district. Such students shall not be 54630  
compensated for such services. 54631

Following the determination of the assignment and general job 54632  
description of an educational assistant and subject to supervision 54633  
by the teacher's immediate administrative officer, a teacher to 54634  
whom an educational assistant is assigned shall make all final 54635  
determinations of the duties to be assigned to such assistant. 54636  
Teachers shall not be required to hold a license designated for 54637

being a supervisor or administrator in order to perform the 54638  
necessary supervision of educational assistants. 54639

(E) No person who is, or who has been employed as an 54640  
educational assistant shall divulge, except to the teacher to whom 54641  
assigned, or the administrator of the school in the absence of the 54642  
teacher to whom assigned, or when required to testify in a court 54643  
or proceedings, any personal information concerning any pupil in 54644  
the school district which was obtained or obtainable by the 54645  
educational assistant while so employed. Violation of this 54646  
provision is grounds for disciplinary action or dismissal, or 54647  
both. 54648

**Sec. 3319.11.** (A) As used in this section: 54649

(1) "Evaluation procedures" means the procedures required by 54650  
the policy adopted pursuant to division ~~(B)~~(A) of section 3319.111 54651  
of the Revised Code. 54652

(2) "Limited contract" means a limited contract, as described 54653  
in section 3319.08 of the Revised Code, that a school district 54654  
board of education or governing board of an educational service 54655  
center enters into with a teacher who is not eligible for 54656  
continuing service status. 54657

(3) "Extended limited contract" means a limited contract, as 54658  
described in section 3319.08 of the Revised Code, that a board of 54659  
education or governing board enters into with a teacher who is 54660  
eligible for continuing service status. 54661

(B) Teachers eligible for continuing service status in any 54662  
city, exempted village, local, or joint vocational school district 54663  
or educational service center shall be those teachers qualified as 54664  
described in division ~~(D)~~(E) of section 3319.08 of the Revised 54665  
Code, who within the ~~last~~ prior to the effective date 54666  
of this amendment have taught for at least three years in the 54667

district or center, and those teachers who, having attained 54668  
continuing contract status elsewhere, have served two years in the 54669  
district or center, but the board, upon the recommendation of the 54670  
superintendent, may at the time of employment or at any time 54671  
within such two-year period, declare any of the latter teachers 54672  
eligible. Notwithstanding any provision to the contrary in Chapter 54673  
4117. of the Revised Code, the requirements of this paragraph 54674  
prevail over any conflicting provisions of a collective bargaining 54675  
agreement entered into on or after the effective date of this 54676  
amendment. 54677

(1) Upon the recommendation of the superintendent that a 54678  
teacher eligible for continuing service status be reemployed, a 54679  
continuing contract shall be entered into between the board and 54680  
the teacher unless the board by a three-fourths vote of its full 54681  
membership rejects the recommendation of the superintendent. If 54682  
the board rejects by a three-fourths vote of its full membership 54683  
the recommendation of the superintendent that a teacher eligible 54684  
for continuing service status be reemployed and the superintendent 54685  
makes no recommendation to the board pursuant to division (C) of 54686  
this section, the board may declare its intention not to reemploy 54687  
the teacher by giving the teacher written notice on or before the 54688  
thirtieth day of April of its intention not to reemploy the 54689  
teacher. If evaluation procedures have not been complied with 54690  
pursuant to ~~division (A) of~~ section 3319.111 of the Revised Code 54691  
or the board does not give the teacher written notice on or before 54692  
the thirtieth day of April of its intention not to reemploy the 54693  
teacher, the teacher is deemed reemployed under an extended 54694  
limited contract for a term ~~not to exceed one year~~ of two years at 54695  
the same salary plus any increment provided by the salary 54696  
schedule. The teacher is presumed to have accepted employment 54697  
under the extended limited contract for a term ~~not to exceed one~~ 54698  
~~year~~ of two years unless such teacher notifies the board in 54699  
writing to the contrary on or before the first day of June, and an 54700

extended limited contract for a term ~~not to exceed one year~~ of two 54701  
years shall be executed accordingly. Upon any subsequent 54702  
reemployment of the teacher only a continuing contract may be 54703  
entered into. 54704

(2) If the superintendent recommends that a teacher eligible 54705  
for continuing service status not be reemployed, the board may 54706  
declare its intention not to reemploy the teacher by giving the 54707  
teacher written notice on or before the thirtieth day of April of 54708  
its intention not to reemploy the teacher. If evaluation 54709  
procedures have not been complied with pursuant to ~~division (A) of~~ 54710  
section 3319.111 of the Revised Code or the board does not give 54711  
the teacher written notice on or before the thirtieth day of April 54712  
of its intention not to reemploy the teacher, the teacher is 54713  
deemed reemployed under an extended limited contract for a term 54714  
~~not to exceed one year~~ of two years at the same salary plus any 54715  
increment provided by the salary schedule. The teacher is presumed 54716  
to have accepted employment under the extended limited contract 54717  
for a term ~~not to exceed one year~~ of two years unless such teacher 54718  
notifies the board in writing to the contrary on or before the 54719  
first day of June, and an extended limited contract for a term ~~not~~ 54720  
~~to exceed one year~~ of two years shall be executed accordingly. 54721  
Upon any subsequent reemployment of a teacher only a continuing 54722  
contract may be entered into. 54723

(3) Any teacher receiving written notice of the intention of 54724  
a board not to reemploy such teacher pursuant to this division is 54725  
entitled to the hearing provisions of division (G) of this 54726  
section. 54727

(C)(1) If a board rejects the recommendation of the 54728  
superintendent for reemployment of a teacher pursuant to division 54729  
(B)(1) of this section, the superintendent may recommend 54730  
reemployment of the teacher, if continuing service status has not 54731  
previously been attained elsewhere, under an extended limited 54732

contract for a term ~~not to exceed~~ of two years, provided that 54733  
written notice of the superintendent's intention to make such 54734  
recommendation has been given to the teacher with reasons directed 54735  
at the professional improvement of the teacher on or before the 54736  
thirtieth day of April. Upon subsequent reemployment of the 54737  
teacher only a continuing contract may be entered into. 54738

(2) If a board of education takes affirmative action on a 54739  
superintendent's recommendation, made pursuant to division (C)(1) 54740  
of this section, of an extended limited contract ~~for a term not to~~ 54741  
~~exceed two years~~ but the board does not give the teacher written 54742  
notice of its affirmative action on the superintendent's 54743  
recommendation of an extended limited contract on or before the 54744  
thirtieth day of April, the teacher is deemed reemployed under a 54745  
continuing contract at the same salary plus any increment provided 54746  
by the salary schedule. The teacher is presumed to have accepted 54747  
employment under such continuing contract unless such teacher 54748  
notifies the board in writing to the contrary on or before the 54749  
first day of June, and a continuing contract shall be executed 54750  
accordingly. 54751

(3) A board shall not reject a superintendent's 54752  
recommendation, made pursuant to division (C)(1) of this section, 54753  
of an extended limited contract ~~for a term not to exceed two years~~ 54754  
except by a three-fourths vote of its full membership. If a board 54755  
rejects by a three-fourths vote of its full membership the 54756  
recommendation of the superintendent of an extended limited 54757  
contract ~~for a term not to exceed two years~~, the board may declare 54758  
its intention not to reemploy the teacher by giving the teacher 54759  
written notice on or before the thirtieth day of April of its 54760  
intention not to reemploy the teacher. If evaluation procedures 54761  
have not been complied with pursuant to ~~division (A) of~~ section 54762  
3319.111 of the Revised Code or if the board does not give the 54763  
teacher written notice on or before the thirtieth day of April of 54764



its intention not to reemploy the teacher, the teacher is deemed 54765  
reemployed under an extended limited contract for a term ~~not to~~ 54766  
~~exceed one year of two years~~ at the same salary plus any increment 54767  
provided by the salary schedule. The teacher is presumed to have 54768  
accepted employment under the extended limited contract for a term 54769  
~~not to exceed one year of two years~~ unless such teacher notifies 54770  
the board in writing to the contrary on or before the first day of 54771  
June, and an extended limited contract for a term ~~not to exceed~~ 54772  
~~one year of two years~~ shall be executed accordingly. Upon any 54773  
subsequent reemployment of the teacher only a continuing contract 54774  
may be entered into. 54775

Any teacher receiving written notice of the intention of a 54776  
board not to reemploy such teacher pursuant to this division is 54777  
entitled to the hearing provisions of division (G) of this 54778  
section. 54779

(D) A teacher eligible for continuing contract status 54780  
employed under an extended limited contract pursuant to division 54781  
(B) or (C) of this section, is, at the expiration of such extended 54782  
limited contract, deemed reemployed under a continuing contract at 54783  
the same salary plus any increment granted by the salary schedule, 54784  
unless evaluation procedures have been complied with pursuant to 54785  
~~division (A) of~~ section 3319.111 of the Revised Code and the 54786  
employing board, acting on the superintendent's recommendation 54787  
that the teacher not be reemployed, gives the teacher written 54788  
notice on or before the thirtieth day of April of its intention 54789  
not to reemploy such teacher. A teacher who does not have 54790  
evaluation procedures applied in compliance with ~~division (A) of~~ 54791  
section 3319.111 of the Revised Code or who does not receive 54792  
notice on or before the thirtieth day of April of the intention of 54793  
the board not to reemploy such teacher is presumed to have 54794  
accepted employment under a continuing contract unless such 54795  
teacher notifies the board in writing to the contrary on or before 54796

the first day of June, and a continuing contract shall be executed 54797  
accordingly. 54798

Any teacher receiving a written notice of the intention of a 54799  
board not to reemploy such teacher pursuant to this division is 54800  
entitled to the hearing provisions of division (G) of this 54801  
section. 54802

(E) ~~A The board shall enter into a limited contract may be~~ 54803  
~~entered into by each board with each teacher who has not been in~~ 54804  
~~the employ of the board for at least three years and shall be~~ 54805  
~~entered into, regardless of length of previous employment,~~ with 54806  
each teacher employed by the board who is not eligible to be 54807  
considered for a continuing contract. 54808

Any teacher employed under a limited contract, and not 54809  
eligible to be considered for a continuing contract, is, at the 54810  
expiration of such limited contract, considered reemployed under 54811  
the provisions of this division at the same salary plus any 54812  
increment provided by the salary schedule unless evaluation 54813  
procedures have been complied with pursuant to ~~division (A) of~~ 54814  
section 3319.111 of the Revised Code and the employing board, 54815  
acting upon the superintendent's written recommendation that the 54816  
teacher not be reemployed, gives such teacher written notice of 54817  
its intention not to reemploy such teacher on or before the 54818  
thirtieth day of April. A teacher who does not have evaluation 54819  
procedures applied in compliance with ~~division (A) of~~ section 54820  
3319.111 of the Revised Code or who does not receive notice of the 54821  
intention of the board not to reemploy such teacher on or before 54822  
the thirtieth day of April is presumed to have accepted such 54823  
employment unless such teacher notifies the board in writing to 54824  
the contrary on or before the first day of June, and a written 54825  
contract for the succeeding school year shall be executed 54826  
accordingly. 54827

Any teacher receiving a written notice of the intention of a 54828

board not to reemploy such teacher pursuant to this division is 54829  
entitled to the hearing provisions of division (G) of this 54830  
section. 54831

(F) The failure of a superintendent to make a recommendation 54832  
to the board under any of the conditions set forth in divisions 54833  
(B) to (E) of this section, or the failure of the board to give 54834  
such teacher a written notice pursuant to divisions (C) to (E) of 54835  
this section shall not prejudice or prevent a teacher from being 54836  
deemed reemployed under either a limited or continuing contract as 54837  
the case may be under the provisions of this section. A failure of 54838  
the parties to execute a written contract shall not void any 54839  
automatic reemployment provisions of this section. 54840

(G)(1) Any teacher receiving written notice of the intention 54841  
of a board of education not to reemploy such teacher pursuant to 54842  
division (B), (C)(3), (D), or (E) of this section may, within ten 54843  
days of the date of receipt of the notice, file with the treasurer 54844  
of the board a written demand for a written statement describing 54845  
the circumstances that led to the board's intention not to 54846  
reemploy the teacher. 54847

(2) The treasurer of a board, on behalf of the board, shall, 54848  
within ten days of the date of receipt of a written demand for a 54849  
written statement pursuant to division (G)(1) of this section, 54850  
provide to the teacher a written statement describing the 54851  
circumstances that led to the board's intention not to reemploy 54852  
the teacher. 54853

(3) Any teacher receiving a written statement describing the 54854  
circumstances that led to the board's intention not to reemploy 54855  
the teacher pursuant to division (G)(2) of this section may, 54856  
within five days of the date of receipt of the statement, file 54857  
with the treasurer of the board a written demand for a hearing 54858  
before the board pursuant to divisions (G)(4) to (6) of this 54859  
section. 54860

(4) The treasurer of a board, on behalf of the board, shall, 54861  
within ten days of the date of receipt of a written demand for a 54862  
hearing pursuant to division (G)(3) of this section, provide to 54863  
the teacher a written notice setting forth the time, date, and 54864  
place of the hearing. The board shall schedule and conclude the 54865  
hearing within forty days of the date on which the treasurer of 54866  
the board receives a written demand for a hearing pursuant to 54867  
division (G)(3) of this section. 54868

(5) Any hearing conducted pursuant to this division shall be 54869  
conducted by a majority of the members of the board. The hearing 54870  
shall be held in executive session of the board unless the board 54871  
and the teacher agree to hold the hearing in public. The 54872  
superintendent, assistant superintendent, the teacher, and any 54873  
person designated by either party to take a record of the hearing 54874  
may be present at the hearing. The board may be represented by 54875  
counsel and the teacher may be represented by counsel or a 54876  
designee. A record of the hearing may be taken by either party at 54877  
the expense of the party taking the record. 54878

(6) Within ten days of the conclusion of a hearing conducted 54879  
pursuant to this division, the board shall issue to the teacher a 54880  
written decision containing an order affirming the intention of 54881  
the board not to reemploy the teacher reported in the notice given 54882  
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 54883  
this section or an order vacating the intention not to reemploy 54884  
and expunging any record of the intention, notice of the 54885  
intention, and the hearing conducted pursuant to this division. 54886

(7) A teacher may appeal an order affirming the intention of 54887  
the board not to reemploy the teacher to the court of common pleas 54888  
of the county in which the largest portion of the territory of the 54889  
school district or service center is located, within thirty days 54890  
of the date on which the teacher receives the written decision, on 54891  
the grounds that the board has not complied with this section or 54892

section 3319.111 of the Revised Code. 54893

Notwithstanding section 2506.04 of the Revised Code, the 54894  
court in an appeal under this division is limited to the 54895  
determination of procedural errors and to ordering the correction 54896  
of procedural errors and shall have no jurisdiction to order a 54897  
board to reemploy a teacher, except that the court may order a 54898  
board to reemploy a teacher in compliance with the requirements of 54899  
division (B), (C)(3), (D), or (E) of this section when the court 54900  
determines that evaluation procedures have not been complied with 54901  
pursuant to ~~division (A)~~ of section 3319.111 of the Revised Code 54902  
or the board has not given the teacher written notice on or before 54903  
the thirtieth day of April of its intention not to reemploy the 54904  
teacher pursuant to division (B), (C)(3), (D), or (E) of this 54905  
section. Otherwise, the determination whether to reemploy or not 54906  
reemploy a teacher is solely a board's determination and not a 54907  
proper subject of judicial review and, except as provided in this 54908  
division, no decision of a board whether to reemploy or not 54909  
reemploy a teacher shall be invalidated by the court on any basis, 54910  
including that the decision was not warranted by the results of 54911  
any evaluation or was not warranted by any statement given 54912  
pursuant to division (G)(2) of this section. 54913

No appeal of an order of a board may be made except as 54914  
specified in this division. 54915

(H)(1) In giving a teacher any notice required by division 54916  
(B), (C), (D), or (E) of this section, the board or the 54917  
superintendent shall do either of the following: 54918

(a) Deliver the notice by personal service upon the teacher; 54919

(b) Deliver the notice by certified mail, return receipt 54920  
requested, addressed to the teacher at the teacher's place of 54921  
employment and deliver a copy of the notice by certified mail, 54922  
return receipt requested, addressed to the teacher at the 54923

teacher's place of residence. 54924

(2) In giving a board any notice required by division (B), 54925  
(C), (D), or (E) of this section, the teacher shall do either of 54926  
the following: 54927

(a) Deliver the notice by personal delivery to the office of 54928  
the superintendent during regular business hours; 54929

(b) Deliver the notice by certified mail, return receipt 54930  
requested, addressed to the office of the superintendent and 54931  
deliver a copy of the notice by certified mail, return receipt 54932  
requested, addressed to the president of the board at the 54933  
president's place of residence. 54934

(3) When any notice and copy of the notice are mailed 54935  
pursuant to division (H)(1)(b) or (2)(b) of this section, the 54936  
notice or copy of the notice with the earlier date of receipt 54937  
shall constitute the notice for the purposes of division (B), (C), 54938  
(D), or (E) of this section. 54939

(I) The provisions of this section shall not apply to any 54940  
supplemental written contracts entered into pursuant to section 54941  
3319.08 of the Revised Code. 54942

**Sec. 3319.111.** (A) ~~Any~~ Not later than July 1, 2012, the board 54943  
of education that of each school district, in consultation with 54944  
teachers employed by the board, shall adopt a policy for the 54945  
evaluation of teachers that complies with this section. The board 54946  
shall submit its policy to the superintendent of public 54947  
instruction for approval prior to implementing the policy. 54948

The policy shall utilize the framework for evaluation of 54949  
teachers developed under section 3319.112 of the Revised Code and 54950  
shall specify the relative weight of each factor described in 54951  
divisions (A)(1) to (3) of that section in the overall evaluation 54952  
and how each of those factors will be assessed. The policy may 54953

require evaluations to include consideration of additional aspects 54954  
of teacher performance designated by the board. The policy shall 54955  
establish a teacher evaluation system that does the following: 54956

(1) Requires at least fifty per cent of each evaluation to be 54957  
based on measures of student academic growth in accordance with 54958  
division (B) of this section; 54959

(2) Is evidence-based and uses multiple measures of a 54960  
teacher's use of knowledge and skills and of students' academic 54961  
progress; 54962

(3) Is aligned with the standards for teachers adopted under 54963  
section 3319.61 of the Revised Code; 54964

(4) Provides statements of expectation for professional 54965  
performance and establishes specific criteria of expected job 54966  
performance in the areas of responsibility assigned to the 54967  
teacher; 54968

(5) Requires observation of the teacher being evaluated by 54969  
the person conducting the evaluation on at least two occasions for 54970  
not less than thirty minutes on each occasion; 54971

(6) Assigns evaluation ratings in accordance with the 54972  
standards and criteria established under division (B)(1) of 54973  
section 3319.112 of the Revised Code; 54974

(7) Requires that each teacher be provided with a written 54975  
report of the results of the teacher's evaluation that includes 54976  
specific recommendations for any improvements needed in the 54977  
teacher's performance, suggestions for professional development 54978  
that will enhance future performance in areas that do not meet 54979  
expected performance levels, and information on how to obtain 54980  
assistance in making needed improvements. 54981

(B) For the portion of a teacher's evaluation based on 54982  
measures of student academic growth, the following shall apply: 54983

(1) When applicable to a teacher, those measures shall 54984  
include student performance on the assessments prescribed under 54985  
sections 3301.0710 and 3301.0712 of the Revised Code and the 54986  
value-added progress dimension prescribed by section 3302.021 of 54987  
the Revised Code. For teachers of grade levels and subjects for 54988  
which those measures are not applicable, the board shall 54989  
administer student assessments that measure mastery of the course 54990  
content for the appropriate grade level, which may include 54991  
nationally normed standardized assessments, industry certification 54992  
examinations, end-of-course examinations developed or selected by 54993  
the board, or assessments on the list developed under division 54994  
(B)(3) of section 3319.112 of the Revised Code. 54995

(2) The board shall include growth data for students assigned 54996  
to the teacher during the three most recent school years. If less 54997  
than three years of growth data are available, the board shall use 54998  
the growth data for all of the school years for which it is 54999  
available and, notwithstanding division (A)(1) of this section and 55000  
section 3319.112 of the Revised Code, may elect to reduce the 55001  
portion of the teacher's evaluation based on student academic 55002  
growth to forty per cent of the total evaluation. 55003

(C)(1) The board shall conduct an evaluation of each teacher 55004  
employed by the board at least once each school year, unless 55005  
division (C)(2) of this section applies. The evaluation shall be 55006  
completed by the first day of April and the teacher shall receive 55007  
a written report of the results of the evaluation by the tenth day 55008  
of April. 55009

(2) If the board has entered into ~~any~~ a limited contract or 55010  
extended limited contract with a ~~the~~ teacher pursuant to section 55011  
3319.11 of the Revised Code, ~~the board~~ shall evaluate ~~such a~~ the 55012  
teacher in compliance with the requirements of this section at 55013  
least twice in any school year in which the board may wish to 55014  
declare its intention not to re-employ the teacher pursuant to 55015



division (B), (C)(3), (D), or (E) of that section 3319.11 of the Revised Code. 55016  
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~~This evaluation shall be conducted at least twice in the school year in which the board may wish to declare its intention not to re-employ the teacher.~~ One evaluation shall be conducted and completed not later than the fifteenth day of January and the teacher being evaluated shall receive a written report of the results of this evaluation not later than the twenty-fifth day of January. One evaluation shall be conducted and completed between the tenth day of February and the first day of April and the teacher being evaluated shall receive a written report of the results of this evaluation not later than the tenth day of April. 55018  
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~~Any (D) Each~~ evaluation conducted pursuant to this section shall be conducted by one or more of the following: 55028  
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(1) A person who is under contract with a the board of education pursuant to section 3319.01 or 3319.02 of the Revised Code and holds a license designated for being a superintendent, assistant superintendent, or principal issued under section 3319.22 of the Revised Code; 55030  
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(2) A person who is under contract with a the board of education pursuant to section 3319.02 of the Revised Code and holds a license designated for being a vocational director or a supervisor in any educational area issued under section 3319.22 of the Revised Code; 55035  
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(3) A person designated to conduct evaluations under an agreement providing for peer review entered into by a the board of education and representatives of teachers employed by ~~that~~ the board. 55040  
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~~(B) Any board of education evaluating a teacher pursuant to this section shall adopt evaluation procedures that shall be applied each time a teacher is evaluated pursuant to this section.~~ 55044  
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~~These evaluation procedures shall include, but not be limited to:~~ 55047

~~(1) Criteria of expected job performance in the areas of~~ 55048  
~~responsibility assigned to the teacher being evaluated;~~ 55049

~~(2) Observation of the teacher being evaluated by the person~~ 55050  
~~conducting the evaluation on at least two occasions for not less~~ 55051  
~~than thirty minutes on each occasion;~~ 55052

~~(3) A written report of the results of the evaluation that~~ 55053  
~~includes specific recommendations regarding any improvements~~ 55054  
~~needed in the performance of the teacher being evaluated and~~ 55055  
~~regarding the means by which the teacher may obtain assistance in~~ 55056  
~~making such improvements.~~ 55057

(C)(E) The board shall use the evaluations conducted under 55058  
this section to inform decisions about compensation, nonrenewal of 55059  
employment contracts, termination, reductions in force, and 55060  
professional development. 55061

(F) If a teacher who has been granted a continuing contract 55062  
under section 3319.08 of the Revised Code receives an evaluation 55063  
rating of unsatisfactory for two consecutive years or for two of 55064  
three consecutive years, receives an evaluation rating of needs 55065  
improvement for three consecutive years, or receives a combination 55066  
of evaluation ratings of needs improvement and unsatisfactory for 55067  
three consecutive years, the board shall revoke that contract and 55068  
shall only enter into a limited contract with the teacher for any 55069  
subsequent school years in which the board employs the teacher. 55070

(G) The board annually shall submit to the department of 55071  
education the results of teacher evaluations conducted under this 55072  
section and principal evaluations conducted under section 3319.02 55073  
of the Revised Code. The results shall be disaggregated by the 55074  
evaluation ratings prescribed under division (B)(1) of section 55075  
3319.112 of the Revised Code, but shall not identify any teacher 55076  
or principal. 55077

(H) The board, its members, and any person conducting an evaluation on behalf of the board in good faith and in accordance with this section shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of conducting the evaluation. 55078  
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(I) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this section. 55083  
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(J) This section does not apply to ~~teachers~~ superintendents and administrators subject to evaluation procedures under sections 3319.01 and 3319.02 of the Revised Code or to any teacher employed as a substitute for less than one hundred twenty days during a school year pursuant to section 3319.10 of the Revised Code. 55088  
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**Sec. 3319.112.** (A) Not later than December 31, 2011, the superintendent of public instruction shall develop a framework for the evaluation of teachers. The framework shall require at least fifty per cent of each evaluation to be based on measures of student academic growth. 55093  
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The framework shall require each evaluation to consider the following additional factors, but it shall not designate the weight of any factor or prescribe a specific method of assessing any factor: 55098  
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(1) Quality of instructional practice, which may be determined by announced and unannounced classroom observations and examinations of samples of work, such as lesson plans or assessments designed by the teacher; 55102  
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(2) Communication and professionalism, including how well the teacher interacts with students, parents, other school employees, 55106  
55107

and members of the community; 55108

(3) Parent and student satisfaction, which may be measured by surveys, questionnaires, or other forms of soliciting feedback. 55109  
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(B) For purposes of the framework developed under this section, the superintendent of public instruction also shall do all of the following: 55111  
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(1) Develop specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections 3319.02 and 3319.111 of the Revised Code: 55114  
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(a) Highly effective; 55118

(b) Effective; 55119

(c) Needs improvement; 55120

(d) Unsatisfactory. 55121

(2) Designate a standard of student academic growth that a teacher or principal must meet to be rated at each of the performance levels prescribed by division (B)(1) of this section; 55122  
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(3) Develop a list of assessments for optional use by school districts to measure student academic growth for grade levels and subjects for which the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code and the value-added progress dimension prescribed by section 3302.021 of the Revised Code do not apply. 55125  
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(C) The superintendent of public instruction shall consult with experts, teachers and principals employed in public schools, and representatives of stakeholder groups in developing the standards and criteria required by division (B)(1) of this section. 55131  
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(D) Not later than November 1, 2012, the superintendent of public instruction shall approve or disapprove each evaluation 55136  
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policy submitted under section 3319.111 of the Revised Code. If 55138  
the superintendent disapproves a policy, the superintendent shall 55139  
provide recommendations for policy revisions that will enable the 55140  
policy to be approved. 55141

(E) Not later than December 1, 2013, and annually thereafter, 55142  
the department of education shall issue a report of the evaluation 55143  
results submitted under division (G) of section 3319.111 of the 55144  
Revised Code for the previous school year. The report shall 55145  
include the percentage of teachers and principals who receive each 55146  
evaluation rating specified in division (B)(1) of this section, 55147  
disaggregated by school district and by public school. The 55148  
department shall post the report on its web site. 55149

(F) To assist school districts in developing evaluation 55150  
policies under sections 3319.02 and 3319.111 of the Revised Code, 55151  
the department shall do both of the following: 55152

(1) Serve as a clearinghouse of promising evaluation 55153  
procedures and evaluation models that districts may use; 55154

(2) Provide technical assistance to districts in creating 55155  
evaluation policies. 55156

**Sec. 3319.113.** (A) This section applies to any teacher 55157  
employed by a school district who has received a rating of needs 55158  
improvement or unsatisfactory on the teacher's most recent 55159  
evaluation conducted under section 3319.111 of the Revised Code. 55160

(B) In assigning teachers to schools under section 3319.01 of 55161  
the Revised Code, the superintendent of a school district shall 55162  
not assign a teacher to whom this section applies to a school 55163  
unless both the teacher and the principal of the school consent to 55164  
the assignment. 55165

(C) If the superintendent is unable to assign a teacher to 55166  
whom this section applies to a school because the mutual consent 55167

required by division (B) of this section has not been obtained, 55168  
the district board of education may place the teacher on unpaid 55169  
leave until the superintendent is able to assign the teacher to a 55170  
school. If the mutual consent is subsequently obtained and the 55171  
teacher is assigned to a school, the board shall pay the teacher 55172  
at least the same salary the teacher was paid immediately prior to 55173  
the unpaid leave. 55174

(D) If a teacher to whom this section applies has been placed 55175  
on unpaid leave under division (C) of this section and has not 55176  
been assigned to a school after a period of one year on that 55177  
leave, notwithstanding anything in section 3319.16 of the Revised 55178  
Code to the contrary, the district board may terminate the 55179  
teacher's contract under that section. 55180

**Sec. 3319.14.** Any teacher who has left, or leaves, a teaching 55181  
position, by resignation or otherwise, and within forty school 55182  
days thereafter entered, or enters, the uniformed services and 55183  
whose service is terminated in a manner other than as described in 55184  
section 4304 of Title 38 of the United States Code, "Uniformed 55185  
Services Employment and Reemployment Rights Act of 1994," 108 55186  
Stat. 3149, 38 U.S.C.A. 4304, shall be reemployed by the board of 55187  
education of the district in which the teacher held such teaching 55188  
position, under the same type of contract as that which the 55189  
teacher last held in such district, if the teacher applies to the 55190  
board of education for reemployment in accordance with the 55191  
"Uniformed Services Employment and Reemployment Rights Act of 55192  
1994," 108 Stat. 3149, 38 U.S.C.A. 4312. Upon such application, 55193  
the teacher shall be reemployed at the first of the next school 55194  
semester, if the application is made not less than thirty days 55195  
prior to the first of the next school semester, in which case the 55196  
teacher shall be reemployed the first of the following school 55197  
semester, unless the board of education waives the requirement for 55198  
the thirty-day period. 55199

For the purposes of seniority ~~and placement on the salary~~ 55200  
~~schedule~~, years of absence performing service in the uniformed 55201  
services shall be counted as though teaching service had been 55202  
performed during such time. 55203

The board of education of the district in which such teacher 55204  
was employed and is reemployed under this section may suspend the 55205  
contract of the teacher whose services become unnecessary by 55206  
reason of the return of a teacher from service in the uniformed 55207  
services in accordance with section 3319.17 or 3319.171 of the 55208  
Revised Code. 55209

**Sec. 3319.141.** Each person who is employed by any board of 55210  
education in this state, except for substitutes, adult education 55211  
instructors who are scheduled to work the full-time equivalent of 55212  
less than one hundred twenty days per school year, or persons who 55213  
are employed on an as-needed, seasonal, or intermittent basis, 55214  
shall be entitled to fifteen days sick leave with pay, for each 55215  
year under contract, which shall be credited at the rate of one 55216  
and one-fourth days per month. Teachers and regular nonteaching 55217  
school employees, upon approval of the responsible administrative 55218  
officer of the school district, may use sick leave for absence due 55219  
to personal illness, pregnancy, injury, exposure to contagious 55220  
disease which could be communicated to others, and for absence due 55221  
to illness, injury, or death in the employee's immediate family. 55222  
Unused sick leave shall be cumulative up to one hundred twenty 55223  
work days, unless more than one hundred twenty days are approved 55224  
by the employing board of education. The previously accumulated 55225  
sick leave of a person who has been separated from public service, 55226  
whether accumulated pursuant to section 124.38 of the Revised Code 55227  
or pursuant to this section, shall be placed to ~~his~~ the person's 55228  
credit upon ~~his~~ re-employment in the public service, provided that 55229  
such re-employment takes place within ten years of the date of the 55230  
last termination from public service. A teacher or nonteaching 55231

school employee who transfers from one public agency to another 55232  
shall be credited with the unused balance of ~~his~~ the teacher's or 55233  
nonteaching employee's accumulated sick leave up to the maximum of 55234  
the sick leave accumulation permitted in the public agency to 55235  
which the employee transfers. Teachers and nonteaching school 55236  
employees who render regular part-time, ~~seasonal, intermittent,~~ 55237  
per diem, or hourly service shall be entitled to sick leave for 55238  
the time actually worked at the same rate as that granted like 55239  
full-time employees, calculated in the same manner as the ratio of 55240  
sick leave granted to hours of service established by section 55241  
124.38 of the Revised Code. Each board of education may establish 55242  
regulations for the entitlement, crediting and use of sick leave 55243  
by those substitute teachers employed by such board pursuant to 55244  
section 3319.10 of the Revised Code who are not otherwise entitled 55245  
to sick leave pursuant to such section. A board of education shall 55246  
require a teacher or nonteaching school employee to furnish a 55247  
written, signed statement on forms prescribed by such board to 55248  
justify the use of sick leave. If medical attention is required, 55249  
the employee's statement shall list the name and address of the 55250  
attending physician and the dates when ~~he~~ the physician was 55251  
consulted. Nothing in this section shall be construed to waive the 55252  
physician-patient privilege provided by section 2317.02 of the 55253  
Revised Code. Falsification of a statement is grounds for 55254  
suspension or termination of employment under sections 3319.081 55255  
and 3319.16 of the Revised Code. No sick leave shall be granted or 55256  
credited to a teacher after ~~his~~ the teacher's retirement or 55257  
termination of employment. 55258

Except to the extent used as sick leave, leave granted under 55259  
regulations adopted by a board of education pursuant to section 55260  
3319.08 of the Revised Code shall not be charged against sick 55261  
leave earned or earnable under this section. Nothing in this 55262  
section shall be construed to affect in any other way the granting 55263  
of leave pursuant to section 3319.08 of the Revised Code and any 55264



granting of sick leave pursuant to such section shall be charged 55265  
against sick leave accumulated pursuant to this section. 55266

This section shall not be construed to interfere with any 55267  
unused sick leave credit in any agency of government where 55268  
attendance records are maintained and credit has been given for 55269  
unused sick leave. Unused sick leave accumulated by teachers and 55270  
nonteaching school employees under section 124.38 of the Revised 55271  
Code shall continue to be credited toward the maximum accumulation 55272  
permitted in accordance with this section. Each newly hired 55273  
regular nonteaching and each regular nonteaching employee of any 55274  
board of education who has exhausted ~~his~~ the employee's 55275  
accumulated sick leave shall be entitled to an advancement of not 55276  
less than five days of sick leave each year, as authorized by 55277  
rules which each board shall adopt, to be charged against the sick 55278  
leave ~~he~~ the employee subsequently accumulates under this section. 55279

This section shall be uniformly administered. 55280

**Sec. 3319.16.** The (A)(1) Except as provided in division (E) 55281  
of this section, the contract of any teacher employed by the board 55282  
of education of any city, exempted village, local, county, or 55283  
joint vocational school district may not be terminated except for 55284  
good and just cause. ~~Notwithstanding~~ The state board of education 55285  
shall adopt rules defining good and just cause, which shall 55286  
include, but is not limited to, the following: 55287

(a) Immorality; 55288

(b) A conviction of, a finding of guilt for, or a plea of 55289  
guilty to an offense involving moral turpitude or an offense 55290  
described in section 2921.41, 2921.42, 2921.43, or 2921.44 of the 55291  
Revised Code; 55292

(c) Incompetency; 55293

(d) Gross insubordination; 55294

(e) Willful neglect of duty; 55295

(f) An evaluation rating of unsatisfactory under section 3319.111 of the Revised Code for two consecutive years, an evaluation rating of unsatisfactory under that section for two of three consecutive years, an evaluation rating of needs improvement under that section for three consecutive years, or a combination of evaluation ratings under that section of needs improvement and unsatisfactory for three consecutive years. 55296  
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(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code,~~the:~~ 55303  
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(a) The provisions of this section relating to the grounds for termination of the contract of a teacher, as they existed prior to the effective date of this amendment, prevail over any conflicting provisions of a collective bargaining agreement entered into after the effective date of this amendment between October 16, 2009, and that effective date. 55305  
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(b) The provisions of this section relating to the grounds for termination of the contract of a teacher, as they exist on and after the effective date of this amendment, prevail over any conflicting provisions of a collective bargaining agreement entered into on or after that effective date. 55311  
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(B) Before terminating any contract, the employing board shall furnish the teacher a written notice signed by its treasurer of its intention to consider the termination of the teacher's contract with full specification of the grounds for such consideration. The board shall not proceed with formal action to terminate the contract until after the tenth day after receipt of the notice by the teacher. Within ten days after receipt of the notice from the treasurer of the board, the teacher may file with the treasurer a written demand for a hearing before the board ~~or~~ before a referee, and the board shall set a time for the hearing 55316  
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which shall be within thirty days from the date of receipt of the 55326  
written demand, and the treasurer shall give the teacher at least 55327  
twenty days' notice in writing of the time and place of the 55328  
hearing. ~~If a referee is demanded by either the teacher or board,~~ 55329  
~~the treasurer also shall give twenty days' notice to the~~ 55330  
~~superintendent of public instruction. No hearing shall be held~~ 55331  
~~during the summer vacation without the teacher's consent.~~ The 55332  
hearing shall be private unless the teacher requests a public 55333  
hearing. The hearing ~~shall be conducted by a referee appointed~~ 55334  
~~pursuant to section 3319.161 of the Revised Code, if demanded;~~ 55335  
~~otherwise,~~ it shall be conducted by a majority of the members of 55336  
the board and shall be confined to the grounds given for the 55337  
termination. The board shall provide for a complete stenographic 55338  
record of the proceedings, a copy of the record to be furnished to 55339  
the teacher. The board may suspend a teacher pending final action 55340  
to terminate the teacher's contract if, in its judgment, the 55341  
character of the charges warrants such action. 55342

Both parties may be present at such hearing, be represented 55343  
by counsel, require witnesses to be under oath, cross-examine 55344  
witnesses, take a record of the proceedings, and require the 55345  
presence of witnesses in their behalf upon subpoena to be issued 55346  
by the treasurer of the board. In case of the failure of any 55347  
person to comply with a subpoena, a judge of the court of common 55348  
pleas of the county in which the person resides, upon application 55349  
of any interested party, shall compel attendance of the person by 55350  
attachment proceedings as for contempt. Any member of the board ~~or~~ 55351  
~~the referee~~ may administer oaths to witnesses. ~~After a hearing by~~ 55352  
~~a referee, the referee shall file a report within ten days after~~ 55353  
~~the termination of the hearing. After consideration of the~~ 55354  
~~referee's report, the board, by a majority vote, may accept or~~ 55355  
~~reject the referee's recommendation on the termination of the~~ 55356  
~~teacher's contract.~~ After a hearing by the board, the board, by 55357  
majority vote, may enter its determination upon its minutes. Any 55358

order of termination of a contract shall state the grounds for 55359  
termination. If the decision, after hearing, is against 55360  
termination of the contract, the charges and the record of the 55361  
hearing shall be physically expunged from the minutes, and, if the 55362  
teacher has suffered any loss of salary by reason of being 55363  
suspended, the teacher shall be paid the teacher's full salary for 55364  
the period of such suspension. 55365

Any teacher affected by an order of termination of contract 55366  
may appeal to the court of common pleas of the county in which the 55367  
school is located in accordance with division (C) of this section 55368  
or request execution of the grievance procedure specified in any 55369  
collective bargaining agreement that is applicable to the teacher, 55370  
but may not do both. Notwithstanding any provision to the contrary 55371  
in Chapter 4117. of the Revised Code, the provisions of this 55372  
paragraph prevail over any conflicting provisions of a collective 55373  
bargaining agreement entered into on or after the effective date 55374  
of this amendment. 55375

(C) An appeal of the board's order of termination to the 55376  
court of common pleas shall be filed within thirty days after 55377  
receipt of notice of the entry of such order. The appeal shall be 55378  
an original action in the court and shall be commenced by the 55379  
filing of a complaint against the board, in which complaint the 55380  
facts shall be alleged upon which the teacher relies for a 55381  
reversal or modification of such order of termination of contract. 55382  
Upon service or waiver of summons in that appeal, the board 55383  
immediately shall transmit to the clerk of the court for filing a 55384  
transcript of the original papers filed with the board, a 55385  
certified copy of the minutes of the board into which the 55386  
termination finding was entered, and a certified transcript of all 55387  
evidence adduced at the hearing or hearings before the board ~~or a~~ 55388  
~~certified transcript of all evidence adduced at the hearing or~~ 55389  
~~hearings before the referee,~~ whereupon the cause shall be at issue 55390

without further pleading and shall be advanced and heard without 55391  
delay. The court shall examine the transcript and record of the 55392  
hearing and shall hold such additional hearings as it considers 55393  
advisable, at which it may consider other evidence in addition to 55394  
the transcript and record. 55395

Upon final hearing, the court shall grant or deny the relief 55396  
prayed for in the complaint as may be proper in accordance with 55397  
the evidence adduced in the hearing. Such an action is a special 55398  
proceeding, and either the teacher or the board may appeal from 55399  
the decision of the court of common pleas pursuant to the Rules of 55400  
Appellate Procedure and, to the extent not in conflict with those 55401  
rules, Chapter 2505. of the Revised Code. 55402

In any court action, the board may utilize the services of 55403  
the prosecuting attorney, village solicitor, city director of law, 55404  
or other chief legal officer of a municipal corporation as 55405  
authorized by section 3313.35 of the Revised Code, or may employ 55406  
other legal counsel. 55407

(D) A violation of division (A)(7) of section 2907.03 of the 55408  
Revised Code is grounds for termination of a teacher contract 55409  
under this section. 55410

(E) A board may terminate the contract of a teacher without 55411  
good and just cause at any time in the teacher's first year of 55412  
employment with the board, if the board has entered into a 55413  
one-year contract with the teacher under section 3319.08 of the 55414  
Revised Code. In the case of a termination under this division, 55415  
the teacher shall not be entitled to the due process procedures 55416  
prescribed by divisions (B) and (C) of this section. 55417

**Sec. 3319.17.** (A) As used in this section, "interdistrict 55418  
contract" means any contract or agreement entered into by an 55419  
educational service center governing board and another board or 55420  
other public entity pursuant to section 3313.17, 3313.841, 55421

3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the Revised Code, including any such contract or agreement for the provision of services funded under division ~~(I)~~(E) of section 3317.024 of the Revised Code or provided in any unit approved under section 3317.05 of the Revised Code.

(B) When, for any of the following reasons that apply to any city, exempted village, local, or joint vocational school district or any educational service center, the board decides that it will be necessary to reduce the number of teachers it employs, it may make a reasonable reduction:

(1) In the case of any district or service center, return to duty of regular teachers after leaves of absence including ~~leaves provided pursuant to division (B) of section 3314.10 of the Revised Code,~~ suspension of schools, territorial changes affecting the district or center, or financial reasons;

(2) In the case of any city, exempted village, local, or joint vocational school district, decreased enrollment of pupils in the district;

(3) In the case of any governing board of a service center providing any particular service directly to pupils pursuant to one or more interdistrict contracts requiring such service, reduction in the total number of pupils the governing board is required to provide with the service under all interdistrict contracts as a result of the termination or nonrenewal of one or more of these interdistrict contracts;

(4) In the case of any governing board providing any particular service that it does not provide directly to pupils pursuant to one or more interdistrict contracts requiring such service, reduction in the total level of the service the governing board is required to provide under all interdistrict contracts as a result of the termination or nonrenewal of one or more of these

interdistrict contracts. 55453

(C) In making any such reduction, ~~any city, exempted village,~~ 55454  
~~local, or joint vocational school~~ the district board or service 55455  
center governing board shall proceed to suspend contracts in 55456  
accordance with the recommendation of the superintendent of 55457  
~~schools who shall, within each teaching field affected, give~~ 55458  
~~preference first to teachers on continuing contracts and then to~~ 55459  
~~teachers who have greater seniority. In making any such reduction,~~ 55460  
~~any governing board of a service center shall proceed to suspend~~ 55461  
~~contracts in accordance with the recommendation of the~~ 55462  
~~superintendent who shall, within each teaching field or service~~ 55463  
~~area affected, give preference first to teachers on continuing~~ 55464  
~~contracts and then to teachers who have greater seniority. The~~ 55465  
board shall consider evaluations conducted under section 3319.111 55466  
of the Revised Code in determining the order of reductions under 55467  
this section. Within the teaching field or service area affected, 55468  
the board shall suspend teachers with evaluation ratings of 55469  
unsatisfactory first, teachers with evaluation ratings of needs 55470  
improvement second, teachers with evaluation ratings of effective 55471  
third, and teachers with evaluation ratings of highly effective 55472  
last, until all necessary reductions have occurred. The board 55473  
shall not give preference in retention to any teacher based on 55474  
seniority. 55475

On a case-by-case basis, in lieu of suspending a contract in 55476  
whole, a board may suspend a contract in part, so that an 55477  
individual is required to work a percentage of the time the 55478  
employee otherwise is required to work under the contract and 55479  
receives a commensurate percentage of the full compensation the 55480  
employee otherwise would receive under the contract. 55481

The teachers whose continuing contracts are suspended by any 55482  
board pursuant to this section shall have the right of restoration 55483  
to continuing service status by that board ~~in the order of~~ 55484

~~seniority of service in the district or service center~~ if and when 55485  
teaching positions become vacant or are created for which any of 55486  
such teachers are or become qualified. No teacher whose continuing 55487  
contract has been suspended pursuant to this section shall lose 55488  
that right of restoration to continuing service status by reason 55489  
of having declined recall to a position that is less than 55490  
full-time or, if the teacher was not employed full-time just prior 55491  
to suspension of the teacher's continuing contract, to a position 55492  
requiring a lesser percentage of full-time employment than the 55493  
position the teacher last held while employed in the district or 55494  
service center. 55495

(D) Notwithstanding any provision to the contrary in Chapter 55496  
4117. of the Revised Code, ~~the:~~ 55497

(1) The requirements of this section, as it existed prior to 55498  
the effective date of this amendment, prevail over any conflicting 55499  
provisions of agreements between employee organizations and public 55500  
employers entered into ~~after~~ between September 29, 2005, and that 55501  
effective date; 55502

(2) The requirements of this section, as it exists on and 55503  
after the effective date of this amendment, prevail over any 55504  
conflicting provisions of agreements between employee 55505  
organizations and public employers entered into on or after that 55506  
effective date. 55507

**Sec. 3319.18.** If an entire school district or that part of a 55508  
school district which comprises the territory in which a school is 55509  
situated is transferred to any other district, or if a new school 55510  
district is created, the teachers in such districts or schools 55511  
employed on continuing contracts immediately prior to such 55512  
transfer, or creation shall, subject to section 3319.17 or 55513  
3319.171 of the Revised Code, have continuing service status in 55514  
the newly created district, or in the district to which the 55515



territory is transferred. 55516

The limited contracts of the teachers employed in such 55517  
districts or schools immediately prior to such transfer, or 55518  
creation, shall become the legal obligations of the board of 55519  
education in the newly created district, or in the district to 55520  
which the territory is transferred, subject to section 3319.17 or 55521  
3319.171 of the Revised Code. The teaching experience of such 55522  
teachers in such prior districts or schools shall be included in 55523  
the three years of service required under section 3319.11 of the 55524  
Revised Code for a teacher to become eligible for continuing 55525  
service status. 55526

Teachers employed on limited or continuing contracts in an 55527  
entire school district or that part of a school district which 55528  
comprises the territory in which a school is situated which is 55529  
transferred to any other district or which is merged with other 55530  
school territory to create a new school district, shall be placed, 55531  
on the effective date of such transfer or merger, on the salary 55532  
schedule of the district to which the territory is transferred or 55533  
the newly created district, ~~according to their training and~~ 55534  
~~experience. Such experience shall be the total sum of the years~~ 55535  
~~taught in the district whose territory was transferred or merged~~ 55536  
~~to create a new district, plus the total number of years of~~ 55537  
~~teaching experience recognized by such previous district upon its~~ 55538  
~~first employment of such teachers.~~ 55539

The placement of the teachers on the salary schedule, 55540  
pursuant to this section, shall not result, however, in the salary 55541  
of any teacher being less than the teacher's current annual salary 55542  
for regular duties, in existence immediately prior to the merger 55543  
or transfer. 55544

~~In making any reduction in the number of teachers under~~ 55545  
~~section 3319.17 of the Revised Code by reason of the transfer or~~ 55546  
~~consolidation of school territory, the years of teaching service~~ 55547

~~of the teachers employed in the district or schools transferred to~~ 55548  
~~any other district or merged with any school territory to create a~~ 55549  
~~new district, shall be included as a part of the seniority on~~ 55550  
~~which the recommendation of the superintendent of schools shall be~~ 55551  
~~based, under section 3319.17 of the Revised Code. Such service~~ 55552  
~~shall have been continuous and shall include years of service in~~ 55553  
~~the previous district as well as the years of continuous service~~ 55554  
~~in any district which had been previously transferred to or~~ 55555  
~~consolidated to form such district.~~ When suspending contracts in 55556  
accordance with an administrative personnel suspension policy 55557  
adopted under section 3319.171 of the Revised Code, a board may 55558  
consider years of teaching service in the previous district in its 55559  
decision if it is a part of the suspension policy. 55560

**Sec. 3319.19.** (A) Except as provided in division (D) of this 55561  
section or division (A)(2) of section 3313.37 of the Revised Code, 55562  
upon request, the board of county commissioners shall provide and 55563  
equip offices in the county for the use of the superintendent of 55564  
an educational service center, and shall provide heat, light, 55565  
water, and janitorial services for such offices. Such offices 55566  
shall be the permanent headquarters of the superintendent and 55567  
shall be used by the governing board of the service center when it 55568  
is in session. Except as provided in division (B) of this section, 55569  
such offices shall be located in the county seat or, upon the 55570  
approval of the governing board, may be located outside of the 55571  
county seat. 55572

(B) In the case of a service center formed under section 55573  
3311.053 ~~or 3311.059~~ of the Revised Code, the governing board 55574  
shall designate the site of its offices. Except as provided in 55575  
division (D) of this section or division (A)(2) of section 3313.37 55576  
of the Revised Code, the board of county commissioners of the 55577  
county in which the designated site is located shall provide and 55578  
equip the offices as under division (A) of this section, but the 55579

costs of such offices and equipment shall be apportioned among the boards of county commissioners of all counties having any territory in the area under the control of the governing board, according to the proportion of local school district pupils under the supervision of such board residing in the respective counties. Where there is a dispute as to the amount any board of county commissioners is required to pay, the probate judge of the county in which the greatest number of pupils under the supervision of the governing board reside shall apportion such costs among the boards of county commissioners and notify each such board of its share of the costs.

(C) As used in division (C) of this section, in the case of a building, facility, or office space that a board of county commissioners leases or rents, "actual cost per square foot" means all cost on a per square foot basis incurred by the board under the lease or rental agreement. In the case of a building, facility, or office space that the board owns in fee simple, "actual cost per square foot" means the fair rental value on a per square foot basis of the building, facility, or office space either as compared to a similarly situated building, facility, or office space in the general vicinity or as calculated under a formula that accounts for depreciation, amortization of improvements, and other reasonable factors, including, but not limited to, parking space and other amenities.

Not later than the thirty-first day of March of 2002, 2003, 2004, and 2005 a board of county commissioners required to provide or equip offices pursuant to division (A) or (B) of this section shall make a written estimate of the total cost it will incur for the ensuing fiscal year to provide and equip the offices and to provide heat, light, water, and janitorial services for such offices. The total estimate of cost shall include:

(1) The total square feet of space to be utilized by the

educational service center; 55612

(2) The total square feet of any common areas that should be 55613  
reasonably allocated to the center and the methodology for making 55614  
this allocation; 55615

(3) The actual cost per square foot for both the space 55616  
utilized by and the common area allocated to the center; 55617

(4) An explanation of the methodology used to determine the 55618  
actual cost per square foot; 55619

(5) The estimated cost of providing heat, light, and water, 55620  
including an explanation of how these costs were determined; 55621

(6) The estimated cost of providing janitorial services 55622  
including an explanation of the methodology used to determine this 55623  
cost; 55624

(7) Any other estimated costs that the board anticipates it 55625  
will ~~occur~~ incur and a detailed explanation of the costs and the 55626  
rationale used to determine such costs. 55627

A copy of the total estimate of costs under this division 55628  
shall be sent to the superintendent of the educational service 55629  
center not later than the fifth day of April. The superintendent 55630  
shall review the total estimate and shall notify the board of 55631  
county commissioners not later than twenty days after receipt of 55632  
the estimate of either agreement with the estimate or any specific 55633  
objections to the estimates and the reasons for the objections. If 55634  
the superintendent agrees with the estimate, it shall become the 55635  
final total estimate of cost. Failure of the superintendent to 55636  
make objections to the estimate by the twentieth day after receipt 55637  
of it shall be deemed to mean that the superintendent is in 55638  
agreement with the estimate. 55639

If the superintendent provides specific objections to the 55640  
board of county commissioners, the board shall review the 55641

objections and may modify the original estimate and shall send a 55642  
revised total estimate to the superintendent within ten days after 55643  
the receipt of the superintendent's objections. The superintendent 55644  
shall respond to the revised estimate within ten days after its 55645  
receipt. If the superintendent agrees with it, it shall become the 55646  
final total estimated cost. If the superintendent fails to respond 55647  
within the required time, the superintendent shall be deemed to 55648  
have agreed with the revised estimate. If the superintendent 55649  
disagrees with the revised estimate, the superintendent shall send 55650  
specific objections to the county commissioners. 55651

If a superintendent has sent specific objections to the 55652  
revised estimate within the required time, the probate judge of 55653  
the county which has the greatest number of resident local school 55654  
district pupils under the supervision of the educational service 55655  
center shall determine the final estimated cost and certify this 55656  
amount to the superintendent and the board of county commissioners 55657  
prior to the first day of July. 55658

(D)(1) A board of county commissioners shall be responsible 55659  
for the following percentages of the final total estimated cost 55660  
established by division (C) of this section: 55661

(a) Eighty per cent for fiscal year 2003; 55662

(b) Sixty per cent for fiscal year 2004; 55663

(c) Forty per cent for fiscal year 2005; 55664

(d) Twenty per cent for fiscal year 2006. 55665

In fiscal years 2003, 2004, 2005, and 2006 the educational 55666  
service center shall be responsible for the remainder of any costs 55667  
in excess of the amounts specified in division (D)(1)(a),(b), (c), 55668  
or (d) of this section, as applicable, associated with the 55669  
provision and equipment of offices for the educational service 55670  
center and for provision of heat, light, water, and janitorial 55671  
services for such offices, including any unanticipated or 55672

unexpected increases in the costs beyond the final estimated cost amount. 55673  
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Beginning in fiscal year 2007, no board of county commissioners shall have any obligation to provide and equip offices for an educational service center or to provide heat, light, water, or janitorial services for such offices. 55675  
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(2) Nothing in this section shall prohibit the board of county commissioners and the governing board of an educational service center from entering into a contract for providing and equipping offices for the use of an educational service center and for providing heat, light, water, and janitorial services for such offices. The term of any such contract shall not exceed a period of four years and may be renewed for additional periods not to exceed four years. Any such contract shall supersede the provisions of division (D)(1) of this section and no educational service center may be charged, at any time, any additional amount for the county's provision of an office and equipment, heat, light, water, and janitorial services beyond the amount specified in such contract. 55679  
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(3) No contract entered into under division (D)(2) of this section in any year prior to fiscal year 2007 between an educational service center formed under section 3311.053 ~~or~~ 3311.059 of the Revised Code and the board of county commissioners required to provide and equip its office pursuant to division (B) of this section shall take effect unless the boards of county commissioners of all other counties required to participate in the funding for such offices pursuant to division (B) of this section adopt resolutions approving the contract. 55692  
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Sec. 3319.227. (A) This section applies only to a person who meets the following conditions: 55701  
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(1) Holds a minimum of a baccalaureate degree; 55703

(2) Has been licensed and employed as a teacher in another state for each of the preceding five years; 55704  
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(3) Was initially licensed as a teacher in any state within the preceding fifteen years; 55706  
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(4) Has not had a teacher's license suspended or revoked in any state. 55708  
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(B)(1) Not later than July 1, 2012, the superintendent of public instruction shall develop a list of states that the superintendent considers to have standards for teacher licensure that are inadequate to ensure that a person to whom this section applies and who was most recently licensed to teach in that state is qualified for a professional educator license issued under section 3319.22 of the Revised Code. 55710  
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(2) Following development of the list, the superintendent shall establish a panel of experts to evaluate the adequacy of the teacher licensure standards of each state on the list. Each person selected by the superintendent to be a member of the panel shall be approved by the state board of education. In evaluating the superintendent's list, the panel shall provide an opportunity for representatives of the department of education, or similar state-level agency, of each state on the list to provide evidence to refute the state's placement on the list. 55717  
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Not later than April 1, 2013, the panel shall recommend to the state board that the list be approved without changes or that specified states be removed from the list prior to approval. Not later than July 1, 2013, the state board shall approve a final list of states with standards for teacher licensure that are inadequate to ensure that a person to whom this section applies and who was most recently licensed to teach in that state is qualified for a professional educator license issued under section 3319.22 of the Revised Code. 55726  
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(C) Except as otherwise provided in division (E)(1) of this section, until the date on which the state board approves a final list of states with inadequate teacher licensure standards under division (B)(2) of this section, the state board shall issue a one-year provisional educator license to any applicant to whom this section applies. On and after that date, neither the state board nor the department of education shall be party to any reciprocity agreement with a state on that list that requires the state board to issue a person to whom this section applies any type of professional educator license on the basis of the person's licensure and teaching experience in that state.

(D) Upon the expiration of a provisional license issued to a person under division (C) of this section, the state board shall issue the person a professional educator license, if the person satisfies either of the following conditions:

(1) The person was issued the provisional license prior to the development of the list by the state superintendent under division (B)(1) of this section and, prior to issuance of the provisional license, the person was most recently licensed to teach by a state not on the superintendent's list or, if the final list of states with inadequate teacher licensure standards has been approved by the state board under division (B)(2) of this section, by a state not on that list.

(2) All of the following apply to the person:

(a) Prior to obtaining the provisional license, the person was most recently licensed to teach by a state on the superintendent's list or, if the final list of states with inadequate teacher licensure standards has been approved by the state board under division (B)(2) of this section, by a state on that list.

(b) The person was employed under the provisional license by



a school district; community school established under Chapter 3314. of the Revised Code; science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code; or an entity contracted by such a district or school to provide internet- or computer-based instruction or distance learning programs to students. 55766  
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(c) The district or school certifies to the state board that the person's teaching was satisfactory while employed or contracted by the district or school. 55772  
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(E)(1) From July 1, 2012, until the date on which the state board approves a final list of states with inadequate teacher licensure standards under division (B)(2) of this section, the state board shall issue a professional educator license to any applicant to whom this section applies and who was most recently licensed to teach by a state that is not on the list developed by the state superintendent under division (B)(1) of this section. 55775  
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(2) Beginning on the date on which the state board approves a final list of states with inadequate teacher licensure standards under division (B)(2) of this section, the state board shall issue a professional educator license to any applicant to whom this section applies and who was most recently licensed to teach by a state that is not on that list. 55782  
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**Sec. 3319.26.** (A) The state board of education shall adopt rules establishing the standards and requirements for obtaining an alternative resident educator license for teaching in grades four to twelve, or the equivalent, in a designated subject area. However, an alternative resident educator license in the area of intervention specialist, as defined by rule of the state board, shall be valid for teaching in grades kindergarten to twelve. 55788  
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~~(B) The superintendent of public instruction and the chancellor of the Ohio board of regents jointly shall develop an~~ 55795  
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~~intensive pedagogical training institute to provide instruction in 55797  
the principles and practices of teaching for individuals seeking 55798  
an alternative resident educator license. The instruction shall 55799  
cover such topics as student development and learning, pupil 55800  
assessment procedures, curriculum development, classroom 55801  
management, and teaching methodology. 55802~~

~~(C)~~ The rules adopted under this section shall require 55803  
applicants for the alternative resident educator license to 55804  
satisfy the following conditions prior to issuance of the license, 55805  
but they shall not require applicants to have completed a major in 55806  
the subject area for which application is being made: 55807

(1) Hold a minimum of a baccalaureate degree; 55808

~~(2) Successfully complete the pedagogical training institute 55809  
described in division (B) of this section; 55810~~

~~(3)~~ Pass an examination in the subject area for which 55811  
application is being made. 55812

~~(D)~~(C) An alternative resident educator license shall be 55813  
valid for four years, except that the state board, on a 55814  
case-by-case basis, may extend the license's duration as necessary 55815  
to enable the license holder to complete the Ohio teacher 55816  
residency program established under section 3319.223 of the 55817  
Revised Code. 55818

~~(E)~~(D) The rules shall require the holder of an alternative 55819  
resident educator license, as a condition of continuing to hold 55820  
the license, to do all of the following: 55821

(1) Participate in the Ohio teacher residency program; 55822

(2) Show satisfactory progress in taking and successfully 55823  
completing ~~at~~ one of the following: 55824

(a) At least twelve additional semester hours, or the 55825  
equivalent, of college coursework in the principles and practices 55826

of teaching in such topics as student development and learning, 55827  
pupil assessment procedures, curriculum development, classroom 55828  
management, and teaching methodology; 55829

(b) Professional development provided to participants of a 55830  
teacher preparation program that is operated by a nonprofit 55831  
organization and has been approved by the chancellor of the Ohio 55832  
board of regents. The chancellor shall approve any such program 55833  
that requires participants to hold a bachelor's degree; have a 55834  
cumulative undergraduate grade point average of at least 2.5 out 55835  
of 4.0, or its equivalent; and successfully complete a summer 55836  
training institute. 55837

(3) Take an assessment of professional knowledge in the 55838  
second year of teaching under the license. 55839

~~(F)~~(E) The rules shall provide for the granting of a 55840  
professional educator license to a holder of an alternative 55841  
resident educator license upon successfully completing all of the 55842  
following: 55843

(1) Four years of teaching under the alternative license; 55844

(2) The ~~twelve semester hours, or the equivalent,~~ of the 55845  
additional college coursework or professional development 55846  
described in division ~~(F)~~(D)(2) of this section; 55847

(3) The assessment of professional knowledge described in 55848  
division ~~(F)~~(D)(3) of this section. The standards for successfully 55849  
completing this assessment and the manner of conducting the 55850  
assessment shall be the same as for any other individual who is 55851  
required to take the assessment pursuant to rules adopted by the 55852  
state board under section 3319.22 of the Revised Code. 55853

(4) The Ohio teacher residency program; 55854

(5) All other requirements for a professional educator 55855  
license adopted by the state board under section 3319.22 of the 55856

Revised Code. 55857

**Sec. 3319.31.** (A) As used in this section and sections 55858  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 55859  
means a certificate, license, or permit described in this chapter 55860  
or in division (B) of section 3301.071 or in section 3301.074 of 55861  
the Revised Code. 55862

(B) For any of the following reasons, the state board of 55863  
education, in accordance with Chapter 119. and section 3319.311 of 55864  
the Revised Code, may refuse to issue a license to an applicant; 55865  
may limit a license it issues to an applicant; may suspend, 55866  
revoke, or limit a license that has been issued to any person; or 55867  
may revoke a license that has been issued to any person and has 55868  
expired: 55869

(1) Engaging in an immoral act, incompetence, negligence, or 55870  
conduct that is unbecoming to the applicant's or person's 55871  
position; 55872

(2) A plea of guilty to, a finding of guilt by a jury or 55873  
court of, or a conviction of any of the following: 55874

(a) A felony other than a felony listed in division (C) of 55875  
this section; 55876

(b) An offense of violence other than an offense of violence 55877  
listed in division (C) of this section; 55878

(c) A theft offense, as defined in section 2913.01 of the 55879  
Revised Code, other than a theft offense listed in division (C) of 55880  
this section; 55881

(d) A drug abuse offense, as defined in section 2925.01 of 55882  
the Revised Code, that is not a minor misdemeanor, other than a 55883  
drug abuse offense listed in division (C) of this section; 55884

(e) A violation of an ordinance of a municipal corporation 55885  
that is substantively comparable to an offense listed in divisions 55886

(B)(2)(a) to (d) of this section. 55887

(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B)(2) or (C) of this section; 55888  
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(4) Failure to comply with section 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code. 55894  
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(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in this division by a person who holds a current or expired license or is an applicant for a license or renewal of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or deny issuance or renewal of the license to the person. The state board or the superintendent shall revoke a license that has been issued to a person to whom this division applies and has expired in the same manner as a license that has not expired. 55896  
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Revocation of a license or denial of issuance or renewal of a license under this division is effective immediately at the time and date that the board or superintendent issues the written order and is not subject to appeal in accordance with Chapter 119. of the Revised Code. Revocation of a license or denial of issuance or renewal of license under this division remains in force during the pendency of an appeal by the person of the plea of guilty, finding of guilt, or conviction that is the basis of the action taken under this division. 55907  
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The state board or superintendent shall take the action required by this division for a violation of division (B)(1), (2), 55916  
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(3), or (4) of section 2919.22 of the Revised Code; a violation of 55918  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 55919  
2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.11, 2907.02, 55920  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 2907.22, 55921  
2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 2907.311, 2907.32, 55922  
2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 55923  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.44, 55924  
2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 2919.12, 2919.121, 55925  
2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 2921.34, 55926  
2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 2923.21, 2925.02, 55927  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 55928  
2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 55929  
of the Revised Code; a violation of section 2905.04 of the Revised 55930  
Code as it existed prior to July 1, 1996; a violation of section 55931  
2919.23 of the Revised Code that would have been a violation of 55932  
section 2905.04 of the Revised Code as it existed prior to July 1, 55933  
1996, had the violation been committed prior to that date; 55934  
felonious sexual penetration in violation of former section 55935  
2907.12 of the Revised Code; or a violation of an ordinance of a 55936  
municipal corporation that is substantively comparable to an 55937  
offense listed in this paragraph. 55938

(D) The state board may delegate to the superintendent of 55939  
public instruction the authority to revoke a person's license or 55940  
to deny issuance or renewal of a license to a person under 55941  
division (C) or (F) of this section. 55942

(E)(1) If the plea of guilty, finding of guilt, or conviction 55943  
that is the basis of the action taken under division (B)(2) or (C) 55944  
of this section, or under the version of division (F) of section 55945  
3319.311 of the Revised Code in effect prior to ~~the effective date~~ 55946  
~~of this amendment~~ September 12, 2008, is overturned on appeal, 55947  
upon exhaustion of the criminal appeal, the clerk of the court 55948  
that overturned the plea, finding, or conviction or, if 55949

applicable, the clerk of the court that accepted an appeal from 55950  
the court that overturned the plea, finding, or conviction, shall 55951  
notify the state board that the plea, finding, or conviction has 55952  
been overturned. Within thirty days after receiving the 55953  
notification, the state board shall initiate proceedings to 55954  
reconsider the revocation or denial of the person's license in 55955  
accordance with division (E)(2) of this section. In addition, the 55956  
person whose license was revoked or denied may file with the state 55957  
board a petition for reconsideration of the revocation or denial 55958  
along with appropriate court documents. 55959

(2) Upon receipt of a court notification or a petition and 55960  
supporting court documents under division (E)(1) of this section, 55961  
the state board, after offering the person an opportunity for an 55962  
adjudication hearing under Chapter 119. of the Revised Code, shall 55963  
determine whether the person committed the act in question in the 55964  
prior criminal action against the person that is the basis of the 55965  
revocation or denial and may continue the revocation or denial, 55966  
may reinstate the person's license, with or without limits, or may 55967  
grant the person a new license, with or without limits. The 55968  
decision of the board shall be based on grounds for revoking, 55969  
denying, suspending, or limiting a license adopted by rule under 55970  
division (G) of this section and in accordance with the 55971  
evidentiary standards the board employs for all other licensure 55972  
hearings. The decision of the board under this division is subject 55973  
to appeal under Chapter 119. of the Revised Code. 55974

(3) A person whose license is revoked or denied under 55975  
division (C) of this section shall not apply for any license if 55976  
the plea of guilty, finding of guilt, or conviction that is the 55977  
basis of the revocation or denial, upon completion of the criminal 55978  
appeal, either is upheld or is overturned but the state board 55979  
continues the revocation or denial under division (E)(2) of this 55980  
section and that continuation is upheld on final appeal. 55981

(F) The state board may take action under division (B) of 55982  
this section, and the state board or the superintendent shall take 55983  
the action required under division (C) of this section, on the 55984  
basis of substantially comparable conduct occurring in a 55985  
jurisdiction outside this state or occurring before a person 55986  
applies for or receives any license. 55987

(G) The state board may adopt rules in accordance with 55988  
Chapter 119. of the Revised Code to carry out this section and 55989  
section 3319.311 of the Revised Code. 55990

**Sec. 3319.311.** (A)(1) The state board of education, or the 55991  
superintendent of public instruction on behalf of the board, may 55992  
investigate any information received about a person that 55993  
reasonably appears to be a basis for action under section 3319.31 55994  
of the Revised Code, including information received pursuant to 55995  
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, 55996  
or 5153.176 of the Revised Code. Except as provided in division 55997  
(A)(2) of this section, the board shall contract with the office 55998  
of the Ohio attorney general to conduct any investigation of that 55999  
nature. The board shall pay for the costs of the contract only 56000  
from moneys in the state board of education licensure fund 56001  
established under section 3319.51 of the Revised Code. Except as 56002  
provided in division (A)(2) of this section, all information 56003  
received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 56004  
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 56005  
information obtained during an investigation is confidential and 56006  
is not a public record under section 149.43 of the Revised Code. 56007  
If an investigation is conducted under this division regarding 56008  
information received about a person and no action is taken against 56009  
the person under this section or section 3319.31 of the Revised 56010  
Code within two years of the completion of the investigation, all 56011  
records of the investigation shall be expunged. 56012



(2) In the case of a person about whom the board has learned 56013  
of a plea of guilty to, finding of guilt by a jury or court of, or 56014  
a conviction of an offense listed in division (C) of section 56015  
3319.31 of the Revised Code, or substantially comparable conduct 56016  
occurring in a jurisdiction outside this state, the board or the 56017  
superintendent of public instruction need not conduct any further 56018  
investigation and shall take the action required by division (C) 56019  
or (F) of that section. Except as provided in division (G) of this 56020  
section, all information obtained by the board or the 56021  
superintendent of public instruction pertaining to the action is a 56022  
public record under section 149.43 of the Revised Code. 56023

(B) The superintendent of public instruction shall review the 56024  
results of each investigation of a person conducted under division 56025  
(A)(1) of this section and shall determine, on behalf of the state 56026  
board, whether the results warrant initiating action under 56027  
division (B) of section 3319.31 of the Revised Code. The 56028  
superintendent shall advise the board of such determination at a 56029  
meeting of the board. Within fourteen days of the next meeting of 56030  
the board, any member of the board may ask that the question of 56031  
initiating action under section 3319.31 of the Revised Code be 56032  
placed on the board's agenda for that next meeting. Prior to 56033  
initiating that action against any person, the person's name and 56034  
any other personally identifiable information shall remain 56035  
confidential. 56036

(C) The board shall take no action against a person under 56037  
division (B) of section 3319.31 of the Revised Code without 56038  
providing the person with written notice of the charges and with 56039  
an opportunity for a hearing in accordance with Chapter 119. of 56040  
the Revised Code. 56041

(D) For purposes of an investigation under division (A)(1) of 56042  
this section or a hearing under division (C) of this section or 56043  
under division (E)(2) of section 3319.31 of the Revised Code, the 56044

board, or the superintendent on behalf of the board, may 56045  
administer oaths, order the taking of depositions, issue 56046  
subpoenas, and compel the attendance of witnesses and the 56047  
production of books, accounts, papers, records, documents, and 56048  
testimony. The issuance of subpoenas under this division may be by 56049  
certified mail or personal delivery to the person. 56050

(E) The superintendent, on behalf of the board, may enter 56051  
into a consent agreement with a person against whom action is 56052  
being taken under division (B) of section 3319.31 of the Revised 56053  
Code. The board may adopt rules governing the superintendent's 56054  
action under this division. 56055

(F) No surrender of a license shall be effective until the 56056  
board takes action to accept the surrender unless the surrender is 56057  
pursuant to a consent agreement entered into under division (E) of 56058  
this section. 56059

(G) The name of any person who is not required to report 56060  
information under section 3314.40, 3319.313, 3326.24, 3328.19, 56061  
5126.253, or 5153.176 of the Revised Code, but who in good faith 56062  
provides information to the state board or superintendent of 56063  
public instruction about alleged misconduct committed by a person 56064  
who holds a license or has applied for issuance or renewal of a 56065  
license, shall be confidential and shall not be released. Any such 56066  
person shall be immune from any civil liability that otherwise 56067  
might be incurred or imposed for injury, death, or loss to person 56068  
or property as a result of the provision of that information. 56069

(H)(1) No person shall knowingly make a false report to the 56070  
superintendent of public instruction or the state board of 56071  
education alleging misconduct by an employee of a public or 56072  
chartered nonpublic school or an employee of the operator of a 56073  
community school established under Chapter 3314. or a 56074  
college-preparatory boarding school established under Chapter 56075  
3328. of the Revised Code. 56076

(2)(a) In any civil action brought against a person in which 56077  
it is alleged and proved that the person violated division (H)(1) 56078  
of this section, the court shall award the prevailing party 56079  
reasonable attorney's fees and costs that the prevailing party 56080  
incurred in the civil action or as a result of the false report 56081  
that was the basis of the violation. 56082

(b) If a person is convicted of or pleads guilty to a 56083  
violation of division (H)(1) of this section, if the subject of 56084  
the false report that was the basis of the violation was charged 56085  
with any violation of a law or ordinance as a result of the false 56086  
report, and if the subject of the false report is found not to be 56087  
guilty of the charges brought against the subject as a result of 56088  
the false report or those charges are dismissed, the court that 56089  
sentences the person for the violation of division (H)(1) of this 56090  
section, as part of the sentence, shall order the person to pay 56091  
restitution to the subject of the false report, in an amount equal 56092  
to reasonable attorney's fees and costs that the subject of the 56093  
false report incurred as a result of or in relation to the 56094  
charges. 56095

**Sec. 3319.39.** (A)(1) Except as provided in division (F)(2)(b) 56096  
of section 109.57 of the Revised Code, the appointing or hiring 56097  
officer of the board of education of a school district, the 56098  
governing board of an educational service center, or of a 56099  
chartered nonpublic school shall request the superintendent of the 56100  
bureau of criminal identification and investigation to conduct a 56101  
criminal records check with respect to any applicant who has 56102  
applied to the school district, educational service center, or 56103  
school for employment in any position. The appointing or hiring 56104  
officer shall request that the superintendent include information 56105  
from the federal bureau of investigation in the criminal records 56106  
check, unless all of the following apply to the applicant: 56107

(a) The applicant is applying to be an instructor of adult education. 56108  
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(b) The duties of the position for which the applicant is applying do not involve routine interaction with a child or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility, during any period of time in which the applicant, if hired, has such interaction or responsibility, another employee of the school district, educational service center, or chartered nonpublic school will be present in the same room with the child or, if outdoors, will be within a thirty-yard radius of the child or have visual contact with the child. 56110  
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(c) The applicant presents proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or provides evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check. 56120  
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(2) A person required by division (A)(1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section. 56127  
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(3) An applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division 56138  
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(C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the board of education of a school district, governing board of an educational service center, or governing authority of a chartered nonpublic school shall not employ that applicant for any position.

(4) Notwithstanding any provision of this section to the contrary, an applicant who meets the conditions prescribed in divisions (A)(1)(a) and (b) of this section and who, within the two-year period prior to the date of application, was the subject of a criminal records check under this section prior to being hired for short-term employment with the school district, educational service center, or chartered nonpublic school to which application is being made shall not be required to undergo a criminal records check prior to the applicant's rehiring by that district, service center, or school.

(B)(1) Except as provided in rules adopted by the department of education in accordance with division (E) of this section and as provided in division (B)(3) of this section, no board of education of a school district, no governing board of an educational service center, and no governing authority of a chartered nonpublic school shall employ a person if the person previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 56172  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 56173  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 56174  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 56175  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 56176  
2925.06, or 3716.11 of the Revised Code, a violation of section 56177  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 56178  
violation of section 2919.23 of the Revised Code that would have 56179  
been a violation of section 2905.04 of the Revised Code as it 56180  
existed prior to July 1, 1996, had the violation been committed 56181  
prior to that date, a violation of section 2925.11 of the Revised 56182  
Code that is not a minor drug possession offense, or felonious 56183  
sexual penetration in violation of former section 2907.12 of the 56184  
Revised Code; 56185

(b) A violation of an existing or former law of this state, 56186  
another state, or the United States that is substantially 56187  
equivalent to any of the offenses or violations described in 56188  
division (B)(1)(a) of this section. 56189

(2) A board, governing board of an educational service 56190  
center, or a governing authority of a chartered nonpublic school 56191  
may employ an applicant conditionally until the criminal records 56192  
check required by this section is completed and the board or 56193  
governing authority receives the results of the criminal records 56194  
check. If the results of the criminal records check indicate that, 56195  
pursuant to division (B)(1) of this section, the applicant does 56196  
not qualify for employment, the board or governing authority shall 56197  
release the applicant from employment. 56198

(3) No board and no governing authority of a chartered 56199  
nonpublic school shall employ a teacher who previously has been 56200  
convicted of or pleaded guilty to any of the offenses listed in 56201  
section 3319.31 of the Revised Code. 56202

(C)(1) Each board and each governing authority of a chartered 56203

nonpublic school shall pay to the bureau of criminal 56204  
identification and investigation the fee prescribed pursuant to 56205  
division (C)(3) of section 109.572 of the Revised Code for each 56206  
criminal records check conducted in accordance with that section 56207  
upon the request pursuant to division (A)(1) of this section of 56208  
the appointing or hiring officer of the board or governing 56209  
authority. 56210

(2) A board and the governing authority of a chartered 56211  
nonpublic school may charge an applicant a fee for the costs it 56212  
incurs in obtaining a criminal records check under this section. A 56213  
fee charged under this division shall not exceed the amount of 56214  
fees the board or governing authority pays under division (C)(1) 56215  
of this section. If a fee is charged under this division, the 56216  
board or governing authority shall notify the applicant at the 56217  
time of the applicant's initial application for employment of the 56218  
amount of the fee and that, unless the fee is paid, the board or 56219  
governing authority will not consider the applicant for 56220  
employment. 56221

(D) The report of any criminal records check conducted by the 56222  
bureau of criminal identification and investigation in accordance 56223  
with section 109.572 of the Revised Code and pursuant to a request 56224  
under division (A)(1) of this section is not a public record for 56225  
the purposes of section 149.43 of the Revised Code and shall not 56226  
be made available to any person other than the applicant who is 56227  
the subject of the criminal records check or the applicant's 56228  
representative, the board or governing authority requesting the 56229  
criminal records check or its representative, and any court, 56230  
hearing officer, or other necessary individual involved in a case 56231  
dealing with the denial of employment to the applicant. 56232

(E) The department of education shall adopt rules pursuant to 56233  
Chapter 119. of the Revised Code to implement this section, 56234  
including rules specifying circumstances under which the board or 56235

governing authority may hire a person who has been convicted of an offense listed in division (B)(1) or (3) of this section but who meets standards in regard to rehabilitation set by the department.

The department shall amend rule 3301-83-23 of the Ohio Administrative Code that took effect August 27, 2009, and that specifies the offenses that disqualify a person for employment as a school bus or school van driver and establishes rehabilitation standards for school bus and school van drivers.

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, of the requirement to provide a set of fingerprint impressions and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for the school district, educational service center, or school for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a board of education, governing board of an educational service center, or a chartered nonpublic school, except that "applicant" does not include a person already employed by a board or chartered nonpublic school who is under consideration for a different position with such board or school.

(2) "Teacher" means a person holding an educator license or permit issued under section 3319.22 or 3319.301 of the Revised Code and teachers in a chartered nonpublic school.

(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.



(4) "Minor drug possession offense" has the same meaning as 56267  
in section 2925.01 of the Revised Code. 56268

(H) If the board of education of a local school district 56269  
adopts a resolution requesting the assistance of the educational 56270  
service center in which the local district has territory in 56271  
conducting criminal records checks of substitute teachers and 56272  
substitutes for other district employees under this section, the 56273  
appointing or hiring officer of such educational service center 56274  
shall serve for purposes of this section as the appointing or 56275  
hiring officer of the local board in the case of hiring substitute 56276  
teachers and other substitute employees for the local district. 56277

**Sec. 3319.57.** (A) A grant program is hereby established under 56278  
which the department of education shall award grants to assist 56279  
certain schools in a city, exempted village, local, or joint 56280  
vocational school district in implementing one of the following 56281  
innovations: 56282

(1) The use of instructional specialists to mentor and 56283  
support classroom teachers; 56284

(2) The use of building managers to supervise the 56285  
administrative functions of school operation so that a school 56286  
principal can focus on supporting instruction, providing 56287  
instructional leadership, and engaging teachers as part of the 56288  
instructional leadership team; 56289

(3) The reconfiguration of school leadership structure in a 56290  
manner that allows teachers to serve in leadership roles so that 56291  
teachers may share the responsibility for making and implementing 56292  
school decisions; 56293

(4) The adoption of new models for restructuring the school 56294  
day or school year, such as including teacher planning and 56295  
collaboration time as part of the school day; 56296

(5) The creation of smaller schools or smaller units within larger schools for the purpose of facilitating teacher collaboration to improve and advance the professional practice of teaching;

(6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals;

(7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size;

(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;

(9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas;

(10) The implementation of a program to increase the cultural competency of both new and veteran teachers;

(11) The implementation of a program to increase the subject matter competency of veteran teachers.

(B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria:

(1) Be hard to staff, as defined by the department.

(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share percentage for the fiscal year in which the grant is awarded).

For purposes of division (B)(2) of this section, "state share percentage" has the same meaning as in section ~~3306.02~~ 3317.02 of

the Revised Code. 56327

(C) The amount and number of grants awarded under this 56328  
section shall be determined by the department based on any 56329  
appropriations made by the general assembly for grants under this 56330  
section. 56331

(D) The state board of education shall adopt rules for the 56332  
administration of this grant program. 56333

**Sec. 3319.58.** (A) As used in this section: 56334

(1) "Core subject area" has the same meaning as in section 56335  
3319.074 of the Revised Code. 56336

(2) "Performance index score" has the same meaning as in 56337  
section 3302.01 of the Revised Code. 56338

(B) The department of education annually shall rank order 56339  
into percentiles according to performance index score all school 56340  
buildings of all city, exempted village, and local school 56341  
districts, community schools established under Chapter 3314. of 56342  
the Revised Code, and STEM schools established under Chapter 3326. 56343  
of the Revised Code. The department shall notify each district 56344  
board of education, each community school governing authority, and 56345  
each STEM school governing body of the percentile ranking of each 56346  
building of the district or school and whether division (C) of 56347  
this section applies to the building based on that ranking. 56348

(C) Each year, the board of education of each school 56349  
district, governing authority of each community school, and 56350  
governing body of each STEM school with a building in the lowest 56351  
ten percentiles of performance index score shall require each 56352  
classroom teacher teaching in a core subject area in such a 56353  
building to register for and take all written examinations 56354  
prescribed by the state board of education for licensure to teach 56355  
that core subject area and the grade level to which the teacher is 56356

assigned under section 3319.22 of the Revised Code. 56357

(D) Each district board of education, each community school governing authority, and each STEM school governing body may use the results of a teacher's examinations required under division (C) of this section in developing and revising professional development plans and in deciding whether or not to continue employing the teacher in accordance with the provisions of this chapter or Chapter 3314. or 3326. of the Revised Code. However, no decision to terminate or not to renew a teacher's employment contract shall be made solely on the basis of the results of a teacher's examination under this section until and unless the teacher has not attained a passing score on the same required examination for at least three consecutive administrations of that examination. 56358  
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**Sec. 3319.71.** (A) The school health services advisory council shall make recommendations on the following topics: 56371  
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(1) The content of the course of instruction required to obtain a school nurse license under section 3319.221 of the Revised Code; 56373  
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56375

(2) The content of the course of instruction required to obtain a school nurse wellness coordinator license under section 3319.221 of the Revised Code; 56376  
56377  
56378

(3) Best practices for the use of school nurses and school nurse wellness coordinators in providing health and wellness programs for students and employees of school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code. 56379  
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(B) The council shall issue its initial recommendations not later than March 31, 2010, and may issue subsequent recommendations as it considers necessary. Copies of all 56384  
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56386

recommendations shall be provided to the state board of education, 56387  
the chancellor of the Ohio board of regents, and the board of 56388  
nursing, ~~and the health care coverage and quality council.~~ 56389

**Sec. 3323.09.** (A) As used in this section: 56390

(1) "Home" has the meaning given in section 3313.64 of the 56391  
Revised Code. 56392

(2) "Preschool child" means a child who is at least age three 56393  
but under age six on the thirtieth day of September of an academic 56394  
year. 56395

(B) Each county DD board shall establish special education 56396  
programs for all children with disabilities who in accordance with 56397  
section 3323.04 of the Revised Code have been placed in special 56398  
education programs operated by the county board and for preschool 56399  
children who are developmentally delayed or at risk of being 56400  
developmentally delayed. The board annually shall submit to the 56401  
department of education a plan for the provision of these programs 56402  
and, if applicable, a request for approval of units under section 56403  
3317.05 of the Revised Code. The superintendent of public 56404  
instruction shall review the plan and approve or modify it in 56405  
accordance with rules adopted by the state board of education 56406  
under section 3301.07 of the Revised Code. The superintendent of 56407  
public instruction shall compile the plans submitted by county 56408  
boards and shall submit a comprehensive plan to the state board. 56409

A county DD board may combine transportation for children 56410  
enrolled in classes funded under section 3317.20 or units approved 56411  
under section 3317.05 with transportation for children and adults 56412  
enrolled in programs and services offered by the board under 56413  
~~section 5126.12~~ Chapter 5126. of the Revised Code. 56414

(C) A county DD board that during the school year provided 56415  
special education pursuant to this section for any child with 56416

mental disabilities under twenty-two years of age shall prepare 56417  
and submit the following reports and statements: 56418

(1) The board shall prepare a statement for each child who at 56419  
the time of receiving such special education was a resident of a 56420  
home and was not in the legal or permanent custody of an Ohio 56421  
resident or a government agency in this state, and whose natural 56422  
or adoptive parents are not known to have been residents of this 56423  
state subsequent to the child's birth. The statement shall contain 56424  
the child's name, the name of the child's school district of 56425  
residence, the name of the county board providing the special 56426  
education, and the number of months, including any fraction of a 56427  
month, it was provided. Not later than the thirtieth day of June, 56428  
the board shall forward a certified copy of such statement to both 56429  
the director of developmental disabilities and to the home. 56430

Within thirty days after its receipt of a statement, the home 56431  
shall pay tuition to the county board computed in the manner 56432  
prescribed by section 3323.141 of the Revised Code. 56433

(2) The board shall prepare a report for each school district 56434  
that is the school district of residence of one or more of such 56435  
children for whom statements are not required by division (C)(1) 56436  
of this section. The report shall contain the name of the county 56437  
board providing special education, the name of each child 56438  
receiving special education, the number of months, including 56439  
fractions of a month, that the child received it, and the name of 56440  
the child's school district of residence. Not later than the 56441  
thirtieth day of June, the board shall forward certified copies of 56442  
each report to the school district named in the report, the 56443  
superintendent of public instruction, and the director of 56444  
developmental disabilities. 56445

**Sec. 3323.091.** (A) The department of mental health, the 56446  
department of developmental disabilities, the department of youth 56447

services, and the department of rehabilitation and correction 56448  
shall establish and maintain special education programs for 56449  
children with disabilities in institutions under their 56450  
jurisdiction according to standards adopted by the state board of 56451  
education. 56452

(B) The superintendent of each state institution required to 56453  
provide services under division (A) of this section, and each 56454  
county DD board, providing special education for preschool 56455  
children with disabilities under this chapter may apply to the 56456  
state department of education for unit funding, which shall be 56457  
paid in accordance with sections 3317.052 and 3317.053 of the 56458  
Revised Code. 56459

The superintendent of each state institution required to 56460  
provide services under division (A) of this section may apply to 56461  
the department of education for special education and related 56462  
services weighted funding for children with disabilities other 56463  
than preschool children with disabilities, calculated in 56464  
accordance with section 3317.201 of the Revised Code. 56465

Each county DD board providing special education for children 56466  
with disabilities other than preschool children with disabilities 56467  
may apply to the department of education for base cost and special 56468  
education and related services weighted funding calculated in 56469  
accordance with section 3317.20 of the Revised Code. 56470

(C) In addition to the authorization to apply for state 56471  
funding described in division (B) of this section, each state 56472  
institution required to provide services under division (A) of 56473  
this section is entitled to tuition payments calculated in the 56474  
manner described in division (C) of this section. 56475

On or before the thirtieth day of June of each year, the 56476  
superintendent of each institution that during the school year 56477  
provided special education pursuant to this section shall prepare 56478

a statement for each child with a disability under twenty-two 56479  
years of age who has received special education. The statement 56480  
shall contain the child's data verification code assigned pursuant 56481  
to division (D)(2) of section 3301.0714 of the Revised Code and 56482  
the name of the child's school district of residence. Within sixty 56483  
days after receipt of such statement, the department of education 56484  
shall perform one of the following: 56485

(1) For any child except a preschool child with a disability 56486  
described in division (C)(2) of this section, pay to the 56487  
institution submitting the statement an amount equal to the 56488  
tuition calculated under division (A) of section 3317.08 of the 56489  
Revised Code for the period covered by the statement, and deduct 56490  
the same from the amount of state funds, if any, payable under 56491  
~~sections 3306.13 and 3317.023~~ Chapter 3317. of the Revised Code, 56492  
to the child's school district of residence or, if the amount of 56493  
such state funds is insufficient, require the child's school 56494  
district of residence to pay the institution submitting the 56495  
statement an amount equal to the amount determined under this 56496  
division. 56497

(2) For any preschool child with a disability not included in 56498  
a unit approved under division (B) of section 3317.05 of the 56499  
Revised Code, perform the following: 56500

(a) Pay to the institution submitting the statement an amount 56501  
equal to the tuition calculated under division (B) of section 56502  
3317.08 of the Revised Code for the period covered by the 56503  
statement, except that in calculating the tuition under that 56504  
section the operating expenses of the institution submitting the 56505  
statement under this section shall be used instead of the 56506  
operating expenses of the school district of residence; 56507

(b) Deduct from the amount of state funds, if any, payable 56508  
under ~~sections 3317.022 or 3306.13 and 3317.023~~ Chapter 3317. of 56509  
the Revised Code to the child's school district of residence an 56510



amount equal to the amount paid under division (C)(2)(a) of this 56511  
section. 56512

**Sec. 3323.14.** This section does not apply to any preschool 56513  
child with a disability except if included in a unit approved 56514  
under division (B) of section 3317.05 of the Revised Code. 56515

(A) Where a child who is a school resident of one school 56516  
district receives special education from another district and the 56517  
per capita cost to the educating district for that child exceeds 56518  
the sum of the amount received by the educating district for that 56519  
child under division (A) of section 3317.08 of the Revised Code 56520  
and the amount received by the district from the state board of 56521  
education for that child, then the board of education of the 56522  
district of residence shall pay to the board of the school 56523  
district that is providing the special education such excess cost 56524  
as is determined by using a formula approved by the department of 56525  
education and agreed upon in contracts entered into by the boards 56526  
of the districts concerned at the time the district providing such 56527  
special education accepts the child for enrollment. The department 56528  
shall certify the amount of the payments under ~~Chapters 3306. and~~ 56529  
Chapter 3317. of the Revised Code for such pupils with 56530  
disabilities for each school year ending on the thirtieth day of 56531  
July. 56532

(B) In the case of a child described in division (A) of this 56533  
section who has been placed in a home, as defined in section 56534  
3313.64 of the Revised Code, pursuant to the order of a court and 56535  
who is not subject to section 3323.141 of the Revised Code, the 56536  
district providing the child with special education and related 56537  
services may charge to the child's district of residence the 56538  
excess cost determined by formula approved by the department, 56539  
regardless of whether the district of residence has entered into a 56540  
contract with the district providing the services. If the district 56541

providing the services chooses to charge excess costs, the 56542  
district may report the amount calculated under this division to 56543  
the department. 56544

(C) If a district providing special education for a child 56545  
reports an amount for the excess cost of those services, as 56546  
authorized and calculated under division (A) or (B) of this 56547  
section, the department shall pay that amount of excess cost to 56548  
the district providing the services and shall deduct that amount 56549  
from the child's district of residence in accordance with division 56550  
(~~N~~)(K) of section 3317.023 of the Revised Code. 56551

**Sec. 3323.142.** This section does not apply to any preschool 56552  
child with a disability except if included in a unit approved 56553  
under division (B) of section 3317.05 of the Revised Code. 56554

As used in this section, "per pupil amount" for a preschool 56555  
child with a disability included in such an approved unit means 56556  
the amount determined by dividing the amount received for the 56557  
classroom unit in which the child has been placed by the number of 56558  
children in the unit. For any other child, "per pupil amount" 56559  
means the amount paid for the child under section 3317.20 of the 56560  
Revised Code. 56561

When a school district places or has placed a child with a 56562  
county DD board for special education, but another district is 56563  
responsible for tuition under section 3313.64 or 3313.65 of the 56564  
Revised Code and the child is not a resident of the territory 56565  
served by the county DD board, the board may charge the district 56566  
responsible for tuition with the educational costs in excess of 56567  
the per pupil amount received by the board under ~~Chapters 3306-~~ 56568  
~~and Chapter~~ 3317. of the Revised Code. The amount of the excess 56569  
cost shall be determined by the formula established by rule of the 56570  
department of education under section 3323.14 of the Revised Code, 56571  
and the payment for such excess cost shall be made by the school 56572

district directly to the county DD board. 56573

A school district board of education and the county DD board 56574  
that serves the school district may negotiate and contract, at or 56575  
after the time of placement, for payments by the board of 56576  
education to the county DD board for additional services provided 56577  
to a child placed with the county DD board and whose 56578  
individualized education program established pursuant to section 56579  
3323.08 of the Revised Code requires additional services that are 56580  
not routinely provided children in the county DD board's program 56581  
but are necessary to maintain the child's enrollment and 56582  
participation in the program. Additional services may include, but 56583  
are not limited to, specialized supplies and equipment for the 56584  
benefit of the child and instruction, training, or assistance 56585  
provided by staff members other than staff members for which 56586  
funding is received under Chapter ~~3306.~~ or 3317. of the Revised 56587  
Code. 56588

Sec. 3323.25. (A) This section applies to an individual 56589  
enrolled in a dropout prevention and recovery program operated by 56590  
a community school for whom all of the following conditions are 56591  
met: 56592

(1) The individual is between twenty-two and thirty years of 56593  
age. 56594

(2) The individual is enrolled in the school's program under 56595  
section 3314.38 of the Revised Code. 56596

(3) The individual has a disability of the types described in 56597  
division (A)(1) of section 3323.01 of the Revised Code. 56598

(B) In addition to its other responsibilities under this 56599  
chapter, the community school may provide to any individual to 56600  
whom this section applies special education and related services 56601  
in accordance with rules adopted by the state board of education 56602

under division (C) of this section. 56603

(C) The state board shall adopt rules, in accordance with 56604  
Chapter 119. of the Revised Code, prescribing standards and 56605  
requirements for the provision of special education and related 56606  
services to individuals to whom this section applies that are 56607  
comparable to the standards and requirements for services to 56608  
children with disabilities. The rules shall include standards and 56609  
requirements for the identification of individuals with 56610  
disabilities who qualify for services under this section, 56611  
development and implementation of service plans for those 56612  
services, appropriate procedural safeguards, and any other issues 56613  
the state board determines are necessary to implement this 56614  
section. 56615

**Sec. 3323.31.** The Franklin county educational service center 56616  
shall establish the Ohio ~~Center~~ center for ~~Autism~~ autism and ~~Low~~ 56617  
~~Incidence~~ low incidence. The ~~Center~~ center shall administer 56618  
programs and coordinate services for infants, preschool and 56619  
school-age children, and adults with autism and low incidence 56620  
disabilities. The ~~Center's~~ center's principal focus shall be 56621  
programs and services for persons with autism. The ~~Center~~ center 56622  
shall be under the direction of an executive director, appointed 56623  
by the superintendent of the service center in consultation with 56624  
the advisory board established under section 3323.33 of the 56625  
Revised Code. 56626

In addition to its other duties, the Ohio ~~Center~~ center for 56627  
~~Autism~~ autism and ~~Low Incidence~~ low incidence shall participate as 56628  
a member of ~~an~~ the interagency workgroup on autism, as it is 56629  
established by the ~~department~~ director of developmental 56630  
disabilities ~~and~~ under section 5123.0419 of the Revised Code. The 56631  
center shall provide technical assistance and support to the 56632  
department of developmental disabilities in the department's 56633

leadership role to develop and implement the ~~initiatives~~ 56634  
~~identified by~~ projects and activities of the workgroup. 56635

**Sec. 3324.05.** (A) Each school district shall submit an annual 56636  
report to the department of education specifying the number of 56637  
students in each of grades kindergarten through ~~twelfth~~ twelve 56638  
screened, the number assessed, and the number identified as gifted 56639  
in each category specified in section 3324.03 of the Revised Code. 56640

(B) The department of education shall audit each school 56641  
district's identification numbers at least once every three years 56642  
and may select any district at random or upon complaint or 56643  
suspicion of noncompliance for a further audit to determine 56644  
compliance with sections 3324.03 to 3324.06 of the Revised Code. 56645

(C) The department shall provide technical assistance to any 56646  
district found in noncompliance under division (B) of this 56647  
section. The department may reduce funds received by the district 56648  
under ~~Chapters 3306.~~ and Chapter 3317. of the Revised Code by any 56649  
amount if the district continues to be noncompliant. 56650

**Sec. 3324.08.** Any person employed by a school district and 56651  
assigned to a school as a principal or any other position may also 56652  
serve as the district's gifted education coordinator, if qualified 56653  
to do so pursuant to the rules adopted by the state board of 56654  
education under this chapter. 56655

**Sec. 3325.01.** The state school for the deaf and the state 56656  
school for the blind shall be under the control and supervision of 56657  
the state board of education. On the recommendation of the 56658  
superintendent of public instruction, the state board of education 56659  
shall appoint a superintendent for the state school for the deaf 56660  
and a superintendent for the state school for the blind, each of 56661  
whom shall serve at the pleasure of the state board. The state 56662  
board may appoint one person to serve as the superintendent for 56663

both the state school for the deaf and the state school for the 56664  
blind. 56665

**Sec. 3325.08.** (A) A diploma shall be granted by the 56666  
superintendent of the state school for the blind and the 56667  
superintendent of the state school for the deaf to any student 56668  
enrolled in one of these state schools to whom all of the 56669  
following apply: 56670

(1) The student has successfully completed the individualized 56671  
education program developed for the student for the student's high 56672  
school education pursuant to section 3323.08 of the Revised Code; 56673

(2) Subject to section 3313.614 of the Revised Code, the 56674  
student has met the assessment requirements of division (A)(2)(a) 56675  
or (b) of this section, as applicable. 56676

(a) If the student entered the ninth grade prior to the date 56677  
prescribed by rule of the state board of education under division 56678  
~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the student 56679  
either: 56680

(i) Has attained at least the applicable scores designated 56681  
under division (B)(1) of section 3301.0710 of the Revised Code on 56682  
all the assessments prescribed by that division unless division 56683  
(L) of section 3313.61 of the Revised Code applies to the student; 56684

(ii) Has satisfied the alternative conditions prescribed in 56685  
section 3313.615 of the Revised Code. 56686

(b) If the student entered the ninth grade on or after the 56687  
date prescribed by rule of the state board under division 56688  
~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the student 56689  
has ~~attained on~~ met the requirements of the entire assessment 56690  
system prescribed under division (B)(2) of section 3301.0710 of 56691  
the Revised Code ~~at least the required passing composite score,~~ 56692  
~~designated under division (C)(1) of section 3301.0712 of the~~ 56693

Revised Code, except to the extent that division (L) of section 56694  
3313.61 of the Revised Code applies to the student. 56695

(3) The student is not eligible to receive an honors diploma 56696  
granted pursuant to division (B) of this section. 56697

No diploma shall be granted under this division to anyone 56698  
except as provided under this division. 56699

(B) In lieu of a diploma granted under division (A) of this 56700  
section, the superintendent of the state school for the blind and 56701  
the superintendent of the state school for the deaf shall grant an 56702  
honors diploma, in the same manner that the boards of education of 56703  
school districts grant such diplomas under division (B) of section 56704  
3313.61 of the Revised Code, to any student enrolled in one of 56705  
these state schools who accomplishes all of the following: 56706

(1) Successfully completes the individualized education 56707  
program developed for the student for the student's high school 56708  
education pursuant to section 3323.08 of the Revised Code; 56709

(2) Subject to section 3313.614 of the Revised Code, has met 56710  
the assessment requirements of division (B)(2)(a) or (b) of this 56711  
section, as applicable. 56712

(a) If the student entered the ninth grade prior to the date 56713  
prescribed by rule of the state board under division ~~(E)~~(D)(2) of 56714  
section 3301.0712 of the Revised Code, the student either: 56715

(i) Has attained at least the applicable scores designated 56716  
under division (B)(1) of section 3301.0710 of the Revised Code on 56717  
all the assessments prescribed under that division; 56718

(ii) Has satisfied the alternative conditions prescribed in 56719  
section 3313.615 of the Revised Code. 56720

(b) If the student entered the ninth grade on or after the 56721  
date prescribed by rule of the state board under division 56722  
~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the student 56723

has ~~attained on~~ met the requirements of the entire assessment 56724  
system prescribed under division (B)(2) of section 3301.0710 of 56725  
the Revised Code ~~at least the required passing composite score,~~ 56726  
~~designated under division (C)(1) of section 3301.0712 of the~~ 56727  
~~Revised Code.~~ 56728

(3) Has met additional criteria for granting an honors 56729  
diploma. 56730

These additional criteria shall be the same as those 56731  
prescribed by the state board under division (B) of section 56732  
3313.61 of the Revised Code for the granting of such diplomas by 56733  
school districts. No honors diploma shall be granted to anyone 56734  
failing to comply with this division and not more than one honors 56735  
diploma shall be granted to any student under this division. 56736

(C) A diploma or honors diploma awarded under this section 56737  
shall be signed by the superintendent of public instruction and 56738  
the superintendent of the state school for the blind or the 56739  
superintendent of the state school for the deaf, as applicable. 56740  
Each diploma shall bear the date of its issue and be in such form 56741  
as the school superintendent prescribes. 56742

(D) Upon granting a diploma to a student under this section, 56743  
the superintendent of the state school in which the student is 56744  
enrolled shall provide notice of receipt of the diploma to the 56745  
board of education of the school district where the student is 56746  
entitled to attend school under section 3313.64 or 3313.65 of the 56747  
Revised Code when not residing at the state school for the blind 56748  
or the state school for the deaf. The notice shall indicate the 56749  
type of diploma granted. 56750

**Sec. 3326.11.** Each science, technology, engineering, and 56751  
mathematics school established under this chapter and its 56752  
governing body shall comply with sections 9.90, 9.91, 109.65, 56753  
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 56754



3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 56755  
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 56756  
3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 56757  
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 56758  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 56759  
3313.671, 3313.672, 3313.673, 3313.674, 3313.69, 3313.71, 56760  
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 56761  
3313.816, 3313.817, 3313.86, 3313.88, 3313.96, 3317.141, 3319.073, 56762  
3319.08, 3319.111, 3319.17, 3319.21, 3319.32, 3319.321, 3319.35, 56763  
3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 3321.041, 3321.13, 56764  
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 56765  
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 56766  
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 56767  
Revised Code as if it were a school district. 56768

**Sec. 3326.33.** Payments and deductions under this section for 56769  
fiscal years ~~2010~~ 2012 and ~~2011~~ 2013 shall be made in accordance 56770  
with section 3326.39 of the Revised Code. 56771

For each student enrolled in a science, technology, 56772  
engineering, and mathematics school established under this 56773  
chapter, the department of education annually shall deduct from 56774  
the state education aid of a student's resident school district 56775  
and, if necessary, from the payment made to the district under 56776  
sections 321.24 and 323.156 of the Revised Code and pay to the 56777  
school the sum of the following: 56778

(A) The sum of the formula amount plus the per pupil amount 56779  
of the base funding supplements specified in divisions (C)(1) to 56780  
(4) of section 3317.012 of the Revised Code. 56781

(B) If the student is receiving special education and related 56782  
services pursuant to an IEP, the product of the applicable special 56783  
education weight times the formula amount; 56784

(C) If the student is enrolled in vocational education 56785

programs or classes that are described in section 3317.014 of the Revised Code, are provided by the school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, the product of the applicable vocational education weight times the formula amount times the percentage of time the student spends in the vocational education programs or classes;

(D) If the student is included in the poverty student count of the student's resident district, the per pupil amount of the district's payment under division (C) of section 3317.029 of the Revised Code;

(E) If the student is identified as limited English proficient and the student's resident district receives a payment for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code, the per pupil amount of the district's payment under that division, calculated in the same manner as per pupil payments are calculated under division (C)(6) of section 3314.08 of the Revised Code;

(F) If the student's resident district receives a payment under division (G), (H), or (I) of section 3317.029 of the Revised Code, the per pupil amount of the district's payments under each division, calculated in the same manner as per pupil payments are calculated under divisions (C)(7) and (8) of section 3314.08 of the Revised Code;

(G) If the student's resident district receives a parity aid payment under section 3317.0217 of the Revised Code, the per pupil amount calculated for the district under division (C) or (D) of that section.

**Sec. 3326.39.** For purposes of applying sections 3326.31 to 3326.37 of the Revised Code to fiscal years ~~2010~~ 2012 and ~~2011~~

2013: 56817

(A) The formula amount for STEM schools for each of fiscal 56818  
~~year 2010 is \$5,718, and for fiscal year 2011 is \$5,703. These~~ 56819  
~~respective amounts~~ years 2012 and 2013 is \$5,653. That amount 56820  
shall be applied wherein sections 3326.31 to 3326.37 of the 56821  
Revised Code the formula amount is specified, except for deducting 56822  
and paying amounts for special education weighted funding and 56823  
vocational education weighted funding. 56824

(B) The base funding supplements under section 3317.012 of 56825  
the Revised Code shall be deemed in each year to be the amounts 56826  
specified in that section for fiscal year 2009. 56827

(C) Special education additional weighted funding shall be 56828  
calculated by multiplying the applicable weight specified for 56829  
fiscal year 2009 in section 3317.013 of the Revised Code, as it 56830  
existed for that fiscal year ~~2009~~, times \$5,732. 56831

(D) Vocational education additional weighted funding shall be 56832  
calculated by multiplying the applicable weight specified in 56833  
section 3317.014 of the Revised Code for fiscal year 2009 times 56834  
\$5,732. 56835

(E) The per pupil amounts paid to a school district under 56836  
sections 3317.029 and 3317.0217 of the Revised Code shall be 56837  
deemed to be the respective per pupil amounts paid under those 56838  
sections to that district for fiscal year 2009. 56839

**Sec. 3327.02.** (A) After considering each of the following 56840  
factors, the board of education of a city, exempted village, or 56841  
local school district may determine that it is impractical to 56842  
transport a pupil who is eligible for transportation to and from a 56843  
school under section 3327.01 of the Revised Code: 56844

(1) The time and distance required to provide the 56845  
transportation; 56846

(2) The number of pupils to be transported;	56847
(3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;	56848 56849
(4) Whether similar or equivalent service is provided to other pupils eligible for transportation;	56850 56851
(5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules;	56852 56853
(6) Whether other reimbursable types of transportation are available.	56854 56855
(B)(1) Based on its consideration of the factors established in division (A) of this section, the board may pass a resolution declaring the impracticality of transportation. The resolution shall include each pupil's name and the reason for impracticality.	56856 56857 56858 56859
(2) The board shall report its determination to the state board of education in a manner determined by the state board.	56860 56861
(3) The board of education of a local school district additionally shall submit the resolution for concurrence to the educational service center that contains the local district's territory. If the educational service center governing board considers transportation by school conveyance practicable, it shall so inform the local board and transportation shall be provided by such local board. If the educational service center board agrees with the view of the local board, the local board may offer payment in lieu of transportation as provided in this section.	56862 56863 56864 56865 56866 56867 56868 56869 56870 56871
(C) After passing the resolution declaring the impracticality of transportation, the district board shall offer to provide payment in lieu of transportation by doing the following:	56872 56873 56874
(1) In accordance with guidelines established by the department of education, informing the pupil's parent, guardian,	56875 56876

or other person in charge of the pupil of both of the following: 56877

(a) The board's resolution; 56878

(b) The right of the pupil's parent, guardian, or other 56879  
person in charge of the pupil to accept the offer of payment in 56880  
lieu of transportation or to reject the offer and instead request 56881  
the department to initiate mediation procedures. 56882

(2) Issuing the pupil's parent, guardian, or other person in 56883  
charge of the pupil a contract or other form on which the parent, 56884  
guardian, or other person in charge of the pupil is given the 56885  
option to accept or reject the board's offer of payment in lieu of 56886  
transportation. 56887

(D) If the parent, guardian, or other person in charge of the 56888  
pupil accepts the offer of payment in lieu of providing 56889  
transportation, the board shall pay the parent, guardian, or other 56890  
person in charge of the ~~child~~ pupil an amount that shall be not 56891  
less than the amount determined by the department of education as 56892  
the minimum for payment in lieu of transportation, and not more 56893  
than the amount determined by the department as the average cost 56894  
of pupil transportation for the previous school year. Payment may 56895  
be prorated if the time period involved is only a part of the 56896  
school year. 56897

(E)(1)(a) Upon the request of a parent, guardian, or other 56898  
person in charge of the pupil who rejected the payment in lieu of 56899  
transportation, the department shall conduct mediation procedures. 56900

(b) If the mediation does not resolve the dispute, the state 56901  
board of education shall conduct a hearing in accordance with 56902  
Chapter 119. of the Revised Code. The state board may approve the 56903  
payment in lieu of transportation or may order the board of 56904  
education to provide transportation. The decision of the state 56905  
board is binding in subsequent years and on future parties in 56906  
interest provided the facts of the determination remain 56907

comparable. 56908

(2) The school district shall provide transportation for the 56909  
pupil from the time the parent, guardian, or other person in 56910  
charge of the pupil requests mediation until the matter is 56911  
resolved under division (E)(1)(a) or (b) of this section. 56912

(F)(1) If the department determines that a school district 56913  
board has failed or is failing to provide transportation as 56914  
required by division (E)(2) of this section or as ordered by the 56915  
state board under division (E)(1)(b) of this section, the 56916  
department shall order the school district board to pay to the 56917  
pupil's parent, guardian, or other person in charge of the pupil, 56918  
an amount equal to the state average daily cost of transportation 56919  
as determined by the state board of education for the previous 56920  
year. The school district board shall make payments on a schedule 56921  
ordered by the department. 56922

(2) If the department subsequently finds that a school 56923  
district board is not in compliance with an order issued under 56924  
division (F)(1) of this section and the affected pupils are 56925  
enrolled in a nonpublic or community school, the department shall 56926  
deduct the amount that the board is required to pay under that 56927  
order from any pupil transportation payments the department makes 56928  
to the school district board under section ~~3306.12~~ 3317.0212 of 56929  
the Revised Code or other provisions of law. The department shall 56930  
use the moneys so deducted to make payments to the nonpublic or 56931  
community school attended by the pupil. The department shall 56932  
continue to make the deductions and payments required under this 56933  
division until the school district board either complies with the 56934  
department's order issued under division (F)(1) of this section or 56935  
begins providing transportation. 56936

(G) A nonpublic or community school that receives payments 56937  
from the department under division (F)(2) of this section shall do 56938  
either of the following: 56939

(1) Disburse the entire amount of the payments to the parent, guardian, or other person in ~~control~~ charge of the pupil affected by the failure of the school district of residence to provide transportation;

(2) Use the entire amount of the payments to provide acceptable transportation for the affected pupil.

**Sec. 3327.04.** (A) The board of education of any city, exempted village, or local school district may contract with the board of another district for the admission or transportation, or both, of pupils into any school in such other district, on terms agreed upon by such boards.

(B) The boards of two school districts may enter into a contract under this section to share the provision of transportation to a child who resides in one school district and attends school in the other district. Under such an agreement, one district may claim the total transportation subsidy available for such child under section ~~3306.12~~ 3317.0212 of the Revised Code or other provisions of law and may agree to pay any portion of such subsidy to the other district sharing the provision of transportation to that child. The contract shall delineate the transportation responsibilities of each district.

A school district that enters into a contract under this section is not liable for any injury, death, or loss to the person or property of a student that may occur while the student is being furnished transportation by the other school district that is a party to the contract.

(C) Whenever a board not maintaining a high school enters into an agreement with one or more boards maintaining such school for the schooling of all its high school pupils, the board making such agreement is exempt from the payment of tuition at other high schools of pupils living within three miles of the school

designated in the agreement. In case no such agreement is entered 56971  
into, the high school to be attended can be selected by the pupil 56972  
holding an eighth grade diploma, and the tuition shall be paid by 56973  
the board of the district of school residence. 56974

**Sec. 3327.05.** (A) Except as provided in division (B) of this 56975  
section, no board of education of any school district shall 56976  
provide transportation for any pupil who is a school resident of 56977  
another school district unless the pupil is enrolled pursuant to 56978  
section 3313.98 of the Revised Code or the board of the other 56979  
district has given its written consent thereto. If the board of 56980  
any school district files with the state board of education a 56981  
written complaint that transportation for resident pupils is being 56982  
provided by the board of another school district contrary to this 56983  
division, the state board of education shall make an investigation 56984  
of such complaint. If the state board of education finds that 56985  
transportation is being provided contrary to this section, it may 56986  
withdraw from state funds due the offending district any part of 56987  
the amount that has been approved for transportation pursuant to 56988  
section ~~3306.12~~ 3317.0212 of the Revised Code or other provisions 56989  
of law. 56990

(B) Notwithstanding division (D) of section 3311.19 and 56991  
division (D) of section 3311.52 of the Revised Code, this division 56992  
does not apply to any joint vocational or cooperative education 56993  
school district. 56994

A board of education may provide transportation to and from 56995  
the nonpublic school of attendance if both of the following apply: 56996

(1) The parent, guardian, or other person in charge of the 56997  
pupil agrees to pay the board for all costs incurred in providing 56998  
the transportation that are not reimbursed pursuant to Chapter 56999  
~~3306.~~ ~~or~~ 3317. of the Revised Code; 57000

(2) The pupil's school district of residence does not provide 57001



transportation for public school pupils of the same grade as the 57002  
pupil being transported under this division, or that district is 57003  
not required under section 3327.01 of the Revised Code to 57004  
transport the pupil to and from the nonpublic school because the 57005  
direct travel time to the nonpublic school is more than thirty 57006  
minutes. 57007

Upon receipt of the request to provide transportation, the 57008  
board shall review the request and determine whether the board 57009  
will accommodate the request. If the board agrees to transport the 57010  
pupil, the board may transport the pupil to and from the nonpublic 57011  
school and a collection point in the district, as determined by 57012  
the board. If the board transports the pupil, the board may 57013  
include the pupil in the district's transportation ADM reported to 57014  
the department of education under section 3317.03 of the Revised 57015  
Code and, accordingly, may receive a state payment under section 57016  
~~3306.12~~ 3317.0212 of the Revised Code or other provisions of law 57017  
for transporting the pupil. 57018

If the board declines to transport the pupil, the board, in a 57019  
written communication to the parent, guardian, or other person in 57020  
charge of the pupil, shall state the reasons for declining the 57021  
request. 57022

Sec. 3328.01. As used in this chapter: 57023

(A) "Child with a disability," "IEP," and "school district of 57024  
residence" have the same meanings as in section 3323.01 of the 57025  
Revised Code. 57026

(B) "Eligible student" means a student who is entitled to 57027  
attend school in a participating school district; is at risk of 57028  
academic failure; is from a family whose income is below two 57029  
hundred per cent of the federal poverty guidelines, as defined in 57030  
section 5101.46 of the Revised Code; meets any additional criteria 57031  
prescribed by agreement between the state board of education and 57032

the operator of the college-preparatory boarding school in which 57033  
the student seeks enrollment; and meets at least two of the 57034  
following additional conditions: 57035

(1) The student has a record of in-school disciplinary 57036  
actions, suspensions, expulsions, or truancy. 57037

(2) The student has not attained at least a proficient score 57038  
on the state achievement assessments in English language arts, 57039  
reading, or mathematics prescribed under section 3301.0710 of the 57040  
Revised Code, after those assessments have been administered to 57041  
the student at least once, or the student has not attained at 57042  
least a score designated by the board of trustees of the 57043  
college-preparatory boarding school in which the student seeks 57044  
enrollment under this chapter on an end-of-course examination in 57045  
English language arts or mathematics prescribed under section 57046  
3301.0712 of the Revised Code. 57047

(3) The student is a child with a disability. 57048

(4) The student has been referred for academic intervention 57049  
services. 57050

(5) The student's head of household is a single parent. As 57051  
used in this division and in division (B)(6) of this section, 57052  
"head of household" means a person who occupies the same household 57053  
as the student and who is financially responsible for the student. 57054

(6) The student's head of household is not the student's 57055  
custodial parent. 57056

(7) A member of the student's family has been imprisoned, as 57057  
defined in section 1.05 of the Revised Code. 57058

(C) "Entitled to attend school" means entitled to attend 57059  
school in a school district under section 3313.64 or 3313.65 of 57060  
the Revised Code. 57061

(D) "Operator" means the operator of a college-preparatory 57062

boarding school selected under section 3328.11 of the Revised Code. 57063  
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(E) "Participating school district" means either of the following: 57065  
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(1) The school district in which a college-preparatory boarding school established under this chapter is located; 57067  
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(2) A school district other than one described in division (E)(1) of this section that, pursuant to procedures adopted by the state board of education under section 3328.04 of the Revised Code, agrees to be a participating school district so that eligible students entitled to attend school in that district may enroll in a college-preparatory boarding school established under this chapter. 57069  
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Sec. 3328.02. Each college-preparatory boarding school established under this chapter is a public school and is part of the state's program of education, subject to a charter granted by the state board of education under section 3301.16 of the Revised Code. 57076  
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Sec. 3328.03. In accordance with Section 22 of Article II, Ohio Constitution, no agreement or contract entered into under this chapter shall create an obligation of state funds for a period longer than two years; however, the general assembly, every two years, may authorize renewal of any such obligation. 57081  
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Sec. 3328.04. The city, exempted village, or local school district in which a college-preparatory boarding school established under this chapter is located is a participating school district under this chapter. Any other city, exempted village, or local school district may agree to be a participating school district. The state board of education shall adopt 57086  
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procedures for districts to agree to be participating school 57092  
districts. 57093

Sec. 3328.11. (A) In accordance with the procedures 57094  
prescribed in division (B) of this section, the state board of 57095  
education shall select a private nonprofit corporation that meets 57096  
the following qualifications to operate each college-preparatory 57097  
boarding school established under this chapter: 57098

(1) The corporation has experience operating a school or 57099  
program similar to the schools authorized under this chapter. 57100

(2) The school or program described in division (A)(1) of 57101  
this section has demonstrated to the satisfaction of the state 57102  
board success in improving the academic performance of students. 57103

(3) The corporation has demonstrated to the satisfaction of 57104  
the state board that the corporation has the capacity to secure 57105  
private funds for the development of the school authorized under 57106  
this chapter. 57107

(B)(1) Not later than sixty days after the effective date of 57108  
this section, the state board shall issue a request for proposals 57109  
from private nonprofit corporations qualified to operate a 57110  
college-preparatory boarding school established under this 57111  
chapter. If the state board subsequently determines that the 57112  
establishment of one or more additional college-preparatory 57113  
boarding schools is advisable, the state board shall issue 57114  
requests for proposals from private nonprofit corporations 57115  
qualified to operate those additional schools. 57116

In all cases, the state board shall select the school's 57117  
operator from among the qualified responders within one hundred 57118  
eighty days after the issuance of the request for proposals. If no 57119  
qualified responder submits a proposal, the state board may issue 57120  
another request for proposals. 57121

(2) Each proposal submitted to the state board shall contain 57122  
the following information: 57123

(a) The proposed location of the college-preparatory boarding 57124  
school, which may differ from any location recommended by the 57125  
state board in the request for proposals; 57126

(b) A plan for offering grade five or six in the school's 57127  
initial year of operation and a plan for increasing the grade 57128  
levels offered by the school in subsequent years; 57129

(c) Any other information about the proposed educational 57130  
program, facilities, or operations of the school considered 57131  
necessary by the state board. 57132

**Sec. 3328.12.** The state board of education shall enter into a 57133  
contract with the operator of each college-preparatory boarding 57134  
school established under this chapter. The contract shall 57135  
stipulate the following: 57136

(A) The school may operate only if and to the extent the 57137  
school holds a valid charter granted by the state board under 57138  
section 3301.16 of the Revised Code. 57139

(B) The operator shall oversee the acquisition of a facility 57140  
for the school. 57141

(C) The operator shall operate the school in accordance with 57142  
the terms of the proposal accepted by the state board under 57143  
section 3328.11 of the Revised Code, including the plan for 57144  
increasing the grade levels offered by the school. 57145

(D) The school shall comply with the provisions of this 57146  
chapter. 57147

(E) The school shall comply with any other provisions of law 57148  
specified in the contract, the charter granted by the state board, 57149  
and the rules adopted by the state board under section 3328.50 of 57150  
the Revised Code. 57151

(F) The school shall comply with the bylaws adopted by the operator under section 3328.13 of the Revised Code. 57152  
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(G) The school shall meet the academic goals and other performance standards specified in the contract. 57154  
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(H) The state board or the operator may terminate the contract in accordance with the procedures specified in the contract, which shall include at least a requirement that the party seeking termination give prior notice of the intent to terminate the contract and a requirement that the party receiving such notice be granted an opportunity to redress any grievances cited in the notice prior to the termination. 57156  
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(I) If the school closes for any reason, the school's board of trustees shall execute the closing in the manner specified in the contract. 57163  
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**Sec. 3328.13.** Each operator of a college-preparatory boarding school established under this chapter shall adopt bylaws for the oversight and operation of the school that are consistent with the provisions of this chapter, the rules adopted under section 3328.50 of the Revised Code, the contract between the operator and the state board of education, and the charter granted to the school by the state board. The bylaws shall include procedures for the appointment of members of the school's board of trustees, whose terms of office shall be as prescribed in section 3328.15 of the Revised Code. The bylaws also shall include standards for the admission of students to the school and their dismissal from the school. The bylaws shall be subject to the approval of the state board. 57166  
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**Sec. 3328.14.** Each operator of a college-preparatory boarding school established under this chapter shall adopt a program of outreach to inform every city, local, and exempted village school 57179  
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district about the school and the procedures for admission to the 57182  
school and for becoming a participating school district. 57183

Sec. 3328.15. (A) Each college-preparatory boarding school 57184  
established under this chapter shall be governed by a board of 57185  
trustees consisting of up to twenty-five members. Five of those 57186  
members shall be appointed by the governor, with the advice and 57187  
consent of the senate. The governor's appointments may be based on 57188  
nonbinding recommendations made by the superintendent of public 57189  
instruction. The remaining members shall be appointed pursuant to 57190  
the bylaws adopted under section 3328.13 of the Revised Code. 57191

(B) The terms of office of the initial members shall be as 57192  
follows: 57193

(1) Two members appointed by the governor shall serve for an 57194  
initial term of three years. 57195

(2) Two members appointed by the governor shall serve for an 57196  
initial term of two years. 57197

(3) One member appointed by the governor shall serve for an 57198  
initial term of one year. 57199

(4) One-third of the members appointed pursuant to the 57200  
bylaws, rounded down to the nearest whole number, shall serve for 57201  
an initial term of three years. 57202

(5) One-third of the members appointed pursuant to the 57203  
bylaws, rounded down to the nearest whole number, shall serve for 57204  
an initial term of two years. 57205

(6) One-third of the members appointed pursuant to the 57206  
bylaws, rounded down to the nearest whole number, shall serve for 57207  
an initial term of one year. 57208

(7) Any remaining members appointed pursuant to the bylaws 57209  
shall serve for an initial term of one year. 57210

Thereafter the terms of office of all members shall be for 57211  
three years. 57212

The beginning date and ending date of terms of office shall 57213  
be as prescribed in the bylaws adopted under section 3328.13 of 57214  
the Revised Code. 57215

(C) Vacancies on the board shall be filled in the same manner 57216  
as the initial appointments. A member appointed to an unexpired 57217  
term shall serve for the remainder of that term and may be 57218  
reappointed subject to division (D) of this section. 57219

(D) No member may serve for more than three consecutive 57220  
three-year terms. 57221

(E) The officers of the board shall be selected by and from 57222  
among the members of the board. 57223

(F) Compensation for the members of the board, if any, shall 57224  
be as prescribed in the bylaws adopted under section 3328.13 of 57225  
the Revised Code. 57226

**Sec. 3328.17.** Employees of a college-preparatory boarding 57227  
school established under this chapter may organize and 57228  
collectively bargain pursuant to Chapter 4117. of the Revised 57229  
Code. Notwithstanding division (D)(1) of section 4117.06 of the 57230  
Revised Code, a unit containing teaching and nonteaching employees 57231  
employed under this section may be considered an appropriate unit. 57232

**Sec. 3328.18.** (A) As used in this section, "license" has the 57233  
same meaning as in section 3319.31 of the Revised Code. 57234

(B) If a person who is employed by a college-preparatory 57235  
boarding school established under this chapter or its operator is 57236  
arrested, summoned, or indicted for an alleged violation of an 57237  
offense listed in division (C) of section 3319.31 of the Revised 57238  
Code, if the person holds a license, or an offense listed in 57239



division (B)(1) of section 3319.39 of the Revised Code, if the 57240  
person does not hold a license, the chief administrator of the 57241  
school in which that person works shall suspend that person from 57242  
all duties that require the care, custody, or control of a child 57243  
during the pendency of the criminal action against the person. If 57244  
the person who is arrested, summoned, or indicted for an alleged 57245  
violation of an offense listed in division (C) of section 3319.31 57246  
or division (B)(1) of section 3319.39 of the Revised Code is the 57247  
chief administrator of the school, the board of trustees of the 57248  
school shall suspend the chief administrator from all duties that 57249  
require the care, custody, or control of a child. 57250

(C) When a person who holds a license is suspended in 57251  
accordance with this section, the chief administrator or board 57252  
that imposed the suspension promptly shall report the person's 57253  
suspension to the department of education. The report shall 57254  
include the offense for which the person was arrested, summoned, 57255  
or indicted. 57256

**Sec. 3328.19. (A) As used in this section:** 57257

(1) "Conduct unbecoming to the teaching profession" shall be 57258  
as described in rules adopted by the state board of education. 57259

(2) "Intervention in lieu of conviction" means intervention 57260  
in lieu of conviction under section 2951.041 of the Revised Code. 57261

(3) "License" has the same meaning as in section 3319.31 of 57262  
the Revised Code. 57263

(4) "Pre-trial diversion program" means a pre-trial diversion 57264  
program under section 2935.36 of the Revised Code or a similar 57265  
diversion program under rules of a court. 57266

(B) The chief administrator of each college-preparatory 57267  
boarding school established under this chapter, or the president 57268  
or chairperson of the board of trustees of the school if division 57269

(C) of this section applies, shall promptly submit to the 57270  
superintendent of public instruction the information prescribed in 57271  
division (D) of this section when any of the following conditions 57272  
applies to a person employed to work in the school who holds a 57273  
license issued by the state board of education: 57274

(1) The chief administrator, or president or chairperson, 57275  
knows that the employee has pleaded guilty to, has been found 57276  
guilty by a jury or court of, has been convicted of, has been 57277  
found to be eligible for intervention in lieu of conviction for, 57278  
or has agreed to participate in a pre-trial diversion program for 57279  
an offense described in division (B)(2) or (C) of section 3319.31 57280  
or division (B)(1) of section 3319.39 of the Revised Code. 57281

(2) The board of trustees of the school, or the operator, has 57282  
initiated termination or nonrenewal proceedings against, has 57283  
terminated, or has not renewed the contract of the employee 57284  
because the board or operator has reasonably determined that the 57285  
employee has committed an act that is unbecoming to the teaching 57286  
profession or an offense described in division (B)(2) or (C) of 57287  
section 3319.31 or division (B)(1) of section 3319.39 of the 57288  
Revised Code. 57289

(3) The employee has resigned under threat of termination or 57290  
nonrenewal as described in division (B)(2) of this section. 57291

(4) The employee has resigned because of or in the course of 57292  
an investigation by the board or operator regarding whether the 57293  
employee has committed an act that is unbecoming to the teaching 57294  
profession or an offense described in division (B)(2) or (C) of 57295  
section 3319.31 or division (B)(1) of section 3319.39 of the 57296  
Revised Code. 57297

(C) If the employee to whom any of the conditions prescribed 57298  
in divisions (B)(1) to (4) of this section applies is the chief 57299  
administrator of the school, the president or chairperson of the 57300

board of trustees of the school shall make the report required 57301  
under this section. 57302

(D) If a report is required under this section, the chief 57303  
administrator, or president or chairperson, shall submit to the 57304  
superintendent of public instruction the name and social security 57305  
number of the employee about whom the information is required and 57306  
a factual statement regarding any of the conditions prescribed in 57307  
divisions (B)(1) to (4) of this section that apply to the 57308  
employee. 57309

(E) A determination made by the board or operator as 57310  
described in division (B)(2) of this section or a termination, 57311  
nonrenewal, resignation, or other separation described in 57312  
divisions (B)(2) to (4) of this section does not create a 57313  
presumption of the commission or lack of the commission by the 57314  
employee of an act unbecoming to the teaching profession or an 57315  
offense described in division (B)(2) or (C) of section 3319.31 or 57316  
division (B)(1) of section 3319.39 of the Revised Code. 57317

(F) No individual required to submit a report under division 57318  
(B) of this section shall knowingly fail to comply with that 57319  
division. 57320

(G) An individual who provides information to the 57321  
superintendent of public instruction in accordance with this 57322  
section in good faith shall be immune from any civil liability 57323  
that otherwise might be incurred or imposed for injury, death, or 57324  
loss to person or property as a result of the provision of that 57325  
information. 57326

**Sec. 3328.191.** The board of trustees of each 57327  
college-preparatory boarding school established under this chapter 57328  
shall require that the reports of any investigation by the board 57329  
or by the school's operator of an employee who works in the 57330  
school, regarding whether the employee has committed an act or 57331

offense for which the chief administrator of the school or the 57332  
president or chairperson of the board is required to make a report 57333  
to the superintendent of public instruction under section 3328.19 57334  
of the Revised Code, be kept in the employee's personnel file. If, 57335  
after an investigation under division (A) of section 3319.311 of 57336  
the Revised Code, the superintendent of public instruction 57337  
determines that the results of that investigation do not warrant 57338  
initiating action under section 3319.31 of the Revised Code, the 57339  
board shall require the reports of the investigation to be moved 57340  
from the employee's personnel file to a separate public file. 57341

Sec. 3328.192. Notwithstanding any provision to the contrary 57342  
in Chapter 4117. of the Revised Code, the provisions of sections 57343  
3328.19 and 3328.191 of the Revised Code prevail over any 57344  
conflicting provisions of a collective bargaining agreement or 57345  
contract for employment entered into on or after the effective 57346  
date of this section. 57347

Sec. 3328.193. (A) As used in this section, "license" has the 57348  
same meaning as in section 3319.31 of the Revised Code. 57349

(B) No employee of a college-preparatory boarding school 57350  
established under this chapter or its operator shall do either of 57351  
the following: 57352

(1) Knowingly make a false report to the chief administrator 57353  
of the school, or the chief administrator's designee, alleging 57354  
misconduct by another employee of the school or its operator; 57355

(2) Knowingly cause the chief administrator, or the chief 57356  
administrator's designee, to make a false report of the alleged 57357  
misconduct to the superintendent of public instruction or the 57358  
state board of education. 57359

(C) Any employee of a college-preparatory boarding school 57360

established under this chapter or its operator who in good faith reports to the chief administrator of the school, or the chief administrator's designee, information about alleged misconduct committed by another employee of the school or operator shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information.

If the alleged misconduct involves a person who holds a license but the chief administrator is not required to submit a report to the superintendent of public instruction under section 3328.19 of the Revised Code and the chief administrator, or the chief administrator's designee, in good faith reports the alleged misconduct to the superintendent of public instruction or the state board, the chief administrator, or the chief administrator's designee, shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information.

(D)(1) In any civil action brought against a person in which it is alleged and proved that the person violated division (B) of this section, the court shall award the prevailing party reasonable attorney's fees and costs that the prevailing party incurred in the civil action or as a result of the false report that was the basis of the violation.

(2) If a person is convicted of or pleads guilty to a violation of division (B) of this section, if the subject of the false report that was the basis of the violation was charged with any violation of a law or ordinance as a result of the false report, and if the subject of the false report is found not to be guilty of the charges brought against the subject as a result of the false report or those charges are dismissed, the court that sentences the person for the violation of division (B) of this section, as part of the sentence, shall order the person to pay

restitution to the subject of the false report, in an amount equal 57393  
to reasonable attorney's fees and costs that the subject of the 57394  
false report incurred as a result of or in relation to the 57395  
charges. 57396

**Sec. 3328.20.** (A) As used in this section: 57397

(1) "Designated official" means the chief administrator of a 57398  
college-preparatory boarding school established under this 57399  
chapter, or the chief administrator's designee. 57400

(2) "Essential school services" means services provided by a 57401  
private company under contract with a college-preparatory boarding 57402  
school established under this chapter that the chief administrator 57403  
of the school has determined are necessary for the operation of 57404  
the school and that would need to be provided by persons employed 57405  
by the school or its operator if the services were not provided by 57406  
the private company. 57407

(3) "License" has the same meaning as in section 3319.31 of 57408  
the Revised Code. 57409

(B) This section applies to any person who is an employee of 57410  
a private company under contract with a college-preparatory 57411  
boarding school established under this chapter to provide 57412  
essential school services and who will work in the school in a 57413  
position that does not require a license issued by the state board 57414  
of education, is not for the operation of a vehicle for pupil 57415  
transportation, and that involves routine interaction with a child 57416  
or regular responsibility for the care, custody, or control of a 57417  
child. 57418

(C) No college-preparatory boarding school established under 57419  
this chapter shall permit a person to whom this section applies to 57420  
work in the school, unless one of the following applies to the 57421  
person: 57422

(1) The person's employer presents proof of both of the 57423  
following to the designated official: 57424

(a) That the person has been the subject of a criminal 57425  
records check conducted in accordance with division (D) of this 57426  
section within the five-year period immediately prior to the date 57427  
on which the person will begin working in the school; 57428

(b) That the criminal records check indicates that the person 57429  
has not been convicted of or pleaded guilty to any offense 57430  
described in division (B)(1) of section 3319.39 of the Revised 57431  
Code. 57432

(2) During any period of time in which the person will have 57433  
routine interaction with a child or regular responsibility for the 57434  
care, custody, or control of a child, the designated official has 57435  
arranged for an employee of the school to be present in the same 57436  
room with the child or, if outdoors, to be within a thirty-yard 57437  
radius of the child or to have visual contact with the child. 57438

(D) Any private company that has been hired or seeks to be 57439  
hired by a college-preparatory boarding school established under 57440  
this chapter to provide essential school services may request the 57441  
bureau of criminal identification and investigation to conduct a 57442  
criminal records check of any of its employees for the purpose of 57443  
complying with division (C)(1) of this section. Each request for a 57444  
criminal records check under this division shall be made to the 57445  
superintendent of the bureau in the manner prescribed in section 57446  
3319.39 of the Revised Code. Upon receipt of a request, the bureau 57447  
shall conduct the criminal records check in accordance with 57448  
section 109.572 of the Revised Code as if the request had been 57449  
made under section 3319.39 of the Revised Code. 57450

Notwithstanding division (H) of section 109.57 of the Revised 57451  
Code, the private company may share the results of any criminal 57452  
records check conducted under this division with the designated 57453

official for the purpose of complying with division (C)(1) of this 57454  
section, but in no case shall the designated official release that 57455  
information to any other person. 57456

**Sec. 3328.21.** (A) Any eligible student may apply for 57457  
admission to a college-preparatory boarding school established 57458  
under this chapter in a grade level offered by the school that is 57459  
appropriate for the student and shall be admitted to the school in 57460  
that grade level to the extent the student's admission is within 57461  
the capacity of the school as established by the school's board of 57462  
trustees, subject to division (B) of this section. If more 57463  
eligible students apply for admission than the number of students 57464  
permitted by the capacity established by the board of trustees, 57465  
admission shall be by lot. 57466

(B) In the first year of operation, each school established 57467  
under this chapter shall offer only grade five or six and shall 57468  
not admit more than eighty students to the school. In each 57469  
subsequent year of operation, the school may add additional grade 57470  
levels as specified in the contract under section 3328.12 of the 57471  
Revised Code, but at no time shall the school's total student 57472  
population exceed four hundred students. 57473

**Sec. 3328.22.** The educational program of a 57474  
college-preparatory boarding school established under this chapter 57475  
shall include at least all of the following: 57476

(A) A remedial curriculum for students in grades lower than 57477  
grade nine; 57478

(B) A college-preparatory curriculum for high school students 57479  
that, at a minimum, shall comply with section 3313.603 of the 57480  
Revised Code as that section applies to school districts; 57481

(C) Extracurricular activities, including athletic and 57482  
cultural activities; 57483



- (D) College admission counseling; 57484
- (E) Health and mental health services; 57485
- (F) Tutoring services; 57486
- (G) Community services opportunities; 57487
- (H) A residential student life program. 57488

**Sec. 3328.23.** (A) A college-preparatory boarding school 57489  
established under this chapter and the school's operator shall 57490  
comply with Chapter 3323. of the Revised Code as if the school 57491  
were a school district. For each child with a disability enrolled 57492  
in the school for whom an IEP has been developed, the school and 57493  
its operator shall verify in the manner prescribed by the 57494  
department of education that the school is providing the services 57495  
required under the child's IEP. 57496

(B) The school district in which a child with a disability 57497  
enrolled in the college-preparatory boarding school is entitled to 57498  
attend school and the child's school district of residence, if 57499  
different, are not obligated to provide the student with a free 57500  
appropriate public education under Chapter 3323. of the Revised 57501  
Code for as long as the child is enrolled in the 57502  
college-preparatory boarding school. 57503

**Sec. 3328.24.** A college-preparatory boarding school 57504  
established under this chapter, its operator, and its board of 57505  
trustees shall comply with sections 3301.0710, 3301.0711, 57506  
3301.0712, 3301.0714, 3319.39, and 3319.391 of the Revised Code as 57507  
if the school and the operator were a school district and the 57508  
school's board of trustees were a district board of education. 57509

**Sec. 3328.25.** (A) The board of trustees of a 57510  
college-preparatory boarding school established under this chapter 57511  
shall grant a diploma to any student enrolled in the school to 57512

whom all of the following apply: 57513

(1) The student has successfully completed the school's high school curriculum or the IEP developed for the student by the school pursuant to section 3323.08 of the Revised Code or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that the school shall not require a student to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early. 57514  
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(2) Subject to section 3313.614 of the Revised Code, the student has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable. 57521  
57522  
57523

(a) If the student entered ninth grade prior to the date prescribed by rule of the state board of education under division (E)(2) of section 3301.0712 of the Revised Code, the student either: 57524  
57525  
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(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments prescribed by that division unless division (L) of section 3313.61 of the Revised Code applies to the student; 57528  
57529  
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(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 57532  
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(b) If the person entered ninth grade on or after the date prescribed by rule of the state board under division (E)(2) of section 3301.0712 of the Revised Code, the student has attained on the entire assessment system prescribed under division (B)(2) of section 3301.0710 of the Revised Code at least the required passing composite score, designated under division (C)(1) of section 3301.0712 of the Revised Code, except to the extent that the student is excused from some portion of that assessment system pursuant to division (L) of section 3313.61 of the Revised Code. 57534  
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(3) The student is not eligible to receive an honors diploma granted under division (B) of this section. 57543  
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No diploma shall be granted under this division to anyone except as provided in this division. 57545  
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(B) In lieu of a diploma granted under division (A) of this section, the board of trustees shall grant an honors diploma, in the same manner that boards of education of school districts grant honors diplomas under division (B) of section 3313.61 of the Revised Code, to any student enrolled in the school who accomplishes all of the following: 57547  
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(1) Successfully completes the school's high school curriculum or the IEP developed for the student by the school pursuant to section 3323.08 of the Revised Code; 57553  
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57555

(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable. 57556  
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57558

(a) If the student entered ninth grade prior to the date prescribed by rule of the state board under division (E)(2) of section 3301.0712 of the Revised Code, the student either: 57559  
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(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments prescribed under that division; 57562  
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(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 57565  
57566

(b) If the person entered ninth grade on or after the date prescribed by rule of the state board under division (E)(2) of section 3301.0712 of the Revised Code, the student has attained on the entire assessment system prescribed under division (B)(2) of section 3301.0710 of the Revised Code at least the required passing composite score, designated under division (C)(1) of 57567  
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section 3301.0712 of the Revised Code. 57573

(3) Has met the additional criteria for granting an honors diploma prescribed by the state board under division (B) of section 3313.61 of the Revised Code for the granting of honors diplomas by school districts. 57574  
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57576  
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An honors diploma shall not be granted to a student who is subject to the Ohio core curriculum prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. No honors diploma shall be granted to anyone failing to comply with this division, and not more than one honors diploma shall be granted to any student under this division. 57578  
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(C) A diploma or honors diploma awarded under this section shall be signed by the presiding officer of the board of trustees. Each diploma shall bear the date of its issue and be in such form as the board of trustees prescribes. 57585  
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(D) Upon granting a diploma to a student under this section, the presiding officer of the board of trustees shall provide notice of receipt of the diploma to the board of education of the city, exempted village, or local school district where the student is entitled to attend school when not residing at the college-preparatory boarding school. The notice shall indicate the type of diploma granted. 57589  
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**Sec. 3328.26.** (A) The department of education shall issue an annual report card for each college-preparatory boarding school established under this chapter that includes all information applicable to school buildings under section 3302.03 of the Revised Code. 57596  
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(B) For each student enrolled in the school, the department shall combine data regarding the academic performance of that 57601  
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student with comparable data from the school district in which the 57603  
student is entitled to attend school for the purpose of 57604  
calculating the performance of the district as a whole on the 57605  
report card issued for the district under section 3302.03 of the 57606  
Revised Code. 57607

(C) Each college-preparatory boarding school and its operator 57608  
shall comply with sections 3302.04 and 3302.041 of the Revised 57609  
Code, except that any action required to be taken by a school 57610  
district pursuant to those sections shall be taken by the school. 57611

**Sec. 3328.41.** Each participating school district shall be 57612  
responsible for providing transportation on a weekly basis for 57613  
each student enrolled in a college-preparatory boarding school 57614  
established under this chapter who is entitled to attend school in 57615  
the district to and from that college-preparatory boarding school. 57616

**Sec. 3328.45.** (A) If the state board of education determines 57617  
that a college-preparatory boarding school established under this 57618  
chapter is not in compliance with any provision of this chapter or 57619  
the terms of the contract entered into under section 3328.12 of 57620  
the Revised Code, or that the school has failed to meet the 57621  
academic goals or performance standards specified in that 57622  
contract, the state board may initiate the termination procedures 57623  
specified in the contract. No termination shall take effect prior 57624  
to the end of a school year. Upon the effective date of a 57625  
termination, the school shall close. 57626

(B) If a college-preparatory boarding school is required to 57627  
close under division (A) of this section or closes for any other 57628  
reason, the school's board of trustees shall execute the closing 57629  
as provided in the contract under section 3328.12 of the Revised 57630  
Code. 57631

**Sec. 3328.50.** The state board of education shall adopt rules 57632

in accordance with Chapter 119. of the Revised Code prescribing 57633  
procedures necessary for the implementation of this chapter. 57634

Sec. 3328.99. (A) Whoever violates division (F) of section 57635  
3328.19 of the Revised Code shall be punished as follows: 57636

(1) Except as otherwise provided in division (A)(2) of this 57637  
section, the person is guilty of a misdemeanor of the fourth 57638  
degree. 57639

(2) The person is guilty of a misdemeanor of the first degree 57640  
if both of the following conditions apply: 57641

(a) The employee who is the subject of the report that the 57642  
person fails to submit was required to be reported for the 57643  
commission or alleged commission of an act or offense involving 57644  
the infliction on a child of any physical or mental wound, injury, 57645  
disability, or condition of a nature that constitutes abuse or 57646  
neglect of the child. 57647

(b) During the period between the violation of division (F) 57648  
of section 3328.19 of the Revised Code and the conviction of or 57649  
plea of guilty by the person for that violation, the employee who 57650  
is the subject of the report that the person fails to submit 57651  
inflicts on any child attending a school district, educational 57652  
service center, public or nonpublic school, or county board of 57653  
developmental disabilities where the employee works any physical 57654  
or mental wound, injury, disability, or condition of a nature that 57655  
constitutes abuse or neglect of the child. 57656

(B) Whoever violates division (B) of section 3328.193 of the 57657  
Revised Code is guilty of a misdemeanor of the first degree. 57658

Sec. 3329.08. At any regular meeting, the board of education 57659  
of each local school district, from lists adopted by the 57660  
educational service center governing board, and the board of 57661

~~education of each~~, city, and exempted village school district 57662  
shall determine by a majority vote of all members elected or 57663  
appointed under division (B) or (F) of section 3311.71 of the 57664  
Revised Code which of such textbooks or electronic textbooks so 57665  
filed shall be used in the schools under its control. 57666

**Sec. 3331.01.** (A) As used in this chapter: 57667

(1) "Superintendent" or "superintendent of schools" of a 57668  
school district means the person employed as the superintendent or 57669  
that person's designee. ~~In the case of a local school district,~~ 57670  
~~such designee may be the superintendent of the educational service~~ 57671  
~~center to which the school district belongs.~~ 57672

(2) "Chief administrative officer" means the chief 57673  
administrative officer of a nonpublic or community school or that 57674  
person's designee. 57675

(B)(1) Except as provided in division (B)(2) of this section, 57676  
an age and schooling certificate may be issued only by the 57677  
superintendent of the city, local, joint vocational, or exempted 57678  
village school district in which the child in whose name such 57679  
certificate is issued resides or by the chief administrative 57680  
officer of the nonpublic or community school the child attends, 57681  
and only upon satisfactory proof that the child to whom the 57682  
certificate is issued is at least fourteen years of age. 57683

(2) A child who resides in this state shall apply for an age 57684  
and schooling certificate to the superintendent of the school 57685  
district in which the child resides, or to the chief 57686  
administrative officer of the school that the child attends. 57687  
Residents of other states who work in Ohio shall apply to the 57688  
superintendent of the school district in which the place of 57689  
employment is located, as a condition of employment or service. 57690

(C) Any such age and schooling certificate may be issued only 57691

upon satisfactory proof that the employment contemplated by the 57692  
child is not prohibited by any law regulating the employment of 57693  
such children. Section 4113.08 of the Revised Code does not apply 57694  
to such employer in respect to such child while engaged in an 57695  
employment legal for a child of the age stated therein. 57696

(D) Age and schooling certificate forms shall be approved by 57697  
the state board of education, including forms submitted 57698  
electronically. Forms shall not display the social security number 57699  
of the child. Except as otherwise provided in this section, every 57700  
application for an age and schooling certificate must be signed in 57701  
the presence of the officer issuing it by the child in whose name 57702  
it is issued. 57703

(E) A child shall furnish the superintendent or chief 57704  
administrative officer all information required by this chapter in 57705  
support of the issuance of a certificate. 57706

(F) On and after September 1, 2002, each superintendent and 57707  
chief administrative officer who issues an age and schooling 57708  
certificate shall file electronically the certificate with the 57709  
director of commerce in accordance with rules adopted by the 57710  
director of administrative services pursuant to section 1306.21 of 57711  
the Revised Code. On and after September 1, 2002, only 57712  
electronically filed certificates are valid to satisfy the 57713  
requirements of Chapter 4109. of the Revised Code. 57714

**Sec. 3333.03.** (A) The governor, with the advice and consent 57715  
of the senate, shall appoint the chancellor of the Ohio board of 57716  
regents. ~~The governor may remove the chancellor in accordance with~~ 57717  
~~section 3.04 of the Revised Code, except that the removal shall~~ 57718  
~~not require the advice and consent of the senate.~~ The chancellor 57719  
shall serve at the pleasure of the governor, and the governor 57720  
shall prescribe the chancellor's duties in addition to the 57721  
chancellor's duties prescribed by law. ~~In no case shall the~~ 57722



~~chancellor assume any duties prescribed by the governor or law~~ 57723  
~~until the senate has consented to the chancellor's appointment.~~ 57724  
The governor shall fix the compensation for the chancellor. The 57725  
chancellor shall be a member of the governor's cabinet. 57726

~~(B) The term of office of the chancellor shall be five years.~~ 57727  
~~Any person appointed chancellor to fill a vacancy occurring prior~~ 57728  
~~to the expiration of the term for which the predecessor was~~ 57729  
~~appointed shall hold office for the remainder of that term. Any~~ 57730  
~~vacancy in the office shall be filled within sixty days after the~~ 57731  
~~vacancy occurs. Each chancellor shall continue in office~~ 57732  
~~subsequent to the expiration date of the term for which the~~ 57733  
~~chancellor was appointed until a successor takes office, or until~~ 57734  
~~a period of sixty days has elapsed, whichever occurs first. The~~ 57735  
~~chancellor may be reappointed. The term of the chancellor in~~ 57736  
~~office on the effective date of this amendment shall coincide with~~ 57737  
~~the term of that chancellor's appointing governor. Subsequent~~ 57738  
~~appointments to the office of chancellor shall be made pursuant to~~ 57739  
~~division (A) of this section.~~ 57740

(C) The chancellor is responsible for appointing and fixing 57741  
the compensation of all professional, administrative, and clerical 57742  
employees and staff members necessary to assist in the performance 57743  
of the chancellor's duties. All employees and staff shall serve at 57744  
the chancellor's pleasure. 57745

(D) The chancellor shall be a person qualified by training 57746  
and experience to understand the problems and needs of the state 57747  
in the field of higher education and to devise programs, plans, 57748  
and methods of solving the problems and meeting the needs. 57749

(E) Neither the chancellor nor any staff member or employee 57750  
of the chancellor shall be a trustee, officer, or employee of any 57751  
public or private college or university while serving as 57752  
chancellor, staff member, or employee. 57753

Sec. 3333.043. (A) As used in this section: 57754

(1) "Institution of higher education" means the state 57755  
universities listed in section 3345.011 of the Revised Code, 57756  
municipal educational institutions established under Chapter 3349. 57757  
of the Revised Code, community colleges established under Chapter 57758  
3354. of the Revised Code, university branches established under 57759  
Chapter 3355. of the Revised Code, technical colleges established 57760  
under Chapter 3357. of the Revised Code, state community colleges 57761  
established under Chapter 3358. of the Revised Code, any 57762  
institution of higher education with a certificate of registration 57763  
from the state board of career colleges and schools, and any 57764  
institution for which the chancellor of the Ohio board of regents 57765  
receives a notice pursuant to division (C) of this section. 57766

(2) "Community service" has the same meaning as in section 57767  
3313.605 of the Revised Code. 57768

(B)(1) The board of trustees or other governing entity of 57769  
each institution of higher education shall encourage and promote 57770  
participation of students in community service through a program 57771  
appropriate to the mission, student population, and environment of 57772  
each institution. The program may include, but not be limited to, 57773  
providing information about community service opportunities during 57774  
student orientation or in student publications; providing awards 57775  
for exemplary community service; encouraging faculty members to 57776  
incorporate community service into students' academic experiences 57777  
wherever appropriate to the curriculum; encouraging recognized 57778  
student organizations to undertake community service projects as 57779  
part of their purposes; and establishing advisory committees of 57780  
students, faculty members, and community and business leaders to 57781  
develop cooperative programs that benefit the community and 57782  
enhance student experience. The program shall be flexible in 57783  
design so as to permit participation by the greatest possible 57784

number of students, including part-time students and students for 57785  
whom participation may be difficult due to financial, academic, 57786  
personal, or other considerations. The program shall emphasize 57787  
community service opportunities that can most effectively use the 57788  
skills of students, such as tutoring or literacy programs. The 57789  
programs shall encourage students to perform services that will 57790  
not supplant the hiring of, result in the displacement of, or 57791  
impair any existing employment contracts of any particular 57792  
employee of any private or governmental entity for which services 57793  
are performed. 57794

(2) The chancellor of the Ohio board of regents shall 57795  
encourage all institutions of higher education in the development 57796  
of community service programs. With the assistance of the Ohio 57797  
~~community~~ commission on service council and volunteerism created 57798  
in section 121.40 of the Revised Code, the chancellor shall make 57799  
available information about higher education community service 57800  
programs to institutions of higher education and to statewide 57801  
organizations involved with or promoting volunteerism, including 57802  
information about model community service programs, teacher 57803  
training courses, and community service curricula and teaching 57804  
materials for possible use by institutions of higher education in 57805  
their programs. The chancellor shall encourage institutions of 57806  
higher education to jointly coordinate higher education community 57807  
service programs through consortia of institutions or other 57808  
appropriate means of coordination. 57809

(C) The board of trustees of any nonprofit institution with a 57810  
certificate of authorization issued pursuant to Chapter 1713. of 57811  
the Revised Code or the governing authority of a private 57812  
institution exempt from regulation under Chapter 3332. of the 57813  
Revised Code as prescribed in section 3333.046 of the Revised Code 57814  
may notify the chancellor that it is making itself subject to 57815  
divisions (A) and (B) of this section. Upon receipt of such a 57816

notice, these divisions shall apply to that institution. 57817

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 57818  
purposes, status as a resident of Ohio shall be defined by the 57819  
chancellor of the Ohio board of regents by rule promulgated 57820  
pursuant to Chapter 119. of the Revised Code. No adjudication as 57821  
to the status of any person under such rule, however, shall be 57822  
required to be made pursuant to Chapter 119. of the Revised Code. 57823  
The term "resident" for these purposes shall not be equated with 57824  
the definition of that term as it is employed elsewhere under the 57825  
laws of this state and other states, and shall not carry with it 57826  
any of the legal connotations appurtenant thereto. Rather, except 57827  
as provided in ~~division~~ divisions (B) and (D) of this section, for 57828  
such purposes, the rule promulgated under this section shall have 57829  
the objective of excluding from treatment as residents those who 57830  
are present in the state primarily for the purpose of attending a 57831  
state-supported or state-assisted institution of higher education, 57832  
and may prescribe presumptive rules, rebuttable or conclusive, as 57833  
to such purpose based upon the source or sources of support of the 57834  
student, residence prior to first enrollment, evidence of 57835  
intention to remain in the state after completion of studies, or 57836  
such other factors as the chancellor deems relevant. 57837

(B) The rules of the chancellor for determining student 57838  
residency shall grant residency status to a veteran and to the 57839  
veteran's spouse and any dependent of the veteran, if both of the 57840  
following conditions are met: 57841

(1) The veteran either: 57842

(a) Served one or more years on active military duty and was 57843  
honorably discharged or received a medical discharge that was 57844  
related to the military service; 57845

(b) Was killed while serving on active military duty or has 57846  
been declared to be missing in action or a prisoner of war. 57847

(2) If the veteran seeks residency status for tuition surcharge purposes, the veteran has established domicile in this state as of the first day of a term of enrollment in an institution of higher education. If the spouse or a dependent of the veteran seeks residency status for tuition surcharge purposes, the veteran and the spouse or dependent seeking residency status have established domicile in this state as of the first day of a term of enrollment in an institution of higher education, except that if the veteran was killed while serving on active military duty or has been declared to be missing in action or a prisoner of war, only the spouse or dependent seeking residency status shall be required to have established domicile in accordance with this division.

(C) The rules of the chancellor for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates.

Documentation of full-time employment and domicile shall include both of the following documents:

(1) A sworn statement from the employer or the employer's representative on the letterhead of the employer or the employer's representative certifying that the parent or spouse of the student is employed full-time in Ohio;

(2) A copy of the lease under which the parent or spouse is the lessee and occupant of rented residential property in the state, a copy of the closing statement on residential real property of which the parent or spouse is the owner and occupant in this state or, if the parent or spouse is not the lessee or owner of the residence in which the parent or spouse has

established domicile, a letter from the owner of the residence 57880  
certifying that the parent or spouse resides at that residence. 57881

Residency officers may also evaluate, in accordance with the 57882  
chancellor's rule, requests for immediate residency status from 57883  
dependent students whose parents are not living and whose domicile 57884  
follows that of a legal guardian who has accepted full-time 57885  
employment and established domicile in the state for reasons other 57886  
than gaining the benefit of favorable tuition rates. 57887

(D) The rules of the chancellor for determining student 57888  
residency shall grant residency status to a person who, while a 57889  
resident of this state for state subsidy and tuition surcharge 57890  
purposes, graduated from a high school in this state, if the 57891  
person enrolls in an institution of higher education and 57892  
establishes domicile in this state within ten years after 57893  
graduating from high school, regardless of the student's residence 57894  
prior to that enrollment. 57895

(E) "Dependent," "domicile," "institution of higher 57896  
education," and "residency officer" have the meanings ascribed in 57897  
the chancellor's rules adopted under this section. 57898

**Sec. 3333.43.** (A) The chancellor of the Ohio board of regents 57899  
shall require all state institutions of higher education that 57900  
offer baccalaureate degrees, as a condition of reauthorization for 57901  
certification of each baccalaureate program offered by the 57902  
institution, to submit a statement describing how each major for 57903  
which the school offers a baccalaureate degree may be completed 57904  
within three academic years. The chronology of the statement shall 57905  
begin with the fall semester of a student's first year of the 57906  
baccalaureate program. 57907

(B) The statement required under this section may include, 57908  
but not be limited to, any of the following methods to contribute 57909  
to earning a baccalaureate degree in three years: 57910

<u>(1) Advanced placement credit;</u>	57911
<u>(2) International baccalaureate program credit;</u>	57912
<u>(3) A waiver of degree and credit-hour requirements by</u>	57913
<u>completion of courses that are widely available at community</u>	57914
<u>colleges in the state or through online programs offered by state</u>	57915
<u>institutions of higher education or private nonprofit institutions</u>	57916
<u>of higher education holding certificates of authorization under</u>	57917
<u>Chapter 1713. of the Revised Code, and through courses taken by</u>	57918
<u>the student through the post-secondary enrollment options program</u>	57919
<u>under Chapter 3365. of the Revised Code;</u>	57920
<u>(4) Completion of coursework during summer sessions;</u>	57921
<u>(5) A waiver of foreign-language degree requirements based on</u>	57922
<u>a proficiency examination specified by the institution.</u>	57923
<u>(C)(1) Not later than October 15, 2012, each state</u>	57924
<u>institution of higher education shall provide statements required</u>	57925
<u>under this section for ten per cent of all baccalaureate degree</u>	57926
<u>programs offered by the institution.</u>	57927
<u>(2) Not later than June 30, 2014, each state institution of</u>	57928
<u>higher education shall provide statements required under this</u>	57929
<u>section for sixty per cent of all baccalaureate degree programs</u>	57930
<u>offered by the institution.</u>	57931
<u>(D) Each state institution of higher education required to</u>	57932
<u>submit statements under this section shall post its three-year</u>	57933
<u>option on its web site and also provide that information to the</u>	57934
<u>department of education. The department shall distribute that</u>	57935
<u>information to the superintendent, high school principal, and</u>	57936
<u>guidance counselor, or equivalents, of each school district,</u>	57937
<u>community school established under Chapter 3314. of the Revised</u>	57938
<u>Code, and STEM school established under Chapter 3326. of the</u>	57939
<u>Revised Code.</u>	57940

(E) Nothing in this section requires an institution to take any action that would violate the requirements of any independent association accrediting baccalaureate degree programs.

**Sec. 3333.66.** (A)(1) Except as provided in division (A)(2) of this section, in each academic year, no student who receives a choose Ohio first scholarship shall receive less than one thousand five hundred dollars or more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities. For this purpose, if Miami university is implementing the pilot tuition restructuring plan originally recognized in Am. Sub. H.B. 95 of the 125th general assembly, that university's instructional and general fees shall be considered to be the average full-time in-state undergraduate instructional and general fee amount after taking into account the Ohio resident and Ohio leader scholarships and any other credit provided to all Ohio residents.

(2) The chancellor of the Ohio board of regents may authorize a state university or college or a nonpublic Ohio institution of higher education to award a choose Ohio first scholarship in an amount greater than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities to either of the following:

(a) Any undergraduate student who qualifies for a scholarship and is enrolled in a program leading to a teaching profession in science, technology, engineering, mathematics, or medicine;

(b) Any graduate student who qualifies for a scholarship, if any initiatives are selected for award under division (B) of this section.

(B) The chancellor shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or



other public or private Ohio entities, to submit proposals under 57972  
the choose Ohio first scholarship program for initiatives that 57973  
recruit either of the following: 57974

(1) Ohio residents who enrolled in colleges and universities 57975  
in other states or other countries to return to Ohio and enroll in 57976  
state universities or colleges as graduate students in the fields 57977  
of science, technology, engineering, mathematics, and medicine, or 57978  
in the fields of science, technology, engineering, mathematics, or 57979  
medical education. If such proposals are submitted and meet the 57980  
chancellor's competitive criteria for awards, the chancellor, 57981  
subject to approval by the controlling board, shall give at least 57982  
one of the proposals preference for an award. 57983

(2) Graduates, or undergraduates who will graduate in time to 57984  
participate in the program described in this division by the 57985  
subsequent school year, from an Ohio college or university who 57986  
received, or will receive, a degree in science, technology, 57987  
engineering, mathematics, or medicine to participate in a 57988  
graduate-level teacher education masters program in one of those 57989  
fields that requires the student to establish a domicile in the 57990  
state and to commit to teach for a minimum of three years in a 57991  
hard-to-staff school district in the state upon completion of the 57992  
master's degree program. The chancellor may require a college or 57993  
university to give priority to qualified candidates who graduated 57994  
from a high school in this state. 57995

"Hard-to-staff" shall be as defined by the department of 57996  
education. 57997

(C) The general assembly intends that money appropriated for 57998  
the choose Ohio first scholarship program in each fiscal year be 57999  
used for scholarships in the following academic year. 58000

**Sec. 3333.81.** As used in sections 3333.81 to 3333.88 of the 58001  
Revised Code: 58002

- (A) "Clearinghouse" means the clearinghouse established under section 3333.82 of the Revised Code. 58003  
58004
- (B) "Community school" means a community school established under Chapter 3314. of the Revised Code. 58005  
58006
- (C) "Common statewide platform" means a software program that facilitates the delivery of courses via computers from multiple course providers to multiple end users, tracks the progress of the end user, and includes an integrated searchable database of standards-based course content. 58007  
58008  
58009  
58010  
58011
- (D) "Course provider" means a school district, community school, STEM school, state institution of higher education, private college or university, or nonprofit or for-profit private entity that creates or is an agent of the creator of original course content for a course offered through the clearinghouse. 58012  
58013  
58014  
58015  
58016
- (E) "Instructor" means an individual who holds a license issued by the state board of education, as defined in section 3319.31 of the Revised Code, or an individual employed as an instructor or professor by a state institution of higher education or a private college or university. 58017  
58018  
58019  
58020  
58021
- (F) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 58022  
58023
- (G) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 58024  
58025  
58026
- (H) A "student's community school" means the community school in which the student is enrolled instead of being enrolled in a school operated by a school district. 58027  
58028  
58029
- (I) A "student's school district" means the school district operating the school in which the student is lawfully enrolled. 58030  
58031
- (J) "A student's STEM school" means the STEM school in which 58032

the student is enrolled instead of being enrolled in a school 58033  
operated by a school district. 58034

(K) "School district" means a city, exempted village, local, 58035  
or joint vocational school district. 58036

**Sec. 3333.82.** (A) The chancellor of the Ohio board of regents 58037  
shall establish a clearinghouse of interactive distance learning 58038  
courses and other distance learning courses delivered via a 58039  
computer-based method offered by school districts, community 58040  
schools, STEM schools, state institutions of higher education, 58041  
private colleges and universities, and other nonprofit and 58042  
for-profit course providers for sharing with other school 58043  
districts, community schools, STEM schools, state institutions of 58044  
higher education, private colleges and universities, and 58045  
individuals for the fee set pursuant to section 3333.84 of the 58046  
Revised Code. The chancellor shall not be responsible for the 58047  
content of courses offered through the clearinghouse; however, all 58048  
such courses shall be delivered only in accordance with technical 58049  
specifications approved by the chancellor and on a common 58050  
statewide platform administered by the chancellor. 58051

The clearinghouse's distance learning program for students in 58052  
grades kindergarten to twelve shall be based on the following 58053  
principles: 58054

(1) All Ohio students shall have access to high quality 58055  
distance learning courses at any point in their educational 58056  
careers. 58057

(2) All students shall be able to customize their education 58058  
using distance learning courses offered through the clearinghouse 58059  
and no student shall be denied access to any course in the 58060  
clearinghouse in which the student is eligible to enroll. 58061

(3) Students may take distance learning courses for all or 58062

any portion of their curriculum requirements and may utilize a 58063  
combination of distance learning courses and courses taught in a 58064  
traditional classroom setting. 58065

(4) Students may earn an unlimited number of academic credits 58066  
through distance learning courses. 58067

(5) Students may take distance learning courses at any time 58068  
of the calendar year. 58069

(6) Student advancement to higher coursework shall be based 58070  
on a demonstration of subject area competency instead of 58071  
completion of any particular number of hours of instruction. 58072

(B) To offer a course through the clearinghouse, a course 58073  
provider shall apply to the chancellor in a form and manner 58074  
prescribed by the chancellor. The application for each course 58075  
shall describe the course of study in as much detail as required 58076  
by the chancellor, whether an instructor is provided, the 58077  
qualification and credentials of the instructor, the number of 58078  
hours of instruction, and any other information required by the 58079  
chancellor. The chancellor may require course providers to include 58080  
in their applications information recommended by the state board 58081  
of education under former section 3353.30 of the Revised Code. 58082

(C) The chancellor shall review the technical specifications 58083  
of each application submitted under division (B) of this section. 58084  
In reviewing applications, the chancellor may consult with the 58085  
department of education; however, the responsibility to either 58086  
approve or not approve a course for the clearinghouse belongs to 58087  
the chancellor. The chancellor may request additional information 58088  
from a course provider that submits an application under division 58089  
(B) of this section, if the chancellor determines that such 58090  
information is necessary. The chancellor may negotiate changes in 58091  
the proposal to offer a course, if the chancellor determines that 58092  
changes are necessary in order to approve the course. 58093

(D) The chancellor shall catalog each course approved for the clearinghouse, through a print or electronic medium, displaying the following:

(1) Information necessary for a student and the student's parent, guardian, or custodian and the student's school district, community school, STEM school, college, or university to decide whether to enroll in or subscribe to the course;

(2) Instructions for enrolling in that course, including deadlines for enrollment.

(E) Any expenses related to the installation of a course into the common statewide platform shall be borne by the course provider.

~~(F) The chancellor may contract with an entity to perform any or all of the chancellor's duties under sections 3333.81 to 3333.88 of the Revised Code. The eTech Ohio commission, in consultation with the chancellor and the state board, shall distribute information to students and parents describing the clearinghouse. The information shall be provided in an easily understandable format.~~

**Sec. 3333.83.** ~~(A) A student who is enrolled in a school operated by a school district or in a community school or STEM school may enroll in a course through the clearinghouse only if both of the following conditions are satisfied:~~

~~(1) The student's enrollment in the course is approved by the student's school district, community school, or STEM school.~~

~~(2) The student's school district, community school, or STEM school agrees to accept for credit the grade assigned by the course provider, if that provider is another school district, community school, or STEM school. Each school district, community school, and STEM school shall encourage students to take advantage~~

of the distance learning opportunities offered through the 58124  
clearinghouse and shall assist any student electing to participate 58125  
in the clearinghouse with the selection and scheduling of courses 58126  
that satisfy the district's or school's curriculum requirements 58127  
and promote the student's post-secondary college or career plans. 58128

(B) For each student enrolled in a school operated by a 58129  
school district or in a community school or STEM school who is 58130  
enrolling in a course provided through the clearinghouse by 58131  
another school district, community school, or STEM school, the 58132  
student's school district, community school, or STEM school shall 58133  
transmit the student's name to the course provider. 58134

The course provider may request from the student's school 58135  
district, community school, or STEM school other information from 58136  
the student's school record. The district or school shall provide 58137  
the requested information only in accordance with section 3319.321 58138  
of the Revised Code. 58139

(C) The student's school district, community school, or STEM 58140  
school shall determine the manner in which and facilities at which 58141  
the student shall participate in the course consistent with 58142  
specifications for technology and connectivity adopted by the 58143  
chancellor of the Ohio board of regents. 58144

(D) A student may withdraw from a course prior to the end of 58145  
the course only by a date and in a manner prescribed by the 58146  
student's school district, community school, or STEM school. 58147

(E) A student who is enrolled in a school operated by a 58148  
school district or in a community school or STEM school and who 58149  
takes a course through the clearinghouse shall be counted in the 58150  
formula ADM of a school district under section 3317.03 of the 58151  
Revised Code as if the student were taking the course from the 58152  
student's school district, community school, or STEM school. 58153

**Sec. 3333.84.** (A) The fee charged for any course offered 58154  
through the clearinghouse shall be set by the course provider. 58155

(B) The chancellor of the Ohio board of regents shall 58156  
prescribe the manner in which the fee for a course shall be 58157  
collected or deducted from the school district, school, college or 58158  
university, or individual subscribing to the course and in which 58159  
manner the fee shall be paid to the course provider. 58160

(C) The chancellor may retain a percentage of the fee charged 58161  
for a course to offset the cost of maintaining and operating the 58162  
clearinghouse, including the payment of compensation for an entity 58163  
or a private entity that is under contract with the chancellor 58164  
under division (F) of section 3333.82 of the Revised Code. The 58165  
percentage retained shall be determined by the chancellor. 58166

(D) Nothing in this section shall be construed to require the 58167  
school district, community school, or STEM school in which a 58168  
student is enrolled to pay the fee charged for a course taken by 58169  
the student. 58170

**Sec. 3333.85.** (A) The grade for a student enrolled in a 58171  
school operated by a school district or in a community school or 58172  
STEM school for a course provided through the clearinghouse by 58173  
another school district, community school, or STEM school shall be 58174  
assigned by the course provider and shall be transmitted to the 58175  
student's school district, community school, or STEM school. 58176

(B) The district or school enrolling the student shall award 58177  
the student credit for successful completion of the course. The 58178  
credit awarded shall be equivalent to any credit that would be 58179  
granted for successful completion of a similar course offered by 58180  
the district or school. 58181

(C) No district or school shall prohibit or otherwise limit 58182  
any student's access to or participation in courses offered 58183

through the clearinghouse, or refuse to recognize such courses as 58184  
fulfilling curriculum requirements, including the requirements for 58185  
a high school diploma under section 3313.603 of the Revised Code. 58186

**Sec. 3333.87.** The chancellor of the Ohio board of regents and 58187  
the state board of education jointly, and in consultation with the 58188  
director of the governor's office of 21st century education, shall 58189  
adopt rules in accordance with Chapter 119. of the Revised Code 58190  
prescribing procedures for the implementation of sections 3333.81 58191  
to 3333.86 of the Revised Code. 58192

**Sec. 3333.90.** (A) As used in this section: 58193

(1) "Allocated state share of instruction" means, for any 58194  
fiscal year, the amount of the state share of instruction 58195  
appropriated to the Ohio board of regents by the general assembly 58196  
that is allocated to a community or technical college or community 58197  
or technical college district for such fiscal year. 58198

(2) "~~Authority~~ Issuing authority" ~~means the Ohio building~~ 58199  
~~authority~~ has the same meaning as in section 154.01 of the Revised 58200  
Code. 58201

(3) "Bond service charges" has the same meaning as in section 58202  
~~152.09~~ 154.01 of the Revised Code. 58203

(4) "Chancellor" means the chancellor of the Ohio board of 58204  
regents. 58205

(5) "Community or technical college" or "college" means any 58206  
of the following state-supported or state-assisted institutions of 58207  
higher education: 58208

(a) A community college as defined in section 3354.01 of the 58209  
Revised Code; 58210

(b) A technical college as defined in section 3357.01 of the 58211  
Revised Code; 58212



(c) A state community college as defined in section 3358.01 58213  
of the Revised Code. 58214

(6) "Community or technical college district" or "district" 58215  
means any of the following institutions of higher education that 58216  
are state-supported or state-assisted: 58217

(a) A community college district as defined in section 58218  
3354.01 of the Revised Code; 58219

(b) A technical college district as defined in section 58220  
3357.01 of the Revised Code; 58221

(c) A state community college district as defined in section 58222  
3358.01 of the Revised Code. 58223

(7) "Credit enhancement facilities" has the same meaning as 58224  
in section 133.01 of the Revised Code. 58225

(8) "Obligations" has the meaning as in section ~~152.09~~ 154.01 58226  
or 3345.12 of the Revised Code, as the context requires. 58227

(B) The board of trustees of any community or technical 58228  
college district authorizing the issuance of obligations under 58229  
section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the 58230  
Revised Code, or for whose benefit and on whose behalf the issuing 58231  
authority proposes to issue obligations under ~~division (G) of~~ 58232  
section ~~152.09~~ 154.25 of the Revised Code, may adopt a resolution 58233  
requesting the chancellor to enter into an agreement with the 58234  
community or technical college district and the primary paying 58235  
agent or fiscal agent for such obligations, providing for the 58236  
withholding and deposit of funds otherwise due the district or the 58237  
community or technical college it operates in respect of its 58238  
allocated state share of instruction, for the payment of bond 58239  
service charges on such obligations. 58240

The board of trustees shall deliver to the chancellor a copy 58241  
of the resolution and any additional pertinent information the 58242

chancellor may require. 58243

The chancellor and the office of budget and management, and 58244  
the issuing authority in the case of obligations to be issued by 58245  
the issuing authority, shall evaluate each request received from a 58246  
community or technical college district under this section. The 58247  
chancellor, with the advice and consent of the director of budget 58248  
and management and the issuing authority in the case of 58249  
obligations to be issued by the issuing authority, shall approve 58250  
each request if all of the following conditions are met: 58251

(1) Approval of the request will enhance the marketability of 58252  
the obligations for which the request is made; 58253

(2) The chancellor and the office of budget and management, 58254  
and the issuing authority in the case of obligations to be issued 58255  
by the issuing authority, have no reason to believe the requesting 58256  
community or technical college district or the community or 58257  
technical college it operates will be unable to pay when due the 58258  
bond service charges on the obligations for which the request is 58259  
made, and bond service charges on those obligations are therefore 58260  
not anticipated to be paid pursuant to this section from the 58261  
allocated state share of instruction for purposes of Section 17 of 58262  
Article VIII, Ohio Constitution. 58263

(3) Any other pertinent conditions established in rules 58264  
adopted under division (H) of this section. 58265

(C) If the chancellor approves the request of a community or 58266  
technical college district to withhold and deposit funds pursuant 58267  
to this section, the chancellor shall enter into a written 58268  
agreement with the district and the primary paying agent or fiscal 58269  
agent for the obligations, which agreement shall provide for the 58270  
withholding of funds pursuant to this section for the payment of 58271  
bond service charges on those obligations. The agreement may also 58272  
include both of the following: 58273

(1) Provisions for certification by the district to the 58274  
chancellor, prior to the deadline for payment of the applicable 58275  
bond service charges, whether the district and the community or 58276  
technical college it operates are able to pay those bond service 58277  
charges when due; 58278

(2) Requirements that the district or the community or 58279  
technical college it operates deposits amounts for the payment of 58280  
those bond service charges with the primary paying agent or fiscal 58281  
agent for the obligations prior to the date on which the bond 58282  
service charges are due to the owners or holders of the 58283  
obligations. 58284

(D) Whenever a district or the community or technical college 58285  
it operates notifies the chancellor that it will not be able to 58286  
pay the bond service charges when they are due, subject to the 58287  
withholding provisions of this section, or whenever the applicable 58288  
paying agent or fiscal agent notifies the chancellor that it has 58289  
not timely received from a district or from the college it 58290  
operates the full amount needed for payment of the bond service 58291  
charges when due to the holders or owners of such obligations, the 58292  
chancellor shall immediately contact the district or college and 58293  
the paying agent or fiscal agent to confirm that the district and 58294  
the college are not able to make the required payment by the date 58295  
on which it is due. 58296

If the chancellor confirms that the district and the college 58297  
are not able to make the payment and the payment will not be made 58298  
pursuant to a credit enhancement facility, the chancellor shall 58299  
promptly pay to the applicable primary paying agent or fiscal 58300  
agent the lesser of the amount due for bond service charges or the 58301  
amount of the next periodic distribution scheduled to be made to 58302  
the district or to the college in respect of its allocated state 58303  
share of instruction. If this amount is insufficient to pay the 58304  
total amount then due the agent for the payment of bond service 58305

charges, the chancellor shall continue to pay to the agent from 58306  
each periodic distribution thereafter, and until the full amount 58307  
due the agent for unpaid bond service charges is paid in full, the 58308  
lesser of the remaining amount due the agent for bond service 58309  
charges or the amount of the next periodic distribution scheduled 58310  
to be made to the district or college in respect of its allocated 58311  
state share of instruction. 58312

(E) The chancellor may make any payments under this section 58313  
by direct deposit of funds by electronic transfer. 58314

Any amount received by a paying agent or fiscal agent under 58315  
this section shall be applied only to the payment of bond service 58316  
charges on the obligations of the community or technical college 58317  
district or community or technical college subject to this section 58318  
or to the reimbursement of the provider of a credit enhancement 58319  
facility that has paid the bond service charges. 58320

(F) The chancellor may make payments under this section to 58321  
paying agents or fiscal agents during any fiscal biennium of the 58322  
state only from and to the extent that money is appropriated to 58323  
the board of regents by the general assembly for distribution 58324  
during such biennium for the state share of instruction and only 58325  
to the extent that a portion of the state share of instruction has 58326  
been allocated to the community or technical college district or 58327  
community or technical college. Obligations of the issuing 58328  
authority or of a community or technical college district to which 58329  
this section is made applicable do not constitute an obligation or 58330  
a debt or a pledge of the faith, credit, or taxing power of the 58331  
state, and the holders or owners of those obligations have no 58332  
right to have excises or taxes levied or appropriations made by 58333  
the general assembly for the payment of bond service charges on 58334  
the obligations, and the obligations shall contain a statement to 58335  
that effect. The agreement for or the actual withholding and 58336  
payment of money under this section does not constitute the 58337

assumption by the state of any debt of a community or technical college district or a community or technical college, and bond service charges on the related obligations are not anticipated to be paid from the state general revenue fund for purposes of Section 17 of Article VIII, Ohio Constitution.

(G) In the case of obligations subject to the withholding provisions of this section, the issuing community or technical college district, or the issuing authority in the case of obligations issued by the issuing authority, shall appoint a paying agent or fiscal agent who is not an officer or employee of the district or college.

(H) The chancellor, with the advice and consent of the office of budget and management, may adopt reasonable rules not inconsistent with this section for the implementation of this section to secure payment of bond service charges on obligations issued by a community or technical college district or by the issuing authority for the benefit of a community or technical college district or the community or technical college it operates. Those rules shall include criteria for the evaluation and approval or denial of community or technical college district requests for withholding under this section.

(I) The authority granted by this section is in addition to and not a limitation on any other authorizations granted by or pursuant to law for the same or similar purposes.

**Sec. 3334.19.** (A) The Ohio tuition trust authority shall adopt an investment plan that sets forth investment policies and guidelines to be utilized in administering the variable college savings program and investment options offered by the authority. The investment options shall include a default option to benefit contributors who are first-time investors or have low to moderate incomes. Except as provided in section 3334.20 of the Revised

Code, the authority shall contract with one or more insurance 58369  
companies, banks, or other financial institutions to act as its 58370  
investment agents and to provide such services as the authority 58371  
considers appropriate to the investment plan, including: 58372

(1) Purchase, control, and safekeeping of assets; 58373

(2) Record keeping and accounting for individual accounts and 58374  
for the program as a whole; 58375

(3) Provision of consolidated statements of account. 58376

(B) The authority or its investment agents shall maintain a 58377  
separate account for the beneficiary of each contract entered into 58378  
under the variable college savings program. If a beneficiary has 58379  
more than one such account, the authority or its agents shall 58380  
track total contributions and earnings and provide a consolidated 58381  
system of account distributions to institutions of higher 58382  
education. 58383

(C) The authority or its investment agents may place assets 58384  
of the program in savings accounts and may purchase fixed or 58385  
variable life insurance or annuity contracts, securities, evidence 58386  
of indebtedness, or other investment products pursuant to the 58387  
investment plan. 58388

(D) Contributors shall not direct the investment of their 58389  
contributions under the investment plan. The authority shall 58390  
impose other limits on contributors' investment discretion to the 58391  
extent required under section 529 of the Internal Revenue Code. 58392

(E) The investment agents with which the authority contracts 58393  
shall discharge their duties with respect to program funds with 58394  
the care and diligence that a prudent person familiar with such 58395  
matters and with the character and aims of the program would use. 58396

(F) The assets of the program shall be preserved, invested, 58397  
and expended solely for the purposes of this chapter and shall not 58398

be loaned or otherwise transferred or used by the state for any 58399  
other purpose. This section shall not be construed to prohibit the 58400  
investment agents of the authority from investing, by purchase or 58401  
otherwise, in bonds, notes, or other obligations of the state or 58402  
any agency or instrumentality of the state. Unless otherwise 58403  
specified by the authority, assets of the program shall be 58404  
expended in the following order of priority: 58405

(1) To make payments on behalf of beneficiaries; 58406

(2) To make refunds upon termination of variable college 58407  
savings program contracts; 58408

(3) To pay the authority's costs of administering the 58409  
program; 58410

(4) To pay or cover any other expenditure or disbursement the 58411  
authority determines necessary or appropriate. 58412

(G) Fees, charges, and other costs imposed or collected by 58413  
the authority in connection with the variable college savings 58414  
program, including any fees or other payments that the authority 58415  
requires an investment agent to pay to the authority, shall be 58416  
credited to either the variable operating fund or the index 58417  
operating fund at the discretion of the authority. These funds are 58418  
hereby created in the state treasury. Expenses incurred in the 58419  
administration of the variable college savings program, as well as 58420  
other expenses, disbursements, or payments the authority considers 58421  
appropriate for the benefit of any college savings programs 58422  
administered by the authority, the state of Ohio and its citizens, 58423  
shall be paid from the variable operating fund or the index 58424  
operating fund at the discretion of the authority. 58425

(H) No records of the authority indicating the identity of 58426  
purchasers, contributors, and beneficiaries under the program or 58427  
amounts contributed to, earned by, or distributed from program 58428  
accounts are public records within the meaning of section 149.43 58429

of the Revised Code. 58430

Sec. 3345.023. (A) No state institution of higher education shall take any action or enforce any policy that would deny a religious student group any benefit available to any other student group based on the religious student group's requirement that its leaders or voting members adhere to its sincerely held religious beliefs or standards of conduct. 58431  
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(B) As used in this section: 58437

(1) "Benefits" include, without limitation: 58438

(a) Recognition; 58439

(b) Registration; 58440

(c) The use of facilities of the state institution of higher education for meetings or speaking purposes, subject to section 3345.021 of the Revised Code; 58441  
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(d) The use of channels of communication of the state institution of higher education; 58444  
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(e) Funding sources that are otherwise available to any other student group in the state institution of higher education. 58446  
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(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 58448  
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**Sec. 3345.061. (A) Ohio's two-year institutions of higher education are respected points of entry for students embarking on post-secondary careers and courses completed at those institutions are transferable to state universities in accordance with articulation and transfer agreements developed under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.** 58450  
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(B) Beginning with undergraduate students who commence undergraduate studies in the 2014-2015 academic year, no state 58456  
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university listed in section 3345.011 of the Revised Code, except 58458  
Central state university, Shawnee state university, and Youngstown 58459  
state university, shall receive any state operating subsidies for 58460  
any academic remedial or developmental courses for undergraduate 58461  
students, including courses prescribed in the Ohio core curriculum 58462  
for high school graduation under division (C) of section 3313.603 58463  
of the Revised Code, offered at its main campus, except as 58464  
provided in divisions (B)(1) to (4) of this section. 58465

(1) In the 2014-2015 and 2015-2016 academic years, a state 58466  
university may receive state operating subsidies for academic 58467  
remedial or developmental courses for not more than three per cent 58468  
of the total undergraduate credit hours provided by the university 58469  
at its main campus. 58470

(2) In the 2016-2017 academic year, a state university may 58471  
receive state operating subsidies for academic remedial or 58472  
developmental courses for not more than fifteen per cent of the 58473  
first-year students who have graduated from high school within the 58474  
previous twelve months and who are enrolled in the university at 58475  
its main campus, as calculated on a full-time-equivalent basis. 58476

(3) In the 2017-2018 academic year, a state university may 58477  
receive state operating subsidies for academic remedial or 58478  
developmental courses for not more than ten per cent of the 58479  
first-year students who have graduated from high school within the 58480  
previous twelve months and who are enrolled in the university at 58481  
its main campus, as calculated on a full-time-equivalent basis. 58482

(4) In the 2018-2019 academic year, a state university may 58483  
receive state operating subsidies for academic remedial or 58484  
developmental courses for not more than five per cent of the 58485  
first-year students who have graduated from high school within the 58486  
previous twelve months and who are enrolled in the university at 58487  
its main campus, as calculated on a full-time-equivalent basis. 58488

Each state university may continue to offer academic remedial 58489  
and developmental courses at its main campus beyond the extent for 58490  
which state operating subsidies may be paid under this division 58491  
and may continue to offer such courses beyond the 2018-2019 58492  
academic year. However, the university shall not receive any state 58493  
operating subsidies for such courses above the maximum amounts 58494  
permitted in this division. 58495

(C) Except as otherwise provided in division (B) of this 58496  
section, beginning with students who commence undergraduate 58497  
studies in the 2014-2015 academic year, state operating subsidies 58498  
for academic remedial or developmental courses offered by state 58499  
institutions of higher education may be paid only to Central state 58500  
university, Shawnee state university, Youngstown state university, 58501  
any university branch, any community college, any state community 58502  
college, or any technical college. 58503

(D) Each state university shall grant credit for academic 58504  
remedial or developmental courses successfully completed at an 58505  
institution described in division (C) of this section pursuant to 58506  
any applicable articulation and transfer agreements the university 58507  
has entered into in accordance with policies and procedures 58508  
adopted under section 3333.16, 3333.161, or 3333.162 of the 58509  
Revised Code. 58510

(E) The chancellor of the Ohio board of regents shall do all 58511  
of the following: 58512

(1) Withhold state operating subsidies for academic remedial 58513  
or developmental courses provided by a state university as 58514  
required in order to conform to divisions (B) and (C) of this 58515  
section; 58516

(2) Adopt uniform statewide standards for academic remedial 58517  
and developmental courses offered by all state institutions of 58518  
higher education, ~~as defined in section 3345.011 of the Revised~~ 58519

Code; 58520

(3) Encourage and assist in the design and establishment of 58521  
academic remedial and developmental courses by institutions of 58522  
higher education; 58523

(4) Define "academic year" for purposes of this section and 58524  
section 3345.06 of the Revised Code; 58525

(5) Encourage and assist in the development of articulation 58526  
and transfer agreements between state universities and other 58527  
institutions of higher education in accordance with policies and 58528  
procedures adopted under sections 3333.16, 3333.161, and 3333.162 58529  
of the Revised Code. 58530

(F) Not later than December 31, 2012, the presidents, or 58531  
equivalent position, of all state institutions of higher 58532  
education, or their designees, jointly shall establish uniform 58533  
statewide standards in mathematics, science, reading, and writing 58534  
each student enrolled in a state institution of higher education 58535  
must meet to be considered in remediation-free status. The 58536  
presidents also shall establish assessments, if they deem 58537  
necessary, to determine if a student meets the standards adopted 58538  
under this division. Each institution is responsible for assessing 58539  
the needs of its enrolled students in the manner adopted by the 58540  
presidents. The board of trustees or managing authority of each 58541  
state institution of higher education shall adopt the 58542  
remediation-free status standard, and any related assessments, 58543  
into the institution's policies. 58544

The chancellor shall assist in coordinating the work of the 58545  
presidents under this division. 58546

(G) Each year, not later than a date established by the 58547  
chancellor, each state institution of higher education shall 58548  
report to the governor, the general assembly, the chancellor, and 58549  
the superintendent of public instruction all of the following for 58550

the prior academic year: 58551

(1) The institution's aggregate costs for providing academic remedial or developmental courses; 58552  
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(2) The amount of those costs disaggregated according to the city, local, or exempted village school districts from which the students taking those courses received their high school diplomas; 58554  
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(3) Any other information with respect to academic remedial and developmental courses that the chancellor considers appropriate. 58557  
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(H) Not later than December 31, 2011, and the thirty-first day of each December thereafter, the chancellor and the superintendent of public instruction shall issue a report recommending policies and strategies for reducing the need for academic remediation and developmental courses at state institutions of higher education. 58560  
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(I) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 58566  
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**Sec. 3345.14.** (A) As used in this section, "state college or university" means any state university or college defined in division (A)(1) of section 3345.12 of the Revised Code, and any other institution of higher education defined in division (A)(2) of that section. 58569  
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(B) All rights to and interests in discoveries, inventions, or patents which result from research or investigation conducted in any experiment station, bureau, laboratory, research facility, or other facility of any state college or university, or by employees of any state college or university acting within the scope of their employment or with funding, equipment, or infrastructure provided by or through any state college or 58574  
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university, shall be the sole property of that college or 58581  
university. No person, firm, association, corporation, or 58582  
governmental agency which uses the facilities of such college or 58583  
university in connection with such research or investigation and 58584  
no faculty member, employee, or student of such college or 58585  
university participating in or making such discoveries or 58586  
inventions, shall have any rights to or interests in such 58587  
discoveries or inventions, including income therefrom, except as 58588  
may, by determination of the board of trustees of such college or 58589  
university, be assigned, licensed, transferred, or paid to such 58590  
persons or entities in accordance with division (C) of this 58591  
section or in accordance with rules adopted under division (D) of 58592  
this section. 58593

(C) As may be determined from time to time by the board of 58594  
trustees of any state college or university, the college or 58595  
university may retain, assign, license, transfer, sell, or 58596  
otherwise dispose of, in whole or in part and upon such terms as 58597  
the board of trustees may direct, any and all rights to, interests 58598  
in, or income from any such discoveries, inventions, or patents 58599  
which the college or university owns or may acquire. Such 58600  
dispositions may be to any individual, firm, association, 58601  
corporation, or governmental agency, or to any faculty member, 58602  
employee, or student of the college or university as the board of 58603  
trustees may direct. Any and all income or proceeds derived or 58604  
retained from such dispositions shall be applied to the general or 58605  
special use of the college or university as determined by the 58606  
board of trustees of such college or university. 58607

(D)(1) Notwithstanding any provision of the Revised Code to 58608  
the contrary, including but not limited to sections 102.03, 58609  
102.04, 2921.42, and 2921.43 of the Revised Code, the board of 58610  
trustees of any state college or university may adopt rules in 58611  
accordance with section 111.15 of the Revised Code that set forth 58612

circumstances under which an employee of the college or university 58613  
may solicit or accept, and under which a person may give or 58614  
promise to give to such an employee, a financial interest in any 58615  
firm, corporation, or other association to which the board has 58616  
assigned, licensed, transferred, or sold the college or 58617  
university's interests in its intellectual property, including 58618  
discoveries or inventions made or created by that employee or in 58619  
patents issued to that employee. 58620

(2) Rules established under division (D)(1) of this section 58621  
shall include the following: 58622

(a) A requirement that each college or university employee 58623  
disclose to the college or university board of trustees any 58624  
financial interest the employee holds in a firm, corporation, or 58625  
other association as described in division (D)(1) of this section; 58626

(b) A requirement that all disclosures made under division 58627  
(D)(2)(a) of this section are reviewed by officials designated by 58628  
the college or university board of trustees. The officials 58629  
designated under this division shall determine the information 58630  
that shall be disclosed and safeguards that shall be applied in 58631  
order to manage, reduce, or eliminate any actual or potential 58632  
conflict of interest. 58633

(c) A requirement that in implementing division (D) of this 58634  
section all members of the college or university board of trustees 58635  
shall be governed by Chapter 102. and sections 2921.42 and 2921.43 58636  
of the Revised Code. 58637

(d) Guidelines to ensure that any financial interest held by 58638  
any employee of the college or university does not result in 58639  
misuse of the students, employees, or resources of the college or 58640  
university for the benefit of the firm, corporation, or other 58641  
association in which such interest is held or does not otherwise 58642  
interfere with the duties and responsibilities of the employee who 58643

holds such an interest. 58644

(3) Rules established under division (D)(1) of this section 58645  
may include other provisions at the discretion of the college or 58646  
university board of trustees. 58647

(E) Notwithstanding division (D) of this section, the Ohio 58648  
ethics commission retains authority to provide assistance to a 58649  
college or university board of trustees in the implementation of 58650  
division (D)(2) of this section and to address any matter that is 58651  
outside the scope of the exception to division (B) of this section 58652  
as set forth in division (D) of this section or as set forth in 58653  
rules established under division (D) of this section. 58654

Sec. 3345.81. (A) The chancellor of the Ohio board of regents 58655  
shall develop a plan for designating public institutions of higher 58656  
education as charter universities. In developing the plan, the 58657  
chancellor shall: 58658

(1) Study the administrative and financial relationships 58659  
between the state and its public institutions of higher education 58660  
to determine the extent to which public colleges and universities 58661  
can manage their operations more effectively when accorded 58662  
flexibility through selected delegation of authority; 58663

(2) Examine legal and other issues related to the feasibility 58664  
and practicability of restructuring the administrative and 58665  
financial relationships between the state and its public 58666  
institutions of higher education; 58667

(3) Consult with the presidents of the institutions of higher 58668  
education of the university system of Ohio. 58669

(B) The office of budget and management, the department of 58670  
administrative services, and each state institution of higher 58671  
education shall provide the chancellor, upon the chancellor's 58672  
request, with research assistance, fiscal and policy analysis, and 58673

other services in conducting the study and developing the plan 58674  
under this section. Each state agency shall provide the chancellor 58675  
with any other assistance requested by the chancellor in 58676  
conducting the study and developing the plan. 58677

(C) The chancellor shall specify in the plan: 58678

(1) The manner in which a state institution of higher 58679  
education may become eligible for restructured financial and 58680  
operational authority, and performance measures and criteria to 58681  
determine eligibility. The performance measures and criteria shall 58682  
address the institution's ability to manage successfully its 58683  
administrative and financial operations without jeopardizing the 58684  
financial integrity and stability of the institution. 58685

(2) Specific areas of financial and operational authority 58686  
that are subject to increased flexibility; 58687

(3) The nature and term of the management agreement required 58688  
between the state and an institution. 58689

(D) Not later than August 15, 2011, the chancellor shall 58690  
submit to the general assembly and the governor a report of 58691  
findings and recommendations for use in developing policy, 58692  
statutory, and administrative rule changes necessary to implement 58693  
the plan. No institution shall be designated a charter university 58694  
until the general assembly, after considering the chancellor's 58695  
plan, has enacted legislation establishing a procedure for making 58696  
the designation. The chancellor shall not adopt, amend, or rescind 58697  
any rules with respect to designating institutions as charter 58698  
universities until that legislation is enacted. The general 58699  
assembly intends that the general assembly, governor, and 58700  
chancellor will take actions necessary for implementation of the 58701  
plan for charter universities to commence July 1, 2012. 58702

**Sec. 3349.29.** An agreement made pursuant to sections 3349.27 58703



and 3349.28 of the Revised Code is not effective unless it has 58704  
been approved by the legislative authority of the municipal 58705  
corporation with which the municipal university is identified, 58706  
upon such legislative authority's determination that such 58707  
agreement will be beneficial to the municipal corporation, and 58708  
also approved by the Ohio board of regents, and, if required by 58709  
any applicable appropriation measure, by the state controlling 58710  
board, and any payment from state tax moneys provided for in the 58711  
agreement will be subject to appropriations made by the general 58712  
assembly. If provision is to be made under such agreement for the 58713  
transfer of, or grant of the right to use, all or a substantial 58714  
part of the assets of the municipal university to the state 58715  
university and assumption by the state university of educational 58716  
functions of the municipal university, such agreement shall not 58717  
become effective, under sections 3349.27 to 3349.30 of the Revised 58718  
Code until the electors of the municipal corporation have approved 58719  
such transfer or grant. 58720

The legislative authority of the municipal corporation shall, 58721  
by ordinance, submit the question to the electors at a general, 58722  
primary, or a special election to be held on the date specified in 58723  
the ordinance. The ordinance shall be certified to the board of 58724  
elections not later than the forty-fifth day preceding the date of 58725  
the election. Notice of the election shall be published in one ~~or~~ 58726  
~~more newspapers~~ newspaper of general circulation in the municipal 58727  
corporation once a week for two consecutive weeks or as provided 58728  
in section 7.16 of the Revised Code, prior to the election ~~and,~~ 58729  
~~if.~~ If the board of elections operates and maintains a web site, 58730  
notice of the election also shall be posted on that web site for 58731  
thirty days prior to the election. The form of the ballot to be 58732  
used at the election shall be substantially as follows, with such 58733  
variations as may be appropriate to reflect the general nature of 58734  
the transfer or grant of use of assets and the transfer of 58735  
educational functions contemplated: 58736

"Shall assets of the municipal university known as 58737  
..... be transferred to (make available for 58738  
use by) a state university known as ..... 58739  
and the state university assume educational functions of the 58740  
municipal university and provide higher education in (or in close 58741  
proximity to) the city of ..... to the 58742  
residents of the city of ..... and of the state 58743  
of Ohio and such others as shall be admitted?" 58744

The favorable vote of a majority of those voting on the 58745  
proposition constitutes such approval as is required by this 58746  
section. 58747

**Sec. 3353.04.** (A) The eTech Ohio commission may perform any 58748  
act necessary to carry out the functions of this chapter, 58749  
including any of the following: 58750

(1) Make grants to institutions and other organizations as 58751  
prescribed by the general assembly for the provision of technical 58752  
assistance, professional development, and other support services 58753  
to enable school districts, community schools established under 58754  
Chapter 3314. of the Revised Code, other educational institutions, 58755  
and affiliates to utilize educational technology; 58756

(2) Establish a reporting system for school districts, 58757  
community schools, other educational institutions, affiliates, and 58758  
educational technology organizations that receive financial 58759  
assistance from the commission. The system may require the 58760  
reporting of information regarding the manner in which the 58761  
assistance was expended, the manner in which the equipment or 58762  
services purchased with the assistance is being utilized, the 58763  
results or outcome of the utilization, the manner in which the 58764  
utilization is compatible with the statewide academic standards 58765  
adopted by the state board of education pursuant to section 58766  
3301.079 of the Revised Code, and any other information determined 58767

by the commission. 58768

(3) Ensure that, where appropriate, products produced by any 58769  
entity to which the commission provides financial assistance for 58770  
use in elementary and secondary education are aligned with the 58771  
statewide academic standards adopted by the state board pursuant 58772  
to section 3301.079 of the Revised Code; 58773

(4) Promote accessibility to educational products aligned 58774  
with the statewide academic standards, adopted by the state board 58775  
pursuant to section 3301.079 of the Revised Code, for school 58776  
districts, community schools, and other entities serving grades 58777  
kindergarten through twelve; 58778

(5) Own or operate transmission facilities and 58779  
interconnection facilities, or contract for transmission 58780  
facilities and interconnection facilities, for an educational 58781  
television, radio, or radio reading service network; 58782

(6) Establish standards for interconnection facilities used 58783  
by the commission in the transmission of educational television, 58784  
radio, or radio reading service programming; 58785

(7) Enter into agreements with noncommercial educational 58786  
television or radio broadcasting stations or radio reading 58787  
services for the operation of the interconnection; 58788

(8) Enter into agreements with noncommercial educational 58789  
television or radio broadcasting stations or radio reading 58790  
services for the production and use of educational television, 58791  
radio, or radio reading service programs to be transmitted by the 58792  
educational telecommunications network; 58793

(9) Execute contracts and other agreements necessary and 58794  
desirable to carry out the purposes of this chapter and other 58795  
duties prescribed to the commission by law or authorize the 58796  
executive director of the commission to execute such contracts and 58797  
agreements on the commission's behalf; 58798

(10) Act as consultant with educational television and 58799  
educational radio stations and radio reading services toward 58800  
coordination within the state of the distribution of federal funds 58801  
that may become available for equipment for educational 58802  
broadcasting or radio reading services; 58803

(11) Make payments to noncommercial Ohio educational 58804  
television or radio broadcasting stations or radio reading 58805  
services to sustain the operation of such stations or services; 58806

(12) In consultation with participants in programs 58807  
administered by the commission, establish guidelines governing 58808  
purchasing and procurement that facilitate the timely and 58809  
effective implementation of such programs; 58810

(13) In consultation with participants in programs 58811  
administered by the commission, consider the efficiency and cost 58812  
savings of statewide procurement prior to allocating and releasing 58813  
funds for such programs; 58814

(14) In consultation with participants in programs 58815  
administered by the commission, establish a systems support 58816  
network to facilitate the timely implementation of the programs 58817  
and other projects and activities for which the commission 58818  
provides assistance. 58819

(B) Chapters 123., 124., 125., and 153. of the Revised Code 58820  
and sections 9.331, ~~9.332~~, and ~~9.333~~ to 9.335 of the Revised Code 58821  
do not apply to contracts, programs, projects, or activities of 58822  
the commission. 58823

Sec. 3353.15. There is hereby created in the state treasury 58824  
the information technology service fund. The fund shall consist of 58825  
money received by the eTech Ohio commission pursuant to agreements 58826  
with educational entities for the provision of information 58827  
technology services to support initiatives to align education from 58828

preschool through college, and any other money deposited into the 58829  
fund by the commission. Money in the fund shall be used to provide 58830  
the services specified in the agreements, including implementation 58831  
and maintenance of an electronic clearinghouse for student 58832  
transcript transfers and development of the education data 58833  
repository described in section 3301.94 of the Revised Code. 58834  
Investment earnings of the fund shall be credited to the fund. 58835

**Sec. 3354.12.** (A) Upon the request by resolution approved by 58836  
the board of trustees of a community college district, and upon 58837  
certification to the board of elections not less than ninety days 58838  
prior to the election, the boards of elections of the county or 58839  
counties comprising such district shall place upon the ballot in 58840  
their respective counties the question of levying a tax on all the 58841  
taxable property in the community college district outside the 58842  
ten-mill limitation, for a specified period of years or for a 58843  
continuing period of time, to provide funds for any one or more of 58844  
the following purposes: the acquisition of sites, the erection, 58845  
furnishing, and equipment of buildings, the acquisition, 58846  
construction, or improvement of any property which the board of 58847  
trustees of a community college district is authorized to acquire, 58848  
construct, or improve and which has an estimated life of 58849  
usefulness of five years or more as certified by the fiscal 58850  
officer, and the payment of operating costs. Not more than two 58851  
special elections shall be held in any one calendar year. Levies 58852  
for a continuing period of time adopted under this section may be 58853  
reduced in accordance with section 5705.261 of the Revised Code. 58854

If such proposal is to be or include the renewal of an 58855  
existing levy at the expiration thereof, the ballot for such 58856  
election shall state whether it is a renewal of a tax; a renewal 58857  
of a stated number of mills and an increase of a stated number of 58858  
mills, or a renewal of a part of an existing levy with a reduction 58859

of a stated number of mills; the year of the tax duplicate on 58860  
which such renewal will first be made; and if earlier, the year of 58861  
the tax duplicate on which such additional levy will first be 58862  
made, which may include the tax duplicate for the current year 58863  
unless the election is to be held after the first Tuesday after 58864  
the first Monday in November of the current tax year. The ballot 58865  
shall also state the period of years for such levy or that it is 58866  
for a continuing period of time. If a levy for a continuing period 58867  
of time provides for but is not limited to current expenses, the 58868  
resolution of the board of trustees providing for the election on 58869  
such levy shall apportion the annual rate of the levy between 58870  
current expenses and the other purpose or purposes. Such 58871  
apportionment need not be the same for each year of the levy, but 58872  
the respective portions of the rate actually levied each year for 58873  
current expenses and the other purpose or purposes shall be 58874  
limited by such apportionment. The portion of the rate apportioned 58875  
to the other purpose or purposes shall be reduced as provided in 58876  
division (B) of this section. 58877

If a majority of the electors in such district voting on such 58878  
question approve thereof, the county auditor or auditors of the 58879  
county or counties comprising such district shall annually, for 58880  
the applicable years, place such levy on the tax duplicate in such 58881  
district, in an amount determined by the board of trustees, but 58882  
not to exceed the amount set forth in the proposition approved by 58883  
the electors. 58884

The boards of trustees of a community college district shall 58885  
establish a special fund for all revenue derived from any tax 58886  
levied pursuant to this section. 58887

The boards of elections of the county or counties comprising 58888  
the district shall cause to be published in a newspaper of general 58889  
circulation in each such county an advertisement of the proposed 58890  
tax levy question once a week for two consecutive weeks, or as 58891

provided in section 7.16 of the Revised Code, prior to the 58892  
election at which the question is to appear on the ballot,~~and,~~ 58893  
~~if.~~ If a board of elections operates and maintains a web site, 58894  
that board also shall post ~~a similar~~ the advertisement on its web 58895  
site for thirty days prior to that election. 58896

After the approval of such levy by vote, the board of 58897  
trustees of a community college district may anticipate a fraction 58898  
of the proceeds of such levy and from time to time issue 58899  
anticipation notes having such maturity or maturities that the 58900  
aggregate principal amount of all such notes maturing in any 58901  
calendar year shall not exceed seventy-five per cent of the 58902  
anticipated proceeds from such levy for such year, and that no 58903  
note shall mature later than the thirty-first day of December of 58904  
the tenth calendar year following the calendar year in which such 58905  
note is issued. Each issue of notes shall be sold as provided in 58906  
Chapter 133. of the Revised Code. 58907

The amount of bonds or anticipatory notes authorized pursuant 58908  
to Chapter 3354. of the Revised Code, may include sums to repay 58909  
moneys previously borrowed, advanced, or granted and expended for 58910  
the purposes of such bond or anticipatory note issues, whether 58911  
such moneys were advanced from the available funds of the 58912  
community college district or by other persons, and the community 58913  
college district may restore and repay to such funds or persons 58914  
from the proceeds of such issues the moneys so borrowed, advanced 58915  
or granted. 58916

All operating costs of such community college may be paid out 58917  
of any gift or grant from the state, pursuant to division (K) of 58918  
section 3354.09 of the Revised Code; out of student fees and 58919  
tuition collected pursuant to division (G) of section 3354.09 of 58920  
the Revised Code; or out of unencumbered funds from any other 58921  
source of the community college income not prohibited by law. 58922

(B) Prior to the application of section 319.301 of the 58923

Revised Code, the rate of a levy that is limited to, or to the extent that it is apportioned to, purposes other than current expenses shall be reduced in the same proportion in which the district's total valuation increases during the life of the levy because of additions to such valuation that have resulted from improvements added to the tax list and duplicate.

**Sec. 3354.16.** (A) When the board of trustees of a community college district has by resolution determined to let by contract the work of improvements pursuant to the official plan of such district, contracts in amounts exceeding a dollar amount set by the board, which dollar amount shall not exceed ~~fifty two hundred~~ thousand dollars, shall be advertised after notices calling for bids have been published once a week for three consecutive weeks or as provided in section 7.16 of the Revised Code, in ~~at least~~ one a newspaper of general circulation within the community college district wherein the work is to be done. Subject to section 3354.10 of the Revised Code, the board of trustees of the district may let such contract to the lowest responsive and responsible bidder, in accordance with section 9.312 of the Revised Code, who meets the requirements of section 153.54 of the Revised Code. Such contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done. Such contract shall be approved by the board of trustees and signed by the president of the board and by the contractor.

(B) On the first day of January of every even-numbered year, the chancellor of the board of regents shall adjust the ~~fifty two hundred~~ thousand dollar contract limit set forth in division (A) of this section, as adjusted in any previous year pursuant to this division. The chancellor shall adjust the limit according to the average increase or decrease for each of the two years immediately preceding the adjustment as set forth in the United States



department of commerce, bureau of economic analysis implicit price 58956  
deflator for gross domestic product, nonresidential structures, or 58957  
an alternative if the federal government ceases to publish this 58958  
metric, provided that no increase or decrease for any year shall 58959  
exceed three per cent of the contract limit in existence at the 58960  
time of the adjustment. Notwithstanding division (A) of this 58961  
section, the limit adjusted under this division shall be used 58962  
thereafter in lieu of the limit in division (A) of this section. 58963

(C) Before entering into an improvement pursuant to division 58964  
(A) of this section, and except for contracts made with a 58965  
construction manager at risk, a design-build firm, or a general 58966  
contracting firm, as those terms are defined in section 153.50 of 58967  
the Revised Code, the board of trustees of a community college 58968  
district shall require separate and distinct proposals to be made 58969  
for furnishing materials or doing work on the improvement, or 58970  
both, in the board's discretion, for each separate and distinct 58971  
branch or class of work entering into the improvement. The board 58972  
of trustees also may require a single, combined proposal for the 58973  
entire project for materials or doing work, or both, in the 58974  
board's discretion, that includes each separate and distinct 58975  
branch or class of work entering into the improvement. ~~The board~~ 58976  
~~of trustees need not solicit separate proposals for a branch or~~ 58977  
~~class of work for an improvement if the estimate cost for that~~ 58978  
~~branch or class of work is less than five thousand dollars.~~ 58979

(D) When more than one branch or class of work is required, 58980  
no contract for the entire job, or for a greater portion thereof 58981  
than is embraced in one such branch or class of work shall be 58982  
awarded, unless the separate bids do not cover all the work and 58983  
materials required or the bids for the whole or for two or more 58984  
kinds of work or materials are lower than the separate bids in the 58985  
aggregate. ~~The board of trustees need not award separate contracts~~ 58986  
~~for a branch or class of work entering into an improvement if the~~ 58987

~~estimated cost for that branch or class of work is less than five  
thousand dollars.~~ 58988  
58989

**Sec. 3355.09.** Upon receipt of a request from the university 58990  
branch district managing authority, the boards of elections of the 58991  
county or counties comprising such district shall place upon the 58992  
ballot in the district at the next primary or general election 58993  
occurring not less than ninety days after submission of such 58994  
request by such managing authority, the question of levying a tax 58995  
outside the ten-mill limitation, for a specified period of years, 58996  
to provide funds for any of the following purposes: 58997

(A) Purchasing a site or enlargement thereof; 58998

(B) The erection and equipment of buildings; 58999

(C) Enlarging, improving, or rebuilding buildings; 59000

(D) The acquisition, construction, or improvement of any 59001  
property which the university branch district managing authority 59002  
is authorized to acquire, construct, or improve and which has been 59003  
certified by the fiscal officer to have an estimated useful life 59004  
of five or more years. 59005

If a majority of the electors in such district voting on such 59006  
question approve, the county auditor of the county or counties 59007  
comprising such district shall annually place such levy on the tax 59008  
duplicate in such district, in the amount set forth in the 59009  
proposition approved by the electors. 59010

The managing authority of the university branch district 59011  
shall establish a special fund pursuant to section 3355.07 of the 59012  
Revised Code for all revenue derived from any tax levied pursuant 59013  
to provisions of this section. 59014

The boards of election of the county or counties comprising 59015  
the district shall cause to be published in a newspaper of general 59016  
circulation in each such county an advertisement of the proposed 59017

tax levy question once a week for two consecutive weeks, or as 59018  
provided in section 7.16 of the Revised Code, prior to the 59019  
election at which the question is to appear on the ballot, ~~and,~~ 59020  
~~if.~~ If a board of elections operates and maintains a web site, 59021  
that board also shall post ~~a similar~~ the advertisement on its web 59022  
site for thirty days prior to the election. 59023

After the approval of such levy by vote, the managing 59024  
authority of the university branch district may anticipate a 59025  
fraction of the proceeds of such levy and from time to time, 59026  
during the life of such levy, issue anticipation notes in an 59027  
amount not to exceed seventy-five per cent of the estimated 59028  
proceeds of such levy to be collected in each year over a period 59029  
of five years after the date of the issuance of such notes, less 59030  
an amount equal to the proceeds of such levy previously obligated 59031  
for such year by the issuance of anticipation notes, provided, 59032  
that the total amount maturing in any one year shall not exceed 59033  
seventy-five per cent of the anticipated proceeds of such levy for 59034  
that year. 59035

Each issue of notes shall be sold as provided in Chapter 133. 59036  
of the Revised Code and shall mature serially in substantially 59037  
equal amounts, during each remaining year of the levy, not to 59038  
exceed five, after their issuance. 59039

**Sec. 3357.16.** (A) When the board of trustees of a technical 59040  
college district has by resolution determined to let by contract 59041  
the work of improvements pursuant to the official plan of such 59042  
district, contracts in amounts exceeding a dollar amount set by 59043  
the board, which dollar amount shall not exceed ~~fifty two hundred~~ 59044  
thousand dollars, shall be advertised after notice calling for 59045  
bids has been published once a week for three consecutive weeks or 59046  
as provided in section 7.16 of the Revised Code, in ~~at least one a~~ 59047  
newspaper of general circulation within the technical college 59048

district where the work is to be done. The board of trustees of 59049  
the technical college district may let such contract to the lowest 59050  
responsive and responsible bidder, in accordance with section 59051  
9.312 of the Revised Code, who meets the requirements of section 59052  
153.54 of the Revised Code. Such contract shall be in writing and 59053  
shall be accompanied by or shall refer to plans and specifications 59054  
for the work to be done. Such contract shall be approved by the 59055  
board of trustees and signed by the president of the board and by 59056  
the contractor. 59057

(B) On the first day of January of every even-numbered year, 59058  
the chancellor of the board of regents shall adjust the fifty two 59059  
hundred thousand dollar contract limit set forth in division (A) 59060  
of this section, as adjusted in any previous year pursuant to this 59061  
division. The chancellor shall adjust the limit according to the 59062  
average increase or decrease for each of the two years immediately 59063  
preceding the adjustment as set forth in the United States 59064  
department of commerce, bureau of economic analysis implicit price 59065  
deflator for gross domestic product, nonresidential structures, or 59066  
an alternative if the federal government ceases to publish this 59067  
metric, provided that no increase or decrease for any year shall 59068  
exceed three per cent of the contract limit in existence at the 59069  
time of the adjustment. Notwithstanding division (A) of this 59070  
section, the limit adjusted under this division shall be used 59071  
thereafter in lieu of the limit in division (A) of this section. 59072

(C) Before entering into an improvement pursuant to division 59073  
(A) of this section, and except for contracts made with a 59074  
construction manager at risk, a design-build firm, or a general 59075  
contracting firm, as those terms are defined in section 153.50 of 59076  
the Revised Code, the board of trustees of a technical college 59077  
district shall require separate and distinct proposals to be made 59078  
for furnishing materials or doing work on the improvement, or 59079  
both, in the board's discretion, for each separate and distinct 59080

branch or class of work entering into the improvement. The board 59081  
of trustees also may require a single, combined proposal for the 59082  
entire project for materials or doing work, or both, in the 59083  
board's discretion, that includes each separate and distinct 59084  
branch or class of work entering into the improvement. ~~The board~~ 59085  
~~of trustees need not solicit separate proposals for a branch or~~ 59086  
~~class of work for an improvement if the estimate cost for that~~ 59087  
~~branch or class of work is less than five thousand dollars.~~ 59088

(D) When more than one branch or class of work is required, 59089  
no contract for the entire job, or for a greater portion thereof 59090  
than is embraced in one such branch or class of work shall be 59091  
awarded, unless the separate bids do not cover all the work and 59092  
materials required or the bids for the whole or for two or more 59093  
kinds of work or materials are lower than the separate bids in the 59094  
aggregate. ~~The board of trustees need not award separate contracts~~ 59095  
~~for a branch or class of work entering into an improvement if the~~ 59096  
~~estimated cost for that branch or class of work is less than five~~ 59097  
~~thousand dollars.~~ 59098

**Sec. 3365.01.** As used in this chapter: 59099

(A) "College" means any state-assisted college or university 59100  
described in section 3333.041 of the Revised Code, any nonprofit 59101  
institution holding a certificate of authorization pursuant to 59102  
Chapter 1713. of the Revised Code, any private institution exempt 59103  
from regulation under Chapter 3332. of the Revised Code as 59104  
prescribed in section 3333.046 of the Revised Code, and any 59105  
institution holding a certificate of registration from the state 59106  
board of career colleges and schools and program authorization for 59107  
an associate or bachelor's degree program issued under section 59108  
3332.05 of the Revised Code. 59109

(B) "School district," except as specified in division (G) of 59110  
this section, means any school district to which a student is 59111

admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 59112  
the Revised Code and does not include a joint vocational or 59113  
cooperative education school district. 59114

(C) "Parent" has the same meaning as in section 3313.64 of 59115  
the Revised Code. 59116

(D) "Participant" means a student enrolled in a college under 59117  
the post-secondary enrollment options program established by this 59118  
chapter. 59119

(E) "Secondary grade" means the ninth through twelfth grades. 59120

(F) "School foundation payments" means the amount required to 59121  
be paid to a school district for a fiscal year under ~~Chapters~~ 59122  
~~3306.~~ and Chapter 3317. of the Revised Code. 59123

(G) "Tuition base" means, with respect to a participant's 59124  
school district, the sum of the formula amount plus the per pupil 59125  
amount of the base funding supplements specified in divisions 59126  
(C)(1) to (4) of section 3317.012 of the Revised Code for fiscal 59127  
year 2009. 59128

The participant's "school district" in the case of a 59129  
participant enrolled in a community school shall be the school 59130  
district in which the student is entitled to attend school under 59131  
section 3313.64 or 3313.65 of the Revised Code. 59132

(H) "Educational program" means enrollment in one or more 59133  
school districts, in a nonpublic school, or in a college under 59134  
division (B) of section 3365.04 of the Revised Code. 59135

(I) "Nonpublic school" means a chartered or nonchartered 59136  
school for which minimum standards are prescribed by the state 59137  
board of education pursuant to division (D) of section 3301.07 of 59138  
the Revised Code. 59139

(J) "School year" means the year beginning on the first day 59140  
of July and ending on the thirtieth day of June. 59141

(K) "Community school" means any school established pursuant to Chapter 3314. of the Revised Code that includes secondary grades.

(L) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

**Sec. 3365.08.** (A) A college that expects to receive or receives reimbursement under section 3365.07 of the Revised Code or through alternative funding agreements entered into under rules adopted under section 3365.12 of the Revised Code shall furnish to a participant all textbooks and materials directly related to a course taken by the participant under division (B) of section 3365.04 of the Revised Code. No college shall charge such participant for tuition, textbooks, materials, or other fees directly related to any such course.

(B) No student enrolled under this chapter in a course for which credit toward high school graduation is awarded shall receive direct financial aid through any state or federal program.

(C) If a school district provides transportation for resident school students in grades eleven and twelve under section 3327.01 of the Revised Code, a parent of a pupil enrolled in a course under division (A)(2) or (B) of section 3365.04 of the Revised Code may apply to the board of education for full or partial reimbursement for the necessary costs of transporting the student between the secondary school the student attends and the college in which the student is enrolled. Reimbursement may be paid solely from funds received by the district for pupil transportation under section ~~3306.12~~ 3317.0212 of the Revised Code or other provisions of law. The state board of education shall establish guidelines, based on financial need, under which a district may provide such reimbursement.

(D) If a community school provides or arranges transportation 59173  
for its pupils in grades nine through twelve under section 59174  
3314.091 of the Revised Code, a parent of a pupil of the community 59175  
school who is enrolled in a course under division (A)(2) or (B) of 59176  
section 3365.04 of the Revised Code may apply to the governing 59177  
authority of the community school for full or partial 59178  
reimbursement of the necessary costs of transporting the student 59179  
between the community school and the college. The governing 59180  
authority may pay the reimbursement in accordance with the state 59181  
board's rules adopted under division (C) of this section solely 59182  
from funds paid to it under section 3314.091 of the Revised Code. 59183

**Sec. 3375.41.** When a board of library trustees appointed 59184  
pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 59185  
or 3375.30 of the Revised Code determines to construct, demolish, 59186  
alter, repair, or reconstruct a library or make any improvements 59187  
or repairs, the cost of which will exceed twenty-five thousand 59188  
dollars, except in cases of urgent necessity or for the security 59189  
and protection of library property, it shall proceed as follows: 59190

(A) The board shall advertise for a period of two weeks for 59191  
sealed bids in ~~some a~~ newspaper of general circulation in the 59192  
district, ~~and, if there are two such newspapers, the board shall~~ 59193  
~~advertise in both of them~~ or as provided in section 7.16 of the 59194  
Revised Code. If no newspaper has a general circulation in the 59195  
district, the board shall post the advertisement in three public 59196  
places in the district. The advertisement shall be entered in full 59197  
by the fiscal officer on the record of proceedings of the board. 59198

(B) The sealed bids shall be filed with the fiscal officer by 59199  
twelve noon of the last day stated in the advertisement. 59200

(C) The sealed bids shall be opened at the next meeting of 59201  
the board, shall be publicly read by the fiscal officer, and shall 59202  
be entered in full on the records of the board; provided that the 59203



board, by resolution, may provide for the public opening and 59204  
reading of the bids by the fiscal officer, immediately after the 59205  
time for their filing has expired, at the usual place of meeting 59206  
of the board, and for the tabulation of the bids and a report of 59207  
the tabulation to the board at its next meeting. 59208

(D) Each sealed bid shall contain the name of every person 59209  
interested in it and shall meet the requirements of section 153.54 59210  
of the Revised Code. 59211

(E) When both labor and materials are embraced in the work 59212  
bid for, the board may require that each be separately stated in 59213  
the sealed bid, with their price, or may require that bids be 59214  
submitted without the separation. 59215

(F) None but the lowest responsible bid shall be accepted. 59216  
The board may reject all the bids or accept any bid for both labor 59217  
and material for the improvement or repair which is the lowest in 59218  
the aggregate. 59219

(G) The contract shall be between the board and the bidders. 59220  
The board shall pay the contract price for the work in cash at the 59221  
times and in the amounts as provided by sections 153.12, 153.13, 59222  
and 153.14 of the Revised Code. 59223

(H) When two or more bids are equal, in whole or in part, and 59224  
are lower than any others, either may be accepted, but in no case 59225  
shall the work be divided between these bidders. 59226

(I) When there is reason to believe there is collusion or 59227  
combination among the bidders, the bids of those concerned in the 59228  
collusion or combination shall be rejected. 59229

**Sec. 3381.11.** The board of trustees of a regional arts and 59230  
cultural district or any officer or employee designated by such 59231  
board may make any contract for the purchase of supplies or 59232  
material or for labor for any work, under the supervision of the 59233

board, the cost of which shall not exceed ten thousand dollars. 59234  
When an expenditure, other than for the acquisition of real 59235  
estate, the discharge of noncontractual claims, personal services, 59236  
or for the product or services of public utilities, exceeds ten 59237  
thousand dollars, such expenditure shall be made only after a 59238  
notice calling for bids has been published once a week for two 59239  
consecutive weeks in ~~at least~~ one newspaper of general circulation 59240  
within the territory of the district or as provided in section 59241  
7.16 of the Revised Code. The board may then let said contract to 59242  
the lowest and best bidder, who shall give a good and approved 59243  
bond with ample security conditioned on the carrying out of the 59244  
contract. Such contract shall be in writing and shall be 59245  
accompanied by or shall refer to plans and specifications for the 59246  
work to be done, approved by the board. The plans and 59247  
specifications shall at all times be made and considered part of 59248  
the contract. The contract shall be approved by the board and 59249  
signed on behalf of the district and by the contractor. No sale of 59250  
any real or personal property or a lease thereof having a term 59251  
thereof in excess of five years shall be made except with the 59252  
highest and best bidder after publication of notice for bids in 59253  
the manner above provided. 59254

Competitive bidding under this section is not required when: 59255

(A) The board, by a two-thirds affirmative vote of its 59256  
members, determines that a real and present emergency exists and 59257  
such determination and the reasons therefor are entered in the 59258  
proceedings of the board, when: 59259

(1) The estimated cost is less than fifteen thousand dollars; 59260  
or 59261

(2) There is actual physical damage to structures or 59262  
equipment. 59263

(B) Such purchase consists of supplies or a replacement or 59264

supplemental part or parts for a product or equipment owned or 59265  
leased by the district and the only source of supply for such 59266  
supplies, part, or parts is limited to a single supplier; 59267

(C) The lease is a renewal of a lease for electronic data 59268  
processing equipment, services, or systems; 59269

(D) Services or supplies are available from a qualified 59270  
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 59271  
Revised Code; 59272

(E) With respect to any contract, agreement, or lease by a 59273  
district with any arts or cultural organization or any 59274  
governmental body or agency. 59275

**Sec. 3501.03.** At least ten days before the time for holding 59276  
an election the board of elections shall give public notice by a 59277  
proclamation, posted in a conspicuous place in the courthouse and 59278  
city hall, or by one insertion in a newspaper published of general 59279  
circulation in the county, ~~but if no newspaper is published in~~ 59280  
~~such county, then in a newspaper of general circulation therein.~~ 59281

The board shall have authority to publicize information 59282  
relative to registration or elections. 59283

**Sec. 3501.17.** (A) The expenses of the board of elections 59284  
shall be paid from the county treasury, in pursuance of 59285  
appropriations by the board of county commissioners, in the same 59286  
manner as other county expenses are paid. If the board of county 59287  
commissioners fails to appropriate an amount sufficient to provide 59288  
for the necessary and proper expenses of the board of elections 59289  
pertaining to the conduct of elections, the board of elections may 59290  
apply to the court of common pleas within the county, which shall 59291  
fix the amount necessary to be appropriated and the amount shall 59292  
be appropriated. Payments shall be made upon vouchers of the board 59293  
of elections certified to by its chairperson or acting chairperson 59294

and the director or deputy director, upon warrants of the county auditor. 59295  
59296

The board of elections shall not incur any obligation involving the expenditure of money unless there are moneys sufficient in the funds appropriated therefor to meet the obligation. If the board of elections requests a transfer of funds from one of its appropriation items to another, the board of county commissioners shall adopt a resolution providing for the transfer except as otherwise provided in section 5705.40 of the Revised Code. The expenses of the board of elections shall be apportioned among the county and the various subdivisions as provided in this section, and the amount chargeable to each subdivision shall be withheld by the county auditor from the moneys payable thereto at the time of the next tax settlement. At the time of submitting budget estimates in each year, the board of elections shall submit to the taxing authority of each subdivision, upon the request of the subdivision, an estimate of the amount to be withheld from the subdivision during the next fiscal year. 59297  
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A board of township trustees may, by resolution, request that the county auditor withhold expenses charged to the township from a specified township fund that is to be credited with revenue at a tax settlement. The resolution shall specify the tax levy ballot issue, the date of the election on the levy issue, and the township fund from which the expenses the board of elections incurs related to that ballot issue shall be withheld. 59314  
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(B) Except as otherwise provided in division (F) of this section, the compensation of the members of the board of elections and of the director, deputy director, and regular employees in the board's offices, other than compensation for overtime worked; the expenditures for the rental, furnishing, and equipping of the office of the board and for the necessary office supplies for the 59321  
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use of the board; the expenditures for the acquisition, repair, 59327  
care, and custody of the polling places, booths, guardrails, and 59328  
other equipment for polling places; the cost of tally sheets, 59329  
maps, flags, ballot boxes, and all other permanent records and 59330  
equipment; the cost of all elections held in and for the state and 59331  
county; and all other expenses of the board which are not 59332  
chargeable to a political subdivision in accordance with this 59333  
section shall be paid in the same manner as other county expenses 59334  
are paid. 59335

(C) The compensation of judges of elections and intermittent 59336  
employees in the board's offices; the cost of renting, moving, 59337  
heating, and lighting polling places and of placing and removing 59338  
ballot boxes and other fixtures and equipment thereof, including 59339  
voting machines, marking devices, and automatic tabulating 59340  
equipment; the cost of printing and delivering ballots, cards of 59341  
instructions, registration lists required under section 3503.23 of 59342  
the Revised Code, and other election supplies, including the 59343  
supplies required to comply with division (H) of section 3506.01 59344  
of the Revised Code; the cost of contractors engaged by the board 59345  
to prepare, program, test, and operate voting machines, marking 59346  
devices, and automatic tabulating equipment; and all other 59347  
expenses of conducting primaries and elections in the odd-numbered 59348  
years shall be charged to the subdivisions in and for which such 59349  
primaries or elections are held. The charge for each primary or 59350  
general election in odd-numbered years for each subdivision shall 59351  
be determined in the following manner: first, the total cost of 59352  
all chargeable items used in conducting such elections shall be 59353  
ascertained; second, the total charge shall be divided by the 59354  
number of precincts participating in such election, in order to 59355  
fix the cost per precinct; third, the cost per precinct shall be 59356  
prorated by the board of elections to the subdivisions conducting 59357  
elections for the nomination or election of offices in such 59358  
precinct; fourth, the total cost for each subdivision shall be 59359

determined by adding the charges prorated to it in each precinct 59360  
within the subdivision. 59361

(D) The entire cost of special elections held on a day other 59362  
than the day of a primary or general election, both in 59363  
odd-numbered or in even-numbered years, shall be charged to the 59364  
subdivision. Where a special election is held on the same day as a 59365  
primary or general election in an even-numbered year, the 59366  
subdivision submitting the special election shall be charged only 59367  
for the cost of ballots and advertising. Where a special election 59368  
is held on the same day as a primary or general election in an 59369  
odd-numbered year, the subdivision submitting the special election 59370  
shall be charged for the cost of ballots and advertising for such 59371  
special election, in addition to the charges prorated to such 59372  
subdivision for the election or nomination of candidates in each 59373  
precinct within the subdivision, as set forth in the preceding 59374  
paragraph. 59375

(E) Where a special election is held on the day specified by 59376  
division (E) of section 3501.01 of the Revised Code for the 59377  
holding of a primary election, for the purpose of submitting to 59378  
the voters of the state constitutional amendments proposed by the 59379  
general assembly, and a subdivision conducts a special election on 59380  
the same day, the entire cost of the special election shall be 59381  
divided proportionally between the state and the subdivision based 59382  
upon a ratio determined by the number of issues placed on the 59383  
ballot by each, except as otherwise provided in division (G) of 59384  
this section. Such proportional division of cost shall be made 59385  
only to the extent funds are available for such purpose from 59386  
amounts appropriated by the general assembly to the secretary of 59387  
state. If a primary election is also being conducted in the 59388  
subdivision, the costs shall be apportioned as otherwise provided 59389  
in this section. 59390

(F) When a precinct is open during a general, primary, or 59391

special election solely for the purpose of submitting to the voters a statewide ballot issue, the state shall bear the entire cost of the election in that precinct and shall reimburse the county for all expenses incurred in opening the precinct.

(G)(1) The state shall bear the entire cost of advertising in newspapers statewide ballot issues, explanations of those issues, and arguments for or against those issues, as required by Section 1g of Article II and Section 1 of Article XVI, Ohio Constitution, and any other section of law. Appropriations made to the controlling board shall be used to reimburse the secretary of state for all expenses the secretary of state incurs for such advertising under division (G) of section 3505.062 of the Revised Code.

(2) There is hereby created in the state treasury the statewide ballot advertising fund. The fund shall receive transfers approved by the controlling board, and shall be used by the secretary of state to pay the costs of advertising state ballot issues as required under division (G)(1) of this section. Any such transfers may be requested from and approved by the controlling board prior to placing the advertising, in order to facilitate timely provision of the required advertising.

(H) The cost of renting, heating, and lighting registration places; the cost of the necessary books, forms, and supplies for the conduct of registration; and the cost of printing and posting precinct registration lists shall be charged to the subdivision in which such registration is held.

(I) At the request of a majority of the members of the board of elections, the board of county commissioners may, by resolution, establish an elections revenue fund. Except as otherwise provided in this division, the purpose of the fund shall be to accumulate revenue withheld by or paid to the county under this section for the payment of any expense related to the duties

of the board of elections specified in section 3501.11 of the Revised Code, upon approval of a majority of the members of the board of elections. The fund shall not accumulate any revenue withheld by or paid to the county under this section for the compensation of the members of the board of elections or of the director, deputy director, or other regular employees in the board's offices, other than compensation for overtime worked.

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the Revised Code, the board of county commissioners may, by resolution, transfer money to the elections revenue fund from any other fund of the political subdivision from which such payments lawfully may be made. Following an affirmative vote of a majority of the members of the board of elections, the board of county commissioners may, by resolution, rescind an elections revenue fund established under this division. If an elections revenue fund is rescinded, money that has accumulated in the fund shall be transferred to the county general fund.

(J) As used in this section:

(1) "Political subdivision" and "subdivision" mean any board of county commissioners, board of township trustees, legislative authority of a municipal corporation, board of education, or any other board, commission, district, or authority that is empowered to levy taxes or permitted to receive the proceeds of a tax levy, regardless of whether the entity receives tax settlement moneys as described in division (A) of this section;

(2) "Statewide ballot issue" means any ballot issue, whether proposed by the general assembly or by initiative or referendum, that is submitted to the voters throughout the state.

**Sec. 3505.13.** A contract for the printing of ballots involving a cost in excess of ten thousand dollars shall not be let until after five days' notice published once in a ~~leading~~



newspaper ~~published~~ of general circulation in the county or upon 59455  
notice given by mail by the board of elections, addressed to the 59456  
responsible printing offices within the state. Except as otherwise 59457  
provided in this section, each bid for such printing must be 59458  
accompanied by a bond with at least two sureties, or a surety 59459  
company, satisfactory to the board, in a sum double the amount of 59460  
the bid, conditioned upon the faithful performance of the contract 59461  
for such printing as is awarded and for the payment as damages by 59462  
such bidder to the board of any excess of cost over the bid which 59463  
it may be obliged to pay for such work by reason of the failure of 59464  
the bidder to complete the contract. No bid unaccompanied by such 59465  
bond shall be considered by the board. The board may, however, 59466  
waive the requirement that each bid be accompanied by a bond if 59467  
the cost of the contract is ten thousand dollars or less. The 59468  
contract shall be let to the lowest responsible bidder in the 59469  
state. All ballots shall be printed within the state. 59470

**Sec. 3506.05.** (A) As used in this section, except when used 59471  
as part of the phrase "tabulating equipment" or "automatic 59472  
tabulating equipment": 59473

(1) "Equipment" means a voting machine, marking device, 59474  
automatic tabulating equipment, or software. 59475

(2) "Vendor" means the person that owns, manufactures, 59476  
distributes, or has the legal right to control the use of 59477  
equipment, or the person's agent. 59478

(B) No voting machine, marking device, automatic tabulating 59479  
equipment, or software for the purpose of casting or tabulating 59480  
votes or for communications among systems involved in the 59481  
tabulation, storage, or casting of votes shall be purchased, 59482  
leased, put in use, or continued to be used, except for 59483  
experimental use as provided in division (B) of section 3506.04 of 59484  
the Revised Code, unless it, a manual of procedures governing its 59485

use, and training materials, service, and other support 59486  
arrangements have been certified by the secretary of state and 59487  
unless the board of elections of each county where the equipment 59488  
will be used has assured that a demonstration of the use of the 59489  
equipment has been made available to all interested electors. The 59490  
secretary of state shall appoint a board of voting machine 59491  
examiners to examine and approve equipment and its related manuals 59492  
and support arrangements. The board shall consist of four members, 59493  
who shall be appointed as follows: 59494

(1) Two members appointed by the secretary of state. 59495

(2) One member appointed by either the speaker of the house 59496  
of representatives or the minority leader of the house of 59497  
representatives, whichever is a member of the opposite political 59498  
party from the one to which the secretary of state belongs. 59499

(3) One member appointed by either the president of the 59500  
senate or the minority leader of the senate, whichever is a member 59501  
of the opposite political party from the one to which the 59502  
secretary of state belongs. 59503

In all cases of a tie vote or a disagreement in the board, if 59504  
no decision can be arrived at, the board shall submit the matter 59505  
in controversy to the secretary of state, who shall summarily 59506  
decide the question, and the secretary of state's decision shall 59507  
be final. Each member of the board shall be a competent and 59508  
experienced election officer or a person who is knowledgeable 59509  
about the operation of voting equipment and shall serve during the 59510  
secretary of state's term. Any vacancy on the board shall be 59511  
filled in the same manner as the original appointment. The 59512  
secretary of state shall provide staffing assistance to the board, 59513  
at the board's request. 59514

For the member's service, each member of the board shall 59515  
receive three hundred dollars per day for each combination of 59516

marking device, tabulating equipment, and voting machine examined 59517  
and reported, but in no event shall a member receive more than six 59518  
hundred dollars to examine and report on any one marking device, 59519  
item of tabulating equipment, or voting machine. Each member of 59520  
the board shall be reimbursed for expenses the member incurs 59521  
during an examination or during the performance of any related 59522  
duties that may be required by the secretary of state. 59523  
Reimbursement of these expenses shall be made in accordance with, 59524  
and shall not exceed, the rates provided for under section 126.31 59525  
of the Revised Code. 59526

Neither the secretary of state nor the board, nor any public 59527  
officer who participates in the authorization, examination, 59528  
testing, or purchase of equipment, shall have any pecuniary 59529  
interest in the equipment or any affiliation with the vendor. 59530

(C)(1) A vendor who desires to have the secretary of state 59531  
certify equipment shall first submit the equipment, all current 59532  
related procedural manuals, and a current description of all 59533  
related support arrangements to the board of voting machine 59534  
examiners for examination, testing, and approval. The submission 59535  
shall be accompanied by a fee of ~~eighteen~~ two thousand four 59536  
hundred dollars and a detailed explanation of the construction and 59537  
method of operation of the equipment, a full statement of its 59538  
advantages, and a list of the patents and copyrights used in 59539  
operations essential to the processes of vote recording and 59540  
tabulating, vote storage, system security, and other crucial 59541  
operations of the equipment as may be determined by the board. An 59542  
additional fee, in an amount to be set by rules promulgated by the 59543  
board, may be imposed to pay for the costs of alternative testing 59544  
or testing by persons other than board members, record-keeping, 59545  
and other extraordinary costs incurred in the examination process. 59546  
Moneys not used shall be returned to the person or entity 59547  
submitting the equipment for examination. 59548

(2) Fees collected by the secretary of state under this 59549  
section shall be deposited into the state treasury to the credit 59550  
of the board of voting machine examiners fund, which is hereby 59551  
created. All moneys credited to this fund shall be used solely for 59552  
the purpose of paying for the services and expenses of each member 59553  
of the board or for other expenses incurred relating to the 59554  
examination, testing, reporting, or certification of voting 59555  
machine devices, the performance of any related duties as required 59556  
by the secretary of state, or the reimbursement of any person 59557  
submitting an examination fee as provided in this chapter. 59558

(D) Within sixty days after the submission of the equipment 59559  
and payment of the fee, or as soon thereafter as is reasonably 59560  
practicable, but in any event within not more than ninety days 59561  
after the submission and payment, the board of voting machine 59562  
examiners shall examine the equipment and file with the secretary 59563  
of state a written report on the equipment with its 59564  
recommendations and its determination or condition of approval 59565  
regarding whether the equipment, manual, and other related 59566  
materials or arrangements meet the criteria set forth in sections 59567  
3506.07 and 3506.10 of the Revised Code and can be safely used by 59568  
the voters at elections under the conditions prescribed in Title 59569  
XXXV of the Revised Code, or a written statement of reasons for 59570  
which testing requires a longer period. The board may grant 59571  
temporary approval for the purpose of allowing experimental use of 59572  
equipment. If the board finds that the equipment meets the 59573  
criteria set forth in sections 3506.06, 3506.07, and 3506.10 of 59574  
the Revised Code, can be used safely and can be depended upon to 59575  
record and count accurately and continuously the votes of 59576  
electors, and has the capacity to be warranted, maintained, and 59577  
serviced, it shall approve the equipment and recommend that the 59578  
secretary of state certify the equipment. The secretary of state 59579  
shall notify all boards of elections of any such certification. 59580  
Equipment of the same model and make, if it provides for recording 59581

of voter intent, system security, voter privacy, retention of 59582  
vote, and communication of voting records in an identical manner, 59583  
may then be adopted for use at elections. 59584

(E) The vendor shall notify the secretary of state, who shall 59585  
then notify the board of voting machine examiners, of any 59586  
enhancement and any significant adjustment to the hardware or 59587  
software that could result in a patent or copyright change or that 59588  
significantly alters the methods of recording voter intent, system 59589  
security, voter privacy, retention of the vote, communication of 59590  
voting records, and connections between the system and other 59591  
systems. The vendor shall provide the secretary of state with an 59592  
updated operations manual for the equipment, and the secretary of 59593  
state shall forward the manual to the board. Upon receiving such a 59594  
notification and manual, the board may require the vendor to 59595  
submit the equipment to an examination and test in order for the 59596  
equipment to remain certified. The board or the secretary of state 59597  
shall periodically examine, test, and inspect certified equipment 59598  
to determine continued compliance with the requirements of this 59599  
chapter and the initial certification. Any examination, test, or 59600  
inspection conducted for the purpose of continuing certification 59601  
of any equipment in which a significant problem has been uncovered 59602  
or in which a record of continuing problems exists shall be 59603  
performed pursuant to divisions (C) and (D) of this section, in 59604  
the same manner as the examination, test, or inspection is 59605  
performed for initial approval and certification. 59606

(F) If, at any time after the certification of equipment, the 59607  
board of voting machine examiners or the secretary of state is 59608  
notified by a board of elections of any significant problem with 59609  
the equipment or determines that the equipment fails to meet the 59610  
requirements necessary for approval or continued compliance with 59611  
the requirements of this chapter, or if the board of voting 59612  
machine examiners determines that there are significant 59613

enhancements or adjustments to the hardware or software, or if 59614  
notice of such enhancements or adjustments has not been given as 59615  
required by division (E) of this section, the secretary of state 59616  
shall notify the users and vendors of that equipment that 59617  
certification of the equipment may be withdrawn. 59618

(G)(1) The notice given by the secretary of state under 59619  
division (F) of this section shall be in writing and shall specify 59620  
both of the following: 59621

(a) The reasons why the certification may be withdrawn; 59622

(b) The date on which certification will be withdrawn unless 59623  
the vendor takes satisfactory corrective measures or explains why 59624  
there are no problems with the equipment or why the enhancements 59625  
or adjustments to the equipment are not significant. 59626

(2) A vendor who receives a notice under division (F) of this 59627  
section shall, within thirty days after receiving it, submit to 59628  
the board of voting machine examiners in writing a description of 59629  
the corrective measures taken and the date on which they were 59630  
taken, or the explanation required under division (G)(1)(b) of 59631  
this section. 59632

(3) Not later than fifteen days after receiving a written 59633  
description or explanation under division (G)(2) of this section 59634  
from a vendor, the board shall determine whether the corrective 59635  
measures taken or the explanation is satisfactory to allow 59636  
continued certification of the equipment, and the secretary of 59637  
state shall send the vendor a written notice of the board's 59638  
determination, specifying the reasons for it. If the board has 59639  
determined that the measures taken or the explanation given is 59640  
unsatisfactory, the notice shall include the effective date of 59641  
withdrawal of the certification. This date may be different from 59642  
the date originally specified in division (G)(1)(b) of this 59643  
section. 59644

(4) A vendor who receives a notice under division (G)(3) of 59645  
this section indicating a decision to withdraw certification may, 59646  
within thirty days after receiving it, request in writing that the 59647  
board hold a hearing to reconsider its decision. Any interested 59648  
party shall be given the opportunity to submit testimony or 59649  
documentation in support of or in opposition to the board's 59650  
recommendation to withdraw certification. Failure of the vendor to 59651  
take appropriate steps as described in division (G)(1)(b) or to 59652  
comply with division (G)(2) of this section results in a waiver of 59653  
the vendor's rights under division (G)(4) of this section. 59654

(H)(1) The secretary of state, in consultation with the board 59655  
of voting machine examiners, shall establish, by rule, guidelines 59656  
for the approval, certification, and continued certification of 59657  
the voting machines, marking devices, and tabulating equipment to 59658  
be used under Title XXXV of the Revised Code. The guidelines shall 59659  
establish procedures requiring vendors or computer software 59660  
developers to place in escrow with an independent escrow agent 59661  
approved by the secretary of state a copy of all source code and 59662  
related documentation, together with periodic updates as they 59663  
become known or available. The secretary of state shall require 59664  
that the documentation include a system configuration and that the 59665  
source code include all relevant program statements in low- or 59666  
high-level languages. As used in this division, "source code" does 59667  
not include variable codes created for specific elections. 59668

(2) Nothing in any rule adopted under division (H) of this 59669  
section shall be construed to limit the ability of the secretary 59670  
of state to follow or adopt, or to preclude the secretary of state 59671  
from following or adopting, any guidelines proposed by the federal 59672  
election commission, any entity authorized by the federal election 59673  
commission to propose guidelines, the election assistance 59674  
commission, or any entity authorized by the election assistance 59675  
commission to propose guidelines. 59676

(3)(a) Before the initial certification of any direct recording electronic voting machine with a voter verified paper audit trail, and as a condition for the continued certification and use of those machines, the secretary of state shall establish, by rule, standards for the certification of those machines. Those standards shall include, but are not limited to, all of the following:

(i) A definition of a voter verified paper audit trail as a paper record of the voter's choices that is verified by the voter prior to the casting of the voter's ballot and that is securely retained by the board of elections;

(ii) Requirements that the voter verified paper audit trail shall not be retained by any voter and shall not contain individual voter information;

(iii) A prohibition against the production by any direct recording electronic voting machine of anything that legally could be removed by the voter from the polling place, such as a receipt or voter confirmation;

(iv) A requirement that paper used in producing a voter verified paper audit trail be sturdy, clean, and resistant to degradation;

(v) A requirement that the voter verified paper audit trail shall be capable of being optically scanned for the purpose of conducting a recount or other audit of the voting machine and shall be readable in a manner that makes the voter's ballot choices obvious to the voter without the use of computer or electronic codes;

(vi) A requirement, for office-type ballots, that the voter verified paper audit trail include the name of each candidate selected by the voter;

(vii) A requirement, for questions and issues ballots, that



the voter verified paper audit trail include the title of the 59708  
question or issue, the name of the entity that placed the question 59709  
or issue on the ballot, and the voter's ballot selection on that 59710  
question or issue, but not the entire text of the question or 59711  
issue. 59712

(b) The secretary of state, by rule adopted under Chapter 59713  
119. of the Revised Code, may waive the requirement under division 59714  
(H)(3)(a)(v) of this section, if the secretary of state determines 59715  
that the requirement is cost prohibitive. 59716

(4)(a) Except as otherwise provided in division (H)(4)(c) of 59717  
this section, any voting machine, marking device, or automatic 59718  
tabulating equipment initially certified or acquired on or after 59719  
December 1, 2008, shall have the most recent federal certification 59720  
number issued by the election assistance commission. 59721

(b) Any voting machine, marking device, or automatic 59722  
tabulating equipment certified for use in this state on ~~the~~ 59723  
~~effective date of this amendment~~ September 12, 2008, shall meet, 59724  
as a condition of continued certification and use, the voting 59725  
system standards adopted by the federal election commission in 59726  
2002. 59727

(c) A county that acquires additional voting machines, 59728  
marking devices, or automatic tabulating equipment on or after 59729  
December 1, 2008, shall not be considered to have acquired those 59730  
machines, devices, or equipment on or after December 1, 2008, for 59731  
the purpose of division (H)(4)(a) of this section if all of the 59732  
following apply: 59733

(i) The voting machines, marking devices, or automatic 59734  
tabulating equipment acquired are the same as the machines, 59735  
devices, or equipment currently used in that county. 59736

(ii) The acquisition of the voting machines, marking devices, 59737  
or automatic tabulating equipment does not replace or change the 59738

primary voting system used in that county. 59739

(iii) The acquisition of the voting machines, marking 59740  
devices, or automatic tabulating equipment is for the purpose of 59741  
replacing inoperable machines, devices, or equipment or for the 59742  
purpose providing additional machines, devices, or equipment 59743  
required to meet the allocation requirements established pursuant 59744  
to division (I) of section 3501.11 of the Revised Code. 59745

Sec. 3521.04. Notwithstanding any provision of section 109.02 59746  
of the Revised Code to the contrary, the speaker of the house of 59747  
representatives and the president of the senate jointly may choose 59748  
to have the general assembly represented by either the attorney 59749  
general or by private legal counsel in regard to any lawsuit 59750  
challenging the constitutionality or legality of congressional 59751  
districts established under this chapter. 59752

**Sec. 3701.021.** (A) The public health council shall adopt, in 59753  
accordance with Chapter 119. of the Revised Code, such rules as 59754  
are necessary to carry out sections 3701.021 to 3701.0210 of the 59755  
Revised Code, including, but not limited to, rules to establish 59756  
the following: 59757

(1) Medical and financial eligibility requirements for the 59758  
program for medically handicapped children; 59759

(2) Eligibility requirements for providers of services for 59760  
medically handicapped children; 59761

(3) Procedures to be followed by the department of health in 59762  
disqualifying providers for violating requirements adopted under 59763  
division (A)(2) of this section; 59764

(4) Procedures to be used by the department regarding 59765  
application for diagnostic services under division (B) of section 59766  
3701.023 of the Revised Code and payment for those services under 59767  
division (E) of that section; 59768

(5) Standards for the provision of service coordination by the department of health and city and general health districts;	59769 59770
(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for medically handicapped children and to allow counties to retain funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code;	59771 59772 59773 59774 59775
(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;	59776 59777 59778
(8) Criteria for payment of approved providers who provide services for medically handicapped children;	59779 59780
(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children is cost-effective;	59781 59782 59783
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	59784 59785 59786
(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;	59787 59788 59789
(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;	59790 59791
<u>(13) If a manufacturer rebate or discount program is established under division (J) of section 3701.023 of the Revised Code, procedures for administering the program, including criteria and other requirements for participation in the program by manufacturers of drugs and nutritional formulas.</u>	59792 59793 59794 59795 59796
(B) The department of health shall develop a manual of operational procedures and guidelines for the program for	59797 59798

medically handicapped children to implement sections 3701.021 to 59799  
3701.0210 of the Revised Code. 59800

**Sec. 3701.023.** (A) The department of health shall review 59801  
applications for eligibility for the program for medically 59802  
handicapped children that are submitted to the department by city 59803  
and general health districts and physician providers approved in 59804  
accordance with division (C) of this section. The department shall 59805  
determine whether the applicants meet the medical and financial 59806  
eligibility requirements established by the public health council 59807  
pursuant to division (A)(1) of section 3701.021 of the Revised 59808  
Code, and by the department in the manual of operational 59809  
procedures and guidelines for the program for medically 59810  
handicapped children developed pursuant to division (B) of that 59811  
section. Referrals of potentially eligible children for the 59812  
program may be submitted to the department on behalf of the child 59813  
by parents, guardians, public health nurses, or any other 59814  
interested person. The department of health may designate other 59815  
agencies to refer applicants to the department of health. 59816

(B) In accordance with the procedures established in rules 59817  
adopted under division (A)(4) of section 3701.021 of the Revised 59818  
Code, the department of health shall authorize a provider or 59819  
providers to provide to any Ohio resident under twenty-one years 59820  
of age, without charge to the resident or the resident's family 59821  
and without restriction as to the economic status of the resident 59822  
or the resident's family, diagnostic services necessary to 59823  
determine whether the resident has a medically handicapping or 59824  
potentially medically handicapping condition. 59825

(C) The department of health shall review the applications of 59826  
health professionals, hospitals, medical equipment suppliers, and 59827  
other individuals, groups, or agencies that apply to become 59828  
providers. The department shall enter into a written agreement 59829

with each applicant who is determined, pursuant to the 59830  
requirements set forth in rules adopted under division (A)(2) of 59831  
section 3701.021 of the Revised Code, to be eligible to be a 59832  
provider in accordance with the provider agreement required by the 59833  
medical assistance program established under section 5111.01 of 59834  
the Revised Code. No provider shall charge a medically handicapped 59835  
child or the child's parent or guardian for services authorized by 59836  
the department under division (B) or (D) of this section. 59837

The department, in accordance with rules adopted under 59838  
division (A)(3) of section 3701.021 of the Revised Code, may 59839  
disqualify any provider from further participation in the program 59840  
for violating any requirement set forth in rules adopted under 59841  
division (A)(2) of that section. The disqualification shall not 59842  
take effect until a written notice, specifying the requirement 59843  
violated and describing the nature of the violation, has been 59844  
delivered to the provider and the department has afforded the 59845  
provider an opportunity to appeal the disqualification under 59846  
division (H) of this section. 59847

(D) The department of health shall evaluate applications from 59848  
city and general health districts and approved physician providers 59849  
for authorization to provide treatment services, service 59850  
coordination, and related goods to children determined to be 59851  
eligible for the program for medically handicapped children 59852  
pursuant to division (A) of this section. The department shall 59853  
authorize necessary treatment services, service coordination, and 59854  
related goods for each eligible child in accordance with an 59855  
individual plan of treatment for the child. As an alternative, the 59856  
department may authorize payment of health insurance premiums on 59857  
behalf of eligible children when the department determines, in 59858  
accordance with criteria set forth in rules adopted under division 59859  
(A)(9) of section 3701.021 of the Revised Code, that payment of 59860  
the premiums is cost-effective. 59861

(E) The department of health shall pay, from appropriations 59862  
to the department, any necessary expenses, including but not 59863  
limited to, expenses for diagnosis, treatment, service 59864  
coordination, supportive services, transportation, and accessories 59865  
and their upkeep, provided to medically handicapped children, 59866  
provided that the provision of the goods or services is authorized 59867  
by the department under division (B) or (D) of this section. Money 59868  
appropriated to the department of health may also be expended for 59869  
reasonable administrative costs incurred by the program. The 59870  
department of health also may purchase liability insurance 59871  
covering the provision of services under the program for medically 59872  
handicapped children by physicians and other health care 59873  
professionals. 59874

Payments made to providers by the department of health 59875  
pursuant to this division for inpatient hospital care, outpatient 59876  
care, and all other medical assistance furnished to eligible 59877  
recipients shall be made in accordance with rules adopted by the 59878  
public health council pursuant to division (A) of section 3701.021 59879  
of the Revised Code. 59880

The departments of health and job and family services shall 59881  
jointly implement procedures to ensure that duplicate payments are 59882  
not made under the program for medically handicapped children and 59883  
the medical assistance program established under section 5111.01 59884  
of the Revised Code and to identify and recover duplicate 59885  
payments. 59886

(F) At the time of applying for participation in the program 59887  
for medically handicapped children, a medically handicapped child 59888  
or the child's parent or guardian shall disclose the identity of 59889  
any third party against whom the child or the child's parent or 59890  
guardian has or may have a right of recovery for goods and 59891  
services provided under division (B) or (D) of this section. The 59892  
department of health shall require a medically handicapped child 59893

who receives services from the program or the child's parent or guardian to apply for all third-party benefits for which the child may be eligible and require the child, parent, or guardian to apply all third-party benefits received to the amount determined under division (E) of this section as the amount payable for goods and services authorized under division (B) or (D) of this section. The department is the payer of last resort and shall pay for authorized goods or services, up to the amount determined under division (E) of this section for the authorized goods or services, only to the extent that payment for the authorized goods or services is not made through third-party benefits. When a third party fails to act on an application or claim for benefits by a medically handicapped child or the child's parent or guardian, the department shall pay for the goods or services only after ninety days have elapsed since the date the child, parents, or guardians made an application or claim for all third-party benefits. Third-party benefits received shall be applied to the amount determined under division (E) of this section. Third-party payments for goods and services not authorized under division (B) or (D) of this section shall not be applied to payment amounts determined under division (E) of this section. Payment made by the department shall be considered payment in full of the amount determined under division (E) of this section. Medicaid payments for persons eligible for the medical assistance program established under section 5111.01 of the Revised Code shall be considered payment in full of the amount determined under division (E) of this section.

(G) The department of health shall administer a program to provide services to Ohio residents who are twenty-one or more years of age who have cystic fibrosis and who meet the eligibility requirements established by the rules of the public health council pursuant to division (A)(7) of section 3701.021 of the Revised Code, subject to all provisions of this section, but not subject

to section 3701.024 of the Revised Code. 59927

(H) The department of health shall provide for appeals, in 59928  
accordance with rules adopted under section 3701.021 of the 59929  
Revised Code, of denials of applications for the program for 59930  
medically handicapped children under division (A) or (D) of this 59931  
section, disqualification of providers, or amounts paid under 59932  
division (E) of this section. Appeals under this division are not 59933  
subject to Chapter 119. of the Revised Code. 59934

The department may designate ombudspersons to assist 59935  
medically handicapped children or their parents or guardians, upon 59936  
the request of the children, parents, or guardians, in filing 59937  
appeals under this division and to serve as children's, parents', 59938  
or guardians' advocates in matters pertaining to the 59939  
administration of the program for medically handicapped children 59940  
and eligibility for program services. The ombudspersons shall 59941  
receive no compensation but shall be reimbursed by the department, 59942  
in accordance with rules of the office of budget and management, 59943  
for their actual and necessary travel expenses incurred in the 59944  
performance of their duties. 59945

(I) The department of health, and city and general health 59946  
districts providing service coordination pursuant to division 59947  
(A)(2) of section 3701.024 of the Revised Code, shall provide 59948  
service coordination in accordance with the standards set forth in 59949  
the rules adopted under section 3701.021 of the Revised Code, 59950  
without charge, and without restriction as to economic status. 59951

(J) The department of health may establish a manufacturer 59952  
rebate or discount program under which it requires a manufacturer 59953  
of a drug or nutritional formula to enter into a rebate or 59954  
discount agreement with the department as a condition of having 59955  
the drug or nutritional formula covered by the programs 59956  
administered by the department's bureau for children with medical 59957  
handicaps. The program shall be administered in accordance with 59958



rules adopted under section 3701.021 of the Revised Code. 59959

When entering into a rebate or discount agreement under the 59960  
program, the manufacturer and the department shall negotiate the 59961  
amount of the rebate or discount. A rebate shall consist of a 59962  
refund of a portion of the price of a drug or nutritional formula. 59963

Sec. 3701.0211. For each year that federal funds are made 59964  
available to states under Title V of the "Social Security Act," 59965  
124 Stat. 352 (2010), 42 U.S.C. 710, as amended, for use in 59966  
providing abstinence education, the director of health shall 59967  
submit to the United States secretary of health and human services 59968  
an application for the allotment of those funds that is available 59969  
to this state. The director shall use the funds received in 59970  
accordance with any conditions under which the application was 59971  
approved. 59972

Sec. 3701.032. The director of health may adopt rules 59973  
defining what constitutes a "health home" for the purpose of any 59974  
entity that is authorized to provide care coordination services. 59975  
The rules shall be adopted in accordance with Chapter 119. of the 59976  
Revised Code. 59977

Sec. 3701.07. (A) The public health council shall adopt rules 59978  
in accordance with Chapter 119. of the Revised Code defining and 59979  
classifying hospitals and dispensaries and providing for the 59980  
reporting of information by hospitals and dispensaries. Except as 59981  
otherwise provided in the Revised Code, the rules providing for 59982  
the reporting of information shall not require inclusion of any 59983  
confidential patient data or any information concerning the 59984  
financial condition, income, expenses, or net worth of the 59985  
facilities other than that financial information already contained 59986  
in those portions of the medicare or medicaid cost report that is 59987  
necessary for the department of health to certify the per diem 59988

cost under section 3701.62 of the Revised Code. The rules may 59989  
require the reporting of information in the following categories: 59990

(1) Information needed to identify and classify the 59991  
institution; 59992

(2) Information on facilities and type and volume of services 59993  
provided by the institution; 59994

(3) The number of beds listed by category of care provided; 59995

(4) The number of licensed or certified professional 59996  
employees by classification; 59997

(5) The number of births that occurred at the institution the 59998  
previous calendar year; 59999

(6) Any other information that the council considers relevant 60000  
to the safety of patients served by the institution. 60001

Every hospital and dispensary, public or private, annually 60002  
shall register with and report to the department of health. 60003  
Reports shall be submitted in the manner prescribed in rules 60004  
adopted under this division. 60005

(B) Every governmental entity or private nonprofit 60006  
corporation or association whose employees or representatives are 60007  
defined as residents' rights advocates under divisions (E)(1) and 60008  
(2) of section 3721.10 ~~or division (A)(10) of section 3722.01~~ of 60009  
the Revised Code shall register with the department of health on 60010  
forms furnished by the director of health and shall provide such 60011  
reasonable identifying information as the director may prescribe. 60012

The department shall compile a list of the governmental 60013  
entities, corporations, or associations registering under this 60014  
division and shall update the list annually. Copies of the list 60015  
shall be made available to nursing home administrators as defined 60016  
in division (C) of section 3721.10 of the Revised Code and to 60017  
adult care facility managers as defined in section ~~3722.01~~ 5119.70 60018

of the Revised Code. 60019

**Sec. 3701.61.** (A) The department of health shall establish 60020  
the help me grow program ~~for the purpose of encouraging to~~ 60021  
encourage early prenatal and well-baby care and to provide 60022  
family-centered parenting education, services, and support that 60023  
acknowledge and support the vital role of families in ensuring the 60024  
well-being of children and that promote the optimal social, 60025  
emotional, cognitive, intellectual, and physical development of 60026  
children. The program shall include ~~distributing subsidies to~~ 60027  
~~counties to provide~~ the following services: 60028

(1) ~~Home visiting~~ Family-centered home visiting services to 60029  
~~newborn infants and their families with family incomes below two~~ 60030  
~~hundred per cent of the federal poverty guidelines and with a~~ 60031  
~~pregnant woman or an infant or toddler under two years of age and~~ 60032  
~~other families who meet the eligibility requirements established~~ 60033  
~~in rules adopted under this section;~~ 60034

(2) ~~Services~~ Part C early intervention services to infants 60035  
and toddlers under three years of age who ~~are at risk for, or who~~ 60036  
~~have, a developmental delay or disability and their families meet~~ 60037  
~~the eligibility requirements established in rules adopted under~~ 60038  
~~this section.~~ 60039

(B) The department shall obtain written consent from a 60040  
pregnant woman or a parent of an infant or toddler before 60041  
providing any services under the help me grow program. 60042  
Participation in home visiting services is voluntary. 60043

(C) ~~The department shall not provide home visiting services~~ 60044  
~~under the help me grow program unless requested in writing by a~~ 60045  
~~parent of the infant or toddler~~ director of health may enter into 60046  
an interagency agreement with one or more state agencies to 60047  
implement the help me grow program and ensure coordination of 60048  
early childhood programs. 60049

(D) The director may distribute help me grow program funds through contracts, grants, or subsidies to entities providing services under the program. 60050  
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(E) To the extent funds are available, the department shall establish a system of payment to providers of home visiting and part C early intervention services. 60053  
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~~(C)~~(F) Providers shall deliver home visiting services using the parents as teachers home visiting model, which is an evidence-based model that focuses on parent-child interaction, development-centered parenting, and family well-being. The director may select other home visiting models to be used by providers delivering services in addition to the parents as teachers home visiting model. 60056  
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(G) As a condition of receiving payments for home visiting services, providers shall report to the director data on the program performance indicators that are used to assess progress toward achieving the goals of the program. The report shall include data on the performance indicator of birth outcomes, including risk indicators of low birth weight and pre-term births, and data on all other performance indicators specified in rules adopted under this section. The providers shall report the data in the format and within the time frames specified in the rules. 60063  
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The director shall prepare an annual report on the data received from the providers. 60072  
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(H) Pursuant to Chapter 119. of the Revised Code, the ~~department~~ director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following: 60074  
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(1) Eligibility requirements for home visiting services and part C early intervention services; 60078  
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(2) Eligibility requirements for providers of part C early 60080

<u>intervention services;</u>	60081
<u>(3) Standards and procedures for the provision of part C</u>	60082
<u>early intervention services, including data collection, program</u>	60083
<u>monitoring, and program evaluation;</u>	60084
<u>(4) Procedures for appealing the denial of an application for</u>	60085
<u>program services or the termination of services;</u>	60086
<u>(5) Procedures for appealing the denial of an application to</u>	60087
<u>become a provider of program services or the termination of the</u>	60088
<u>department's approval of a provider;</u>	60089
<u>(6) Procedures for addressing complaints;</u>	60090
<u>(7) The program performance indicators on which data must be</u>	60091
<u>reported by providers of home visiting services under division (G)</u>	60092
<u>of this section, which, to the extent possible, shall be</u>	60093
<u>consistent with federal reporting requirements for federally</u>	60094
<u>funded home visiting services;</u>	60095
<u>(8) The format in which reports must be submitted under</u>	60096
<u>division (G) of this section and the time frames within which the</u>	60097
<u>reports must be submitted;</u>	60098
<u>(9) Criteria for payment of approved providers of program</u>	60099
<u>services;</u>	60100
<u>(10) Any other rules necessary to implement the program.</u>	60101
<u>(I) A family enrolled in the help me grow at-risk program on</u>	60102
<u>the effective date of this amendment shall be eligible for at-risk</u>	60103
<u>services until December 31, 2013, or until the eligible child</u>	60104
<u>reaches three years of age, whichever occurs first.</u>	60105
<b>Sec. 3701.74.</b> (A) As used in this section and section	60106
3701.741 of the Revised Code:	60107
(1) "Ambulatory care facility" means a facility that provides	60108
medical, diagnostic, or surgical treatment to patients who do not	60109

require hospitalization, including a dialysis center, ambulatory 60110  
surgical facility, cardiac catheterization facility, diagnostic 60111  
imaging center, extracorporeal shock wave lithotripsy center, home 60112  
health agency, inpatient hospice, birthing center, radiation 60113  
therapy center, emergency facility, and an urgent care center. 60114  
"Ambulatory care facility" does not include the private office of 60115  
a physician or dentist, whether the office is for an individual or 60116  
group practice. 60117

(2) "Chiropractor" means an individual licensed under Chapter 60118  
4734. of the Revised Code to practice chiropractic. 60119

(3) "Emergency facility" means a hospital emergency 60120  
department or any other facility that provides emergency medical 60121  
services. 60122

(4) "Health care practitioner" means all of the following: 60123

(a) A dentist or dental hygienist licensed under Chapter 60124  
4715. of the Revised Code; 60125

(b) A registered or licensed practical nurse licensed under 60126  
Chapter 4723. of the Revised Code; 60127

(c) An optometrist licensed under Chapter 4725. of the 60128  
Revised Code; 60129

(d) A dispensing optician, spectacle dispensing optician, 60130  
contact lens dispensing optician, or spectacle-contact lens 60131  
dispensing optician licensed under Chapter 4725. of the Revised 60132  
Code; 60133

(e) A pharmacist licensed under Chapter 4729. of the Revised 60134  
Code; 60135

(f) A physician; 60136

(g) A physician assistant authorized under Chapter 4730. of 60137  
the Revised Code to practice as a physician assistant; 60138

(h) A practitioner of a limited branch of medicine issued a 60139

certificate under Chapter 4731. of the Revised Code;	60140
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	60141
	60142
(j) A chiropractor;	60143
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	60144
	60145
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	60146
	60147
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	60148
	60149
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	60150
	60151
(o) A professional clinical counselor, professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	60152
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(p) A dietitian licensed under Chapter 4759. of the Revised Code;	60156
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(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	60158
	60159
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	60160
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	60162
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	60163
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	60165
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	60166
	60167
(7) "Long-term care facility" means a nursing home,	60168

residential care facility, or home for the aging, as those terms 60169  
are defined in section 3721.01 of the Revised Code; an adult care 60170  
facility, as defined in section ~~3722.01~~ 5119.70 of the Revised 60171  
Code; a nursing facility or intermediate care facility for the 60172  
mentally retarded, as those terms are defined in section 5111.20 60173  
of the Revised Code; a facility or portion of a facility certified 60174  
as a skilled nursing facility under Title XVIII of the "Social 60175  
Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 60176

(8) "Medical record" means data in any form that pertains to 60177  
a patient's medical history, diagnosis, prognosis, or medical 60178  
condition and that is generated and maintained by a health care 60179  
provider in the process of the patient's health care treatment. 60180

(9) "Medical records company" means a person who stores, 60181  
locates, or copies medical records for a health care provider, or 60182  
is compensated for doing so by a health care provider, and charges 60183  
a fee for providing medical records to a patient or patient's 60184  
representative. 60185

(10) "Patient" means either of the following: 60186

(a) An individual who received health care treatment from a 60187  
health care provider; 60188

(b) A guardian, as defined in section 1337.11 of the Revised 60189  
Code, of an individual described in division (A)(10)(a) of this 60190  
section. 60191

(11) "Patient's personal representative" means a minor 60192  
patient's parent or other person acting in loco parentis, a 60193  
court-appointed guardian, or a person with durable power of 60194  
attorney for health care for a patient, the executor or 60195  
administrator of the patient's estate, or the person responsible 60196  
for the patient's estate if it is not to be probated. "Patient's 60197  
personal representative" does not include an insurer authorized 60198  
under Title XXXIX of the Revised Code to do the business of 60199



sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division.

(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.

(13) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(14) "Authorized person" means a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical record.

(B) A patient, a patient's personal representative or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than one year before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, physician or chiropractor, or held for the requestor at the office of the health care provider. Within a reasonable time after receiving a request that meets the requirements of this division and includes sufficient information to identify the record requested, a health care provider that has the patient's medical records shall permit the patient to examine the record during regular business hours without charge or, on request, shall provide a copy of the record in accordance with section 3701.741 of the Revised Code, except that if a physician or chiropractor who has treated the patient determines for clearly stated treatment reasons that disclosure of the requested record is likely to have an adverse effect on the patient, the health care

provider shall provide the record to a physician or chiropractor 60232  
designated by the patient. The health care provider shall take 60233  
reasonable steps to establish the identity of the person making 60234  
the request to examine or obtain a copy of the patient's record. 60235

(C) If a health care provider fails to furnish a medical 60236  
record as required by division (B) of this section, the patient, 60237  
personal representative, or authorized person who requested the 60238  
record may bring a civil action to enforce the patient's right of 60239  
access to the record. 60240

(D)(1) This section does not apply to medical records whose 60241  
release is covered by section 173.20 or 3721.13 of the Revised 60242  
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 60243  
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 60244  
Records," or by 42 C.F.R. 483.10. 60245

(2) Nothing in this section is intended to supersede the 60246  
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 60247  
and 2305.252 of the Revised Code. 60248

**Sec. 3701.83.** (A) There is hereby created in the state 60249  
treasury the general operations fund. Moneys in the fund shall be 60250  
used for the purposes specified in sections 3701.04, 3701.344, 60251  
3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, ~~3722.04,~~ 60252  
3729.07, ~~3733.04,~~ 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 60253  
3748.12, 3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 60254  
of the Revised Code. 60255

(B) The alcohol testing program fund is hereby created in the 60256  
state treasury. The director of health shall use the fund to 60257  
administer and enforce the alcohol testing and permit program 60258  
authorized by section 3701.143 of the Revised Code. 60259

The fund shall receive transfers from the liquor control fund 60260  
created under section 4301.12 of the Revised Code. All investment 60261

earnings of the alcohol testing program fund shall be credited to 60262  
the fund. 60263

Sec. 3701.94. (A) As used in this section and section 60264  
3701.941 of the Revised Code: 60265

(1) "Clinical laboratory services" means the microbiological, 60266  
serological, chemical, hematological, biophysical, cytological, or 60267  
pathological examination of materials derived from the human body 60268  
for purposes of obtaining information for the diagnosis, 60269  
prevention, treatment, or screening of any disease or impairment 60270  
or for the assessment of health. "Clinical laboratory services" 60271  
also means the collection or preparation of specimens for testing. 60272

(2) "Clinical laboratory services provider" means any person, 60273  
or any employee, employer, agent, representative, or other 60274  
fiduciary of such person, who provides clinical laboratory 60275  
services. 60276

(3) "Group practice" has the same meaning as in section 60277  
4731.65 of the Revised Code. 60278

(4) "Hospital" has the same meaning as in section 3727.01 of 60279  
the Revised Code. 60280

(5) "Physician" means an individual authorized under Chapter 60281  
4731. of the Revised Code to practice medicine and surgery, 60282  
osteopathic medicine and surgery, or podiatric medicine and 60283  
surgery. 60284

(B) No clinical laboratory services provider shall, directly 60285  
or indirectly, offer, give, pay, or deliver, or agree to offer, 60286  
give, pay, or deliver, any remuneration, in cash or in kind, 60287  
including any kickback, bribe, or rebate, to any physician or 60288  
group practice to induce the physician or group practice to do 60289  
either of the following: 60290

(1) Refer patients to the clinical laboratory services 60291

provider; 60292

(2) Enter into an arrangement whereby the clinical laboratory services provider and the physician or group practice agree to split fees. 60293  
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(C)(1) Subject to division (C)(2) of this section, no clinical laboratory services provider shall give to a physician or group practice, supply the physician or group practice with, or place in the physician's or group practice's office any individual, including an employee, agent, representative, or other fiduciary of the clinical laboratory services provider, whether paid or unpaid, for the purpose of having that individual perform clinical laboratory services for the physician or group practice. 60296  
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(2) Nothing in division (C)(1) of this section prohibits a clinical laboratory services provider from entering into a laboratory management services contract with a hospital, including a contract that requires the clinical laboratory services provider to place employees or agents who perform functions directly related to the provision of clinical laboratory services at the hospital, as long as the contract specifies that the hospital will pay fair market value for the laboratory management services rendered. 60304  
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Sec. 3701.941. If the director of health determines that a clinical laboratory services provider has violated division (B) or (C) of section 3701.94 of the Revised Code, the director shall impose a civil penalty of not less than one thousand dollars and not more than ten thousand dollars for each day that the violation continues. 60313  
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Sec. 3702.31. (A) The quality monitoring and inspection fund is hereby created in the state treasury. The director of health shall use the fund to administer and enforce this section and 60319  
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sections 3702.11 to 3702.20, 3702.30, 3702.301, ~~and~~ 3702.32, and 60322  
3701.94 of the Revised Code and rules adopted pursuant to those 60323  
sections. The director shall deposit in the fund any moneys 60324  
collected pursuant to this section or section 3702.32 or 3701.941 60325  
of the Revised Code. All investment earnings of the fund shall be 60326  
credited to the fund. 60327

(B) The director of health shall adopt rules pursuant to 60328  
Chapter 119. of the Revised Code establishing fees for both of the 60329  
following: 60330

(1) Initial and renewal license applications submitted under 60331  
section 3702.30 of the Revised Code. The fees established under 60332  
division (B)(1) of this section shall not exceed the actual and 60333  
necessary costs of performing the activities described in division 60334  
(A) of this section. 60335

(2) Inspections conducted under section 3702.15 or 3702.30 of 60336  
the Revised Code. The fees established under division (B)(2) of 60337  
this section shall not exceed the actual and necessary costs 60338  
incurred during an inspection, including any indirect costs 60339  
incurred by the department for staff, salary, or other 60340  
administrative costs. The director of health shall provide to each 60341  
health care facility or provider inspected pursuant to section 60342  
3702.15 or 3702.30 of the Revised Code a written statement of the 60343  
fee. The statement shall itemize and total the costs incurred. 60344  
Within fifteen days after receiving a statement from the director, 60345  
the facility or provider shall forward the total amount of the fee 60346  
to the director. 60347

(3) The fees described in divisions (B)(1) and (2) of this 60348  
section shall meet both of the following requirements: 60349

(a) For each service described in section 3702.11 of the 60350  
Revised Code, the fee shall not exceed one thousand seven hundred 60351  
fifty dollars annually, except that the total fees charged to a 60352

health care provider under this section shall not exceed five 60353  
thousand dollars annually. 60354

(b) The fee shall exclude any costs reimbursable by the 60355  
United States centers for medicare and medicaid services as part 60356  
of the certification process for the medicare program established 60357  
under Title XVIII of the "Social Security Act," 79 Stat. 286 60358  
(1935), 42 U.S.C.A. 1395, as amended, and the medicaid program 60359  
established under Title XIX of the "Social Security Act," 79 Stat. 60360  
286 (1965), 42 U.S.C. 1396. 60361

(4) The director shall not establish a fee for any service 60362  
for which a licensure or inspection fee is paid by the health care 60363  
provider to a state agency for the same or similar licensure or 60364  
inspection. 60365

**Sec. 3702.59.** (A) The director of health shall accept for 60366  
review certificate of need applications as provided in sections 60367  
3702.592, 3702.593, and 3702.594 of the Revised Code. 60368

(B)(1) The director shall not approve an application for a 60369  
certificate of need for the addition of long-term care beds to an 60370  
existing health care facility or for the development of a new 60371  
health care facility if any of the following apply: 60372

(a) The existing health care facility in which the beds are 60373  
being placed has one or more waivers for life safety code 60374  
deficiencies, one or more state fire code violations, or one or 60375  
more state building code violations, and the project identified in 60376  
the application does not propose to correct all life safety code 60377  
deficiencies for which a waiver has been granted, all state fire 60378  
code violations, and all state building code violations at the 60379  
existing health care facility in which the beds are being placed; 60380

(b) During the sixty-month period preceding the filing of the 60381  
application, a notice of proposed license revocation was issued 60382

under section 3721.03 of the Revised Code for the existing health 60383  
care facility in which the beds are being placed or a nursing home 60384  
owned or operated by the applicant or a principal participant. 60385

(c) During the period that precedes the filing of the 60386  
application and is encompassed by the three most recent standard 60387  
surveys of the existing health care facility in which the beds are 60388  
being placed, any of the following occurred: 60389

(i) The facility was cited on three or more separate 60390  
occasions for final, nonappealable actual harm but not immediate 60391  
jeopardy deficiencies. 60392

(ii) The facility was cited on two or more separate occasions 60393  
for final, nonappealable immediate jeopardy deficiencies. 60394

(iii) The facility was cited on two separate occasions for 60395  
final, nonappealable actual harm but not immediate jeopardy 60396  
deficiencies and on one occasion for a final, nonappealable 60397  
immediate jeopardy deficiency. 60398

(d) More than two nursing homes owned or operated in this 60399  
state by the applicant or a principal participant or, if the 60400  
applicant or a principal participant owns or operates more than 60401  
twenty nursing homes in this state, more than ten per cent of 60402  
those nursing homes, were each cited during the period that 60403  
precedes the filing of the application for the certificate of need 60404  
and is encompassed by the three most recent standard surveys of 60405  
the nursing homes that were so cited in any of the following 60406  
manners: 60407

(i) On three or more separate occasions for final, 60408  
nonappealable actual harm but not immediate jeopardy deficiencies; 60409

(ii) On two or more separate occasions for final, 60410  
nonappealable immediate jeopardy deficiencies; 60411

(iii) On two separate occasions for final, nonappealable 60412

actual harm but not immediate jeopardy deficiencies and on one 60413  
occasion for a final, nonappealable immediate jeopardy deficiency. 60414

(2) In applying divisions (B)(1)(a) to (d) of this section, 60415  
the director shall not consider deficiencies or violations cited 60416  
before the applicant or a principal participant acquired or began 60417  
to own or operate the health care facility at which the 60418  
deficiencies or violations were cited. The director may disregard 60419  
deficiencies and violations cited after the health care facility 60420  
was acquired or began to be operated by the applicant or a 60421  
principal participant if the deficiencies or violations were 60422  
attributable to circumstances that arose under the previous owner 60423  
or operator and the applicant or principal participant has 60424  
implemented measures to alleviate the circumstances. In the case 60425  
of an application proposing development of a new health care 60426  
facility by relocation of beds, the director shall not consider 60427  
deficiencies or violations that were solely attributable to the 60428  
physical plant of the existing health care facility from which the 60429  
beds are being relocated. 60430

(C) The director also shall accept for review any application 60431  
for the conversion of infirmary beds to long-term care beds if the 60432  
infirmary meets all of the following conditions: 60433

(1) Is operated exclusively by a religious order; 60434

(2) Provides care exclusively to members of religious orders 60435  
who take vows of celibacy and live by virtue of their vows within 60436  
the orders as if related; 60437

(3) Was providing care exclusively to members of such a 60438  
religious order on January 1, 1994. 60439

~~At no time shall individuals other than those described in 60440  
division (C)(2) of this section be admitted to a facility to use 60441  
beds for which a certificate of need is approved under this 60442  
division. 60443~~



(D) Notwithstanding division (C)(2) of this section, a facility that has been granted a certificate of need under division (C) of this section may provide care to any of the following family members of the individuals described in division (C)(2) of this section: mothers, fathers, brothers, sisters, brothers-in-law, sisters-in-law, or children.

The long-term care beds in a facility that have been granted a certificate of need under division (C) of this section may not be relocated pursuant to sections 3702.592 to 3702.594 of the Revised Code.

**Sec. 3704.06.** (A) The attorney general, upon the request of the director of environmental protection, shall prosecute any person who violates section 3704.05 or 3704.16 of the Revised Code.

(B) The attorney general, upon request of the director, shall bring an action for an injunction, a civil penalty, or any other appropriate proceedings in any court of competent jurisdiction against any person violating or threatening to violate section 3704.05 or 3704.16 of the Revised Code. The court shall have jurisdiction to grant prohibitory and mandatory injunctive relief and to require payment of a civil penalty upon the showing that ~~such~~ the person has violated this chapter or rules adopted thereunder.

(C) A person who violates section 3704.05 or 3704.16 of the Revised Code shall pay a civil penalty of not more than twenty-five thousand dollars for each day of each violation. This division does not apply to any requirement of this chapter regarding the prevention or abatement of odors.

(D) One-half of the moneys collected as civil penalties under division (C) of this section shall be credited to the environmental education fund created in section 3745.22 of the

Revised Code. The remainder of the moneys so collected shall be 60475  
credited to the air pollution control administration fund, which 60476  
is hereby created in the state treasury. The air pollution control 60477  
administration fund shall be administered by the director. Moneys 60478  
in the air pollution control administration fund shall be used to 60479  
supplement other moneys available for the administration and 60480  
enforcement of this chapter and the rules adopted and terms and 60481  
conditions of orders and permits issued under it, including, 60482  
without limitation, the issuance of permits under it, and shall 60483  
not be used to satisfy any state matching fund requirements for 60484  
the receipt of any federal grant funds. 60485

The director may expend not more than ~~seven~~ one million five 60486  
hundred ~~fifty~~ thousand dollars of the moneys credited to the air 60487  
pollution control administration fund under this division in any 60488  
fiscal year for the purposes specified in this division. The 60489  
director may request authority from the controlling board to 60490  
expend any moneys credited to that fund in any fiscal year in 60491  
excess of that amount. 60492

(E) Upon written complaint by any person, the director shall 60493  
conduct such investigations and make such inquiries as are 60494  
necessary to secure compliance with this chapter. The director, 60495  
upon complaint or upon ~~his~~ the director's own initiative, may 60496  
investigate or make inquiries into any alleged violation or act of 60497  
air pollution. 60498

**Sec. 3704.14.** (A)(1) If the director of environmental 60499  
protection determines that implementation of a motor vehicle 60500  
inspection and maintenance program is necessary for the state to 60501  
effectively comply with the federal Clean Air Act after June 30, 60502  
~~2009~~ 2011, the director may provide for the implementation of the 60503  
program in ~~those counties in this state in which such a program is~~ 60504  
~~federally mandated~~ the seven counties in which the program is 60505

operating on the effective date of this amendment. Upon making 60506  
such a determination, the director of environmental protection may 60507  
request the director of administrative services to extend the 60508  
terms of the contract that was entered into under the authority of 60509  
~~Section 7 of~~ Am. Sub. H.B. ~~24 1~~ of the ~~127th~~ 128th general 60510  
assembly. Upon receiving the request, the director of 60511  
administrative services shall extend the contract, beginning on 60512  
July 1, ~~2009~~ 2011, in accordance with this section. The contract 60513  
shall be extended for a period of up to ~~six~~ twelve months with the 60514  
contractor who conducted the motor vehicle inspection and 60515  
maintenance program under that contract. 60516

(2) Prior to the expiration of the contract extension that is 60517  
authorized by division (A)(1) of this section, the director of 60518  
environmental protection may request the director of 60519  
administrative services to enter into a contract with a vendor to 60520  
operate a decentralized motor vehicle inspection and maintenance 60521  
program in each county in this state in which such a program is 60522  
federally mandated through June 30, ~~2011~~ 2015, with an option for 60523  
the state to renew the contract through June 30, ~~2012~~ 2017. The 60524  
contract shall ensure that the decentralized motor vehicle 60525  
inspection and maintenance program achieves ~~at least the same~~ 60526  
substantially similar ozone precursor reductions as achieved by 60527  
the program operated under the authority of the contract that was 60528  
extended under division (A)(1) of this section. The director of 60529  
administrative services shall select a vendor through a 60530  
competitive selection process in compliance with Chapter 125. of 60531  
the Revised Code. 60532

(3) Notwithstanding any law to the contrary, the director of 60533  
administrative services shall ensure that a competitive selection 60534  
process regarding a contract to operate a decentralized motor 60535  
vehicle inspection and maintenance program in this state 60536  
incorporates the following ~~elements~~, which shall be included in 60537

the contract: 60538

(a) A For purposes of expanding the number of testing 60539  
locations for consumer convenience and increased local business 60540  
participation, a requirement that the ~~vendor selected to operate~~ 60541  
the program ~~provide notification of the program's requirements to~~ 60542  
~~each owner of a motor vehicle that is required to be inspected~~ 60543  
~~under the program. The contract shall require the notification to~~ 60544  
~~be provided not later than sixty days prior to the date by which~~ 60545  
~~the owner of the motor vehicle is required to have the motor~~ 60546  
~~vehicle inspected. The director of environmental protection and~~ 60547  
~~the vendor shall jointly agree on the content of the notice.~~ 60548  
However, the notice shall include at a minimum the locations of 60549  
all inspection facilities within a specified distance of the 60550  
address that is listed on the owner's motor vehicle registration 60551  
utilize established local businesses by authorizing existing auto 60552  
repair facilities to operate as licensed inspection and waiver 60553  
testing facilities; 60554

(b) A requirement that the tailpipe emissions analyzer 60555  
utilized for emissions testing be BAR-97 certified; 60556

(c) A requirement that the contractor supply proven 60557  
technology for on-board diagnostic testing equipment to all 60558  
inspection facilities. 60559

(4) A decentralized motor vehicle inspection and maintenance 60560  
program operated under this section shall comply with division (B) 60561  
of this section. The director of environmental protection shall 60562  
administer the decentralized motor vehicle inspection and 60563  
maintenance program operated under this section. 60564

(B) The decentralized motor vehicle inspection and 60565  
maintenance program authorized by this section, at a minimum, 60566  
shall do all of the following: 60567

(1) Comply with the federal Clean Air Act; 60568

(2) Provide for the issuance of inspection certificates; 60569

(3) Provide for a new car exemption for motor vehicles four 60570  
years old or newer and provide that a new motor vehicle is exempt 60571  
for four years regardless of whether legal title to the motor 60572  
vehicle is transferred during that period. 60573

(C) A motor vehicle inspection and maintenance program shall 60574  
not be implemented in any county in which such a program is not 60575  
authorized under division (A) of this section without the approval 60576  
of the general assembly through the enactment of legislation. 60577  
Further, a motor vehicle inspection and maintenance program shall 60578  
not be implemented in any county beyond June 30, ~~2012~~ 2017, 60579  
without the approval of the general assembly through the enactment 60580  
of legislation. 60581

(D) The director of environmental protection shall adopt 60582  
rules in accordance with Chapter 119. of the Revised Code that the 60583  
director determines are necessary to implement this section. The 60584  
director may continue to implement and enforce rules pertaining to 60585  
the motor vehicle inspection and maintenance program previously 60586  
implemented under former section 3704.14 of the Revised Code as 60587  
that section existed prior to its repeal and reenactment by Am. 60588  
Sub. H.B. 66 of the 126th general assembly, provided that the 60589  
rules do not conflict with this section. 60590

(E) There is hereby created in the state treasury the auto 60591  
emissions test fund, which shall consist of money received by the 60592  
director from any cash transfers, state and local grants, and 60593  
other contributions that are received for the purpose of funding 60594  
the program established under this section. The director of 60595  
environmental protection shall use money in the fund solely for 60596  
the implementation, supervision, administration, operation, and 60597  
enforcement of the motor vehicle inspection and maintenance 60598  
program established under this section. Money in the fund shall 60599  
not be used for either of the following: 60600

(1) To pay for the inspection costs incurred by a motor vehicle dealer so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program;

(2) To provide payment for more than one free passing emissions inspection or a total of three emissions inspections for a motor vehicle in any three-hundred-sixty-five day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emissions inspections beyond one free passing emissions inspection or three total emissions inspections in any three-hundred-sixty-five day period. Inspection fees that are charged by a contractor conducting emissions inspections under a motor vehicle inspection and maintenance program shall be approved by the director of environmental protection.

(F) The motor vehicle inspection and maintenance program established under this section expires upon the termination of all contracts entered into under this section and shall not be implemented beyond the final date on which termination occurs.

**Sec. 3705.24.** (A)(1) The public health council shall, in accordance with section 111.15 of the Revised Code, adopt rules prescribing fees for the following items or services provided by the state office of vital statistics:

(a) Except as provided in division (A)(4) of this section:

(i) A certified copy of a vital record or a certification of birth;

(ii) A search by the office of vital statistics of its files and records pursuant to a request for information, regardless of whether a copy of a record is provided;

(iii) A copy of a record provided pursuant to a request.

(b) Replacement of a birth certificate following an adoption, 60631  
legitimation, paternity determination or acknowledgement, or court 60632  
order; 60633

(c) Filing of a delayed registration of a vital record; 60634

(d) Amendment of a vital record that is requested later than 60635  
one year after the filing date of the vital record; 60636

(e) Any other documents or services for which the public 60637  
health council considers the charging of a fee appropriate. 60638

(2) Fees prescribed under division (A)(1)(a) of this section 60639  
shall not be less than twelve dollars. 60640

(3) Fees prescribed under division (A)(1) of this section 60641  
shall be collected in addition to any fees required by sections 60642  
3109.14 and 3705.242 of the Revised Code. 60643

(4) Fees prescribed under division (A) of this section shall 60644  
not apply to certifications issued under division (H) of this 60645  
section or copies provided under section 3705.241 of the Revised 60646  
Code. 60647

(B) In addition to the fees prescribed under division (A) of 60648  
this section or section 3709.09 of the Revised Code, the office of 60649  
vital statistics or the board of health of a city or general 60650  
health district shall charge a five-dollar fee for each certified 60651  
copy of a vital record and each certification of birth. This fee 60652  
shall be deposited in the general operations fund created under 60653  
section 3701.83 of the Revised Code and be used to support the 60654  
operations, the modernization, and the automation of the vital 60655  
records program in this state. A board of health shall forward all 60656  
fees collected under this division to the department of health not 60657  
later than thirty days after the end of each calendar quarter. 60658

(C) Except as otherwise provided in division (H) of this 60659  
section, and except as provided in section 3705.241 of the Revised 60660

Code, fees collected by the director of health under sections 60661  
3705.01 to 3705.29 of the Revised Code shall be paid into the 60662  
state treasury to the credit of the general operations fund 60663  
created by section 3701.83 of the Revised Code. Except as provided 60664  
in division (B) or (I) of this section, money generated by the 60665  
fees shall be used only for administration and enforcement of this 60666  
chapter and the rules adopted under it. Amounts submitted to the 60667  
department of health for copies of vital records or services in 60668  
excess of the fees imposed by this section shall be dealt with as 60669  
follows: 60670

(1) An overpayment of two dollars or less shall be retained 60671  
by the department and deposited in the state treasury to the 60672  
credit of the general operations fund created by section 3701.83 60673  
of the Revised Code. 60674

(2) An overpayment in excess of two dollars shall be returned 60675  
to the person who made the overpayment. 60676

(D) If a local registrar is a salaried employee of a city or 60677  
a general health district, any fees the local registrar receives 60678  
pursuant to section 3705.23 of the Revised Code shall be paid into 60679  
the general fund of the city or the health fund of the general 60680  
health district. 60681

Each local registrar of vital statistics, or each health 60682  
district where the local registrar is a salaried employee of the 60683  
district, shall be entitled to a fee for each birth, fetal death, 60684  
death, or military service certificate properly and completely 60685  
made out and registered with the local registrar or district and 60686  
correctly copied and forwarded to the office of vital statistics 60687  
in accordance with the population of the primary registration 60688  
district at the last federal census. The fee for each birth, fetal 60689  
death, death, or military service certificate shall be: 60690

(1) In primary registration districts of over two hundred 60691



fifty thousand, twenty cents; 60692

(2) In primary registration districts of over one hundred 60693  
twenty-five thousand and less than two hundred fifty thousand, 60694  
sixty cents; 60695

(3) In primary registration districts of over fifty thousand 60696  
and less than one hundred twenty-five thousand, eighty cents; 60697

(4) In primary registration districts of less than fifty 60698  
thousand, one dollar. 60699

(E) The director of health shall annually certify to the 60700  
county treasurers of the several counties the number of birth, 60701  
fetal death, death, and military service certificates registered 60702  
from their respective counties with the names of the local 60703  
registrars and the amounts due each registrar and health district 60704  
at the rates fixed in this section. Such amounts shall be paid by 60705  
the treasurer of the county in which the registration districts 60706  
are located. No fees shall be charged or collected by registrars 60707  
except as provided by this chapter and section 3109.14 of the 60708  
Revised Code. 60709

(F) A probate judge shall be paid a fee of fifteen cents for 60710  
each certified abstract of marriage prepared and forwarded by the 60711  
probate judge to the department of health pursuant to section 60712  
3705.21 of the Revised Code. The fee shall be in addition to the 60713  
fee paid for a marriage license and shall be paid by the 60714  
applicants for the license. 60715

(G) The clerk of a court of common pleas shall be paid a fee 60716  
of one dollar for each certificate of divorce, dissolution, and 60717  
annulment of marriage prepared and forwarded by the clerk to the 60718  
department pursuant to section 3705.21 of the Revised Code. The 60719  
fee for the certified abstract of divorce, dissolution, or 60720  
annulment of marriage shall be added to the court costs allowed in 60721  
these cases. 60722

(H) The fee for an heirloom certification of birth issued 60723  
pursuant to division (B)(2) of section 3705.23 of the Revised Code 60724  
shall be an amount prescribed by rule by the director of health 60725  
plus any fee required by section 3109.14 of the Revised Code. In 60726  
setting the amount of the fee, the director shall establish a 60727  
surcharge in addition to an amount necessary to offset the expense 60728  
of processing heirloom certifications of birth. The fee prescribed 60729  
by the director of health pursuant to this division shall be 60730  
deposited into the state treasury to the credit of the heirloom 60731  
certification of birth fund which is hereby created. Money 60732  
credited to the fund shall be used by the office of vital 60733  
statistics to offset the expense of processing heirloom 60734  
certifications of birth. However, the money collected for the 60735  
surcharge, subject to the approval of the controlling board, shall 60736  
be used for the purposes specified by the family and children 60737  
first council pursuant to section 121.37 of the Revised Code. 60738

(I) ~~Four~~ Three dollars of each fee collected by ~~the director~~ 60739  
~~of health or~~ the board of health of a city or general health 60740  
district for ~~an item or service described in division (A)(1)(a) of~~ 60741  
~~this section~~ a certified copy of a vital record or a certification 60742  
of birth shall be transferred to the office of vital statistics 60743  
not later than thirty days after the end of each calendar quarter 60744  
and shall be used to support public health systems. 60745

**Sec. 3709.085.** (A) The board of health of a city or general 60746  
health district may enter into a contract with any political 60747  
subdivision or other governmental agency to obtain or provide all 60748  
or part of any services, including, but not limited to, 60749  
enforcement services, for the purposes of Chapter 3704. of the 60750  
Revised Code, the rules adopted and orders made pursuant thereto, 60751  
or any other ordinances or rules for the prevention, control, and 60752  
abatement of air pollution. 60753

(B)(1) As used in division (B)(2) of this section: 60754

(a) "Semipublic disposal system" means a disposal system that 60755  
treats the sanitary sewage discharged from publicly or privately 60756  
owned buildings or places of assemblage, entertainment, 60757  
recreation, education, correction, hospitalization, housing, or 60758  
employment, but does not include a disposal system that treats 60759  
sewage in amounts of more than twenty-five thousand gallons per 60760  
day; a disposal system for the treatment of sewage that is exempt 60761  
from the requirements of section 6111.04 of the Revised Code 60762  
pursuant to division (F)(7) of that section; or a disposal system 60763  
for the treatment of industrial waste. 60764

(b) Terms defined in section 6111.01 of the Revised Code have 60765  
the same meanings as in that section. 60766

(2) The board of health of a city or general health district 60767  
may enter into a contract with the environmental protection agency 60768  
to conduct on behalf of the agency inspection or enforcement 60769  
services, for the purposes of Chapter 6111. of the Revised Code 60770  
and rules adopted thereunder, for the disposal or treatment of 60771  
sewage from semipublic disposal systems. The board of health of a 60772  
city or general health district may charge a fee established 60773  
pursuant to section 3709.09 of the Revised Code to be paid by the 60774  
owner or operator of a semipublic disposal system for inspections 60775  
conducted by the board pursuant to a contract entered into under 60776  
division (B)(2) of this section, except that the board shall not 60777  
charge a fee for those inspections conducted at any recreational 60778  
vehicle park, recreation camp, or combined park-camp that is 60779  
licensed under section 3729.05 of the Revised Code or at any 60780  
manufactured home park that is licensed under section ~~3733.03~~ 60781  
4781.26 of the Revised Code. 60782

**Sec. 3709.09.** (A) The board of health of a city or general 60783  
health district may, by rule, establish a uniform system of fees 60784

to pay the costs of any services provided by the board. 60785

The fee for issuance of a certified copy of a vital record or 60786  
a certification of birth shall not be less than the fee prescribed 60787  
for the same service under division (A)(1) of section 3705.24 of 60788  
the Revised Code and shall include the fees required by division 60789  
(B) of section 3705.24 and section 3109.14 of the Revised Code. 60790

Fees for services provided by the board for purposes 60791  
specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 60792  
3730.03, ~~3733.04~~, 3733.25, and 3749.04 of the Revised Code shall 60793  
be established in accordance with rules adopted under division (B) 60794  
of this section. The district advisory council, in the case of a 60795  
general health district, and the legislative authority of the 60796  
city, in the case of a city health district, may disapprove any 60797  
fee established by the board of health under this division, and 60798  
any such fee, as disapproved, shall not be charged by the board of 60799  
health. 60800

(B) The public health council shall adopt rules under section 60801  
111.15 of the Revised Code that establish fee categories and a 60802  
uniform methodology for use in calculating the costs of services 60803  
provided for purposes specified in sections 3701.344, 3711.10, 60804  
3718.06, 3729.07, 3730.03, ~~3733.04~~, 3733.25, and 3749.04 of the 60805  
Revised Code. In adopting the rules, the public health council 60806  
shall consider recommendations it receives from advisory boards 60807  
established either by statute or the director of health for 60808  
entities subject to the fees. 60809

(C) Except when a board of health establishes a fee by 60810  
adopting a rule as an emergency measure, the board of health shall 60811  
hold a public hearing regarding each proposed fee for a service 60812  
provided by the board for a purpose specified in section 3701.344, 60813  
3711.10, 3718.06, 3729.07, 3730.03, ~~3733.04~~, 3733.25, or 3749.04 60814  
of the Revised Code. If a public hearing is held, at least twenty 60815  
days prior to the public hearing the board shall give written 60816

notice of the hearing to each entity affected by the proposed fee. 60817  
The notice shall be mailed to the last known address of each 60818  
entity and shall specify the date, time, and place of the hearing 60819  
and the amount of the proposed fee. 60820

(D) If payment of a fee established under this section is not 60821  
received by the day on which payment is due, the board of health 60822  
shall assess a penalty. The amount of the penalty shall be equal 60823  
to twenty-five per cent of the applicable fee. 60824

(E) All rules adopted by a board of health under this section 60825  
shall be adopted, recorded, and certified as are ordinances of 60826  
municipal corporations and the record thereof shall be given in 60827  
all courts the same effect as is given such ordinances, but the 60828  
advertisements of such rules shall be by publication in one 60829  
newspaper of general circulation within the health district. 60830  
Publication shall be made once a week for two consecutive weeks or 60831  
as provided in section 7.16 of the Revised Code, and such rules 60832  
shall take effect and be in force ten days from the date of the 60833  
first publication. 60834

**Sec. 3709.092.** (A) A board of health of a city or general 60835  
health district shall transmit to the director of health all fees 60836  
or additional amounts that the public health council requires to 60837  
be collected under sections 3701.344, 3718.06, 3729.07, ~~3733.04,~~ 60838  
3733.25, and 3749.04 of the Revised Code. The fees and amounts 60839  
shall be transmitted according to the following schedule: 60840

(1) For fees and amounts received by the board on or after 60841  
the first day of January but not later than the thirty-first day 60842  
of March, transmit the fees and amounts not later than the 60843  
fifteenth day of May; 60844

(2) For fees and amounts received by the board on or after 60845  
the first day of April but not later than the thirtieth day of 60846  
June, transmit the fees and amounts not later than the fifteenth 60847

day of August; 60848

(3) For fees and amounts received by the board on or after 60849  
the first day of July but not later than the thirtieth day of 60850  
September, transmit the fees and amounts not later than the 60851  
fifteenth day of November; 60852

(4) For fees and amounts received by the board on or after 60853  
the first day of October but not later than the thirty-first day 60854  
of December, transmit the fees and amounts not later than the 60855  
fifteenth day of February of the following year. 60856

(B) The director shall deposit the fees and amounts received 60857  
under this section into the state treasury to the credit of the 60858  
general operations fund created in section 3701.83 of the Revised 60859  
Code. Each amount shall be used solely for the purpose for which 60860  
it was collected. 60861

**Sec. 3709.21.** The board of health of a general health 60862  
district may make such orders and regulations as are necessary for 60863  
its own government, for the public health, the prevention or 60864  
restriction of disease, and the prevention, abatement, or 60865  
suppression of nuisances. Such board may require that no human, 60866  
animal, or household wastes from sanitary installations within the 60867  
district be discharged into a storm sewer, open ditch, or 60868  
watercourse without a permit therefor having been secured from the 60869  
board under such terms as the board requires. All orders and 60870  
regulations not for the government of the board, but intended for 60871  
the general public, shall be adopted, recorded, and certified as 60872  
are ordinances of municipal corporations and the record thereof 60873  
shall be given in all courts the same effect as is given such 60874  
ordinances, but the advertisements of such orders and regulations 60875  
shall be by publication in ~~one a~~ newspaper ~~published and~~ of 60876  
general circulation within the district. Publication shall be made 60877  
once a week for two consecutive weeks or as provided in section 60878

7.16 of the Revised Code, and such orders and regulations shall 60879  
take effect and be in force ten days from the date of the first 60880  
publication. In cases of emergency caused by epidemics of 60881  
contagious or infectious diseases, or conditions or events 60882  
endangering the public health, the board may declare such orders 60883  
and regulations to be emergency measures, and such orders and 60884  
regulations shall become effective immediately without such 60885  
advertising, recording, and certifying. 60886

**Sec. 3709.34.** (A) ~~The board of county commissioners or the~~ 60887  
legislative authority of any city may furnish suitable quarters 60888  
for any board of health or health department having jurisdiction 60889  
over all or a major part of ~~such county or that~~ city. 60890

(B)(1) Subject to division (B)(6) of this section, a board of 60891  
county commissioners shall provide office space and utilities 60892  
through fiscal year 2011 for the board of health having 60893  
jurisdiction over the county's general health district. 60894  
Thereafter, subject to division (B)(6) of this section, the board 60895  
of county commissioners shall make payments as provided in 60896  
division (B)(3) of this section for the office space and utilities 60897  
until fiscal year 2016. Starting in fiscal year 2016, the board 60898  
has no duty to provide the office space or utilities, or to make 60899  
payments for the office space or utilities, for the board of 60900  
health of the county's general health district. 60901

(2)(a) Not later than the thirtieth day of September 2011, 60902  
2012, 2013, and 2014, the board of county commissioners shall make 60903  
a written estimate of the total cost for the ensuing fiscal year 60904  
to provide office space and utilities to the board of health of 60905  
the county's general health district. The estimate of total cost 60906  
shall include all of the following: 60907

(i) The total square feet of space to be used by the board of 60908  
health; 60909

(ii) The total square feet of any common areas that should be reasonably allocated to the board of health and the method for making this allocation; 60910  
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(iii) The actual cost per square foot for both the space used by and the common areas allocated to the board of health; 60913  
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(iv) An explanation of the method used to determine the actual cost per square foot; 60915  
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(v) The estimated cost of providing utilities, including an explanation of how this cost was determined; 60917  
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(vi) Any other estimated costs the board of county commissioners anticipates will be incurred to provide office space and utilities to the board of health, including a detailed explanation of those costs and the rationale used to determine them. 60919  
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(b) The board of county commissioners shall forward a copy of the estimate of total cost to the director of the board of health not later than the fifth day of October 2011, 2012, 2013, and 2014. The director shall review the estimate and, not later than twenty days after its receipt, notify the board of county commissioners that the director agrees with the estimate, or objects to it giving specific reasons for the objections. 60924  
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(c) If the director agrees with the estimate, it shall become the final estimate of total cost. Failure of the director to make objections to the estimate by the twentieth day after its receipt shall be deemed to mean that the director is in agreement with the estimate. 60931  
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(d) If the director timely objects to the estimate and provides specific objections to the board of county commissioners, the board shall review the objections and may modify the original estimate and send a revised estimate of total cost to the director within ten days after receipt of the objections. The director 60936  
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shall respond to a revised estimate within ten days after its receipt. If the director agrees with it, the revised estimate shall become the final estimate of total cost. If the director fails to respond within the ten-day period, the director shall be deemed to have agreed with the revised estimate. If the director disagrees with the revised estimate, the director shall send specific objections to the board of county commissioners within the ten-day period. 60941  
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(e) If the director timely objected to the original estimate or sends specific objections to a revised estimate within the required time, or if there is no revised estimate, the probate judge of the county shall determine the final estimate of total cost and certify this amount to the director and the board of county commissioners before the first day of January 2012, 2013, 2014, or 2015, as applicable. 60949  
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(3)(a) Subject to division (B)(6) of this section, a board of county commissioners shall be responsible for the following percentages of the final estimate of total cost established by division (B)(2) of this section: 60956  
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(i) Eighty per cent for fiscal year 2012; 60960

(ii) Sixty per cent for fiscal year 2013; 60961

(iii) Forty per cent for fiscal year 2014; 60962

(iv) Twenty per cent for fiscal year 2015. 60963

(b) In fiscal years 2012, 2013, 2014, and 2015, the board of health of the county's general health district shall be responsible for the payment of the remainder of any costs incurred in excess of the amount payable under division (B)(3)(a)(i), (ii), (iii), or (iv) of this section, as applicable, for the provision of office space and utilities for the board of health, including any unanticipated or unexpected increases in costs beyond the final estimate of total cost. 60964  
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(c) Beginning in fiscal year 2016, the board of county commissioners has no obligation to provide office space or utilities, or to make payments for office space or utilities, for the board of health. 60972  
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(4) After fiscal year 2015, the board of county commissioners and the board of health of the county's general health district may enter into a contract for the board of county commissioners to provide office space for the use of the board of health and to provide utilities for that office space. The term of the contract shall not exceed four years and may be renewed for additional periods not to exceed four years. 60976  
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(5) Notwithstanding divisions (B)(1) to (4) of this section, in any fiscal year the board of county commissioners, in its discretion, may provide office space and utilities for the board of health of the county's general health district free of charge. 60983  
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(6) If the board of health of a general health district rents, leases, lease-purchases, or otherwise acquires office space to facilitate the performance of its functions, or constructs, enlarges, renovates, or otherwise modifies buildings or other structures to provide office space to facilitate the performance of its functions, the board of county commissioners of the county served by the general health district has no further obligation under division (B) of this section to provide office space or utilities, or to make payments for office space or utilities, for the board of health, unless the board of county commissioners enters into a contract with the board of health under division (B)(4) of this section, or exercises its option under division (B)(5) of this section. 60987  
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Sec. 3709.341. The board of county commissioners may donate or sell property, buildings, and furnishings to any board of health of a general or combined health district. Upon acceptance 61000  
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by the board of health of the general or combined district, the 61003  
board of county commissioners may convey the property, buildings, 61004  
and furnishings to the board of health to be used as quarters by 61005  
the board of health. The instrument conveying the property, 61006  
buildings, and furnishings shall include a reverter clause that, 61007  
in the event the board of health subsequently sells the property, 61008  
buildings, and furnishings: 61009

(A) Reverts the property, buildings, and furnishings to the 61010  
board of county commissioners if they initially were donated by 61011  
the board of county commissioners; or 61012

(B) Specifies how the proceeds of the board of health's 61013  
subsequent sale of the property, buildings, and furnishings shall 61014  
be distributed, if they initially were sold by the board of county 61015  
commissioners. 61016

**Sec. 3721.01.** (A) As used in sections 3721.01 to 3721.09 and 61017  
3721.99 of the Revised Code: 61018

(1)(a) "Home" means an institution, residence, or facility 61019  
that provides, for a period of more than twenty-four hours, 61020  
whether for a consideration or not, accommodations to three or 61021  
more unrelated individuals who are dependent upon the services of 61022  
others, including a nursing home, residential care facility, home 61023  
for the aging, and a veterans' home operated under Chapter 5907. 61024  
of the Revised Code. 61025

(b) "Home" also means both of the following: 61026

(i) Any facility that a person, as defined in section 3702.51 61027  
of the Revised Code, proposes for certification as a skilled 61028  
nursing facility or nursing facility under Title XVIII or XIX of 61029  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 61030  
as amended, and for which a certificate of need, other than a 61031  
certificate to recategorize hospital beds as described in section 61032

3702.522 of the Revised Code or division (R)(7)(d) of the version 61033  
of section 3702.51 of the Revised Code in effect immediately prior 61034  
to April 20, 1995, has been granted to the person under sections 61035  
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 61036

(ii) A county home or district home that is or has been 61037  
licensed as a residential care facility. 61038

(c) "Home" does not mean any of the following: 61039

(i) Except as provided in division (A)(1)(b) of this section, 61040  
a public hospital or hospital as defined in section 3701.01 or 61041  
5122.01 of the Revised Code; 61042

(ii) A residential facility for mentally ill persons as 61043  
defined under section 5119.22 of the Revised Code; 61044

(iii) A residential facility as defined in section 5123.19 of 61045  
the Revised Code; 61046

(iv) An adult care facility as defined in section ~~3722.01~~ 61047  
5119.70 of the Revised Code; 61048

(v) An alcohol or drug addiction program as defined in 61049  
section 3793.01 of the Revised Code; 61050

(vi) A facility licensed to provide methadone treatment under 61051  
section 3793.11 of the Revised Code; 61052

(vii) A facility providing services under contract with the 61053  
department of developmental disabilities under section 5123.18 of 61054  
the Revised Code unless section 5123.192 of the Revised Code makes 61055  
the facility subject to the requirements of this chapter; 61056

(viii) A facility operated by a hospice care program licensed 61057  
under section 3712.04 of the Revised Code that is used exclusively 61058  
for care of hospice patients; 61059

(ix) A facility, infirmary, or other entity that is operated 61060  
by a religious order, provides care exclusively to members of 61061  
religious orders who take vows of celibacy and live by virtue of 61062

their vows within the orders as if related, and does not 61063  
participate in the medicare program established under Title XVIII 61064  
of the "Social Security Act" or the medical assistance program 61065  
established under Chapter 5111. of the Revised Code and Title XIX 61066  
of the "Social Security Act," if on January 1, 1994, the facility, 61067  
infirmary, or entity was providing care exclusively to members of 61068  
the religious order; 61069

(x) A county home or district home that has never been 61070  
licensed as a residential care facility. 61071

(2) "Unrelated individual" means one who is not related to 61072  
the owner or operator of a home or to the spouse of the owner or 61073  
operator as a parent, grandparent, child, grandchild, brother, 61074  
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 61075  
uncle. 61076

(3) "Mental impairment" does not mean mental illness as 61077  
defined in section 5122.01 of the Revised Code or mental 61078  
retardation as defined in section 5123.01 of the Revised Code. 61079

(4) "Skilled nursing care" means procedures that require 61080  
technical skills and knowledge beyond those the untrained person 61081  
possesses and that are commonly employed in providing for the 61082  
physical, mental, and emotional needs of the ill or otherwise 61083  
incapacitated. "Skilled nursing care" includes, but is not limited 61084  
to, the following: 61085

(a) Irrigations, catheterizations, application of dressings, 61086  
and supervision of special diets; 61087

(b) Objective observation of changes in the patient's 61088  
condition as a means of analyzing and determining the nursing care 61089  
required and the need for further medical diagnosis and treatment; 61090

(c) Special procedures contributing to rehabilitation; 61091

(d) Administration of medication by any method ordered by a 61092

physician, such as hypodermically, rectally, or orally, including 61093  
observation of the patient after receipt of the medication; 61094

(e) Carrying out other treatments prescribed by the physician 61095  
that involve a similar level of complexity and skill in 61096  
administration. 61097

(5)(a) "Personal care services" means services including, but 61098  
not limited to, the following: 61099

(i) Assisting residents with activities of daily living; 61100

(ii) Assisting residents with self-administration of 61101  
medication, in accordance with rules adopted under section 3721.04 61102  
of the Revised Code; 61103

(iii) Preparing special diets, other than complex therapeutic 61104  
diets, for residents pursuant to the instructions of a physician 61105  
or a licensed dietitian, in accordance with rules adopted under 61106  
section 3721.04 of the Revised Code. 61107

(b) "Personal care services" does not include "skilled 61108  
nursing care" as defined in division (A)(4) of this section. A 61109  
facility need not provide more than one of the services listed in 61110  
division (A)(5)(a) of this section to be considered to be 61111  
providing personal care services. 61112

(6) "Nursing home" means a home used for the reception and 61113  
care of individuals who by reason of illness or physical or mental 61114  
impairment require skilled nursing care and of individuals who 61115  
require personal care services but not skilled nursing care. A 61116  
nursing home is licensed to provide personal care services and 61117  
skilled nursing care. 61118

(7) "Residential care facility" means a home that provides 61119  
either of the following: 61120

(a) Accommodations for seventeen or more unrelated 61121  
individuals and supervision and personal care services for three 61122

or more of those individuals who are dependent on the services of 61123  
others by reason of age or physical or mental impairment; 61124

(b) Accommodations for three or more unrelated individuals, 61125  
supervision and personal care services for at least three of those 61126  
individuals who are dependent on the services of others by reason 61127  
of age or physical or mental impairment, and, to at least one of 61128  
those individuals, any of the skilled nursing care authorized by 61129  
section 3721.011 of the Revised Code. 61130

(8) "Home for the aging" means a home that provides services 61131  
as a residential care facility and a nursing home, except that the 61132  
home provides its services only to individuals who are dependent 61133  
on the services of others by reason of both age and physical or 61134  
mental impairment. 61135

The part or unit of a home for the aging that provides 61136  
services only as a residential care facility is licensed as a 61137  
residential care facility. The part or unit that may provide 61138  
skilled nursing care beyond the extent authorized by section 61139  
3721.011 of the Revised Code is licensed as a nursing home. 61140

(9) "County home" and "district home" mean a county home or 61141  
district home operated under Chapter 5155. of the Revised Code. 61142

(B) The public health council may further classify homes. For 61143  
the purposes of this chapter, any residence, institution, hotel, 61144  
congregate housing project, or similar facility that meets the 61145  
definition of a home under this section is such a home regardless 61146  
of how the facility holds itself out to the public. 61147

(C) For purposes of this chapter, personal care services or 61148  
skilled nursing care shall be considered to be provided by a 61149  
facility if they are provided by a person employed by or 61150  
associated with the facility or by another person pursuant to an 61151  
agreement to which neither the resident who receives the services 61152  
nor the resident's sponsor is a party. 61153

(D) Nothing in division (A)(4) of this section shall be 61154  
construed to permit skilled nursing care to be imposed on an 61155  
individual who does not require skilled nursing care. 61156

Nothing in division (A)(5) of this section shall be construed 61157  
to permit personal care services to be imposed on an individual 61158  
who is capable of performing the activity in question without 61159  
assistance. 61160

(E) Division (A)(1)(c)(ix) of this section does not prohibit 61161  
a facility, infirmary, or other entity described in that division 61162  
from seeking licensure under sections 3721.01 to 3721.09 of the 61163  
Revised Code or certification under Title XVIII or XIX of the 61164  
"Social Security Act." However, such a facility, infirmary, or 61165  
entity that applies for licensure or certification must meet the 61166  
requirements of those sections or titles and the rules adopted 61167  
under them and obtain a certificate of need from the director of 61168  
health under section 3702.52 of the Revised Code. 61169

(F) Nothing in this chapter, or rules adopted pursuant to it, 61170  
shall be construed as authorizing the supervision, regulation, or 61171  
control of the spiritual care or treatment of residents or 61172  
patients in any home who rely upon treatment by prayer or 61173  
spiritual means in accordance with the creed or tenets of any 61174  
recognized church or religious denomination. 61175

**Sec. 3721.011.** (A) In addition to providing accommodations, 61176  
supervision, and personal care services to its residents, a 61177  
residential care facility may ~~provide~~ do the following: 61178

(1) Provide the following skilled nursing care to its 61179  
residents ~~as follows:~~ 61180

~~(1)~~(a) Supervision of special diets; 61181

~~(2)~~(b) Application of dressings, in accordance with rules 61182  
adopted under section 3721.04 of the Revised Code; 61183



~~(3)(c)~~ Subject to division (B)(1) of this section, 61184  
administration of medication. 61185

~~(4).~~ 61186

(2) Subject to division (C) of this section, provide other 61187  
skilled nursing care ~~provided~~ on a part-time, intermittent basis 61188  
for not more than a total of one hundred twenty days in a 61189  
twelve-month period; 61190

~~(5) Subject to division (D) of this section, (3) Provide~~ 61191  
skilled nursing care ~~provided~~ for more than one hundred twenty 61192  
days in a twelve-month period to a ~~hospice patient, as defined in~~ 61193  
~~section 3712.01 of the Revised Code~~ resident when the requirements 61194  
of division (D) of this section are met. 61195

A residential care facility may not admit or retain an 61196  
individual requiring skilled nursing care that is not authorized 61197  
by this section. A residential care facility may not provide 61198  
skilled nursing care beyond the limits established by this 61199  
section. 61200

(B)(1) A residential care facility may admit or retain an 61201  
individual requiring medication, including biologicals, only if 61202  
the individual's personal physician has determined in writing that 61203  
the individual is capable of self-administering the medication or 61204  
the facility provides for the medication to be administered to the 61205  
individual by a home health agency certified under Title XVIII of 61206  
the "Social Security Act," 79 Stat. 620 (1965), 42 U.S.C.A. 1395, 61207  
as amended; a hospice care program licensed under Chapter 3712. of 61208  
the Revised Code; or a member of the staff of the residential care 61209  
facility who is qualified to perform medication administration. 61210  
Medication may be administered in a residential care facility only 61211  
by the following persons authorized by law to administer 61212  
medication: 61213

(a) A registered nurse licensed under Chapter 4723. of the 61214

Revised Code;	61215
(b) A licensed practical nurse licensed under Chapter 4723.	61216
of the Revised Code who holds proof of successful completion of a	61217
course in medication administration approved by the board of	61218
nursing and who administers the medication only at the direction	61219
of a registered nurse or a physician authorized under Chapter	61220
4731. of the Revised Code to practice medicine and surgery or	61221
osteopathic medicine and surgery;	61222
(c) A medication aide certified under Chapter 4723. of the	61223
Revised Code;	61224
(d) A physician authorized under Chapter 4731. of the Revised	61225
Code to practice medicine and surgery or osteopathic medicine and	61226
surgery.	61227
(2) In assisting a resident with self-administration of	61228
medication, any member of the staff of a residential care facility	61229
may do the following:	61230
(a) Remind a resident when to take medication and watch to	61231
ensure that the resident follows the directions on the container;	61232
(b) Assist a resident by taking the medication from the	61233
locked area where it is stored, in accordance with rules adopted	61234
pursuant to section 3721.04 of the Revised Code, and handing it to	61235
the resident. If the resident is physically unable to open the	61236
container, a staff member may open the container for the resident.	61237
(c) Assist a physically impaired but mentally alert resident,	61238
such as a resident with arthritis, cerebral palsy, or Parkinson's	61239
disease, in removing oral or topical medication from containers	61240
and in consuming or applying the medication, upon request by or	61241
with the consent of the resident. If a resident is physically	61242
unable to place a dose of medicine to the resident's mouth without	61243
spilling it, a staff member may place the dose in a container and	61244
place the container to the mouth of the resident.	61245

(C) A Except as provided in division (D) of this section, a 61246  
residential care facility may admit or retain individuals who 61247  
require skilled nursing care beyond the supervision of special 61248  
diets, application of dressings, or administration of medication, 61249  
only if the care will be provided on a part-time, intermittent 61250  
basis for not more than a total of one hundred twenty days in any 61251  
twelve-month period. In accordance with Chapter 119. of the 61252  
Revised Code, the public health council shall adopt rules 61253  
specifying what constitutes the need for skilled nursing care on a 61254  
part-time, intermittent basis. The council shall adopt rules that 61255  
are consistent with rules pertaining to home health care adopted 61256  
by the director of job and family services for the ~~medical~~ 61257  
~~assistance~~ medicaid program established under Chapter 5111. of the 61258  
Revised Code. Skilled nursing care provided pursuant to this 61259  
division may be provided by a home health agency certified under 61260  
Title XVIII of the "Social Security Act," a hospice care program 61261  
licensed under Chapter 3712. of the Revised Code, or a member of 61262  
the staff of a residential care facility who is qualified to 61263  
perform skilled nursing care. 61264

A residential care facility that provides skilled nursing 61265  
care pursuant to this division shall do both of the following: 61266

(1) Evaluate each resident receiving the skilled nursing care 61267  
at least once every seven days to determine whether the resident 61268  
should be transferred to a nursing home; 61269

(2) Meet the skilled nursing care needs of each resident 61270  
receiving the care. 61271

(D)(1) A residential care facility may admit or retain a 61272  
~~hospice patient~~ an individual who requires skilled nursing care 61273  
for more than one hundred twenty days in any twelve-month period 61274  
only if the facility has entered into a written agreement with 61275  
each of the following: 61276

<u>(a) The individual or individual's sponsor;</u>	61277
<u>(b) The individual's personal physician;</u>	61278
<u>(c) Unless the individual's personal physician oversees the skilled nursing care, the provider of the skilled nursing care;</u>	61279 61280
<u>(d) If the individual is a hospice patient as defined in section 3712.01 of the Revised Code, a hospice care program licensed under Chapter 3712. of the Revised Code. <del>The</del></u>	61281 61282 61283
<u>(2) <del>The agreement between the residential care facility and hospice program</del> required by division (D)(1) of this section shall include all of the following provisions:</u>	61284 61285 61286
<u><del>(1)</del>(a) That the <del>hospice patient</del> <u>individual</u> will be provided skilled nursing care in the facility only if a determination has been made that the <del>patient's</del> <u>individual's</u> needs can be met at the facility;</u>	61287 61288 61289 61290
<u><del>(2)</del>(b) That the <del>hospice patient</del> <u>individual</u> will be retained in the facility only if periodic redeterminations are made that the <del>patient's</del> <u>individual's</u> needs are being met at the facility;</u>	61291 61292 61293
<u><del>(3)</del>(c) That the redeterminations will be made according to a schedule specified in the agreement;</u>	61294 61295
<u><del>(4) That the</del> (d) <u>If the individual is a hospice patient, that the individual</u> has been given an opportunity to choose the hospice care program that best meets the <del>patient's</del> <u>individual's</u> needs;</u>	61296 61297 61298
<u>(e) <u>Unless the individual is a hospice patient, that the individual's personal physician has determined that the skilled nursing care the individual needs is routine.</u></u>	61299 61300 61301
(E) Notwithstanding any other provision of this chapter, a residential care facility in which residents receive skilled nursing care pursuant to this section is not a nursing home.	61302 61303 61304
<b>Sec. 3721.02.</b> (A) The director of health shall license homes	61305

and establish procedures to be followed in inspecting and 61306  
licensing homes. The director may inspect a home at any time. Each 61307  
home shall be inspected by the director at least once prior to the 61308  
issuance of a license and at least once every fifteen months 61309  
thereafter. The state fire marshal or a township, municipal, or 61310  
other legally constituted fire department approved by the marshal 61311  
shall also inspect a home prior to issuance of a license, at least 61312  
once every fifteen months thereafter, and at any other time 61313  
requested by the director. A home does not have to be inspected 61314  
prior to issuance of a license by the director, state fire 61315  
marshal, or a fire department if ownership of the home is assigned 61316  
or transferred to a different person and the home was licensed 61317  
under this chapter immediately prior to the assignment or 61318  
transfer. The director may enter at any time, for the purposes of 61319  
investigation, any institution, residence, facility, or other 61320  
structure that has been reported to the director or that the 61321  
director has reasonable cause to believe is operating as a nursing 61322  
home, residential care facility, or home for the aging without a 61323  
valid license required by section 3721.05 of the Revised Code or, 61324  
in the case of a county home or district home, is operating 61325  
despite the revocation of its residential care facility license. 61326  
The director may delegate the director's authority and duties 61327  
under this chapter to any division, bureau, agency, or official of 61328  
the department of health. 61329

(B) A single facility may be licensed both as a nursing home 61330  
pursuant to this chapter and as an adult care facility pursuant to 61331  
Chapter ~~3722~~. 5119. of the Revised Code if the director determines 61332  
that the part or unit to be licensed as a nursing home can be 61333  
maintained separate and discrete from the part or unit to be 61334  
licensed as an adult care facility. 61335

(C) In determining the number of residents in a home for the 61336  
purpose of licensing, the director shall consider all the 61337

individuals for whom the home provides accommodations as one group 61338  
unless one of the following is the case: 61339

(1) The home is a home for the aging, in which case all the 61340  
individuals in the part or unit licensed as a nursing home shall 61341  
be considered as one group, and all the individuals in the part or 61342  
unit licensed as a rest home shall be considered as another group. 61343

(2) The home is both a nursing home and an adult care 61344  
facility. In that case, all the individuals in the part or unit 61345  
licensed as a nursing home shall be considered as one group, and 61346  
all the individuals in the part or unit licensed as an adult care 61347  
facility shall be considered as another group. 61348

(3) The home maintains, in addition to a nursing home or 61349  
residential care facility, a separate and discrete part or unit 61350  
that provides accommodations to individuals who do not require or 61351  
receive skilled nursing care and do not receive personal care 61352  
services from the home, in which case the individuals in the 61353  
separate and discrete part or unit shall not be considered in 61354  
determining the number of residents in the home if the separate 61355  
and discrete part or unit is in compliance with the Ohio basic 61356  
building code established by the board of building standards under 61357  
Chapters 3781. and 3791. of the Revised Code and the home permits 61358  
the director, on request, to inspect the separate and discrete 61359  
part or unit and speak with the individuals residing there, if 61360  
they consent, to determine whether the separate and discrete part 61361  
or unit meets the requirements of this division. 61362

(D)(1) The director of health shall charge the following 61363  
application fee and annual renewal licensing and inspection fee 61364  
for each fifty persons or part thereof of a home's licensed 61365  
capacity: 61366

(a) For state fiscal year 2010, two hundred twenty dollars; 61367

(b) For state fiscal year 2011, two hundred seventy dollars; 61368

(c) For each state fiscal year thereafter, three hundred 61369  
twenty dollars. 61370

(2) All fees collected by the director for the issuance or 61371  
renewal of licenses shall be deposited into the state treasury to 61372  
the credit of the general operations fund created in section 61373  
3701.83 of the Revised Code for use only in administering and 61374  
enforcing this chapter and rules adopted under it. 61375

(E)(1) Except as otherwise provided in this section, the 61376  
results of an inspection or investigation of a home that is 61377  
conducted under this section, including any statement of 61378  
deficiencies and all findings and deficiencies cited in the 61379  
statement on the basis of the inspection or investigation, shall 61380  
be used solely to determine the home's compliance with this 61381  
chapter or another chapter of the Revised Code in any action or 61382  
proceeding other than an action commenced under division (I) of 61383  
section 3721.17 of the Revised Code. Those results of an 61384  
inspection or investigation, that statement of deficiencies, and 61385  
the findings and deficiencies cited in that statement shall not be 61386  
used in any court or in any action or proceeding that is pending 61387  
in any court and are not admissible in evidence in any action or 61388  
proceeding unless that action or proceeding is an appeal of an 61389  
action by the department of health under this chapter or is an 61390  
action by any department or agency of the state to enforce this 61391  
chapter or another chapter of the Revised Code. 61392

(2) Nothing in division (E)(1) of this section prohibits the 61393  
results of an inspection or investigation conducted under this 61394  
section from being used in a criminal investigation or 61395  
prosecution. 61396

**Sec. 3721.04.** (A) The public health council shall adopt and 61397  
publish rules governing the operation of homes, which shall have 61398  
uniform application throughout the state, and shall prescribe 61399

standards for homes with respect to, but not limited to, the	61400
following matters:	61401
(1) The minimum space requirements for occupants and	61402
equipping of the buildings in which homes are housed so as to	61403
ensure healthful, safe, sanitary, and comfortable conditions for	61404
all residents, so long as they are not inconsistent with Chapters	61405
3781. and 3791. of the Revised Code or with any rules adopted by	61406
the board of building standards and by the state fire marshal;	61407
(2) The number and qualifications of personnel, including	61408
management and nursing staff, for each class of home, and the	61409
qualifications of nurse aides, as defined in section 3721.21 of	61410
the Revised Code, used by long-term care facilities, as defined in	61411
that section;	61412
(3) The medical, rehabilitative, and recreational services to	61413
be provided by each class of home;	61414
(4) Dietetic services, including but not limited to	61415
sanitation, nutritional adequacy, and palatability of food;	61416
(5) The personal and social services to be provided by each	61417
class of home;	61418
(6) The business and accounting practices to be followed and	61419
the type of patient and business records to be kept by such homes;	61420
(7) The operation of adult day-care programs provided by and	61421
on the same site as homes licensed under this chapter;	61422
(8) The standards and procedures to be followed by	61423
residential care facilities in admitting and retaining a resident	61424
who requires the application of dressings, including requirements	61425
for charting and evaluating on a weekly basis;	61426
(9) The requirements for conducting weekly evaluations of	61427
residents receiving skilled nursing care in residential care	61428
facilities.	61429



(B) The public health council may adopt whatever additional 61430  
rules are necessary to carry out or enforce the provisions of 61431  
sections 3721.01 to 3721.09 and 3721.99 of the Revised Code. 61432

(C) The following apply to the public health council when 61433  
adopting rules under division (A)(2) of this section regarding the 61434  
number and qualifications of personnel in homes: 61435

(1) When adopting rules applicable to residential care 61436  
facilities, the public health council shall take into 61437  
consideration the effect that the following may have on the number 61438  
of personnel needed: 61439

(a) Provision of personal care services; 61440

(b) Provision of part-time, intermittent skilled nursing care 61441  
pursuant to division (C) of section 3721.011 of the Revised Code; 61442

(c) Provision of skilled nursing care to ~~hospice patients~~ 61443  
residents pursuant to division (D) of section 3721.011 of the 61444  
Revised Code. 61445

(2) The rules prescribing qualifications of nurse aides used 61446  
by long-term care facilities, as those terms are defined in 61447  
section 3721.21 of the Revised Code, shall be no less stringent 61448  
than the requirements, guidelines, and procedures established by 61449  
the United States secretary of health and human services under 61450  
sections 1819 and 1919 of the "Social Security Act," 49 Stat. 620 61451  
(1935), 42 U.S.C.A. 301, as amended. 61452

**Sec. 3721.16.** For each resident of a home, notice of a 61453  
proposed transfer or discharge shall be in accordance with this 61454  
section. 61455

(A)(1) The administrator of a home shall notify a resident in 61456  
writing, and the resident's sponsor in writing by certified mail, 61457  
return receipt requested, in advance of any proposed transfer or 61458  
discharge from the home. The administrator shall send a copy of 61459

the notice to the state department of health. The notice shall be 61460  
provided at least thirty days in advance of the proposed transfer 61461  
or discharge, unless any of the following applies: 61462

(a) The resident's health has improved sufficiently to allow 61463  
a more immediate discharge or transfer to a less skilled level of 61464  
care; 61465

(b) The resident has resided in the home less than thirty 61466  
days; 61467

(c) An emergency arises in which the safety of individuals in 61468  
the home is endangered; 61469

(d) An emergency arises in which the health of individuals in 61470  
the home would otherwise be endangered; 61471

(e) An emergency arises in which the resident's urgent 61472  
medical needs necessitate a more immediate transfer or discharge. 61473

In any of the circumstances described in divisions (A)(1)(a) 61474  
to (e) of this section, the notice shall be provided as many days 61475  
in advance of the proposed transfer or discharge as is 61476  
practicable. 61477

(2) The notice required under division (A)(1) of this section 61478  
shall include all of the following: 61479

(a) The reasons for the proposed transfer or discharge; 61480

(b) The proposed date the resident is to be transferred or 61481  
discharged; 61482

(c) The proposed location to which the resident is to be 61483  
transferred or discharged; 61484

(d) Notice of the right of the resident and the resident's 61485  
sponsor to an impartial hearing at the home on the proposed 61486  
transfer or discharge, and of the manner in which and the time 61487  
within which the resident or sponsor may request a hearing 61488  
pursuant to section 3721.161 of the Revised Code; 61489

(e) A statement that the resident will not be transferred or discharged before the date specified in the notice unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date;

(f) The address of the legal services office of the department of health;

(g) The name, address, and telephone number of a representative of the state long-term care ombudsperson program and, if the resident or patient has a developmental disability or mental illness, the name, address, and telephone number of the Ohio ~~legal rights service~~ protection and advocacy system.

(B) No home shall transfer or discharge a resident before the date specified in the notice required by division (A) of this section unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date.

(C) Transfer or discharge actions shall be documented in the resident's medical record by the home if there is a medical basis for the action.

(D) A resident or resident's sponsor may challenge a transfer or discharge by requesting an impartial hearing pursuant to section 3721.161 of the Revised Code, unless the transfer or discharge is required because of one of the following reasons:

(1) The home's license has been revoked under this chapter;

(2) The home is being closed pursuant to section 3721.08, sections 5111.35 to 5111.62, or section 5155.31 of the Revised Code;

(3) The resident is a recipient of medicaid and the home's participation in the medicaid program has been involuntarily

terminated or denied by the federal government; 61520

(4) The resident is a beneficiary under the medicare program 61521  
and the home's certification under the medicare program has been 61522  
involuntarily terminated or denied by the federal government. 61523

(E) If a resident is transferred or discharged pursuant to 61524  
this section, the home from which the resident is being 61525  
transferred or discharged shall provide the resident with adequate 61526  
preparation prior to the transfer or discharge to ensure a safe 61527  
and orderly transfer or discharge from the home, and the home or 61528  
alternative setting to which the resident is to be transferred or 61529  
discharged shall have accepted the resident for transfer or 61530  
discharge. 61531

(F) At the time of a transfer or discharge of a resident who 61532  
is a recipient of medicaid from a home to a hospital or for 61533  
therapeutic leave, the home shall provide notice in writing to the 61534  
resident and in writing by certified mail, return receipt 61535  
requested, to the resident's sponsor, specifying the number of 61536  
days, if any, during which the resident will be permitted under 61537  
the medicaid program to return and resume residence in the home 61538  
and specifying the medicaid program's coverage of the days during 61539  
which the resident is absent from the home. An individual who is 61540  
absent from a home for more than the number of days specified in 61541  
the notice and continues to require the services provided by the 61542  
facility shall be given priority for the first available bed in a 61543  
semi-private room. 61544

**Sec. 3721.50.** As used in sections 3721.50 to 3721.58 of the 61545  
Revised Code: 61546

(A) "Franchise permit fee rate" means the ~~amount determined~~ 61547  
~~as follows~~ following: 61548

(1) ~~Determine the difference between the following:~~ 61549

~~(a) The total net patient revenue, less medicaid per diem payments, of all nursing homes and hospital long term care units as shown on cost reports filed under section 5111.26 of the Revised Code for the calendar year immediately preceding the fiscal year for which the franchise permit fee is assessed under section 3721.51 of the Revised Code For fiscal year 2012, eleven dollars and thirty-eight cents;~~ 61550  
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~~(b) The total net patient revenue, less medicaid per diem payments, of all nursing homes and hospital long term care units as shown on cost reports filed under section 5111.26 of the Revised Code for the calendar year immediately preceding the calendar year that immediately precedes the fiscal year for which the franchise permit fee is assessed under section 3721.51 of the Revised Code.~~ 61557  
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~~(2) Multiply the amount determined under division (A)(1) of this section by five and five tenths per cent;~~ 61564  
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~~(3) Divide the amount determined under division (A)(2) of this section by the total number of days in the fiscal year for which the franchise permit fee is assessed under section 3721.51 of the Revised Code;~~ 61566  
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~~(4) Subtract eleven dollars and ninety five cents from the amount determined under division (A)(3) of this section;~~ 61570  
61571

~~(5) Add eleven dollars and ninety five cents to the amount determined under division (A)(4) of this section For fiscal year 2013 and each fiscal year thereafter, eleven dollars and sixty cents.~~ 61572  
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61574  
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(B) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 61576  
61577

(C) "Hospital long-term care unit" means any distinct part of a hospital in which any of the following beds are located: 61578  
61579

(1) Beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds; 61580  
61581  
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(2) Beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code. 61583  
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(D) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 120 Stat. 2994 (2006), 42 U.S.C. 1396b(w)(4)(C)(ii) that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following: 61585  
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(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change; 61593  
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(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage. 61595  
61596

(E) "Inpatient days" means all days during which a resident of a nursing facility, regardless of payment source, occupies a bed in the nursing facility that is included in the facility's certified capacity under Title XIX. Therapeutic or hospital leave days for which payment is made under section 5111.26 of the Revised Code are considered inpatient days proportionate to the percentage of the facility's per resident per day rate paid for those days. 61597  
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~~(E)~~(F) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code. 61605  
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~~(F)~~(G) "Medicaid day" means all days during which a resident who is a medicaid recipient occupies a bed in a nursing facility that is included in the facility's certified capacity under Title XIX. Therapeutic or hospital leave days for which payment is made 61607  
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under section 5111.26 of the Revised Code are considered medicaid 61611  
days proportionate to the percentage of the nursing facility's per 61612  
resident per day rate for those days. 61613

~~(G)~~(H) "Medicare" means the program established by Title 61614  
XVIII. 61615

~~(H)~~(I) "Nursing facility" has the same meaning as in section 61616  
5111.20 of the Revised Code. 61617

~~(I)~~(J)(1) "Nursing home" means all of the following: 61618

(a) A nursing home licensed under section 3721.02 or 3721.09 61619  
of the Revised Code, including any part of a home for the aging 61620  
licensed as a nursing home; 61621

(b) A facility or part of a facility, other than a hospital, 61622  
that is certified as a skilled nursing facility under Title XVIII; 61623

(c) A nursing facility, other than a portion of a hospital 61624  
certified as a nursing facility. 61625

(2) "Nursing home" does not include any of the following: 61626

(a) A county home, county nursing home, or district home 61627  
operated pursuant to Chapter 5155. of the Revised Code; 61628

(b) A nursing home maintained and operated by the department 61629  
of veterans services under section 5907.01 of the Revised Code; 61630

(c) A nursing home or part of a nursing home licensed under 61631  
section 3721.02 or 3721.09 of the Revised Code that is certified 61632  
as an intermediate care facility for the mentally retarded under 61633  
Title XIX. 61634

~~(J)~~(K) "Title XIX" means Title XIX of the "Social Security 61635  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 61636

~~(K)~~(L) "Title XVIII" means Title XVIII of the "Social 61637  
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 61638

Sec. 3721.51. The department of job and family services shall do all of the following:

(A) Subject to sections 3721.512 and 3721.513 of the Revised Code and divisions (C) and (D) of this section and for the purposes specified in ~~sections~~ section 3721.56 and ~~3721.561~~ of the Revised Code, determine an annual franchise permit fee on each nursing home in an amount equal to the franchise permit fee rate multiplied by the product of the following:

(1) The number of beds licensed as nursing home beds, plus any other beds certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code;

(2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code.

(B) Subject to sections 3721.512 and 3721.513 of the Revised Code and divisions (C) and (D) of this section and for the purposes specified in ~~sections~~ section 3721.56 and ~~3721.561~~ of the Revised Code, determine an annual franchise permit fee on each hospital in an amount equal to the franchise permit fee rate multiplied by the product of the following:

(1) The number of beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds, plus any other beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code, on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code;

(2) The number of days in the fiscal year beginning on the



first day of July of the calendar year in which the fee is 61669  
determined pursuant to division (A) of section 3721.53 of the 61670  
Revised Code. 61671

(C) If the total amount of the franchise permit fee assessed 61672  
under divisions (A) and (B) of this section for a fiscal year 61673  
exceeds ~~five and one half per cent~~ the indirect guarantee 61674  
percentage of the actual net patient revenue for all nursing homes 61675  
and hospital long-term care units for that fiscal year, do both of 61676  
the following: 61677

(1) Recalculate the assessments under divisions (A) and (B) 61678  
of this section using a per bed per day rate equal to ~~five and~~ 61679  
~~one half per cent~~ the indirect guarantee percentage of actual net 61680  
patient revenue for all nursing homes and hospital long-term care 61681  
units for that fiscal year; 61682

(2) Refund the difference between the amount of the franchise 61683  
permit fee assessed for that fiscal year under divisions (A) and 61684  
(B) of this section and the amount recalculated under division 61685  
(C)(1) of this section as a credit against the assessments imposed 61686  
under divisions (A) and (B) of this section for the subsequent 61687  
fiscal year. 61688

(D) If the United States centers for medicare and medicaid 61689  
services determines that the franchise permit fee established by 61690  
sections 3721.50 to 3721.58 of the Revised Code is an 61691  
impermissible health care-related tax under section 1903(w) of the 61692  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 61693  
amended, take all necessary actions to cease implementation of 61694  
sections 3721.50 to 3721.58 of the Revised Code in accordance with 61695  
rules adopted under section 3721.58 of the Revised Code. 61696

**Sec. ~~3721.561~~ 3721.56.** (A) There is hereby created in the 61697  
state treasury the nursing ~~facility stabilization~~ home franchise 61698  
permit fee fund. All payments and penalties paid by nursing homes 61699

and hospitals under sections 3721.53 and 3721.54 of the Revised Code ~~that are not deposited into the home and community based services for the aged fund~~ shall be deposited into the fund. The fund shall also consist of money deposited into it pursuant to sections 3769.08 and 3769.26 of the Revised Code. Subject to division (B) of section 3769.08 of the Revised Code, the department of job and family services shall use the money in the fund to make medicaid payments to providers of nursing facilities facility services and providers of home and community-based services. Money in the fund may also be used for the residential state supplement program established under section 5119.69 of the Revised Code.

(B) Any money remaining in the nursing ~~facility stabilization home franchise permit fee~~ fund after payments specified in division (A) of this section are made shall be retained in the fund. Any interest or other investment proceeds earned on money in the fund shall be credited to the fund and used to make medicaid payments in accordance with division (A) of this section.

**Sec. 3721.58.** The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to do ~~all~~ both of the following:

(A) Prescribe the actions the department of job and family services will take to cease implementation of sections 3721.50 through 3721.57 of the Revised Code if the United States centers for medicare and medicaid services determines that the franchise permit fee established by those sections is an impermissible health-care related tax under section 1903(w) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as amended;

(B) ~~Establish the method of distributing moneys in the home~~

~~and community based services for the aged fund created under~~ 61730  
~~section 3721.56 of the Revised Code;~~ 61731

~~(C)~~ Establish any requirements or procedures the director 61732  
considers necessary to implement sections 3721.50 to 3721.58 of 61733  
the Revised Code. 61734

**Sec. 3729.01.** As used in this chapter: 61735

(A) "Camp operator" means the operator of a recreational 61736  
vehicle park, recreation camp, combined park-camp, or temporary 61737  
park-camp. 61738

(B) "Campsite user" means a person who enters into a campsite 61739  
use agreement with a camp operator for the use of a campsite at a 61740  
recreational vehicle park, recreation camp, combined park-camp, or 61741  
temporary park-camp. 61742

(C) "Combined park-camp" means any tract of land upon which a 61743  
combination of five or more self-contained recreational vehicles 61744  
or portable camping units are placed and includes any roadway, 61745  
building, structure, vehicle, or enclosure used or intended for 61746  
use as part of the park facilities. A tract of land that is 61747  
subdivided for lease or other contract of the individual lots is a 61748  
combined park-camp if a combination of five or more recreational 61749  
vehicles or portable camping units are placed on it for 61750  
recreation, vacation, or business purposes. 61751

"Combined park-camp" does not include any tract of land used 61752  
solely as a temporary park-camp or solely as a manufactured home 61753  
park. 61754

(D) "Dependent recreational vehicle" means a recreational 61755  
vehicle other than a self-contained recreational vehicle. 61756  
"Dependent recreational vehicle" includes a park model. 61757

(E) "Development" means any artificial change to improved or 61758  
unimproved real estate, including, without limitation, buildings 61759

or structures, dredging, filling, grading, paving, excavation or 61760  
drilling operations, or storage of equipment or materials, and the 61761  
construction, expansion, or substantial alteration of a 61762  
recreational vehicle park, recreation camp, or combined park-camp, 61763  
for which plan review is required under division (A) of section 61764  
3729.03 of the Revised Code. "Development" does not include the 61765  
building, construction, erection, or manufacture of any building 61766  
to which section 3781.06 of the Revised Code is applicable. 61767

(F) "Director of health" means the director of health or the 61768  
director's authorized representative. 61769

(G) "Flood" or "flooding" means either of the following: 61770

(1) A general and temporary condition of partial or complete 61771  
inundation of normally dry land areas from any of the following: 61772

(a) The overflow of inland or tidal waters; 61773

(b) The unusual and rapid accumulation or runoff of surface 61774  
waters from any source; 61775

(c) Mudslides that are proximately caused by flooding as 61776  
defined in division (G)(1)(b) of this section and that are akin to 61777  
a river of liquid and flowing mud on the surface of normally dry 61778  
land areas, as when earth is carried by a current of water and 61779  
deposited along the path of the current. 61780

(2) The collapse or subsidence of land along the shore of a 61781  
lake or other body of water as a result of erosion or undermining 61782  
that is caused by waves or currents of water exceeding anticipated 61783  
cyclical levels or that is suddenly caused by an unusually high 61784  
water level in a natural body of water, and that is accompanied by 61785  
a severe storm, by an unanticipated force of nature, such as a 61786  
flash flood, by an abnormal tidal surge, or by some similarly 61787  
unusual and unforeseeable event, that results in flooding as 61788  
defined in division (G)(1)(a) of this section. 61789

(H) "Flood plain" means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water.

(I) "Licensor" means either the board of health of a city or general health district, or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code, or the director of health, when required under division (B) of section 3729.06 of the Revised Code. "Licensor" also means an authorized representative of any of those entities or of the director.

(J) "Manufactured home park" has the same meaning as in section ~~3733.01~~ 4781.01 of the Revised Code.

(K) "One-hundred-year flood" means a flood having a one per cent chance of being equaled or exceeded in any given year.

(L) "One-hundred-year flood plain" means that portion of a flood plain inundated by a one-hundred-year flood.

(M) "Operator" means the person who has responsible charge of a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp and who is licensed under this chapter.

(N) "Park model" means a recreational vehicle that meets the American national standard institute standard A119.5(1988) for park trailers, is built on a single chassis, has a gross trailer area of not more than four hundred square feet when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for operation of installed features and appliances.

(O) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes this state, any political subdivision of this state, and any other state or local body of this state.

(P) "Portable camping units" means dependent recreational vehicles, tents, portable sleeping equipment, and similar camping equipment used for travel, recreation, vacation, or business purposes.

(Q) "Recreation camp" means any tract of land upon which five or more portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the camp. A tract of land that is subdivided for lease or other contract of the individual lots is a recreation camp if five or more portable camping units are placed on it for recreation, vacation, or business purposes.

"Recreation camp" does not include any tract of land used solely for the storage or display for sale of dependent recreational vehicles, solely as a temporary park-camp, or solely as a manufactured home park.

(R) "Recreational vehicle" has the same meaning as in section 4501.01 of the Revised Code.

(S) "Recreational vehicle park" means any tract of land used for parking five or more self-contained recreational vehicles and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities and any tract of land that is subdivided for lease or other contract of the individual lots for the express or implied purpose of placing self-contained recreational vehicles for recreation, vacation, or business purposes.

"Recreational vehicle park" does not include any tract of land used solely for the storage or display for sale of self-contained recreational vehicles, solely as a temporary park-camp, or solely as a manufactured home park.

(T) "Self-contained recreational vehicle" means a

recreational vehicle that can operate independent of connections 61851  
to sewer and water and has plumbing fixtures or appliances all of 61852  
which are connected to sewage holding tanks located within the 61853  
vehicle. "Self-contained recreational vehicle" includes a park 61854  
model. 61855

(U) "Substantially alter" means a change in the layout or 61856  
design of a recreational vehicle park, recreation camp, combined 61857  
park-camp, or temporary park-camp, including, without limitation, 61858  
the movement of utilities or changes in established streets, lots, 61859  
or sites or in other facilities. 61860

(V) "Temporary park-camp" means any tract of land used for a 61861  
period not to exceed a total of twenty-one days per calendar year 61862  
for the purpose of parking five or more recreational vehicles, 61863  
dependent recreational vehicles, or portable camping units, or any 61864  
combination thereof, for one or more periods of time that do not 61865  
exceed seven consecutive days or parts thereof. 61866

(W) "Tract" means a contiguous area of land that consists of 61867  
one or more parcels, lots, or sites that have been separately 61868  
surveyed regardless of whether the individual parcels, lots, or 61869  
sites have been recorded and regardless of whether the one or more 61870  
parcels, lots, or sites are under common or different ownership. 61871

**Sec. 3733.41.** As used in sections 3733.41 to 3733.49 of the 61872  
Revised Code: 61873

(A) "Agricultural labor camp" means one or more buildings or 61874  
structures, trailers, tents, or vehicles, together with any land 61875  
appertaining thereto, established, operated, or used as temporary 61876  
living quarters for two or more families or five or more persons 61877  
intending to engage in or engaged in agriculture or related food 61878  
processing, whether occupancy is by rent, lease, or mutual 61879  
agreement. "Agricultural labor camp" does not include a hotel or 61880  
motel, or a ~~trailer~~ manufactured home park ~~as defined and~~ 61881

regulated pursuant to sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.52 61882  
of the Revised Code, and rules adopted thereunder. 61883

(B) "Board of health" means the board of health of a city or 61884  
general health district or the authority having the duties of a 61885  
board of health in any city as authorized by section 3709.05 of 61886  
the Revised Code or an authorized representative of the board of 61887  
health. 61888

(C) "Director" means the director of the department of health 61889  
or ~~his~~ the director's authorized representative. 61890

(D) "Licensor" means the director of health. 61891

(E) "Person" means the state, any political subdivision, 61892  
public or private corporation, partnership, association, trust, 61893  
individual, or other entity. 61894

(F) "Public health council" means the public health council 61895  
as created by section 3701.33 of the Revised Code. 61896

**Sec. 3733.99.** (A) ~~Whoever violates division (A) of section~~ 61897  
~~3733.08 of the Revised Code is guilty of a misdemeanor of the~~ 61898  
~~fourth degree.~~ 61899

~~(B)~~ Whoever violates section 3733.30 of the Revised Code is 61900  
guilty of a minor misdemeanor. Each day that such violation 61901  
continues is a separate offense. 61902

~~(C)~~(B) Whoever violates section 3733.48 of the Revised Code 61903  
is guilty of a minor misdemeanor. 61904

**Sec. 3734.02.** (A) The director of environmental protection, 61905  
in accordance with Chapter 119. of the Revised Code, shall adopt 61906  
and may amend, suspend, or rescind rules having uniform 61907  
application throughout the state governing solid waste facilities 61908  
and the inspections of and issuance of permits and licenses for 61909  
all solid waste facilities in order to ensure that the facilities 61910



will be located, maintained, and operated, and will undergo 61911  
closure and post-closure care, in a sanitary manner so as not to 61912  
create a nuisance, cause or contribute to water pollution, create 61913  
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 61914  
257.3-8, as amended. The rules may include, without limitation, 61915  
financial assurance requirements for closure and post-closure care 61916  
and corrective action and requirements for taking corrective 61917  
action in the event of the surface or subsurface discharge or 61918  
migration of explosive gases or leachate from a solid waste 61919  
facility, or of ground water contamination resulting from the 61920  
transfer or disposal of solid wastes at a facility, beyond the 61921  
boundaries of any area within a facility that is operating or is 61922  
undergoing closure or post-closure care where solid wastes were 61923  
disposed of or are being disposed of. The rules shall not concern 61924  
or relate to personnel policies, salaries, wages, fringe benefits, 61925  
or other conditions of employment of employees of persons owning 61926  
or operating solid waste facilities. The director, in accordance 61927  
with Chapter 119. of the Revised Code, shall adopt and may amend, 61928  
suspend, or rescind rules governing the issuance, modification, 61929  
revocation, suspension, or denial of variances from the director's 61930  
solid waste rules, including, without limitation, rules adopted 61931  
under this chapter governing the management of scrap tires. 61932

Variances shall be issued, modified, revoked, suspended, or 61933  
rescinded in accordance with this division, rules adopted under 61934  
it, and Chapter 3745. of the Revised Code. The director may order 61935  
the person to whom a variance is issued to take such action within 61936  
such time as the director may determine to be appropriate and 61937  
reasonable to prevent the creation of a nuisance or a hazard to 61938  
the public health or safety or the environment. Applications for 61939  
variances shall contain such detail plans, specifications, and 61940  
information regarding objectives, procedures, controls, and other 61941  
pertinent data as the director may require. The director shall 61942  
grant a variance only if the applicant demonstrates to the 61943

director's satisfaction that construction and operation of the 61944  
solid waste facility in the manner allowed by the variance and any 61945  
terms or conditions imposed as part of the variance will not 61946  
create a nuisance or a hazard to the public health or safety or 61947  
the environment. In granting any variance, the director shall 61948  
state the specific provision or provisions whose terms are to be 61949  
varied and also shall state specific terms or conditions imposed 61950  
upon the applicant in place of the provision or provisions. The 61951  
director may hold a public hearing on an application for a 61952  
variance or renewal of a variance at a location in the county 61953  
where the operations that are the subject of the application for 61954  
the variance are conducted. The director shall give not less than 61955  
twenty days' notice of the hearing to the applicant by certified 61956  
mail and shall publish at least one notice of the hearing in a 61957  
newspaper with general circulation in the county where the hearing 61958  
is to be held. The director shall make available for public 61959  
inspection at the principal office of the environmental protection 61960  
agency a current list of pending applications for variances and a 61961  
current schedule of pending variance hearings. The director shall 61962  
make a complete stenographic record of testimony and other 61963  
evidence submitted at the hearing. Within ten days after the 61964  
hearing, the director shall make a written determination to issue, 61965  
renew, or deny the variance and shall enter the determination and 61966  
the basis for it into the record of the hearing. The director 61967  
shall issue, renew, or deny an application for a variance or 61968  
renewal of a variance within six months of the date upon which the 61969  
director receives a complete application with all pertinent 61970  
information and data required. No variance shall be issued, 61971  
revoked, modified, or denied until the director has considered the 61972  
relative interests of the applicant, other persons and property 61973  
affected by the variance, and the general public. Any variance 61974  
granted under this division shall be for a period specified by the 61975  
director and may be renewed from time to time on such terms and 61976

for such periods as the director determines to be appropriate. No 61977  
application shall be denied and no variance shall be revoked or 61978  
modified without a written order stating the findings upon which 61979  
the denial, revocation, or modification is based. A copy of the 61980  
order shall be sent to the applicant or variance holder by 61981  
certified mail. 61982

(B) The director shall prescribe and furnish the forms 61983  
necessary to administer and enforce this chapter. The director may 61984  
cooperate with and enter into agreements with other state, local, 61985  
or federal agencies to carry out the purposes of this chapter. The 61986  
director may exercise all incidental powers necessary to carry out 61987  
the purposes of this chapter. 61988

The director may use moneys in the infectious waste 61989  
management fund created in section 3734.021 of the Revised Code 61990  
exclusively for administering and enforcing the provisions of this 61991  
chapter governing the management of infectious wastes. Of each 61992  
registration and renewal fee collected under rules adopted under 61993  
division (A)(2)(a) of section 3734.021 or under section 3734.022 61994  
of the Revised Code, the director, within forty-five days of its 61995  
receipt, shall remit from the fund one-half of the fee received to 61996  
the board of health of the health district in which the registered 61997  
premises is located, or, in the instance of an infectious wastes 61998  
transporter, to the board of health of the health district in 61999  
which the transporter's principal place of business is located. 62000  
However, if the board of health having jurisdiction over a 62001  
registrant's premises or principal place of business is not on the 62002  
approved list under section 3734.08 of the Revised Code, the 62003  
director shall not make that payment to the board of health. 62004

(C) Except as provided in this division and divisions (N)(2) 62005  
and (3) of this section, no person shall establish a new solid 62006  
waste facility or infectious waste treatment facility, or modify 62007  
an existing solid waste facility or infectious waste treatment 62008

facility, without submitting an application for a permit with 62009  
accompanying detail plans, specifications, and information 62010  
regarding the facility and method of operation and receiving a 62011  
permit issued by the director, except that no permit shall be 62012  
required under this division to install or operate a solid waste 62013  
facility for sewage sludge treatment or disposal when the 62014  
treatment or disposal is authorized by a current permit issued 62015  
under Chapter 3704. or 6111. of the Revised Code. 62016

No person shall continue to operate a solid waste facility 62017  
for which the director has denied a permit for which an 62018  
application was required under division (A)(3) of section 3734.05 62019  
of the Revised Code, or for which the director has disapproved 62020  
plans and specifications required to be filed by an order issued 62021  
under division (A)(5) of that section, after the date prescribed 62022  
for commencement of closure of the facility in the order issued 62023  
under division (A)(6) of section 3734.05 of the Revised Code 62024  
denying the permit application or approval. 62025

On and after the effective date of the rules adopted under 62026  
division (A) of this section and division (D) of section 3734.12 62027  
of the Revised Code governing solid waste transfer facilities, no 62028  
person shall establish a new, or modify an existing, solid waste 62029  
transfer facility without first submitting an application for a 62030  
permit with accompanying engineering detail plans, specifications, 62031  
and information regarding the facility and its method of operation 62032  
to the director and receiving a permit issued by the director. 62033

No person shall establish a new compost facility or continue 62034  
to operate an existing compost facility that accepts exclusively 62035  
source separated yard wastes without submitting a completed 62036  
registration for the facility to the director in accordance with 62037  
rules adopted under divisions (A) and (N)(3) of this section. 62038

This division does not apply to an infectious waste treatment 62039  
facility that meets any of the following conditions: 62040

(1) Is owned or operated by the generator of the wastes and 62041  
exclusively treats, by methods, techniques, and practices 62042  
established by rules adopted under division (C)(1) or (3) of 62043  
section 3734.021 of the Revised Code, wastes that are generated at 62044  
any premises owned or operated by that generator regardless of 62045  
whether the wastes are generated on the premises where the 62046  
generator's treatment facility is located or, if the generator is 62047  
a hospital as defined in section 3727.01 of the Revised Code, 62048  
infectious wastes that are described in division (A)(1)(g), (h), 62049  
or (i) of section 3734.021 of the Revised Code; 62050

(2) Holds a license or renewal of a license to operate a 62051  
crematory facility issued under Chapter 4717. and a permit issued 62052  
under Chapter 3704. of the Revised Code; 62053

(3) Treats or disposes of dead animals or parts thereof, or 62054  
the blood of animals, and is subject to any of the following: 62055

(a) Inspection under the "Federal Meat Inspection Act," 81 62056  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 62057

(b) Chapter 918. of the Revised Code; 62058

(c) Chapter 953. of the Revised Code. 62059

(D) Neither this chapter nor any rules adopted under it apply 62060  
to single-family residential premises; to infectious wastes 62061  
generated by individuals for purposes of their own care or 62062  
treatment that are disposed of with solid wastes from the 62063  
individual's residence; to the temporary storage of solid wastes, 62064  
other than scrap tires, prior to their collection for disposal; to 62065  
the storage of one hundred or fewer scrap tires unless they are 62066  
stored in such a manner that, in the judgment of the director or 62067  
the board of health of the health district in which the scrap 62068  
tires are stored, the storage causes a nuisance, a hazard to 62069  
public health or safety, or a fire hazard; or to the collection of 62070  
solid wastes, other than scrap tires, by a political subdivision 62071

or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

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

(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.

(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;

(ii) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste that is transported uninterruptedly and directly to the facility through a pipeline from a generator who is not the owner of the facility.

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with

section 3734.05 of the Revised Code and subject to the payment of 62102  
an application fee not to exceed one thousand five hundred 62103  
dollars, payable upon application for a hazardous waste facility 62104  
installation and operation permit and upon application for a 62105  
renewal permit issued under division (H) of section 3734.05 of the 62106  
Revised Code, to be credited to the hazardous waste facility 62107  
management fund created in section 3734.18 of the Revised Code. 62108  
The term of a hazardous waste facility installation and operation 62109  
permit shall not exceed ten years. 62110

In addition to the application fee, there is hereby levied an 62111  
annual permit fee to be paid by the permit holder upon the 62112  
anniversaries of the date of issuance of the hazardous waste 62113  
facility installation and operation permit and of any subsequent 62114  
renewal permits and to be credited to the hazardous waste facility 62115  
management fund. Annual permit fees totaling forty thousand 62116  
dollars or more for any one facility may be paid on a quarterly 62117  
basis with the first quarterly payment each year being due on the 62118  
anniversary of the date of issuance of the hazardous waste 62119  
facility installation and operation permit and of any subsequent 62120  
renewal permits. The annual permit fee shall be determined for 62121  
each permit holder by the director in accordance with the 62122  
following schedule: 62123

TYPE OF BASIC				62124
MANAGEMENT UNIT	TYPE OF FACILITY		FEE	62125
Storage facility using:				62126
Containers	On-site, off-site, and			62127
	satellite		\$ 500	62128
Tanks	On-site, off-site, and			62129
	satellite		500	62130
Waste pile	On-site, off-site, and			62131
	satellite		3,000	62132
Surface impoundment	On-site and satellite		8,000	62133

	Off-site	10,000	62134
Disposal facility using:			62135
Deep well injection	On-site and satellite	15,000	62136
	Off-site	25,000	62137
Landfill	On-site and satellite	25,000	62138
	Off-site	40,000	62139
Land application	On-site and satellite	2,500	62140
	Off-site	5,000	62141
Surface impoundment	On-site and satellite	10,000	62142
	Off-site	20,000	62143
Treatment facility using:			62144
Tanks	On-site, off-site, and		62145
	satellite	700	62146
Surface impoundment	On-site and satellite	8,000	62147
	Off-site	10,000	62148
Incinerator	On-site and satellite	5,000	62149
	Off-site	10,000	62150
Other forms			62151
of treatment	On-site, off-site, and		62152
	satellite	1,000	62153

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage,



treatment, or disposal shall pay the permit fee indicated by the 62167  
schedule for each such method. 62168

The director shall not require the payment of that portion of 62169  
an annual permit fee of any permit holder that would apply to a 62170  
hazardous waste management unit for which a permit has been 62171  
issued, but for which construction has not yet commenced. Once 62172  
construction has commenced, the director shall require the payment 62173  
of a part of the appropriate fee indicated by the schedule that 62174  
bears the same relationship to the total fee that the number of 62175  
days remaining until the next anniversary date at which payment of 62176  
the annual permit fee is due bears to three hundred sixty-five. 62177

The director, by rules adopted in accordance with Chapters 62178  
119. and 3745. of the Revised Code, shall prescribe procedures for 62179  
collecting the annual permit fee established by this division and 62180  
may prescribe other requirements necessary to carry out this 62181  
division. 62182

(3) The prohibition against establishing or operating a 62183  
hazardous waste facility without a hazardous waste facility 62184  
installation and operation permit does not apply to either of the 62185  
following: 62186

(a) A facility that is operating in accordance with a permit 62187  
renewal issued under division (H) of section 3734.05 of the 62188  
Revised Code, a revision issued under division (I) of that section 62189  
as it existed prior to August 20, 1996, or a modification issued 62190  
by the director under division (I) of that section on and after 62191  
August 20, 1996; 62192

(b) Except as provided in division (J) of section 3734.05 of 62193  
the Revised Code, a facility that will operate or is operating in 62194  
accordance with a permit by rule, or that is not subject to permit 62195  
requirements, under rules adopted by the director. In accordance 62196  
with Chapter 119. of the Revised Code, the director shall adopt, 62197

and subsequently may amend, suspend, or rescind, rules for the 62198  
purposes of division (E)(3)(b) of this section. Any rules so 62199  
adopted shall be consistent with and equivalent to regulations 62200  
pertaining to interim status adopted under the "Resource 62201  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 62202  
6921, as amended, except as otherwise provided in this chapter. 62203

If a modification is requested or proposed for a facility 62204  
described in division (E)(3)(a) or (b) of this section, division 62205  
(I)(7) of section 3734.05 of the Revised Code applies. 62206

(F) No person shall store, treat, or dispose of hazardous 62207  
waste identified or listed under this chapter and rules adopted 62208  
under it, regardless of whether generated on or off the premises 62209  
where the waste is stored, treated, or disposed of, or transport 62210  
or cause to be transported any hazardous waste identified or 62211  
listed under this chapter and rules adopted under it to any other 62212  
premises, except at or to any of the following: 62213

(1) A hazardous waste facility operating under a permit 62214  
issued in accordance with this chapter; 62215

(2) A facility in another state operating under a license or 62216  
permit issued in accordance with the "Resource Conservation and 62217  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 62218  
amended; 62219

(3) A facility in another nation operating in accordance with 62220  
the laws of that nation; 62221

(4) A facility holding a permit issued pursuant to Title I of 62222  
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 62223  
Stat. 1052, 33 U.S.C.A. 1401, as amended; 62224

(5) A hazardous waste facility as described in division 62225  
(E)(3)(a) or (b) of this section. 62226

(G) The director, by order, may exempt any person generating, 62227

collecting, storing, treating, disposing of, or transporting solid 62228  
wastes, infectious wastes, or hazardous waste, or processing solid 62229  
wastes that consist of scrap tires, in such quantities or under 62230  
such circumstances that, in the determination of the director, are 62231  
unlikely to adversely affect the public health or safety or the 62232  
environment from any requirement to obtain a registration 62233  
certificate, permit, or license or comply with the manifest system 62234  
or other requirements of this chapter. Such an exemption shall be 62235  
consistent with and equivalent to any regulations adopted by the 62236  
administrator of the United States environmental protection agency 62237  
under the "Resource Conservation and Recovery Act of 1976," 90 62238  
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 62239  
provided in this chapter. 62240

(H) No person shall engage in filling, grading, excavating, 62241  
building, drilling, or mining on land where a hazardous waste 62242  
facility, or a solid waste facility, was operated without prior 62243  
authorization from the director, who shall establish the procedure 62244  
for granting such authorization by rules adopted in accordance 62245  
with Chapter 119. of the Revised Code. 62246

A public utility that has main or distribution lines above or 62247  
below the land surface located on an easement or right-of-way 62248  
across land where a solid waste facility was operated may engage 62249  
in any such activity within the easement or right-of-way without 62250  
prior authorization from the director for purposes of performing 62251  
emergency repair or emergency replacement of its lines; of the 62252  
poles, towers, foundations, or other structures supporting or 62253  
sustaining any such lines; or of the appurtenances to those 62254  
structures, necessary to restore or maintain existing public 62255  
utility service. A public utility may enter upon any such easement 62256  
or right-of-way without prior authorization from the director for 62257  
purposes of performing necessary or routine maintenance of those 62258  
portions of its existing lines; of the existing poles, towers, 62259

foundations, or other structures sustaining or supporting its 62260  
lines; or of the appurtenances to any such supporting or 62261  
sustaining structure, located on or above the land surface on any 62262  
such easement or right-of-way. Within twenty-four hours after 62263  
commencing any such emergency repair, replacement, or maintenance 62264  
work, the public utility shall notify the director or the 62265  
director's authorized representative of those activities and shall 62266  
provide such information regarding those activities as the 62267  
director or the director's representative may request. Upon 62268  
completion of the emergency repair, replacement, or maintenance 62269  
activities, the public utility shall restore any land of the solid 62270  
waste facility disturbed by those activities to the condition 62271  
existing prior to the commencement of those activities. 62272

(I) No owner or operator of a hazardous waste facility, in 62273  
the operation of the facility, shall cause, permit, or allow the 62274  
emission therefrom of any particulate matter, dust, fumes, gas, 62275  
mist, smoke, vapor, or odorous substance that, in the opinion of 62276  
the director, unreasonably interferes with the comfortable 62277  
enjoyment of life or property by persons living or working in the 62278  
vicinity of the facility, or that is injurious to public health. 62279  
Any such action is hereby declared to be a public nuisance. 62280

(J) Notwithstanding any other provision of this chapter, in 62281  
the event the director finds an imminent and substantial danger to 62282  
public health or safety or the environment that creates an 62283  
emergency situation requiring the immediate treatment, storage, or 62284  
disposal of hazardous waste, the director may issue a temporary 62285  
emergency permit to allow the treatment, storage, or disposal of 62286  
the hazardous waste at a facility that is not otherwise authorized 62287  
by a hazardous waste facility installation and operation permit to 62288  
treat, store, or dispose of the waste. The emergency permit shall 62289  
not exceed ninety days in duration and shall not be renewed. The 62290  
director shall adopt, and may amend, suspend, or rescind, rules in 62291

accordance with Chapter 119. of the Revised Code governing the 62292  
issuance, modification, revocation, and denial of emergency 62293  
permits. 62294

(K) No owner or operator of a sanitary landfill shall 62295  
knowingly accept for disposal, or dispose of, any infectious 62296  
wastes, other than those subject to division (A)(1)(c) of section 62297  
3734.021 of the Revised Code, that have not been treated to render 62298  
them noninfectious. For the purposes of this division, 62299  
certification by the owner or operator of the treatment facility 62300  
where the wastes were treated on the shipping paper required by 62301  
rules adopted under division (D)(2) of that section creates a 62302  
rebuttable presumption that the wastes have been so treated. 62303

(L) The director, in accordance with Chapter 119. of the 62304  
Revised Code, shall adopt, and may amend, suspend, or rescind, 62305  
rules having uniform application throughout the state establishing 62306  
a training and certification program that shall be required for 62307  
employees of boards of health who are responsible for enforcing 62308  
the solid waste and infectious waste provisions of this chapter 62309  
and rules adopted under them and for persons who are responsible 62310  
for the operation of solid waste facilities or infectious waste 62311  
treatment facilities. The rules shall provide all of the 62312  
following, without limitation: 62313

(1) The program shall be administered by the director and 62314  
shall consist of a course on new solid waste and infectious waste 62315  
technologies, enforcement procedures, and rules; 62316

(2) The course shall be offered on an annual basis; 62317

(3) Those persons who are required to take the course under 62318  
division (L) of this section shall do so triennially; 62319

(4) Persons who successfully complete the course shall be 62320  
certified by the director; 62321

(5) Certification shall be required for all employees of 62322

boards of health who are responsible for enforcing the solid waste 62323  
or infectious waste provisions of this chapter and rules adopted 62324  
under them and for all persons who are responsible for the 62325  
operation of solid waste facilities or infectious waste treatment 62326  
facilities; 62327

(6)(a) All employees of a board of health who, on the 62328  
effective date of the rules adopted under this division, are 62329  
responsible for enforcing the solid waste or infectious waste 62330  
provisions of this chapter and the rules adopted under them shall 62331  
complete the course and be certified by the director not later 62332  
than January 1, 1995; 62333

(b) All employees of a board of health who, after the 62334  
effective date of the rules adopted under division (L) of this 62335  
section, become responsible for enforcing the solid waste or 62336  
infectious waste provisions of this chapter and rules adopted 62337  
under them and who do not hold a current and valid certification 62338  
from the director at that time shall complete the course and be 62339  
certified by the director within two years after becoming 62340  
responsible for performing those activities. 62341

No person shall fail to obtain the certification required 62342  
under this division. 62343

(M) The director shall not issue a permit under section 62344  
3734.05 of the Revised Code to establish a solid waste facility, 62345  
or to modify a solid waste facility operating on December 21, 62346  
1988, in a manner that expands the disposal capacity or geographic 62347  
area covered by the facility, that is or is to be located within 62348  
the boundaries of a state park established or dedicated under 62349  
Chapter 1541. of the Revised Code, a state park purchase area 62350  
established under section 1541.02 of the Revised Code, any unit of 62351  
the national park system, or any property that lies within the 62352  
boundaries of a national park or recreation area, but that has not 62353  
been acquired or is not administered by the secretary of the 62354

United States department of the interior, located in this state, 62355  
or any candidate area located in this state and identified for 62356  
potential inclusion in the national park system in the edition of 62357  
the "national park system plan" submitted under paragraph (b) of 62358  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 62359  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 62360  
application for the permit, unless the facility or proposed 62361  
facility is or is to be used exclusively for the disposal of solid 62362  
wastes generated within the park or recreation area and the 62363  
director determines that the facility or proposed facility will 62364  
not degrade any of the natural or cultural resources of the park 62365  
or recreation area. The director shall not issue a variance under 62366  
division (A) of this section and rules adopted under it, or issue 62367  
an exemption order under division (G) of this section, that would 62368  
authorize any such establishment or expansion of a solid waste 62369  
facility within the boundaries of any such park or recreation 62370  
area, state park purchase area, or candidate area, other than a 62371  
solid waste facility exclusively for the disposal of solid wastes 62372  
generated within the park or recreation area when the director 62373  
determines that the facility will not degrade any of the natural 62374  
or cultural resources of the park or recreation area. 62375

(N)(1) The rules adopted under division (A) of this section, 62376  
other than those governing variances, do not apply to scrap tire 62377  
collection, storage, monocell, monofill, and recovery facilities. 62378  
Those facilities are subject to and governed by rules adopted 62379  
under sections 3734.70 to 3734.73 of the Revised Code, as 62380  
applicable. 62381

(2) Division (C) of this section does not apply to scrap tire 62382  
collection, storage, monocell, monofill, and recovery facilities. 62383  
The establishment and modification of those facilities are subject 62384  
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 62385  
Code, as applicable. 62386

(3) The director may adopt, amend, suspend, or rescind rules 62387  
under division (A) of this section creating an alternative system 62388  
for authorizing the establishment, operation, or modification of a 62389  
solid waste compost facility in lieu of the requirement that a 62390  
person seeking to establish, operate, or modify a solid waste 62391  
compost facility apply for and receive a permit under division (C) 62392  
of this section and section 3734.05 of the Revised Code and a 62393  
license under division (A)(1) of that section. The rules may 62394  
include requirements governing, without limitation, the 62395  
classification of solid waste compost facilities, the submittal of 62396  
operating records for solid waste compost facilities, and the 62397  
creation of a registration or notification system in lieu of the 62398  
issuance of permits and licenses for solid waste compost 62399  
facilities. The rules shall specify the applicability of divisions 62400  
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 62401  
Code to a solid waste compost facility. 62402

**Sec. 3734.05.** (A)(1) Except as provided in divisions (A)(4), 62403  
(8), and (9) of this section, no person shall operate or maintain 62404  
a solid waste facility without a license issued under this 62405  
division by the board of health of the health district in which 62406  
the facility is located or by the director of environmental 62407  
protection when the health district in which the facility is 62408  
located is not on the approved list under section 3734.08 of the 62409  
Revised Code. 62410

During the month of December, but before the first day of 62411  
January of the next year, every person proposing to continue to 62412  
operate an existing solid waste facility shall procure a license 62413  
under this division to operate the facility for that year from the 62414  
board of health of the health district in which the facility is 62415  
located or, if the health district is not on the approved list 62416  
under section 3734.08 of the Revised Code, from the director. The 62417  
application for such a license shall be submitted to the board of 62418



health or to the director, as appropriate, on or before the last 62419  
day of September of the year preceding that for which the license 62420  
is sought. In addition to the application fee prescribed in 62421  
division (A)(2) of this section, a person who submits an 62422  
application after that date shall pay an additional ten per cent 62423  
of the amount of the application fee for each week that the 62424  
application is late. Late payment fees accompanying an application 62425  
submitted to the board of health shall be credited to the special 62426  
fund of the health district created in division (B) of section 62427  
3734.06 of the Revised Code, and late payment fees accompanying an 62428  
application submitted to the director shall be credited to the 62429  
general revenue fund. A person who has received a license, upon 62430  
sale or disposition of a solid waste facility, and upon consent of 62431  
the board of health and the director, may have the license 62432  
transferred to another person. The board of health or the director 62433  
may include such terms and conditions in a license or revision to 62434  
a license as are appropriate to ensure compliance with this 62435  
chapter and rules adopted under it. The terms and conditions may 62436  
establish the authorized maximum daily waste receipts for the 62437  
facility. Limitations on maximum daily waste receipts shall be 62438  
specified in cubic yards of volume for the purpose of regulating 62439  
the design, construction, and operation of solid waste facilities. 62440  
Terms and conditions included in a license or revision to a 62441  
license by a board of health shall be consistent with, and pertain 62442  
only to the subjects addressed in, the rules adopted under 62443  
division (A) of section 3734.02 and division (D) of section 62444  
3734.12 of the Revised Code. 62445

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 62446  
(9) of this section, each person proposing to open a new solid 62447  
waste facility or to modify an existing solid waste facility shall 62448  
submit an application for a permit with accompanying detail plans 62449  
and specifications to the environmental protection agency for 62450  
required approval under the rules adopted by the director pursuant 62451

to division (A) of section 3734.02 of the Revised Code and 62452  
applicable rules adopted under division (D) of section 3734.12 of 62453  
the Revised Code at least two hundred seventy days before proposed 62454  
operation of the facility and shall concurrently make application 62455  
for the issuance of a license under division (A)(1) of this 62456  
section with the board of health of the health district in which 62457  
the proposed facility is to be located. 62458

(b) On and after the effective date of the rules adopted 62459  
under division (A) of section 3734.02 of the Revised Code and 62460  
division (D) of section 3734.12 of the Revised Code governing 62461  
solid waste transfer facilities, each person proposing to open a 62462  
new solid waste transfer facility or to modify an existing solid 62463  
waste transfer facility shall submit an application for a permit 62464  
with accompanying engineering detail plans, specifications, and 62465  
information regarding the facility and its method of operation to 62466  
the environmental protection agency for required approval under 62467  
those rules at least two hundred seventy days before commencing 62468  
proposed operation of the facility and concurrently shall make 62469  
application for the issuance of a license under division (A)(1) of 62470  
this section with the board of health of the health district in 62471  
which the facility is located or proposed. 62472

(c) Each application for a permit under division (A)(2)(a) or 62473  
(b) of this section shall be accompanied by a nonrefundable 62474  
application fee of four hundred dollars that shall be credited to 62475  
the general revenue fund. Each application for an annual license 62476  
under division (A)(1) or (2) of this section shall be accompanied 62477  
by a nonrefundable application fee of one hundred dollars. If the 62478  
application for an annual license is submitted to a board of 62479  
health on the approved list under section 3734.08 of the Revised 62480  
Code, the application fee shall be credited to the special fund of 62481  
the health district created in division (B) of section 3734.06 of 62482  
the Revised Code. If the application for an annual license is 62483

submitted to the director, the application fee shall be credited 62484  
to the general revenue fund. If a permit or license is issued, the 62485  
amount of the application fee paid shall be deducted from the 62486  
amount of the permit fee due under division (Q) of section 3745.11 62487  
of the Revised Code or the amount of the license fee due under 62488  
division (A)(1), (2), (3), ~~or (4)~~, or (5) of section 3734.06 of 62489  
the Revised Code. 62490

(d) As used in divisions (A)(2)(d), (e), and (f) of this 62491  
section, "modify" means any of the following: 62492

(i) Any increase of more than ten per cent in the total 62493  
capacity of a solid waste facility; 62494

(ii) Any expansion of the limits of solid waste placement at 62495  
a solid waste facility; 62496

(iii) Any increase in the depth of excavation at a solid 62497  
waste facility; 62498

(iv) Any change in the technique of waste receipt or type of 62499  
waste received at a solid waste facility that may endanger human 62500  
health, as determined by the director by rules adopted in 62501  
accordance with Chapter 119. of the Revised Code. 62502

Not later than ~~thirty-five~~ forty-five days after submitting 62503  
an application under division (A)(2)(a) or (b) of this section for 62504  
a permit to open a new or modify an existing solid waste facility, 62505  
the applicant, in conjunction with an officer or employee of the 62506  
environmental protection agency, shall hold a public meeting on 62507  
the application within the county in which the new or modified 62508  
solid waste facility is or is proposed to be located or within a 62509  
contiguous county. Not less than thirty days before holding the 62510  
public meeting on the application, the applicant shall publish 62511  
notice of the meeting in each newspaper of general circulation 62512  
that is published in the county in which the facility is or is 62513  
proposed to be located. If no newspaper of general circulation is 62514

published in the county, the applicant shall publish the notice in 62515  
a newspaper of general circulation in the county. The notice shall 62516  
contain the date, time, and location of the public meeting and a 62517  
general description of the proposed new or modified facility. Not 62518  
later than five days after publishing the notice, the applicant 62519  
shall send by certified mail a copy of the notice and the date the 62520  
notice was published to the director and the legislative authority 62521  
of each municipal corporation, township, and county, and to the 62522  
chief executive officer of each municipal corporation, in which 62523  
the facility is or is proposed to be located. At the public 62524  
meeting, the applicant shall provide information and describe the 62525  
application and respond to comments or questions concerning the 62526  
application, and the officer or employee of the agency shall 62527  
describe the permit application process. At the public meeting, 62528  
any person may submit written or oral comments on or objections to 62529  
the application. Not more than thirty days after the public 62530  
meeting, the applicant shall provide the director with a copy of a 62531  
transcript of the full meeting, copies of any exhibits, displays, 62532  
or other materials presented by the applicant at the meeting, and 62533  
the original copy of any written comments submitted at the 62534  
meeting. 62535

(e) Except as provided in division (A)(2)(f) of this section, 62536  
prior to taking an action, other than a proposed or final denial, 62537  
upon an application submitted under division (A)(2)(a) of this 62538  
section for a permit to open a new or modify an existing solid 62539  
waste facility, the director shall hold a public information 62540  
session and a public hearing on the application within the county 62541  
in which the new or modified solid waste facility is or is 62542  
proposed to be located or within a contiguous county. If the 62543  
application is for a permit to open a new solid waste facility, 62544  
the director shall hold the hearing not less than fourteen days 62545  
after the information session. If the application is for a permit 62546  
to modify an existing solid waste facility, the director may hold 62547

both the information session and the hearing on the same day 62548  
unless any individual affected by the application requests in 62549  
writing that the information session and the hearing not be held 62550  
on the same day, in which case the director shall hold the hearing 62551  
not less than fourteen days after the information session. The 62552  
director shall publish notice of the public information session or 62553  
public hearing not less than thirty days before holding the 62554  
information session or hearing, as applicable. The notice shall be 62555  
published in each newspaper of general circulation that is 62556  
published in the county in which the facility is or is proposed to 62557  
be located. If no newspaper of general circulation is published in 62558  
the county, the director shall publish the notice in a newspaper 62559  
of general circulation in the county. The notice shall contain the 62560  
date, time, and location of the information session or hearing, as 62561  
applicable, and a general description of the proposed new or 62562  
modified facility. At the public information session, an officer 62563  
or employee of the environmental protection agency shall describe 62564  
the status of the permit application and be available to respond 62565  
to comments or questions concerning the application. At the public 62566  
hearing, any person may submit written or oral comments on or 62567  
objections to the approval of the application. The applicant, or a 62568  
representative of the applicant who has knowledge of the location, 62569  
construction, and operation of the facility, shall attend the 62570  
information session and public hearing to respond to comments or 62571  
questions concerning the facility directed to the applicant or 62572  
representative by the officer or employee of the environmental 62573  
protection agency presiding at the information session and 62574  
hearing. 62575

(f) The solid waste management policy committee of a county 62576  
or joint solid waste management district may adopt a resolution 62577  
requesting expeditious consideration of a specific application 62578  
submitted under division (A)(2)(a) of this section for a permit to 62579  
modify an existing solid waste facility within the district. The 62580

resolution shall make the finding that expedited consideration of 62581  
the application without the public information session and public 62582  
hearing under division (A)(2)(e) of this section is in the public 62583  
interest and will not endanger human health, as determined by the 62584  
director by rules adopted in accordance with Chapter 119. of the 62585  
Revised Code. Upon receiving such a resolution, the director, at 62586  
the director's discretion, may issue a final action upon the 62587  
application without holding a public information session or public 62588  
hearing pursuant to division (A)(2)(e) of this section. 62589

(3) Except as provided in division (A)(10) of this section, 62590  
and unless the owner or operator of any solid waste facility, 62591  
other than a solid waste transfer facility or a compost facility 62592  
that accepts exclusively source separated yard wastes, that 62593  
commenced operation on or before July 1, 1968, has obtained an 62594  
exemption from the requirements of division (A)(3) of this section 62595  
in accordance with division (G) of section 3734.02 of the Revised 62596  
Code, the owner or operator shall submit to the director an 62597  
application for a permit with accompanying engineering detail 62598  
plans, specifications, and information regarding the facility and 62599  
its method of operation for approval under rules adopted under 62600  
division (A) of section 3734.02 of the Revised Code and applicable 62601  
rules adopted under division (D) of section 3734.12 of the Revised 62602  
Code in accordance with the following schedule: 62603

(a) Not later than September 24, 1988, if the facility is 62604  
located in the city of Garfield Heights or Parma in Cuyahoga 62605  
county; 62606

(b) Not later than December 24, 1988, if the facility is 62607  
located in Delaware, Greene, Guernsey, Hamilton, Madison, 62608  
Mahoning, Ottawa, or Vinton county; 62609

(c) Not later than March 24, 1989, if the facility is located 62610  
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 62611  
Washington county, or is located in the city of Brooklyn or 62612

Cuyahoga Heights in Cuyahoga county; 62613

(d) Not later than June 24, 1989, if the facility is located 62614  
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 62615  
Summit county or is located in Cuyahoga county outside the cities 62616  
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 62617

(e) Not later than September 24, 1989, if the facility is 62618  
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 62619  
county; 62620

(f) Not later than December 24, 1989, if the facility is 62621  
located in a county not listed in divisions (A)(3)(a) to (e) of 62622  
this section; 62623

(g) Notwithstanding divisions (A)(3)(a) to (f) of this 62624  
section, not later than December 31, 1990, if the facility is a 62625  
solid waste facility owned by a generator of solid wastes when the 62626  
solid waste facility exclusively disposes of solid wastes 62627  
generated at one or more premises owned by the generator 62628  
regardless of whether the facility is located on a premises where 62629  
the wastes are generated and if the facility disposes of more than 62630  
one hundred thousand tons of solid wastes per year, provided that 62631  
any such facility shall be subject to division (A)(5) of this 62632  
section. 62633

(4) Except as provided in divisions (A)(8), (9), and (10) of 62634  
this section, unless the owner or operator of any solid waste 62635  
facility for which a permit was issued after July 1, 1968, but 62636  
before January 1, 1980, has obtained an exemption from the 62637  
requirements of division (A)(4) of this section under division (G) 62638  
of section 3734.02 of the Revised Code, the owner or operator 62639  
shall submit to the director an application for a permit with 62640  
accompanying engineering detail plans, specifications, and 62641  
information regarding the facility and its method of operation for 62642  
approval under those rules. 62643

(5) The director may issue an order in accordance with 62644  
Chapter 3745. of the Revised Code to the owner or operator of a 62645  
solid waste facility requiring the person to submit to the 62646  
director updated engineering detail plans, specifications, and 62647  
information regarding the facility and its method of operation for 62648  
approval under rules adopted under division (A) of section 3734.02 62649  
of the Revised Code and applicable rules adopted under division 62650  
(D) of section 3734.12 of the Revised Code if, in the director's 62651  
judgment, conditions at the facility constitute a substantial 62652  
threat to public health or safety or are causing or contributing 62653  
to or threatening to cause or contribute to air or water pollution 62654  
or soil contamination. Any person who receives such an order shall 62655  
submit the updated engineering detail plans, specifications, and 62656  
information to the director within one hundred eighty days after 62657  
the effective date of the order. 62658

(6) The director shall act upon an application submitted 62659  
under division (A)(3) or (4) of this section and any updated 62660  
engineering plans, specifications, and information submitted under 62661  
division (A)(5) of this section within one hundred eighty days 62662  
after receiving them. If the director denies any such permit 62663  
application, the order denying the application or disapproving the 62664  
plans shall include the requirements that the owner or operator 62665  
submit a plan for closure and post-closure care of the facility to 62666  
the director for approval within six months after issuance of the 62667  
order, cease accepting solid wastes for disposal or transfer at 62668  
the facility, and commence closure of the facility not later than 62669  
one year after issuance of the order. If the director determines 62670  
that closure of the facility within that one-year period would 62671  
result in the unavailability of sufficient solid waste management 62672  
facility capacity within the county or joint solid waste 62673  
management district in which the facility is located to dispose of 62674  
or transfer the solid waste generated within the district, the 62675  
director in the order of denial or disapproval may postpone 62676



commencement of closure of the facility for such period of time as 62677  
the director finds necessary for the board of county commissioners 62678  
or directors of the district to secure access to or for there to 62679  
be constructed within the district sufficient solid waste 62680  
management facility capacity to meet the needs of the district, 62681  
provided that the director shall certify in the director's order 62682  
that postponing the date for commencement of closure will not 62683  
endanger ground water or any property surrounding the facility, 62684  
allow methane gas migration to occur, or cause or contribute to 62685  
any other type of environmental damage. 62686

If an emergency need for disposal capacity that may affect 62687  
public health and safety exists as a result of closure of a 62688  
facility under division (A)(6) of this section, the director may 62689  
issue an order designating another solid waste facility to accept 62690  
the wastes that would have been disposed of at the facility to be 62691  
closed. 62692

(7) If the director determines that standards more stringent 62693  
than those applicable in rules adopted under division (A) of 62694  
section 3734.02 of the Revised Code and division (D) of section 62695  
3734.12 of the Revised Code, or standards pertaining to subjects 62696  
not specifically addressed by those rules, are necessary to ensure 62697  
that a solid waste facility constructed at the proposed location 62698  
will not cause a nuisance, cause or contribute to water pollution, 62699  
or endanger public health or safety, the director may issue a 62700  
permit for the facility with such terms and conditions as the 62701  
director finds necessary to protect public health and safety and 62702  
the environment. If a permit is issued, the director shall state 62703  
in the order issuing it the specific findings supporting each such 62704  
term or condition. 62705

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do 62706  
not apply to a solid waste compost facility that accepts 62707  
exclusively source separated yard wastes and that is registered 62708

under division (C) of section 3734.02 of the Revised Code or, 62709  
unless otherwise provided in rules adopted under division (N)(3) 62710  
of section 3734.02 of the Revised Code, to a solid waste compost 62711  
facility if the director has adopted rules establishing an 62712  
alternative system for authorizing the establishment, operation, 62713  
or modification of a solid waste compost facility under that 62714  
division. 62715

(9) Divisions (A)(1) to (7) of this section do not apply to 62716  
scrap tire collection, storage, monocell, monofill, and recovery 62717  
facilities. The approval of plans and specifications, as 62718  
applicable, and the issuance of registration certificates, 62719  
permits, and licenses for those facilities are subject to sections 62720  
3734.75 to 3734.78 of the Revised Code, as applicable, and section 62721  
3734.81 of the Revised Code. 62722

(10) Divisions (A)(3) and (4) of this section do not apply to 62723  
a solid waste incinerator that was placed into operation on or 62724  
before October 12, 1994, and that is not authorized to accept and 62725  
treat infectious wastes pursuant to division (B) of this section. 62726

(B)(1) Each person who is engaged in the business of treating 62727  
infectious wastes for profit at a treatment facility located off 62728  
the premises where the wastes are generated that is in operation 62729  
on August 10, 1988, and who proposes to continue operating the 62730  
facility shall submit to the board of health of the health 62731  
district in which the facility is located an application for a 62732  
license to operate the facility. 62733

Thereafter, no person shall operate or maintain an infectious 62734  
waste treatment facility without a license issued by the board of 62735  
health of the health district in which the facility is located or 62736  
by the director when the health district in which the facility is 62737  
located is not on the approved list under section 3734.08 of the 62738  
Revised Code. 62739

(2)(a) During the month of December, but before the first day 62740  
of January of the next year, every person proposing to continue to 62741  
operate an existing infectious waste treatment facility shall 62742  
procure a license to operate the facility for that year from the 62743  
board of health of the health district in which the facility is 62744  
located or, if the health district is not on the approved list 62745  
under section 3734.08 of the Revised Code, from the director. The 62746  
application for such a license shall be submitted to the board of 62747  
health or to the director, as appropriate, on or before the last 62748  
day of September of the year preceding that for which the license 62749  
is sought. In addition to the application fee prescribed in 62750  
division (B)(2)(c) of this section, a person who submits an 62751  
application after that date shall pay an additional ten per cent 62752  
of the amount of the application fee for each week that the 62753  
application is late. Late payment fees accompanying an application 62754  
submitted to the board of health shall be credited to the special 62755  
infectious waste fund of the health district created in division 62756  
(C) of section 3734.06 of the Revised Code, and late payment fees 62757  
accompanying an application submitted to the director shall be 62758  
credited to the general revenue fund. A person who has received a 62759  
license, upon sale or disposition of an infectious waste treatment 62760  
facility and upon consent of the board of health and the director, 62761  
may have the license transferred to another person. The board of 62762  
health or the director may include such terms and conditions in a 62763  
license or revision to a license as are appropriate to ensure 62764  
compliance with the infectious waste provisions of this chapter 62765  
and rules adopted under them. 62766

(b) Each person proposing to open a new infectious waste 62767  
treatment facility or to modify an existing infectious waste 62768  
treatment facility shall submit an application for a permit with 62769  
accompanying detail plans and specifications to the environmental 62770  
protection agency for required approval under the rules adopted by 62771  
the director pursuant to section 3734.021 of the Revised Code two 62772

hundred seventy days before proposed operation of the facility and 62773  
concurrently shall make application for a license with the board 62774  
of health of the health district in which the facility is or is 62775  
proposed to be located. Not later than ninety days after receiving 62776  
a completed application under division (B)(2)(b) of this section 62777  
for a permit to open a new infectious waste treatment facility or 62778  
modify an existing infectious waste treatment facility to expand 62779  
its treatment capacity, or receiving a completed application under 62780  
division (A)(2)(a) of this section for a permit to open a new 62781  
solid waste incineration facility, or modify an existing solid 62782  
waste incineration facility to also treat infectious wastes or to 62783  
increase its infectious waste treatment capacity, that pertains to 62784  
a facility for which a notation authorizing infectious waste 62785  
treatment is included or proposed to be included in the solid 62786  
waste incineration facility's license pursuant to division (B)(3) 62787  
of this section, the director shall hold a public hearing on the 62788  
application within the county in which the new or modified 62789  
infectious waste or solid waste facility is or is proposed to be 62790  
located or within a contiguous county. Not less than thirty days 62791  
before holding the public hearing on the application, the director 62792  
shall publish notice of the hearing in each newspaper that has 62793  
general circulation and that is published in the county in which 62794  
the facility is or is proposed to be located. If there is no 62795  
newspaper that has general circulation and that is published in 62796  
the county, the director shall publish the notice in a newspaper 62797  
of general circulation in the county. The notice shall contain the 62798  
date, time, and location of the public hearing and a general 62799  
description of the proposed new or modified facility. At the 62800  
public hearing, any person may submit written or oral comments on 62801  
or objections to the approval or disapproval of the application. 62802  
The applicant, or a representative of the applicant who has 62803  
knowledge of the location, construction, and operation of the 62804  
facility, shall attend the public hearing to respond to comments 62805

or questions concerning the facility directed to the applicant or 62806  
representative by the officer or employee of the environmental 62807  
protection agency presiding at the hearing. 62808

(c) Each application for a permit under division (B)(2)(b) of 62809  
this section shall be accompanied by a nonrefundable application 62810  
fee of four hundred dollars that shall be credited to the general 62811  
revenue fund. Each application for an annual license under 62812  
division (B)(2)(a) of this section shall be accompanied by a 62813  
nonrefundable application fee of one hundred dollars. If the 62814  
application for an annual license is submitted to a board of 62815  
health on the approved list under section 3734.08 of the Revised 62816  
Code, the application fee shall be credited to the special 62817  
infectious waste fund of the health district created in division 62818  
(C) of section 3734.06 of the Revised Code. If the application for 62819  
an annual license is submitted to the director, the application 62820  
fee shall be credited to the general revenue fund. If a permit or 62821  
license is issued, the amount of the application fee paid shall be 62822  
deducted from the amount of the permit fee due under division (Q) 62823  
of section 3745.11 of the Revised Code or the amount of the 62824  
license fee due under division (C) of section 3734.06 of the 62825  
Revised Code. 62826

(d) The owner or operator of any infectious waste treatment 62827  
facility that commenced operation on or before July 1, 1968, shall 62828  
submit to the director an application for a permit with 62829  
accompanying engineering detail plans, specifications, and 62830  
information regarding the facility and its method of operation for 62831  
approval under rules adopted under section 3734.021 of the Revised 62832  
Code in accordance with the following schedule: 62833

(i) Not later than December 24, 1988, if the facility is 62834  
located in Delaware, Greene, Guernsey, Hamilton, Madison, 62835  
Mahoning, Ottawa, or Vinton county; 62836

(ii) Not later than March 24, 1989, if the facility is 62837

located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, 62838  
or Washington county, or is located in the city of Brooklyn, 62839  
Cuyahoga Heights, or Parma in Cuyahoga county; 62840

(iii) Not later than June 24, 1989, if the facility is 62841  
located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, 62842  
Lucas, or Summit county or is located in Cuyahoga county outside 62843  
the cities of Brooklyn, Cuyahoga Heights, and Parma; 62844

(iv) Not later than September 24, 1989, if the facility is 62845  
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 62846  
county; 62847

(v) Not later than December 24, 1989, if the facility is 62848  
located in a county not listed in divisions (B)(2)(d)(i) to (iv) 62849  
of this section. 62850

The owner or operator of an infectious waste treatment 62851  
facility required to submit a permit application under division 62852  
(B)(2)(d) of this section is not required to pay any permit 62853  
application fee under division (B)(2)(c) of this section, or 62854  
permit fee under division (Q) of section 3745.11 of the Revised 62855  
Code, with respect thereto unless the owner or operator also 62856  
proposes to modify the facility. 62857

(e) The director may issue an order in accordance with 62858  
Chapter 3745. of the Revised Code to the owner or operator of an 62859  
infectious waste treatment facility requiring the person to submit 62860  
to the director updated engineering detail plans, specifications, 62861  
and information regarding the facility and its method of operation 62862  
for approval under rules adopted under section 3734.021 of the 62863  
Revised Code if, in the director's judgment, conditions at the 62864  
facility constitute a substantial threat to public health or 62865  
safety or are causing or contributing to or threatening to cause 62866  
or contribute to air or water pollution or soil contamination. Any 62867  
person who receives such an order shall submit the updated 62868

engineering detail plans, specifications, and information to the 62869  
director within one hundred eighty days after the effective date 62870  
of the order. 62871

(f) The director shall act upon an application submitted 62872  
under division (B)(2)(d) of this section and any updated 62873  
engineering plans, specifications, and information submitted under 62874  
division (B)(2)(e) of this section within one hundred eighty days 62875  
after receiving them. If the director denies any such permit 62876  
application or disapproves any such updated engineering plans, 62877  
specifications, and information, the director shall include in the 62878  
order denying the application or disapproving the plans the 62879  
requirement that the owner or operator cease accepting infectious 62880  
wastes for treatment at the facility. 62881

(3) Division (B) of this section does not apply to an 62882  
infectious waste treatment facility that meets any of the 62883  
following conditions: 62884

(a) Is owned or operated by the generator of the wastes and 62885  
exclusively treats, by methods, techniques, and practices 62886  
established by rules adopted under division (C)(1) or (3) of 62887  
section 3734.021 of the Revised Code, wastes that are generated at 62888  
any premises owned or operated by that generator regardless of 62889  
whether the wastes are generated on the same premises where the 62890  
generator's treatment facility is located or, if the generator is 62891  
a hospital as defined in section 3727.01 of the Revised Code, 62892  
infectious wastes that are described in division (A)(1)(g), (h), 62893  
or (i) of section 3734.021 of the Revised Code; 62894

(b) Holds a license or renewal of a license to operate a 62895  
crematory facility issued under Chapter 4717. and a permit issued 62896  
under Chapter 3704. of the Revised Code; 62897

(c) Treats or disposes of dead animals or parts thereof, or 62898  
the blood of animals, and is subject to any of the following: 62899

(i) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 62900  
62901

(ii) Chapter 918. of the Revised Code; 62902

(iii) Chapter 953. of the Revised Code. 62903

Nothing in division (B) of this section requires a facility that holds a license issued under division (A) of this section as a solid waste facility and that also treats infectious wastes by the same method, technique, or process to obtain a license under division (B) of this section as an infectious waste treatment facility. However, the solid waste facility license for the facility shall include the notation that the facility also treats infectious wastes. 62904  
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On and after the effective date of the amendments to the rules adopted under division (C)(2) of section 3734.021 of the Revised Code that are required by Section 6 of Substitute House Bill No. 98 of the 120th General Assembly, the director shall not issue a permit to open a new solid waste incineration facility unless the proposed facility complies with the requirements for the location of new infectious waste incineration facilities established in the required amendments to those rules. 62912  
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(C) Except for a facility or activity described in division (E)(3) of section 3734.02 of the Revised Code, a person who proposes to establish or operate a hazardous waste facility shall submit a complete application for a hazardous waste facility installation and operation permit and accompanying detail plans, specifications, and such information as the director may require to the environmental protection agency at least one hundred eighty days before the proposed beginning of operation of the facility. The applicant shall notify by certified mail the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located of the submission of 62920  
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the application within ten days after the submission or at such 62931  
earlier time as the director may establish by rule. If the 62932  
application is for a proposed new hazardous waste disposal or 62933  
thermal treatment facility, the applicant also shall give actual 62934  
notice of the general design and purpose of the facility to the 62935  
legislative authority of each municipal corporation, township, and 62936  
county in which the facility is proposed to be located at least 62937  
ninety days before the permit application is submitted to the 62938  
environmental protection agency. 62939

In accordance with rules adopted under section 3734.12 of the 62940  
Revised Code, prior to the submission of a complete application 62941  
for a hazardous waste facility installation and operation permit, 62942  
the applicant shall hold at least one meeting in the township or 62943  
municipal corporation in which the facility is proposed to be 62944  
located, whichever is geographically closer to the proposed 62945  
location of the facility. The meeting shall be open to the public 62946  
and shall be held to inform the community of the proposed 62947  
hazardous waste management activities and to solicit questions 62948  
from the community concerning the activities. 62949

(D)(1) Except as provided in section 3734.123 of the Revised 62950  
Code, upon receipt of a complete application for a hazardous waste 62951  
facility installation and operation permit under division (C) of 62952  
this section, the director shall consider the application and 62953  
accompanying information to determine whether the application 62954  
complies with agency rules and the requirements of division (D)(2) 62955  
of this section. After making a determination, the director shall 62956  
issue either a draft permit or a notice of intent to deny the 62957  
permit. The director, in accordance with rules adopted under 62958  
section 3734.12 of the Revised Code or with rules adopted to 62959  
implement Chapter 3745. of the Revised Code, shall provide public 62960  
notice of the application and the draft permit or the notice of 62961  
intent to deny the permit, provide an opportunity for public 62962

comments, and, if significant interest is shown, schedule a public meeting in the county in which the facility is proposed to be located and give public notice of the date, time, and location of the public meeting in a newspaper of general circulation in that county.

(2) The director shall not approve an application for a hazardous waste facility installation and operation permit or an application for a modification under division (I)(3) of this section unless the director finds and determines as follows:

(a) The nature and volume of the waste to be treated, stored, or disposed of at the facility;

(b) That the facility complies with the director's hazardous waste standards adopted pursuant to section 3734.12 of the Revised Code;

(c) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations;

(d) That the facility represents the minimum risk of all of the following:

(i) Fires or explosions from treatment, storage, or disposal methods;

(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility;

(iii) Adverse impact on the public health and safety.

(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them;

(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from

which the person may influence the installation and operation of 62993  
the facility has been involved in any prior activity involving 62994  
transportation, treatment, storage, or disposal of hazardous 62995  
waste, that person has a history of compliance with this chapter 62996  
and Chapters 3704. and 6111. of the Revised Code and all rules and 62997  
standards adopted under them, the "Resource Conservation and 62998  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 62999  
amended, and all regulations adopted under it, and similar laws 63000  
and rules of other states if any such prior operation was located 63001  
in another state that demonstrates sufficient reliability, 63002  
expertise, and competency to operate a hazardous waste facility 63003  
under the applicable provisions of this chapter and Chapters 3704. 63004  
and 6111. of the Revised Code, the applicable rules and standards 63005  
adopted under them, and terms and conditions of a hazardous waste 63006  
facility installation and operation permit, given the potential 63007  
for harm to the public health and safety and the environment that 63008  
could result from the irresponsible operation of the facility. For 63009  
off-site facilities, as defined in section 3734.41 of the Revised 63010  
Code, the director may use the investigative reports of the 63011  
attorney general prepared pursuant to section 3734.42 of the 63012  
Revised Code as a basis for making a finding and determination 63013  
under division (D)(2)(f) of this section. 63014

(g) That the active areas within a new hazardous waste 63015  
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 63016  
(e), as amended, or organic waste that is toxic and is listed 63017  
under 40 C.F.R. 261, as amended, is being stored, treated, or 63018  
disposed of and where the aggregate of the storage design capacity 63019  
and the disposal design capacity of all hazardous waste in those 63020  
areas is greater than two hundred fifty thousand gallons, are not 63021  
located or operated within any of the following: 63022

(i) Two thousand feet of any residence, school, hospital, 63023  
jail, or prison; 63024

(ii) Any naturally occurring wetland; 63025

(iii) Any flood hazard area if the applicant cannot show that 63026  
the facility will be designed, constructed, operated, and 63027  
maintained to prevent washout by a one-hundred-year flood. 63028

Division (D)(2)(g) of this section does not apply to the 63029  
facility of any applicant who demonstrates to the director that 63030  
the limitations specified in that division are not necessary 63031  
because of the nature or volume of the waste and the manner of 63032  
management applied, the facility will impose no substantial danger 63033  
to the health and safety of persons occupying the structures 63034  
listed in division (D)(2)(g)(i) of this section, and the facility 63035  
is to be located or operated in an area where the proposed 63036  
hazardous waste activities will not be incompatible with existing 63037  
land uses in the area. 63038

(h) That the facility will not be located within the 63039  
boundaries of a state park established or dedicated under Chapter 63040  
1541. of the Revised Code, a state park purchase area established 63041  
under section 1541.02 of the Revised Code, any unit of the 63042  
national park system, or any property that lies within the 63043  
boundaries of a national park or recreation area, but that has not 63044  
been acquired or is not administered by the secretary of the 63045  
United States department of the interior, located in this state, 63046  
or any candidate area located in this state identified for 63047  
potential inclusion in the national park system in the edition of 63048  
the "national park system plan" submitted under paragraph (b) of 63049  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 63050  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 63051  
application for the permit, unless the facility will be used 63052  
exclusively for the storage of hazardous waste generated within 63053  
the park or recreation area in conjunction with the operation of 63054  
the park or recreation area. Division (D)(2)(h) of this section 63055  
does not apply to the facility of any applicant for modification 63056

of a permit unless the modification application proposes to 63057  
increase the land area included in the facility or to increase the 63058  
quantity of hazardous waste that will be treated, stored, or 63059  
disposed of at the facility. 63060

(3) Not later than one hundred eighty days after the end of 63061  
the public comment period, the director, without prior hearing, 63062  
shall issue or deny the permit in accordance with Chapter 3745. of 63063  
the Revised Code. If the director approves an application for a 63064  
hazardous waste facility installation and operation permit, the 63065  
director shall issue the permit, upon such terms and conditions as 63066  
the director finds are necessary to ensure the construction and 63067  
operation of the hazardous waste facility in accordance with the 63068  
standards of this section. 63069

(E) No political subdivision of this state shall require any 63070  
additional zoning or other approval, consent, permit, certificate, 63071  
or condition for the construction or operation of a hazardous 63072  
waste facility authorized by a hazardous waste facility 63073  
installation and operation permit issued pursuant to this chapter, 63074  
nor shall any political subdivision adopt or enforce any law, 63075  
ordinance, or rule that in any way alters, impairs, or limits the 63076  
authority granted in the permit. 63077

(F) The director may issue a single hazardous waste facility 63078  
installation and operation permit to a person who operates two or 63079  
more adjoining facilities where hazardous waste is stored, 63080  
treated, or disposed of if the application includes detail plans, 63081  
specifications, and information on all facilities. For the 63082  
purposes of this section, "adjoining" means sharing a common 63083  
boundary, separated only by a public road, or in such proximity 63084  
that the director determines that the issuance of a single permit 63085  
will not create a hazard to the public health or safety or the 63086  
environment. 63087

(G) No person shall falsify or fail to keep or submit any 63088

plans, specifications, data, reports, records, manifests, or other 63089  
information required to be kept or submitted to the director by 63090  
this chapter or the rules adopted under it. 63091

(H)(1) Each person who holds an installation and operation 63092  
permit issued under this section and who wishes to obtain a permit 63093  
renewal shall submit a completed application for an installation 63094  
and operation permit renewal and any necessary accompanying 63095  
general plans, detail plans, specifications, and such information 63096  
as the director may require to the director no later than one 63097  
hundred eighty days prior to the expiration date of the existing 63098  
permit or upon a later date prior to the expiration of the 63099  
existing permit if the permittee can demonstrate good cause for 63100  
the late submittal. The director shall consider the application 63101  
and accompanying information, inspection reports of the facility, 63102  
results of performance tests, a report regarding the facility's 63103  
compliance or noncompliance with the terms and conditions of its 63104  
permit and rules adopted by the director under this chapter, and 63105  
such other information as is relevant to the operation of the 63106  
facility and shall issue a draft renewal permit or a notice of 63107  
intent to deny the renewal permit. The director, in accordance 63108  
with rules adopted under this section or with rules adopted to 63109  
implement Chapter 3745. of the Revised Code, shall give public 63110  
notice of the application and draft renewal permit or notice of 63111  
intent to deny the renewal permit, provide for the opportunity for 63112  
public comments within a specified time period, schedule a public 63113  
meeting in the county in which the facility is located if 63114  
significant interest is shown, and give public notice of the 63115  
public meeting. 63116

(2) Within sixty days after the public meeting or close of 63117  
the public comment period, the director, without prior hearing, 63118  
shall issue or deny the renewal permit in accordance with Chapter 63119  
3745. of the Revised Code. The director shall not issue a renewal 63120

permit unless the director determines that the facility under the 63121  
existing permit has a history of compliance with this chapter, 63122  
rules adopted under it, the existing permit, or orders entered to 63123  
enforce such requirements that demonstrates sufficient 63124  
reliability, expertise, and competency to operate the facility 63125  
henceforth under this chapter, rules adopted under it, and the 63126  
renewal permit. If the director approves an application for a 63127  
renewal permit, the director shall issue the permit subject to the 63128  
payment of the annual permit fee required under division (E) of 63129  
section 3734.02 of the Revised Code and upon such terms and 63130  
conditions as the director finds are reasonable to ensure that 63131  
continued operation, maintenance, closure, and post-closure care 63132  
of the hazardous waste facility are in accordance with the rules 63133  
adopted under section 3734.12 of the Revised Code. 63134

(3) An installation and operation permit renewal application 63135  
submitted to the director that also contains or would constitute 63136  
an application for a modification shall be acted upon by the 63137  
director in accordance with division (I) of this section in the 63138  
same manner as an application for a modification. In approving or 63139  
disapproving the renewal portion of a permit renewal application 63140  
containing an application for a modification, the director shall 63141  
apply the criteria established under division (H)(2) of this 63142  
section. 63143

(4) An application for renewal or modification of a permit 63144  
that does not contain an application for a modification as 63145  
described in divisions (I)(3)(a) to (d) of this section shall not 63146  
be subject to division (D)(2) of this section. 63147

(I)(1) As used in this section, "modification" means a change 63148  
or alteration to a hazardous waste facility or its operations that 63149  
is inconsistent with or not authorized by its existing permit or 63150  
authorization to operate. Modifications shall be classified as 63151  
Class 1, 2, or 3 modifications in accordance with rules adopted 63152

under division (K) of this section. Modifications classified as 63153  
Class 3 modifications, in accordance with rules adopted under that 63154  
division, shall be further classified by the director as either 63155  
Class 3 modifications that are to be approved or disapproved by 63156  
the director under divisions (I)(3)(a) to (d) of this section or 63157  
as Class 3 modifications that are to be approved or disapproved by 63158  
the director under division (I)(5) of this section. Not later than 63159  
thirty days after receiving a request for a modification under 63160  
division (I)(4) of this section that is not listed in Appendix I 63161  
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 63162  
section, the director shall classify the modification and shall 63163  
notify the owner or operator of the facility requesting the 63164  
modification of the classification. Notwithstanding any other law 63165  
to the contrary, a modification that involves the transfer of a 63166  
hazardous waste facility installation and operation permit to a 63167  
new owner or operator for any off-site facility as defined in 63168  
section 3734.41 of the Revised Code shall be classified as a Class 63169  
3 modification. The transfer of a hazardous waste facility 63170  
installation and operation permit to a new owner or operator for a 63171  
facility that is not an off-site facility shall be classified as a 63172  
Class 1 modification requiring prior approval of the director. 63173

(2) Except as provided in section 3734.123 of the Revised 63174  
Code, a hazardous waste facility installation and operation permit 63175  
may be modified at the request of the director or upon the written 63176  
request of the permittee only if any of the following applies: 63177

(a) The permittee desires to accomplish alterations, 63178  
additions, or deletions to the permitted facility or to undertake 63179  
alterations, additions, deletions, or activities that are 63180  
inconsistent with or not authorized by the existing permit; 63181

(b) New information or data justify permit conditions in 63182  
addition to or different from those in the existing permit; 63183

(c) The standards, criteria, or rules upon which the existing 63184



permit is based have been changed by new, amended, or rescinded 63185  
standards, criteria, or rules, or by judicial decision after the 63186  
existing permit was issued, and the change justifies permit 63187  
conditions in addition to or different from those in the existing 63188  
permit; 63189

(d) The permittee proposes to transfer the permit to another 63190  
person. 63191

(3) The director shall approve or disapprove an application 63192  
for a modification in accordance with division (D)(2) of this 63193  
section and rules adopted under division (K) of this section for 63194  
all of the following categories of Class 3 modifications: 63195

(a) Authority to conduct treatment, storage, or disposal at a 63196  
site, location, or tract of land that has not been authorized for 63197  
the proposed category of treatment, storage, or disposal activity 63198  
by the facility's permit; 63199

(b) Modification or addition of a hazardous waste management 63200  
unit, as defined in rules adopted under section 3734.12 of the 63201  
Revised Code, that results in an increase in a facility's storage 63202  
capacity of more than twenty-five per cent over the capacity 63203  
authorized by the facility's permit, an increase in a facility's 63204  
treatment rate of more than twenty-five per cent over the rate so 63205  
authorized, or an increase in a facility's disposal capacity over 63206  
the capacity so authorized. The authorized disposal capacity for a 63207  
facility shall be calculated from the approved design plans for 63208  
the disposal units at that facility. In no case during a five-year 63209  
period shall a facility's storage capacity or treatment rate be 63210  
modified to increase by more than twenty-five per cent in the 63211  
aggregate without the director's approval in accordance with 63212  
division (D)(2) of this section. Notwithstanding any provision of 63213  
division (I) of this section to the contrary, a request for 63214  
modification of a facility's annual total waste receipt limit 63215  
shall be classified and approved or disapproved by the director 63216

under division (I)(5) of this section. 63217

(c) Authority to add any of the following categories of 63218  
regulated activities not previously authorized at a facility by 63219  
the facility's permit: storage at a facility not previously 63220  
authorized to store hazardous waste, treatment at a facility not 63221  
previously authorized to treat hazardous waste, or disposal at a 63222  
facility not previously authorized to dispose of hazardous waste; 63223  
or authority to add a category of hazardous waste management unit 63224  
not previously authorized at the facility by the facility's 63225  
permit. Notwithstanding any provision of division (I) of this 63226  
section to the contrary, a request for authority to add or to 63227  
modify an activity or a hazardous waste management unit for the 63228  
purposes of performing a corrective action shall be classified and 63229  
approved or disapproved by the director under division (I)(5) of 63230  
this section. 63231

(d) Authority to treat, store, or dispose of waste types 63232  
listed or characterized as reactive or explosive, in rules adopted 63233  
under section 3734.12 of the Revised Code, or any acute hazardous 63234  
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 63235  
previously authorized to treat, store, or dispose of those types 63236  
of wastes by the facility's permit unless the requested authority 63237  
is limited to wastes that no longer exhibit characteristics 63238  
meeting the criteria for listing or characterization as reactive 63239  
or explosive wastes, or for listing as acute hazardous waste, but 63240  
still are required to carry those waste codes as established in 63241  
rules adopted under section 3734.12 of the Revised Code because of 63242  
the requirements established in 40 C.F.R. 261(a) and (e), as 63243  
amended, that is, the "mixture," "derived-from," or "contained-in" 63244  
regulations. 63245

(4) A written request for a modification from the permittee 63246  
shall be submitted to the director and shall contain such 63247  
information as is necessary to support the request. Requests for 63248

modifications shall be acted upon by the director in accordance 63249  
with this section and rules adopted under it. 63250

(5) Class 1 modification applications that require prior 63251  
approval of the director, as provided in division (I)(1) of this 63252  
section or as determined in accordance with rules adopted under 63253  
division (K) of this section, Class 2 modification applications, 63254  
and Class 3 modification applications that are not described in 63255  
divisions (I)(3)(a) to (d) of this section shall be approved or 63256  
disapproved by the director in accordance with rules adopted under 63257  
division (K) of this section. The board of county commissioners of 63258  
the county, the board of township trustees of the township, and 63259  
the city manager or mayor of the municipal corporation in which a 63260  
hazardous waste facility is located shall receive notification of 63261  
any application for a modification for that facility and shall be 63262  
considered as interested persons with respect to the director's 63263  
consideration of the application. 63264

As used in division (I) of this section: 63265

(a) "Owner" means the person who owns a majority or 63266  
controlling interest in a facility. 63267

(b) "Operator" means the person who is responsible for the 63268  
overall operation of a facility. 63269

The director shall approve or disapprove an application for a 63270  
Class 1 modification that requires the director's approval within 63271  
sixty days after receiving the request for modification. The 63272  
director shall approve or disapprove an application for a Class 2 63273  
modification within three hundred days after receiving the request 63274  
for modification. The director shall approve or disapprove an 63275  
application for a Class 3 modification within three hundred 63276  
sixty-five days after receiving the request for modification. 63277

(6) The approval or disapproval by the director of a Class 1 63278  
modification application is not a final action that is appealable 63279

under Chapter 3745. of the Revised Code. The approval or 63280  
disapproval by the director of a Class 2 modification or a Class 3 63281  
modification is a final action that is appealable under that 63282  
chapter. In approving or disapproving a request for a 63283  
modification, the director shall consider all comments pertaining 63284  
to the request that are received during the public comment period 63285  
and the public meetings. The administrative record for appeal of a 63286  
final action by the director in approving or disapproving a 63287  
request for a modification shall include all comments received 63288  
during the public comment period relating to the request for 63289  
modification, written materials submitted at the public meetings 63290  
relating to the request, and any other documents related to the 63291  
director's action. 63292

(7) Notwithstanding any other provision of law to the 63293  
contrary, a change or alteration to a hazardous waste facility 63294  
described in division (E)(3)(a) or (b) of section 3734.02 of the 63295  
Revised Code, or its operations, is a modification for the 63296  
purposes of this section. An application for a modification at 63297  
such a facility shall be submitted, classified, and approved or 63298  
disapproved in accordance with divisions (I)(1) to (6) of this 63299  
section in the same manner as a modification to a hazardous waste 63300  
facility installation and operation permit. 63301

(J)(1) Except as provided in division (J)(2) of this section, 63302  
an owner or operator of a hazardous waste facility that is 63303  
operating in accordance with a permit by rule under rules adopted 63304  
by the director under division (E)(3)(b) of section 3734.02 of the 63305  
Revised Code shall submit either a hazardous waste facility 63306  
installation and operation permit application for the facility or 63307  
a modification application, whichever is required under division 63308  
(J)(1)(a) or (b) of this section, within one hundred eighty days 63309  
after the director has requested the application or upon a later 63310  
date if the owner or operator demonstrates to the director good 63311

cause for the late submittal. 63312

(a) If the owner or operator does not have a hazardous waste 63313  
facility installation and operation permit for any hazardous waste 63314  
treatment, storage, or disposal activities at the facility, the 63315  
owner or operator shall submit an application for such a permit to 63316  
the director for the activities authorized by the permit by rule. 63317  
Notwithstanding any other provision of law to the contrary, the 63318  
director shall approve or disapprove the application for the 63319  
permit in accordance with the procedures governing the approval or 63320  
disapproval of permit renewals under division (H) of this section. 63321

(b) If the owner or operator has a hazardous waste facility 63322  
installation and operation permit for hazardous waste treatment, 63323  
storage, or disposal activities at the facility other than those 63324  
authorized by the permit by rule, the owner or operator shall 63325  
submit to the director a request for modification in accordance 63326  
with division (I) of this section. Notwithstanding any other 63327  
provision of law to the contrary, the director shall approve or 63328  
disapprove the modification application in accordance with 63329  
division (I)(5) of this section. 63330

(2) The owner or operator of a boiler or industrial furnace 63331  
that is conducting thermal treatment activities in accordance with 63332  
a permit by rule under rules adopted by the director under 63333  
division (E)(3)(b) of section 3734.02 of the Revised Code shall 63334  
submit a hazardous waste facility installation and operation 63335  
permit application if the owner or operator does not have such a 63336  
permit for any hazardous waste treatment, storage, or disposal 63337  
activities at the facility or, if the owner or operator has such a 63338  
permit for hazardous waste treatment, storage, or disposal 63339  
activities at the facility other than thermal treatment activities 63340  
authorized by the permit by rule, a modification application to 63341  
add those activities authorized by the permit by rule, whichever 63342  
is applicable, within one hundred eighty days after the director 63343

has requested the submission of the application or upon a later 63344  
date if the owner or operator demonstrates to the director good 63345  
cause for the late submittal. The application shall be accompanied 63346  
by information necessary to support the request. The director 63347  
shall approve or disapprove an application for a hazardous waste 63348  
facility installation and operation permit in accordance with 63349  
division (D) of this section and approve or disapprove an 63350  
application for a modification in accordance with division (I)(3) 63351  
of this section, except that the director shall not disapprove an 63352  
application for the thermal treatment activities on the basis of 63353  
the criteria set forth in division (D)(2)(g) or (h) of this 63354  
section. 63355

(3) As used in division (J) of this section: 63356

(a) "Modification application" means a request for a 63357  
modification submitted in accordance with division (I) of this 63358  
section. 63359

(b) "Thermal treatment," "boiler," and "industrial furnace" 63360  
have the same meanings as in rules adopted under section 3734.12 63361  
of the Revised Code. 63362

(K) The director shall adopt, and may amend, suspend, or 63363  
rescind, rules in accordance with Chapter 119. of the Revised Code 63364  
in order to implement divisions (H) and (I) of this section. 63365  
Except when in actual conflict with this section, rules governing 63366  
the classification of and procedures for the modification of 63367  
hazardous waste facility installation and operation permits shall 63368  
be substantively and procedurally identical to the regulations 63369  
governing hazardous waste facility permitting and permit 63370  
modifications adopted under the "Resource Conservation and 63371  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 63372  
amended. 63373

**Sec. 3734.06.** (A)(1) Except as provided in ~~division~~ divisions 63374

(A)(2), (3), ~~and~~ (4), and (5) of this section and in section 3734.82 of the Revised Code, the annual fee for a solid waste facility license shall be in accordance with the following schedule:

AUTHORIZED MAXIMUM DAILY WASTE RECEIPT (TONS)	ANNUAL LICENSE FEE	
100 or less	\$ 5,000	63375
101 to 200	12,500	63376
201 to 500	30,000	63377
501 or more	60,000	63378

For the purpose of determining the applicable license fee under divisions (A)(1) ~~and~~, (2), and (3) of this section, the authorized maximum daily waste receipt shall be the maximum amount of wastes the facility is authorized to receive daily that is established in the permit for the facility, and any modifications to that permit, issued under division (A)(2) or (3) of section 3734.05 of the Revised Code; the annual license for the facility, and any revisions to that license, issued under division (A)(1) of section 3734.05 of the Revised Code; the approved operating plan or operational report for which submission and approval are required by rules adopted by the director of environmental protection under section 3734.02 of the Revised Code; an order issued by the director as authorized by rule; or the updated engineering plans, specifications, and facility and operation information approved under division (A)(4) of section 3734.05 of the Revised Code. If no authorized maximum daily waste receipt is so established, the annual license fee is sixty thousand dollars under division (A)(1) of this section and thirty thousand dollars under ~~division~~ divisions (A)(2) and (3) of this section.

The authorized maximum daily waste receipt set forth in any such document shall be stated in terms of cubic yards of volume

for the purpose of regulating the design, construction, and 63407  
operation of a solid waste facility. For the purpose of 63408  
determining applicable license fees under this section, the 63409  
authorized maximum daily waste receipt so stated shall be 63410  
converted from cubic yards to tons as the unit of measurement 63411  
based upon a conversion factor of three cubic yards per ton for 63412  
compacted wastes generally and one cubic yard per ton for baled 63413  
wastes. 63414

(2) The annual license fee for a facility that is an 63415  
incinerator facility is one-half the amount shown in division 63416  
(A)(1) of this section. When a municipal corporation, county, or 63417  
township owns and operates more than one incinerator within its 63418  
boundaries, the municipal corporation, county, or township shall 63419  
pay one fee for the licenses for all of its incinerators. The fee 63420  
shall be determined on the basis of the aggregate maximum daily 63421  
waste receipt for all the incinerators owned and operated by the 63422  
municipal corporation, county, or township in an amount that is 63423  
one-half the amount shown in division (A)(1) of this section. 63424

(3) The annual fee for a solid waste compost facility license 63425  
shall be in accordance with the following schedule: 63426

AUTHORIZED MAXIMUM	ANNUAL	63427
DAILY WASTE	LICENSE	63428
RECEIPT (TONS)	FEE	63429
12 or less	\$ 300	63430
13 to 25	600	63431
26 to 50	1,200	63432
51 to 75	1,800	63433
76 to 100	2,500	63434
101 to <del>200</del> <u>150</u>	<del>6,250</del> <u>3,750</u>	63435
<u>151 to 200</u>	<u>5,000</u>	63436
201 to <del>500</del> <u>250</u>	<del>15,000</del> <u>6,250</u>	63437
<u>251 to 300</u>	<u>7,500</u>	63438



<u>301 to 400</u>	<u>10,000</u>	63439
<u>401 to 500</u>	<u>12,500</u>	63440
501 or more	30,000	63441

~~(3)~~(4) The annual license fee for a solid waste facility, 63442  
regardless of its authorized maximum daily waste receipt, is five 63443  
thousand dollars for a facility meeting either of the following 63444  
qualifications: 63445

(a) The facility is owned by a generator of solid wastes when 63446  
the solid waste facility exclusively disposes of solid wastes 63447  
generated at one or more premises owned by the generator 63448  
regardless of whether the facility is located on a premises where 63449  
the wastes are generated. 63450

(b) The facility exclusively disposes of wastes that are 63451  
generated from the combustion of coal, or from the combustion of 63452  
primarily coal in combination with scrap tires, that is not 63453  
combined in any way with garbage at one or more premises owned by 63454  
the generator. 63455

~~(4)~~(5) The annual license fee for a facility that is a 63456  
transfer facility is seven hundred fifty dollars. 63457

~~(5)~~(6) The same fees shall apply to private operators and to 63458  
the state and its political subdivisions and shall be paid within 63459  
thirty days after issuance of a license. The fee includes the cost 63460  
of licensing, all inspections, and other costs associated with the 63461  
administration of the solid waste provisions of this chapter and 63462  
rules adopted under them, excluding the provisions governing scrap 63463  
tires. Each such license shall specify that it is conditioned upon 63464  
payment of the applicable fee to the board of health or the 63465  
director, as appropriate, within thirty days after issuance of the 63466  
license. 63467

(B) The board of health shall retain two thousand five 63468  
hundred dollars of each license fee collected by the board under 63469

divisions (A)(1), (2), ~~and (3)~~, and (4) of this section or the 63470  
entire amount of any such fee that is less than two thousand five 63471  
hundred dollars. The moneys retained shall be paid into a special 63472  
fund, which is hereby created in each health district, and used 63473  
solely to administer and enforce the solid waste provisions of 63474  
this chapter and the rules adopted under them, excluding the 63475  
provisions governing scrap tires. The remainder of each license 63476  
fee collected by the board shall be transmitted to the director 63477  
within forty-five days after receipt of the fee. The director 63478  
shall transmit these moneys to the treasurer of state to be 63479  
credited to the general revenue fund. The board of health shall 63480  
retain the entire amount of each fee collected under division 63481  
(A)~~(4)~~(5) of this section, which moneys shall be paid into the 63482  
special fund of the health district. 63483

(C)(1) Except as provided in divisions (C)(2) and (3) of this 63484  
section, the annual fee for an infectious waste treatment facility 63485  
license shall be in accordance with the following schedule: 63486

AVERAGE	ANNUAL	63487
DAILY WASTE	LICENSE	63488
RECEIPT (TONS)	FEE	63489
100 or less	\$ 5,000	63490
101 to 200	12,500	63491
201 to 500	30,000	63492
501 or more	60,000	63493

For the purpose of determining the applicable license fee 63494  
under divisions (C)(1) and (2) of this section, the average daily 63495  
waste receipt shall be the average amount of infectious wastes the 63496  
facility is authorized to receive daily that is established in the 63497  
permit for the facility, and any modifications to that permit, 63498  
issued under division (B)(2)(b) or (d) of section 3734.05 of the 63499  
Revised Code; or the annual license for the facility, and any 63500  
revisions to that license, issued under division (B)(2)(a) of 63501

section 3734.05 of the Revised Code. If no average daily waste receipt is so established, the annual license fee is sixty thousand dollars under division (C)(1) of this section and thirty thousand dollars under division (C)(2) of this section.

(2) The annual license fee for an infectious waste treatment facility that is an incinerator is one-half the amount shown in division (C)(1) of this section.

(3) Fees levied under divisions (C)(1) and (2) of this section shall apply to private operators and to the state and its political subdivisions and shall be paid within thirty days after issuance of a license. The fee includes the cost of licensing, all inspections, and other costs associated with the administration of the infectious waste provisions of this chapter and rules adopted under them. Each such license shall specify that it is conditioned upon payment of the applicable fee to the board of health or the director, as appropriate, within thirty days after issuance of the license.

(4) The board of health shall retain two thousand five hundred dollars of each license fee collected by the board under divisions (C)(1) and (2) of this section. The moneys retained shall be paid into a special infectious waste fund, which is hereby created in each health district, and used solely to administer and enforce the infectious waste provisions of this chapter and the rules adopted under them. The remainder of each license fee collected by the board shall be transmitted to the director within forty-five days after receipt of the fee. The director shall transmit these moneys to the treasurer of state to be credited to the general revenue fund.

**Sec. 3734.18.** (A) As used in this section:

(1) "On-site facility" means a facility that treats or disposes of hazardous waste that is generated on the premises of

the facility. 63533

(2) "Off-site facility" means a facility that treats or 63534  
disposes of hazardous waste that is generated off the premises of 63535  
the facility. 63536

(3) "Satellite facility" means any of the following: 63537

(a) An on-site facility that also receives hazardous waste 63538  
from other premises owned by the same person who generates the 63539  
waste on the facility premises; 63540

(b) An off-site facility operated so that all of the 63541  
hazardous waste it receives is generated on one or more premises 63542  
owned by the person who owns the facility; 63543

(c) An on-site facility that also receives hazardous waste 63544  
that is transported uninterruptedly and directly to the facility 63545  
through a pipeline from a generator who is not the owner of the 63546  
facility. 63547

(B) A treatment or disposal facility that is subject to the 63548  
fees that are levied under this section may be both an on-site 63549  
facility and an off-site facility. The determination of whether an 63550  
on-site facility fee or an off-site facility fee is to be paid for 63551  
a hazardous waste that is treated or disposed of at the facility 63552  
shall be based on whether that hazardous waste was generated on or 63553  
off the premises of the facility. 63554

(C) There are hereby levied fees on the disposal of hazardous 63555  
waste to be collected according to the following schedule at each 63556  
disposal facility to which a hazardous waste facility installation 63557  
and operation permit or renewal of a permit has been issued under 63558  
this chapter or that is operating in accordance with a permit by 63559  
rule under rules adopted by the director of environmental 63560  
protection: 63561

(1) For disposal facilities that are off-site facilities, 63562

fees shall be levied at the rate of four dollars and fifty cents 63563  
per ton for hazardous waste disposed of by deep well injection and 63564  
nine dollars per ton for hazardous waste disposed of by land 63565  
application or landfilling. The owner or operator of the facility, 63566  
as a trustee for the state, shall collect the fees and forward 63567  
them to the director in accordance with rules adopted under this 63568  
section. 63569

(2) For disposal facilities that are on-site or satellite 63570  
facilities, fees shall be levied at the rate of two dollars per 63571  
ton for hazardous waste disposed of by deep well injection and 63572  
four dollars per ton for hazardous waste disposed of by land 63573  
application or landfilling. The maximum annual disposal fee for an 63574  
on-site disposal facility that disposes of one hundred thousand 63575  
tons or less of hazardous waste in a year is twenty-five thousand 63576  
dollars. The maximum annual disposal fee for an on-site facility 63577  
that disposes of more than one hundred thousand tons of hazardous 63578  
waste in a year by land application or landfilling is fifty 63579  
thousand dollars, and the maximum annual fee for an on-site 63580  
facility that disposes of more than one hundred thousand tons of 63581  
hazardous waste in a year by deep well injection is one hundred 63582  
thousand dollars. The maximum annual disposal fee for a satellite 63583  
facility that disposes of one hundred thousand tons or less of 63584  
hazardous waste in a year is thirty-seven thousand five hundred 63585  
dollars, and the maximum annual disposal fee for a satellite 63586  
facility that disposes of more than one hundred thousand tons of 63587  
hazardous waste in a year is seventy-five thousand dollars, except 63588  
that a satellite facility defined under division (A)(3)(b) of this 63589  
section that receives hazardous waste from a single generation 63590  
site is subject to the same maximum annual disposal fees as an 63591  
on-site disposal facility. The owner or operator shall pay the fee 63592  
to the director each year upon the anniversary of the date of 63593  
issuance of the owner's or operator's installation and operation 63594  
permit during the term of that permit and any renewal permit 63595

issued under division (H) of section 3734.05 of the Revised Code 63596  
or on the anniversary of the date of a permit by rule. If payment 63597  
is late, the owner or operator shall pay an additional ten per 63598  
cent of the amount of the fee for each month that it is late. 63599

(D) There are hereby levied fees at the rate of two dollars 63600  
per ton on hazardous waste that is treated at treatment facilities 63601  
that are not on-site or satellite facilities to which a hazardous 63602  
waste facility installation and operation permit or renewal of a 63603  
permit has been issued under this chapter, whose owner or operator 63604  
is operating in accordance with a permit by rule under rules 63605  
adopted by the director, or that are not subject to the hazardous 63606  
waste facility installation and operation permit requirements 63607  
under rules adopted by the director. 63608

(E) There are hereby levied additional fees on the treatment 63609  
and disposal of hazardous waste at the rate of ten per cent of the 63610  
applicable fees prescribed in division (C) or (D) of this section 63611  
for the purposes of paying the costs of municipal corporations and 63612  
counties for conducting reviews of applications for hazardous 63613  
waste facility installation and operation permits for proposed new 63614  
or modified hazardous waste landfills within their boundaries, 63615  
emergency response actions with respect to releases of hazardous 63616  
waste from hazardous waste facilities within their boundaries, 63617  
monitoring the operation of such hazardous waste facilities, and 63618  
local waste management planning programs. The owner or operator of 63619  
a facility located within a municipal corporation, as a trustee 63620  
for the municipal corporation, shall collect the fees levied by 63621  
this division and forward them to the treasurer of the municipal 63622  
corporation or such officer as, by virtue of the charter, has the 63623  
duties of the treasurer in accordance with rules adopted under 63624  
this section. The owner or operator of a facility located in an 63625  
unincorporated area, as a trustee of the county in which the 63626  
facility is located, shall collect the fees levied by this 63627

division and forward them to the county treasurer of that county 63628  
in accordance with rules adopted under this section. The owner or 63629  
operator shall pay the fees levied by this division to the 63630  
treasurer or such other officer of the municipal corporation or to 63631  
the county treasurer each year upon the anniversary of the date of 63632  
issuance of the owner's or operator's installation and operation 63633  
permit during the term of that permit and any renewal permit 63634  
issued under division (H) of section 3734.05 of the Revised Code 63635  
or on the anniversary of the date of a permit by rule or the date 63636  
on which the facility became exempt from hazardous waste facility 63637  
installation and operation permit requirements under rules adopted 63638  
by the director. If payment is late, the owner or operator shall 63639  
pay an additional ten per cent of the amount of the fee for each 63640  
month that the payment is late. 63641

Moneys received by a municipal corporation under this 63642  
division shall be paid into a special fund of the municipal 63643  
corporation and used exclusively for the purposes of conducting 63644  
reviews of applications for hazardous waste facility installation 63645  
and operation permits for new or modified hazardous waste 63646  
landfills located or proposed within the municipal corporation, 63647  
conducting emergency response actions with respect to releases of 63648  
hazardous waste from facilities located within the municipal 63649  
corporation, monitoring operation of such hazardous waste 63650  
facilities, and conducting waste management planning programs 63651  
within the municipal corporation through employees of the 63652  
municipal corporation or pursuant to contracts entered into with 63653  
persons or political subdivisions. Moneys received by a board of 63654  
county commissioners under this division shall be paid into a 63655  
special fund of the county and used exclusively for those purposes 63656  
within the unincorporated area of the county through employees of 63657  
the county or pursuant to contracts entered into with persons or 63658  
political subdivisions. 63659

(F) As used in this section, "treatment" or "treated" does not include any method, technique, or process designed to recover energy or material resources from the waste or to render the waste amenable for recovery. The fees levied by division (D) of this section do not apply to hazardous waste that is treated and disposed of on the same premises or by the same person.

(G) The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe any dates not specified in this section and procedures for collecting and forwarding the fees prescribed by this section and may prescribe other requirements that are necessary to carry out this section.

The director shall deposit the moneys collected under divisions (C) and (D) of this section ~~into one or more minority banks, as "minority bank" is defined in division (F)(1) of section 135.04 of the Revised Code,~~ to the credit of the hazardous waste facility management fund, which is hereby created in the state treasury, except that the director shall deposit to the credit of the underground injection control fund created in section 6111.046 of the Revised Code moneys in excess of fifty thousand dollars that are collected during a fiscal year under division (C)(2) of this section from the fee levied on the disposal of hazardous waste by deep well injection at an on-site disposal facility that disposes of more than one hundred thousand tons of hazardous waste in a year.

The environmental protection agency may use moneys in the hazardous waste facility management fund for administration of the hazardous waste program established under this chapter and, in accordance with this section, may request approval by the controlling board on an annual basis for that use ~~on an annual basis. In addition, the agency may use and pledge moneys in that fund for repayment of and for interest on any loans made by the~~



~~Ohio water development authority to the agency for the hazardous waste program established under this chapter without the necessity of requesting approval by the controlling board, which use and pledge shall have priority over any other use of the moneys in the fund and for the purposes specified in sections 3734.19 to 3734.27 of the Revised Code.~~

~~Until September 28, 1996, the director also may use moneys in the fund to pay the start up costs of administering Chapter 3746. of the Revised Code.~~

If moneys in the fund that the agency uses in accordance with this chapter are reimbursed by grants or other moneys from the United States government, the grants or other moneys shall be placed in the fund.

Before the agency makes any expenditure from the fund other than for repayment of and interest on any loan made by the Ohio water development authority to the agency ~~in accordance with this section~~, the controlling board shall approve the expenditure.

**Sec. 3734.19.** (A) If the legislative or executive authority of a municipal corporation, county, or township has evidence to indicate that locations within its boundaries once served as hazardous waste facilities or that significant quantities of hazardous waste were disposed of in solid waste facilities within its boundaries, it may file a formal written request with the director of environmental protection, accompanied by supporting evidence, to survey the locations or facilities.

Upon receipt of a request and a review of the evidence submitted with the request, the director shall conduct an investigation to determine if hazardous waste was actually treated, stored, or disposed of at the locations or facilities and, if so, to determine the nature and approximate quantity and types of the waste treated, stored, or disposed of at the

particular locations or facilities. In addition, the director 63723  
shall determine whether the locations or facilities, because of 63724  
their present condition and the nature and quantities of waste 63725  
treated, stored, or disposed of therein, result or are likely to 63726  
result in air pollution, pollution of the waters of the state, or 63727  
soil contamination or constitute a present or imminent and 63728  
substantial threat to public health or safety. The director shall 63729  
report the findings of ~~his~~ the investigation to the municipal 63730  
corporation, county, or township requesting the survey. 63731

For the purpose of conducting investigations under this 63732  
section, the director or ~~his~~ the director's authorized 63733  
representative may enter upon any public or private property. The 63734  
director or ~~his~~ the director's authorized representative may apply 63735  
for, and any judge of a court of common pleas shall issue, an 63736  
appropriate search warrant necessary to achieve the purposes of 63737  
this section within the court's territorial jurisdiction. When 63738  
conducting investigations under this section, the director shall 63739  
cause no unnecessary damage to any property. The director may 63740  
expend moneys from the hazardous waste facility management fund 63741  
created in section 3734.18 of the Revised Code, the hazardous 63742  
waste clean-up fund created in section 3734.28 of the Revised 63743  
Code, or the environmental protection remediation fund created in 63744  
section 3734.281 of the Revised Code for conducting 63745  
investigations. 63746

(B) As used in this section and in sections 3734.20, 3734.21, 63747  
3734.23, 3734.25, and 3734.26 of the Revised Code, "soil 63748  
contamination" means the presence in or on the soil of any 63749  
hazardous waste or hazardous waste residue resulting from the 63750  
discharge, deposit, injection, dumping, spilling, leaking, 63751  
emitting, or placing into or on the soil of hazardous waste or 63752  
hazardous waste residue, or any material that when discharged, 63753  
deposited, injected, dumped, spilled, leaked, emitted, or placed 63754

into or on the soil becomes a hazardous waste, in any quantity or 63755  
having any characteristics that are or threaten to be injurious to 63756  
public health or safety, plant or animal life, or the environment 63757  
or that unreasonably interfere with the comfortable enjoyment of 63758  
life or property. 63759

**Sec. 3734.20.** (A) If the director of environmental protection 63760  
has reason to believe that hazardous waste was treated, stored, or 63761  
disposed of at any location within the state, the director may 63762  
conduct such investigations and make such inquiries, including 63763  
obtaining samples and examining and copying records, as are 63764  
reasonable or necessary to determine if conditions at a hazardous 63765  
waste facility, solid waste facility, or other location where the 63766  
director has reason to believe hazardous waste was treated, 63767  
stored, or disposed of constitute a substantial threat to public 63768  
health or safety or are causing or contributing to or threatening 63769  
to cause or contribute to air or water pollution or soil 63770  
contamination. The director or the director's authorized 63771  
representative may apply for, and any judge of a court of common 63772  
pleas shall issue, an appropriate search warrant necessary to 63773  
achieve the purposes of this section within the court's 63774  
territorial jurisdiction. The director may expend moneys from the 63775  
hazardous waste facility management fund created in section 63776  
3734.18 of the Revised Code, the hazardous waste clean-up fund 63777  
created in section 3734.28 of the Revised Code, or the 63778  
environmental protection remediation fund created in section 63779  
3734.281 of the Revised Code for conducting investigations under 63780  
this section. 63781

(B) If the director determines that conditions at a hazardous 63782  
waste facility, solid waste facility, or other location where 63783  
hazardous waste was treated, stored, or disposed of constitute a 63784  
substantial threat to public health or safety or are causing or 63785  
contributing to or threatening to cause or contribute to air or 63786

water pollution or soil contamination, the director shall initiate 63787  
appropriate action under this chapter or Chapter 3704. or 6111. of 63788  
the Revised Code or seek any other appropriate legal or equitable 63789  
remedies to abate the pollution or contamination or to protect 63790  
public health or safety. 63791

If an order of the director to abate or prevent air or water 63792  
pollution or soil contamination or to remedy a threat to public 63793  
health or safety caused by conditions at such a facility issued 63794  
pursuant to this chapter or Chapter 3704. or 6111. of the Revised 63795  
Code is not wholly complied with within the time prescribed in the 63796  
order, the director may, through officers or employees of the 63797  
environmental protection agency or through contractors employed 63798  
for that purpose in accordance with the bidding procedure 63799  
established in division (C) of section 3734.23 of the Revised 63800  
Code, enter upon the facility and perform those measures necessary 63801  
to abate or prevent air or water pollution or soil contamination 63802  
from the facility or to protect public health or safety, 63803  
including, but not limited to, measures prescribed in division (B) 63804  
of section 3734.23 of the Revised Code. The director shall keep an 63805  
itemized record of the cost of the investigation and measures 63806  
performed, including costs for labor, materials, and any contract 63807  
services required. Upon completion of the investigation or 63808  
measures, the director shall record the cost of performing those 63809  
measures at the office of the county recorder of the county in 63810  
which the facility is located. The cost so recorded constitutes a 63811  
lien against the property on which the facility is located until 63812  
discharged. Upon written request of the director, the attorney 63813  
general shall institute a civil action to recover the cost. Any 63814  
moneys so received shall be credited to the hazardous waste 63815  
facility management fund, the hazardous waste clean-up fund, or 63816  
the environmental protection remediation fund, as applicable. 63817

When entering upon a facility under this division, the 63818

director shall perform or cause to be performed only those 63819  
measures necessary to abate or prevent air or water pollution or 63820  
soil contamination caused by conditions at the facility or to 63821  
abate threats to public health or safety caused by conditions at 63822  
the facility. For this purpose the director may expend moneys from 63823  
~~either the hazardous waste facility management fund, the hazardous~~ 63824  
waste clean-up fund, or the environmental protection remediation 63825  
fund and may expend moneys from loans from the Ohio water 63826  
development authority to the environmental protection agency that 63827  
pledge moneys from ~~either the hazardous waste facility management~~ 63828  
fund, the hazardous waste clean-up fund, or the environmental 63829  
protection remediation fund for the repayment of and for the 63830  
interest on such loans. 63831

**Sec. 3734.21.** (A) The director of environmental protection 63832  
may expend moneys credited to the hazardous waste facility 63833  
management fund created in section 3734.18 of the Revised Code, 63834  
the hazardous waste clean-up fund created in section 3734.28 of 63835  
the Revised Code, or the environmental protection remediation fund 63836  
created in section 3734.281 of the Revised Code for the payment of 63837  
the cost of measures necessary for the proper closure of hazardous 63838  
waste facilities or any solid waste facilities containing 63839  
significant quantities of hazardous waste, for the payment of 63840  
costs of the development and construction of suitable hazardous 63841  
waste facilities required by division (B) of section 3734.23 of 63842  
the Revised Code to the extent the director determines that such 63843  
facilities are not available, and for the payment of costs that 63844  
are necessary to abate conditions thereon that are causing or 63845  
contributing to or threatening to cause or contribute to air or 63846  
water pollution or soil contamination or that constitute a 63847  
substantial threat to public health or safety. In addition, the 63848  
director may expend and pledge moneys credited to ~~either the~~ 63849  
hazardous waste facility management fund, the hazardous waste 63850

clean-up fund, or the environmental protection remediation fund 63851  
for repayment of and for interest on any loan made by the Ohio 63852  
water development authority to the environmental protection agency 63853  
for the payment of such costs. 63854

(B) Before beginning to clean up any facility under this 63855  
section, the director shall develop a plan for the cleanup and an 63856  
estimate of the cost thereof. The plan shall include only those 63857  
measures necessary to abate conditions thereon that are causing or 63858  
contributing to or threatening to cause or contribute to air or 63859  
water pollution or soil contamination or that constitute a 63860  
substantial threat to public health or safety, including, but not 63861  
limited to, establishment and maintenance of an adequate cover of 63862  
soil and vegetation on any facility for the burial of hazardous 63863  
waste to prevent the infiltration of water into cells where 63864  
hazardous waste is buried, the accumulation or runoff of 63865  
contaminated surface water, the production of leachate, and air 63866  
emissions of hazardous waste; the collection and treatment of 63867  
contaminated surface water runoff; the collection and treatment of 63868  
leachate; or, if conditions so require, the removal of hazardous 63869  
waste from the facility and the treatment or disposal of the waste 63870  
at a suitable hazardous waste facility. The plan or any part of 63871  
the plan for the cleanup of the facility shall be carried out by 63872  
entering into contracts therefor in accordance with the procedures 63873  
established in division (C) of section 3734.23 of the Revised 63874  
Code. 63875

**Sec. 3734.22.** Before beginning to clean up any facility under 63876  
section 3734.21 of the Revised Code, the director of environmental 63877  
protection shall endeavor to enter into an agreement with the 63878  
owner of the land on which the facility is located, or with the 63879  
owner of the facility, specifying the measures to be performed and 63880  
authorizing the director, employees of the agency, or contractors 63881  
retained by the director to enter upon the land and perform the 63882

specified measures. 63883

Each agreement may contain provisions for the reimbursement 63884  
of the state for the costs of the cleanup. 63885

All reimbursements and payments shall be credited to the 63886  
hazardous waste facility management fund created in section 63887  
3734.18 of the Revised Code, the hazardous waste clean-up fund 63888  
created in section 3734.28 of the Revised Code, or the 63889  
environmental protection remediation fund created in section 63890  
3734.281 of the Revised Code, as applicable. 63891

The agreement may require the owner to execute an easement 63892  
whereby the director, an authorized employee of the agency, or a 63893  
contractor employed by the agency in accordance with the bidding 63894  
procedure established in division (C) of section 3734.23 of the 63895  
Revised Code may enter upon the facility to sample, repair, or 63896  
reconstruct air and water quality monitoring equipment constructed 63897  
under the agreement. Such easements shall be for a specified 63898  
period of years and may be extinguished by agreement between the 63899  
owner and the director. When necessary to protect the public 63900  
health or safety, the agreement may require the owner to enter 63901  
into an environmental covenant with the director in accordance 63902  
with sections 5301.80 to 5301.92 of the Revised Code. 63903

Upon a breach of the reimbursement provisions of the 63904  
agreement by the owner of the land or facility, or upon 63905  
notification to the director by the owner that the owner is unable 63906  
to perform the duties under the reimbursement provisions of the 63907  
agreement, the director may record the unreimbursed portion of the 63908  
costs of cleanup at the office of the county recorder of the 63909  
county in which the facility is located. The costs so recorded 63910  
constitute a lien against the property on which the facility is 63911  
located until discharged. Upon written request of the director, 63912  
the attorney general shall institute a civil action to recover the 63913  
unreimbursed portion of the costs of cleanup. Any moneys so 63914

recovered shall be credited to the hazardous waste facility management fund, the hazardous waste clean-up fund, or the environmental protection remediation fund, as applicable.

**Sec. 3734.23.** (A) The director of environmental protection may acquire by purchase, gift, donation, contribution, or appropriation in accordance with sections 163.01 to 163.21 of the Revised Code any hazardous waste facility or any solid waste facility containing significant quantities of hazardous waste that, because of its condition and the types and quantities of hazardous waste contained in the facility, constitutes an imminent and substantial threat to public health or safety or results in air pollution, pollution of the waters of the state, or soil contamination. For this purpose and for the purposes of division (B) of this section, the director may expend moneys from the hazardous waste facility management fund created in section 3734.18 of the Revised Code, the hazardous waste clean-up fund created in section 3734.28 of the Revised Code, or the environmental protection remediation fund created in section 3734.281 of the Revised Code and may expend moneys from loans from the Ohio water development authority to the environmental protection agency that pledge moneys from ~~either~~ the hazardous waste facility management fund, the hazardous waste clean-up fund, or the environmental protection remediation fund for the repayment of and for the interest on such loans. Any lands or facilities purchased or acquired under this section shall be deeded to the state, but no deed shall be accepted or the purchase price paid until the title has been approved by the attorney general.

(B) The director shall, with respect to any land or facility acquired under this section or cleaned up under section 3734.20 of the Revised Code, perform closure or other measures necessary to abate conditions thereon that are causing or contributing to or threatening to cause or contribute to air or water pollution or



soil contamination or that constitute a substantial threat to 63947  
public health or safety, including, but not limited to, 63948  
establishment and maintenance of an adequate cover of soil and 63949  
vegetation on any facility for the burial of hazardous waste to 63950  
prevent the infiltration of water into cells where hazardous waste 63951  
is buried, the accumulation or runoff of contaminated surface 63952  
water, the production of leachate, and air emissions of hazardous 63953  
waste; the collection and treatment of contaminated surface water 63954  
runoff; the collection and treatment of leachate; or, if 63955  
conditions so require, the removal of hazardous waste from the 63956  
facility and the treatment or disposal of the waste at a suitable 63957  
hazardous waste facility. After performing these measures, the 63958  
director shall provide for the post-closure care, maintenance, and 63959  
monitoring of facilities cleaned up under this section. 63960

(C) Before proceeding to clean up any facility under this 63961  
section or section 3734.20 or 3734.21 of the Revised Code, the 63962  
director shall develop a plan for the cleanup of the facility and 63963  
an estimate of the cost thereof. The director may carry out the 63964  
plan or any part of the plan by contracting for the services, 63965  
construction, and repair necessary therefor. The director shall 63966  
award each such contract to the lowest responsible bidder after 63967  
sealed bids therefor are received, opened, and published at the 63968  
time fixed by the director and notice of the time and place at 63969  
which the sealed bids will be received, opened, and published has 63970  
been published by the director in a newspaper of general 63971  
circulation in the county in which the facility to be cleaned up 63972  
under the contract is located at least once within the ten days 63973  
before the opening of the bids. However, if after advertising for 63974  
bids for the contract, no bids are received by the director at the 63975  
time and place fixed for receiving them, the director may 63976  
advertise again for bids, or the director may, if the director 63977  
considers the public interest will best be served thereby, enter 63978  
into a contract for the cleanup of the facility without further 63979

advertisement for bids. The director may reject any or all bids 63980  
received and fix and publish again notice of the time and place at 63981  
which bids for the contracts will be received, opened, and 63982  
published. 63983

(D) The director shall keep an itemized record of the costs 63984  
of any acquisition under division (A) of this section and the 63985  
costs of cleanup under division (B) of this section. 63986

**Sec. 3734.24.** After the cleanup of a solid waste facility or 63987  
a hazardous waste facility acquired and cleaned up under section 63988  
3734.23 of the Revised Code, the director of environmental 63989  
protection may, if the facility is suitable for use by any other 63990  
state department, agency, office, or institution and if the 63991  
proposed use of the facility is compatible with the condition of 63992  
the facility as cleaned up, transfer the facility to that state 63993  
department, agency, office, or institution. The director shall 63994  
continue to provide for the post-closure care, maintenance, and 63995  
monitoring of any such cleaned-up facility as required by section 63996  
3734.23 of the Revised Code. 63997

If the director determines that any facility so cleaned up is 63998  
suitable, because of its condition as cleaned up, for restricted 63999  
or unrestricted use, the director may, with the approval of the 64000  
attorney general, sell the facility if the sale is advantageous to 64001  
the state. Prior to selling the cleaned-up facility, the director 64002  
shall, when necessary to protect public health or safety, enter 64003  
into an environmental covenant in accordance with sections 5301.80 64004  
to 5301.92 of the Revised Code. When selling any such cleaned-up 64005  
facility, the director shall retain the right to enter upon the 64006  
facility, in person or by an authorized agent, to provide for the 64007  
post-closure care, maintenance, and monitoring of the facility. 64008  
The director shall provide for the post-closure care, maintenance, 64009  
and monitoring of any such facility sold as required by section 64010

3734.23 of the Revised Code. 64011

With the approval of the attorney general, the director may 64012  
grant easements or leases on any such cleaned-up facility if the 64013  
director determines that the use of the facility under the 64014  
easement or lease is compatible with its condition as cleaned up. 64015

Any moneys derived from the sale of such cleaned-up 64016  
facilities or from payments from easements or leases shall be 64017  
credited to the hazardous waste facility management fund created 64018  
in section 3734.18 of the Revised Code, the hazardous waste 64019  
clean-up fund created in section 3734.28 of the Revised Code, or 64020  
the environmental protection remediation fund created in section 64021  
3734.281 of the Revised Code, as applicable. 64022

**Sec. 3734.25.** (A) The director of environmental protection 64023  
may make grants of moneys from the hazardous waste facility 64024  
management fund created in section 3734.18 of the Revised Code or 64025  
the hazardous waste clean-up fund created in section 3734.28 of 64026  
the Revised Code for payment by the state of up to two-thirds of 64027  
the reasonable and necessary expenses incurred by a municipal 64028  
corporation, county, or township for the proper closure of or 64029  
abatement of air or water pollution or soil contamination from a 64030  
solid waste facility in which significant quantities of hazardous 64031  
waste were disposed of and that the political subdivision owns and 64032  
once operated. 64033

(B) A municipal corporation, county, or township shall submit 64034  
an application for a grant on forms provided by the director, 64035  
together with detail plans and specifications indicating the 64036  
measures to be performed, an itemized estimate of the project's 64037  
cost, a description of the project's benefits, and such other 64038  
information as the director prescribes. The plan for closure or 64039  
abatement of air or water pollution or soil contamination may be 64040  
prepared in consultation with the director or the board of health 64041

of the city or general health district in which the facility is 64042  
located. The director may award the applicant a grant only if the 64043  
director finds that the proposed measures will provide for the 64044  
proper closure of the facility and will abate or prevent air or 64045  
water pollution or soil contamination, including, but not limited 64046  
to, those measures necessary or desirable to: 64047

(1) In the case of a facility at which land burial of 64048  
hazardous waste occurred, establish and maintain a suitable cover 64049  
of soil and vegetation over the cells in which waste is buried in 64050  
order to minimize erosion, the infiltration of surface water into 64051  
the cells, the production of leachate, and the accumulation or 64052  
runoff of contaminated surface waters and to prevent air emissions 64053  
of hazardous waste from the facility; 64054

(2) Collect and treat contaminated surface water runoff from 64055  
the facility; 64056

(3) Collect and treat leachate produced at the facility; 64057

(4) Install test wells and other equipment or facilities to 64058  
monitor the quality of surface waters receiving runoff from the 64059  
facility or to monitor air emissions of hazardous waste from the 64060  
facility; 64061

(5) Regularly monitor and analyze surface water runoff from 64062  
the facility, the quality of waters receiving the runoff, and 64063  
ground water quality in the vicinity of the facility, and 64064  
regularly monitor leachate collection and treatment systems 64065  
installed under the grant and analyze samples from them; 64066

(6) Remove and dispose of hazardous waste from the facility 64067  
at a suitable hazardous waste disposal facility where necessary to 64068  
protect public health or safety or to prevent or abate air or 64069  
water pollution or soil contamination. 64070

(C) The director shall determine the amount of the grant 64071  
based upon the director's determination of what constitutes 64072

reasonable and necessary expenses for the proper closure of the 64073  
facility or for the prevention or elimination of air or water 64074  
pollution or soil contamination from the facility. In making a 64075  
grant, the director shall enter into a contract with the municipal 64076  
corporation, county, or township that owns the facility to ensure 64077  
that the moneys granted are used for the purposes of this section 64078  
and that measures performed are properly done. The final payment 64079  
under a grant may not be made until the director inspects and 64080  
approves the completed cleanup. 64081

The contract shall require the municipal corporation, county, 64082  
or township to execute an easement whereby the director, an 64083  
authorized employee of the agency, or a contractor employed by the 64084  
director may enter upon the facility to sample, repair, or 64085  
reconstruct air and water quality monitoring equipment constructed 64086  
under the contract. Such easements shall be for a specified period 64087  
of years and may be extinguished by agreement between the 64088  
political subdivision and the director. 64089

When necessary to protect public health or safety, the 64090  
contract may require the municipal corporation, county, or 64091  
township to enter into an environmental covenant with the director 64092  
in accordance with sections 5301.80 to 5301.92 of the Revised 64093  
Code. 64094

**Sec. 3734.26.** (A) The director of environmental protection 64095  
may make grants of moneys from the hazardous waste facility 64096  
management fund created in section 3734.18 of the Revised Code or 64097  
the hazardous waste clean-up fund created in section 3734.28 of 64098  
the Revised Code to the owner, other than a political subdivision, 64099  
of a solid waste facility in which significant quantities of 64100  
hazardous waste were disposed of or a hazardous waste facility for 64101  
up to fifty per cent of the cost of the reasonable and necessary 64102  
expenses incurred for the proper closure of or abatement or 64103

prevention of air or water pollution or soil contamination from 64104  
the facility and for developing the land on which it was located 64105  
for use in industry, commerce, distribution, or research. 64106

The director shall not make grants to the owner of any land 64107  
on which such facilities are located if the owner at any time 64108  
owned or operated the facility located thereon for profit or in 64109  
conjunction with any profit-making enterprise located in this 64110  
state or to any person who at any time owned or operated a 64111  
facility concerning which the director has taken action under 64112  
section 3734.20, 3734.22, or 3734.23 of the Revised Code. However, 64113  
the director may make grants under this section to any subsequent 64114  
owner of the land, provided that the person has no affiliation 64115  
with any person who owned or operated the facility located on the 64116  
land for profit or in conjunction with any profit-making 64117  
enterprise located in this state or who owned or operated a 64118  
facility concerning which the director has taken action under 64119  
section 3734.20, 3734.22, or 3734.23 of the Revised Code. 64120

(B) The owner shall submit an application for a grant on 64121  
forms furnished by the director, together with detail plans and 64122  
specifications for the measures to be performed to close the 64123  
facility properly or to abate or prevent air or water pollution or 64124  
soil contamination from the facility, an itemized estimate of the 64125  
project's cost, a description of the project's estimated benefits, 64126  
and such other information as the director prescribes. The plan 64127  
may be prepared in consultation with the director or with the 64128  
board of health of the city or general health district in which 64129  
the facility is located. The director may award the applicant a 64130  
grant only after finding that the proposed measures will provide 64131  
for the proper closure of the facility or will abate or prevent 64132  
air or water pollution or soil contamination from the facility, 64133  
including, but not limited to, those measures necessary or 64134  
desirable to: 64135

(1) In the case of a facility for the land burial of hazardous waste, establish and maintain a suitable cover of soil and vegetation over the cells in which waste is buried in order to minimize erosion, the infiltration of surface water into the cells, the production of leachate, and the accumulation or runoff of contaminated surface water and to prevent air emissions of hazardous waste from the facility;

(2) Collect and treat contaminated surface water runoff from the facility;

(3) Collect and treat leachate produced at the facility;

(4) Install test wells and other equipment or facilities to monitor the quality of surface waters receiving runoff from the facility or to monitor air emissions of hazardous waste from the facility;

(5) Regularly monitor and analyze surface water runoff from the facility, the quality of waters receiving the runoff, and ground water quality in the vicinity of the facility, and regularly monitor leachate collection and treatment systems installed under the grant and analyze samples from them;

(6) Remove and dispose of hazardous waste from the facility at a suitable hazardous waste disposal facility where necessary to protect public health or safety or to abate or prevent air or water pollution or soil contamination.

(C) The director shall determine the amount of the grant based upon the director's determination of what constitutes reasonable and necessary expenses for the proper closure of the facility or for the abatement or prevention of air or water pollution or soil contamination from the facility. The amount of the grant shall not exceed one-half of the total, as determined by the director, of what constitutes reasonable and necessary expenses actually incurred for the proper closure of or abatement

or prevention of air or water pollution or soil contamination from 64167  
the facility. 64168

In making a grant, the director shall enter into a contract 64169  
for funding with each applicant awarded a grant to ensure that the 64170  
moneys granted are used for the purpose of this section and that 64171  
the measures performed are properly performed. The final payment 64172  
under a grant may not be made until the director inspects and 64173  
approves the completed cleanup and the plans for developing the 64174  
land for use in industry, commerce, distribution, or research. 64175

Each contract for funding shall contain provisions for the 64176  
reimbursement of the state of a portion of the costs of the 64177  
cleanup that is commensurate with the increase in the market value 64178  
of the property attributable to the cleanup thereon, as determined 64179  
by appraisals made before and after cleanup in the manner stated 64180  
in the contract. For reimbursement of that portion, the contract 64181  
may include provisions for: 64182

(1) Payment to the state of the share of the income derived 64183  
from the productive use of the land; 64184

(2) Imposition of a lien in the amount of the increase in 64185  
fair market value payable upon the transfer or conveyance to a new 64186  
owner; 64187

(3) Waiver of all reimbursement if the determination 64188  
discloses an increase in value that is insubstantial in comparison 64189  
to the benefits to the public from the abatement of threats to 64190  
public health or safety or from the abatement or prevention of 64191  
pollution or contamination, considering the applicant's share of 64192  
the cleanup cost. 64193

All reimbursements and payments shall be credited to the 64194  
hazardous waste facility management fund or the hazardous waste 64195  
clean-up fund ~~created in section 3734.28 of the Revised Code, as~~ 64196  
applicable. 64197



(D) The contract shall require the owner to execute an easement whereby the director, an authorized employee of the agency, or a contractor employed by the agency may enter upon the facility to sample, repair, or reconstruct air and water quality monitoring equipment constructed under the contract. Such easements shall be for a specified period of years and may be extinguished by agreement between the owner and the director. When necessary to protect the public health or safety, the contract may require the owner to enter into an environmental covenant with the director in accordance with sections 5301.80 to 5301.92 of the Revised Code.

(E) As used in this section, "commerce" includes, but is not limited to, agriculture, forestry, and housing.

**Sec. 3734.27.** Before making grants from the hazardous waste facility management fund created in section 3734.18 of the Revised Code or the hazardous waste clean-up fund created in section 3734.28 of the Revised Code, the director of environmental protection shall consider each project application submitted by a political subdivision under section 3734.25 of the Revised Code, each application submitted by the owner of a facility under section 3734.26 of the Revised Code, and each facility surveyed under section 3734.19 of the Revised Code and, based upon the feasibility, cost, and public benefits of restoring the particular land and the availability of federal or other financial assistance for restoration, establish priorities for awarding grants from the fund.

**Sec. 3734.28.** Except as otherwise provided in ~~section~~ sections 3734.281 and 3734.282 of the Revised Code, moneys collected under sections 3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the Revised Code and under the "Comprehensive Environmental Response, Compensation, and Liability

Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended, 64229  
including moneys recovered under division (B)(1) of this section, 64230  
shall be paid into the state treasury to the credit of the 64231  
hazardous waste clean-up fund, which is hereby created. In 64232  
addition, ~~any moneys~~ both of the following shall be credited to 64233  
the fund: 64234

(A) Moneys recovered for costs paid from the fund for 64235  
activities described in divisions (A)(1) and (2) of section 64236  
3745.12 of the Revised Code ~~shall be credited to the fund;~~ 64237

(B) Natural resource damage assessment costs recovered under 64238  
any of the following: 64239

(1) The "Comprehensive Environmental Response, Compensation, 64240  
and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 9601, et 64241  
seq., as amended; 64242

(2) The "Oil Pollution Act of 1990," 104 Stat. 484, 33 U.S.C. 64243  
2701, et seq., as amended; 64244

(3) The Federal Water Pollution Control Act as defined in 64245  
section 6111.01 of the Revised Code; 64246

(4) Any other applicable federal or state law. ~~The~~ 64247

The environmental protection agency shall use the moneys in 64248  
the fund for the purposes set forth in division (D) of section 64249  
3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 64250  
3734.26, and 3734.27, divisions (A)(1) and (2) of section 3745.12, 64251  
and Chapter 3746. of the Revised Code, including any related 64252  
enforcement expenses. In addition, the agency shall use the moneys 64253  
in the fund to pay the state's long-term operation and maintenance 64254  
costs or matching share for actions taken under the "Comprehensive 64255  
Environmental Response, Compensation, and Liability Act of 1980," 64256  
as amended. If those moneys are reimbursed by grants or other 64257  
moneys from the United States or any other person, the moneys 64258  
shall be placed in the fund and not in the general revenue fund. 64259

The director of environmental protection may enter into 64260  
contracts and grant agreements with federal, state, or local 64261  
government agencies, nonprofit organizations, and colleges and 64262  
universities for the purpose of carrying out the responsibilities 64263  
of the environmental protection agency for which money may be 64264  
expended from the fund. 64265

**Sec. 3734.282.** ~~All~~ Except for natural resource damage 64266  
assessment costs recovered by the state that are required by 64267  
section 3734.28 of the Revised Code to be credited to the 64268  
hazardous waste clean-up fund created in that section, all money 64269  
collected by the state for natural resources damages under the 64270  
"Comprehensive Environmental Response, Compensation, and Liability 64271  
Act of 1980," 94 Stat. 2767, 42 U.S.C. 9601 et seq., as amended, 64272  
the "Oil Pollution Act of 1990," 104 Stat. 484, 33 U.S.C. 2701 et 64273  
seq., as amended, the ~~"Clean Federal Water Pollution Control Act,"~~ 64274  
~~86 Stat. 862, 33 U.S.C. 1321,~~ as amended defined in section 64275  
6111.01 of the Revised Code, or any other applicable federal or 64276  
state law shall be paid into the state treasury to the credit of 64277  
the natural resource damages fund, which is hereby created. The 64278  
director of environmental protection shall use money in the fund 64279  
only in accordance with the purposes of and the limitations on 64280  
natural resources damages set forth in the "Comprehensive 64281  
Environmental Response, Compensation, and Liability Act of 1980," 64282  
as amended, the "Oil Pollution Act of 1990," as amended, the 64283  
~~"Clean Federal Water Pollution Control Act," as amended,~~ or 64284  
another applicable federal or state law. All investment earnings 64285  
of the fund shall be credited to the fund. 64286

The director of environmental protection may enter into 64287  
contracts and grant agreements with federal, state, or local 64288  
government agencies, nonprofit organizations, and colleges and 64289  
universities for the purpose of carrying out the director's 64290  
responsibilities for which money may be expended from the fund. 64291

**Sec. 3734.57.** (A) The following fees are hereby levied on the 64292  
transfer or disposal of solid wastes in this state: 64293

(1) One dollar per ton ~~on and after July 1, 2003,~~ through 64294  
June 30, ~~2012~~ 2014, one-half of the proceeds of which shall be 64295  
deposited in the state treasury to the credit of the hazardous 64296  
waste facility management fund created in section 3734.18 of the 64297  
Revised Code and one-half of the proceeds of which shall be 64298  
deposited in the state treasury to the credit of the hazardous 64299  
waste clean-up fund created in section 3734.28 of the Revised 64300  
Code; 64301

(2) An additional one dollar per ton ~~on and after July 1,~~ 64302  
~~2003,~~ through June 30, ~~2012~~ 2014, the proceeds of which shall be 64303  
deposited in the state treasury to the credit of the solid waste 64304  
fund, which is hereby created. The environmental protection agency 64305  
shall use money in the solid waste fund to pay the costs of 64306  
administering and enforcing the laws pertaining to solid wastes, 64307  
infectious wastes, and construction and demolition debris, 64308  
including, without limitation, ground water evaluations related to 64309  
solid wastes, infectious wastes, and construction and demolition 64310  
debris, under this chapter and Chapter 3714. of the Revised Code 64311  
and any rules adopted under them, providing compliance assistance 64312  
to small businesses, and paying a share of the administrative 64313  
costs of the environmental protection agency pursuant to section 64314  
3745.014 of the Revised Code. 64315

(3) An additional ~~one dollar~~ two dollars and fifty cents per 64316  
ton ~~on and after July 1, 2005,~~ through June 30, ~~2012~~ 2014, the 64317  
proceeds of which shall be deposited in the state treasury to the 64318  
credit of the environmental protection fund created in section 64319  
3745.015 of the Revised Code; 64320

(4) ~~An additional one dollar per ton on and after August 1,~~ 64321  
~~2009, through June 30, 2012, the proceeds of which shall be~~ 64322

~~deposited in the state treasury to the credit of the environmental  
protection fund.~~ 64323  
64324

(5) An additional twenty-five cents per ton ~~on and after~~ 64325  
~~August 1, 2009,~~ through June 30, ~~2012~~ 2013, the proceeds of which 64326  
shall be deposited in the state treasury to the credit of the soil 64327  
and water conservation district assistance fund created in section 64328  
1515.14 of the Revised Code. 64329

In the case of solid wastes that are taken to a solid waste 64330  
transfer facility located in this state prior to being transported 64331  
for disposal at a solid waste disposal facility located in this 64332  
state or outside of this state, the fees levied under this 64333  
division shall be collected by the owner or operator of the 64334  
transfer facility as a trustee for the state. The amount of fees 64335  
required to be collected under this division at such a transfer 64336  
facility shall equal the total tonnage of solid wastes received at 64337  
the facility multiplied by the fees levied under this division. In 64338  
the case of solid wastes that are not taken to a solid waste 64339  
transfer facility located in this state prior to being transported 64340  
to a solid waste disposal facility, the fees shall be collected by 64341  
the owner or operator of the solid waste disposal facility as a 64342  
trustee for the state. The amount of fees required to be collected 64343  
under this division at such a disposal facility shall equal the 64344  
total tonnage of solid wastes received at the facility that was 64345  
not previously taken to a solid waste transfer facility located in 64346  
this state multiplied by the fees levied under this division. Fees 64347  
levied under this division do not apply to materials separated 64348  
from a mixed waste stream for recycling by a generator or 64349  
materials removed from the solid waste stream through recycling, 64350  
as "recycling" is defined in rules adopted under section 3734.02 64351  
of the Revised Code. 64352

The owner or operator of a solid waste transfer facility or 64353  
disposal facility, as applicable, shall prepare and file with the 64354

director of environmental protection each month a return 64355  
indicating the total tonnage of solid wastes received at the 64356  
facility during that month and the total amount of the fees 64357  
required to be collected under this division during that month. In 64358  
addition, the owner or operator of a solid waste disposal facility 64359  
shall indicate on the return the total tonnage of solid wastes 64360  
received from transfer facilities located in this state during 64361  
that month for which the fees were required to be collected by the 64362  
transfer facilities. The monthly returns shall be filed on a form 64363  
prescribed by the director. Not later than thirty days after the 64364  
last day of the month to which a return applies, the owner or 64365  
operator shall mail to the director the return for that month 64366  
together with the fees required to be collected under this 64367  
division during that month as indicated on the return or may 64368  
submit the return and fees electronically in a manner approved by 64369  
the director. If the return is filed and the amount of the fees 64370  
due is paid in a timely manner as required in this division, the 64371  
owner or operator may retain a discount of three-fourths of one 64372  
per cent of the total amount of the fees that are required to be 64373  
paid as indicated on the return. 64374

The owner or operator may request an extension of not more 64375  
than thirty days for filing the return and remitting the fees, 64376  
provided that the owner or operator has submitted such a request 64377  
in writing to the director together with a detailed description of 64378  
why the extension is requested, the director has received the 64379  
request not later than the day on which the return is required to 64380  
be filed, and the director has approved the request. If the fees 64381  
are not remitted within thirty days after the last day of the 64382  
month to which the return applies or are not remitted by the last 64383  
day of an extension approved by the director, the owner or 64384  
operator shall not retain the three-fourths of one per cent 64385  
discount and shall pay an additional ten per cent of the amount of 64386  
the fees for each month that they are late. For purposes of 64387

calculating the late fee, the first month in which fees are late 64388  
begins on the first day after the deadline has passed for timely 64389  
submitting the return and fees, and one additional month shall be 64390  
counted every thirty days thereafter. 64391

The owner or operator of a solid waste facility may request a 64392  
refund or credit of fees levied under this division and remitted 64393  
to the director that have not been paid to the owner or operator. 64394  
Such a request shall be made only if the fees have not been 64395  
collected by the owner or operator, have become a debt that has 64396  
become worthless or uncollectable for a period of six months or 64397  
more, and may be claimed as a deduction, including a deduction 64398  
claimed if the owner or operator keeps accounts on an accrual 64399  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 64400  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 64401  
making a request for a refund or credit, an owner or operator 64402  
shall make reasonable efforts to collect the applicable fees. A 64403  
request for a refund or credit shall not include any costs 64404  
resulting from those efforts to collect unpaid fees. 64405

A request for a refund or credit of fees shall be made in 64406  
writing, on a form prescribed by the director, and shall be 64407  
supported by evidence that may be required in rules adopted by the 64408  
director under this chapter. After reviewing the request, and if 64409  
the request and evidence submitted with the request indicate that 64410  
a refund or credit is warranted, the director shall grant a refund 64411  
to the owner or operator or shall permit a credit to be taken by 64412  
the owner or operator on a subsequent monthly return submitted by 64413  
the owner or operator. The amount of a refund or credit shall not 64414  
exceed an amount that is equal to ninety days' worth of fees owed 64415  
to an owner or operator by a particular debtor of the owner or 64416  
operator. A refund or credit shall not be granted by the director 64417  
to an owner or operator more than once in any twelve-month period 64418  
for fees owed to the owner or operator by a particular debtor. 64419

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written explanation of the reason for the submittal.

For purposes of computing the fees levied under this division or division (B) of this section, any solid waste transfer or disposal facility that does not use scales as a means of determining gate receipts shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.

The fees levied under this division and divisions (B) and (C) of this section are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste transfer or disposal facility. In the alternative, the fees shall be paid by a customer or political subdivision to a transporter of waste who subsequently transfers the fees to the owner or operator of such a facility. The fees shall be paid notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment regardless of whether the contract was entered prior to or after the effective date of this amendment. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a facility.

(B) For the purposes specified in division (G) of this section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:



(1) The disposal at a solid waste disposal facility located 64452  
in the district of solid wastes generated within the district; 64453

(2) The disposal at a solid waste disposal facility within 64454  
the district of solid wastes generated outside the boundaries of 64455  
the district, but inside this state; 64456

(3) The disposal at a solid waste disposal facility within 64457  
the district of solid wastes generated outside the boundaries of 64458  
this state. 64459

The solid waste management plan of the county or joint 64460  
district approved under section 3734.521 or 3734.55 of the Revised 64461  
Code and any amendments to it, or the resolution adopted under 64462  
this division, as appropriate, shall establish the rates of the 64463  
fees levied under divisions (B)(1), (2), and (3) of this section, 64464  
if any, and shall specify whether the fees are levied on the basis 64465  
of tons or cubic yards as the unit of measurement. A solid waste 64466  
management district that levies fees under this division on the 64467  
basis of cubic yards shall do so in accordance with division (A) 64468  
of this section. 64469

The fee levied under division (B)(1) of this section shall be 64470  
not less than one dollar per ton nor more than two dollars per 64471  
ton, the fee levied under division (B)(2) of this section shall be 64472  
not less than two dollars per ton nor more than four dollars per 64473  
ton, and the fee levied under division (B)(3) of this section 64474  
shall be not more than the fee levied under division (B)(1) of 64475  
this section. 64476

Prior to the approval of the solid waste management plan of a 64477  
district under section 3734.55 of the Revised Code, the solid 64478  
waste management policy committee of a district may levy fees 64479  
under this division by adopting a resolution establishing the 64480  
proposed amount of the fees. Upon adopting the resolution, the 64481  
committee shall deliver a copy of the resolution to the board of 64482

county commissioners of each county forming the district and to 64483  
the legislative authority of each municipal corporation and 64484  
township under the jurisdiction of the district and shall prepare 64485  
and publish the resolution and a notice of the time and location 64486  
where a public hearing on the fees will be held. Upon adopting the 64487  
resolution, the committee shall deliver written notice of the 64488  
adoption of the resolution; of the amount of the proposed fees; 64489  
and of the date, time, and location of the public hearing to the 64490  
director and to the fifty industrial, commercial, or institutional 64491  
generators of solid wastes within the district that generate the 64492  
largest quantities of solid wastes, as determined by the 64493  
committee, and to their local trade associations. The committee 64494  
shall make good faith efforts to identify those generators within 64495  
the district and their local trade associations, but the 64496  
nonprovision of notice under this division to a particular 64497  
generator or local trade association does not invalidate the 64498  
proceedings under this division. The publication shall occur at 64499  
least thirty days before the hearing. After the hearing, the 64500  
committee may make such revisions to the proposed fees as it 64501  
considers appropriate and thereafter, by resolution, shall adopt 64502  
the revised fee schedule. Upon adopting the revised fee schedule, 64503  
the committee shall deliver a copy of the resolution doing so to 64504  
the board of county commissioners of each county forming the 64505  
district and to the legislative authority of each municipal 64506  
corporation and township under the jurisdiction of the district. 64507  
Within sixty days after the delivery of a copy of the resolution 64508  
adopting the proposed revised fees by the policy committee, each 64509  
such board and legislative authority, by ordinance or resolution, 64510  
shall approve or disapprove the revised fees and deliver a copy of 64511  
the ordinance or resolution to the committee. If any such board or 64512  
legislative authority fails to adopt and deliver to the policy 64513  
committee an ordinance or resolution approving or disapproving the 64514  
revised fees within sixty days after the policy committee 64515

delivered its resolution adopting the proposed revised fees, it 64516  
shall be conclusively presumed that the board or legislative 64517  
authority has approved the proposed revised fees. The committee 64518  
shall determine if the resolution has been ratified in the same 64519  
manner in which it determines if a draft solid waste management 64520  
plan has been ratified under division (B) of section 3734.55 of 64521  
the Revised Code. 64522

The committee may amend the schedule of fees levied pursuant 64523  
to a resolution adopted and ratified under this division by 64524  
adopting a resolution establishing the proposed amount of the 64525  
amended fees. The committee may repeal the fees levied pursuant to 64526  
such a resolution by adopting a resolution proposing to repeal 64527  
them. Upon adopting such a resolution, the committee shall proceed 64528  
to obtain ratification of the resolution in accordance with this 64529  
division. 64530

Not later than fourteen days after declaring the new fees to 64531  
be ratified or the fees to be repealed under this division, the 64532  
committee shall notify by certified mail the owner or operator of 64533  
each solid waste disposal facility that is required to collect the 64534  
fees of the ratification and the amount of the fees or of the 64535  
repeal of the fees. Collection of any fees shall commence or 64536  
collection of repealed fees shall cease on the first day of the 64537  
second month following the month in which notification is sent to 64538  
the owner or operator. 64539

Fees levied under this division also may be established, 64540  
amended, or repealed by a solid waste management policy committee 64541  
through the adoption of a new district solid waste management 64542  
plan, the adoption of an amended plan, or the amendment of the 64543  
plan or amended plan in accordance with sections 3734.55 and 64544  
3734.56 of the Revised Code or the adoption or amendment of a 64545  
district plan in connection with a change in district composition 64546  
under section 3734.521 of the Revised Code. 64547

Not later than fourteen days after the director issues an order approving a district's solid waste management plan, amended plan, or amendment to a plan or amended plan that establishes, amends, or repeals a schedule of fees levied by the district, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees, if any. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees, if any. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, forty-five days or more before the beginning of a calendar year, the policy committee of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change, within fourteen days after the director's completion of the required actions, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the issuance of the notice and of the amount of the fees

or amended fees levied under divisions (B)(1) to (3) of this 64581  
section pursuant to the district's initial or amended plan as so 64582  
approved or, if appropriate, the repeal of the district's fees by 64583  
that initial or amended plan. Collection of any fees set forth in 64584  
such a plan or amended plan shall commence on the first day of 64585  
January immediately following the issuance of the notice. If such 64586  
an initial or amended plan repeals a schedule of fees, collection 64587  
of the fees shall cease on that first day of January. 64588

If, in the case of a change in district composition involving 64589  
the withdrawal of a county from a joint district, the director 64590  
completes the actions required under division (G)(1) or (3) of 64591  
section 3734.521 of the Revised Code, as appropriate, less than 64592  
forty-five days before the beginning of a calendar year, the 64593  
director, on behalf of each of the districts resulting from the 64594  
change that obtained the director's approval of an initial or 64595  
amended plan in connection with the change proceedings, shall 64596  
notify by certified mail the owner or operator of each solid waste 64597  
disposal facility that is required to collect the district's fees 64598  
that the change is to take effect on the first day of January 64599  
immediately following the mailing of the notice and of the amount 64600  
of the fees or amended fees levied under divisions (B)(1) to (3) 64601  
of this section pursuant to the district's initial or amended plan 64602  
as so approved or, if appropriate, the repeal of the district's 64603  
fees by that initial or amended plan. Collection of any fees set 64604  
forth in such a plan or amended plan shall commence on the first 64605  
day of the second month following the month in which notification 64606  
is sent to the owner or operator. If such an initial or amended 64607  
plan repeals a schedule of fees, collection of the fees shall 64608  
cease on the first day of the second month following the month in 64609  
which notification is sent to the owner or operator. 64610

If the schedule of fees that a solid waste management 64611  
district is levying under divisions (B)(1) to (3) of this section 64612

is amended or repealed, the fees in effect immediately prior to 64613  
the amendment or repeal shall continue to be collected until 64614  
collection of the amended fees commences or collection of the 64615  
repealed fees ceases, as applicable, as specified in this 64616  
division. In the case of a change in district composition, money 64617  
so received from the collection of the fees of the former 64618  
districts shall be divided among the resulting districts in 64619  
accordance with division (B) of section 343.012 of the Revised 64620  
Code and the agreements entered into under division (B) of section 64621  
343.01 of the Revised Code to establish the former and resulting 64622  
districts and any amendments to those agreements. 64623

For the purposes of the provisions of division (B) of this 64624  
section establishing the times when newly established or amended 64625  
fees levied by a district are required to commence and the 64626  
collection of fees that have been amended or repealed is required 64627  
to cease, "fees" or "schedule of fees" includes, in addition to 64628  
fees levied under divisions (B)(1) to (3) of this section, those 64629  
levied under section 3734.573 or 3734.574 of the Revised Code. 64630

(C) For the purposes of defraying the added costs to a 64631  
municipal corporation or township of maintaining roads and other 64632  
public facilities and of providing emergency and other public 64633  
services, and compensating a municipal corporation or township for 64634  
reductions in real property tax revenues due to reductions in real 64635  
property valuations resulting from the location and operation of a 64636  
solid waste disposal facility within the municipal corporation or 64637  
township, a municipal corporation or township in which such a 64638  
solid waste disposal facility is located may levy a fee of not 64639  
more than twenty-five cents per ton on the disposal of solid 64640  
wastes at a solid waste disposal facility located within the 64641  
boundaries of the municipal corporation or township regardless of 64642  
where the wastes were generated. 64643

The legislative authority of a municipal corporation or 64644

township may levy fees under this division by enacting an 64645  
ordinance or adopting a resolution establishing the amount of the 64646  
fees. Upon so doing the legislative authority shall mail a 64647  
certified copy of the ordinance or resolution to the board of 64648  
county commissioners or directors of the county or joint solid 64649  
waste management district in which the municipal corporation or 64650  
township is located or, if a regional solid waste management 64651  
authority has been formed under section 343.011 of the Revised 64652  
Code, to the board of trustees of that regional authority, the 64653  
owner or operator of each solid waste disposal facility in the 64654  
municipal corporation or township that is required to collect the 64655  
fee by the ordinance or resolution, and the director of 64656  
environmental protection. Although the fees levied under this 64657  
division are levied on the basis of tons as the unit of 64658  
measurement, the legislative authority, in its ordinance or 64659  
resolution levying the fees under this division, may direct that 64660  
the fees be levied on the basis of cubic yards as the unit of 64661  
measurement based upon a conversion factor of three cubic yards 64662  
per ton generally or one cubic yard per ton for baled wastes. 64663

Not later than five days after enacting an ordinance or 64664  
adopting a resolution under this division, the legislative 64665  
authority shall so notify by certified mail the owner or operator 64666  
of each solid waste disposal facility that is required to collect 64667  
the fee. Collection of any fee levied on or after March 24, 1992, 64668  
shall commence on the first day of the second month following the 64669  
month in which notification is sent to the owner or operator. 64670

(D)(1) The fees levied under divisions (A), (B), and (C) of 64671  
this section do not apply to the disposal of solid wastes that: 64672

(a) Are disposed of at a facility owned by the generator of 64673  
the wastes when the solid waste facility exclusively disposes of 64674  
solid wastes generated at one or more premises owned by the 64675  
generator regardless of whether the facility is located on a 64676

premises where the wastes are generated; 64677

(b) ~~Are disposed of at facilities that exclusively dispose of~~ 64678  
~~wastes that are~~ generated from the combustion of coal, or from the 64679  
combustion of primarily coal in combination with scrap tires, ~~that~~ 64680  
~~is not combined in any way with garbage at one or more~~ regardless 64681  
of whether the disposal facility is located on the premises owned 64682  
by the generator where the wastes are generated. 64683

(2) Except as provided in section 3734.571 of the Revised 64684  
Code, any fees levied under division (B)(1) of this section apply 64685  
to solid wastes originating outside the boundaries of a county or 64686  
joint district that are covered by an agreement for the joint use 64687  
of solid waste facilities entered into under section 343.02 of the 64688  
Revised Code by the board of county commissioners or board of 64689  
directors of the county or joint district where the wastes are 64690  
generated and disposed of. 64691

(3) When solid wastes, other than solid wastes that consist 64692  
of scrap tires, are burned in a disposal facility that is an 64693  
incinerator or energy recovery facility, the fees levied under 64694  
divisions (A), (B), and (C) of this section shall be levied upon 64695  
the disposal of the fly ash and bottom ash remaining after burning 64696  
of the solid wastes and shall be collected by the owner or 64697  
operator of the sanitary landfill where the ash is disposed of. 64698

(4) When solid wastes are delivered to a solid waste transfer 64699  
facility, the fees levied under divisions (B) and (C) of this 64700  
section shall be levied upon the disposal of solid wastes 64701  
transported off the premises of the transfer facility for disposal 64702  
and shall be collected by the owner or operator of the solid waste 64703  
disposal facility where the wastes are disposed of. 64704

(5) The fees levied under divisions (A), (B), and (C) of this 64705  
section do not apply to sewage sludge that is generated by a waste 64706  
water treatment facility holding a national pollutant discharge 64707



elimination system permit and that is disposed of through 64708  
incineration, land application, or composting or at another 64709  
resource recovery or disposal facility that is not a landfill. 64710

(6) The fees levied under divisions (A), (B), and (C) of this 64711  
section do not apply to solid wastes delivered to a solid waste 64712  
composting facility for processing. When any unprocessed solid 64713  
waste or compost product is transported off the premises of a 64714  
composting facility and disposed of at a landfill, the fees levied 64715  
under divisions (A), (B), and (C) of this section shall be 64716  
collected by the owner or operator of the landfill where the 64717  
unprocessed waste or compost product is disposed of. 64718

(7) When solid wastes that consist of scrap tires are 64719  
processed at a scrap tire recovery facility, the fees levied under 64720  
divisions (A), (B), and (C) of this section shall be levied upon 64721  
the disposal of the fly ash and bottom ash or other solid wastes 64722  
remaining after the processing of the scrap tires and shall be 64723  
collected by the owner or operator of the solid waste disposal 64724  
facility where the ash or other solid wastes are disposed of. 64725

(8) The director of environmental protection may issue an 64726  
order exempting from the fees levied under this section solid 64727  
wastes, including, but not limited to, scrap tires, that are 64728  
generated, transferred, or disposed of as a result of a contract 64729  
providing for the expenditure of public funds entered into by the 64730  
administrator or regional administrator of the United States 64731  
environmental protection agency, the director of environmental 64732  
protection, or the director of administrative services on behalf 64733  
of the director of environmental protection for the purpose of 64734  
remediating conditions at a hazardous waste facility, solid waste 64735  
facility, or other location at which the administrator or regional 64736  
administrator or the director of environmental protection has 64737  
reason to believe that there is a substantial threat to public 64738  
health or safety or the environment or that the conditions are 64739

causing or contributing to air or water pollution or soil 64740  
contamination. An order issued by the director of environmental 64741  
protection under division (D)(8) of this section shall include a 64742  
determination that the amount of the fees not received by a solid 64743  
waste management district as a result of the order will not 64744  
adversely impact the implementation and financing of the 64745  
district's approved solid waste management plan and any approved 64746  
amendments to the plan. Such an order is a final action of the 64747  
director of environmental protection. 64748

(E) The fees levied under divisions (B) and (C) of this 64749  
section shall be collected by the owner or operator of the solid 64750  
waste disposal facility where the wastes are disposed of as a 64751  
trustee for the county or joint district and municipal corporation 64752  
or township where the wastes are disposed of. Moneys from the fees 64753  
levied under division (B) of this section shall be forwarded to 64754  
the board of county commissioners or board of directors of the 64755  
district in accordance with rules adopted under division (H) of 64756  
this section. Moneys from the fees levied under division (C) of 64757  
this section shall be forwarded to the treasurer or such other 64758  
officer of the municipal corporation as, by virtue of the charter, 64759  
has the duties of the treasurer or to the fiscal officer of the 64760  
township, as appropriate, in accordance with those rules. 64761

(F) Moneys received by the treasurer or other officer of the 64762  
municipal corporation under division (E) of this section shall be 64763  
paid into the general fund of the municipal corporation. Moneys 64764  
received by the fiscal officer of the township under that division 64765  
shall be paid into the general fund of the township. The treasurer 64766  
or other officer of the municipal corporation or the township 64767  
fiscal officer, as appropriate, shall maintain separate records of 64768  
the moneys received from the fees levied under division (C) of 64769  
this section. 64770

(G) Moneys received by the board of county commissioners or 64771

board of directors under division (E) of this section or section 64772  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 64773  
shall be paid to the county treasurer, or other official acting in 64774  
a similar capacity under a county charter, in a county district or 64775  
to the county treasurer or other official designated by the board 64776  
of directors in a joint district and kept in a separate and 64777  
distinct fund to the credit of the district. If a regional solid 64778  
waste management authority has been formed under section 343.011 64779  
of the Revised Code, moneys received by the board of trustees of 64780  
that regional authority under division (E) of this section shall 64781  
be kept by the board in a separate and distinct fund to the credit 64782  
of the district. Moneys in the special fund of the county or joint 64783  
district arising from the fees levied under division (B) of this 64784  
section and the fee levied under division (A) of section 3734.573 64785  
of the Revised Code shall be expended by the board of county 64786  
commissioners or directors of the district in accordance with the 64787  
district's solid waste management plan or amended plan approved 64788  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 64789  
exclusively for the following purposes: 64790

(1) Preparation of the solid waste management plan of the 64791  
district under section 3734.54 of the Revised Code, monitoring 64792  
implementation of the plan, and conducting the periodic review and 64793  
amendment of the plan required by section 3734.56 of the Revised 64794  
Code by the solid waste management policy committee; 64795

(2) Implementation of the approved solid waste management 64796  
plan or amended plan of the district, including, without 64797  
limitation, the development and implementation of solid waste 64798  
recycling or reduction programs; 64799

(3) Providing financial assistance to boards of health within 64800  
the district, if solid waste facilities are located within the 64801  
district, for enforcement of this chapter and rules, orders, and 64802  
terms and conditions of permits, licenses, and variances adopted 64803

or issued under it, other than the hazardous waste provisions of 64804  
this chapter and rules adopted and orders and terms and conditions 64805  
of permits issued under those provisions; 64806

(4) Providing financial assistance to each county within the 64807  
district to defray the added costs of maintaining roads and other 64808  
public facilities and of providing emergency and other public 64809  
services resulting from the location and operation of a solid 64810  
waste facility within the county under the district's approved 64811  
solid waste management plan or amended plan; 64812

(5) Pursuant to contracts entered into with boards of health 64813  
within the district, if solid waste facilities contained in the 64814  
district's approved plan or amended plan are located within the 64815  
district, for paying the costs incurred by those boards of health 64816  
for collecting and analyzing samples from public or private water 64817  
wells on lands adjacent to those facilities; 64818

(6) Developing and implementing a program for the inspection 64819  
of solid wastes generated outside the boundaries of this state 64820  
that are disposed of at solid waste facilities included in the 64821  
district's approved solid waste management plan or amended plan; 64822

(7) Providing financial assistance to boards of health within 64823  
the district for the enforcement of section 3734.03 of the Revised 64824  
Code or to local law enforcement agencies having jurisdiction 64825  
within the district for enforcing anti-littering laws and 64826  
ordinances; 64827

(8) Providing financial assistance to boards of health of 64828  
health districts within the district that are on the approved list 64829  
under section 3734.08 of the Revised Code to defray the costs to 64830  
the health districts for the participation of their employees 64831  
responsible for enforcement of the solid waste provisions of this 64832  
chapter and rules adopted and orders and terms and conditions of 64833  
permits, licenses, and variances issued under those provisions in 64834

the training and certification program as required by rules 64835  
adopted under division (L) of section 3734.02 of the Revised Code; 64836

(9) Providing financial assistance to individual municipal 64837  
corporations and townships within the district to defray their 64838  
added costs of maintaining roads and other public facilities and 64839  
of providing emergency and other public services resulting from 64840  
the location and operation within their boundaries of a 64841  
composting, energy or resource recovery, incineration, or 64842  
recycling facility that either is owned by the district or is 64843  
furnishing solid waste management facility or recycling services 64844  
to the district pursuant to a contract or agreement with the board 64845  
of county commissioners or directors of the district; 64846

(10) Payment of any expenses that are agreed to, awarded, or 64847  
ordered to be paid under section 3734.35 of the Revised Code and 64848  
of any administrative costs incurred pursuant to that section. In 64849  
the case of a joint solid waste management district, if the board 64850  
of county commissioners of one of the counties in the district is 64851  
negotiating on behalf of affected communities, as defined in that 64852  
section, in that county, the board shall obtain the approval of 64853  
the board of directors of the district in order to expend moneys 64854  
for administrative costs incurred. 64855

Prior to the approval of the district's solid waste 64856  
management plan under section 3734.55 of the Revised Code, moneys 64857  
in the special fund of the district arising from the fees shall be 64858  
expended for those purposes in the manner prescribed by the solid 64859  
waste management policy committee by resolution. 64860

Notwithstanding division (G)(6) of this section as it existed 64861  
prior to October 29, 1993, or any provision in a district's solid 64862  
waste management plan prepared in accordance with division 64863  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 64864  
prior to that date, any moneys arising from the fees levied under 64865  
division (B)(3) of this section prior to January 1, 1994, may be 64866

expended for any of the purposes authorized in divisions (G)(1) to 64867  
(10) of this section. 64868

(H) The director shall adopt rules in accordance with Chapter 64869  
119. of the Revised Code prescribing procedures for collecting and 64870  
forwarding the fees levied under divisions (B) and (C) of this 64871  
section to the boards of county commissioners or directors of 64872  
county or joint solid waste management districts and to the 64873  
treasurers or other officers of municipal corporations and the 64874  
fiscal officers of townships. The rules also shall prescribe the 64875  
dates for forwarding the fees to the boards and officials and may 64876  
prescribe any other requirements the director considers necessary 64877  
or appropriate to implement and administer divisions (A), (B), and 64878  
(C) of this section. 64879

**Sec. 3734.85.** (A) On and after the effective date of the 64880  
rules adopted under sections 3734.70, 3734.71, 3734.72, and 64881  
3734.73 of the Revised Code, the director of environmental 64882  
protection may take action under this section to abate 64883  
accumulations of scrap tires. If the director determines that an 64884  
accumulation of scrap tires constitutes a danger to the public 64885  
health or safety or to the environment, the director shall issue 64886  
an order under section 3734.13 of the Revised Code to the person 64887  
responsible for the accumulation of scrap tires directing that 64888  
person, within one hundred twenty days after the issuance of the 64889  
order, to remove the accumulation of scrap tires from the premises 64890  
on which it is located and transport the tires to a scrap tire 64891  
storage, monocell, monofill, or recovery facility licensed under 64892  
section 3734.81 of the Revised Code, to such a facility in another 64893  
state operating in compliance with the laws of the state in which 64894  
it is located, or to any other solid waste disposal facility in 64895  
another state that is operating in compliance with the laws of 64896  
that state. If the person responsible for causing the accumulation 64897  
of scrap tires is a person different from the owner of the land on 64898

which the accumulation is located, the director may issue such an order to the landowner. 64899  
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If the director is unable to ascertain immediately the identity of the person responsible for causing the accumulation of scrap tires, the director shall examine the records of the applicable board of health and law enforcement agencies to ascertain that person's identity. Before initiating any enforcement or removal actions under this division against the owner of the land on which the accumulation is located, the director shall initiate any such actions against the person that the director has identified as responsible for causing the accumulation of scrap tires. Failure of the director to make diligent efforts to ascertain the identity of the person responsible for causing the accumulation of scrap tires or to initiate an action against the person responsible for causing the accumulation shall not constitute an affirmative defense by a landowner to an enforcement action initiated by the director under this division requiring immediate removal of any accumulation of scrap tires. 64901  
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Upon the written request of the recipient of an order issued under this division, the director may extend the time for compliance with the order if the request demonstrates that the recipient has acted in good faith to comply with the order. If the recipient of an order issued under this division fails to comply with the order within one hundred twenty days after the issuance of the order or, if the time for compliance with the order was so extended, within that time, the director shall take such actions as the director considers reasonable and necessary to remove and properly manage the scrap tires located on the land named in the order. The director, through employees of the environmental protection agency or a contractor, may enter upon the land on which the accumulation of scrap tires is located and remove and 64918  
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transport them to a scrap tire recovery facility for processing, 64931  
to a scrap tire storage facility for storage, or to a scrap tire 64932  
monocell or monofill facility for storage or disposal. 64933

The director shall enter into contracts ~~with the owners or~~ 64934  
~~operators of scrap tire storage, monocell, monofill, or recovery~~ 64935  
~~facilities~~ for the storage, disposal, or processing of scrap tires 64936  
removed through removal operations conducted under this section. 64937  
~~In doing so, the director shall give preference to scrap tire~~ 64938  
~~recovery facilities.~~ 64939

If a person to whom a removal order is issued under this 64940  
division fails to comply with the order and if the director 64941  
performs a removal action under this section, the person to whom 64942  
the removal order is issued is liable to the director for the 64943  
costs incurred by the director for conducting the removal 64944  
operation, storage at a scrap tire storage facility, storage or 64945  
disposal at a scrap tire monocell or monofill facility, or 64946  
processing of the scrap tires so removed, the transportation of 64947  
the scrap tires from the site of the accumulation to the scrap 64948  
tire storage, monocell, monofill, or recovery facility where the 64949  
scrap tires were stored, disposed of, or processed, and the 64950  
administrative and legal expenses incurred by the director in 64951  
connection with the removal operation. The director shall keep an 64952  
itemized record of those costs. Upon completion of the actions for 64953  
which the costs were incurred, the director shall record the costs 64954  
at the office of the county recorder of the county in which the 64955  
accumulation of scrap tires was located. The costs so recorded 64956  
constitute a lien on the property on which the accumulation of 64957  
scrap tires was located until discharged. Upon the written request 64958  
of the director, the attorney general shall bring a civil action 64959  
against the person responsible for the accumulation of the scrap 64960  
tires that were the subject of the removal operation to recover 64961  
the costs for which the person is liable under this division. Any 64962



money so received or recovered shall be credited to the scrap tire 64963  
management fund created in section 3734.82 of the Revised Code. 64964

If, in a civil action brought under this division, an owner 64965  
of real property is ordered to pay to the director the costs of a 64966  
removal action that removed an accumulation of scrap tires from 64967  
the person's land or if a lien is placed on the person's land for 64968  
the costs of such a removal action, and, in either case, if the 64969  
landowner was not the person responsible for causing the 64970  
accumulation of scrap tires so removed, the landowner may bring a 64971  
civil action against the person who was responsible for causing 64972  
the accumulation to recover the amount of the removal costs that 64973  
the court ordered the landowner to pay to the director or the 64974  
amount of the removal costs certified to the county recorder as a 64975  
lien on the landowner's property, whichever is applicable. If the 64976  
landowner prevails in the civil action against the person who was 64977  
responsible for causing the accumulation of scrap tires, the 64978  
court, as it considers appropriate, may award to the landowner the 64979  
reasonable attorney's fees incurred by the landowner for bringing 64980  
the action, court costs, and other reasonable expenses incurred by 64981  
the landowner in connection with the civil action. A landowner 64982  
shall bring such a civil action within two years after making the 64983  
final payment of the removal costs to the director pursuant to the 64984  
judgment rendered against the landowner in the civil action 64985  
brought under this division upon the director's request or within 64986  
two years after the director certified the costs of the removal 64987  
action to the county recorder, as appropriate. A person who, at 64988  
the time that a removal action was conducted under this division, 64989  
owned the land on which the removal action was performed may bring 64990  
an action under this division to recover the costs of the removal 64991  
action from the person responsible for causing the accumulation of 64992  
scrap tires so removed regardless of whether the person owns the 64993  
land at the time of bringing the action. 64994

Subject to the limitations set forth in division (G) of 64995  
section 3734.82 of the Revised Code, the director may use moneys 64996  
in the scrap tire management fund for conducting removal actions 64997  
under this division. Any moneys recovered under this division 64998  
shall be credited to the scrap tire management fund. 64999

(B) The director shall initiate enforcement and removal 65000  
actions under division (A) of this section in accordance with the 65001  
following descending listing of priorities: 65002

(1) Accumulations of scrap tires that the director finds 65003  
constitute a fire hazard or threat to public health; 65004

(2) Accumulations of scrap tires determined by the director 65005  
to contain more than one million scrap tires; 65006

(3) Accumulations of scrap tires in densely populated areas; 65007

(4) Other accumulations of scrap tires that the director or 65008  
board of health of the health district in which the accumulation 65009  
is located determines constitute a public nuisance; 65010

(5) Any other accumulations of scrap tires present on 65011  
premises operating without a valid license issued under section 65012  
3734.05 or 3734.81 of the Revised Code. 65013

(C) The director shall not take enforcement and removal 65014  
actions under division (A) of this section against the owner or 65015  
operator of, or the owner of the land on which is located, any of 65016  
the following: 65017

(1) A premises where not more than one hundred scrap tires 65018  
are present at any time; 65019

(2) The premises of a business engaging in the sale of tires 65020  
at retail that meets either of the following criteria: 65021

(a) Not more than one thousand scrap tires are present on the 65022  
premises at any time in an unsecured, uncovered outdoor location. 65023

(b) Any number of scrap tires are secured in a building or a 65024

- covered, enclosed container, trailer, or installation. 65025
- (3) The premises of a tire retreading business, a tire 65026  
manufacturing finishing center, or a tire adjustment center on 65027  
which is located a single, covered scrap tire storage area where 65028  
not more than four thousand scrap tires are stored; 65029
- (4) The premises of a business that removes tires from motor 65030  
vehicles in the ordinary course of business and on which is 65031  
located a single scrap tire storage area that occupies not more 65032  
than twenty-five hundred square feet; 65033
- (5) A solid waste facility licensed under section 3734.05 of 65034  
the Revised Code that stores scrap tires on the surface of the 65035  
ground if the total land area on which scrap tires are actually 65036  
stored does not exceed ten thousand square feet; 65037
- (6) A premises where not more than two hundred fifty scrap 65038  
tires are stored or kept for agricultural use; 65039
- (7) A construction site where scrap tires are stored for use 65040  
or used in road resurfacing or the construction of embankments; 65041
- (8) A scrap tire collection, storage, monocell, monofill, or 65042  
recovery facility licensed under section 3734.81 of the Revised 65043  
Code; 65044
- (9) A solid waste incineration or energy recovery facility 65045  
that is subject to regulation under this chapter and that burns 65046  
scrap tires; 65047
- (10) A premises where scrap tires are beneficially used and 65048  
for which the notice required by rules adopted under section 65049  
3734.84 of the Revised Code has been given; 65050
- (11) A transporter registered under section 3734.83 of the 65051  
Revised Code that collects and holds scrap tires in a covered 65052  
trailer or vehicle for not longer than thirty days prior to 65053  
transporting them to their final destination. 65054

(D) Nothing in this section restricts any right any person 65055  
may have under statute or common law to enforce or seek 65056  
enforcement of any law applicable to the management of scrap 65057  
tires, abate a nuisance, or seek any other appropriate relief. 65058

(E) An owner of real property upon which there is located an 65059  
accumulation of not more than two thousand scrap tires is not 65060  
liable under division (A) of this section for the cost of the 65061  
removal of the scrap tires, and no lien shall attach to the 65062  
property under this section, if all of the following conditions 65063  
are met: 65064

(1) The tires were placed on the property after the owner 65065  
acquired title to the property, or the tires were placed on the 65066  
property before the owner acquired title to the property and the 65067  
owner acquired title to the property by bequest or devise. 65068

(2) The owner of the property did not have knowledge that the 65069  
tires were being placed on the property, or the owner posted on 65070  
the property signs prohibiting dumping or took other action to 65071  
prevent the placing of tires on the property. 65072

(3) The owner of the property did not participate in or 65073  
consent to the placing of the tires on the property. 65074

(4) The owner of the property received no financial benefit 65075  
from the placing of the tires on the property or otherwise having 65076  
the tires on the property. 65077

(5) Title to the property was not transferred to the owner 65078  
for the purpose of evading liability under division (A) of this 65079  
section. 65080

(6) The person responsible for placing the tires on the 65081  
property, in doing so, was not acting as an agent for the owner of 65082  
the property. 65083

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 65084

defray the cost of administering and enforcing the scrap tire 65085  
provisions of this chapter, rules adopted under those provisions, 65086  
and terms and conditions of orders, variances, and licenses issued 65087  
under those provisions; to abate accumulations of scrap tires; to 65088  
make grants supporting market development activities for scrap 65089  
tires and synthetic rubber from tire manufacturing processes and 65090  
tire recycling processes and to support scrap tire amnesty and 65091  
cleanup events; to make loans to promote the recycling or recovery 65092  
of energy from scrap tires; and to defray the costs of 65093  
administering and enforcing sections 3734.90 to 3734.9014 of the 65094  
Revised Code, a fee of fifty cents per tire is hereby levied on 65095  
the sale of tires. The proceeds of the fee shall be deposited in 65096  
the state treasury to the credit of the scrap tire management fund 65097  
created in section 3734.82 of the Revised Code. The fee is levied 65098  
from the first day of the calendar month that begins next after 65099  
thirty days from October 29, 1993, through June 30, ~~2011~~ 2013. 65100

(2) Beginning on ~~September 5, 2001~~ July 1, 2011, and ending 65101  
on June 30, ~~2011~~ 2013, there is hereby levied an additional fee of 65102  
fifty cents per tire on the sale of tires the proceeds of which 65103  
shall be deposited in the state treasury to the credit of the 65104  
~~scrap tire management fund and be used exclusively for the~~ 65105  
~~purposes specified in division (C)(3) of that section until July~~ 65106  
~~1, 2010, whereupon the proceeds shall be deposited in the state~~ 65107  
~~treasury to the credit of the~~ soil and water conservation district 65108  
assistance fund created in section 1515.14 of the Revised Code. 65109

(B) Only one sale of the same article shall be used in 65110  
computing the amount of the fee due. 65111

**Sec. 3735.36.** When a metropolitan housing authority has 65112  
acquired the property necessary for any project, it shall proceed 65113  
to make plans and specifications for carrying out such project, 65114  
and shall advertise for bids for all work ~~which~~ that it desires to 65115

have done by contract, such advertisements to be published as 65116  
provided in section 7.16 of the Revised Code or once a week for 65117  
two consecutive weeks in a newspaper of general circulation in the 65118  
political subdivision in which the project is to be developed. The 65119  
contract shall be awarded to the lowest and best bidder. 65120

**Sec. 3735.66.** The legislative authorities of municipal 65121  
corporations and counties may survey the housing within their 65122  
jurisdictions and, after the survey, may adopt resolutions 65123  
describing the boundaries of community reinvestment areas which 65124  
contain the conditions required for the finding under division (B) 65125  
of section 3735.65 of the Revised Code. The findings resulting 65126  
from the survey shall be incorporated in the resolution describing 65127  
the boundaries of an area. The legislative authority may stipulate 65128  
in the resolution that only new structures or remodeling 65129  
classified as to use as commercial, industrial, or residential, or 65130  
some combination thereof, and otherwise satisfying the 65131  
requirements of section 3735.67 of the Revised Code are eligible 65132  
for exemption from taxation under that section. If the resolution 65133  
does not include such a stipulation, all new structures and 65134  
remodeling satisfying the requirements of section 3735.67 of the 65135  
Revised Code are eligible for exemption from taxation regardless 65136  
of classification. Whether or not the resolution includes such a 65137  
stipulation, the classification of the structures or remodeling 65138  
eligible for exemption in the area shall at all times be 65139  
consistent with zoning restrictions applicable to the area. For 65140  
the purposes of sections 3735.65 to 3735.70 of the Revised Code, 65141  
whether a structure or remodeling composed of multiple units is 65142  
classified as commercial or residential shall be determined by 65143  
resolution or ordinance of the legislative authority or, in the 65144  
absence of such a determination, by the classification of the use 65145  
of the structure or remodeling under the applicable zoning 65146  
regulations. 65147

If construction or remodeling classified as residential is 65148  
eligible for exemption from taxation, the resolution shall specify 65149  
a percentage, not to exceed one hundred per cent, of the assessed 65150  
valuation of such property to be exempted. The percentage 65151  
specified shall apply to all residential construction or 65152  
remodeling for which exemption is granted. 65153

The resolution adopted pursuant to this section shall be 65154  
published in a newspaper of general circulation in the municipal 65155  
corporation, if the resolution is adopted by the legislative 65156  
authority of a municipal corporation, or in a newspaper of general 65157  
circulation in the county, if the resolution is adopted by the 65158  
legislative authority of the county, once a week for two 65159  
consecutive weeks or as provided in section 7.16 of the Revised 65160  
Code, immediately following its adoption. 65161

Each legislative authority adopting a resolution pursuant to 65162  
this section shall designate a housing officer. In addition, each 65163  
such legislative authority, not later than fifteen days after the 65164  
adoption of the resolution, shall petition the director of 65165  
development for the director to confirm the findings described in 65166  
the resolution. The petition shall be accompanied by a copy of the 65167  
resolution and by a map of the community reinvestment area in 65168  
sufficient detail to denote the specific boundaries of the area 65169  
and to indicate zoning restrictions applicable to the area. The 65170  
director shall determine whether the findings contained in the 65171  
resolution are valid, and whether the classification of structures 65172  
or remodeling eligible for exemption under the resolution is 65173  
consistent with zoning restrictions applicable to the area as 65174  
indicated on the map. Within thirty days of receiving the 65175  
petition, the director shall forward the director's determination 65176  
to the legislative authority. The legislative authority or housing 65177  
officer shall not grant any exemption from taxation under section 65178  
3735.67 of the Revised Code until the director forwards the 65179

director's determination to the legislative authority. The 65180  
director shall assign to each community reinvestment area a unique 65181  
designation by which the area shall be identified for purposes of 65182  
sections 3735.65 to 3735.70 of the Revised Code. 65183

If zoning restrictions in any part of a community 65184  
reinvestment area are changed at any time after the legislative 65185  
authority petitions the director under this section, the 65186  
legislative authority shall notify the director and shall submit a 65187  
map of the area indicating the new zoning restrictions in the 65188  
area. 65189

**Sec. 3737.83.** The fire marshal shall, as part of the state 65190  
fire code, adopt rules to: 65191

(A) Establish minimum standards of performance for fire 65192  
protection equipment and fire fighting equipment; 65193

(B) Establish minimum standards of training, fix minimum 65194  
qualifications, and require certificates for all persons who 65195  
engage in the business for profit of installing, testing, 65196  
repairing, or maintaining fire protection equipment; 65197

(C) Provide for the issuance of certificates required under 65198  
division (B) of this section and establish the fees to be charged 65199  
for such certificates. A certificate shall be granted, renewed, or 65200  
revoked according to rules the fire marshal shall adopt. 65201

(D) Establish minimum standards of flammability for consumer 65202  
goods in any case where the federal government or any department 65203  
or agency thereof has established, or may from time to time 65204  
establish standards of flammability for consumer goods. The 65205  
standards established by the fire marshal shall be identical to 65206  
the minimum federal standards. 65207

In any case where the federal government or any department or 65208  
agency thereof, establishes standards of flammability for consumer 65209



goods subsequent to the adoption of a flammability standard by the fire marshal, standards previously adopted by the fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety an adult group home seeking licensure as an adult care facility must meet under section ~~3722.02~~ 5119.71 of the Revised Code. The fire marshal shall adopt the rules under this division in consultation with the directors of mental health and aging and interested parties designated by the directors of mental health and aging.

**Sec. 3737.841.** As used in this section and section 3737.842 of the Revised Code:

(A) "Public occupancy" means all of the following:

(1) Any state correctional institution as defined in section 2967.01 of the Revised Code and any county, multicounty, municipal, or municipal-county jail or workhouse;

(2) Any hospital as defined in section 3727.01 of the Revised Code, any hospital licensed by the department of mental health under section 5119.20 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department of mental health under Chapter 5119. of the Revised Code;

(3) Any nursing home, residential care facility, or home for the aging as defined in section 3721.01 of the Revised Code and any adult care facility as defined in section ~~3722.01~~ 5119.70 of the Revised Code;

(4) Any child day-care center and any type A family day-care home as defined in section 5104.01 of the Revised Code;

(5) Any public auditorium or stadium;

(6) Public assembly areas of hotels and motels containing more than ten articles of seating furniture.

(B) "Sell" includes sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess for sale, or dispose of in any other commercial manner.

(C) Except as provided in division (D) of this section, "seating furniture" means any article of furniture, including children's furniture, that can be used as a support for an individual, or ~~his~~ an individual's limbs or feet, when sitting or resting in an upright or reclining position and that either:

(1) Is made with loose or attached cushions or pillows;

(2) Is stuffed or filled in whole or in part with any filling material;

(3) Is or can be stuffed or filled in whole or in part with any substance or material, concealed by fabric or any other covering.

"Seating furniture" includes the cushions or pillows belonging to or forming a part of the furniture, the structural unit, and the filling material and its container or covering.

(D) "Seating furniture" does not include, except if intended for use by children or in facilities designed for the care or treatment of humans, any of the following:

(1) Cushions or pads intended solely for outdoor use;

(2) Any article with a smooth surface that contains no more than one-half inch of filling material, if that article does not have an upholstered horizontal surface meeting an upholstered vertical surface;

(3) Any article manufactured solely for recreational use or physical fitness purposes, including weight-lifting benches, gymnasium mats or pads, and sidehorses.

(E) "Filling material" means cotton, wool, kapok, feathers, down, hair, liquid, or any other natural or ~~manmade~~ artificial material or substance that is used or can be used as stuffing in seating furniture.

**Sec. 3737.87.** As used in sections 3737.87 to 3737.98 of the Revised Code:

(A) "Accidental release" means any sudden or nonsudden release of petroleum that was neither expected nor intended by the owner or operator of the applicable underground storage tank system and that results in the need for corrective action or compensation for bodily injury or property damage.

(B) "Corrective action" means any action necessary to protect human health and the environment in the event of a release of petroleum into the environment, including, without limitation, any action necessary to monitor, assess, and evaluate the release. In the instance of a suspected release, ~~the term~~ "corrective action" includes, without limitation, an investigation to confirm or disprove the occurrence of the release. In the instance of a confirmed release, ~~the term~~ "corrective action" includes, without limitation, the initial corrective action taken under section 3737.88 or 3737.882 of the Revised Code and rules adopted or orders issued under those sections and any action taken consistent with a remedial action to clean up contaminated ground water, surface water, soils, and subsurface material and to address the

residual effects of a release after the initial corrective action 65301  
is taken. 65302

(C) "Eligible lending institution" means a financial 65303  
institution that is eligible to make commercial loans, is a public 65304  
depository of state funds under section 135.03 of the Revised 65305  
Code, and agrees to participate in the petroleum underground 65306  
storage tank linked deposit program provided for in sections 65307  
3737.95 to 3737.98 of the Revised Code. 65308

(D) "Eligible owner" means any person that owns six or fewer 65309  
petroleum underground storage tanks comprising a petroleum 65310  
underground storage tank or underground storage tank system. 65311

(E) "Installer" means a person who supervises the 65312  
installation of, performance of major repairs on site to, 65313  
abandonment of, or removal of underground storage tank systems. 65314

(F) "Major repair" means the restoration of a tank or an 65315  
underground storage tank system component that has caused a 65316  
release of a product from the underground storage tank system, the 65317  
upgrading of a tank or an underground storage tank system 65318  
component, or the modification of a tank or an underground storage 65319  
tank system component. "Major repair" does not include routine 65320  
maintenance for normal operational upkeep to prevent an 65321  
underground storage tank system from releasing a product. 65322

(G) "Operator" means the person in daily control of, or 65323  
having responsibility for the daily operation of, an underground 65324  
storage tank system. 65325

(H) "Owner" means: 65326

(1) In the instance of an underground storage tank system in 65327  
use on November 8, 1984, or brought into use after that date, the 65328  
person who owns the underground storage tank system; 65329

(2) In the instance of an underground storage tank system in 65330

use before November 8, 1984, that was no longer in use on that 65331  
date, the person who owned the underground storage tank system 65332  
immediately before the discontinuation of its use. 65333

~~The term~~ "Owner" includes any person who holds, or, in the 65334  
instance of an underground storage tank system in use before 65335  
November 8, 1984, but no longer in use on that date, any person 65336  
who held immediately before the discontinuation of its use, a 65337  
legal, equitable, or possessory interest of any kind in an 65338  
underground storage tank system or in the property on which the 65339  
underground storage tank system is located, including, without 65340  
limitation, a trust, vendor, vendee, lessor, or lessee. ~~The term~~ 65341  
"Owner" does not include any person who, without participating in 65342  
the management of an underground storage tank system and without 65343  
otherwise being engaged in petroleum production, refining, or 65344  
marketing, holds indicia of ownership in an underground storage 65345  
tank system primarily to protect the person's security interest in 65346  
it. 65347

(I) "Person," in addition to the meaning in section 3737.01 65348  
of the Revised Code, means the United States and any department, 65349  
agency, or instrumentality thereof. 65350

(J) "Petroleum" means petroleum, including crude oil or any 65351  
fraction thereof, that is a liquid at the temperature of sixty 65352  
degrees Fahrenheit and the pressure of fourteen and seven-tenths 65353  
pounds per square inch absolute. ~~The term~~ "Petroleum" includes, 65354  
without limitation, motor fuels, jet fuels, distillate fuel oils, 65355  
residual fuel oils, lubricants, petroleum solvents, and used oils. 65356

(K) "Petroleum underground storage tank linked deposit" means 65357  
a certificate of deposit placed by the treasurer of state with an 65358  
eligible lending institution pursuant to sections 3737.95 to 65359  
3737.98 of the Revised Code. 65360

(L) "Regulated substance" means petroleum or any substance 65361

identified or listed as a hazardous substance in rules adopted 65362  
under division (D) of section 3737.88 of the Revised Code. 65363

(M) "Release" means any spilling, leaking, emitting, 65364  
discharging, escaping, leaching, or disposing of from an 65365  
underground storage tank system into ground or surface water or 65366  
subsurface soils or otherwise into the environment. 65367

(N) Notwithstanding division (F) of section 3737.01 of the 65368  
Revised Code, "responsible person" means the person who is the 65369  
owner or operator of an underground storage tank system. 65370

(O) "Tank" means a stationary device designed to contain an 65371  
accumulation of regulated substances that is constructed of 65372  
~~manmade~~ manufactured materials. 65373

(P) "Underground storage tank" means one or any combination 65374  
of tanks, including the underground pipes connected thereto, that 65375  
are used to contain an accumulation of regulated substances the 65376  
volume of which, including the volume of the underground pipes 65377  
connected thereto, is ten per cent or more beneath the surface of 65378  
the ground. 65379

~~The term~~ "Underground storage tank" does not include any of 65380  
the following or any pipes connected to any of the following: 65381

(1) Pipeline facilities, including gathering lines, regulated 65382  
under the "Natural Gas Pipeline Safety Act of 1968," 82 Stat. 720, 65383  
49 U.S.C.A. 1671, as amended, or the "Hazardous Liquid Pipeline 65384  
Safety Act of 1979," 93 Stat. 1003, 49 U.S.C.A. 2001, as amended; 65385

(2) Farm or residential tanks of one thousand one hundred 65386  
gallons or less capacity used for storing motor fuel for 65387  
noncommercial purposes; 65388

(3) Tanks used for storing heating fuel for consumptive use 65389  
on the premises where stored; 65390

(4) Surface impoundments, pits, ponds, or lagoons; 65391

(5) Storm or waste water collection systems;	65392
(6) Flow-through process tanks;	65393
(7) Storage tanks located in underground areas, including, without limitation, basements, cellars, mine workings, drifts, shafts, or tunnels, when the tanks are located on or above the surface of the floor;	65394 65395 65396 65397
(8) Septic tanks;	65398
(9) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations.	65399 65400
(Q) "Underground storage tank system" means an underground storage tank and the connected underground piping, underground ancillary equipment, and containment system, if any.	65401 65402 65403
(R) "Revenues" means all fees, premiums, and charges paid by owners and operators of petroleum underground storage tanks to the petroleum underground storage tank release compensation board created in section 3737.90 of the Revised Code; proceeds received by the board from any insurance, condemnation, or guaranty; the proceeds of petroleum underground storage tank revenue bonds; and the income and profits from the investment of any such revenues.	65404 65405 65406 65407 65408 65409 65410
(S) "Revenue bonds," unless the context indicates a different meaning or intent, means petroleum underground storage tank revenue bonds and petroleum underground storage tank revenue refunding bonds that are issued by the petroleum underground storage tank release compensation board pursuant to sections 3737.90 to 3737.948 of the Revised Code.	65411 65412 65413 65414 65415 65416
<u>(T) "Class C release" means a release of petroleum occurring or identified from an underground storage tank system subject to sections 3737.87 to 3737.89 of the Revised Code for which the responsible person for the release is specifically determined by the fire marshal not to be a viable person capable of undertaking</u>	65417 65418 65419 65420 65421

or completing the corrective actions required under those sections 65422  
for the release. "Class C release" also includes any release 65423  
designated as a "class C release" in accordance with rules adopted 65424  
under section 3737.88 of the Revised Code. 65425

**Sec. 3737.88.** (A)(1) The fire marshal shall have 65426  
responsibility for implementation of the underground storage tank 65427  
program and corrective action program for releases of petroleum 65428  
from underground ~~petroleum~~ storage tanks established by the 65429  
"Resource Conservation and Recovery Act of 1976," 90 Stat. 2795, 65430  
42 U.S.C.A. 6901, as amended. To implement the ~~program~~ programs, 65431  
the fire marshal may adopt, amend, and rescind such rules, conduct 65432  
such inspections, require annual registration of underground 65433  
storage tanks, issue such citations and orders to enforce those 65434  
rules, enter into environmental covenants in accordance with 65435  
sections 5301.80 to 5301.92 of the Revised Code, and perform such 65436  
other duties, as are consistent with those programs. The fire 65437  
marshal, by rule, may delegate the authority to conduct 65438  
inspections of underground storage tanks to certified fire safety 65439  
inspectors. 65440

(2) In the place of any rules regarding release containment 65441  
and release detection for underground storage tanks adopted under 65442  
division (A)(1) of this section, the fire marshal, by rule, shall 65443  
designate areas as being sensitive for the protection of human 65444  
health and the environment and adopt alternative rules regarding 65445  
release containment and release detection methods for new and 65446  
upgraded underground storage tank systems located in those areas. 65447  
In designating such areas, the fire marshal shall take into 65448  
consideration such factors as soil conditions, hydrogeology, water 65449  
use, and the location of public and private water supplies. Not 65450  
later than July 11, 1990, the fire marshal shall file the rules 65451  
required under this division with the secretary of state, director 65452  
of the legislative service commission, and joint committee on 65453



agency rule review in accordance with divisions (B) and (H) of 65454  
section 119.03 of the Revised Code. 65455

(3) Notwithstanding sections 3737.87 to 3737.89 of the 65456  
Revised Code, a person who is not a responsible person may conduct 65457  
a voluntary action in accordance with Chapter 3746. of the Revised 65458  
Code and rules adopted under it for a class C release. The 65459  
director of environmental protection, pursuant to section 3746.12 65460  
of the Revised Code, may issue a covenant not to sue to any person 65461  
who properly completes a voluntary action with respect to a class 65462  
C release in accordance with Chapter 3746. of the Revised Code and 65463  
rules adopted under it. 65464

(B) Before adopting any rule under this section or section 65465  
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 65466  
file written notice of the proposed rule with the chairperson of 65467  
the state fire commission, and, within sixty days after notice is 65468  
filed, the commission may file responses to or comments on and may 65469  
recommend alternative or supplementary rules to the fire marshal. 65470  
At the end of the sixty-day period or upon the filing of 65471  
responses, comments, or recommendations by the commission, the 65472  
fire marshal may adopt the rule filed with the commission or any 65473  
alternative or supplementary rule recommended by the commission. 65474

(C) The fire commission may recommend courses of action to be 65475  
taken by the fire marshal in carrying out the fire marshal's 65476  
duties under this section. The commission shall file its 65477  
recommendations in the office of the fire marshal, and, within 65478  
sixty days after the recommendations are filed, the fire marshal 65479  
shall file with the chairperson of the commission comments on, and 65480  
proposed action in response to, the recommendations. 65481

(D) For the purpose of sections 3737.87 to 3737.89 of the 65482  
Revised Code, the fire marshal shall adopt, and may amend and 65483  
rescind, rules identifying or listing hazardous substances. The 65484  
rules shall be consistent with and equivalent in scope, coverage, 65485

and content to regulations identifying or listing hazardous 65486  
substances adopted under the "Comprehensive Environmental 65487  
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 65488  
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 65489  
not identify or list as a hazardous substance any hazardous waste 65490  
identified or listed in rules adopted under division (A) of 65491  
section 3734.12 of the Revised Code. 65492

(E) ~~Notwithstanding any provision of the laws of this state~~ 65493  
~~to the contrary~~ Except as provided in division (A)(3) of this 65494  
section, the fire marshal ~~has~~ shall have exclusive jurisdiction to 65495  
regulate the storage, treatment, and disposal of petroleum 65496  
contaminated soil generated from corrective actions undertaken in 65497  
response to releases of petroleum from underground storage tank 65498  
systems. The fire marshal may adopt, amend, or rescind such rules 65499  
as the fire marshal considers to be necessary or appropriate to 65500  
regulate the storage, treatment, or disposal of petroleum 65501  
contaminated soil so generated. 65502

(F) The fire marshal shall adopt, amend, and rescind rules 65503  
under sections 3737.88 to 3737.882 of the Revised Code in 65504  
accordance with Chapter 119. of the Revised Code. 65505

**Sec. 3745.015.** There is hereby created in the state treasury 65506  
the environmental protection fund consisting of money credited to 65507  
the fund under ~~divisions~~ division (A)(3) ~~and (4)~~ of section 65508  
3734.57 of the Revised Code. The environmental protection agency 65509  
shall use money in the fund to pay the agency's costs associated 65510  
with administering and enforcing, or otherwise conducting 65511  
activities under, this chapter and Chapters 3704., 3734., 3746., 65512  
3747., 3748., 3750., 3751., 3752., 3753., 5709., 6101., 6103., 65513  
6105., 6109., 6111., 6112., 6113., 6115., 6117., and 6119. and 65514  
sections 122.65 and 1521.19 of the Revised Code. 65515

Sec. 3745.016. There is hereby created in the state treasury 65516  
the federally supported cleanup and response fund consisting of 65517  
money credited to the fund from federal grants, gifts, and 65518  
contributions to support the investigation and remediation of 65519  
contaminated property. The environmental protection agency shall 65520  
use money in the fund to support the investigation and remediation 65521  
of contaminated property. 65522

**Sec. 3745.05.** (A) In hearing the appeal, if an adjudication 65523  
hearing was conducted by the director of environmental protection 65524  
in accordance with sections 119.09 and 119.10 of the Revised Code 65525  
or conducted by a board of health, the environmental review 65526  
appeals commission is confined to the record as certified to it by 65527  
the director or the board of health, as applicable. The commission 65528  
may grant a request for the admission of additional evidence when 65529  
satisfied that such additional evidence is newly discovered and 65530  
could not with reasonable diligence have been ascertained prior to 65531  
the hearing before the director or the board, as applicable. If no 65532  
adjudication hearing was conducted in accordance with sections 65533  
119.09 and 119.10 of the Revised Code or conducted by a board of 65534  
health, the commission shall conduct a hearing de novo on the 65535  
appeal. 65536

For the purpose of conducting a de novo hearing, or where the 65537  
commission has granted a request for the admission of additional 65538  
evidence, the commission may require the attendance of witnesses 65539  
and the production of written or printed materials. 65540

When conducting a de novo hearing, or when a request for the 65541  
admission of additional evidence has been granted, the commission 65542  
may, and at the request of any party it shall, issue subpoenas for 65543  
witnesses or for books, papers, correspondence, memoranda, 65544  
agreements, or other documents or records relevant or material to 65545  
the inquiry directed to the sheriff of the counties where the 65546

witnesses or documents or records are found, which subpoenas shall 65547  
be served and returned in the same manner as those allowed by the 65548  
court of common pleas in criminal cases. 65549

(B) The fees of sheriffs shall be the same as those allowed 65550  
by the court of common pleas in criminal cases. Witnesses shall be 65551  
paid the fees and mileage provided for under section 119.094 of 65552  
the Revised Code. The fee and mileage expenses incurred at the 65553  
request of the appellant shall be paid in advance by the 65554  
appellant, and the remainder of the expenses shall be paid out of 65555  
funds appropriated for the expenses of the commission. 65556

(C) In case of disobedience or neglect of any subpoena served 65557  
on any person, or the refusal of any witness to testify to any 65558  
matter regarding which the witness may be lawfully interrogated, 65559  
the court of common pleas of the county in which the disobedience, 65560  
neglect, or refusal occurs, or any judge thereof, on application 65561  
of the commission or any member thereof, may compel obedience by 65562  
attachment proceedings for contempt as in the case of disobedience 65563  
of the requirements of a subpoena issued from the court or a 65564  
refusal to testify therein. 65565

(D) A witness at any hearing shall testify under oath or 65566  
affirmation, which any member of the commission may administer. A 65567  
witness, if the witness requests, shall be permitted to be 65568  
accompanied, represented, and advised by an attorney, whose 65569  
participation in the hearing shall be limited to the protection of 65570  
the rights of the witness, and who may not examine or 65571  
cross-examine witnesses. A witness shall be advised of the right 65572  
to counsel before the witness is interrogated. 65573

(E) A stenographic or electronic record of the testimony and 65574  
other evidence submitted shall be taken by an official court 65575  
~~shorthand~~ reporter. The record shall include all of the testimony 65576  
and other evidence and the rulings on the admissibility thereof 65577  
presented at the hearing. The commission shall pass upon the 65578

admissibility of evidence, but any party may at the time object to 65579  
the admission of any evidence and except to the rulings of the 65580  
commission thereon, and if the commission refuses to admit 65581  
evidence the party offering same may make a proffer thereof, and 65582  
such proffer shall be made a part of the record of such hearing. 65583

Any party may request the stenographic or electronic record 65584  
of the hearing. Promptly after receiving such a request, the 65585  
commission shall prepare and provide the stenographic or 65586  
electronic record of the hearing to the party who requested it. 65587  
The commission may charge a fee to the party who requested the 65588  
stenographic or electronic record that does not exceed the cost to 65589  
the commission for preparing and transcribing or transmitting it. 65590

(F) If, upon completion of the hearing, the commission finds 65591  
that the action appealed from was lawful and reasonable, it shall 65592  
make a written order affirming the action, or if the commission 65593  
finds that the action was unreasonable or unlawful, it shall make 65594  
a written order vacating or modifying the action appealed from. 65595

The commission shall issue a written order affirming, 65596  
vacating, or modifying an action pursuant to the following 65597  
schedule: 65598

(1) For an appeal that was filed with the commission before 65599  
April 15, 2008, the commission shall issue a written order not 65600  
later than December 15, 2009. 65601

(2) For all other appeals that have been filed with the 65602  
commission as of October 15, 2009, the commission shall issue a 65603  
written order not later than July 15, 2010. 65604

(3) For an appeal that is filed with the commission after 65605  
October 15, 2009, the commission shall issue a written order not 65606  
later than twelve months after the filing of the appeal with the 65607  
commission. 65608

(G) Every order made by the commission shall contain a 65609

written finding by the commission of the facts upon which the 65610  
order is based. Notice of the making of the order shall be given 65611  
forthwith to each party to the appeal by mailing a certified copy 65612  
thereof to each party by certified mail, with a statement of the 65613  
time and method by which an appeal may be perfected. 65614

(H) The order of the commission is final unless vacated or 65615  
modified upon judicial review. 65616

**Sec. 3745.11.** (A) Applicants for and holders of permits, 65617  
licenses, variances, plan approvals, and certifications issued by 65618  
the director of environmental protection pursuant to Chapters 65619  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 65620  
to the environmental protection agency for each such issuance and 65621  
each application for an issuance as provided by this section. No 65622  
fee shall be charged for any issuance for which no application has 65623  
been submitted to the director. 65624

(B) Each person who is issued a permit to install prior to 65625  
July 1, 2003, pursuant to rules adopted under division (F) of 65626  
section 3704.03 of the Revised Code shall pay the fees specified 65627  
in the following schedules: 65628

(1) Fuel-burning equipment (boilers) 65629  
Input capacity (maximum) 65630  
(million British thermal units per hour) Permit to install 65631  
Greater than 0, but less than 10 \$ 200 65632  
10 or more, but less than 100 400 65633  
100 or more, but less than 300 800 65634  
300 or more, but less than 500 1500 65635  
500 or more, but less than 1000 2500 65636  
1000 or more, but less than 5000 4000 65637  
5000 or more 6000 65638

Units burning exclusively natural gas, number two fuel oil, 65639  
or both shall be assessed a fee that is one-half of the applicable 65640

amount established in division (F)(1) of this section.		65641
(2) Incinerators		65642
Input capacity (pounds per hour)	Permit to install	65643
0 to 100	\$ 100	65644
101 to 500	400	65645
501 to 2000	750	65646
2001 to 20,000	1000	65647
more than 20,000	2500	65648
(3)(a) Process		65649
Process weight rate (pounds per hour)	Permit to install	65650
0 to 1000	\$ 200	65651
1001 to 5000	400	65652
5001 to 10,000	600	65653
10,001 to 50,000	800	65654
more than 50,000	1000	65655
In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed.		65656 65657
(b) Notwithstanding division (B)(3)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees established in division (B)(3)(c) of this section for a process used in any of the following industries, as identified by the applicable four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1972, as revised:		65658 65659 65660 65661 65662 65663 65664 65665 65666
1211 Bituminous coal and lignite mining;		65667
1213 Bituminous coal and lignite mining services;		65668
1411 Dimension stone;		65669
1422 Crushed and broken limestone;		65670

1427 Crushed and broken stone, not elsewhere classified;		65671
1442 Construction sand and gravel;		65672
1446 Industrial sand;		65673
3281 Cut stone and stone products;		65674
3295 Minerals and earth, ground or otherwise treated.		65675
(c) The fees established in the following schedule apply to		65676
the issuance of a permit to install pursuant to rules adopted		65677
under division (F) of section 3704.03 of the Revised Code for a		65678
process listed in division (B)(3)(b) of this section:		65679
Process weight rate (pounds per hour)	Permit to install	65680
0 to 1000	\$ 200	65681
10,001 to 50,000	300	65682
50,001 to 100,000	400	65683
100,001 to 200,000	500	65684
200,001 to 400,000	600	65685
400,001 or more	700	65686
(4) Storage tanks		65687
Gallons (maximum useful capacity)	Permit to install	65688
0 to 20,000	\$ 100	65689
20,001 to 40,000	150	65690
40,001 to 100,000	200	65691
100,001 to 250,000	250	65692
250,001 to 500,000	350	65693
500,001 to 1,000,000	500	65694
1,000,001 or greater	750	65695
(5) Gasoline/fuel dispensing facilities		65696
For each gasoline/fuel dispensing	Permit to install	65697
facility	\$ 100	65698
(6) Dry cleaning facilities		65699
For each dry cleaning facility	Permit to install	65700



(includes all units at the facility) \$ 100 65701

(7) Registration status 65702

For each source covered Permit to install 65703

by registration status \$ 75 65704

(C)(1) Except as otherwise provided in division (C)(2) of 65705  
this section, beginning July 1, 1994, each person who owns or 65706  
operates an air contaminant source and who is required to apply 65707  
for and obtain a Title V permit under section 3704.036 of the 65708  
Revised Code shall pay the fees set forth in division (C)(1) of 65709  
this section. For the purposes of that division, total emissions 65710  
of air contaminants may be calculated using engineering 65711  
calculations, emissions factors, material balance calculations, or 65712  
performance testing procedures, as authorized by the director. 65713

The following fees shall be assessed on the total actual 65714  
emissions from a source in tons per year of the regulated 65715  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 65716  
organic compounds, and lead: 65717

(a) Fifteen dollars per ton on the total actual emissions of 65718  
each such regulated pollutant during the period July through 65719  
December 1993, to be collected no sooner than July 1, 1994; 65720

(b) Twenty dollars per ton on the total actual emissions of 65721  
each such regulated pollutant during calendar year 1994, to be 65722  
collected no sooner than April 15, 1995; 65723

(c) Twenty-five dollars per ton on the total actual emissions 65724  
of each such regulated pollutant in calendar year 1995, and each 65725  
subsequent calendar year, to be collected no sooner than the 65726  
fifteenth day of April of the year next succeeding the calendar 65727  
year in which the emissions occurred. 65728

The fees levied under division (C)(1) of this section do not 65729  
apply to that portion of the emissions of a regulated pollutant at 65730  
a facility that exceed four thousand tons during a calendar year. 65731

(2) The fees assessed under division (C)(1) of this section 65732  
are for the purpose of providing funding for the Title V permit 65733  
program. 65734

(3) The fees assessed under division (C)(1) of this section 65735  
do not apply to emissions from any electric generating unit 65736  
designated as a Phase I unit under Title IV of the federal Clean 65737  
Air Act prior to calendar year 2000. Those fees shall be assessed 65738  
on the emissions from such a generating unit commencing in 65739  
calendar year 2001 based upon the total actual emissions from the 65740  
generating unit during calendar year 2000 and shall continue to be 65741  
assessed each subsequent calendar year based on the total actual 65742  
emissions from the generating unit during the preceding calendar 65743  
year. 65744

(4) The director shall issue invoices to owners or operators 65745  
of air contaminant sources who are required to pay a fee assessed 65746  
under division (C) or (D) of this section. Any such invoice shall 65747  
be issued no sooner than the applicable date when the fee first 65748  
may be collected in a year under the applicable division, shall 65749  
identify the nature and amount of the fee assessed, and shall 65750  
indicate that the fee is required to be paid within thirty days 65751  
after the issuance of the invoice. 65752

(D)(1) Except as provided in division (D)(3) of this section, 65753  
from January 1, 1994, through December 31, 2003, each person who 65754  
owns or operates an air contaminant source; who is required to 65755  
apply for a permit to operate pursuant to rules adopted under 65756  
division (G), or a variance pursuant to division (H), of section 65757  
3704.03 of the Revised Code; and who is not required to apply for 65758  
and obtain a Title V permit under section 3704.036 of the Revised 65759  
Code shall pay a single fee based upon the sum of the actual 65760  
annual emissions from the facility of the regulated pollutants 65761  
particulate matter, sulfur dioxide, nitrogen oxides, organic 65762  
compounds, and lead in accordance with the following schedule: 65763

Total tons per year		65764
of regulated pollutants	Annual fee	65765
emitted	per facility	65766
More than 0, but less than 50	\$ 75	65767
50 or more, but less than 100	300	65768
100 or more	700	65769

(2) Except as provided in division (D)(3) of this section, 65770  
beginning January 1, 2004, each person who owns or operates an air 65771  
contaminant source; who is required to apply for a permit to 65772  
operate pursuant to rules adopted under division (G), or a 65773  
variance pursuant to division (H), of section 3704.03 of the 65774  
Revised Code; and who is not required to apply for and obtain a 65775  
Title V permit under section 3704.03 of the Revised Code shall pay 65776  
a single fee based upon the sum of the actual annual emissions 65777  
from the facility of the regulated pollutants particulate matter, 65778  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 65779  
accordance with the following schedule: 65780

Total tons per year		65781
of regulated pollutants	Annual fee	65782
emitted	per facility	65783
More than 0, but less than 10	\$ 100	65784
10 or more, but less than 50	200	65785
50 or more, but less than 100	300	65786
100 or more	700	65787

(3)(a) As used in division (D) of this section, "synthetic 65788  
minor facility" means a facility for which one or more permits to 65789  
install or permits to operate have been issued for the air 65790  
contaminant sources at the facility that include terms and 65791  
conditions that lower the facility's potential to emit air 65792  
contaminants below the major source thresholds established in 65793  
rules adopted under section 3704.036 of the Revised Code. 65794

(b) Beginning January 1, 2000, through June 30, ~~2012~~ 2014, 65795

each person who owns or operates a synthetic minor facility shall 65796  
pay an annual fee based on the sum of the actual annual emissions 65797  
from the facility of particulate matter, sulfur dioxide, nitrogen 65798  
dioxide, organic compounds, and lead in accordance with the 65799  
following schedule: 65800

Combined total tons 65801	Annual fee 65802	
per year of all regulated 65803	per facility 65803	
pollutants emitted 65803		
Less than 10 65804	\$ 170 65804	
10 or more, but less than 20 65805	340 65805	
20 or more, but less than 30 65806	670 65806	
30 or more, but less than 40 65807	1,010 65807	
40 or more, but less than 50 65808	1,340 65808	
50 or more, but less than 60 65809	1,680 65809	
60 or more, but less than 70 65810	2,010 65810	
70 or more, but less than 80 65811	2,350 65811	
80 or more, but less than 90 65812	2,680 65812	
90 or more, but less than 100 65813	3,020 65813	
100 or more 65814	3,350 65814	

(4) The fees assessed under division (D)(1) of this section 65815  
shall be collected annually no sooner than the fifteenth day of 65816  
April, commencing in 1995. The fees assessed under division (D)(2) 65817  
of this section shall be collected annually no sooner than the 65818  
fifteenth day of April, commencing in 2005. The fees assessed 65819  
under division (D)(3) of this section shall be collected no sooner 65820  
than the fifteenth day of April, commencing in 2000. The fees 65821  
assessed under division (D) of this section in a calendar year 65822  
shall be based upon the sum of the actual emissions of those 65823  
regulated pollutants during the preceding calendar year. For the 65824  
purpose of division (D) of this section, emissions of air 65825  
contaminants may be calculated using engineering calculations, 65826  
emission factors, material balance calculations, or performance 65827  
testing procedures, as authorized by the director. The director, 65828

by rule, may require persons who are required to pay the fees 65829  
assessed under division (D) of this section to pay those fees 65830  
biennially rather than annually. 65831

(E)(1) Consistent with the need to cover the reasonable costs 65832  
of the Title V permit program, the director annually shall 65833  
increase the fees prescribed in division (C)(1) of this section by 65834  
the percentage, if any, by which the consumer price index for the 65835  
most recent calendar year ending before the beginning of a year 65836  
exceeds the consumer price index for calendar year 1989. Upon 65837  
calculating an increase in fees authorized by division (E)(1) of 65838  
this section, the director shall compile revised fee schedules for 65839  
the purposes of division (C)(1) of this section and shall make the 65840  
revised schedules available to persons required to pay the fees 65841  
assessed under that division and to the public. 65842

(2) For the purposes of division (E)(1) of this section: 65843

(a) The consumer price index for any year is the average of 65844  
the consumer price index for all urban consumers published by the 65845  
United States department of labor as of the close of the 65846  
twelve-month period ending on the thirty-first day of August of 65847  
that year. 65848

(b) If the 1989 consumer price index is revised, the director 65849  
shall use the revision of the consumer price index that is most 65850  
consistent with that for calendar year 1989. 65851

(F) Each person who is issued a permit to install pursuant to 65852  
rules adopted under division (F) of section 3704.03 of the Revised 65853  
Code on or after July 1, 2003, shall pay the fees specified in the 65854  
following schedules: 65855

(1) Fuel-burning equipment (boilers, furnaces, or process 65856  
heaters used in the process of burning fuel for the primary 65857  
purpose of producing heat or power by indirect heat transfer) 65858  
Input capacity (maximum) 65859

(million British thermal units per hour)	Permit to install	65860
Greater than 0, but less than 10	\$ 200	65861
10 or more, but less than 100	400	65862
100 or more, but less than 300	1000	65863
300 or more, but less than 500	2250	65864
500 or more, but less than 1000	3750	65865
1000 or more, but less than 5000	6000	65866
5000 or more	9000	65867
Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.		65868 65869 65870
(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		65871 65872
Generating capacity (mega watts)	Permit to install	65873
0 or more, but less than 10	\$ 25	65874
10 or more, but less than 25	150	65875
25 or more, but less than 50	300	65876
50 or more, but less than 100	500	65877
100 or more, but less than 250	1000	65878
250 or more	2000	65879
(3) Incinerators		65880
Input capacity (pounds per hour)	Permit to install	65881
0 to 100	\$ 100	65882
101 to 500	500	65883
501 to 2000	1000	65884
2001 to 20,000	1500	65885
more than 20,000	3750	65886
(4)(a) Process		65887
Process weight rate (pounds per hour)	Permit to install	65888
0 to 1000	\$ 200	65889
1001 to 5000	500	65890
5001 to 10,000	750	65891

10,001 to 50,000	1000	65892
more than 50,000	1250	65893

In any process where process weight rate cannot be 65894  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 65895  
combustion turbine, stationary internal combustion engine, or 65896  
process heater designed to provide direct heat or power to a 65897  
process not designed to generate electricity shall be assessed a 65898  
fee established in division (F)(4)(a) of this section. A 65899  
combustion turbine or stationary internal combustion engine 65900  
designed to generate electricity shall be assessed a fee 65901  
established in division (F)(2) of this section. 65902

(b) Notwithstanding division (F)(4)(a) of this section, any 65903  
person issued a permit to install pursuant to rules adopted under 65904  
division (F) of section 3704.03 of the Revised Code shall pay the 65905  
fees set forth in division (F)(4)(c) of this section for a process 65906  
used in any of the following industries, as identified by the 65907  
applicable two-digit, three-digit, or four-digit standard 65908  
industrial classification code according to the Standard 65909  
Industrial Classification Manual published by the United States 65910  
office of management and budget in the executive office of the 65911  
president, 1987, as revised: 65912

- Major group 10, metal mining; 65913
- Major group 12, coal mining; 65914
- Major group 14, mining and quarrying of nonmetallic minerals; 65915
- Industry group 204, grain mill products; 65916
- 2873 Nitrogen fertilizers; 65917
- 2874 Phosphatic fertilizers; 65918
- 3281 Cut stone and stone products; 65919
- 3295 Minerals and earth, ground or otherwise treated; 65920
- 4221 Grain elevators (storage only); 65921

5159 Farm related raw materials;		65922
5261 Retail nurseries and lawn and garden supply stores.		65923
(c) The fees set forth in the following schedule apply to the		65924
issuance of a permit to install pursuant to rules adopted under		65925
division (F) of section 3704.03 of the Revised Code for a process		65926
identified in division (F)(4)(b) of this section:		65927
Process weight rate (pounds per	Permit to install	65928
hour)		
0 to 10,000	\$ 200	65929
10,001 to 50,000	400	65930
50,001 to 100,000	500	65931
100,001 to 200,000	600	65932
200,001 to 400,000	750	65933
400,001 or more	900	65934
(5) Storage tanks		65935
Gallons (maximum useful capacity)	Permit to install	65936
0 to 20,000	\$ 100	65937
20,001 to 40,000	150	65938
40,001 to 100,000	250	65939
100,001 to 500,000	400	65940
500,001 or greater	750	65941
(6) Gasoline/fuel dispensing facilities		65942
For each gasoline/fuel		65943
dispensing facility (includes all	Permit to install	65944
units at the facility)	\$ 100	65945
(7) Dry cleaning facilities		65946
For each dry cleaning		65947
facility (includes all units	Permit to install	65948
at the facility)	\$ 100	65949
(8) Registration status		65950
For each source covered	Permit to install	65951



by registration status \$ 75 65952

(G) An owner or operator who is responsible for an asbestos 65953  
demolition or renovation project pursuant to rules adopted under 65954  
section 3704.03 of the Revised Code shall pay the fees set forth 65955  
in the following schedule: 65956

Action	Fee	
Each notification	\$75	65958
Asbestos removal	\$3/unit	65959
Asbestos cleanup	\$4/cubic yard	65960

For purposes of this division, "unit" means any combination of 65961  
linear feet or square feet equal to fifty. 65962

(H) A person who is issued an extension of time for a permit 65963  
to install an air contaminant source pursuant to rules adopted 65964  
under division (F) of section 3704.03 of the Revised Code shall 65965  
pay a fee equal to one-half the fee originally assessed for the 65966  
permit to install under this section, except that the fee for such 65967  
an extension shall not exceed two hundred dollars. 65968

(I) A person who is issued a modification to a permit to 65969  
install an air contaminant source pursuant to rules adopted under 65970  
section 3704.03 of the Revised Code shall pay a fee equal to 65971  
one-half of the fee that would be assessed under this section to 65972  
obtain a permit to install the source. The fee assessed by this 65973  
division only applies to modifications that are initiated by the 65974  
owner or operator of the source and shall not exceed two thousand 65975  
dollars. 65976

(J) Notwithstanding division (B) or (F) of this section, a 65977  
person who applies for or obtains a permit to install pursuant to 65978  
rules adopted under division (F) of section 3704.03 of the Revised 65979  
Code after the date actual construction of the source began shall 65980  
pay a fee for the permit to install that is equal to twice the fee 65981  
that otherwise would be assessed under the applicable division 65982  
unless the applicant received authorization to begin construction 65983

under division (W) of section 3704.03 of the Revised Code. This 65984  
division only applies to sources for which actual construction of 65985  
the source begins on or after July 1, 1993. The imposition or 65986  
payment of the fee established in this division does not preclude 65987  
the director from taking any administrative or judicial 65988  
enforcement action under this chapter, Chapter 3704., 3714., 65989  
3734., or 6111. of the Revised Code, or a rule adopted under any 65990  
of them, in connection with a violation of rules adopted under 65991  
division (F) of section 3704.03 of the Revised Code. 65992

As used in this division, "actual construction of the source" 65993  
means the initiation of physical on-site construction activities 65994  
in connection with improvements to the source that are permanent 65995  
in nature, including, without limitation, the installation of 65996  
building supports and foundations and the laying of underground 65997  
pipework. 65998

(K) Fifty cents per ton of each fee assessed under division 65999  
(C) of this section on actual emissions from a source and received 66000  
by the environmental protection agency pursuant to that division 66001  
shall be deposited into the state treasury to the credit of the 66002  
small business assistance fund created in section 3706.19 of the 66003  
Revised Code. The remainder of the moneys received by the division 66004  
pursuant to that division and moneys received by the agency 66005  
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 66006  
section shall be deposited in the state treasury to the credit of 66007  
the clean air fund created in section 3704.035 of the Revised 66008  
Code. 66009

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 66010  
or (c) of this section, a person issued a water discharge permit 66011  
or renewal of a water discharge permit pursuant to Chapter 6111. 66012  
of the Revised Code shall pay a fee based on each point source to 66013  
which the issuance is applicable in accordance with the following 66014  
schedule: 66015

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	66017
1,001 to 5000	100	66018
5,001 to 50,000	200	66019
50,001 to 100,000	300	66020
100,001 to 300,000	525	66021
over 300,000	750	66022

(b) Notwithstanding the fee schedule specified in division 66023  
(L)(1)(a) of this section, the fee for a water discharge permit 66024  
that is applicable to coal mining operations regulated under 66025  
Chapter 1513. of the Revised Code shall be two hundred fifty 66026  
dollars per mine. 66027

(c) Notwithstanding the fee schedule specified in division 66028  
(L)(1)(a) of this section, the fee for a water discharge permit 66029  
for a public discharger identified by I in the third character of 66030  
the permittee's NPDES permit number shall not exceed seven hundred 66031  
fifty dollars. 66032

(2) A person applying for a plan approval for a wastewater 66033  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 66034  
of the Revised Code shall pay a fee of one hundred dollars plus 66035  
sixty-five one-hundredths of one per cent of the estimated project 66036  
cost through June 30, ~~2012~~ 2014, and one hundred dollars plus 66037  
two-tenths of one per cent of the estimated project cost on and 66038  
after July 1, ~~2012~~ 2014, except that the total fee shall not 66039  
exceed fifteen thousand dollars through June 30, ~~2012~~ 2014, and 66040  
five thousand dollars on and after July 1, ~~2012~~ 2014. The fee 66041  
shall be paid at the time the application is submitted. 66042

(3) A person issued a modification of a water discharge 66043  
permit shall pay a fee equal to one-half the fee that otherwise 66044  
would be charged for a water discharge permit, except that the fee 66045  
for the modification shall not exceed four hundred dollars. 66046

(4) A person who has entered into an agreement with the 66047

director under section 6111.14 of the Revised Code shall pay an 66048  
administrative service fee for each plan submitted under that 66049  
section for approval that shall not exceed the minimum amount 66050  
necessary to pay administrative costs directly attributable to 66051  
processing plan approvals. The director annually shall calculate 66052  
the fee and shall notify all persons who have entered into 66053  
agreements under that section, or who have applied for agreements, 66054  
of the amount of the fee. 66055

(5)(a)(i) Not later than January 30, ~~2010~~ 2012, and January 66056  
30, ~~2011~~ 2013, a person holding an NPDES discharge permit issued 66057  
pursuant to Chapter 6111. of the Revised Code with an average 66058  
daily discharge flow of five thousand gallons or more shall pay a 66059  
nonrefundable annual discharge fee. Any person who fails to pay 66060  
the fee at that time shall pay an additional amount that equals 66061  
ten per cent of the required annual discharge fee. 66062

(ii) The billing year for the annual discharge fee 66063  
established in division (L)(5)(a)(i) of this section shall consist 66064  
of a twelve-month period beginning on the first day of January of 66065  
the year preceding the date when the annual discharge fee is due. 66066  
In the case of an existing source that permanently ceases to 66067  
discharge during a billing year, the director shall reduce the 66068  
annual discharge fee, including the surcharge applicable to 66069  
certain industrial facilities pursuant to division (L)(5)(c) of 66070  
this section, by one-twelfth for each full month during the 66071  
billing year that the source was not discharging, but only if the 66072  
person holding the NPDES discharge permit for the source notifies 66073  
the director in writing, not later than the first day of October 66074  
of the billing year, of the circumstances causing the cessation of 66075  
discharge. 66076

(iii) The annual discharge fee established in division 66077  
(L)(5)(a)(i) of this section, except for the surcharge applicable 66078  
to certain industrial facilities pursuant to division (L)(5)(c) of 66079

this section, shall be based upon the average daily discharge flow 66080  
in gallons per day calculated using first day of May through 66081  
thirty-first day of October flow data for the period two years 66082  
prior to the date on which the fee is due. In the case of NPDES 66083  
discharge permits for new sources, the fee shall be calculated 66084  
using the average daily design flow of the facility until actual 66085  
average daily discharge flow values are available for the time 66086  
period specified in division (L)(5)(a)(iii) of this section. The 66087  
annual discharge fee may be prorated for a new source as described 66088  
in division (L)(5)(a)(ii) of this section. 66089

(b) An NPDES permit holder that is a public discharger shall 66090  
pay the fee specified in the following schedule: 66091

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2010</del> <u>2012</u> , and	
	January 30, <del>2011</del>	
	<u>2013</u>	
5,000 to 49,999	\$ 200	66096
50,000 to 100,000	500	66097
100,001 to 250,000	1,050	66098
250,001 to 1,000,000	2,600	66099
1,000,001 to 5,000,000	5,200	66100
5,000,001 to 10,000,000	10,350	66101
10,000,001 to 20,000,000	15,550	66102
20,000,001 to 50,000,000	25,900	66103
50,000,001 to 100,000,000	41,400	66104
100,000,001 or more	62,100	66105

Public dischargers owning or operating two or more publicly 66106  
owned treatment works serving the same political subdivision, as 66107  
"treatment works" is defined in section 6111.01 of the Revised 66108  
Code, and that serve exclusively political subdivisions having a 66109  
population of fewer than one hundred thousand shall pay an annual 66110

discharge fee under division (L)(5)(b) of this section that is 66111  
based on the combined average daily discharge flow of the 66112  
treatment works. 66113

(c) An NPDES permit holder that is an industrial discharger, 66114  
other than a coal mining operator identified by P in the third 66115  
character of the permittee's NPDES permit number, shall pay the 66116  
fee specified in the following schedule: 66117

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2010</del> <u>2012</u> , and	
	January 30, <del>2011</del>	
	<u>2013</u>	
5,000 to 49,999	\$ 250	66122
50,000 to 250,000	1,200	66123
250,001 to 1,000,000	2,950	66124
1,000,001 to 5,000,000	5,850	66125
5,000,001 to 10,000,000	8,800	66126
10,000,001 to 20,000,000	11,700	66127
20,000,001 to 100,000,000	14,050	66128
100,000,001 to 250,000,000	16,400	66129
250,000,001 or more	18,700	66130

In addition to the fee specified in the above schedule, an 66131  
NPDES permit holder that is an industrial discharger classified as 66132  
a major discharger during all or part of the annual discharge fee 66133  
billing year specified in division (L)(5)(a)(ii) of this section 66134  
shall pay a nonrefundable annual surcharge of seven thousand five 66135  
hundred dollars not later than January 30, ~~2010~~ 2012, and not 66136  
later than January 30, ~~2011~~ 2013. Any person who fails to pay the 66137  
surcharge at that time shall pay an additional amount that equals 66138  
ten per cent of the amount of the surcharge. 66139

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 66140  
section, a public discharger identified by I in the third 66141

character of the permittee's NPDES permit number and an industrial 66142  
discharger identified by I, J, L, V, W, X, Y, or Z in the third 66143  
character of the permittee's NPDES permit number shall pay a 66144  
nonrefundable annual discharge fee of one hundred eighty dollars 66145  
not later than January 30, ~~2010~~ 2012, and not later than January 66146  
30, ~~2011~~ 2013. Any person who fails to pay the fee at that time 66147  
shall pay an additional amount that equals ten per cent of the 66148  
required fee. 66149

(6) Each person obtaining a national pollutant discharge 66150  
elimination system general or individual permit for municipal 66151  
storm water discharge shall pay a nonrefundable storm water 66152  
discharge fee of one hundred dollars per square mile of area 66153  
permitted. The fee shall not exceed ten thousand dollars and shall 66154  
be payable on or before January 30, 2004, and the thirtieth day of 66155  
January of each year thereafter. Any person who fails to pay the 66156  
fee on the date specified in division (L)(6) of this section shall 66157  
pay an additional amount per year equal to ten per cent of the 66158  
annual fee that is unpaid. 66159

(7) The director shall transmit all moneys collected under 66160  
division (L) of this section to the treasurer of state for deposit 66161  
into the state treasury to the credit of the surface water 66162  
protection fund created in section 6111.038 of the Revised Code. 66163

(8) As used in division (L) of this section: 66164

(a) "NPDES" means the federally approved national pollutant 66165  
discharge elimination system program for issuing, modifying, 66166  
revoking, reissuing, terminating, monitoring, and enforcing 66167  
permits and imposing and enforcing pretreatment requirements under 66168  
Chapter 6111. of the Revised Code and rules adopted under it. 66169

(b) "Public discharger" means any holder of an NPDES permit 66170  
identified by P in the second character of the NPDES permit number 66171  
assigned by the director. 66172

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director. 66173  
66174  
66175

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director. 66176  
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66179

(M) Through June 30, ~~2012~~ 2014, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 66180  
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Except as provided in division (M)(4) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule: 66190  
66191  
66192

(1) For the initial license required under division (A)(1) of section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2012~~ 2014, the fee is: 66193  
66194  
66195  
66196  
66197

Number of service connections	Fee amount	
Not more than 49	\$ 112	66198
50 to 99	176	66199
Number of service connections	Average cost per connection	66200
100 to 2,499	\$ 1.92	66201
2,500 to 4,999	1.48	66202



5,000 to 7,499	1.42	66204
7,500 to 9,999	1.34	66205
10,000 to 14,999	1.16	66206
15,000 to 24,999	1.10	66207
25,000 to 49,999	1.04	66208
50,000 to 99,999	.92	66209
100,000 to 149,999	.86	66210
150,000 to 199,999	.80	66211
200,000 or more	.76	66212

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under division (A)(2) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2012~~ 2014, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	66226
150 to 299	176	66228
300 to 749	384	66229
750 to 1,499	628	66230
1,500 to 2,999	1,268	66231
3,000 to 7,499	2,816	66232
7,500 to 14,999	5,510	66233
15,000 to 22,499	9,048	66234
22,500 to 29,999	12,430	66235

30,000 or more 16,820 66236

As used in division (M)(2) of this section, "population 66237  
served" means the total number of individuals ~~receiving water from~~ 66238  
having access to the water supply during a twenty-four-hour period 66239  
for at least sixty days during any calendar year. In the absence 66240  
of a specific population count, that number shall be calculated at 66241  
the rate of three individuals per service connection. 66242

(3) For the initial license required under division (A)(3) of 66243  
section 6109.21 of the Revised Code for any public water system 66244  
that is not a community water system and serves a transient 66245  
population, and for each license renewal required for such a 66246  
system prior to January 31, ~~2012~~ 2014, the fee is: 66247

Number of wells or sources, other Fee amount 66248  
than surface water, supplying system

1	\$112	66249
2	112	66250
3	176	66251
4	278	66252
5	568	66253

System designated as using a 66254  
surface water source 792 66255

As used in division (M)(3) of this section, "number of wells 66256  
or sources, other than surface water, supplying system" means 66257  
those wells or sources that are physically connected to the 66258  
plumbing system serving the public water system. 66259

(4) A public water system designated as using a surface water 66260  
source shall pay a fee of seven hundred ninety-two dollars or the 66261  
amount calculated under division (M)(1) or (2) of this section, 66262  
whichever is greater. 66263

(N)(1) A person applying for a plan approval for a public 66264  
water supply system under section 6109.07 of the Revised Code 66265  
shall pay a fee of one hundred fifty dollars plus thirty-five 66266

hundredths of one per cent of the estimated project cost, except 66267  
that the total fee shall not exceed twenty thousand dollars 66268  
through June 30, ~~2012~~ 2014, and fifteen thousand dollars on and 66269  
after July 1, ~~2012~~ 2014. The fee shall be paid at the time the 66270  
application is submitted. 66271

(2) A person who has entered into an agreement with the 66272  
director under division (A)(2) of section 6109.07 of the Revised 66273  
Code shall pay an administrative service fee for each plan 66274  
submitted under that section for approval that shall not exceed 66275  
the minimum amount necessary to pay administrative costs directly 66276  
attributable to processing plan approvals. The director annually 66277  
shall calculate the fee and shall notify all persons that have 66278  
entered into agreements under that division, or who have applied 66279  
for agreements, of the amount of the fee. 66280

(3) Through June 30, ~~2012~~ 2014, the following fee, on a per 66281  
survey basis, shall be charged any person for services rendered by 66282  
the state in the evaluation of laboratories and laboratory 66283  
personnel for compliance with accepted analytical techniques and 66284  
procedures established pursuant to Chapter 6109. of the Revised 66285  
Code for determining the qualitative characteristics of water: 66286

microbiological		66287
MMO-MUG	\$2,000	66288
MF	2,100	66289
MMO-MUG and MF	2,550	66290
organic chemical	5,400	66291
trace metals	5,400	66292
standard chemistry	2,800	66293
limited chemistry	1,550	66294

On and after July 1, ~~2012~~ 2014, the following fee, on a per 66295  
survey basis, shall be charged any such person: 66296

microbiological	\$ 1,650	66297
organic chemicals	3,500	66298

trace metals	3,500	66299
standard chemistry	1,800	66300
limited chemistry	1,000	66301

The fee for those services shall be paid at the time the request  
for the survey is made. Through June 30, ~~2012~~ 2014, an individual  
laboratory shall not be assessed a fee under this division more  
than once in any three-year period unless the person requests the  
addition of analytical methods or analysts, in which case the  
person shall pay eighteen hundred dollars for each additional  
survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this  
division to the treasurer of state for deposit into the drinking  
water protection fund created in section 6109.30 of the Revised  
Code.

(O) Any person applying to the director for examination for  
certification as an operator of a water supply system or  
wastewater system under Chapter 6109. or 6111. of the Revised  
Code, at the time the application is submitted, shall pay an  
application fee of forty-five dollars through November 30, ~~2012~~  
2014, and twenty-five dollars on and after December 1, ~~2012~~ 2014.  
Upon approval from the director that the applicant is eligible to  
take the examination therefor, the applicant shall pay a fee in  
accordance with the following schedule through November 30, ~~2012~~  
2014:

Class A operator	\$35	66328
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Class I operator	60	66329
Class II operator	75	66330
Class III operator	85	66331
Class IV operator	100	66332

On and after December 1, ~~2012~~ 2014, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$25	66335
Class I operator	\$45	66336
Class II operator	55	66337
Class III operator	65	66338
Class IV operator	75	66339

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	66343
Class I operator	35	66344
Class II operator	45	66345
Class III operator	55	66346
Class IV operator	65	66347

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	66353
Class I operator	55	66354
Class II operator	65	66355
Class III operator	75	66356
Class IV operator	85	66357

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

The director shall transmit all moneys collected under this

division to the treasurer of state for deposit into the drinking 66361  
water protection fund created in section 6109.30 of the Revised 66362  
Code. 66363

(P) Any person submitting an application for an industrial 66364  
water pollution control certificate under section 6111.31 of the 66365  
Revised Code, as that section existed before its repeal by H.B. 95 66366  
of the 125th general assembly, shall pay a nonrefundable fee of 66367  
five hundred dollars at the time the application is submitted. The 66368  
director shall transmit all moneys collected under this division 66369  
to the treasurer of state for deposit into the surface water 66370  
protection fund created in section 6111.038 of the Revised Code. A 66371  
person paying a certificate fee under this division shall not pay 66372  
an application fee under division (S)(1) of this section. On and 66373  
after June 26, 2003, persons shall file such applications and pay 66374  
the fee as required under sections 5709.20 to 5709.27 of the 66375  
Revised Code, and proceeds from the fee shall be credited as 66376  
provided in section 5709.212 of the Revised Code. 66377

(Q) Except as otherwise provided in division (R) of this 66378  
section, a person issued a permit by the director for a new solid 66379  
waste disposal facility other than an incineration or composting 66380  
facility, a new infectious waste treatment facility other than an 66381  
incineration facility, or a modification of such an existing 66382  
facility that includes an increase in the total disposal or 66383  
treatment capacity of the facility pursuant to Chapter 3734. of 66384  
the Revised Code shall pay a fee of ten dollars per thousand cubic 66385  
yards of disposal or treatment capacity, or one thousand dollars, 66386  
whichever is greater, except that the total fee for any such 66387  
permit shall not exceed eighty thousand dollars. A person issued a 66388  
modification of a permit for a solid waste disposal facility or an 66389  
infectious waste treatment facility that does not involve an 66390  
increase in the total disposal or treatment capacity of the 66391  
facility shall pay a fee of one thousand dollars. A person issued 66392

a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment, under that chapter shall pay a fee of one thousand dollars. The increases in the permit fees under this division resulting from the amendments made by Amended Substitute House Bill 592 of the 117th general assembly do not apply to any person who submitted an application for a permit to install a new, or modify an existing, solid waste disposal facility under that chapter prior to September 1, 1987; any such person shall pay the permit fee established in this division as it existed prior to June 24, 1988. In addition to the applicable permit fee under this division, a person issued a permit to install or modify a solid waste facility or an infectious waste treatment facility under that chapter who fails to pay the permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the permit fee is late.

Permit and late payment fees paid to the director under this division shall be credited to the general revenue fund.

(R)(1) A person issued a registration certificate for a scrap tire collection facility under section 3734.75 of the Revised Code shall pay a fee of two hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(2) A person issued a registration certificate for a new scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of three hundred dollars, except that if the

facility is owned or operated by a motor vehicle salvage dealer 66425  
licensed under Chapter 4738. of the Revised Code, the person shall 66426  
pay a fee of twenty-five dollars. 66427

(3) A person issued a permit for a scrap tire storage 66428  
facility under section 3734.76 of the Revised Code shall pay a fee 66429  
of one thousand dollars, except that if the facility is owned or 66430  
operated by a motor vehicle salvage dealer licensed under Chapter 66431  
4738. of the Revised Code, the person shall pay a fee of fifty 66432  
dollars. 66433

(4) A person issued a permit for a scrap tire monocell or 66434  
monofill facility under section 3734.77 of the Revised Code shall 66435  
pay a fee of ten dollars per thousand cubic yards of disposal 66436  
capacity or one thousand dollars, whichever is greater, except 66437  
that the total fee for any such permit shall not exceed eighty 66438  
thousand dollars. 66439

(5) A person issued a registration certificate for a scrap 66440  
tire recovery facility under section 3734.78 of the Revised Code 66441  
shall pay a fee of one hundred dollars. 66442

(6) A person issued a permit for a scrap tire recovery 66443  
facility under section 3734.78 of the Revised Code shall pay a fee 66444  
of one thousand dollars. 66445

(7) In addition to the applicable registration certificate or 66446  
permit fee under divisions (R)(1) to (6) of this section, a person 66447  
issued a registration certificate or permit for any such scrap 66448  
tire facility who fails to pay the registration certificate or 66449  
permit fee to the director in compliance with division (V) of this 66450  
section shall pay an additional ten per cent of the amount of the 66451  
fee for each week that the fee is late. 66452

(8) The registration certificate, permit, and late payment 66453  
fees paid to the director under divisions (R)(1) to (7) of this 66454  
section shall be credited to the scrap tire management fund 66455



created in section 3734.82 of the Revised Code. 66456

(S)(1) Except as provided by divisions (L), (M), (N), (O), 66457  
(P), and (S)(2) of this section, division (A)(2) of section 66458  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 66459  
and rules adopted under division (T)(1) of this section, any 66460  
person applying for a registration certificate under section 66461  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 66462  
variance, or plan approval under Chapter 3734. of the Revised Code 66463  
shall pay a nonrefundable fee of fifteen dollars at the time the 66464  
application is submitted. 66465

Except as otherwise provided, any person applying for a 66466  
permit, variance, or plan approval under Chapter 6109. or 6111. of 66467  
the Revised Code shall pay a nonrefundable fee of one hundred 66468  
dollars at the time the application is submitted through June 30, 66469  
~~2012~~ 2014, and a nonrefundable fee of fifteen dollars at the time 66470  
the application is submitted on and after July 1, ~~2012~~ 2014. 66471  
~~Through~~ Except as provided in division (S)(3) of this section, 66472  
through June 30, ~~2012~~ 2014, any person applying for a national 66473  
pollutant discharge elimination system permit under Chapter 6111. 66474  
of the Revised Code shall pay a nonrefundable fee of two hundred 66475  
dollars at the time of application for the permit. On and after 66476  
July 1, ~~2012~~ 2014, such a person shall pay a nonrefundable fee of 66477  
fifteen dollars at the time of application. 66478

In addition to the application fee established under division 66479  
(S)(1) of this section, any person applying for a national 66480  
pollutant discharge elimination system general storm water 66481  
construction permit shall pay a nonrefundable fee of twenty 66482  
dollars per acre for each acre that is permitted above five acres 66483  
at the time the application is submitted. However, the per acreage 66484  
fee shall not exceed three hundred dollars. In addition, any 66485  
person applying for a national pollutant discharge elimination 66486  
system general storm water industrial permit shall pay a 66487

nonrefundable fee of one hundred fifty dollars at the time the application is submitted. 66488  
66489

The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 66490  
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The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6111. of the Revised Code and under division (S)(3) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. 66495  
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If a registration certificate is issued under section 3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of the application fee paid shall be deducted from the amount of the registration certificate fee due under division (R)(1), (2), or (5) of this section, as applicable. 66500  
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If a person submits an electronic application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section, the person shall pay the applicable application fee as expeditiously as possible after the submission of the electronic application. An application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section shall not be reviewed or processed until the applicable application fee, and any other fees established under this division, are paid. 66505  
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(2) Division (S)(1) of this section does not apply to an application for a registration certificate for a scrap tire collection or storage facility submitted under section 3734.75 or 66516  
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3734.76 of the Revised Code, as applicable, if the owner or 66519  
operator of the facility or proposed facility is a motor vehicle 66520  
salvage dealer licensed under Chapter 4738. of the Revised Code. 66521

(3) A person applying for coverage under a national pollutant 66522  
discharge elimination system general discharge permit for 66523  
household sewage treatment systems shall pay the following fees: 66524

(a) A nonrefundable fee of two hundred dollars at the time of 66525  
application for initial permit coverage; 66526

(b) A nonrefundable fee of one hundred dollars at the time of 66527  
application for a renewal of permit coverage. 66528

(T) The director may adopt, amend, and rescind rules in 66529  
accordance with Chapter 119. of the Revised Code that do all of 66530  
the following: 66531

(1) Prescribe fees to be paid by applicants for and holders 66532  
of any license, permit, variance, plan approval, or certification 66533  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 66534  
the Revised Code that are not specifically established in this 66535  
section. The fees shall be designed to defray the cost of 66536  
processing, issuing, revoking, modifying, denying, and enforcing 66537  
the licenses, permits, variances, plan approvals, and 66538  
certifications. 66539

The director shall transmit all moneys collected under rules 66540  
adopted under division (T)(1) of this section pursuant to Chapter 66541  
6109. of the Revised Code to the treasurer of state for deposit 66542  
into the drinking water protection fund created in section 6109.30 66543  
of the Revised Code. 66544

The director shall transmit all moneys collected under rules 66545  
adopted under division (T)(1) of this section pursuant to Chapter 66546  
6111. of the Revised Code to the treasurer of state for deposit 66547  
into the surface water protection fund created in section 6111.038 66548  
of the Revised Code. 66549

(2) Exempt the state and political subdivisions thereof, 66550  
including education facilities or medical facilities owned by the 66551  
state or a political subdivision, or any person exempted from 66552  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 66553  
any fee required by this section; 66554

(3) Provide for the waiver of any fee, or any part thereof, 66555  
otherwise required by this section whenever the director 66556  
determines that the imposition of the fee would constitute an 66557  
unreasonable cost of doing business for any applicant, class of 66558  
applicants, or other person subject to the fee; 66559

(4) Prescribe measures that the director considers necessary 66560  
to carry out this section. 66561

(U) When the director reasonably demonstrates that the direct 66562  
cost to the state associated with the issuance of a permit to 66563  
install, license, variance, plan approval, or certification 66564  
exceeds the fee for the issuance or review specified by this 66565  
section, the director may condition the issuance or review on the 66566  
payment by the person receiving the issuance or review of, in 66567  
addition to the fee specified by this section, the amount, or any 66568  
portion thereof, in excess of the fee specified under this 66569  
section. The director shall not so condition issuances for which 66570  
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 66571  
section. 66572

(V) Except as provided in divisions (L), (M), and (P) of this 66573  
section or unless otherwise prescribed by a rule of the director 66574  
adopted pursuant to Chapter 119. of the Revised Code, all fees 66575  
required by this section are payable within thirty days after the 66576  
issuance of an invoice for the fee by the director or the 66577  
effective date of the issuance of the license, permit, variance, 66578  
plan approval, or certification. If payment is late, the person 66579  
responsible for payment of the fee shall pay an additional ten per 66580  
cent of the amount due for each month that it is late. 66581

(W) As used in this section, "fuel-burning equipment," 66582  
"fuel-burning equipment input capacity," "incinerator," 66583  
"incinerator input capacity," "process," "process weight rate," 66584  
"storage tank," "gasoline dispensing facility," "dry cleaning 66585  
facility," "design flow discharge," and "new source treatment 66586  
works" have the meanings ascribed to those terms by applicable 66587  
rules or standards adopted by the director under Chapter 3704. or 66588  
6111. of the Revised Code. 66589

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 66590  
and (J) of this section, and in any other provision of this 66591  
section pertaining to fees paid pursuant to Chapter 3704. of the 66592  
Revised Code: 66593

(1) "Facility," "federal Clean Air Act," "person," and "Title 66594  
V permit" have the same meanings as in section 3704.01 of the 66595  
Revised Code. 66596

(2) "Title V permit program" means the following activities 66597  
as necessary to meet the requirements of Title V of the federal 66598  
Clean Air Act and 40 C.F.R. part 70, including at least: 66599

(a) Preparing and adopting, if applicable, generally 66600  
applicable rules or guidance regarding the permit program or its 66601  
implementation or enforcement; 66602

(b) Reviewing and acting on any application for a Title V 66603  
permit, permit revision, or permit renewal, including the 66604  
development of an applicable requirement as part of the processing 66605  
of a permit, permit revision, or permit renewal; 66606

(c) Administering the permit program, including the 66607  
supporting and tracking of permit applications, compliance 66608  
certification, and related data entry; 66609

(d) Determining which sources are subject to the program and 66610  
implementing and enforcing the terms of any Title V permit, not 66611  
including any court actions or other formal enforcement actions; 66612

(e) Emission and ambient monitoring;	66613
(f) Modeling, analyses, or demonstrations;	66614
(g) Preparing inventories and tracking emissions;	66615
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	66616 66617 66618 66619 66620 66621 66622
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.	66623 66624 66625 66626 66627 66628 66629 66630 66631 66632
(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.	66633 66634 66635
(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following exceptions:	66636 66637 66638 66639 66640 66641
(i) Except as provided in division (Y)(2)(d) of this section, a sewage sludge facility that treats or disposes of exceptional	66642 66643

quality sludge shall pay a minimum annual sewage sludge fee of one 66644  
hundred dollars. 66645

(ii) A sewage sludge facility that treats or disposes of 66646  
exceptional quality sludge shall not be required to pay the annual 66647  
sludge fee for treatment or disposal in this state of exceptional 66648  
quality sludge generated outside of this state and contained in 66649  
bags or other containers not greater than one hundred pounds in 66650  
capacity. 66651

A thirty-five per cent reduction for exceptional quality 66652  
sludge applies to the maximum annual fees established under 66653  
division (Y)(3) of this section. 66654

(c) A sewage sludge facility that transfers sewage sludge to 66655  
another sewage sludge facility in this state for further treatment 66656  
prior to disposal in this state shall not be required to pay the 66657  
annual sludge fee for the tons of sewage sludge that have been 66658  
transferred. In such a case, the sewage sludge facility that 66659  
disposes of the sewage sludge shall pay the annual sludge fee. 66660  
However, the facility transferring the sewage sludge shall pay the 66661  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 66662  
of this section. 66663

In the case of a sewage sludge facility that treats sewage 66664  
sludge in this state and transfers it out of this state to another 66665  
entity for disposal, the sewage sludge facility in this state 66666  
shall be required to pay the annual sludge fee for the tons of 66667  
sewage sludge that have been transferred. 66668

(d) A sewage sludge facility that generates sewage sludge 66669  
resulting from an average daily discharge flow of less than five 66670  
thousand gallons per day is not subject to the fees assessed under 66671  
division (Y) of this section. 66672

(3) No sewage sludge facility required to pay the annual 66673  
sludge fee shall be required to pay more than the maximum annual 66674

fee for each disposal method that the sewage sludge facility uses. 66675  
The maximum annual fee does not include the additional amount that 66676  
may be charged under division (Y)(5) of this section for late 66677  
payment of the annual sludge fee. The maximum annual fee for the 66678  
following methods of disposal of sewage sludge is as follows: 66679

(a) Incineration: five thousand dollars; 66680

(b) Preexisting land reclamation project or disposal in a 66681  
landfill: five thousand dollars; 66682

(c) Land application, land reclamation, surface disposal, or 66683  
any other disposal method not specified in division (Y)(3)(a) or 66684  
(b) of this section: twenty thousand dollars. 66685

(4)(a) In the case of an entity that generates sewage sludge 66686  
or a sewage sludge facility that treats sewage sludge and 66687  
transfers the sewage sludge to an incineration facility for 66688  
disposal, the incineration facility, and not the entity generating 66689  
the sewage sludge or the sewage sludge facility treating the 66690  
sewage sludge, shall pay the annual sludge fee for the tons of 66691  
sewage sludge that are transferred. However, the entity or 66692  
facility generating or treating the sewage sludge shall pay the 66693  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 66694  
of this section. 66695

(b) In the case of an entity that generates sewage sludge and 66696  
transfers the sewage sludge to a landfill for disposal or to a 66697  
sewage sludge facility for land reclamation or surface disposal, 66698  
the entity generating the sewage sludge, and not the landfill or 66699  
sewage sludge facility, shall pay the annual sludge fee for the 66700  
tons of sewage sludge that are transferred. 66701

(5) Not later than the first day of April of the calendar 66702  
year following March 17, 2000, and each first day of April 66703  
thereafter, the director shall issue invoices to persons who are 66704  
required to pay the annual sludge fee. The invoice shall identify 66705



the nature and amount of the annual sludge fee assessed and state 66706  
the first day of May as the deadline for receipt by the director 66707  
of objections regarding the amount of the fee and the first day of 66708  
July as the deadline for payment of the fee. 66709

Not later than the first day of May following receipt of an 66710  
invoice, a person required to pay the annual sludge fee may submit 66711  
objections to the director concerning the accuracy of information 66712  
regarding the number of dry tons of sewage sludge used to 66713  
calculate the amount of the annual sludge fee or regarding whether 66714  
the sewage sludge qualifies for the exceptional quality sludge 66715  
discount established in division (Y)(2)(b) of this section. The 66716  
director may consider the objections and adjust the amount of the 66717  
fee to ensure that it is accurate. 66718

If the director does not adjust the amount of the annual 66719  
sludge fee in response to a person's objections, the person may 66720  
appeal the director's determination in accordance with Chapter 66721  
119. of the Revised Code. 66722

Not later than the first day of June, the director shall 66723  
notify the objecting person regarding whether the director has 66724  
found the objections to be valid and the reasons for the finding. 66725  
If the director finds the objections to be valid and adjusts the 66726  
amount of the annual sludge fee accordingly, the director shall 66727  
issue with the notification a new invoice to the person 66728  
identifying the amount of the annual sludge fee assessed and 66729  
stating the first day of July as the deadline for payment. 66730

Not later than the first day of July, any person who is 66731  
required to do so shall pay the annual sludge fee. Any person who 66732  
is required to pay the fee, but who fails to do so on or before 66733  
that date shall pay an additional amount that equals ten per cent 66734  
of the required annual sludge fee. 66735

(6) The director shall transmit all moneys collected under 66736

division (Y) of this section to the treasurer of state for deposit 66737  
into the surface water protection fund created in section 6111.038 66738  
of the Revised Code. The moneys shall be used to defray the costs 66739  
of administering and enforcing provisions in Chapter 6111. of the 66740  
Revised Code and rules adopted under it that govern the use, 66741  
storage, treatment, or disposal of sewage sludge. 66742

(7) Beginning in fiscal year 2001, and every two years 66743  
thereafter, the director shall review the total amount of moneys 66744  
generated by the annual sludge fees to determine if that amount 66745  
exceeded six hundred thousand dollars in either of the two 66746  
preceding fiscal years. If the total amount of moneys in the fund 66747  
exceeded six hundred thousand dollars in either fiscal year, the 66748  
director, after review of the fee structure and consultation with 66749  
affected persons, shall issue an order reducing the amount of the 66750  
fees levied under division (Y) of this section so that the 66751  
estimated amount of moneys resulting from the fees will not exceed 66752  
six hundred thousand dollars in any fiscal year. 66753

If, upon review of the fees under division (Y)(7) of this 66754  
section and after the fees have been reduced, the director 66755  
determines that the total amount of moneys collected and 66756  
accumulated is less than six hundred thousand dollars, the 66757  
director, after review of the fee structure and consultation with 66758  
affected persons, may issue an order increasing the amount of the 66759  
fees levied under division (Y) of this section so that the 66760  
estimated amount of moneys resulting from the fees will be 66761  
approximately six hundred thousand dollars. Fees shall never be 66762  
increased to an amount exceeding the amount specified in division 66763  
(Y)(7) of this section. 66764

Notwithstanding section 119.06 of the Revised Code, the 66765  
director may issue an order under division (Y)(7) of this section 66766  
without the necessity to hold an adjudicatory hearing in 66767  
connection with the order. The issuance of an order under this 66768

division is not an act or action for purposes of section 3745.04 66769  
of the Revised Code. 66770

(8) As used in division (Y) of this section: 66771

(a) "Sewage sludge facility" means an entity that performs 66772  
treatment on or is responsible for the disposal of sewage sludge. 66773

(b) "Sewage sludge" means a solid, semi-solid, or liquid 66774  
residue generated during the treatment of domestic sewage in a 66775  
treatment works as defined in section 6111.01 of the Revised Code. 66776  
"Sewage sludge" includes, but is not limited to, scum or solids 66777  
removed in primary, secondary, or advanced wastewater treatment 66778  
processes. "Sewage sludge" does not include ash generated during 66779  
the firing of sewage sludge in a sewage sludge incinerator, grit 66780  
and screenings generated during preliminary treatment of domestic 66781  
sewage in a treatment works, animal manure, residue generated 66782  
during treatment of animal manure, or domestic septage. 66783

(c) "Exceptional quality sludge" means sewage sludge that 66784  
meets all of the following qualifications: 66785

(i) Satisfies the class A pathogen standards in 40 C.F.R. 66786  
503.32(a); 66787

(ii) Satisfies one of the vector attraction reduction 66788  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 66789

(iii) Does not exceed the ceiling concentration limitations 66790  
for metals listed in table one of 40 C.F.R. 503.13; 66791

(iv) Does not exceed the concentration limitations for metals 66792  
listed in table three of 40 C.F.R. 503.13. 66793

(d) "Treatment" means the preparation of sewage sludge for 66794  
final use or disposal and includes, but is not limited to, 66795  
thickening, stabilization, and dewatering of sewage sludge. 66796

(e) "Disposal" means the final use of sewage sludge, 66797  
including, but not limited to, land application, land reclamation, 66798

surface disposal, or disposal in a landfill or an incinerator. 66799

(f) "Land application" means the spraying or spreading of 66800  
sewage sludge onto the land surface, the injection of sewage 66801  
sludge below the land surface, or the incorporation of sewage 66802  
sludge into the soil for the purposes of conditioning the soil or 66803  
fertilizing crops or vegetation grown in the soil. 66804

(g) "Land reclamation" means the returning of disturbed land 66805  
to productive use. 66806

(h) "Surface disposal" means the placement of sludge on an 66807  
area of land for disposal, including, but not limited to, 66808  
monofills, surface impoundments, lagoons, waste piles, or 66809  
dedicated disposal sites. 66810

(i) "Incinerator" means an entity that disposes of sewage 66811  
sludge through the combustion of organic matter and inorganic 66812  
matter in sewage sludge by high temperatures in an enclosed 66813  
device. 66814

(j) "Incineration facility" includes all incinerators owned 66815  
or operated by the same entity and located on a contiguous tract 66816  
of land. Areas of land are considered to be contiguous even if 66817  
they are separated by a public road or highway. 66818

(k) "Annual sludge fee" means the fee assessed under division 66819  
(Y)(1) of this section. 66820

(l) "Landfill" means a sanitary landfill facility, as defined 66821  
in rules adopted under section 3734.02 of the Revised Code, that 66822  
is licensed under section 3734.05 of the Revised Code. 66823

(m) "Preexisting land reclamation project" means a 66824  
property-specific land reclamation project that has been in 66825  
continuous operation for not less than five years pursuant to 66826  
approval of the activity by the director and includes the 66827  
implementation of a community outreach program concerning the 66828

activity. 66829

**Sec. 3746.02.** (A) Nothing in this chapter applies to any of 66830  
the following: 66831

(1) Property for which a voluntary action under this chapter 66832  
is precluded by federal law or regulations adopted under federal 66833  
law, including, without limitation, any of the following federal 66834  
laws or regulations adopted thereunder: 66835

(a) The "Federal Water Pollution Control Act Amendments of 66836  
1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended; 66837

(b) The "Resource Conservation and Recovery Act of 1976," 90 66838  
Stat. 2806, 42 U.S.C.A. 6921, as amended; 66839

(c) The "Toxic Substances Control Act," 90 Stat. 2003 (1976), 66840  
15 U.S.C.A. 2601, as amended; 66841

(d) The "Comprehensive Environmental Response, Compensation, 66842  
and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9601, as 66843  
amended; 66844

(e) The "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42 66845  
U.S.C.A. 300(f), as amended. 66846

(2) Those portions of property where closure of a hazardous 66847  
waste facility or solid waste facility is required under Chapter 66848  
3734. of the Revised Code or rules adopted under it; 66849

(3) ~~Property or~~ Except for a class C release as defined in 66850  
section 3737.87 of the Revised Code, properties regardless of 66851  
ownership that are subject to remediation rules adopted under the 66852  
authority of the division of fire marshal in the department of 66853  
commerce, including remediation rules adopted under sections 66854  
3737.88, 3737.882, and 3737.889 of the Revised Code; 66855

(4) Property that is subject to Chapter 1509. of the Revised 66856  
Code; 66857

(5) Any other property if the director of environmental protection has issued a letter notifying the owner or operator of the property that ~~he~~ the director will issue an enforcement order under Chapter 3704., 3734., or 6111. of the Revised Code, a release or threatened release of a hazardous substance or petroleum from or at the property poses a substantial threat to public health or safety or the environment, and the person subject to the order does not present sufficient evidence to the director that ~~he~~ the person has entered into the voluntary action program under this chapter and is proceeding expeditiously to address that threat. For the purposes of this division, the evidence constituting sufficient evidence of entry into the voluntary action program under this chapter shall be defined by the director by rules adopted under section 3746.04 of the Revised Code. Until such time as the director has adopted those rules, the director, at a minimum, shall consider the existence of a contract with a certified professional to appropriately respond to the threat named in the director's letter informing the person of ~~his~~ the director's intent to issue an enforcement order and the availability of financial resources to complete the contract to be sufficient evidence of entry into the program.

(B) The application of any provision of division (A) of this section to a portion of property does not preclude participation in the voluntary action program under this chapter in connection with other portions of the property where those provisions do not apply.

(C) As used in this section, "property" means any parcel of real property, or portion thereof, and any improvements thereto.

**Sec. 3750.081.** (A) Notwithstanding any provision in this chapter to the contrary, an owner or operator of a facility that is regulated under Chapter 1509. of the Revised Code who has filed

a log in accordance with section 1509.10 of the Revised Code and a 66889  
production statement in accordance with section 1509.11 of the 66890  
Revised Code shall be deemed to have satisfied all of the 66891  
inventory, notification, listing, and other submission and filing 66892  
requirements established under this chapter, except for the 66893  
release reporting requirements established under section 3750.06 66894  
of the Revised Code. 66895

(B) The emergency response commission and every local 66896  
emergency planning committee and fire department in this state 66897  
shall establish a means by which to access, view, and retrieve 66898  
information, through the use of the internet or a computer disk, 66899  
from the electronic database maintained by the division of ~~mineral~~ 66900  
oil and gas resources management in the department of natural 66901  
resources in accordance with section 1509.23 of the Revised Code. 66902  
With respect to facilities regulated under Chapter 1509. of the 66903  
Revised Code, the database shall be the means of providing and 66904  
receiving the information described in division (A) of this 66905  
section. 66906

**Sec. 3769.07.** Except as otherwise provided in this section, 66907  
no permit shall be issued under sections 3769.01 to 3769.14 of the 66908  
Revised Code, authorizing the conduct of a live racing program for 66909  
thoroughbred horses and quarter horses at any place, track, or 66910  
enclosure except between the hours of twelve noon and seven p.m., 66911  
for running horse-racing meetings, except that on special events 66912  
days running horse-racing meetings may begin at nine a.m. by 66913  
application to the state racing commission and except that the 66914  
seven p.m. time may be extended to eight p.m. on a Sunday or 66915  
holiday by application to the commission, and no permit shall be 66916  
issued under those sections authorizing the conduct of a live 66917  
racing program for harness horses at any place, track, or 66918  
enclosure except between the hours of twelve noon and twelve 66919  
midnight for light harness horse-racing meetings. The seven p.m. 66920

and eight p.m. closing times described in this section shall upon 66921  
application to the commission be extended to ~~nine~~ eleven p.m. for 66922  
any running horse-racing meeting conducted between the fifteenth 66923  
day of May and the fifteenth day of September at a track that is 66924  
located more than twenty-five miles from a track located in this 66925  
state where a light harness horse-racing meeting, other than a 66926  
light harness horse-racing meeting at a county fair or independent 66927  
fair, is being conducted and that is located less than twenty-five 66928  
miles from a track located outside this state. A permit issued for 66929  
horse racing at a county fair shall authorize live horse racing to 66930  
begin at nine a.m. 66931

No permit shall be granted for the holding or conducting of a 66932  
horse-racing meeting after the tenth day of December in any 66933  
calendar year, except for racing at winterized tracks. "Winterized 66934  
track" means a track with enclosed club house or grandstand, 66935  
all-weather racing track, heated facilities for jockeys or 66936  
drivers, backstretch facilities that are properly prepared for 66937  
winter racing, and adequate snow removal equipment available. 66938

No permit shall be issued for more than an aggregate of 66939  
fifty-six racing days in any one calendar year, except that an 66940  
additional five days of racing may be approved by the commission 66941  
upon application by a permit holder and except that an additional 66942  
thirty days of racing may be granted for racing at any time after 66943  
the fifteenth day of October and prior to the fifteenth day of 66944  
March to a permit holder who has a winterized facility, but no 66945  
more than thirty such additional days may be issued at any one 66946  
track or enclosure. No more than an aggregate of fifty-six racing 66947  
days shall be issued in any one calendar year for any one race 66948  
track, place, or enclosure, except for the additional five days of 66949  
racing for each permit holder which may be approved by the 66950  
commission pursuant to this section, except as provided in 66951  
sections 3769.071 and 3769.13 of the Revised Code, except for 66952



racing days granted as a result of a winterized facility, and 66953  
except that the commission may issue a second permit for a maximum 66954  
of fifty-six racing days for any one track, place, or enclosure, 66955  
if the commission determines that the issuance of such second 66956  
permit is not against the public interest. No such second permit 66957  
shall be issued: 66958

(A) For the operation of racing in any county with a 66959  
population of less than seven hundred thousand or for the 66960  
operation of racing in any county which has more than one race 66961  
track at which a racing meet has been authorized, except as 66962  
provided in this division and in sections 3769.071 and 3769.13 of 66963  
the Revised Code, in the same year by the commission. A second 66964  
permit issued pursuant to this division may be issued at either or 66965  
both race tracks in a county that has only two race tracks if a 66966  
racing meet has been authorized at both race tracks in the same 66967  
year by the commission and one race track has been authorized to 66968  
conduct thoroughbred racing meets and the other race track has 66969  
been authorized to conduct harness racing meets. When such second 66970  
permit is issued pursuant to this division for racing at the one 66971  
race track, racing shall not be conducted at that race track on 66972  
the same day that racing is conducted at the other race track in 66973  
the county except by mutual agreement of the two race tracks. 66974

(B) To any corporation having one or more shareholders owning 66975  
an interest in any other permit issued by the commission for the 66976  
operation of racing, in the same year, at any other race track, 66977  
place, or enclosure in this state; 66978

(C) To any person, association, or trust which owns, or which 66979  
has any members owning, an interest in any other permit issued by 66980  
the commission for the operation of racing, in the same year, at 66981  
any other race track, place, or enclosure in this state. 66982

No permit shall be issued so as to permit live racing 66983  
programs on the same hour at more than one track in one county or 66984

on tracks in operation in 1975 within fifty miles of each other, 66985  
nor shall any other form of pari-mutuel wagering other than horse 66986  
racing be permitted within seventy-five miles of a track where 66987  
horse racing is being conducted, except that this provision shall 66988  
not apply to a horse-racing meeting held at the state fair or at a 66989  
fair conducted by a county agricultural society or at a fair 66990  
conducted by an independent agricultural society. Distribution of 66991  
days shall not apply to fairs or horse shows not required to 66992  
secure a permit under such section. Notwithstanding any other 66993  
provision of this chapter, a person, association, trust, or 66994  
corporation may own or operate two separate facilities in this 66995  
state that are conducting horse-racing meetings. 66996

A permit, granted under sections 3769.01 to 3769.14 of the 66997  
Revised Code, shall be conspicuously displayed during the 66998  
horse-racing meeting in the principal office at such race track 66999  
and at all reasonable times shall be exhibited to any authorized 67000  
person requesting to see the same. 67001

**Sec. 3769.08.** (A) Any person holding a permit to conduct a 67002  
horse-racing meeting may provide a place in the race meeting 67003  
grounds or enclosure at which the permit holder may conduct and 67004  
supervise the pari-mutuel system of wagering by patrons of legal 67005  
age on the live racing programs and simulcast racing programs 67006  
conducted by the permit holder. 67007

The pari-mutuel method of wagering upon the live racing 67008  
programs and simulcast racing programs held at or conducted within 67009  
such race track, and at the time of such horse-racing meeting, or 67010  
at other times authorized by the state racing commission, shall 67011  
not be unlawful. No other place, except that provided and 67012  
designated by the permit holder and except as provided in section 67013  
3769.26 of the Revised Code, nor any other method or system of 67014  
betting or wagering, except the pari-mutuel system, shall be used 67015

or permitted by the permit holder; nor, except as provided in 67016  
section 3769.089 or 3769.26 of the Revised Code, shall the 67017  
pari-mutuel system of wagering be conducted by the permit holder 67018  
on any races except the races at the race track, grounds, or 67019  
enclosure for which the person holds a permit. Each permit holder 67020  
may retain as a commission an amount not to exceed eighteen per 67021  
cent of the total of all moneys wagered. 67022

The pari-mutuel wagering authorized by this section is 67023  
subject to sections 3769.25 to 3769.28 of the Revised Code. 67024

(B) At the close of each racing day, each permit holder 67025  
authorized to conduct thoroughbred racing, out of the amount 67026  
retained on that day by the permit holder, shall pay by check, 67027  
draft, or money order to the tax commissioner, as a tax, a sum 67028  
equal to the following percentages of the total of all moneys 67029  
wagered on live racing programs on that day and shall separately 67030  
compute and pay by check, draft, or money order to the tax 67031  
commissioner, as a tax, a sum equal to the following percentages 67032  
of the total of all money wagered on simulcast racing programs on 67033  
that day: 67034

(1) One per cent of the first two hundred thousand dollars 67035  
wagered, or any part of that amount; 67036

(2) Two per cent of the next one hundred thousand dollars 67037  
wagered, or any part of that amount; 67038

(3) Three per cent of the next one hundred thousand dollars 67039  
wagered, or any part of that amount; 67040

(4) Four per cent of all sums over four hundred thousand 67041  
dollars wagered. 67042

Except as otherwise provided in section 3769.089 of the 67043  
Revised Code, each permit holder authorized to conduct 67044  
thoroughbred racing shall use for purse money a sum equal to fifty 67045  
per cent of the pari-mutuel revenues retained by the permit holder 67046

as a commission after payment of the state tax. This fifty per 67047  
cent payment shall be in addition to the purse distribution from 67048  
breakage specified in this section. 67049

Subject to division (M) of this section, from the moneys paid 67050  
to the tax commissioner by thoroughbred racing permit holders, 67051  
one-half of one per cent of the total of all moneys so wagered on 67052  
a racing day shall be paid into the Ohio fairs fund created by 67053  
section 3769.082 of the Revised Code, one and one-eighth per cent 67054  
of the total of all moneys so wagered on a racing day shall be 67055  
paid into the Ohio thoroughbred race fund created by section 67056  
3769.083 of the Revised Code, and one-quarter of one per cent of 67057  
the total of all moneys wagered on a racing day by each permit 67058  
holder shall be paid into the state racing commission operating 67059  
fund created by section 3769.03 of the Revised Code. The required 67060  
payment to the state racing commission operating fund does not 67061  
apply to county and independent fairs and agricultural societies. 67062  
The remaining moneys may be retained by the permit holder, except 67063  
as provided in this section with respect to the odd cents 67064  
redistribution. Amounts paid into the PASSPORT nursing home 67065  
franchise permit fee fund pursuant to this section and section 67066  
3769.26 of the Revised Code shall be used solely for the support 67067  
of the PASSPORT program as determined in appropriations made by 67068  
the general assembly. If the PASSPORT program is abolished, the 67069  
amount that would have been paid to the PASSPORT nursing home 67070  
franchise permit fee fund under this chapter shall be paid to the 67071  
general revenue fund of the state. As used in this chapter, 67072  
"PASSPORT program" means the PASSPORT program created under 67073  
section 173.40 of the Revised Code. 67074

The total amount paid to the Ohio thoroughbred race fund 67075  
under this section and division (A) of section 3769.087 of the 67076  
Revised Code shall not exceed by more than six per cent the total 67077  
amount paid to this fund under this section and that section 67078

during the immediately preceding calendar year. 67079

Each year, the total amount calculated for payment into the 67080  
Ohio fairs fund under this division, division (C) of this section, 67081  
and division (A) of section 3769.087 of the Revised Code shall be 67082  
an amount calculated using the percentages specified in this 67083  
division, division (C) of this section, and division (A) of 67084  
section 3769.087 of the Revised Code. 67085

A permit holder may contract with a thoroughbred horsemen's 67086  
organization for the organization to act as a representative of 67087  
all thoroughbred owners and trainers participating in a 67088  
horse-racing meeting conducted by the permit holder. A 67089  
"thoroughbred horsemen's organization" is any corporation or 67090  
association that represents, through membership or otherwise, more 67091  
than one-half of the aggregate of all thoroughbred owners and 67092  
trainers who were licensed and actively participated in racing 67093  
within this state during the preceding calendar year. Except as 67094  
otherwise provided in this paragraph, any moneys received by a 67095  
thoroughbred horsemen's organization shall be used exclusively for 67096  
the benefit of thoroughbred owners and trainers racing in this 67097  
state through the administrative purposes of the organization, 67098  
benevolent activities on behalf of the horsemen, promotion of the 67099  
horsemen's rights and interests, and promotion of equine research. 67100  
A thoroughbred horsemen's organization may expend not more than an 67101  
aggregate of five per cent of its annual gross receipts, or a 67102  
larger amount as approved by the organization, for dues, 67103  
assessments, and other payments to all other local, national, or 67104  
international organizations having as their primary purposes the 67105  
promotion of thoroughbred horse racing, thoroughbred horsemen's 67106  
rights, and equine research. 67107

(C) Except as otherwise provided in division (B) of this 67108  
section, at the close of each racing day, each permit holder 67109  
authorized to conduct harness or quarter horse racing, out of the 67110

amount retained that day by the permit holder, shall pay by check, 67111  
draft, or money order to the tax commissioner, as a tax, a sum 67112  
equal to the following percentages of the total of all moneys 67113  
wagered on live racing programs and shall separately compute and 67114  
pay by check, draft, or money order to the tax commissioner, as a 67115  
tax, a sum equal to the following percentages of the total of all 67116  
money wagered on simulcast racing programs on that day: 67117

(1) One per cent of the first two hundred thousand dollars 67118  
wagered, or any part of that amount; 67119

(2) Two per cent of the next one hundred thousand dollars 67120  
wagered, or any part of that amount; 67121

(3) Three per cent of the next one hundred thousand dollars 67122  
wagered, or any part of that amount; 67123

(4) Four per cent of all sums over four hundred thousand 67124  
dollars wagered. 67125

Except as otherwise provided in division (B) and subject to 67126  
division (M) of this section, from the moneys paid to the tax 67127  
commissioner by permit holders authorized to conduct harness or 67128  
quarter horse racing, one-half of one per cent of all moneys 67129  
wagered on that racing day shall be paid into the Ohio fairs fund; 67130  
from the moneys paid to the tax commissioner by permit holders 67131  
authorized to conduct harness racing, five-eighths of one per cent 67132  
of all moneys wagered on that racing day shall be paid into the 67133  
Ohio standardbred development fund; and from the moneys paid to 67134  
the tax commissioner by permit holders authorized to conduct 67135  
quarter horse racing, five-eighths of one per cent of all moneys 67136  
wagered on that racing day shall be paid into the Ohio quarter 67137  
horse development fund. 67138

(D) In addition, subject to division (M) of this section, 67139  
beginning on January 1, 1996, from the money paid to the tax 67140  
commissioner as a tax under this section and division (A) of 67141

section 3769.087 of the Revised Code by harness horse permit holders, one-half of one per cent of the amount wagered on a racing day shall be paid into the Ohio standardbred development fund. Beginning January 1, 1998, the payment to the Ohio standardbred development fund required under this division does not apply to county agricultural societies or independent agricultural societies.

The total amount paid to the Ohio standardbred development fund under this division, division (C) of this section, and division (A) of section 3769.087 of the Revised Code and the total amount paid to the Ohio quarter horse development fund under this division and division (A) of that section shall not exceed by more than six per cent the total amount paid into the fund under this division, division (C) of this section, and division (A) of section 3769.087 of the Revised Code in the immediately preceding calendar year.

(E) Subject to division (M) of this section, from the money paid as a tax under this chapter by harness and quarter horse permit holders, one-quarter of one per cent of the total of all moneys wagered on a racing day by each permit holder shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code. This division does not apply to county and independent fairs and agricultural societies.

(F) Except as otherwise provided in section 3769.089 of the Revised Code, each permit holder authorized to conduct harness racing shall pay to the harness horsemen's purse pool a sum equal to fifty per cent of the pari-mutuel revenues retained by the permit holder as a commission after payment of the state tax. This fifty per cent payment is to be in addition to the purse distribution from breakage specified in this section.

(G) In addition, each permit holder authorized to conduct harness racing shall be allowed to retain the odd cents of all

redistribution to be made on all mutual contributions exceeding a 67174  
sum equal to the next lowest multiple of ten. 67175

Forty per cent of that portion of that total sum of such odd 67176  
cents shall be used by the permit holder for purse money for Ohio 67177  
sired, bred, and owned colts, for purse money for Ohio bred 67178  
horses, and for increased purse money for horse races. Upon the 67179  
formation of the corporation described in section 3769.21 of the 67180  
Revised Code to establish a harness horsemen's health and 67181  
retirement fund, twenty-five per cent of that portion of that 67182  
total sum of odd cents shall be paid at the close of each racing 67183  
day by the permit holder to that corporation to establish and fund 67184  
the health and retirement fund. Until that corporation is formed, 67185  
that twenty-five per cent shall be paid at the close of each 67186  
racing day by the permit holder to the tax commissioner or the tax 67187  
commissioner's agent in the county seat of the county in which the 67188  
permit holder operates race meetings. The remaining thirty-five 67189  
per cent of that portion of that total sum of odd cents shall be 67190  
retained by the permit holder. 67191

(H) In addition, each permit holder authorized to conduct 67192  
thoroughbred racing shall be allowed to retain the odd cents of 67193  
all redistribution to be made on all mutual contributions 67194  
exceeding a sum equal to the next lowest multiple of ten. Twenty 67195  
per cent of that portion of that total sum of such odd cents shall 67196  
be used by the permit holder for increased purse money for horse 67197  
races. Upon the formation of the corporation described in section 67198  
3769.21 of the Revised Code to establish a thoroughbred horsemen's 67199  
health and retirement fund, forty-five per cent of that portion of 67200  
that total sum of odd cents shall be paid at the close of each 67201  
racing day by the permit holder to that corporation to establish 67202  
and fund the health and retirement fund. Until that corporation is 67203  
formed, that forty-five per cent shall be paid by the permit 67204  
holder to the tax commissioner or the tax commissioner's agent in 67205



the county seat of the county in which the permit holder operates 67206  
race meetings, at the close of each racing day. The remaining 67207  
thirty-five per cent of that portion of that total sum of odd 67208  
cents shall be retained by the permit holder. 67209

(I) In addition, each permit holder authorized to conduct 67210  
quarter horse racing shall be allowed to retain the odd cents of 67211  
all redistribution to be made on all mutuel contributions 67212  
exceeding a sum equal to the next lowest multiple of ten, subject 67213  
to a tax of twenty-five per cent on that portion of the total sum 67214  
of such odd cents that is in excess of two thousand dollars during 67215  
a calendar year, which tax shall be paid at the close of each 67216  
racing day by the permit holder to the tax commissioner or the tax 67217  
commissioner's agent in the county seat of the county within which 67218  
the permit holder operates race meetings. Forty per cent of that 67219  
portion of that total sum of such odd cents shall be used by the 67220  
permit holder for increased purse money for horse races. The 67221  
remaining thirty-five per cent of that portion of that total sum 67222  
of odd cents shall be retained by the permit holder. 67223

(J)(1) To encourage the improvement of racing facilities for 67224  
the benefit of the public, breeders, and horse owners, and to 67225  
increase the revenue to the state from the increase in pari-mutuel 67226  
wagering resulting from those improvements, the taxes paid by a 67227  
permit holder to the state as provided for in this chapter shall 67228  
be reduced by three-fourths of one per cent of the total amount 67229  
wagered for those permit holders who make capital improvements to 67230  
existing race tracks or construct new race tracks. The percentage 67231  
of the reduction that may be taken each racing day shall equal 67232  
seventy-five per cent of the taxes levied under divisions (B) and 67233  
(C) of this section and section 3769.087 of the Revised Code, and 67234  
division (F)(2) of section 3769.26 of the Revised Code, as 67235  
applicable, divided by the calculated amount each fund should 67236  
receive under divisions (B) and (C) of this section and section 67237

3769.087 of the Revised Code, and division (F)(2) of section 67238  
3769.26 of the Revised Code and the reduction provided for in this 67239  
division. If the resulting percentage is less than one, that 67240  
percentage shall be multiplied by the amount of the reduction 67241  
provided for in this division. Otherwise, the permit holder shall 67242  
receive the full reduction provided for in this division. The 67243  
amount of the allowable reduction not received shall be carried 67244  
forward and applied against future tax liability. After any 67245  
reductions expire, any reduction carried forward shall be treated 67246  
as a reduction as provided for in this division. 67247

If more than one permit holder is authorized to conduct 67248  
racing at the facility that is being built or improved, the cost 67249  
of the new race track or capital improvement shall be allocated 67250  
between or among all the permit holders in the ratio that the 67251  
permit holders' number of racing days bears to the total number of 67252  
racing days conducted at the facility. 67253

A reduction for a new race track or a capital improvement 67254  
shall start from the day racing is first conducted following the 67255  
date actual construction of the new race track or each capital 67256  
improvement is completed and the construction cost has been 67257  
approved by the racing commission, unless otherwise provided in 67258  
this section. A reduction for a new race track or a capital 67259  
improvement shall continue for a period of twenty-five years for 67260  
new race tracks and for fifteen years for capital improvements if 67261  
the construction of the capital improvement or new race track 67262  
commenced prior to March 29, 1988, and for a period of ten years 67263  
for new race tracks or capital improvements if the construction of 67264  
the capital improvement or new race track commenced on or after 67265  
March 29, 1988, but before ~~the effective date of this amendment~~ 67266  
June 6, 2001, or until the total tax reduction reaches seventy per 67267  
cent of the approved cost of the new race track or capital 67268  
improvement, as allocated to each permit holder, whichever occurs 67269

first. A reduction for a new race track or a capital improvement 67270  
approved after ~~the effective date of this amendment~~ June 6, 2001, 67271  
shall continue until the total tax reduction reaches one hundred 67272  
per cent of the approved cost of the new race track or capital 67273  
improvement, as allocated to each permit holder. 67274

A reduction granted for a new race track or a capital 67275  
improvement, the application for which was approved by the racing 67276  
commission after March 29, 1988, but before ~~the effective date of~~ 67277  
~~this amendment~~ June 6, 2001, shall not commence nor shall the 67278  
ten-year period begin to run until all prior tax reductions with 67279  
respect to the same race track have ended. The total tax reduction 67280  
because of capital improvements shall not during any one year 67281  
exceed for all permit holders using any one track three-fourths of 67282  
one per cent of the total amount wagered, regardless of the number 67283  
of capital improvements made. Several capital improvements to a 67284  
race track may be consolidated in an application if the racing 67285  
commission approved the application prior to March 29, 1988. No 67286  
permit holder may receive a tax reduction for a capital 67287  
improvement approved by the racing commission on or after March 67288  
29, 1988, at a race track until all tax reductions have ended for 67289  
all prior capital improvements approved by the racing commission 67290  
under this section or section 3769.20 of the Revised Code at that 67291  
race track. If there are two or more permit holders operating 67292  
meetings at the same track, they may consolidate their 67293  
applications. The racing commission shall notify the tax 67294  
commissioner when the reduction of tax begins and when it ends. 67295

Each fiscal year the racing commission shall submit a report 67296  
to the tax commissioner, the office of budget and management, and 67297  
the legislative service commission. The report shall identify each 67298  
capital improvement project undertaken under this division and in 67299  
progress at each race track, indicate the total cost of each 67300  
project, state the tax reduction that resulted from each project 67301

during the immediately preceding fiscal year, estimate the tax 67302  
reduction that will result from each project during the current 67303  
fiscal year, state the total tax reduction that resulted from all 67304  
such projects at all race tracks during the immediately preceding 67305  
fiscal year, and estimate the total tax reduction that will result 67306  
from all such projects at all race tracks during the current 67307  
fiscal year. 67308

(2) In order to qualify for the reduction in tax, a permit 67309  
holder shall apply to the racing commission in such form as the 67310  
commission may require and shall provide full details of the new 67311  
race track or capital improvement, including a schedule for its 67312  
construction and completion, and set forth the costs and expenses 67313  
incurred in connection with it. The racing commission shall not 67314  
approve an application unless the permit holder shows that a 67315  
contract for the new race track or capital improvement has been 67316  
let under an unrestricted competitive bidding procedure, unless 67317  
the contract is exempted by the controlling board because of its 67318  
unusual nature. In determining whether to approve an application, 67319  
the racing commission shall consider whether the new race track or 67320  
capital improvement will promote the safety, convenience, and 67321  
comfort of the racing public and horse owners and generally tend 67322  
towards the improvement of racing in this state. 67323

(3) If a new race track or capital improvement is approved by 67324  
the racing commission and construction has started, the tax 67325  
reduction may be authorized by the commission upon presentation of 67326  
copies of paid bills in excess of one hundred thousand dollars or 67327  
ten per cent of the approved cost, whichever is greater. After the 67328  
initial authorization, the permit holder shall present copies of 67329  
paid bills. If the permit holder is in substantial compliance with 67330  
the schedule for construction and completion of the new race track 67331  
or capital improvement, the racing commission may authorize the 67332  
continuation of the tax reduction upon the presentation of the 67333

additional paid bills. The total amount of the tax reduction 67334  
authorized shall not exceed the percentage of the approved cost of 67335  
the new race track or capital improvement specified in division 67336  
(J)(1) of this section. The racing commission may terminate any 67337  
tax reduction immediately if a permit holder fails to complete the 67338  
new race track or capital improvement, or to substantially comply 67339  
with the schedule for construction and completion of the new race 67340  
track or capital improvement. If a permit holder fails to complete 67341  
a new race track or capital improvement, the racing commission 67342  
shall order the permit holder to repay to the state the total 67343  
amount of tax reduced. The normal tax paid by the permit holder 67344  
shall be increased by three-fourths of one per cent of the total 67345  
amount wagered until the total amount of the additional tax 67346  
collected equals the total amount of tax reduced. 67347

(4) As used in this section: 67348

(a) "Capital improvement" means an addition, replacement, or 67349  
remodeling of a structural unit of a race track facility costing 67350  
at least one hundred thousand dollars, including, but not limited 67351  
to, the construction of barns used exclusively for the race track 67352  
facility, backstretch facilities for horsemen, paddock facilities, 67353  
new pari-mutuel and totalizator equipment and appurtenances to 67354  
that equipment purchased by the track, new access roads, new 67355  
parking areas, the complete reconstruction, reshaping, and 67356  
leveling of the racing surface and appurtenances, the installation 67357  
of permanent new heating or air conditioning, roof replacement or 67358  
restoration, installations of a permanent nature forming a part of 67359  
the track structure, and construction of buildings that are 67360  
located on a permit holder's premises. "Capital improvement" does 67361  
not include the cost of replacement of equipment that is not 67362  
permanently installed, ordinary repairs, painting, and maintenance 67363  
required to keep a race track facility in ordinary operating 67364  
condition. 67365

(b) "New race track" includes the reconstruction of a race track damaged by fire or other cause that has been declared by the racing commission, as a result of the damage, to be an inadequate facility for the safe operation of horse racing.

(c) "Approved cost" includes all debt service and interest costs that are associated with a capital improvement or new race track and that the racing commission approves for a tax reduction under division (J) of this section.

(5) The racing commission shall not approve an application for a tax reduction under this section if it has reasonable cause to believe that the actions or negligence of the permit holder substantially contributed to the damage suffered by the track due to fire or other cause. The racing commission shall obtain any data or information available from a fire marshal, law enforcement official, or insurance company concerning any fire or other damage suffered by a track, prior to approving an application for a tax reduction.

(6) The approved cost to which a tax reduction applies shall be determined by generally accepted accounting principles and verified by an audit of the permit holder's records upon completion of the project by the racing commission, or by an independent certified public accountant selected by the permit holder and approved by the commission.

(K) No other license or excise tax or fee, except as provided in sections 3769.01 to 3769.14 of the Revised Code, shall be assessed or collected from such licensee by any county, township, district, municipal corporation, or other body having power to assess or collect a tax or fee. That portion of the tax paid under this section by permit holders for racing conducted at and during the course of an agricultural exposition or fair, and that portion of the tax that would have been paid by eligible permit holders into the ~~PASSPORT~~ nursing home franchise permit fee fund as a

result of racing conducted at and during the course of an 67398  
agricultural exposition or fair, shall be deposited into the state 67399  
treasury to the credit of the horse racing tax fund, which is 67400  
hereby created for the use of the agricultural societies of the 67401  
several counties in which the taxes originate. The state racing 67402  
commission shall determine eligible permit holders for purposes of 67403  
the preceding sentence, taking into account the breed of horse, 67404  
the racing dates, the geographic proximity to the fair, and the 67405  
best interests of Ohio racing. On the first day of any month on 67406  
which there is money in the fund, the tax commissioner shall 67407  
provide for payment to the treasurer of each agricultural society 67408  
the amount of the taxes collected under this section upon racing 67409  
conducted at and during the course of any exposition or fair 67410  
conducted by the society. 67411

(L) From the tax paid under this section by harness track 67412  
permit holders, the tax commissioner shall pay into the Ohio 67413  
thoroughbred race fund a sum equal to a percentage of the amount 67414  
wagered upon which the tax is paid. The percentage shall be 67415  
determined by the tax commissioner and shall be rounded to the 67416  
nearest one-hundredth. The percentage shall be such that, when 67417  
multiplied by the amount wagered upon which tax was paid by the 67418  
harness track permit holders in the most recent year for which 67419  
final figures are available, it results in a sum that 67420  
substantially equals the same amount of tax paid by the tax 67421  
commissioner during that year into the Ohio fairs fund from taxes 67422  
paid by thoroughbred permit holders. This division does not apply 67423  
to county and independent fairs and agricultural societies. 67424

(M) Twenty-five per cent of the taxes levied on thoroughbred 67425  
racing permit holders, harness racing permit holders, and quarter 67426  
horse racing permit holders under this section, division (A) of 67427  
section 3769.087 of the Revised Code, and division (F)(2) of 67428  
section 3769.26 of the Revised Code shall be paid into the 67429

~~PASSPORT~~ nursing home franchise permit fee fund. The tax 67430  
commissioner shall pay any money remaining, after the payment into 67431  
the ~~PASSPORT~~ nursing home franchise permit fee fund and the 67432  
reductions provided for in division (J) of this section and in 67433  
section 3769.20 of the Revised Code, into the Ohio fairs fund, 67434  
Ohio thoroughbred race fund, Ohio standardbred development fund, 67435  
Ohio quarter horse fund, and state racing commission operating 67436  
fund as prescribed in this section and division (A) of section 67437  
3769.087 of the Revised Code. The tax commissioner shall 67438  
thereafter use and apply the balance of the money paid as a tax by 67439  
any permit holder to cover any shortage in the accounts of such 67440  
funds resulting from an insufficient payment as a tax by any other 67441  
permit holder. The moneys received by the tax commissioner shall 67442  
be deposited weekly and paid by the tax commissioner into the 67443  
funds to cover the total aggregate amount due from all permit 67444  
holders to the funds, as calculated under this section and 67445  
division (A) of section 3769.087 of the Revised Code, as 67446  
applicable. If, after the payment into the ~~PASSPORT~~ nursing home 67447  
franchise permit fee fund, sufficient funds are not available from 67448  
the tax deposited by the tax commissioner to pay the required 67449  
amounts into the Ohio fairs fund, Ohio standardbred development 67450  
fund, Ohio thoroughbred race fund, Ohio quarter horse fund, and 67451  
the state racing commission operating fund, the tax commissioner 67452  
shall prorate on a proportional basis the amount paid to each of 67453  
the funds. Any shortage to the funds as a result of a proration 67454  
shall be applied against future deposits for the same calendar 67455  
year when funds are available. After this application, the tax 67456  
commissioner shall pay any remaining money paid as a tax by all 67457  
permit holders into the ~~PASSPORT~~ nursing home franchise permit fee 67458  
fund. This division does not apply to permit holders conducting 67459  
racing at the course of an agricultural exposition or fair as 67460  
described in division (K) of this section. 67461



**Sec. 3769.20.** (A) To encourage the renovation of existing racing facilities for the benefit of the public, breeders, and horse owners and to increase the revenue to the state from the increase in pari-mutuel wagering resulting from such improvement, the taxes paid by a permit holder to the state, in excess of the amount paid into the ~~PASSPORT~~ nursing home franchise permit fee fund, shall be reduced by one per cent of the total amount wagered for those permit holders who carry out a major capital improvement project. The percentage of the reduction that may be taken each racing day shall equal seventy-five per cent of the amount of the taxes levied under divisions (B) and (C) of section 3769.08, section 3769.087, and division (F)(2) of section 3769.26 of the Revised Code, as applicable, divided by the calculated amount each fund should receive under divisions (B) and (C) of section 3769.08, section 3769.087, and division (F)(2) of section 3769.26 of the Revised Code and the reduction provided for in this section. If the resulting percentage is less than one, that percentage shall be multiplied by the amount of the reduction provided for in this section. Otherwise, the permit holder shall receive the full reduction provided for in this section. The amount of the allowable reduction not received shall be carried forward and added to any other reduction balance and applied against future tax liability. After any reductions expire, any reduction carried forward shall be treated as a reduction as provided for in this section. If the amount of allowable reduction exceeds the amount of taxes derived from a permit holder, the amount of the allowable reduction not used may be carried forward and applied against future tax liability.

If more than one permit holder is authorized to conduct racing at the facility that is being improved, the cost of the major capital improvement project shall be allocated between or among all the permit holders in the ratio that each permit

holder's number of racing days bears to the total number of racing 67494  
days conducted at the facility. 67495

A reduction for a major capital improvement project shall 67496  
start from the day racing is first conducted following the date on 67497  
which the major capital improvement project is completed and the 67498  
construction cost has been approved by the state racing 67499  
commission, except as otherwise provided in division (E) of this 67500  
section, and shall continue until the total tax reduction equals 67501  
the cost of the major capital improvement project plus debt 67502  
service applicable to the project. In no event, however, shall any 67503  
tax reduction, excluding any reduction balances, be permitted 67504  
under this section after December 31, ~~2014~~ 2017. The total tax 67505  
reduction because of the major capital improvement project shall 67506  
not during any one year exceed for all permit holders using any 67507  
one track one per cent of the total amount wagered. The racing 67508  
commission shall notify the tax commissioner when the reduction of 67509  
tax begins and when it ends. 67510

(B) Each fiscal year, the racing commission shall submit a 67511  
report to the tax commissioner, the office of budget and 67512  
management, and the legislative service commission. The report 67513  
shall identify each capital improvement project undertaken under 67514  
this section and in progress at each race track, indicate the 67515  
total cost of each project, state the tax reduction that resulted 67516  
from each project during the immediately preceding fiscal year, 67517  
estimate the tax reduction that will result from each project 67518  
during the current fiscal year, state the total tax reduction that 67519  
resulted from all such projects at all race tracks during the 67520  
immediately preceding fiscal year, and estimate the total tax 67521  
reduction that will result from all such projects at all race 67522  
tracks during the current fiscal year. 67523

(C) The tax reduction granted pursuant to this section shall 67524  
be in addition to any tax reductions for capital improvements and 67525

new race tracks provided for in section 3769.08 of the Revised Code and approved by the racing commission. 67526  
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(D) In order to qualify for the reduction in tax, a permit holder shall apply to the racing commission in such form as the commission may require and shall provide full details of the major capital improvement project, including plans and specifications, a schedule for the project's construction and completion, and a breakdown of proposed costs. In addition, the permit holder shall have commenced construction of the major capital improvement project or shall have had the application for the project approved by the racing commission prior to March 29, 1988. The racing commission shall not approve an application unless the permit holder shows that a contract for the major capital improvement project has been let under an unrestricted competitive bidding procedure, unless the contract is exempted by the controlling board because of its unusual nature. In determining whether to approve an application, the racing commission shall consider whether the major capital improvement project will promote the safety, convenience, and comfort of the racing public and horse owners and generally tend toward the improvement of racing in this state. 67528  
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(E) If the major capital improvement project is approved by the racing commission and construction has started, the tax reduction may be authorized by the commission upon presentation of copies of paid bills in excess of five hundred thousand dollars. After the initial authorization, the permit holder shall present copies of paid bills in the amount of not less than five hundred thousand dollars. If the permit holder is in substantial compliance with the schedule for construction and completion of the major capital improvement project, the racing commission may authorize the continuance of the tax reduction upon the presentation of the additional paid bills in increments of five 67547  
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hundred thousand dollars. The racing commission may terminate the 67558  
tax reduction if a permit holder fails to complete the major 67559  
capital improvement project or fails to comply substantially with 67560  
the schedule for construction and completion of the major capital 67561  
improvement project. If the time for completion of the major 67562  
capital improvement project is delayed by acts of God, strikes, or 67563  
the unavailability of labor or materials, the time for completion 67564  
as set forth in the schedule shall be extended by the period of 67565  
the delay. If a permit holder fails to complete the major capital 67566  
improvement project, the racing commission shall order the permit 67567  
holder to repay to the state the total amount of tax reduced, 67568  
unless the permit holder has spent at least six million dollars on 67569  
the project. The normal tax paid by the permit holder under 67570  
section 3769.08 of the Revised Code shall be increased by one per 67571  
cent of the total amount wagered until the total amount of the 67572  
additional tax collected equals the total amount of tax reduced. 67573  
Any action taken by the racing commission pursuant to this section 67574  
in terminating the tax adjustment or requiring repayment of the 67575  
amount of tax reduced shall be subject to Chapter 119. of the 67576  
Revised Code. 67577

(F) As used in this section, "major capital improvement 67578  
project" means the renovation, reconstruction, or remodeling, 67579  
costing at least six million dollars, of a race track facility, 67580  
including, but not limited to, the construction of barns used 67581  
exclusively for that race track facility, backstretch facilities 67582  
for horsemen, paddock facilities, pari-mutuel and totalizator 67583  
equipment and appurtenances to that equipment purchased by the 67584  
track, new access roads, new parking areas, the complete 67585  
reconstruction, reshaping, and leveling of the racing surface and 67586  
appurtenances, grandstand enclosure, installation of permanent new 67587  
heating or air conditioning, roof replacement, and installations 67588  
of a permanent nature forming a part of the track structure. 67589

(G) The cost and expenses to which the tax reduction granted 67590  
under this section applies shall be determined by generally 67591  
accepted accounting principles and be verified by an audit of the 67592  
permit holder's records, upon completion of the major capital 67593  
improvement project, either by the racing commission or by an 67594  
independent certified public accountant selected by the permit 67595  
holder and approved by the commission. 67596

(H) This section and section 3769.201 of the Revised Code 67597  
govern any tax reduction granted to a permit holder for the cost 67598  
to the permit holder of any cleanup, repair, or improvement 67599  
required as a result of damage caused by the 1997 Ohio river flood 67600  
to the place, track, or enclosure for which the permit is issued. 67601

**Sec. 3769.26.** (A)(1) Except as otherwise provided in division 67602  
(B) of this section, each track in existence on September 27, 67603  
1994, regardless of the number of permit holders authorized to 67604  
conduct race meetings at the track, may establish, with the 67605  
approval of the state racing commission and the appropriate local 67606  
legislative authority, not more than two satellite facilities at 67607  
which it may conduct pari-mutuel wagering on horse races conducted 67608  
either inside or outside this state and simulcast by a simulcast 67609  
host to the satellite facilities. 67610

(2) Prior to a track's establishing satellite facilities 67611  
under this section, the permit holders at that track shall agree 67612  
among themselves regarding their respective rights and obligations 67613  
with respect to those satellite facilities. 67614

(3)(a) Any track that desires to establish a satellite 67615  
facility shall provide written notification of its intent to the 67616  
state racing commission and to the appropriate local legislative 67617  
authority that is required to approve the satellite facility, 67618  
together with detailed plans and specifications for the satellite 67619  
facility. The commission shall deliver copies of this notification 67620

to all other tracks in this state, and the commission shall, 67621  
within forty-five days after receiving the notification, hold a 67622  
hearing on the track's intent to establish a satellite facility. 67623  
At this hearing the commission shall consider the evidence 67624  
presented and determine whether the request for establishment of a 67625  
satellite facility shall be approved. 67626

The commission shall not approve a track's request to 67627  
establish a satellite facility if the owner of the premises where 67628  
the satellite facility is proposed to be located or if the 67629  
proposed operator of the satellite facility has been convicted of 67630  
or has pleaded guilty to a gambling offense that is a felony or 67631  
any other felony under the laws of this state, any other state, or 67632  
the United States that the commission determines to be related to 67633  
fitness to be the owner of such a premises or to be the operator 67634  
of a satellite facility. As used in division (A)(3)(a) of this 67635  
section, "gambling offense" has the same meaning as in section 67636  
2915.01 of the Revised Code and "operator" means the individual 67637  
who is responsible for the day-to-day operations of a satellite 67638  
facility. The commission shall conduct a background investigation 67639  
on each person who is the owner of a premises where a satellite 67640  
facility is proposed to be located or who is proposed to be the 67641  
operator or an employee of a satellite facility. The commission 67642  
shall adopt rules in accordance with Chapter 119. of the Revised 67643  
Code that specify the specific information the commission shall 67644  
collect in conducting such a background investigation. 67645

No track shall knowingly contract with a person as the owner 67646  
of the premises where a satellite facility is located, or 67647  
knowingly employ a person as the operator or an employee of a 67648  
satellite facility, who has been convicted of or pleaded guilty to 67649  
a gambling offense that is a felony or any other felony under the 67650  
laws of this state, any other state, or the United States that the 67651  
commission determines to be related to fitness to be the owner of 67652

such a premises or to be the operator or an employee of a 67653  
satellite facility. The commission may impose a fine in an amount 67654  
not to exceed ten thousand dollars on any track that violates any 67655  
of these prohibitions. 67656

(b) Each track that receives the notification described in 67657  
division (A)(3)(a) of this section shall notify the commission and 67658  
the track that desires to establish the satellite facility, within 67659  
thirty days after receiving the notification from the commission, 67660  
indicating whether or not it desires to participate in the joint 67661  
ownership of the facility. Ownership shall be distributed equally 67662  
among the tracks that choose to participate in the joint ownership 67663  
of the facility unless the participating tracks agree to and 67664  
contract otherwise. Tracks that fail to respond to the commission 67665  
and the track that desires to establish the satellite facility 67666  
within this thirty-day period regarding the ownership of the 67667  
particular satellite facility are not eligible to participate in 67668  
its ownership. 67669

(B) If, within three years after September 27, 1994, a track 67670  
in existence on September 27, 1994, does not establish both of the 67671  
satellite facilities it is authorized to establish under division 67672  
(A) of this section, another track, with the approval of the 67673  
racing commission, may establish in accordance with this section a 67674  
number of additional satellite facilities that does not exceed the 67675  
number of satellite facilities that the first track did not 67676  
establish. However, no more than fourteen satellite facilities may 67677  
be established in this state. 67678

(C) Except as otherwise provided in this division, each 67679  
permit holder in this state shall allow the races that it 67680  
conducts, and the races conducted outside this state that it 67681  
receives as a simulcast host, to be simulcast to all satellite 67682  
facilities operating in this state and shall take all action 67683  
necessary to supply its simulcast and wagering information to 67684

these satellite facilities. A permit holder at a track where the average daily amount wagered for all race meetings during calendar year 1990 did not exceed two hundred fifty thousand dollars may elect not to simulcast its races to the satellite facilities. If a permit holder at such a track chooses to simulcast its races to satellite facilities, it shall allow its races to be simulcast to all satellite facilities operating in this state. Except as otherwise provided in this division, each satellite facility shall receive simulcasts of and conduct pari-mutuel wagering on all live racing programs being conducted at any track in this state and on all agreed simulcast racing programs, as provided in division (D) of section 3769.089 of the Revised Code, conducted in other states that are received by simulcast in this state, without regard to the breed of horse competing in the race or the time of day of the race.

No satellite facility may receive simulcasts of horse races during the same hours that a county fair or independent fair located within the same county as the satellite facility is conducting pari-mutuel wagering on horse races at that county or independent fair.

Except as otherwise provided in this division, the commission shall not approve the establishment of a satellite facility within a radius of fifty miles of any track. The commission may approve the establishment of a satellite facility at a location within a radius of at least thirty-five but not more than fifty miles from one or more tracks if all of the holders of permits issued for those tracks consent in writing to the establishment of the satellite facility. The commission may approve the establishment of a satellite facility at a location within a radius of thirty-five miles of more than one race track if all holders of permits issued for those tracks consent in writing to the establishment of the satellite facility and, if the tracks are



located completely within one county and the proposed satellite 67717  
facility will be located within that county, if both the 67718  
legislative authority of the municipal corporation in that county 67719  
with the largest population, and the appropriate legislative 67720  
authority that is required to approve the satellite facility under 67721  
division (A)(1) of this section, approve the establishment of the 67722  
new satellite facility. The commission may approve the 67723  
establishment of a satellite facility at a location within a 67724  
radius of less than twenty miles from an existing satellite 67725  
facility if the owner of the existing satellite facility consents 67726  
in writing to the establishment of the new satellite facility. 67727

A satellite facility shall not receive simulcasts of horse 67728  
races conducted outside this state on any day when no simulcast 67729  
host is operating. 67730

(D) Each simulcast host is responsible for paying all costs 67731  
associated with the up-link for simulcasts. Each satellite 67732  
facility is responsible for paying all costs associated with the 67733  
reception of simulcasts and the operation of the satellite 67734  
facility. 67735

(E) All money wagered at the simulcast host, and all money 67736  
wagered at all satellite facilities on races simulcast from the 67737  
simulcast host, shall be included in a common pari-mutuel pool at 67738  
the simulcast host. Except as otherwise provided in division 67739  
(F)(6) of this section, the payment shall be the same for all 67740  
winning tickets whether a wager is placed at a simulcast host or a 67741  
satellite facility. Wagers placed at a satellite facility shall 67742  
conform in denomination, character, terms, conditions, and in all 67743  
other respects to wagers placed at the simulcast host for the same 67744  
race. 67745

(F)(1) As used in division (F) of this section, "effective 67746  
rate" means the effective gross tax percentage applicable at the 67747  
simulcast host, determined in accordance with sections 3769.08 and 67748

3769.087 of the Revised Code, after combining the money wagered at 67749  
the simulcast host with the money wagered at satellite facilities 67750  
on races simulcast from the host track. 67751

(2) For the purposes of calculating the amount of taxes to be 67752  
paid and the amount of commissions to be retained by permit 67753  
holders, fifty per cent of the amount wagered at satellite 67754  
facilities on a live racing program simulcast from a simulcast 67755  
host shall be allocated to the permit holder's live race wagering 67756  
at that simulcast host that conducts the live racing program, and 67757  
fifty per cent of the amount wagered at satellite facilities on 67758  
simulcast racing programs conducted outside this state shall be 67759  
allocated to, and apportioned equally among, the permit holders 67760  
acting as simulcast hosts for the out-of-state simulcast racing 67761  
programs. The remainder of the amount wagered at a satellite 67762  
facility on races simulcast from a simulcast host shall be 67763  
allocated to the satellite facility. In computing the tax due on 67764  
the amount allocated to the satellite facility, if there is more 67765  
than one simulcast host for out-of-state simulcast racing 67766  
programs, the effective rate applied by the satellite facility 67767  
shall be the tax rate applicable to the simulcast host that pays 67768  
the highest effective rate under section 3769.08 of the Revised 67769  
Code on such simulcast racing programs. 67770

(3) The portion of the amount wagered that is allocated to a 67771  
simulcast host under division (F)(2) of this section shall be 67772  
treated, for the purposes of calculating the amount of taxes to be 67773  
paid and commissions to be retained, as having been wagered at the 67774  
simulcast host on a live racing program or on a simulcast racing 67775  
program. The permit holder at the simulcast host shall pay, by 67776  
check, draft, or money order to the state tax commissioner, as a 67777  
tax, the tax specified in sections 3769.08 and 3769.087 of the 67778  
Revised Code, as applicable, except that the tax shall be 67779  
calculated using the effective rate, and the permit holder may 67780

retain as a commission the percentage of the amount wagered as 67781  
specified in those sections. From the tax collected, the tax 67782  
commissioner shall make distributions to the respective funds, and 67783  
in the proper amounts, as required by sections 3769.08 and 67784  
3769.087 of the Revised Code, as applicable. 67785

(4) From the portion of the amount wagered that is allocated 67786  
to a satellite facility under division (F)(2) of this section, the 67787  
satellite facility may retain as a commission the amount specified 67788  
in section 3769.08 or 3769.087 of the Revised Code, as applicable. 67789  
The portion of the amount wagered that is allocated to a satellite 67790  
facility shall be subject to tax at the effective rate as follows: 67791

(a) One per cent of such amount allocated to the satellite 67792  
facility shall be paid as a tax each racing day to the tax 67793  
commissioner for deposit into the ~~PASSPORT~~ nursing home franchise  
permit fee fund. 67794  
67795

(b) The remaining balance of the taxes calculated at the 67796  
effective rate, after payment of the tax specified in division 67797  
(F)(4)(a) of this section, shall be retained by the satellite 67798  
facility to pay for those costs associated with the reception of 67799  
the simulcasts. 67800

(5) From the commission retained by a satellite facility 67801  
after the deduction of the tax paid at the effective rate under 67802  
division (F)(4) of this section, the satellite facility shall 67803  
retain an amount equal to two and three-eighths per cent of the 67804  
amount wagered that day on simulcast racing programs and the 67805  
balance shall be divided as follows: 67806

(a) One-half shall be paid to the owner of the satellite 67807  
facility; 67808

(b) One-half shall be paid to the state racing commission for 67809  
deposit into the Ohio combined simulcast horse racing purse fund. 67810

(6) In addition to the commission retained under this 67811

section, a satellite facility shall retain two and one-half per 67812  
cent of the amount that would otherwise be paid on each winning 67813  
wager unless the retention of this amount would either cause or 67814  
add to a minus pool. As used in division (F)(6) of this section, 67815  
"minus pool" means a wagering pool in which a winning wager is 67816  
paid off at less than one hundred ten per cent of the amount of 67817  
the wager. The amount retained shall be paid each racing day to 67818  
the tax commissioner for deposit into the ~~PASSPORT~~ nursing home  
franchise permit fee fund. 67819  
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(7) At the close of each day, each satellite facility shall 67821  
pay, by check, draft, or money order, or by wire transfer of 67822  
funds, out of the money retained on that day to the collection and 67823  
settlement agent the required fee to be paid by the simulcast host 67824  
to the tracks, racing associations, or state regulatory agencies 67825  
located outside this state for simulcasts into this state computed 67826  
and based on one-half of the amount wagered at the satellite 67827  
facility that day on interstate simulcast racing programs. 67828

(G) No license, fee, or excise tax, other than as specified 67829  
in division (F)(6) of this section, shall be assessed upon or 67830  
collected from a satellite facility, the owners of a satellite 67831  
facility, or the holders of permits issued for a track that has 67832  
established a satellite facility by any county, township, 67833  
municipal corporation, district, or other body having the 67834  
authority to assess or collect a tax or fee. 67835

(H) In no case shall that portion of the commissions 67836  
designated for purses from satellite facilities be less than that 67837  
portion of those commissions designated for purses at the 67838  
simulcast host. 67839

(I) It is the intention of the general assembly in enacting 67840  
this section not to adversely affect the amounts paid into the 67841  
Ohio thoroughbred race fund created under section 3769.083 of the 67842  
Revised Code. Therefore, each track that acts as a simulcast host 67843

under this section shall calculate, on a semi-annual basis during 67844  
calendar years 1994, 1995, and 1996, its average daily 67845  
contribution to the Ohio thoroughbred race fund created under 67846  
section 3769.083 of the Revised Code on those days on which the 67847  
track conducted live horse racing. If this average daily 67848  
contribution to the fund is less than the average daily 67849  
contribution from the same track to the fund during the same 67850  
six-month period of calendar year 1992, there shall be contributed 67851  
to the fund an amount equal to the average daily shortfall 67852  
multiplied by the number of days of live racing conducted during 67853  
the six-month period in calendar year 1994, 1995, or 1996, as 67854  
applicable. The amount of such contribution shall be allocated 67855  
among the simulcast host, the purse program at the simulcast host, 67856  
and the satellite facilities for which the track served as the 67857  
simulcast host, on a pro rata basis in proportion to the amounts 67858  
contributed by them to the fund during such six-month period in 67859  
calendar year 1994, 1995, or 1996, as applicable. 67860

**Sec. 3770.03.** (A) The state lottery commission shall 67861  
promulgate rules under which a statewide lottery may be conducted, 67862  
which includes, and since the original enactment of this section 67863  
has included, the authority for the commission to operate video 67864  
lottery terminal games. Any reference in this chapter to tickets 67865  
shall not be construed to in any way limit the authority of the 67866  
commission to operate video lottery terminal games. Nothing in 67867  
this chapter shall restrict the authority of the commission to 67868  
promulgate rules related to the operation of games utilizing video 67869  
lottery terminals as described in section 3770.21 of the Revised 67870  
Code. The rules shall be promulgated pursuant to Chapter 119. of 67871  
the Revised Code, except that instant game rules shall be 67872  
promulgated pursuant to section 111.15 of the Revised Code but are 67873  
not subject to division (D) of that section. Subjects covered in 67874  
these rules shall include, but need not be limited to, the 67875

following: 67876

(1) The type of lottery to be conducted; 67877

(2) The prices of tickets in the lottery; 67878

(3) The type of notices that shall appear on lottery tickets, 67879  
including one that shall appear if the word "education" is used in 67880  
any advertising for a statewide lottery, which must include 67881  
information as to the percentage that lottery profits contribute 67882  
to all education funding in the state; 67883

(4) The number, nature, and value of prize awards, the manner 67884  
and frequency of prize drawings, and the manner in which prizes 67885  
shall be awarded to holders of winning tickets. 67886

(B) The commission shall promulgate rules, in addition to 67887  
those described in division (A) of this section, pursuant to 67888  
Chapter 119. of the Revised Code under which a statewide lottery 67889  
and statewide joint lottery games may be conducted. Subjects 67890  
covered in these rules shall include, but not be limited to, the 67891  
following: 67892

(1) The locations at which lottery tickets may be sold and 67893  
the manner in which they are to be sold. These rules may authorize 67894  
the sale of lottery tickets by commission personnel or other 67895  
licensed individuals from traveling show wagons at the state fair, 67896  
and at any other expositions the director of the commission 67897  
considers acceptable. These rules shall prohibit commission 67898  
personnel or other licensed individuals from soliciting from an 67899  
exposition the right to sell lottery tickets at that exposition, 67900  
but shall allow commission personnel or other licensed individuals 67901  
to sell lottery tickets at an exposition if the exposition 67902  
requests commission personnel or licensed individuals to do so. 67903  
These rules may also address the accessibility of sales agent 67904  
locations to commission products in accordance with the "Americans 67905  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 67906

et seq. 67907

(2) The manner in which lottery sales revenues are to be 67908  
collected, including authorization for the director to impose 67909  
penalties for failure by lottery sales agents to transfer revenues 67910  
to the commission in a timely manner; 67911

(3) The amount of compensation to be paid licensed lottery 67912  
sales agents; 67913

(4) The substantive criteria for the licensing of lottery 67914  
sales agents consistent with section 3770.05 of the Revised Code, 67915  
and procedures for revoking or suspending their licenses 67916  
consistent with Chapter 119. of the Revised Code. If 67917  
circumstances, such as the nonpayment of funds owed by a lottery 67918  
sales agent, or other circumstances related to the public safety, 67919  
convenience, or trust, require immediate action, the director may 67920  
suspend a license without affording an opportunity for a prior 67921  
hearing under section 119.07 of the Revised Code. 67922

(5) Special game rules to implement any agreements signed by 67923  
the governor that the director enters into with other lottery 67924  
jurisdictions under division (J) of section 3770.02 of the Revised 67925  
Code to conduct statewide joint lottery games. The rules shall 67926  
require that the entire net proceeds of those games that remain, 67927  
after associated operating expenses, prize disbursements, lottery 67928  
sales agent bonuses, commissions, and reimbursements, and any 67929  
other expenses necessary to comply with the agreements or the 67930  
rules are deducted from the gross proceeds of those games, be 67931  
transferred to the lottery profits education fund under division 67932  
(B) of section 3770.06 of the Revised Code. 67933

(6) Any other subjects the commission determines are 67934  
necessary for the operation of video lottery terminal games, 67935  
including the establishment of any fees, fines, or payment 67936  
schedules. 67937

(C) Chapter 2915. of the Revised Code does not apply to, 67938  
affect, or prohibit lotteries conducted pursuant to this chapter. 67939

(D) The commission may promulgate rules, in addition to those 67940  
described in divisions (A) and (B) of this section, that establish 67941  
standards governing the display of advertising and celebrity 67942  
images on lottery tickets and on other items that are used in the 67943  
conduct of, or to promote, the statewide lottery and statewide 67944  
joint lottery games. Any revenue derived from the sale of 67945  
advertising displayed on lottery tickets and on those other items 67946  
shall be considered, for purposes of section 3770.06 of the 67947  
Revised Code, to be related proceeds in connection with the 67948  
statewide lottery or gross proceeds from statewide joint lottery 67949  
games, as applicable. 67950

(E)(1) The commission shall meet with the director at least 67951  
once each month and shall convene other meetings at the request of 67952  
the chairperson or any five of the members. No action taken by the 67953  
commission shall be binding unless at least five of the members 67954  
present vote in favor of the action. A written record shall be 67955  
made of the proceedings of each meeting and shall be transmitted 67956  
forthwith to the governor, the president of the senate, the senate 67957  
minority leader, the speaker of the house of representatives, and 67958  
the house minority leader. 67959

(2) The director shall present to the commission a report 67960  
each month, showing the total revenues, prize disbursements, and 67961  
operating expenses of the state lottery for the preceding month. 67962  
As soon as practicable after the end of each fiscal year, the 67963  
commission shall prepare and transmit to the governor and the 67964  
general assembly a report of lottery revenues, prize 67965  
disbursements, and operating expenses for the preceding fiscal 67966  
year and any recommendations for legislation considered necessary 67967  
by the commission. 67968



Sec. 3770.031. The notice that the state lottery commission 67969  
determines shall appear on lottery tickets under division (A)(3) 67970  
of section 3770.03 of the Revised Code to provide information as 67971  
to what percentage that lottery profits contribute to all 67972  
education funding in the state also shall appear on any television 67973  
advertising for the Ohio lottery and on the first page of the web 67974  
site for the Ohio lottery. 67975

**Sec. 3770.05.** (A) As used in this section, "person" means any 67976  
person, association, corporation, partnership, club, trust, 67977  
estate, society, receiver, trustee, person acting in a fiduciary 67978  
or representative capacity, instrumentality of the state or any of 67979  
its political subdivisions, or any other combination of 67980  
individuals meeting the requirements set forth in this section or 67981  
established by rule or order of the state lottery commission. 67982

(B) The director of the state lottery commission may license 67983  
any person as a lottery sales agent. No license shall be issued to 67984  
any person or group of persons to engage in the sale of lottery 67985  
tickets as the person's or group's sole occupation or business. 67986

Before issuing any license to a lottery sales agent, the 67987  
director shall consider all of the following: 67988

(1) The financial responsibility and security of the 67989  
applicant and the applicant's business or activity; 67990

(2) The accessibility of the applicant's place of business or 67991  
activity to the public; 67992

(3) The sufficiency of existing licensed agents to serve the 67993  
public interest; 67994

(4) The volume of expected sales by the applicant; 67995

(5) Any other factors pertaining to the public interest, 67996  
convenience, or trust. 67997

(C) Except as otherwise provided in division (F) of this section, the director of the state lottery commission shall refuse to grant, or shall suspend or revoke, a license if the applicant or licensee:

(1) Has been convicted of a felony or has been convicted of a crime involving moral turpitude;

(2) Has been convicted of an offense that involves illegal gambling;

(3) Has been found guilty of fraud or misrepresentation in any connection;

(4) Has been found to have violated any rule or order of the commission; or

(5) Has been convicted of illegal trafficking in supplemental nutrition assistance program benefits.

(D) Except as otherwise provided in division (F) of this section, the director of the state lottery commission shall refuse to grant, or shall suspend or revoke, a license if the applicant or licensee is a corporation and any of the following applies:

(1) Any of the corporation's directors, officers, or controlling shareholders has been found guilty of any of the activities specified in divisions (C)(1) to (5) of this section;

(2) It appears to the director of the state lottery commission that, due to the experience, character, or general fitness of any director, officer, or controlling shareholder of the corporation, the granting of a license as a lottery sales agent would be inconsistent with the public interest, convenience, or trust;

(3) The corporation is not the owner or lessee of the business at which it would conduct a lottery sales agency pursuant to the license applied for;

(4) Any person, firm, association, or corporation other than the applicant or licensee shares or will share in the profits of the applicant or licensee, other than receiving dividends or distributions as a shareholder, or participates or will participate in the management of the affairs of the applicant or licensee. 68028  
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(E)(1) The director of the state lottery commission shall refuse to grant a license to an applicant for a lottery sales agent license and shall revoke a lottery sales agent license if the applicant or licensee is or has been convicted of a violation of division (A) or (C)(1) of section 2913.46 of the Revised Code. 68034  
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(2) The director shall refuse to grant a license to an applicant for a lottery sales agent license that is a corporation and shall revoke the lottery sales agent license of a corporation if the corporation is or has been convicted of a violation of division (A) or (C)(1) of section 2913.46 of the Revised Code. 68039  
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(F) The director of the state lottery commission shall request the bureau of criminal identification and investigation, the department of public safety, or any other state, local, or federal agency to supply the director with the criminal records of any applicant for a lottery sales agent license, and may periodically request the criminal records of any person to whom a lottery sales agent license has been issued. At or prior to the time of making such a request, the director shall require an applicant or licensee to obtain fingerprint impressions on fingerprint cards prescribed by the superintendent of the bureau of criminal identification and investigation at a qualified law enforcement agency, and the director shall cause those fingerprint cards to be forwarded to the bureau of criminal identification and investigation, to the federal bureau of investigation, or to both bureaus. The commission shall assume the cost of obtaining the fingerprint cards. 68044  
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The director shall pay to each agency supplying criminal records for each investigation a reasonable fee, as determined by the agency.

The commission may adopt uniform rules specifying time periods after which the persons described in divisions (C)(1) to (5) and (D)(1) to (4) of this section may be issued a license and establishing requirements for those persons to seek a court order to have records sealed in accordance with law.

(G)(1) Each applicant for a lottery sales agent license shall do both of the following:

(a) Pay fees to the state lottery commission, ~~at the time the application is submitted, a fee in an amount that the director of the state lottery commission determines~~ if required by rule adopted by the director under Chapter 119. of the Revised Code and ~~that~~ the controlling board approves the fees;

(b) Prior to approval of the application, obtain a surety bond in an amount the director determines by rule adopted under Chapter 119. of the Revised Code or, ~~alternatively,~~ with the director's approval, deposit ~~the same~~ an amount into a dedicated account for the benefit of the state lottery. The director also may approve the obtaining of a surety bond to cover part of the amount required, together with a dedicated account deposit to cover the remainder of the amount required. In addition, the director, with the approval of the commission, may establish a program or policy by rule adopted under Chapter 119. of the Revised Code that is an alternative to obtaining a surety bond or making a dedicated account deposit under this division. The alternative program or policy shall ensure that the financial interests of the state lottery are protected. If an alternative program or policy is established, an applicant or a lottery sales agent, with the director's approval, may participate in the program or proceed under the policy.

A surety bond may be with any company that complies with the 68092  
bonding and surety laws of this state and the requirements 68093  
established by rules of the commission pursuant to this chapter. A 68094  
dedicated account deposit shall be conducted in accordance with 68095  
policies and procedures the director establishes. An alternative 68096  
program or policy established by the director shall be conducted 68097  
in accordance with the rules adopted by the director. 68098

A surety bond, dedicated account, or ~~both~~ alternative program 68099  
or policy established under this section, or any combination 68100  
thereof, as applicable, may be used to pay for the lottery sales 68101  
agent's failure to make prompt and accurate payments for lottery 68102  
ticket sales, for missing or stolen lottery tickets, ~~or~~ for damage 68103  
to equipment or materials issued to the lottery sales agent, or to 68104  
pay for expenses the commission incurs in connection with the 68105  
lottery sales agent's license. 68106

(2) A lottery sales agent license is effective for one year. 68107

A licensed lottery sales agent, on or before the date 68108  
established by the director, shall renew the agent's license and 68109  
provide at that time evidence to the director that the surety 68110  
bond, dedicated account deposit, or ~~both~~ alternative program or 68111  
policy as established under this section, required under division 68112  
(G)(1)(b) of this section, ~~has been renewed or~~, is active, or is 68113  
being complied with, whichever applies. 68114

Before the commission renews a lottery sales agent license, 68115  
the lottery sales agent shall submit a renewal fee to the 68116  
commission ~~in an amount that the director determines, if one is~~ 68117  
required by rule adopted by the director under Chapter 119. of the 68118  
Revised Code and ~~that~~ the controlling board approves the renewal 68119  
fee. The renewal fee shall not exceed the actual cost of 68120  
administering the license renewal and processing changes reflected 68121  
in the renewal application. The renewal of the license is 68122  
effective for up to one year. 68123

(3) A lottery sales agent license shall be complete, 68124  
accurate, and current at all times during the term of the license. 68125  
Any changes to an original license application or a renewal 68126  
application may subject the applicant or lottery sales agent, as 68127  
applicable, to paying an administrative fee that shall be in an 68128  
amount that the director determines by rule adopted under Chapter 68129  
119. of the Revised Code, that the controlling board approves, and 68130  
that shall not exceed the actual cost of administering and 68131  
processing the changes to an application. 68132

(4) The relationship between the commission and a lottery 68133  
sales agent is one of trust. A lottery sales agent collects funds 68134  
on behalf of the commission through the sale of lottery tickets 68135  
for which the agent receives a compensation. 68136

(H) Pending a final resolution of any question arising under 68137  
this section, the director of the state lottery commission may 68138  
issue a temporary lottery sales agent license, subject to the 68139  
terms and conditions the director considers appropriate. 68140

(I) If a lottery sales agent's rental payments for the 68141  
lottery sales agent's premises are determined, in whole or in 68142  
part, by the amount of retail sales the lottery sales agent makes, 68143  
and if the rental agreement does not expressly provide that the 68144  
amount of those retail sales includes the amounts the lottery 68145  
sales agent receives from lottery ticket sales, only the amounts 68146  
the lottery sales agent receives as compensation from the state 68147  
lottery commission for selling lottery tickets shall be considered 68148  
to be amounts the lottery sales agent receives from the retail 68149  
sales the lottery sales agent makes, for the purpose of computing 68150  
the lottery sales agent's rental payments. 68151

**Sec. 3772.062. (A)** The executive director of the commission 68152  
shall enter into an agreement with the department of alcohol and 68153  
drug addiction services under which the department provides a 68154

program of gambling and addiction services on behalf of the 68155  
commission. 68156

(B) The executive director of the commission, in conjunction 68157  
with the department of alcohol and drug addiction services, shall 68158  
establish, operate, and publicize an in-state, toll-free telephone 68159  
number Ohio residents may call to obtain basic information about 68160  
problem gambling, the gambling addiction services available to 68161  
problem gamblers, and how a problem gambler may obtain help. The 68162  
telephone number shall be staffed twenty-four hours per day, seven 68163  
days a week, to respond to inquiries and provide that information. 68164  
The costs of establishing, operating, and publicizing the 68165  
telephone number shall be paid for with money in the problem 68166  
casino gambling and addictions fund. 68167

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 68168  
of resort, assembly, education, entertainment, lodging, dwelling, 68169  
trade, manufacture, repair, storage, traffic, or occupancy by the 68170  
public, any residential building, and all other buildings or parts 68171  
and appurtenances of those buildings erected within this state, 68172  
shall be so constructed, erected, equipped, and maintained that 68173  
they shall be safe and sanitary for their intended use and 68174  
occupancy. 68175

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 68176  
Revised Code shall be construed to limit the power of the ~~public~~ 68177  
~~health council~~ manufactured homes commission to adopt rules of 68178  
~~uniform application~~ governing manufactured home parks pursuant to 68179  
section ~~3733-02~~ 4781.04 of the Revised Code. 68180

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 68181  
Code do not apply to either of the following: 68182

(1) Buildings or structures that are incident to the use for 68183  
agricultural purposes of the land on which the buildings or 68184

structures are located, provided those buildings or structures are 68185  
not used in the business of retail trade. For purposes of this 68186  
division, a building or structure is not considered used in the 68187  
business of retail trade if fifty per cent or more of the gross 68188  
income received from sales of products in the building or 68189  
structure by the owner or operator is from sales of products 68190  
produced or raised in a normal crop year on farms owned or 68191  
operated by the seller. 68192

(2) Existing single-family, two-family, and three-family 68193  
detached dwelling houses for which applications have been 68194  
submitted to the director of job and family services pursuant to 68195  
section 5104.03 of the Revised Code for the purposes of operating 68196  
type A family day-care homes as defined in section 5104.01 of the 68197  
Revised Code. 68198

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 68199  
Revised Code: 68200

(1) "Agricultural purposes" include agriculture, farming, 68201  
dairying, pasturage, apiculture, horticulture, floriculture, 68202  
viticulture, ornamental horticulture, olericulture, pomiculture, 68203  
and animal and poultry husbandry. 68204

(2) "Building" means any structure consisting of foundations, 68205  
walls, columns, girders, beams, floors, and roof, or a combination 68206  
of any number of these parts, with or without other parts or 68207  
appurtenances. 68208

(3) "Industrialized unit" means a building unit or assembly 68209  
of closed construction fabricated in an off-site facility, that is 68210  
substantially self-sufficient as a unit or as part of a greater 68211  
structure, and that requires transportation to the site of 68212  
intended use. "Industrialized unit" includes units installed on 68213  
the site as independent units, as part of a group of units, or 68214  
incorporated with standard construction methods to form a 68215



completed structural entity. "Industrialized unit" does not 68216  
include a manufactured home as defined by division (C)(4) of this 68217  
section or a mobile home as defined by division (O) of section 68218  
4501.01 of the Revised Code. 68219

(4) "Manufactured home" means a building unit or assembly of 68220  
closed construction that is fabricated in an off-site facility and 68221  
constructed in conformance with the federal construction and 68222  
safety standards established by the secretary of housing and urban 68223  
development pursuant to the "Manufactured Housing Construction and 68224  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 68225  
5403, and that has a permanent label or tag affixed to it, as 68226  
specified in 42 U.S.C.A. 5415, certifying compliance with all 68227  
applicable federal construction and safety standards. 68228

(5) "Permanent foundation" means permanent masonry, concrete, 68229  
or a footing or foundation approved by the manufactured homes 68230  
commission pursuant to Chapter 4781. of the Revised Code, to which 68231  
a manufactured or mobile home may be affixed. 68232

(6) "Permanently sited manufactured home" means a 68233  
manufactured home that meets all of the following criteria: 68234

(a) The structure is affixed to a permanent foundation and is 68235  
connected to appropriate facilities; 68236

(b) The structure, excluding any addition, has a width of at 68237  
least twenty-two feet at one point, a length of at least 68238  
twenty-two feet at one point, and a total living area, excluding 68239  
garages, porches, or attachments, of at least nine hundred square 68240  
feet; 68241

(c) The structure has a minimum 3:12 residential roof pitch, 68242  
conventional residential siding, and a six-inch minimum eave 68243  
overhang, including appropriate guttering; 68244

(d) The structure was manufactured after January 1, 1995; 68245

(e) The structure is not located in a manufactured home park 68246  
as defined by section ~~3733.01~~ 4781.01 of the Revised Code. 68247

(7) "Safe," with respect to a building, means it is free from 68248  
danger or hazard to the life, safety, health, or welfare of 68249  
persons occupying or frequenting it, or of the public and from 68250  
danger of settlement, movement, disintegration, or collapse, 68251  
whether such danger arises from the methods or materials of its 68252  
construction or from equipment installed therein, for the purpose 68253  
of lighting, heating, the transmission or utilization of electric 68254  
current, or from its location or otherwise. 68255

(8) "Sanitary," with respect to a building, means it is free 68256  
from danger or hazard to the health of persons occupying or 68257  
frequenting it or to that of the public, if such danger arises 68258  
from the method or materials of its construction or from any 68259  
equipment installed therein, for the purpose of lighting, heating, 68260  
ventilating, or plumbing. 68261

(9) "Residential building" means a one-family, two-family, or 68262  
three-family dwelling house, and any accessory structure 68263  
incidental to that dwelling house. "Residential building" includes 68264  
a one-family, two-family, or three-family dwelling house that is 68265  
used as a model to promote the sale of a similar dwelling house. 68266  
"Residential building" does not include an industrialized unit as 68267  
defined by division (C)(3) of this section, a manufactured home as 68268  
defined by division (C)(4) of this section, or a mobile home as 68269  
defined by division (O) of section 4501.01 of the Revised Code. 68270

(10) "Nonresidential building" means any building that is not 68271  
a residential building or a manufactured or mobile home. 68272

(11) "Accessory structure" means a structure that is attached 68273  
to a residential building and serves the principal use of the 68274  
residential building. "Accessory structure" includes, but is not 68275  
limited to, a garage, porch, or screened-in patio. 68276

**Sec. 3781.183.** If the board of building standards adopts 68277  
rules under sections 3781.06 to 3781.18 of the Revised Code 68278  
concerning the requirements an adult group home seeking licensure 68279  
as an adult care facility must meet under section ~~3722.02~~ 5119.71 68280  
of the Revised Code, the board shall adopt the rules in 68281  
consultation with the directors of mental health and of aging and 68282  
any interested party designated by the directors of mental health 68283  
and of aging. 68284

**Sec. 3791.043.** If the board of building standards adopts 68285  
rules under section 3791.04 of the Revised Code concerning the 68286  
requirements an adult group home seeking licensure as an adult 68287  
care facility must meet under section ~~3722.02~~ 5119.71 of the 68288  
Revised Code, the board shall adopt the rules in consultation with 68289  
the directors of mental health and aging and any interested party 68290  
designated by the directors of mental health and aging. 68291

**Sec. 3793.04.** The department of alcohol and drug addiction 68292  
services shall develop, administer, and revise as necessary a 68293  
comprehensive statewide alcohol and drug addiction services plan 68294  
for the implementation of this chapter. The plan shall emphasize 68295  
abstinence from the use of alcohol and drugs of abuse as the 68296  
primary goal of alcohol and drug addiction services. The council 68297  
on alcohol and drug addiction services shall advise the department 68298  
in the development and implementation of the plan. 68299

The plan shall provide for the allocation and distribution of 68300  
~~state and federal~~ funds appropriated to the department by the 68301  
general assembly for ~~service~~ services furnished by alcohol and 68302  
drug addiction programs under contract with boards of alcohol, 68303  
drug addiction, and mental health services ~~and for distribution of~~ 68304  
~~the funds to such boards~~. The plan department shall exclude from 68305  
the allocation and distribution any funds that are transferred to 68306

the department of job and family services to pay the nonfederal 68307  
share of alcohol and drug addiction services covered by the 68308  
medicaid program. 68309

The plan shall specify the methodology that the department 68310  
will use for determining how the funds will be allocated and 68311  
distributed. A portion of the funds shall be allocated on the 68312  
basis of the ratio of the population of each alcohol, drug 68313  
addiction, and mental health service district to the total 68314  
population of the state as determined from the most recent federal 68315  
census or the most recent official estimate made by the United 68316  
States census bureau. 68317

The plan shall ensure that alcohol and drug addiction 68318  
services of a high quality are accessible to, and responsive to 68319  
the needs of, all persons, especially those who are members of 68320  
underserved groups, including, but not limited to, African 68321  
Americans, Hispanics, native Americans, Asians, juvenile and adult 68322  
offenders, women, and persons with special services needs due to 68323  
age or disability. The plan shall include a program to promote and 68324  
protect the rights of those who receive services. 68325

To aid in formulating the plan and in evaluating the 68326  
effectiveness and results of alcohol and drug addiction services, 68327  
the department, in consultation with the department of mental 68328  
health, shall establish and maintain an information system or 68329  
systems. The department of alcohol and drug addiction services 68330  
shall specify the information that must be provided by boards of 68331  
alcohol, drug addiction, and mental health services and by alcohol 68332  
and drug addiction programs for inclusion in the system. The 68333  
department shall not collect any personal information from the 68334  
boards except as required or permitted by state or federal law for 68335  
purposes related to payment, health care operations, program and 68336  
service evaluation, reporting activities, research, system 68337  
administration, and oversight. 68338

In consultation with boards, programs, and persons receiving services, the department shall establish guidelines for the use of ~~state and federal~~ funds allocated and distributed under this section and for the boards' development of plans for services required by sections 340.033 and 3793.05 of the Revised Code.

In any fiscal year, the department shall spend, or allocate to boards, for methadone maintenance programs or any similar programs not more than eight per cent of the total amount appropriated to the department for the fiscal year.

**Sec. 3793.06.** (A) ~~The department of alcohol and drug addiction services shall evaluate and certify all~~ Each alcohol and drug addiction ~~programs in the state. Each~~ program shall apply to the department of alcohol and drug addiction services for certification. No program shall be eligible to receive state or federal funds unless it has been certified by the department.

(B) No person shall represent in any manner that a program is certified by the department if the program is not certified at the time the representation is made.

(C) Pursuant to Chapter 119. of the Revised Code and in consultation with members or representatives of boards of alcohol, drug addiction, and mental health services, programs, individuals who receive alcohol and drug addiction services, and the department of mental health, the department shall adopt rules that establish all of the following:

(1) Minimum standards for the operation of programs, including, but not limited to, the following:

(a) Requirements regarding physical facilities of programs;

(b) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;

(c) Requirements regarding the rights of recipients of

services and procedures to protect these rights. 68369

(2) Standards for evaluating programs; 68370

(3) Standards and procedures for granting full or conditional certification to a program; 68371  
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(4) Standards and procedures for revoking the certification of a program that does not continue to meet the minimum standards established pursuant to this section. 68373  
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(D) Rules adopted under division (C) of this section shall specify the limitations to be placed on a program that is granted conditional certification. 68376  
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(E) The department may visit and evaluate any program to determine whether it meets the minimum standards for certification established pursuant to division (C) of this section. In the case of a program that has a contract with or proposes to contract with a board of alcohol, drug addiction, and mental health services, the department shall conduct the visit and evaluation in cooperation with the board. If 68379  
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(F)(1) Subject to division (F)(2) of this section, the department shall determine whether an applicant's program meets the minimum standards for certification. If the department determines that the program meets the minimum standards, it shall certify or recertify the program. 68386  
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~~(F)~~(2) If an applicant submits to the department evidence of holding national accreditation from the joint commission, the council on accreditation of rehabilitation facilities, or the council on accreditation, the department shall accept that accreditation as evidence of the applicant's program meeting the minimum standards for certification of the program. The department shall certify or recertify the program without any further evaluation of the program. 68391  
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(G) If the department determines that a program that has a contract with a board or proposes to contract with a board does not meet the minimum standards for certification, it shall identify the areas in which the program does not meet the standards, specify what action is necessary to meet the standards, and offer technical assistance to the board to enable it to assist the program in meeting the standards. The department shall give the program a reasonable time within which to demonstrate that the program meets the minimum standards or to bring the program into compliance with the standards. If the department concludes that the program continues to fail to meet minimum standards, it shall deny certification and may request that the board reallocate the funds that the board is allocating to that program to another program that is certified. If the board does not reallocate the funds within a reasonable time, the department may withhold from the board the funds that the board is allocating to the program and allocate the funds directly to a recovery program certified by the department.

The department shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this division. The rules shall specify the notice and hearing procedures to be followed prior to denial of certification or reallocation of funds.

~~(G)~~(H) The department may withhold from a board all or part of the state and federal funds allocated for a program certified under this section in the event of failure of that program to comply with this chapter, Chapter 340. of the Revised Code, rules adopted by the department, or other provisions of state or federal law, including federal regulations.

If the department proposes to withhold funds, it shall identify the areas of the program's noncompliance and the action necessary to achieve compliance and shall offer technical assistance to the board to enable it to assist the program to

achieve compliance. The department shall allow a reasonable time 68431  
within which the board or program shall demonstrate that the 68432  
program is in compliance or the program shall bring itself into 68433  
compliance. Before withholding funds, the department shall hold a 68434  
hearing on the question of whether the program is in, or can be 68435  
brought into, compliance. If, based on the hearing and other 68436  
evidence, the department determines that compliance has not been, 68437  
or cannot be, achieved, the department may withhold the funds and 68438  
allocate all or part of the withheld funds to a certified program 68439  
that is in compliance. That program shall use the funds to provide 68440  
the services of the program that is not in compliance, until such 68441  
time as it is in compliance. 68442

The department shall establish rules pursuant to Chapter 119. 68443  
of the Revised Code to implement this division. 68444

~~(H)~~(I) The department shall maintain a current list of 68445  
alcohol and drug addiction programs certified by the department 68446  
under division (A) of this section and shall provide a copy of the 68447  
current list to a judge of a court of common pleas who requests a 68448  
copy for the use of the judge under division (H) of section 68449  
2925.03 of the Revised Code. The list of certified alcohol and 68450  
drug addiction programs shall identify each certified program by 68451  
its name, its address, and the county in which it is located. 68452

**Sec. 3793.061.** No rule adopted under section 3793.06 of the 68453  
Revised Code regarding documentation that alcohol and drug 68454  
addiction programs must submit to the department of alcohol and 68455  
drug addiction services or a board of alcohol, drug addiction, and 68456  
mental health services shall be more stringent than a comparable 68457  
documentation submission requirement that applies to alcohol and 68458  
drug addiction programs and is established by a federal regulation 68459  
promulgated by the United States department of health and human 68460  
services. 68461



**Sec. 3793.21.** (A) As used in this section, "administrative function" means a function related to one or more of the following:

(1) Continuous quality improvement; 68465

(2) Utilization review; 68466

(3) Resource development; 68467

(4) Fiscal administration; 68468

(5) General administration; 68469

(6) Any other function related to administration that is required by Chapter 340. of the Revised Code. 68470  
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(B) Each board of alcohol, drug addiction, and mental health services shall submit an annual report to the department of alcohol and drug addiction services specifying how the board used ~~state and federal~~ the funds allocated and distributed to the board, ~~according to the methodology the department specifies~~ under section 3793.04 of the Revised Code, for administrative functions in the year preceding the report's submission. The director of alcohol and drug addiction shall establish the date by which the report must be submitted each year. 68472  
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**Sec. 3901.3814.** Sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code do not apply to the following: 68481  
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(A) Policies offering coverage that is regulated under Chapters 3935. and 3937. of the Revised Code; 68483  
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(B) An employer's self-insurance plan and any of its administrators, as defined in section 3959.01 of the Revised Code, to the extent that federal law supersedes, preempts, prohibits, or otherwise precludes the application of any provisions of those sections to the plan and its administrators; 68485  
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(C) A third-party payer for coverage provided under the medicare advantage program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(D) A third-party payer for coverage provided under the medicaid program operated under Title XIX of the "Social Security Act," except that if a federal waiver applied for under section 5111.178 of the Revised Code is granted or the director of job and family services determines that this provision can be implemented without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code apply to claims submitted electronically or non-electronically that are made with respect to coverage of medicaid recipients by health insuring corporations licensed under Chapter 1751. of the Revised Code, instead of the prompt payment requirements of 42 C.F.R. 447.46;

(E) A third-party payer for coverage provided under the tricare program offered by the United States department of defense.

~~(F) A third party payer for coverage provided under the children's buy in program established under sections 5101.5211 to 5101.5216 of the Revised Code.~~

**Sec. 3903.01.** As used in sections 3903.01 to 3903.59 of the Revised Code:

(A) "Admitted assets" means investment in assets which will be admitted by the superintendent of insurance pursuant to the law of this state.

(B) "Affiliate" has the same meaning as "affiliate of" or "affiliated with," as defined in section 3901.32 of the Revised Code.

(C) "Assets" means all property, real and personal, of every

nature and kind whatsoever or any interest therein. 68520

~~(C)~~(D) "Ancillary state" means any state other than a 68521  
domiciliary state. 68522

~~(D)~~(E) "Commodity contract" means any of the following: 68523

(1) A contract for the purchase or sale of a commodity for 68524  
future delivery on, or subject to the rules of, a board of trade 68525  
designated as a contract market by the commodity futures trading 68526  
commission under the "Commodity Exchange Act," 7 U.S.C. 1 et seq., 68527  
as amended, or a board of trade outside the United States; 68528

(2) An agreement that is subject to regulation under section 68529  
19 of the "Commodity Exchange Act," 7 U.S.C. 23, as amended, and 68530  
that is commonly known to the commodities trade as a margin 68531  
account, margin contract, leverage account, or leverage contract; 68532

(3) An agreement or transaction that is subject to regulation 68533  
under section 4c(b) of the "Commodity Exchange Act," 7 U.S.C. 68534  
6c(b), as amended, and that is commonly known to the commodities 68535  
trade as a commodity option; 68536

(4) Any combination of agreements or transactions described 68537  
in division (E) of this section; 68538

(5) Any option to enter into an agreement or transaction 68539  
described in division (E) of this section. 68540

(F) "Creditor" means a person having any claim, whether 68541  
matured or unmatured, liquidated or unliquidated, secured or 68542  
unsecured, absolute, fixed, or contingent. 68543

~~(E)~~(G) "Delinquency proceeding" means any proceeding 68544  
commenced against an insurer for the purpose of liquidating, 68545  
rehabilitating, reorganizing, or conserving the insurer, and any 68546  
summary proceeding under section 3903.09 or 3903.10 of the Revised 68547  
Code. "Formal delinquency proceeding" means any liquidation or 68548  
rehabilitation proceeding. 68549

~~(F)~~(H) "Doing business" includes any of the following acts, 68550  
whether effected by mail or otherwise: 68551

(1) The issuance or delivery of contracts of insurance to 68552  
persons resident in this state; 68553

(2) The solicitation of applications for such contracts, or 68554  
other negotiations preliminary to the execution of such contracts; 68555

(3) The collection of premiums, membership fees, assessments, 68556  
or other consideration for such contracts; 68557

(4) The transaction of matters subsequent to execution of 68558  
such contracts and arising out of them; 68559

(5) Operating under a license or certificate of authority, as 68560  
an insurer, issued by the department of insurance. 68561

~~(G)~~(I) "Domiciliary state" means the state in which an 68562  
insurer is incorporated or organized, or, in the case of an alien 68563  
insurer, its state of entry. 68564

~~(H)~~(J) "Fair consideration" is given for property or 68565  
obligation when either of the following apply: 68566

(1) When in exchange for such property or obligation, as a 68567  
fair equivalent therefor, and in good faith, property is conveyed, 68568  
services are rendered, an obligation is incurred, or an antecedent 68569  
debt is satisfied; 68570

(2) When such property or obligation is received in good 68571  
faith to secure a present advance or antecedent debt in an amount 68572  
not disproportionately small as compared to the value of the 68573  
property or obligation obtained. 68574

~~(I)~~(K) "Foreign country" means any other jurisdiction not in 68575  
any state. 68576

~~(J)~~(L) "Forward contract" has the same meaning as in the 68577  
federal "Deposit Insurance Act," 64 Stat. 884, 12 U.S.C. 68578  
1821(e)(8)(D), as now and hereafter amended. 68579

(M) "Guaranty association" means the Ohio insurance guaranty association created by section 3955.06 of the Revised Code and any other similar entity hereafter created by the general assembly for the payment of claims of insolvent insurers. "Foreign guaranty association" means any similar entities now in existence in or hereafter created by the legislature of any other state.

~~(K)~~(N) "Insolvency" or "insolvent" means:

(1) For an insurer issuing only assessable fire insurance policies either of the following:

(a) The inability to pay any obligation within thirty days after it becomes payable;

(b) If an assessment is made within thirty days after such date, the inability to pay the obligation thirty days following the date specified in the first assessment notice issued after the date of loss.

(2) For any other insurer, that it is unable to pay its obligations when they are due, or when its admitted assets do not exceed its liabilities plus the greater of either of the following:

(a) Any capital and surplus required by law for its organization;

(b) The total par or stated value of its authorized and issued capital stock.

(3) As to any insurer licensed to do business in this state as of the effective date of sections 3903.01 to 3903.59 of the Revised Code that does not meet the standard established under division ~~(K)~~(N)(2) of this section, the term "insolvency" or "insolvent" means, for a period not to exceed three years from the effective date of sections 3903.01 to 3903.59 of the Revised Code, that it is unable to pay its obligations when they are due or that

its admitted assets do not exceed its liabilities plus any 68610  
required capital contribution ordered by the superintendent under 68611  
provisions of Title XXXIX of the Revised Code. 68612

(4) For purposes of divisions ~~(K)~~(N)(2) to (4) of this 68613  
section, "liabilities" includes, but is not limited to, reserves 68614  
required by statute or by rules of the superintendent or specific 68615  
requirements imposed by the superintendent upon a subject company 68616  
at the time of admission or subsequent thereto. 68617

~~(L)~~(O) "Insurer" means any person who has done, purports to 68618  
do, is doing, or is licensed to do an insurance business, and is 68619  
or has been subject to the authority of, or to liquidation, 68620  
rehabilitation, reorganization, supervision, or conservation by, 68621  
any insurance commissioner, superintendent, or equivalent 68622  
official. For purposes of sections 3903.01 to 3903.59 of the 68623  
Revised Code, any other persons included under section 3903.03 of 68624  
the Revised Code are deemed to be insurers. 68625

~~(M)~~(P) "Netting agreement" means: 68626

(1) A contract or agreement, including a master agreement, 68627  
and any terms and conditions incorporated by reference in such a 68628  
contract or agreement, that provides for the netting, liquidation, 68629  
setoff, termination, acceleration, or close out under or in 68630  
connection with a qualified financial contract, or any present or 68631  
future payment or delivery obligations or entitlements under a 68632  
qualified financial contract, including liquidation or close-out 68633  
values relating to those obligations or entitlements; 68634

(2) A master agreement, together with all schedules, 68635  
confirmations, definitions, and addenda to the agreement and 68636  
transactions under the agreement, which shall be treated as one 68637  
netting agreement, and any bridge agreement for one or more master 68638  
agreements; 68639

(3) Any security agreement or arrangement, credit support 68640

document, or guarantee or reimbursement obligation related to any 68641  
contract or agreement described in division (P) of this section. 68642

Any contract or agreement described in division (P) of this 68643  
section relating to agreements or transactions that are not 68644  
qualified financial contracts shall be deemed to be a netting 68645  
agreement only with respect to those agreements or transactions 68646  
that are qualified financial contracts. 68647

(Q) "Preferred claim" means any claim with respect to which 68648  
the terms of sections 3903.01 to 3903.59 of the Revised Code 68649  
accord priority of payment from the assets of the insurer. 68650

~~(N)~~(R) "Qualified financial contract" means any commodity 68651  
contract, forward contract, repurchase agreement, securities 68652  
contract, swap agreement, and any similar agreement that the 68653  
superintendent may determine by rule or order to be a qualified 68654  
financial contract for purposes of this chapter. 68655

(S) "Reciprocal state" means any state other than this state 68656  
in which in substance and effect division (A) of section 3903.18, 68657  
and sections 3903.52, 3903.53, and 3903.55 to 3903.57 of the 68658  
Revised Code are in force, in which provisions are in force 68659  
requiring that the superintendent or equivalent official be the 68660  
receiver, liquidator, rehabilitator, or conservator of a 68661  
delinquent insurer, and in which some provision exists for the 68662  
avoidance of fraudulent conveyances and preferential transfers. 68663

~~(O)~~(T) "Repurchase agreement" has the same meaning as in the 68664  
federal "Deposit Insurance Act," 64 Stat. 884, 12 U.S.C. 68665  
1821(e)(8)(D), as now and hereafter amended. 68666

(U) "Secured claim" means any claim secured by mortgage, 68667  
trust deed, security agreement, pledge, deposit as security, 68668  
escrow, or otherwise, but not including special deposit claims or 68669  
claims against assets. The term also includes claims which have 68670  
become liens upon specific assets by reason of judicial process. 68671

~~(P)~~(V) "Securities contract" has the same meaning as in the 68672  
federal "Deposit Insurance Act," 64 Stat. 884, 12 U.S.C. 68673  
1821(e)(8)(D), as now and hereafter amended. 68674

(W) "Special deposit claim" means any claim secured by a 68675  
deposit made pursuant to statute for the security or benefit of a 68676  
limited class or classes of persons, but not including any claim 68677  
secured by assets. 68678

~~(Q)~~(X) "State" has the meaning set forth in division (G) of 68679  
section 1.59 of the Revised Code. 68680

~~(R)~~(Y) "Superintendent" or "superintendent of insurance" 68681  
means the superintendent of insurance of this state, or, when the 68682  
context requires, the superintendent or commissioner of insurance, 68683  
or equivalent official, of another state. 68684

~~(S)~~(Z) "Swap agreement" has the same meaning as in the 68685  
federal "Deposit Insurance Act," 64 Stat. 884, 12 U.S.C. 68686  
1821(e)(8)(D), as now and hereafter amended. 68687

(AA) "Transfer" includes the sale and every other and 68688  
different mode, direct or indirect, of disposing of or of parting 68689  
with property or with an interest in property, or with the 68690  
possession of property or of fixing a lien upon property or upon 68691  
an interest in property, absolutely or conditionally, voluntarily, 68692  
or by or without judicial proceedings. The retention of a security 68693  
title to property delivered to a debtor shall be deemed a transfer 68694  
suffered by the debtor. 68695

**Sec. 3903.301.** (A) Notwithstanding any other provision under 68696  
sections 3903.01 to 3903.59 of the Revised Code, no person shall 68697  
be stayed or prohibited from exercising any of the following 68698  
rights: 68699

(1) A contractual right to cause the termination, 68700  
liquidation, acceleration, or close out of obligations under, or 68701



in connection with, a netting agreement or qualified financial contract with an insurer because of either of the following: 68702  
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(a) The insolvency, financial condition, or default of the insurer at any time; 68704  
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(b) The commencement of a formal delinquency proceeding under sections 3903.01 to 3903.59 of the Revised Code. 68706  
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(2) Any right under a pledge, security, collateral, reimbursement, or guarantee agreement or arrangement or any similar security arrangement or credit enhancement relating to a netting agreement or qualified financial contract; 68708  
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(3) Subject to section 3903.30 of the Revised Code, any right to set off or net out any termination value, payment amount, or other transfer obligation arising under or in connection with a qualified financial contract in which the counterparty or its guarantor is organized under the laws of the United States, a state, or a foreign jurisdiction that the securities valuation office of the national association of insurance commissioners approves as eligible for netting. 68712  
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(B) If a counterparty to a netting agreement or qualified financial contract with an insurer that is subject to a proceeding under sections 3903.01 to 3903.59 of the Revised Code terminates, liquidates, accelerates, or closes out the agreement or contract, damages shall be measured as of the date or dates of the termination, liquidation, acceleration, or close out. The amount of a claim for damages shall be actual direct compensatory damages. 68720  
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(C) Upon termination of a netting agreement or qualified financial contract, any net or settlement amount that a nondefaulting party owes to an insurer against which an application or petition has been filed under sections 3903.01 to 3903.59 of the Revised Code shall be transferred to, or on the 68728  
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order of, the receiver for the insurer. 68733

This division applies regardless of whether the insurer is 68734  
the defaulting party and applies notwithstanding any walkaway 68735  
clause in the netting agreement or qualified financial contract. 68736

For purposes of this division, a limited two-way payment or 68737  
first method provision in a netting agreement or qualified 68738  
financial contract with a defaulting insurer shall be deemed to be 68739  
a full two-way payment or second method provision as against the 68740  
defaulting insurer. 68741

Any property or amount transferred under this division shall 68742  
be a general asset of the insurer except to the extent it is 68743  
subject to a secondary lien or encumbrance, or to rights of 68744  
netting or setoff. 68745

(D) In transferring a netting agreement or qualified 68746  
financial contract of an insurer that is subject to a proceeding 68747  
under sections 3903.01 to 3903.59 of the Revised Code, the 68748  
receiver shall do either of the following: 68749

(1) Transfer to one party, other than an insurer subject to a 68750  
proceeding under sections 3903.01 to 3903.59 of the Revised Code, 68751  
all netting agreements and qualified financial contracts between a 68752  
counterparty, or any affiliate of the counterparty, and the 68753  
insurer that is the subject of the proceeding. The transfer shall 68754  
include all rights and obligations of each party under each 68755  
netting agreement and qualified financial contract, and all 68756  
property, including any guarantees or other credit enhancement, 68757  
securing any claims of the parties under each agreement or 68758  
contract. 68759

(2) Transfer none of the netting agreements or qualified 68760  
financial contracts, including the rights, obligations, and 68761  
property associated with those agreements and contracts as 68762  
described in division (D)(1) of this section, with respect to the 68763

counterparty and any affiliate of the counterparty. 68764

(E) If a receiver transfers a netting agreement or qualified financial contract, the receiver shall use its best efforts to notify any person who is a party to the transferred agreement or contract of the transfer by noon, of the receiver's local time, on the business day following the transfer. 68765  
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(F)(1) Notwithstanding any other provision of sections 3903.01 to 3903.59 of the Revised Code and except as otherwise provided in division (F)(2) of this section, a receiver shall not avoid a transfer of money or other property that is made before the commencement of a formal delinquency proceeding under sections 3903.01 to 3903.59 of the Revised Code and that arises under or in connection with either of the following: 68770  
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(a) A netting agreement or qualified financial contract; 68777

(b) Any pledge, security, collateral, or guarantee agreement or other similar security arrangement or credit support document relating to a netting agreement or qualified financial contract. 68778  
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(2) A receiver may avoid a transfer under sections 3903.26 to 3903.28 of the Revised Code if the transfer was made with actual intent to hinder, delay, or defraud the insurer, a receiver appointed for the insurer, or existing or future creditors. 68781  
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(G)(1) In exercising any right of disaffirmance or repudiation with respect to a netting agreement or qualified financial contract to which an insurer is a party, the receiver for the insurer shall do either of the following: 68785  
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(a) Disaffirm or repudiate all netting agreements and qualified financial contracts between the insurer and a counterparty or any affiliate of the counterparty; 68789  
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(b) Disaffirm or repudiate none of those netting agreements or qualified financial contracts with respect to the counterparty 68792  
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or any affiliate of the counterparty. 68794

(2) Notwithstanding any other provision of sections 3903.01 to 3903.59 of the Revised Code, if a counterparty's claim against the estate of the insurer arising from the receiver's disaffirmance or repudiation of a netting agreement or qualified financial contract has not been previously affirmed in the liquidation or immediately preceding conservation or rehabilitation case, that claim shall be considered as if it had arisen before the filing date of the petition for liquidation. If a conservation or rehabilitation proceeding is converted to a liquidation proceeding, that claim shall be considered as if it had arisen before the filing date of the petition for conservation or rehabilitation. The amount of the claim shall be the actual direct compensatory damages determined as of the date of the disaffirmance or repudiation. 68795  
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(H) All rights of a counterparty under sections 3903.01 to 3903.59 of the Revised Code shall apply to netting agreements and qualified financial contracts entered into on behalf of the general account or separate accounts if the assets of each separate account are available only to counterparties to netting agreements and qualified financial contracts entered into on behalf of that separate account. 68809  
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(I) This section shall not apply to the affiliates of an insurer that is the subject of a formal delinquency proceeding under sections 3903.01 to 3903.59 of the Revised Code. 68816  
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(J) As used in this section: 68819

(1) "Actual direct compensatory damages" includes normal and reasonable costs of cover or other reasonable measures of damages utilized in the derivatives, securities, or other market for the contract and agreement claims. "Actual direct compensatory damages" does not include punitive or exemplary damages, damages 68820  
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for lost profit or lost opportunity, or damages for pain and suffering. 68825  
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(2) "Business day" means any day, excluding Saturday, Sunday, and any day on which the New York stock exchange or the federal reserve bank of New York is closed. 68827  
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(3) "Contractual right" includes any of the following: 68830

(a) Any right set forth in a rule or bylaw of a derivatives clearing organization, as defined in the "Commodity Exchange Act," 7 U.S.C. 1a(9)(A), as amended; a multilateral clearing organization; a national securities exchange; a national securities association; a securities clearing agency; a contract market designated under the "Commodity Exchange Act," 7 U.S.C. 1 et seq., as amended; a derivatives transaction execution facility, including a swap execution facility, registered under the "Commodity Exchange Act," 7 U.S.C. 1 et seq., as amended; a security-based swap execution facility registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78a et seq., as amended; or a board of trade, as defined in the "Commodity Exchange Act," 7 U.S.C. 1a(2); 68831  
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(b) Any right set forth in a resolution of the governing board of any entity listed in division (J)(3)(a) of this section; 68844  
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(c) Any right, regardless of whether evidenced in writing, arising under statutory law, common law, or law merchant, or by reason of normal business practice. 68846  
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(4) "Receiver" means a receiver, conservator, rehabilitator, or liquidator, as applicable. 68849  
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(5) "Walkaway clause" means a provision under which a party to a netting agreement or qualified financial contract that, after calculation of a value of a party's position or an amount due to or from one of the parties in accordance with its terms upon termination, liquidation, or acceleration of the netting agreement 68851  
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or qualified financial contract is not obligated to pay or does 68856  
not have a payment obligation extinguished under the agreement or 68857  
contract, in whole or in part, solely because the party is a 68858  
nondefaulting party. 68859

**Sec. 3923.28.** (A) Every policy of group sickness and accident 68860  
insurance providing hospital, surgical, or medical expense 68861  
coverage for other than specific diseases or accidents only, and 68862  
delivered, issued for delivery, or renewed in this state on or 68863  
after January 1, 1979, and that provides coverage for mental or 68864  
emotional disorders, shall provide benefits for services on an 68865  
outpatient basis for each eligible person under the policy who 68866  
resides in this state for mental or emotional disorders, or for 68867  
evaluations, that are at least equal to five hundred fifty dollars 68868  
in any calendar year or twelve-month period. The services shall be 68869  
legally performed by or under the clinical supervision of a 68870  
physician authorized under Chapter 4731. of the Revised Code to 68871  
practice medicine and surgery or osteopathic medicine and surgery; 68872  
a psychologist licensed under Chapter 4732. of the Revised Code; a 68873  
professional clinical counselor, professional counselor, or 68874  
independent social worker licensed under Chapter 4757. of the 68875  
Revised Code; or a clinical nurse specialist licensed under 68876  
Chapter 4723. of the Revised Code whose nursing specialty is 68877  
mental health, whether performed in an office, in a hospital, or 68878  
in a community mental health facility so long as the hospital or 68879  
community mental health facility is approved by the joint 68880  
commission on accreditation of healthcare organizations, the 68881  
council on accreditation for children and family services, or the 68882  
rehabilitation accreditation commission, ~~or, until two years after~~ 68883  
~~June 6, 2001, certified by the department of mental health as~~ 68884  
~~being in compliance with standards established under division (H)~~ 68885  
~~of section 5119.01 of the Revised Code.~~ 68886

(B) Outpatient benefits offered under division (A) of this 68887

section shall be subject to reasonable contract limitations and 68888  
may be subject to reasonable deductibles and co-insurance costs. 68889  
Persons entitled to such benefit under more than one service or 68890  
insurance contract may be limited to a single 68891  
five-hundred-fifty-dollar outpatient benefit for services under 68892  
all contracts. 68893

(C) In order to qualify for participation under division (A) 68894  
of this section, every facility specified in such division shall 68895  
have in effect a plan for utilization review and a plan for peer 68896  
review and every person specified in such division shall have in 68897  
effect a plan for peer review. Such plans shall have the purpose 68898  
of ensuring high quality patient care and effective and efficient 68899  
utilization of available health facilities and services. 68900

(D) Nothing in this section shall be construed to require an 68901  
insurer to pay benefits which are greater than usual, customary, 68902  
and reasonable. 68903

(E)(1) Services performed under the clinical supervision of a 68904  
health care professional identified in division (A) of this 68905  
section, in order to be reimbursable under the coverage required 68906  
in division (A) of this section, shall meet both of the following 68907  
requirements: 68908

(a) The services shall be performed in accordance with a 68909  
treatment plan that describes the expected duration, frequency, 68910  
and type of services to be performed; 68911

(b) The plan shall be reviewed and approved by the health 68912  
care professional every three months. 68913

(2) Payment of benefits for services reimbursable under 68914  
division (E)(1) of this section shall not be restricted to 68915  
services described in the treatment plan or conditioned upon 68916  
standards of clinical supervision that are more restrictive than 68917  
standards of a health care professional described in division (A) 68918

of this section, which at least equal the requirements of division 68919  
(E)(1) of this section. 68920

(F) The benefits provided by this section for mental and 68921  
emotional disorders shall not be reduced by the cost of benefits 68922  
provided pursuant to section 3923.281 of the Revised Code for 68923  
diagnostic and treatment services for biologically based mental 68924  
illnesses. This section does not apply to benefits for diagnostic 68925  
and treatment services for biologically based mental illnesses. 68926

**Sec. 3923.281.** (A) As used in this section: 68927

(1) "Biologically based mental illness" means schizophrenia, 68928  
schizoaffective disorder, major depressive disorder, bipolar 68929  
disorder, paranoia and other psychotic disorders, 68930  
obsessive-compulsive disorder, and panic disorder, as these terms 68931  
are defined in the most recent edition of the diagnostic and 68932  
statistical manual of mental disorders published by the American 68933  
psychiatric association. 68934

(2) "Policy of sickness and accident insurance" has the same 68935  
meaning as in section 3923.01 of the Revised Code, but excludes 68936  
any hospital indemnity, medicare supplement, long-term care, 68937  
disability income, one-time-limited-duration policy of not longer 68938  
than six months, supplemental benefit, or other policy that 68939  
provides coverage for specific diseases or accidents only; any 68940  
policy that provides coverage for workers' compensation claims 68941  
compensable pursuant to Chapters 4121. and 4123. of the Revised 68942  
Code; and any policy that provides coverage to beneficiaries 68943  
enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 68944  
(1935), 42 U.S.C.A. 301, as amended, known as the medical 68945  
assistance program or medicaid, as provided by the Ohio department 68946  
of job and family services under Chapter 5111. of the Revised 68947  
Code; ~~and any policy that provides coverage to beneficiaries~~ 68948  
~~enrolled in the children's buy in program established under~~ 68949



~~sections 5101.5211 to 5101.5216 of the Revised Code.~~ 68950

(B) Notwithstanding section 3901.71 of the Revised Code, and 68951  
subject to division (E) of this section, every policy of sickness 68952  
and accident insurance shall provide benefits for the diagnosis 68953  
and treatment of biologically based mental illnesses on the same 68954  
terms and conditions as, and shall provide benefits no less 68955  
extensive than, those provided under the policy of sickness and 68956  
accident insurance for the treatment and diagnosis of all other 68957  
physical diseases and disorders, if both of the following apply: 68958

(1) The biologically based mental illness is clinically 68959  
diagnosed by a physician authorized under Chapter 4731. of the 68960  
Revised Code to practice medicine and surgery or osteopathic 68961  
medicine and surgery; a psychologist licensed under Chapter 4732. 68962  
of the Revised Code; a professional clinical counselor, 68963  
professional counselor, or independent social worker licensed 68964  
under Chapter 4757. of the Revised Code; or a clinical nurse 68965  
specialist licensed under Chapter 4723. of the Revised Code whose 68966  
nursing specialty is mental health. 68967

(2) The prescribed treatment is not experimental or 68968  
investigational, having proven its clinical effectiveness in 68969  
accordance with generally accepted medical standards. 68970

(C) Division (B) of this section applies to all coverages and 68971  
terms and conditions of the policy of sickness and accident 68972  
insurance, including, but not limited to, coverage of inpatient 68973  
hospital services, outpatient services, and medication; maximum 68974  
lifetime benefits; copayments; and individual and family 68975  
deductibles. 68976

(D) Nothing in this section shall be construed as prohibiting 68977  
a sickness and accident insurance company from taking any of the 68978  
following actions: 68979

(1) Negotiating separately with mental health care providers 68980

with regard to reimbursement rates and the delivery of health care services; 68981  
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(2) Offering policies that provide benefits solely for the diagnosis and treatment of biologically based mental illnesses; 68983  
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(3) Managing the provision of benefits for the diagnosis or treatment of biologically based mental illnesses through the use of pre-admission screening, by requiring beneficiaries to obtain authorization prior to treatment, or through the use of any other mechanism designed to limit coverage to that treatment determined to be necessary; 68985  
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(4) Enforcing the terms and conditions of a policy of sickness and accident insurance. 68991  
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(E) An insurer that offers any policy of sickness and accident insurance is not required to provide benefits for the diagnosis and treatment of biologically based mental illnesses pursuant to division (B) of this section if all of the following apply: 68993  
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(1) The insurer submits documentation certified by an independent member of the American academy of actuaries to the superintendent of insurance showing that incurred claims for diagnostic and treatment services for biologically based mental illnesses for a period of at least six months independently caused the insurer's costs for claims and administrative expenses for the coverage of all other physical diseases and disorders to increase by more than one per cent per year. 68998  
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(2) The insurer submits a signed letter from an independent member of the American academy of actuaries to the superintendent of insurance opining that the increase described in division (E)(1) of this section could reasonably justify an increase of more than one per cent in the annual premiums or rates charged by the insurer for the coverage of all other physical diseases and 69006  
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disorders. 69012

(3) The superintendent of insurance makes the following 69013  
determinations from the documentation and opinion submitted 69014  
pursuant to divisions (E)(1) and (2) of this section: 69015

(a) Incurred claims for diagnostic and treatment services for 69016  
biologically based mental illnesses for a period of at least six 69017  
months independently caused the insurer's costs for claims and 69018  
administrative expenses for the coverage of all other physical 69019  
diseases and disorders to increase by more than one per cent per 69020  
year. 69021

(b) The increase in costs reasonably justifies an increase of 69022  
more than one per cent in the annual premiums or rates charged by 69023  
the insurer for the coverage of all other physical diseases and 69024  
disorders. 69025

Any determination made by the superintendent under this 69026  
division is subject to Chapter 119. of the Revised Code. 69027

**Sec. 3923.30.** Every person, the state and any of its 69028  
instrumentalities, any county, township, school district, or other 69029  
political subdivisions and any of its instrumentalities, and any 69030  
municipal corporation and any of its instrumentalities, which 69031  
provides payment for health care benefits for any of its employees 69032  
resident in this state, which benefits are not provided by 69033  
contract with an insurer qualified to provide sickness and 69034  
accident insurance, or a health insuring corporation, shall 69035  
include the following benefits in its plan of health care benefits 69036  
commencing on or after January 1, 1979: 69037

(A) If such plan of health care benefits provides payment for 69038  
the treatment of mental or nervous disorders, then such plan shall 69039  
provide benefits for services on an outpatient basis for each 69040  
eligible employee and dependent for mental or emotional disorders, 69041

or for evaluations, that are at least equal to the following: 69042

(1) Payments not less than five hundred fifty dollars in a 69043  
twelve-month period, for services legally performed by or under 69044  
the clinical supervision of a physician authorized under Chapter 69045  
4731. of the Revised Code to practice medicine and surgery or 69046  
osteopathic medicine and surgery; a psychologist licensed under 69047  
Chapter 4732. of the Revised Code; a professional clinical 69048  
counselor, professional counselor, or independent social worker 69049  
licensed under Chapter 4757. of the Revised Code; or a clinical 69050  
nurse specialist licensed under Chapter 4723. of the Revised Code 69051  
whose nursing specialty is mental health, whether performed in an 69052  
office, in a hospital, or in a community mental health facility so 69053  
long as the hospital or community mental health facility is 69054  
approved by the joint commission on accreditation of healthcare 69055  
organizations, the council on accreditation for children and 69056  
family services, or the rehabilitation accreditation commission, 69057  
~~er, until two years after June 6, 2001, certified by the~~ 69058  
~~department of mental health as being in compliance with standards~~ 69059  
~~established under division (H) of section 5119.01 of the Revised~~ 69060  
~~Code;~~ 69061

(2) Such benefit shall be subject to reasonable limitations, 69062  
and may be subject to reasonable deductibles and co-insurance 69063  
costs. 69064

(3) In order to qualify for participation under this 69065  
division, every facility specified in this division shall have in 69066  
effect a plan for utilization review and a plan for peer review 69067  
and every person specified in this division shall have in effect a 69068  
plan for peer review. Such plans shall have the purpose of 69069  
ensuring high quality patient care and effective and efficient 69070  
utilization of available health facilities and services. 69071

(4) Such payment for benefits shall not be greater than 69072  
usual, customary, and reasonable. 69073

(5)(a) Services performed by or under the clinical 69074  
supervision of a health care professional identified in division 69075  
(A)(1) of this section, in order to be reimbursable under the 69076  
coverage required in division (A) of this section, shall meet both 69077  
of the following requirements: 69078

(i) The services shall be performed in accordance with a 69079  
treatment plan that describes the expected duration, frequency, 69080  
and type of services to be performed; 69081

(ii) The plan shall be reviewed and approved by the health 69082  
care professional every three months. 69083

(b) Payment of benefits for services reimbursable under 69084  
division (A)(5)(a) of the section shall not be restricted to 69085  
services described in the treatment plan or conditioned upon 69086  
standards of a licensed physician or licensed psychologist, which 69087  
at least equal the requirements of division (A)(5)(a) of this 69088  
section. 69089

(B) Payment for benefits for alcoholism treatment for 69090  
outpatient, inpatient, and intermediate primary care for each 69091  
eligible employee and dependent that are at least equal to the 69092  
following: 69093

(1) Payments not less than five hundred fifty dollars in a 69094  
twelve-month period for services legally performed by or under the 69095  
clinical supervision of a health care professional identified in 69096  
division (A)(1) of this section, whether performed in an office, 69097  
or in a hospital or a community mental health facility or 69098  
alcoholism treatment facility so long as the hospital, community 69099  
mental health facility, or alcoholism treatment facility is 69100  
approved by the joint commission on accreditation of hospitals or 69101  
certified by the department of health; 69102

(2) The benefits provided under this division shall be 69103  
subject to reasonable limitations and may be subject to reasonable 69104

deductibles and co-insurance costs. 69105

(3) A health care professional shall every three months 69106  
certify a patient's need for continued services performed by such 69107  
facilities. 69108

(4) In order to qualify for participation under this 69109  
division, every facility specified in this division shall have in 69110  
effect a plan for utilization review and a plan for peer review 69111  
and every person specified in this division shall have in effect a 69112  
plan for peer review. Such plans shall have the purpose of 69113  
ensuring high quality patient care and efficient utilization of 69114  
available health facilities and services. Such person or 69115  
facilities shall also have in effect a program of rehabilitation 69116  
or a program of rehabilitation and detoxification. 69117

(5) Nothing in this section shall be construed to require 69118  
reimbursement for benefits which is greater than usual, customary, 69119  
and reasonable. 69120

(C) The benefits provided by division (A) of this section for 69121  
mental and emotional disorders shall not be reduced by the cost of 69122  
benefits provided pursuant to section 3923.282 of the Revised Code 69123  
for diagnostic and treatment services for biologically based 69124  
mental illness. This section does not apply to benefits for 69125  
diagnostic and treatment services for biologically based mental 69126  
illnesses. 69127

**Sec. 3924.10.** (A) The board of directors of the Ohio health 69128  
reinsurance program may make recommendations to the superintendent 69129  
of insurance, and the superintendent may adopt or amend by rule 69130  
adopted in accordance with Chapter 119. of the Revised Code, the 69131  
OHC basic, standard, and carrier reimbursement plans which, when 69132  
offered by a carrier, are eligible for reinsurance under the 69133  
program. The superintendent shall establish the form and level of 69134  
coverage to be made available by carriers in their OHC plans. The 69135

plans shall include benefit levels, deductibles, coinsurance 69136  
factors, exclusions, and limitations for the plans. The forms and 69137  
levels of coverage shall specify which components of health 69138  
benefit plans offered by a carrier may be reinsured. The OHC plans 69139  
are subject to division (C) of section 3924.02 of the Revised Code 69140  
and to the provisions in Chapters 1751., 1753., 3923., and any 69141  
other chapter of the Revised Code that require coverage or the 69142  
offer of coverage of a health care service or benefit. 69143

(B) Prior to adopting any rule that makes changes to the OHC 69144  
basic or standard plan, the superintendent shall conduct an 69145  
actuarial analysis of the cost impact of the proposed rule. ~~The~~ 69146  
~~superintendent may consider recommendations of the Ohio health~~ 69147  
~~care coverage and quality council established under section~~ 69148  
~~3923.90 of the Revised Code.~~ The plans may include cost 69149  
containment features including any of the following: 69150

(1) Utilization review of health care services, including 69151  
review of the medical necessity of hospital and physician 69152  
services; 69153

(2) Case management benefit alternatives; 69154

(3) Selective contracting with hospitals, physicians, and 69155  
other health care providers; 69156

(4) Reasonable benefit differentials applicable to 69157  
participating and nonparticipating providers; 69158

(5) Employee assistance program options that provide 69159  
preventive and early intervention mental health and substance 69160  
abuse services; 69161

(6) Other provisions for the cost-effective management of the 69162  
plans. 69163

(C) OHC plans established for use by health insuring 69164  
corporations shall be consistent with the basic method of 69165

operation of such corporations. 69166

(D) Each carrier shall certify to the superintendent of 69167  
insurance, in the form and manner prescribed by the 69168  
superintendent, that the OHC plans filed by the carrier are in 69169  
substantial compliance with the provisions of the OHC plans 69170  
designed or adopted under this section. Upon receipt by the 69171  
superintendent of the certification, the carrier may use the 69172  
certified plans. 69173

(E) Each carrier shall, on and after sixty days after the 69174  
date that the program becomes operational and as a condition of 69175  
transacting business in this state, renew coverage provided to any 69176  
individual or group under its OHC plans. 69177

(F) The OHC plans in effect as of June 1, 2009, shall remain 69178  
in effect until those plans are amended or new plans are adopted 69179  
in accordance with this section. 69180

**Sec. 3963.01.** As used in this chapter: 69181

(A) "Affiliate" means any person or entity that has ownership 69182  
or control of a contracting entity, is owned or controlled by a 69183  
contracting entity, or is under common ownership or control with a 69184  
contracting entity. 69185

(B) "Basic health care services" has the same meaning as in 69186  
division (A) of section 1751.01 of the Revised Code, except that 69187  
it does not include any services listed in that division that are 69188  
provided by a pharmacist or nursing home. 69189

(C) "Contracting entity" means any person that has a primary 69190  
business purpose of contracting with participating providers for 69191  
the delivery of health care services. 69192

(D) "Credentialing" means the process of assessing and 69193  
validating the qualifications of a provider applying to be 69194  
approved by a contracting entity to provide basic health care 69195



services, specialty health care services, or supplemental health care services to enrollees. 69196  
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(E) "Edit" means adjusting one or more procedure codes billed by a participating provider on a claim for payment or a practice that results in any of the following: 69198  
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(1) Payment for some, but not all of the procedure codes originally billed by a participating provider; 69201  
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(2) Payment for a different procedure code than the procedure code originally billed by a participating provider; 69203  
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(3) A reduced payment as a result of services provided to an enrollee that are claimed under more than one procedure code on the same service date. 69205  
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(F) "Electronic claims transport" means to accept and digitize claims or to accept claims already digitized, to place those claims into a format that complies with the electronic transaction standards issued by the United States department of health and human services pursuant to the "Health Insurance Portability and Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as those electronic standards are applicable to the parties and as those electronic standards are updated from time to time, and to electronically transmit those claims to the appropriate contracting entity, payer, or third-party administrator. 69208  
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(G) "Enrollee" means any person eligible for health care benefits under a health benefit plan, including an eligible recipient of medicaid under Chapter 5111. of the Revised Code, and includes all of the following terms: 69219  
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(1) "Enrollee" and "subscriber" as defined by section 1751.01 of the Revised Code; 69223  
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(2) "Member" as defined by section 1739.01 of the Revised 69225

Code;	69226
(3) "Insured" and "plan member" pursuant to Chapter 3923. of the Revised Code;	69227 69228
(4) "Beneficiary" as defined by section 3901.38 of the Revised Code.	69229 69230
(H) "Health care contract" means a contract entered into, materially amended, or renewed between a contracting entity and a participating provider for the delivery of basic health care services, specialty health care services, or supplemental health care services to enrollees.	69231 69232 69233 69234 69235
(I) "Health care services" means basic health care services, specialty health care services, and supplemental health care services.	69236 69237 69238
(J) "Material amendment" means an amendment to a health care contract that decreases the participating provider's payment or compensation, changes the administrative procedures in a way that may reasonably be expected to significantly increase the provider's administrative expenses, or adds a new product. A material amendment does not include any of the following:	69239 69240 69241 69242 69243 69244
(1) A decrease in payment or compensation resulting solely from a change in a published fee schedule upon which the payment or compensation is based and the date of applicability is clearly identified in the contract;	69245 69246 69247 69248
(2) A decrease in payment or compensation that was anticipated under the terms of the contract, if the amount and date of applicability of the decrease is clearly identified in the contract;	69249 69250 69251 69252
(3) An administrative change that may significantly increase the provider's administrative expense, the specific applicability of which is clearly identified in the contract;	69253 69254 69255

(4) Changes to an existing prior authorization,	69256
precertification, notification, or referral program that do not	69257
substantially increase the provider's administrative expense;	69258
(5) Changes to an edit program or to specific edits if the	69259
participating provider is provided notice of the changes pursuant	69260
to division (A)(1) of section 3963.04 of the Revised Code and the	69261
notice includes information sufficient for the provider to	69262
determine the effect of the change;	69263
(6) Changes to a health care contract described in division	69264
(B) of section 3963.04 of the Revised Code.	69265
(K) "Participating provider" means a provider that has a	69266
health care contract with a contracting entity and is entitled to	69267
reimbursement for health care services rendered to an enrollee	69268
under the health care contract.	69269
(L) "Payer" means any person that assumes the financial risk	69270
for the payment of claims under a health care contract or the	69271
reimbursement for health care services provided to enrollees by	69272
participating providers pursuant to a health care contract.	69273
(M) "Primary enrollee" means a person who is responsible for	69274
making payments for participation in a health care plan or an	69275
enrollee whose employment or other status is the basis of	69276
eligibility for enrollment in a health care plan.	69277
(N) "Procedure codes" includes the American medical	69278
association's current procedural terminology code, the American	69279
dental association's current dental terminology, and the centers	69280
for medicare and medicaid services health care common procedure	69281
coding system.	69282
(O) "Product" means one of the following types of categories	69283
of coverage for which a participating provider may be obligated to	69284
provide health care services pursuant to a health care contract:	69285

(1) A health maintenance organization or other product provided by a health insuring corporation;	69286 69287
(2) A preferred provider organization;	69288
(3) Medicare;	69289
(4) Medicaid <del>or the children's buy in program established under section 5101.5211 to 5101.5216 of the Revised Code;</del>	69290 69291
(5) Workers' compensation.	69292
(P) "Provider" means a physician, podiatrist, dentist, chiropractor, optometrist, psychologist, physician assistant, advanced practice nurse, occupational therapist, massage therapist, physical therapist, professional counselor, professional clinical counselor, hearing aid dealer, orthotist, prosthetist, home health agency, hospice care program, or hospital, or a provider organization or physician-hospital organization that is acting exclusively as an administrator on behalf of a provider to facilitate the provider's participation in health care contracts. "Provider" does not mean a pharmacist, pharmacy, nursing home, or a provider organization or physician-hospital organization that leases the provider organization's or physician-hospital organization's network to a third party or contracts directly with employers or health and welfare funds.	69293 69294 69295 69296 69297 69298 69299 69300 69301 69302 69303 69304 69305 69306 69307
(Q) "Specialty health care services" has the same meaning as in section 1751.01 of the Revised Code, except that it does not include any services listed in division (B) of section 1751.01 of the Revised Code that are provided by a pharmacist or a nursing home.	69308 69309 69310 69311 69312
(R) "Supplemental health care services" has the same meaning as in division (B) of section 1751.01 of the Revised Code, except that it does not include any services listed in that division that are provided by a pharmacist or nursing home.	69313 69314 69315 69316

Sec. 3963.11. (A) No contracting entity shall do any of the following: 69317  
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(1) Offer to a provider ~~other than a hospital~~ a health care contract that includes a most favored nation clause; 69319  
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(2) Enter into a health care contract with a provider ~~other than a hospital~~ that includes a most favored nation clause; 69321  
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(3) Amend or renew an existing health care contract previously entered into with a provider ~~other than a hospital~~ so that the contract as amended or renewed adds or continues to include a most favored nation clause. 69323  
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~~(B) This section shall not go into effect until three years after the effective date of this section.~~ 69327  
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~~(C)~~(B) As used in this section: 69329

(1) "Contracting entity," "health care contract," "health care services," "participating provider," and "provider" have the same meanings as in section 3963.01 of the Revised Code. 69330  
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(2) "Most favored nation clause" means a provision in a health care contract that does any of the following: 69333  
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(a) Prohibits, or grants a contracting entity an option to prohibit, the participating provider from contracting with another contracting entity to provide health care services at a lower price than the payment specified in the contract; 69335  
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(b) Requires, or grants a contracting entity an option to require, the participating provider to accept a lower payment in the event the participating provider agrees to provide health care services to any other contracting entity at a lower price; 69339  
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(c) Requires, or grants a contracting entity an option to require, termination or renegotiation of the existing health care contract in the event the participating provider agrees to provide 69343  
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health care services to any other contracting entity at a lower price; 69346  
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(d) Requires the participating provider to disclose the participating provider's contractual reimbursement rates with other contracting entities. 69348  
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**Sec. 4113.11.** (A) As specified in division (B) of this section and except as provided in divisions (C) and ~~(F)~~(E) of this section, all employers that employ ten or more employees shall adopt and maintain a cafeteria plan that allows the employer's employees to pay for health insurance coverage by a salary reduction arrangement as permitted under section 125 of the Internal Revenue Code. 69351  
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(B) Employers shall comply with the requirements of division (A) of this section as follows: 69358  
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(1) For employers that employ more than five hundred employees, by not later than January 1, 2011, or six months after the superintendent of insurance adopts rules as required by division ~~(E)~~(D) of this section, whichever is later; 69360  
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(2) For employers that employ one hundred fifty to five hundred employees, by not later than July 1, 2011, or twelve months after the superintendent adopts rules as required by division ~~(E)~~(D) of this section, whichever is later; 69364  
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(3) For employers that employ ten to one hundred forty-nine employees, by not later than January 1, 2012, or eighteen months after the superintendent adopts rules as required by division ~~(E)~~(D) of this section, whichever is later. 69368  
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(C) This section shall not apply to employers that, through other means than provided under this section, offer health insurance coverage, reimburse for health insurance coverage, or provide employees with opportunities to pay for health insurance 69372  
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with pre-tax dollars through other salary reduction arrangements. 69376

~~(D) The health care coverage and quality council created 69377  
under section 3923.90 of the Revised Code shall make 69378  
recommendations to the superintendent for both of the following: 69379~~

~~(1) Development of strategies to educate, assist, and conduct 69380  
outreach to employers to simplify administrative processes with 69381  
respect to creating and maintaining cafeteria plans, including, 69382  
but not limited to, providing employers with model cafeteria plan 69383  
documents and technical assistance on creating and maintaining 69384  
cafeteria plans that conform with state and federal law; 69385~~

~~(2) Development of strategies to educate, assist, and conduct 69386  
outreach to employees with respect to finding, selecting, and 69387  
purchasing a health insurance plan to be paid for through their 69388  
employer's cafeteria plan under this section. 69389~~

~~(E)(1) The superintendent shall adopt rules in accordance 69390  
with Chapter 119. of the Revised Code to implement and enforce 69391  
this section, including the strategies recommended by the council 69392  
pursuant to division (D) of this section. 69393~~

(2) Prior to adopting rules under this division, the 69394  
superintendent shall consult any federal agency that has oversight 69395  
of cafeteria plans and employee welfare benefit plans, including 69396  
the internal revenue service and the United States department of 69397  
labor, and receive written confirmation that the rules adopted 69398  
will permit employers to establish cafeteria plans in accordance 69399  
with federal law. The written confirmation shall include a 69400  
determination that individual policies purchased pursuant to this 69401  
section do not need to comply with the group market rules 69402  
established by the "Health Insurance Portability and 69403  
Accountability Act of 1996." 69404

~~(F)(E)~~ (E) The requirement provided in division (A) of this 69405  
section does not apply if the superintendent does not receive 69406

written confirmation pursuant to division ~~(E)~~(D)(2) of this 69407  
section that individual policies purchased pursuant to this 69408  
section do not need to comply with the group market rules 69409  
established by the "Health Insurance Portability and 69410  
Accountability Act of 1996." 69411

~~(G)~~(F) Nothing in this section shall be construed as 69412  
requiring an employer to establish a cafeteria plan in a manner 69413  
that would violate federal law, including the "Employee Retirement 69414  
Income Security Act of 1974," the "Consolidated Omnibus Budget 69415  
Reconciliation Act of 1985," or the "Health Insurance Portability 69416  
and Accountability Act of 1996." 69417

~~(H)~~(G) As used in this section: 69418

(1) "Cafeteria plan" has the same meaning as in section 125 69419  
of the Internal Revenue Code. 69420

(2) "Employer" has the same meaning as in section 4113.51 of 69421  
the Revised Code. 69422

(3) "Employee" means an individual employed for consideration 69423  
who works twenty-five or more hours per week or who renders any 69424  
other standard of service generally accepted by custom or 69425  
specified by contract as full-time employment, except for a public 69426  
employee employed by a township or municipal corporation. In that 69427  
case, "employee" means an individual hired with the expectation 69428  
that the employee will work more than one thousand five hundred 69429  
hours in any year unless full-time employment is defined 69430  
differently in an applicable collective bargaining agreement. 69431

**Sec. 4113.61.** (A)(1) If a subcontractor or material supplier 69432  
submits an application or request for payment or an invoice for 69433  
materials to a contractor in sufficient time to allow the 69434  
contractor to include the application, request, or invoice in the 69435  
contractor's own pay request submitted to an owner, the 69436



contractor, within ten calendar days after receipt of payment from the owner for improvements to property, shall pay to the:

(a) Subcontractor, an amount that is equal to the percentage of completion of the subcontractor's contract allowed by the owner for the amount of labor or work performed;

(b) Material supplier, an amount that is equal to all or that portion of the invoice for materials which represents the materials furnished by the material supplier.

The contractor may reduce the amount paid by any retainage provision contained in the contract, invoice, or purchase order between the contractor and the subcontractor or material supplier, and may withhold amounts that may be necessary to resolve disputed liens or claims involving the work or labor performed or material furnished by the subcontractor or material supplier.

If the contractor fails to comply with division (A)(1) of this section, the contractor shall pay the subcontractor or material supplier, in addition to the payment due, interest in the amount of eighteen per cent per annum of the payment due, beginning on the eleventh day following the receipt of payment from the owner and ending on the date of full payment of the payment due plus interest to the subcontractor or material supplier.

(2) If a lower tier subcontractor or lower tier material supplier submits an application or request for payment or an invoice for materials to a subcontractor, material supplier, or other lower tier subcontractor or lower tier material supplier in sufficient time to allow the subcontractor, material supplier, or other lower tier subcontractor or lower tier material supplier to include the application, request, or invoice in the subcontractor's, material supplier's, or other lower tier subcontractor's or lower tier material supplier's own pay request

submitted to a contractor, other subcontractor, material supplier, 69468  
lower tier subcontractor, or lower tier material supplier, the 69469  
subcontractor, material supplier, or other lower tier 69470  
subcontractor or lower tier material supplier, within ten calendar 69471  
days after receipt of payment from the contractor, other 69472  
subcontractor, material supplier, lower tier subcontractor, or 69473  
lower tier material supplier for improvements to property, shall 69474  
pay to the: 69475

(a) Lower tier subcontractor, an amount that is equal to the 69476  
percentage of completion of the lower tier subcontractor's 69477  
contract allowed by the owner for the amount of labor or work 69478  
performed; 69479

(b) Lower tier material supplier, an amount that is equal to 69480  
all or that portion of the invoice for materials which represents 69481  
the materials furnished by the lower tier material supplier. 69482

The subcontractor, material supplier, lower tier 69483  
subcontractor, or lower tier material supplier may reduce the 69484  
amount paid by any retainage provision contained in the contract, 69485  
invoice, or purchase order between the subcontractor, material 69486  
supplier, lower tier subcontractor, or lower tier material 69487  
supplier and the lower tier subcontractor or lower tier material 69488  
supplier, and may withhold amounts that may be necessary to 69489  
resolve disputed liens or claims involving the work or labor 69490  
performed or material furnished by the lower tier subcontractor or 69491  
lower tier material supplier. 69492

If the subcontractor, material supplier, lower tier 69493  
subcontractor, or lower tier material supplier fails to comply 69494  
with division (A)(2) of this section, the subcontractor, material 69495  
supplier, lower tier subcontractor, or lower tier material 69496  
supplier shall pay the lower tier subcontractor or lower tier 69497  
material supplier, in addition to the payment due, interest in the 69498  
amount of eighteen per cent per annum of the payment due, 69499

beginning on the eleventh day following the receipt of payment 69500  
from the contractor, other subcontractor, material supplier, lower 69501  
tier subcontractor, or lower tier material supplier and ending on 69502  
the date of full payment of the payment due plus interest to the 69503  
lower tier subcontractor or lower tier material supplier. 69504

(3) If a contractor receives any final retainage from the 69505  
owner for improvements to property, the contractor shall pay from 69506  
that retainage each subcontractor and material supplier the 69507  
subcontractor's or material supplier's proportion of the 69508  
retainage, within ten calendar days after receipt of the retainage 69509  
from the owner, or within the time period provided in a contract, 69510  
invoice, or purchase order between the contractor and the 69511  
subcontractor or material supplier, whichever time period is 69512  
shorter, provided that the contractor has determined that the 69513  
subcontractor's or material supplier's work, labor, and materials 69514  
have been satisfactorily performed or furnished and that the owner 69515  
has approved the subcontractor's or material supplier's work, 69516  
labor, and materials. 69517

If the contractor fails to pay a subcontractor or material 69518  
supplier within the appropriate time period, the contractor shall 69519  
pay the subcontractor or material supplier, in addition to the 69520  
retainage due, interest in the amount of eighteen per cent per 69521  
annum of the retainage due, beginning on the eleventh day 69522  
following the receipt of the retainage from the owner and ending 69523  
on the date of full payment of the retainage due plus interest to 69524  
the subcontractor or material supplier. 69525

(4) If a subcontractor, material supplier, lower tier 69526  
subcontractor, or lower tier material supplier receives any final 69527  
retainage from the contractor or other subcontractor, lower tier 69528  
subcontractor, or lower tier material supplier for improvements to 69529  
property, the subcontractor, material supplier, lower tier 69530  
subcontractor, or lower tier material supplier shall pay from that 69531

retainage each lower tier subcontractor or lower tier the lower 69532  
tier subcontractor's or lower tier material supplier's proportion 69533  
of the retainage, within ten calendar days after receipt of 69534  
payment from the contractor or other subcontractor, lower tier 69535  
subcontractor, or lower tier material supplier, or within the time 69536  
period provided in a contract, invoice, or purchase order between 69537  
the subcontractor, material supplier, lower tier subcontractor, or 69538  
lower tier material supplier and the lower tier subcontractor or 69539  
lower tier material supplier, whichever time period is shorter, 69540  
provided that the subcontractor, material supplier, lower tier 69541  
subcontractor, or lower tier material supplier has determined that 69542  
the lower tier subcontractor's or lower tier material supplier's 69543  
work, labor, and materials have been satisfactorily performed or 69544  
furnished and that the owner has approved the lower tier 69545  
subcontractor's or lower tier material supplier's work, labor, and 69546  
materials. 69547

If the subcontractor, material supplier, lower tier 69548  
subcontractor, or lower tier material supplier fails to pay the 69549  
lower tier subcontractor or lower tier material supplier within 69550  
the appropriate time period, the subcontractor, material supplier, 69551  
lower tier subcontractor, or lower tier material supplier shall 69552  
pay the lower tier subcontractor or lower tier material supplier, 69553  
in addition to the retainage due, interest in the amount of 69554  
eighteen per cent per annum of the retainage due, beginning on the 69555  
eleventh day following the receipt of the retainage from the 69556  
contractor or other subcontractor, lower tier subcontractor, or 69557  
lower tier material supplier and ending on the date of full 69558  
payment of the retainage due plus interest to the lower tier 69559  
subcontractor or lower tier material supplier. 69560

(5) A contractor, subcontractor, or lower tier subcontractor 69561  
shall pay a laborer wages due within ten days of payment of any 69562  
application or request for payment or the receipt of any retainage 69563

from an owner, contractor, subcontractor, or lower tier subcontractor. 69564  
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If the contractor, subcontractor, or lower tier subcontractor fails to pay the laborer wages due within the appropriate time period, the contractor, subcontractor, or lower tier subcontractor shall pay the laborer, in addition to the wages due, interest in the amount of eighteen per cent per annum of the wages due, beginning on the eleventh day following the receipt of payment from the owner, contractor, subcontractor, or lower tier subcontractor and ending on the date of full payment of the wages due plus interest to the laborer. 69566  
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(B)(1) If a contractor, subcontractor, material supplier, lower tier subcontractor, or lower tier material supplier has not made payment in compliance with division (A)(1), (2), (3), (4), or (5) of this section within thirty days after payment is due, a subcontractor, material supplier, lower tier subcontractor, lower tier material supplier, or laborer may file a civil action to recover the amount due plus the interest provided in those divisions. If the court finds in the civil action that a contractor, subcontractor, material supplier, lower tier subcontractor, or lower tier material supplier has not made payment in compliance with those divisions, the court shall award the interest specified in those divisions, in addition to the amount due. Except as provided in division (B)(3) of this section, the court shall award the prevailing party reasonable attorney fees and court costs. 69575  
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(2) In making a determination to award attorney fees under division (B)(1) of this section, the court shall consider all relevant factors, including but not limited to the following: 69590  
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(a) The presence or absence of good faith allegations or defenses asserted by the parties; 69593  
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(b) The proportion of the amount of recovery as it relates to the amount demanded; 69595  
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(c) The nature of the services rendered and the time expended in rendering the services. 69597  
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(3) The court shall not award attorney fees under division (B)(1) of this section if the court determines, following a hearing on the payment of attorney fees, that the payment of attorney fees to the prevailing party would be inequitable. 69599  
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(C) This section does not apply to any construction or improvement of any single-, two-, or three-family detached dwelling houses. 69603  
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(D)(1) No provision of this section regarding entitlement to interest, attorney fees, or court costs may be waived by agreement and any such term in any contract or agreement is void and unenforceable as against public policy. 69606  
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(2) This section shall not be construed as impairing or affecting, in any way, the terms and conditions of any contract, invoice, purchase order, or any other agreement between a contractor and a subcontractor or a material supplier or between a subcontractor and another subcontractor, a material supplier, a lower tier subcontractor, or a lower tier material supplier, except that if such terms and conditions contain time periods which are longer than any of the time periods specified in divisions (A)(1), (2), (3), (4), and (5) of this section or interest at a percentage less than the interest stated in those divisions, then the provisions of this section shall prevail over such terms and conditions. 69610  
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(E) Notwithstanding the definition of lower tier material supplier in this section, a person is not a lower tier material supplier unless the materials supplied by the person are: 69622  
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(1) Furnished with the intent, as evidenced by the contract 69625

of sale, the delivery order, delivery to the site, or by other 69626  
evidence that the materials are to be used on a particular 69627  
structure or improvement; 69628

(2) Incorporated in the improvement or consumed as normal 69629  
wastage in the course of the improvement; or 69630

(3) Specifically fabricated for incorporation in the 69631  
improvement and not readily resalable in the ordinary course of 69632  
the fabricator's business even if not actually incorporated in the 69633  
improvement. 69634

(F) As used in this section: 69635

(1) "Contractor" means any person who undertakes to 69636  
construct, alter, erect, improve, repair, demolish, remove, dig, 69637  
or drill any part of a structure or improvement under a contract 69638  
with an owner, ~~or~~ a "construction manager" or "construction 69639  
manager at risk" as ~~that term is~~ those terms are defined in 69640  
section 9.33 of the Revised Code, or a "design-build firm" as that 69641  
term is defined in section 153.65 of the Revised Code. 69642

(2) "Laborer," "material supplier," "subcontractor," and 69643  
"wages" have the same meanings as in section 1311.01 of the 69644  
Revised Code. 69645

(3) "Lower tier subcontractor" means a subcontractor who is 69646  
not in privity of contract with a contractor but is in privity of 69647  
contract with another subcontractor. 69648

(4) "Lower tier material supplier" means a material supplier 69649  
who is not in privity of contract with a contractor but is in 69650  
privity of contract with another subcontractor or a material 69651  
supplier. 69652

(5) "Wages due" means the wages due to a laborer as of the 69653  
date a contractor or subcontractor receives payment for any 69654  
application or request for payment or retainage from any owner, 69655

contractor, or subcontractor. 69656

(6) "Owner" includes the state, and a county, township, 69657  
municipal corporation, school district, or other political 69658  
subdivision of the state, and any public agency, authority, board, 69659  
commission, instrumentality, or special district of or in the 69660  
state or a county, township, municipal corporation, school 69661  
district, or other political subdivision of the state, and any 69662  
officer or agent thereof and relates to all the interests either 69663  
legal or equitable, which a person may have in the real estate 69664  
upon which improvements are made, including interests held by any 69665  
person under contracts of purchase, whether in writing or 69666  
otherwise. 69667

**Sec. 4115.03.** As used in sections 4115.03 to 4115.16 of the 69668  
Revised Code: 69669

(A) "Public authority" means any officer, board, or 69670  
commission of the state, or any political subdivision of the 69671  
state, authorized to enter into a contract for the construction of 69672  
a public improvement or to construct the same by the direct 69673  
employment of labor, or any institution supported in whole or in 69674  
part by public funds and said sections apply to expenditures of 69675  
such institutions made in whole or in part from public funds. 69676

(B) "Construction" means ~~either~~ any of the following: 69677

(1) ~~Any~~ Except as provided in division (B)(3) of this 69678  
section, any new construction of ~~any~~ a public improvement, the 69679  
total overall project cost of which is fairly estimated to be more 69680  
than ~~fifty~~ three million five hundred thousand dollars adjusted 69681  
biennially by the director of commerce pursuant to section 69682  
4115.034 of the Revised Code and performed by other than full-time 69683  
employees who have completed their probationary periods in the 69684  
classified service of a public authority; 69685



(2) ~~Any~~ Except as provided in division (B)(4) of this 69686  
section, any reconstruction, enlargement, alteration, repair, 69687  
remodeling, renovation, or painting of ~~any~~ a public improvement, 69688  
the total overall project cost of which is fairly estimated to be 69689  
more than ~~fifteen~~ three million five hundred thousand dollars 69690  
adjusted biennially by the ~~administrator~~ director pursuant to 69691  
section 4115.034 of the Revised Code and performed by other than 69692  
full-time employees who have completed their probationary period 69693  
in the classified civil service of a public authority; 69694

(3) Any new construction of a public improvement that 69695  
involves roads, streets, alleys, sewers, ditches, and other works 69696  
connected to road or bridge construction, the total overall 69697  
project cost of which is fairly estimated to be more than 69698  
seventy-eight thousand two hundred fifty-eight dollars adjusted 69699  
biennially by the director of commerce pursuant to section 69700  
4115.034 of the Revised Code and performed by other than full-time 69701  
employees who have completed their probationary periods in the 69702  
classified service of a public authority; 69703

(4) Any reconstruction, enlargement, alteration, repair, 69704  
remodeling, renovation, or painting of a public improvement that 69705  
involves roads, streets, alleys, sewers, ditches, and other works 69706  
connected to road or bridge construction, the total overall 69707  
project cost of which is fairly estimated to be more than 69708  
twenty-three thousand four hundred forty-seven dollars adjusted 69709  
biennially by the director of commerce pursuant to section 69710  
4115.034 of the Revised code and performed by other than full-time 69711  
employees who have completed their probationary periods in the 69712  
classified service of a public authority. 69713

(C) "Public improvement" includes all buildings, roads, 69714  
streets, alleys, sewers, ditches, sewage disposal plants, water 69715  
works, and all other structures or works constructed by a public 69716  
authority of the state or any political subdivision thereof or by 69717

any person who, pursuant to a contract with a public authority, 69718  
constructs any structure for a public authority of the state or a 69719  
political subdivision thereof. When a public authority rents or 69720  
leases a newly constructed structure within six months after 69721  
completion of such construction, all work performed on such 69722  
structure to suit it for occupancy by a public authority is a 69723  
"public improvement." "Public improvement" does not include an 69724  
improvement authorized by section 1515.08 of the Revised Code that 69725  
is constructed pursuant to a contract with a soil and water 69726  
conservation district, as defined in section 1515.01 of the 69727  
Revised Code, or performed as a result of a petition filed 69728  
pursuant to Chapter 6131., 6133., or 6135. of the Revised Code, 69729  
wherein no less than seventy-five per cent of the project is 69730  
located on private land and no less than seventy-five per cent of 69731  
the cost of the improvement is paid for by private property owners 69732  
pursuant to Chapter 1515., 6131., 6133., or 6135. of the Revised 69733  
Code. "Public improvement" does not include an improvement that is 69734  
neither constructed by a public authority nor constructed for the 69735  
benefit of a public authority, even if the improvement uses or 69736  
receives financing, grants, or in-kind support from a public 69737  
authority. 69738

(D) "Locality" means the county wherein the physical work 69739  
upon any public improvement is being performed. 69740

(E) "Prevailing wages" means the sum of the following: 69741

(1) The basic hourly rate of pay; 69742

(2) The rate of contribution irrevocably made by a contractor 69743  
or subcontractor to a trustee or to a third person pursuant to a 69744  
fund, plan, or program; 69745

(3) The rate of costs to the contractor or subcontractor 69746  
which may be reasonably anticipated in providing the following 69747  
fringe benefits to laborers and mechanics pursuant to an 69748

enforceable commitment to carry out a financially responsible plan	69749
or program which was communicated in writing to the laborers and	69750
mechanics affected:	69751
(a) Medical or hospital care or insurance to provide such;	69752
(b) Pensions on retirement or death or insurance to provide	69753
such;	69754
(c) Compensation for injuries or illnesses resulting from	69755
occupational activities if it is in addition to that coverage	69756
required by Chapters 4121. and 4123. of the Revised Code;	69757
(d) Supplemental unemployment benefits that are in addition	69758
to those required by Chapter 4141. of the Revised Code;	69759
(e) Life insurance;	69760
(f) Disability and sickness insurance;	69761
(g) Accident insurance;	69762
(h) Vacation and holiday pay;	69763
(i) Defraying of costs for apprenticeship or other similar	69764
training programs which are beneficial only to the laborers and	69765
mechanics affected;	69766
(j) Other bona fide fringe benefits.	69767
None of the benefits enumerated in division (E)(3) of this	69768
section may be considered in the determination of prevailing wages	69769
if federal, state, or local law requires contractors or	69770
subcontractors to provide any of such benefits.	69771
(F) "Interested party," with respect to a particular public	69772
improvement, means:	69773
(1) Any person who submits a bid for the purpose of securing	69774
the award of a contract for construction of the public	69775
improvement;	69776
(2) Any person acting as a subcontractor of a person	69777

mentioned in division (F)(1) of this section; 69778

(3) Any bona fide organization of labor which has as members 69779  
or is authorized to represent employees of a person mentioned in 69780  
division (F)(1) or (2) of this section and which exists, in whole 69781  
or in part, for the purpose of negotiating with employers 69782  
concerning the wages, hours, or terms and conditions of employment 69783  
of employees; 69784

(4) Any association having as members any of the persons 69785  
mentioned in division (F)(1) or (2) of this section. 69786

(G) Except as used in division (A) of this section, "officer" 69787  
means an individual who has an ownership interest or holds an 69788  
office of trust, command, or authority in a corporation, business 69789  
trust, partnership, or association. 69790

**Sec. 4115.033.** No public authority shall subdivide a public 69791  
improvement project into component parts or projects, the cost of 69792  
which is fairly estimated to be less than the threshold levels set 69793  
forth in ~~divisions~~ division (B)(1) ~~and (2)~~ of section 4115.03 of 69794  
the Revised Code, unless the projects are conceptually separate 69795  
and unrelated to each other, or encompass independent and 69796  
unrelated needs of the public authority. 69797

**Sec. 4115.034.** On January 1, 1996, and the first day of 69798  
January of every even-numbered year thereafter, the director of 69799  
commerce shall adjust the threshold levels for which public 69800  
improvement projects are subject to sections 4115.03 to 4115.16 of 69801  
the Revised Code as set forth in ~~divisions~~ division (B)(1) ~~and (2)~~ 69802  
of section 4115.03 of the Revised Code. The director shall adjust 69803  
those amounts according to the average increase or decrease for 69804  
each of the two years immediately preceding the adjustment as set 69805  
forth in the United States department of commerce, bureau of the 69806  
census implicit price deflator for construction, provided that no 69807

increase or decrease for any year shall exceed three per cent of 69808  
the threshold level in existence at the time of the adjustment. 69809

**Sec. 4115.04.** (A)(1) Every public authority authorized to 69810  
contract for or construct with its own forces a public 69811  
improvement, before advertising for bids or undertaking such 69812  
construction with its own forces, shall have the director of 69813  
commerce determine the prevailing rates of wages of mechanics and 69814  
laborers in accordance with section 4115.05 of the Revised Code 69815  
for the class of work called for by the public improvement, in the 69816  
locality where the work is to be performed. Except as provided in 69817  
division (A)(2) of this section, that schedule of wages shall be 69818  
attached to and made part of the specifications for the work, and 69819  
shall be printed on the bidding blanks where the work is done by 69820  
contract. A copy of the bidding blank shall be filed with the 69821  
director before the contract is awarded. A minimum rate of wages 69822  
for common laborers, on work coming under the jurisdiction of the 69823  
department of transportation, shall be fixed in each county of the 69824  
state by the department of transportation, in accordance with 69825  
section 4115.05 of the Revised Code. 69826

(2) In the case of contracts that are administered by the 69827  
department of natural resources, the director of natural resources 69828  
or the director's designee shall include language in the contracts 69829  
requiring wage rate determinations and updates to be obtained 69830  
directly from the department of commerce through electronic or 69831  
other means as appropriate. Contracts that include this 69832  
requirement are exempt from the requirements established in 69833  
division (A)(1) of this section that involve attaching the 69834  
schedule of wages to the specifications for the work, making the 69835  
schedule part of those specifications, and printing the schedule 69836  
on the bidding blanks where the work is done by contract. 69837

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 69838

apply to: 69839

(1) Public improvements in any case where the federal 69840  
government or any of its agencies furnishes by loan or grant all 69841  
or any part of the funds used in constructing such improvements, 69842  
provided that the federal government or any of its agencies 69843  
prescribes predetermined minimum wages to be paid to mechanics and 69844  
laborers employed in the construction of such improvements; 69845

(2) A participant in a work activity, developmental activity, 69846  
or an alternative work activity under sections 5107.40 to 5107.69 69847  
of the Revised Code when a public authority directly uses the 69848  
labor of the participant to construct a public improvement if the 69849  
participant is not engaged in paid employment or subsidized 69850  
employment pursuant to the activity; 69851

(3) Public improvements undertaken by, or under contract for, 69852  
the board of education of any school district or the governing 69853  
board of any educational service center; 69854

(4) Public improvements undertaken by, or under contract for, 69855  
a county hospital operated pursuant to Chapter 339. of the Revised 69856  
Code or a municipal hospital operated pursuant to Chapter 749. of 69857  
the Revised Code if none of the funds used in constructing the 69858  
improvements are the proceeds of bonds or other obligations that 69859  
are secured by the full faith and credit of the state, a county, a 69860  
township, or a municipal corporation and none of the funds used in 69861  
constructing the improvements, including funds used to repay any 69862  
amounts borrowed to construct the improvements, are funds that 69863  
have been appropriated for that purpose by the state, a board of 69864  
county commissioners, a township, or a municipal corporation from 69865  
funds generated by the levy of a tax, provided that a county 69866  
hospital or municipal hospital may elect to apply sections 4115.03 69867  
to 4115.16 of the Revised Code to a public improvement undertaken 69868  
by, or under contract for, the hospital; 69869

(5) Any project described in divisions (D)(1)(a) to (D)(1)(e) 69870  
of section 176.05 of the Revised Code; 69871

(6) Public improvements undertaken by, or under contract for, 69872  
a state institution of higher education as defined in section 69873  
3345.12 of the Revised Code; 69874

(7) Public improvements undertaken by, or under contract for, 69875  
a port authority as defined in section 4582.01 or 4582.21 of the 69876  
Revised Code. 69877

(C) Under no circumstances shall a public authority apply the 69878  
prevailing wage requirements of this chapter to a public 69879  
improvement that is exempt under division (B)(3) of this section. 69880

**Sec. 4115.10.** (A) No person, firm, corporation, or public 69881  
authority that constructs a public improvement with its own 69882  
forces, the total overall project cost of which is fairly 69883  
estimated to be more than the amounts set forth in division (B)~~(1)~~ 69884  
~~or (2)~~ of section 4115.03 of the Revised Code, adjusted biennially 69885  
by the director of commerce pursuant to section 4115.034 of the 69886  
Revised Code, shall violate the wage provisions of sections 69887  
4115.03 to 4115.16 of the Revised Code, or suffer, permit, or 69888  
require any employee to work for less than the rate of wages so 69889  
fixed, or violate the provisions of section 4115.07 of the Revised 69890  
Code. Any employee upon any public improvement, except an employee 69891  
to whom or on behalf of whom restitution is made pursuant to 69892  
division (C) of section 4115.13 of the Revised Code, who is paid 69893  
less than the fixed rate of wages applicable thereto may recover 69894  
from such person, firm, corporation, or public authority that 69895  
constructs a public improvement with its own forces the difference 69896  
between the fixed rate of wages and the amount paid to the 69897  
employee and in addition thereto a sum equal to twenty-five per 69898  
cent of that difference. The person, firm, corporation, or public 69899  
authority who fails to pay the rate of wages so fixed also shall 69900

pay a penalty to the director of seventy-five per cent of the 69901  
difference between the fixed rate of wages and the amount paid to 69902  
the employees on the public improvement. The director shall 69903  
deposit all moneys received from penalties paid to the director 69904  
pursuant to this section into the ~~penalty enforcement~~ labor 69905  
operating fund, ~~which is hereby created in the state treasury~~. The 69906  
director shall use the fund for the enforcement of sections 69907  
4115.03 to 4115.16 of the Revised Code. The employee may file suit 69908  
for recovery within ninety days of the director's determination of 69909  
a violation of sections 4115.03 to 4115.16 of the Revised Code or 69910  
is barred from further action under this division. Where the 69911  
employee prevails in a suit, the employer shall pay the costs and 69912  
reasonable attorney's fees allowed by the court. 69913

(B) Any employee upon any public improvement who is paid less 69914  
than the prevailing rate of wages applicable thereto may file a 69915  
complaint in writing with the director upon a form furnished by 69916  
the director. The complaint shall include documented evidence to 69917  
demonstrate that the employee was paid less than the prevailing 69918  
wage in violation of this chapter. Upon receipt of a properly 69919  
completed written complaint of any employee paid less than the 69920  
prevailing rate of wages applicable, the director shall take an 69921  
assignment of a claim in trust for the assigning employee and 69922  
bring any legal action necessary to collect the claim. The 69923  
employer shall pay the costs and reasonable attorney's fees 69924  
allowed by the court if the employer is found in violation of 69925  
sections 4115.03 to 4115.16 of the Revised Code. 69926

(C) If after investigation pursuant to section 4115.13 of the 69927  
Revised Code, the director determines there is a violation of 69928  
sections 4115.03 to 4115.16 of the Revised Code and a period of 69929  
sixty days has elapsed from the date of the determination, and if: 69930

(1) No employee has brought suit pursuant to division (A) of 69931  
this section; 69932



(2) No employee has requested that the director take an assignment of a wage claim pursuant to division (B) of this section. 69933  
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The director shall bring any legal action necessary to collect any amounts owed to employees and the director. The director shall pay over to the affected employees the amounts collected to which the affected employees are entitled under division (A) of this section. In any action in which the director prevails, the employer shall pay the costs and reasonable attorney's fees allowed by the court. 69936  
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(D) Where persons are employed and their rate of wages has been determined as provided in section 4115.04 of the Revised Code, no person, either for self or any other person, shall request, demand, or receive, either before or after the person is engaged, that the person so engaged pay back, return, donate, contribute, or give any part or all of the person's wages, salary, or thing of value, to any person, upon the statement, representation, or understanding that failure to comply with such request or demand will prevent the procuring or retaining of employment, and no person shall, directly or indirectly, aid, request, or authorize any other person to violate this section. This division does not apply to any agent or representative of a duly constituted labor organization acting in the collection of dues or assessments of such organization. 69943  
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(E) The director shall enforce sections 4115.03 to 4115.16 of the Revised Code. 69957  
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(F) For the purpose of supplementing existing resources and to assist in enforcing division (E) of this section, the director may contract with a person registered as a public accountant under Chapter 4701. of the Revised Code to conduct an audit of a person, firm, corporation, or public authority. 69959  
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**Sec. 4115.101.** There is hereby created the prevailing wage 69964  
custodial fund, which shall be in the custody of the treasurer of 69965  
state but shall not be part of the state treasury. The director of 69966  
commerce shall deposit to the fund all money paid by employers to 69967  
the director that are held in trust for employees to whom 69968  
prevailing wages are due and owing. The director shall make 69969  
disbursements from the fund in accordance with this chapter to 69970  
employees affected by violations of this chapter. If the director 69971  
determines that any funds in the prevailing wage custodial fund 69972  
are not returnable to employees as required under this section, 69973  
then the director shall certify to the treasurer of state the 69974  
amount of the funds that are not returnable. Upon the receipt of a 69975  
certification from the director in accordance with this section, 69976  
the treasurer of state shall transfer the certified amount of the 69977  
funds from the prevailing wage custodial fund to the labor 69978  
operating fund. 69979

**Sec. 4115.16.** (A) An interested party may file a complaint 69980  
with the director of commerce alleging a violation of sections 69981  
4115.03 to 4115.16 of the Revised Code. The director, upon receipt 69982  
of a complaint, shall investigate pursuant to section 4115.13 of 69983  
the Revised Code. If the director determines that no violation has 69984  
occurred or that the violation was not intentional, the interested 69985  
party may appeal the decision to the court of common pleas of the 69986  
county where the violation is alleged to have occurred. 69987

(B) ~~If the director has not ruled on the merits of the~~ 69988  
~~complaint within sixty days after its filing, the interested party~~ 69989  
~~may file a complaint in the court of common pleas of the county in~~ 69990  
~~which the violation is alleged to have occurred. The complaint may~~ 69991  
~~make the contracting public authority a party to the action, but~~ 69992  
~~not the director. Contemporaneous with service of the complaint,~~ 69993  
~~the interested party shall deliver a copy of the complaint to the~~ 69994

~~director. Upon receipt thereof, the director shall cease 69995  
investigating or otherwise acting upon the complaint filed 69996  
pursuant to division (A) of this section. The court in which the 69997  
complaint is filed pursuant to this division shall hear and decide 69998  
the case, and upon finding that a violation has occurred, shall 69999  
make such orders as will prevent further violation and afford to 70000  
injured persons the relief specified under sections 4115.03 to 70001  
4115.16 of the Revised Code. The court's finding that a violation 70002  
has occurred shall have the same consequences as a like 70003  
determination by the director. The court may order the director to 70004  
take such action as will prevent further violation and afford to 70005  
injured persons the remedies specified under sections 4115.03 to 70006  
4115.16 of the Revised Code. Upon receipt of any order of the 70007  
court pursuant to this section, the director shall undertake 70008  
enforcement action without further investigation or hearings. 70009~~

~~(C) The director shall make available to the parties to any 70010  
appeal or action pursuant to under this section all files, 70011  
documents, affidavits, or other information in the director's 70012  
possession that pertain to the matter. The rules generally 70013  
applicable to civil actions in the courts of this state shall 70014  
govern all appeals or actions under this section. Any 70015  
determination of a court under this section is subject to 70016  
appellate review. 70017~~

~~(D) Where, pursuant to this section, a court finds a 70018  
violation of sections 4115.03 to 4115.16 of the Revised Code, the 70019  
court shall award attorney fees and court costs to the prevailing 70020  
party. In the event the court finds that no violation has 70021  
occurred, the court may award court costs and attorney fees to the 70022  
prevailing party, other than to the director or the public 70023  
authority, where the court finds the action brought was 70024  
unreasonable or without foundation, even though not brought in 70025  
subjective bad faith. 70026~~

Sec. 4116.01. As used in sections 4116.01 to 4116.04 of the Revised Code:

(A) "Public authority" means any officer, board, or commission of the state, or any political subdivision of the state, or any institution supported in whole or in part by public funds, authorized to enter into a contract for the construction of a public improvement or to construct a public improvement by the direct employment of labor. "Public authority" shall not mean any municipal corporation that has adopted a charter under sections three and seven of article XVIII of the Ohio ~~constitution~~ Constitution, unless the specific contract for a public improvement includes state funds appropriated for the purposes of that public improvement.

(B) "Construction" means all of the following:

(1) Any new construction of any public improvement performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority;

(2) Any reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting of any public improvement performed by other than full-time employees who have completed their probationary period in the classified civil service of a public authority;

(3) Construction on any project, facility, or project facility to which section ~~122.452~~, 122.80, ~~165.031~~, 166.02, ~~1551.13~~, or 1728.07, ~~or 3706.042~~ of the Revised Code applies;

(4) Construction on any project as defined in section 122.39 of the Revised Code, any project as defined in section 165.01 of the Revised Code, any energy resource development facility as defined in section 1551.01 of the Revised Code, or any project as

defined in section 3706.01 of the Revised Code. 70057

(C) "Public improvement" means all buildings, roads, streets, 70058  
alleys, sewers, ditches, sewage disposal plants, water works, and 70059  
other structures or works constructed by a public authority or by 70060  
any person who, pursuant to a contract with a public authority, 70061  
constructs any structure or work for a public authority. When a 70062  
public authority rents or leases a newly constructed structure 70063  
within six months after completion of its construction, all work 70064  
performed on that structure to suit it for occupancy by a public 70065  
authority is a "public improvement." 70066

(D) "Interested party," with respect to a particular public 70067  
improvement, means all of the following: 70068

(1) Any person who submits a bid for the purpose of securing 70069  
the award of a contract for the public improvement; 70070

(2) Any person acting as a subcontractor of a person 70071  
mentioned in division (D)(1) of this section; 70072

(3) Any association having as members any of the persons 70073  
mentioned in division (D)(1) or (2) of this section; 70074

(4) Any employee of a person mentioned in division (D)(1), 70075  
(2), or (3) of this section; 70076

(5) Any individual who is a resident of the jurisdiction of 70077  
the public authority for whom products or services for a public 70078  
improvement are being procured or for whom work on a public 70079  
improvement is being performed. 70080

**Sec. 4117.01.** As used in this chapter: 70081

(A) "Person," in addition to those included in division (C) 70082  
of section 1.59 of the Revised Code, includes employee 70083  
organizations, public employees, and public employers. 70084

(B) "Public employer" means the state or any political 70085

subdivision of the state located entirely within the state, 70086  
including, without limitation, any municipal corporation with a 70087  
population of at least five thousand according to the most recent 70088  
federal decennial census; county; township with a population of at 70089  
least five thousand in the unincorporated area of the township 70090  
according to the most recent federal decennial census; school 70091  
district; ~~governing authority of a community school established~~ 70092  
~~under Chapter 3314. of the Revised Code;~~ college preparatory 70093  
boarding school established under Chapter 3328. of the Revised 70094  
Code or its operator; state institution of higher learning; public 70095  
or special district; state agency, authority, commission, or 70096  
board; or other branch of public employment. "Public employer" 70097  
does not include the nonprofit corporation formed under section 70098  
187.01 of the Revised Code or the governing authority of a 70099  
community school established under Chapter 3314. of the Revised 70100  
Code. 70101

(C) "Public employee" means any person holding a position by 70102  
appointment or employment in the service of a public employer, 70103  
including any person working pursuant to a contract between a 70104  
public employer and a private employer and over whom the national 70105  
labor relations board has declined jurisdiction on the basis that 70106  
the involved employees are employees of a public employer, except: 70107

(1) Persons holding elective office; 70108

(2) Employees of the general assembly and employees of any 70109  
other legislative body of the public employer whose principal 70110  
duties are directly related to the legislative functions of the 70111  
body; 70112

(3) Employees on the staff of the governor or the chief 70113  
executive of the public employer whose principal duties are 70114  
directly related to the performance of the executive functions of 70115  
the governor or the chief executive; 70116

(4) Persons who are members of the Ohio organized militia, while training or performing duty under section 5919.29 or 5923.12 of the Revised Code;	70117 70118 70119
(5) Employees of the state employment relations board, including those employees of the state employment relations board utilized by the state personnel board of review in the exercise of the powers and the performance of the duties and functions of the state personnel board of review;	70120 70121 70122 70123 70124
(6) Confidential employees;	70125
(7) Management level employees;	70126
(8) Employees and officers of the courts, assistants to the attorney general, assistant prosecuting attorneys, and employees of the clerks of courts who perform a judicial function;	70127 70128 70129
(9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code;	70130 70131 70132
(10) Supervisors;	70133
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	70134 70135 70136 70137 70138
(12) Employees of county boards of election;	70139
(13) Seasonal and casual employees as determined by the state employment relations board;	70140 70141
(14) Part-time faculty members of an institution of higher education;	70142 70143
(15) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that	70144 70145 70146

the public employer needs but is not performed by an employee of 70147  
the public employer if the participant is not engaged in paid 70148  
employment or subsidized employment pursuant to the activity; 70149

(16) Employees included in the career professional service of 70150  
the department of transportation under section 5501.20 of the 70151  
Revised Code; 70152

(17) Employees of community-based correctional facilities and 70153  
district community-based correctional facilities created under 70154  
sections 2301.51 to 2301.58 of the Revised Code ~~who are not~~ 70155  
~~subject to a collective bargaining agreement on June 1, 2005.~~ 70156

(D) "Employee organization" means any labor or bona fide 70157  
organization in which public employees participate and that exists 70158  
for the purpose, in whole or in part, of dealing with public 70159  
employers concerning grievances, labor disputes, wages, hours, 70160  
terms, and other conditions of employment. 70161

(E) "Exclusive representative" means the employee 70162  
organization certified or recognized as an exclusive 70163  
representative under section 4117.05 of the Revised Code. 70164

(F) "Supervisor" means any individual who has authority, in 70165  
the interest of the public employer, to hire, transfer, suspend, 70166  
lay off, recall, promote, discharge, assign, reward, or discipline 70167  
other public employees; to responsibly direct them; to adjust 70168  
their grievances; or to effectively recommend such action, if the 70169  
exercise of that authority is not of a merely routine or clerical 70170  
nature, but requires the use of independent judgment, provided 70171  
that: 70172

(1) Employees of school districts who are department 70173  
chairpersons or consulting teachers shall not be deemed 70174  
supervisors; 70175

(2) With respect to members of a police or fire department, 70176  
no person shall be deemed a supervisor except the chief of the 70177



department or those individuals who, in the absence of the chief, 70178  
are authorized to exercise the authority and perform the duties of 70179  
the chief of the department. Where prior to June 1, 1982, a public 70180  
employer pursuant to a judicial decision, rendered in litigation 70181  
to which the public employer was a party, has declined to engage 70182  
in collective bargaining with members of a police or fire 70183  
department on the basis that those members are supervisors, those 70184  
members of a police or fire department do not have the rights 70185  
specified in this chapter for the purposes of future collective 70186  
bargaining. The state employment relations board shall decide all 70187  
disputes concerning the application of division (F)(2) of this 70188  
section. 70189

(3) With respect to faculty members of a state institution of 70190  
higher education, heads of departments or divisions are 70191  
supervisors; however, no other faculty member or group of faculty 70192  
members is a supervisor solely because the faculty member or group 70193  
of faculty members participate in decisions with respect to 70194  
courses, curriculum, personnel, or other matters of academic 70195  
policy; 70196

(4) No teacher as defined in section 3319.09 of the Revised 70197  
Code shall be designated as a supervisor or a management level 70198  
employee unless the teacher is employed under a contract governed 70199  
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 70200  
is assigned to a position for which a license deemed to be for 70201  
administrators under state board rules is required pursuant to 70202  
section 3319.22 of the Revised Code. 70203

(G) "To bargain collectively" means to perform the mutual 70204  
obligation of the public employer, by its representatives, and the 70205  
representatives of its employees to negotiate in good faith at 70206  
reasonable times and places with respect to wages, hours, terms, 70207  
and other conditions of employment and the continuation, 70208  
modification, or deletion of an existing provision of a collective 70209

bargaining agreement, with the intention of reaching an agreement, 70210  
or to resolve questions arising under the agreement. "To bargain 70211  
collectively" includes executing a written contract incorporating 70212  
the terms of any agreement reached. The obligation to bargain 70213  
collectively does not mean that either party is compelled to agree 70214  
to a proposal nor does it require the making of a concession. 70215

(H) "Strike" means continuous concerted action in failing to 70216  
report to duty; willful absence from one's position; or stoppage 70217  
of work in whole from the full, faithful, and proper performance 70218  
of the duties of employment, for the purpose of inducing, 70219  
influencing, or coercing a change in wages, hours, terms, and 70220  
other conditions of employment. "Strike" does not include a 70221  
stoppage of work by employees in good faith because of dangerous 70222  
or unhealthful working conditions at the place of employment that 70223  
are abnormal to the place of employment. 70224

(I) "Unauthorized strike" includes, but is not limited to, 70225  
concerted action during the term or extended term of a collective 70226  
bargaining agreement or during the pendency of the settlement 70227  
procedures set forth in section 4117.14 of the Revised Code in 70228  
failing to report to duty; willful absence from one's position; 70229  
stoppage of work; slowdown, or abstinence in whole or in part from 70230  
the full, faithful, and proper performance of the duties of 70231  
employment for the purpose of inducing, influencing, or coercing a 70232  
change in wages, hours, terms, and other conditions of employment. 70233  
"Unauthorized strike" includes any such action, absence, stoppage, 70234  
slowdown, or abstinence when done partially or intermittently, 70235  
whether during or after the expiration of the term or extended 70236  
term of a collective bargaining agreement or during or after the 70237  
pendency of the settlement procedures set forth in section 4117.14 70238  
of the Revised Code. 70239

(J) "Professional employee" means any employee engaged in 70240  
work that is predominantly intellectual, involving the consistent 70241

exercise of discretion and judgment in its performance and 70242  
requiring knowledge of an advanced type in a field of science or 70243  
learning customarily acquired by a prolonged course in an 70244  
institution of higher learning or a hospital, as distinguished 70245  
from a general academic education or from an apprenticeship; or an 70246  
employee who has completed the courses of specialized intellectual 70247  
instruction and is performing related work under the supervision 70248  
of a professional person to become qualified as a professional 70249  
employee. 70250

(K) "Confidential employee" means any employee who works in 70251  
the personnel offices of a public employer and deals with 70252  
information to be used by the public employer in collective 70253  
bargaining; or any employee who works in a close continuing 70254  
relationship with public officers or representatives directly 70255  
participating in collective bargaining on behalf of the employer. 70256

(L) "Management level employee" means an individual who 70257  
formulates policy on behalf of the public employer, who 70258  
responsibly directs the implementation of policy, or who may 70259  
reasonably be required on behalf of the public employer to assist 70260  
in the preparation for the conduct of collective negotiations, 70261  
administer collectively negotiated agreements, or have a major 70262  
role in personnel administration. Assistant superintendents, 70263  
principals, and assistant principals whose employment is governed 70264  
by section 3319.02 of the Revised Code are management level 70265  
employees. With respect to members of a faculty of a state 70266  
institution of higher education, no person is a management level 70267  
employee because of the person's involvement in the formulation or 70268  
implementation of academic or institution policy. 70269

(M) "Wages" means hourly rates of pay, salaries, or other 70270  
forms of compensation for services rendered. 70271

(N) "Member of a police department" means a person who is in 70272  
the employ of a police department of a municipal corporation as a 70273

full-time regular police officer as the result of an appointment 70274  
from a duly established civil service eligibility list or under 70275  
section 737.15 or 737.16 of the Revised Code, a full-time deputy 70276  
sheriff appointed under section 311.04 of the Revised Code, a 70277  
township constable appointed under section 509.01 of the Revised 70278  
Code, or a member of a township police district police department 70279  
appointed under section 505.49 of the Revised Code. 70280

(O) "Members of the state highway patrol" means highway 70281  
patrol troopers and radio operators appointed under section 70282  
5503.01 of the Revised Code. 70283

(P) "Member of a fire department" means a person who is in 70284  
the employ of a fire department of a municipal corporation or a 70285  
township as a fire cadet, full-time regular firefighter, or 70286  
promoted rank as the result of an appointment from a duly 70287  
established civil service eligibility list or under section 70288  
505.38, 709.012, or 737.22 of the Revised Code. 70289

(Q) "Day" means calendar day. 70290

**Sec. 4117.03.** (A) Public employees have the right to: 70291

(1) Form, join, assist, or participate in, or refrain from 70292  
forming, joining, assisting, or participating in, except as 70293  
otherwise provided in Chapter 4117. of the Revised Code, any 70294  
employee organization of their own choosing; 70295

(2) Engage in other concerted activities for the purpose of 70296  
collective bargaining or other mutual aid and protection; 70297

(3) Representation by an employee organization; 70298

(4) Bargain collectively with their public employers to 70299  
determine wages, hours, terms and other conditions of employment 70300  
and the continuation, modification, or deletion of an existing 70301  
provision of a collective bargaining agreement, and enter into 70302  
collective bargaining agreements; 70303

(5) Present grievances and have them adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of the collective bargaining agreement then in effect and as long as the bargaining representatives have the opportunity to be present at the adjustment.

(B) Persons on active duty or acting in any capacity as members of the organized militia do not have collective bargaining rights. Employees of a community school established under Chapter 3314. of the Revised Code do not have collective bargaining rights. A community school established under Chapter 3314. of the Revised Code shall not bargain collectively with its employees, except as provided in section 3314.10 of the Revised Code.

(C) Except as provided in division (D) of this section, nothing in Chapter 4117. of the Revised Code prohibits public employers from electing to engage in collective bargaining, to meet and confer, to hold discussions, or to engage in any other form of collective negotiations with public employees who are not subject to Chapter 4117. of the Revised Code pursuant to division (C) of section 4117.01 of the Revised Code.

(D) A public employer shall not engage in collective bargaining or other forms of collective negotiations with the employees of county boards of elections referred to in division (C)(12) of section 4117.01 of the Revised Code.

(E) ~~Employees of public schools may bargain collectively for health care benefits; however, all health care benefits shall include best practices prescribed by the school employees health care board, in accordance with section 9.901 of the Revised Code.~~

**Sec. 4117.06.** (A) The state employment relations board shall decide in each case the unit appropriate for the purposes of collective bargaining. The determination is final and conclusive

and not appealable to the court. 70335

(B) The board shall determine the appropriateness of each 70336  
bargaining unit and shall consider among other relevant factors: 70337  
the desires of the employees; the community of interest; wages, 70338  
hours, and other working conditions of the public employees; the 70339  
effect of over-fragmentation; the efficiency of operations of the 70340  
public employer; the administrative structure of the public 70341  
employer; and the history of collective bargaining. 70342

(C) The board may determine a unit to be the appropriate unit 70343  
in a particular case, even though some other unit might also be 70344  
appropriate. 70345

(D) In addition, in determining the appropriate unit, the 70346  
board shall not: 70347

(1) Decide that any unit is appropriate if the unit includes 70348  
both professional and nonprofessional employees, unless a majority 70349  
of the professional employees and a majority of the 70350  
nonprofessional employees first vote for inclusion in the unit; 70351

(2) Include guards or correction officers at correctional or 70352  
mental institutions, special police officers appointed in 70353  
accordance with sections 5119.14 and 5123.13 of the Revised Code, 70354  
psychiatric attendants employed at mental health forensic 70355  
facilities, youth leaders employed at juvenile correction 70356  
facilities, or any public employee employed as a guard to enforce 70357  
against other employees rules to protect property of the employer 70358  
or to protect the safety of persons on the employer's premises in 70359  
a unit with other employees; 70360

(3) Include members of a police or fire department or members 70361  
of the state highway patrol in a unit with other classifications 70362  
of public employees of the department; 70363

(4) Designate as appropriate a bargaining unit that contains 70364  
more than one institution of higher education; nor shall it within 70365

any such institution of higher education designate as appropriate 70366  
a unit where such designation would be inconsistent with the 70367  
accreditation standards or interpretations of such standards, 70368  
governing such institution of higher education or any department, 70369  
school, or college thereof. For the purposes of this division, any 70370  
branch or regional campus of a public institution of higher 70371  
education is part of that institution of higher education. 70372

(5) Designate as appropriate a bargaining unit that contains 70373  
employees within the jurisdiction of more than one elected county 70374  
office holder, unless the county-elected office holder and the 70375  
board of county commissioners agree to such other designation; 70376

(6) With respect to members of a police department, designate 70377  
as appropriate a unit that includes rank and file members of the 70378  
department with members who are of the rank of sergeant or above; 70379

(7) Except as otherwise provided by division ~~(A)(3)~~ of 70380  
~~section 3314.10 or division~~ (B) of section 3326.18 of the Revised 70381  
Code, designate as appropriate a bargaining unit that contains 70382  
employees from multiple ~~community schools established under~~ 70383  
~~Chapter 3314. or multiple~~ science, technology, engineering, and 70384  
mathematics schools established under Chapter 3326. of the Revised 70385  
Code. For purposes of this division, more than one unit may be 70386  
designated within a single ~~community school or~~ science, 70387  
technology, engineering, and mathematics school. 70388

This section shall not be deemed to prohibit multiunit 70389  
bargaining. 70390

**Sec. 4123.27.** Information contained in the annual statement 70391  
provided for in section 4123.26 of the Revised Code, and such 70392  
other information as may be furnished to the bureau of workers' 70393  
compensation by employers in pursuance of that section, is for the 70394  
exclusive use and information of the bureau in the discharge of 70395  
its official duties, and shall not be open to the public nor be 70396

used in any court in any action or proceeding pending therein 70397  
unless the bureau is a party to the action or proceeding; but the 70398  
information contained in the statement may be tabulated and 70399  
published by the bureau in statistical form for the use and 70400  
information of other state departments and the public. No person 70401  
in the employ of the bureau, except those who are authorized by 70402  
the administrator of workers' compensation, shall divulge any 70403  
information secured by the person while in the employ of the 70404  
bureau in respect to the transactions, property, claim files, 70405  
records, or papers of the bureau or in respect to the business or 70406  
mechanical, chemical, or other industrial process of any company, 70407  
firm, corporation, person, association, partnership, or public 70408  
utility to any person other than the administrator or to the 70409  
superior of such employee of the bureau. 70410

Notwithstanding the restrictions imposed by this section, the 70411  
governor, select or standing committees of the general assembly, 70412  
the auditor of state, the attorney general, or their designees, 70413  
pursuant to the authority granted in this chapter and Chapter 70414  
4121. of the Revised Code, may examine any records, claim files, 70415  
or papers in possession of the industrial commission or the 70416  
bureau. They also are bound by the privilege that attaches to 70417  
these papers. 70418

The administrator shall report to the director of job and 70419  
family services or to the county director of job and family 70420  
services the name, address, and social security number or other 70421  
identification number of any person receiving workers' 70422  
compensation whose name or social security number or other 70423  
identification number is the same as that of a person required by 70424  
a court or child support enforcement agency to provide support 70425  
payments to a recipient or participant of public assistance, as 70426  
that term is defined in section 5101.181 of the Revised Code, and 70427  
whose name is submitted to the administrator by the director under 70428



section 5101.36 of the Revised Code. The administrator also shall 70429  
inform the director of the amount of workers' compensation paid to 70430  
the person during such period as the director specifies. 70431

Within fourteen days after receiving from the director of job 70432  
and family services a list of the names and social security 70433  
numbers of recipients or participants of public assistance 70434  
pursuant to section 5101.181 of the Revised Code, the 70435  
administrator shall inform the auditor of state of the name, 70436  
current or most recent address, and social security number of each 70437  
person receiving workers' compensation pursuant to this chapter 70438  
whose name and social security number are the same as that of a 70439  
person whose name or social security number was submitted by the 70440  
director. The administrator also shall inform the auditor of state 70441  
of the amount of workers' compensation paid to the person during 70442  
such period as the director specifies. 70443

The bureau and its employees, except for purposes of 70444  
furnishing the auditor of state with information required by this 70445  
section, shall preserve the confidentiality of recipients or 70446  
participants of public assistance in compliance with ~~division (A)~~ 70447  
~~of~~ section 5101.181 of the Revised Code. 70448

~~For the purposes of this section, "public assistance" means 70449  
medical assistance provided through the medical assistance program 70450  
established under section 5111.01 of the Revised Code, Ohio works 70451  
first provided under Chapter 5107. of the Revised Code, 70452  
prevention, retention, and contingency benefits and services 70453  
provided under Chapter 5108. of the Revised Code, or disability 70454  
financial assistance provided under Chapter 5115. of the Revised 70455  
Code. 70456~~

**Sec. 4131.03.** (A) For the relief of persons who are entitled 70457  
to receive benefits by virtue of the federal act, there is hereby 70458  
established a coal-workers pneumoconiosis fund, which shall be 70459

separate from the funds established and administered pursuant to 70460  
Chapter 4123. of the Revised Code. The fund shall consist of 70461  
premiums and other payments thereto by subscribers who elect to 70462  
subscribe to the fund to insure the payment of benefits required 70463  
by the federal act. 70464

(B)(1) The coal-workers pneumoconiosis fund shall be in the 70465  
custody of the treasurer of state. The bureau of workers' 70466  
compensation shall make disbursements from the fund to those 70467  
persons entitled to payment therefrom and in the amounts required 70468  
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 70469  
investment earnings of the fund shall be credited to the fund. 70470

(2) The Beginning July 1, 2011, and ending June 30, 2013, the 70471  
director of natural resources annually may request the 70472  
administrator of workers' compensation to transfer a portion of 70473  
the investment earnings credited to the coal-workers 70474  
pneumoconiosis fund as provided in this division. If the 70475  
administrator receives a request from the director, the 70476  
administrator of workers' compensation may, on the first day of 70477  
July, or as soon as possible after that date, shall transfer a 70478  
portion of from the investment earnings credited to the 70479  
coal-workers pneumoconiosis fund an amount not to exceed three 70480  
million dollars to the mine safety fund created in section 1561.24 70481  
of the Revised Code for the purposes specified in that section and 70482  
an amount not to exceed one million five hundred thousand dollars 70483  
to the coal mining administration and reclamation reserve fund 70484  
created in section 1513.181 of the Revised Code for the purposes 70485  
specified in that section. The administrator, with the advice and 70486  
consent of the bureau of workers' compensation board of directors, 70487  
shall adopt rules governing the transfer in order to ensure the 70488  
solvency of the coal-workers pneumoconiosis fund. For that 70489  
purpose, the rules may establish tests based on measures of net 70490  
assets, liabilities, expenses, interest, dividend income, or other 70491

factors that the administrator determines appropriate that may be 70492  
applied prior to a transfer. 70493

(C) The administrator shall have the same powers to invest 70494  
any of the surplus or reserve belonging to the coal-workers 70495  
pneumoconiosis fund as are delegated to the administrator under 70496  
section 4123.44 of the Revised Code with respect to the state 70497  
insurance fund. 70498

(D) If the administrator determines that reinsurance of the 70499  
risks of the coal-workers pneumoconiosis fund is necessary to 70500  
assure solvency of the fund, the administrator may: 70501

(1) Enter into contracts for the purchase of reinsurance 70502  
coverage of the risks of the fund with any company or agency 70503  
authorized by law to issue contracts of reinsurance; 70504

(2) Pay the cost of reinsurance from the fund; 70505

(3) Include the costs of reinsurance as a liability and 70506  
estimated liability of the fund. 70507

**Sec. 4141.08.** (A) There is hereby created an unemployment 70508  
compensation advisory council appointed as follows: 70509

(1) Three members who on account of their vocation, 70510  
employment, or affiliations can be classed as representative of 70511  
employers and three members who on account of their vocation, 70512  
employment, or affiliation can be classed as representatives of 70513  
employees appointed by the governor with the advice and consent of 70514  
the senate. All appointees shall be persons whose training and 70515  
experience qualify them to deal with the difficult problems of 70516  
unemployment compensation, particularly with respect to the legal, 70517  
accounting, actuarial, economic, and social aspects of 70518  
unemployment compensation; 70519

(2) The chairpersons of the standing committees of the senate 70520  
and the house of representatives to which legislation pertaining 70521

to Chapter 4141. of the Revised Code is customarily referred; 70522

(3) Two members of the senate appointed by the president of 70523  
the senate; and 70524

(4) Two members of the house of representatives appointed by 70525  
the speaker of the house of representatives. 70526

The speaker and the president shall arrange that of the six 70527  
legislative members appointed to the council, not more than three 70528  
are members of the same political party. 70529

(B) Members appointed by the governor shall serve for a term 70530  
of four years, each term ending on the same day as the date of 70531  
their original appointment. Legislative members shall serve during 70532  
the session of the general assembly to which they are elected and 70533  
for as long as they are members of the general assembly. Vacancies 70534  
shall be filled in the same manner as the original appointment but 70535  
only for the unexpired part of a term. 70536

(C) Members of the council shall serve without salary but, 70537  
notwithstanding section 101.26 of the Revised Code, shall be paid 70538  
a meeting stipend of fifty dollars per day each and their actual 70539  
and necessary expenses while engaged in the performance of their 70540  
duties as members of the council which shall be paid from funds 70541  
allocated to pay the expenses of the council pursuant to this 70542  
section. 70543

(D) The council shall organize itself and select a 70544  
chairperson or co-chairpersons and other officers and committees 70545  
as it considers necessary. Seven members constitute a quorum and 70546  
the council may act only upon the affirmative vote of seven 70547  
members. The council shall meet at least once each calendar 70548  
quarter but it may meet more often as the council considers 70549  
necessary or at the request of the chairperson. 70550

(E) The council may employ professional and clerical 70551  
assistance as it considers necessary and may request of the 70552

director of job and family services assistance as it considers 70553  
necessary. The director shall furnish the council with office and 70554  
meeting space as requested by the council. 70555

(F) The director shall pay the operating expenses of the 70556  
council ~~as determined by the council~~ from moneys in the 70557  
unemployment compensation special administrative fund established 70558  
in section 4141.11 of the Revised Code. 70559

(G) The council shall have access to only the records of the 70560  
department of job and family services that are necessary for the 70561  
administration of this chapter and to the reasonable services of 70562  
the employees of the department. It may request the director, or 70563  
any of the employees appointed by the director, or any employer or 70564  
employee subject to this chapter, to appear before it and to 70565  
testify relative to the functioning of this chapter and to other 70566  
relevant matters. The council may conduct research of its own, 70567  
make and publish reports, and recommend to the director, the 70568  
unemployment compensation review commission, the governor, or the 70569  
general assembly needed changes in this chapter, or in the rules 70570  
of the department as it considers necessary. 70571

**Sec. 4141.11.** There is hereby created in the state treasury 70572  
the unemployment compensation special administrative fund. The 70573  
fund shall consist of all interest collected on delinquent 70574  
contributions pursuant to this chapter, all fines and forfeitures 70575  
collected under this chapter, and all court costs and interest 70576  
paid or collected in connection with the repayment of fraudulently 70577  
obtained benefits pursuant to section 4141.35 of the Revised Code. 70578  
All interest earned on the money in the fund shall be retained in 70579  
the fund and shall not be credited or transferred to any other 70580  
fund or account, except as provided in division (B) of this 70581  
section. All moneys which are deposited or paid into this fund may 70582  
be used by: 70583

(A) The director of job and family services ~~with the approval~~ 70584  
~~of the unemployment compensation advisory council~~ whenever it 70585  
appears that such use is necessary for: 70586

(1) The proper administration of this chapter and no federal 70587  
funds are available for the specific purpose for which the 70588  
expenditure is to be made, provided the moneys are not substituted 70589  
for appropriations from federal funds, which in the absence of 70590  
such moneys would be available; 70591

(2) The proper administration of this chapter for which 70592  
purpose appropriations from federal funds have been requested and 70593  
approved but not received, provided the fund would be reimbursed 70594  
upon receipt of the federal appropriation; 70595

(3) To the extent possible, the repayment to the unemployment 70596  
compensation administration fund of moneys found by the proper 70597  
agency of the United States to have been lost or expended for 70598  
purposes other than, or an amount in excess of, those found 70599  
necessary by the proper agency of the United States for the 70600  
administration of this chapter. 70601

(B) The director or the director's deputy whenever it appears 70602  
that such use is necessary for the payment of refunds or 70603  
adjustments of interest, fines, forfeitures, or court costs 70604  
erroneously collected and paid into this fund pursuant to this 70605  
chapter. 70606

(C) The director, to pay state disaster unemployment benefits 70607  
pursuant to section 4141.292 of the Revised Code. ~~The director~~ 70608  
~~need not have prior approval from the council to make these~~ 70609  
~~payments.~~ 70610

(D) The director, to pay any costs attributable to the 70611  
director that are associated with the sale of real property under 70612  
section 4141.131 of the Revised Code. ~~The director need not have~~ 70613  
~~prior approval from the council to make these payments.~~ 70614

Whenever the balance in the unemployment compensation special 70615  
administrative fund is considered to be excessive by the ~~council~~ 70616  
director, the director shall request the director of budget and 70617  
management to transfer to the unemployment compensation fund the 70618  
amount considered to be excessive. Any balance in the unemployment 70619  
compensation special administrative fund shall not lapse at any 70620  
time, but shall be continuously available to the director of ~~jobs~~ 70621  
job and family services ~~or to the council~~ for expenditures 70622  
consistent with this chapter. 70623

**Sec. 4141.33.** (A) "Seasonal employment" means employment of 70624  
individuals hired primarily to perform services in an industry 70625  
which because of climatic conditions or because of the seasonal 70626  
nature of such industry it is customary to operate only during 70627  
regularly recurring periods of forty weeks or less in any 70628  
consecutive fifty-two weeks. "Seasonal employer" means an employer 70629  
determined by the director of job and family services to be an 70630  
employer whose operations and business, with the exception of 70631  
certain administrative and maintenance operations, are 70632  
substantially all in a seasonal industry. Any employer who claims 70633  
to have seasonal employment in a seasonal industry may file with 70634  
the director a written application for classification of such 70635  
employment as seasonal. Whenever in any industry it is customary 70636  
to operate because of climatic conditions or because of the 70637  
seasonal nature of such industry only during regularly recurring 70638  
periods of forty weeks or less duration, benefits shall be payable 70639  
only during the longest seasonal periods which the best practice 70640  
of such industry will reasonably permit. The director shall 70641  
determine, after investigation, hearing, and due notice, whether 70642  
the industry is seasonal and, if seasonal, establish seasonal 70643  
periods for such seasonal employer. Until such determination by 70644  
the director, no industry or employment shall be deemed seasonal. 70645

(B) When the director has determined such seasonal periods, 70646

the director shall also establish the proportionate number of 70647  
weeks of employment and earnings required to qualify for seasonal 70648  
benefit rights in place of the weeks of employment and earnings 70649  
requirement stipulated in division (R) of section 4141.01 and 70650  
section 4141.30 of the Revised Code, and the proportionate number 70651  
of weeks for which seasonal benefits may be paid. An individual 70652  
whose base period employment consists of only seasonal employment 70653  
for a single seasonal employer and who meets the employment and 70654  
earnings requirements determined by the director pursuant to this 70655  
division will have benefit rights determined in accordance with 70656  
this division. Benefit charges for such seasonal employment shall 70657  
be computed and charged in accordance with division (D) of section 70658  
4141.24 of the Revised Code. The director may adopt rules for 70659  
implementation of this section. 70660

(C) An individual ~~whose base period employment consists of~~ 70661  
~~either seasonal employment with two or more seasonal employers or~~ 70662  
~~both seasonal employment and nonseasonal employment with employers~~ 70663  
~~subject to this chapter, will have benefit rights determined in~~ 70664  
~~accordance with division (R) of section 4141.01 and section~~ 70665  
~~4141.30 of the Revised Code. Benefit charges for both seasonal and~~ 70666  
~~nonseasonal employment shall be computed and charged in accordance~~ 70667  
~~with division (D) of section 4141.24 of the Revised Code. The~~ 70668  
~~total seasonal and nonseasonal benefits during a benefit year~~ 70669  
~~cannot exceed twenty six times the weekly benefit amount who~~ 70670  
performs services that substantially consist of services performed 70671  
in seasonal employment shall not be paid benefits for those 70672  
services for any week in the period between two successive 70673  
seasonal periods if the individual performed those services in the 70674  
first of the seasonal periods and there is reasonable assurance 70675  
that the individual will perform those services in the later of 70676  
the seasonal periods. The director shall adopt rules for the 70677  
implementation of this division. 70678



(D) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons, or similar periods, if the individual performed services in the first of the seasons, or similar periods, and there is a reasonable assurance that the individual will perform services in the later of the seasons, or similar periods.

~~(1)~~(E) The term "reasonable assurance" as used in this ~~division section~~ means a written, verbal, or implied agreement that the individual will perform services in the same or similar capacity during the ensuing sports season or seasonal period.

~~(2)~~(F) The director shall adopt rules concerning the eligibility for benefits of individuals under divisions (C) and (D) of this division section.

**Sec. 4301.12.** The division of liquor control shall provide for the custody, safekeeping, and deposit of all moneys, checks, and drafts received by it or any of its employees or agents prior to paying them to the treasurer of state as provided by section 113.08 of the Revised Code.

A sum equal to three dollars and thirty-eight cents for each gallon of spirituous liquor sold by the division, JobsOhio, or a designee of JobsOhio during the period covered by the payment shall be paid into the state treasury to the credit of the general revenue fund. All moneys received from permit fees, except B-2a and S permit fees from B-2a and S permit holders who do not also hold A-2 permits, shall be paid to the credit of the undivided liquor permit fund established by section 4301.30 of the Revised Code.

Except as otherwise provided by law, all moneys collected

under Chapters 4301. and 4303. of the Revised Code shall be paid 70710  
by the division into the state treasury to the credit of the 70711  
liquor control fund, which is hereby created. In addition, revenue 70712  
resulting from any contracts with the department of commerce 70713  
pertaining to the responsibilities and operations described in 70714  
this chapter may be credited to the fund. Amounts in the liquor 70715  
control fund may be used to pay the operating expenses of the 70716  
liquor control commission. 70717

Whenever, in the judgment of the director of budget and 70718  
management, the amount in the liquor control fund is in excess of 70719  
that needed to meet the maturing obligations of the division, as 70720  
working capital for its further operations, to pay the operating 70721  
expenses of the commission, and for the alcohol testing program 70722  
under section 3701.143 of the Revised Code, the director shall 70723  
transfer the excess to the credit of the general revenue fund. If 70724  
the director determines that the amount in the liquor control fund 70725  
is insufficient, the director may transfer money from the general 70726  
revenue fund to the liquor control fund. 70727

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 70728  
the Revised Code: 70729

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 70730  
fluid ounces. 70731

(2) "Sale" or "sell" includes exchange, barter, gift, 70732  
distribution, and, except with respect to A-4 permit holders, 70733  
offer for sale. 70734

(B) For the purposes of providing revenues for the support of 70735  
the state and encouraging the grape industries in the state, a tax 70736  
is hereby levied on the sale or distribution of wine in Ohio, 70737  
except for known sacramental purposes, at the rate of thirty cents 70738  
per wine gallon for wine containing not less than four per cent of 70739  
alcohol by volume and not more than fourteen per cent of alcohol 70740

by volume, ninety-eight cents per wine gallon for wine containing 70741  
more than fourteen per cent but not more than twenty-one per cent 70742  
of alcohol by volume, one dollar and eight cents per wine gallon 70743  
for vermouth, and one dollar and forty-eight cents per wine gallon 70744  
for sparkling and carbonated wine and champagne, the tax to be 70745  
paid by the holders of A-2 and B-5 permits or by any other person 70746  
selling or distributing wine upon which no tax has been paid. From 70747  
the tax paid under this section on wine, vermouth, and sparkling 70748  
and carbonated wine and champagne, the treasurer of state shall 70749  
credit to the Ohio grape industries fund created under section 70750  
924.54 of the Revised Code a sum equal to one cent per gallon for 70751  
each gallon upon which the tax is paid. 70752

(C) For the purpose of providing revenues for the support of 70753  
the state, there is hereby levied a tax on prepared and bottled 70754  
highballs, cocktails, cordials, and other mixed beverages at the 70755  
rate of one dollar and twenty cents per wine gallon to be paid by 70756  
holders of A-4 permits or by any other person selling or 70757  
distributing those products upon which no tax has been paid. Only 70758  
one sale of the same article shall be used in computing the amount 70759  
of tax due. The tax on mixed beverages to be paid by holders of 70760  
A-4 permits under this section shall not attach until the 70761  
ownership of the mixed beverage is transferred for valuable 70762  
consideration to a wholesaler or retailer, and no payment of the 70763  
tax shall be required prior to that time. 70764

(D) During the period of July 1, ~~2009~~ 2011, through June 30, 70765  
~~2011~~ 2013, from the tax paid under this section on wine, vermouth, 70766  
and sparkling and carbonated wine and champagne, the treasurer of 70767  
state shall credit to the Ohio grape industries fund created under 70768  
section 924.54 of the Revised Code a sum equal to two cents per 70769  
gallon upon which the tax is paid. The amount credited under this 70770  
division is in addition to the amount credited to the Ohio grape 70771  
industries fund under division (B) of this section. 70772

(E) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on cider at the rate of twenty-four cents per wine gallon to be paid by the holders of A-2 and B-5 permits or by any other person selling or distributing cider upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of the tax due.

**Sec. 4301.62.** (A) As used in this section:

(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.

(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

(1) In a state liquor store;

(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;

(3) In any other public place;

(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;

(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(C)(1) A person may have in the person's possession an opened

container of any of the following: 70802

(a) Beer or intoxicating liquor that has been lawfully 70803  
purchased for consumption on the premises where bought from the 70804  
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 70805  
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 70806  
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 70807  
F-8 permit; 70808

(b) Beer, wine, or mixed beverages served for consumption on 70809  
the premises by the holder of an F-3 permit or wine served for 70810  
consumption on the premises by the holder of an F-4 or F-6 permit; 70811

(c) Beer or intoxicating liquor consumed on the premises of a 70812  
convention facility as provided in section 4303.201 of the Revised 70813  
Code; 70814

(d) Beer or intoxicating liquor to be consumed during 70815  
tastings and samplings approved by rule of the liquor control 70816  
commission. 70817

(2) A person may have in the person's possession on an F 70818  
liquor permit premises an opened container of beer or intoxicating 70819  
liquor that was not purchased from the holder of the F permit if 70820  
the premises for which the F permit is issued is a music festival 70821  
and the holder of the F permit grants permission for that 70822  
possession on the premises during the period for which the F 70823  
permit is issued. As used in this division, "music festival" means 70824  
a series of outdoor live musical performances, extending for a 70825  
period of at least three consecutive days and located on an area 70826  
of land of at least forty acres. 70827

(3)(a) A person may have in the person's possession on a D-2 70828  
liquor permit premises an opened or unopened container of wine 70829  
that was not purchased from the holder of the D-2 permit if the 70830  
premises for which the D-2 permit is issued is an outdoor 70831  
performing arts center, the person is attending an orchestral 70832

performance, and the holder of the D-2 permit grants permission 70833  
for the possession and consumption of wine in certain 70834  
predesignated areas of the premises during the period for which 70835  
the D-2 permit is issued. 70836

(b) As used in division (C)(3)(a) of this section: 70837

(i) "Orchestral performance" means a concert comprised of a 70838  
group of not fewer than forty musicians playing various musical 70839  
instruments. 70840

(ii) "Outdoor performing arts center" means an outdoor 70841  
performing arts center that is located on not less than one 70842  
hundred fifty acres of land and that is open for performances from 70843  
the first day of April to the last day of October of each year. 70844

(4) A person may have in the person's possession an opened or 70845  
unopened container of beer or intoxicating liquor at an outdoor 70846  
location at which the person is attending an orchestral 70847  
performance as defined in division (C)(3)(b)(i) of this section if 70848  
the person with supervision and control over the performance 70849  
grants permission for the possession and consumption of beer or 70850  
intoxicating liquor in certain predesignated areas of that outdoor 70851  
location. 70852

(5) A person may have in the person's possession on an F-9 70853  
liquor permit premises an opened or unopened container of beer or 70854  
intoxicating liquor that was not purchased from the holder of the 70855  
F-9 permit if the person is attending an orchestral performance 70856  
and the holder of the F-9 permit grants permission for the 70857  
possession and consumption of beer or intoxicating liquor in 70858  
certain predesignated areas of the premises during the period for 70859  
which the F-9 permit is issued. 70860

As used in division (C)(5) of this section, "orchestral 70861  
performance" has the same meaning as in division (C)(3)(b) of this 70862  
section. 70863

(D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of the person, when all of the following apply:

(1) The person or guest is a passenger in the limousine.

(2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located.

(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:

(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.

(2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.

**Sec. 4301.80.** (A) As used in this section, "community entertainment district" means a bounded area that includes or will include a combination of entertainment, retail, educational, sporting, social, cultural, or arts establishments within close

proximity to some or all of the following types of establishments	70894
within the district, or other types of establishments similar to	70895
these:	70896
(1) Hotels;	70897
(2) Restaurants;	70898
(3) Retail sales establishments;	70899
(4) Enclosed shopping centers;	70900
(5) Museums;	70901
(6) Performing arts theaters;	70902
(7) Motion picture theaters;	70903
(8) Night clubs;	70904
(9) Convention facilities;	70905
(10) Sports facilities;	70906
(11) Entertainment facilities or complexes;	70907
(12) Any combination of the establishments described in	70908
division (A)(1) to (11) of this section that provide similar	70909
services to the community.	70910
(B) Any owner of property located in a municipal corporation	70911
seeking to have that property, or that property and other	70912
surrounding property, designated as a community entertainment	70913
district shall file an application seeking this designation with	70914
the mayor of the municipal corporation in which that property is	70915
located. Any owner of property located in the unincorporated area	70916
of a township seeking to have that property, or that property and	70917
other surrounding property, designated as a community	70918
entertainment district shall file an application seeking this	70919
designation with the board of township trustees of the township in	70920
whose unincorporated area that property is located. An application	70921
to designate an area as a community entertainment district shall	70922



contain all of the following: 70923

(1) The applicant's name and address; 70924

(2) A map or survey of the proposed community entertainment district in sufficient detail to identify the boundaries of the district and the property owned by the applicant; 70925  
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(3) A general statement of the nature and types of establishments described in division (A) of this section that are or will be located within the proposed community improvement district and any other establishments located in the proposed community entertainment district that are not described in division (A) of this section; 70928  
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(4) If some or all of the establishments within the proposed community entertainment district have not yet been developed, the proposed time frame for completing the development of these establishments; 70934  
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(5) Evidence that the uses of land within the proposed community entertainment district are in accord with the municipal corporation's or township's master zoning plan or map; 70938  
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(6) A certificate from a surveyor or engineer licensed under Chapter 4733. of the Revised Code indicating that the area encompassed by the proposed community entertainment district contains no less than twenty contiguous acres; 70941  
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(7) A handling and processing fee to accompany the application, payable to the applicable municipal corporation or township, in an amount determined by that municipal corporation or township. 70945  
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(C) An application described in division (B) of this section relating to an area located in a municipal corporation shall be addressed and submitted to the mayor of the municipal corporation in which the area described in the application is located. The 70949  
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mayor, within thirty days after receiving the application, shall 70953  
submit the application with the mayor's recommendation to the 70954  
legislative authority of the municipal corporation. An application 70955  
described in division (B) of this section relating to an area 70956  
located in the unincorporated area of a township shall be 70957  
addressed and submitted to the board of township trustees of the 70958  
township in whose unincorporated area the area described in the 70959  
application is located. The application is a public record for 70960  
purposes of section 149.43 of the Revised Code upon its receipt by 70961  
the mayor or board of township trustees. 70962

Within thirty days after it receives the application and the 70963  
mayor's recommendations relating to the application, the 70964  
legislative authority of the municipal corporation, by notice 70965  
published once a week for two consecutive weeks in ~~at least~~ one 70966  
newspaper of general circulation in the municipal corporation or 70967  
as provided in section 7.16 of the Revised Code, shall notify the 70968  
public that the application is on file in the office of the clerk 70969  
of the municipal corporation and is available for inspection by 70970  
the public during regular business hours. Within thirty days after 70971  
it receives the application, the board of township trustees, by 70972  
notice published once a week for two consecutive weeks in ~~at least~~ 70973  
one newspaper of general circulation in the township or as 70974  
provided in section 7.16 of the Revised Code, shall notify the 70975  
public that the application is on file in the office of the 70976  
township fiscal officer and is available for inspection by the 70977  
public during regular business hours. The notice shall also 70978  
indicate the date and time of any public hearing by the 70979  
legislative authority or board of township trustees on the 70980  
application. 70981

Within seventy-five days after the date the application is 70982  
filed with the mayor of a municipal corporation, the legislative 70983  
authority of the municipal corporation by ordinance or resolution 70984

shall approve or disapprove the application based on whether the 70985  
proposed community entertainment district does or will 70986  
substantially contribute to entertainment, retail, educational, 70987  
sporting, social, cultural, or arts opportunities for the 70988  
community. The community considered shall at a minimum include the 70989  
municipal corporation in which the community is located. Any 70990  
approval of an application shall be by an affirmative majority 70991  
vote of the legislative authority. 70992

Within seventy-five days after the date the application is 70993  
filed with a board of township trustees, the board by resolution 70994  
shall approve or disapprove the application based on whether the 70995  
proposed community entertainment district does or will 70996  
substantially contribute to entertainment, retail, educational, 70997  
sporting, social, cultural, or arts opportunities for the 70998  
community. The community considered shall at a minimum include the 70999  
township in which the community is located. Any approval of an 71000  
application shall be by an affirmative majority vote of the board 71001  
of township trustees. 71002

If the legislative authority or board of township trustees 71003  
disapproves the application, the applicant may make changes in the 71004  
application to secure its approval by the legislative authority or 71005  
board of township trustees. Any area approved by the legislative 71006  
authority or board of township trustees constitutes a community 71007  
entertainment district, and a local option election may be 71008  
conducted in the district, as a type of community facility, under 71009  
section 4301.356 of the Revised Code. 71010

(D) All or part of an area designated as a community 71011  
entertainment district may lose this designation as provided in 71012  
this division. The legislative authority of a municipal 71013  
corporation in which a community entertainment district is 71014  
located, or the board of township trustees of the township in 71015  
whose unincorporated area a community entertainment district is 71016

located, after giving notice of its proposed action by publication 71017  
once a week for two consecutive weeks in ~~at least~~ one newspaper of 71018  
general circulation in the municipal corporation or township or as 71019  
provided in section 7.16 of the Revised Code, may determine by 71020  
ordinance or resolution in the case of the legislative authority 71021  
of a municipal corporation, or by resolution in the case of a 71022  
board of township trustees of a township, that all or part of the 71023  
area fails to meet the standards described in this section for 71024  
designation of an area as a community entertainment district. If 71025  
the legislative authority or board so determines, the area 71026  
designated in the ordinance or resolution no longer constitutes a 71027  
community entertainment district. 71028

**Sec. 4301.81.** (A) As used in this section: 71029

(1) "Revitalization district" means a bounded area that 71030  
includes or will include a combination of entertainment, retail, 71031  
educational, sporting, social, cultural, or arts establishments 71032  
within close proximity to some or all of the following types of 71033  
establishments within the district, or other types of 71034  
establishments similar to these: 71035

(a) Hotels; 71036

(b) Restaurants; 71037

(c) Retail sales establishments; 71038

(d) Enclosed shopping centers; 71039

(e) Museums; 71040

(f) Performing arts theaters; 71041

(g) Motion picture theaters; 71042

(h) Night clubs; 71043

(i) Convention facilities; 71044

(j) Sports facilities; 71045

- (k) Entertainment facilities or complexes; 71046
- (1) Any combination of the establishments described in 71047  
divisions (A)(1)(a) to (k) of this section that provide similar 71048  
services to the community. 71049
- (2) "Municipal corporation" means a municipal corporation 71050  
with a population of less than one hundred thousand. 71051
- (3) "Township" means a township with a population in its 71052  
unincorporated area of less than one hundred thousand. 71053
- (B) Any owner of property located in a municipal corporation 71054  
seeking to have that property, or that property and other 71055  
surrounding property, designated as a revitalization district 71056  
shall file an application seeking this designation with the mayor 71057  
of the municipal corporation in which that property is located. 71058  
Any owner of property located in the unincorporated area of a 71059  
township seeking to have that property, or that property and other 71060  
surrounding property, designated as a revitalization district 71061  
shall file an application seeking this designation with the board 71062  
of township trustees of the township in whose unincorporated area 71063  
that property is located. An application to designate an area as a 71064  
revitalization district shall contain all of the following: 71065
- (1) The applicant's name and address; 71066
- (2) A map or survey of the proposed revitalization district 71067  
in sufficient detail to identify the boundaries of the district 71068  
and the property owned by the applicant; 71069
- (3) A general statement of the nature and types of 71070  
establishments described in division (A) of this section that are 71071  
or will be located within the proposed revitalization district and 71072  
any other establishments located in the proposed revitalization 71073  
district that are not described in division (A) of this section; 71074
- (4) If some or all of the establishments within the proposed 71075

revitalization district have not yet been developed, the proposed 71076  
time frame for completing the development of these establishments; 71077

(5) Evidence that the uses of land within the proposed 71078  
revitalization district are in accord with the municipal 71079  
corporation's or township's master zoning plan or map; and 71080

(6) A handling and processing fee to accompany the 71081  
application, payable to the applicable municipal corporation or 71082  
township, in an amount determined by that municipal corporation or 71083  
township. 71084

(C) An application relating to an area located in a municipal 71085  
corporation shall be addressed and submitted to the mayor of the 71086  
municipal corporation in which the area described in the 71087  
application is located. The mayor, within thirty days after 71088  
receiving the application, shall submit the application with the 71089  
mayor's recommendation to the legislative authority of the 71090  
municipal corporation. An application relating to an area located 71091  
in the unincorporated area of a township shall be addressed and 71092  
submitted to the board of township trustees of the township in 71093  
whose unincorporated area the area described in the application is 71094  
located. The application is a public record for purposes of 71095  
section 149.43 of the Revised Code upon its receipt by the mayor 71096  
or board of township trustees. 71097

Within thirty days after it receives the application and the 71098  
mayor's recommendations relating to the application, the 71099  
legislative authority of the municipal corporation, by notice 71100  
published once a week for two consecutive weeks in ~~at least~~ one 71101  
newspaper of general circulation in the municipal corporation or 71102  
as provided in section 7.16 of the Revised Code, shall notify the 71103  
public that the application is on file in the office of the clerk 71104  
of the municipal corporation and is available for inspection by 71105  
the public during regular business hours. Within thirty days after 71106  
it receives the application, the board of township trustees, by 71107

notice published once a week for two consecutive weeks in ~~at least~~ 71108  
one newspaper of general circulation in the township or as 71109  
provided in section 7.16 of the Revised Code, shall notify the 71110  
public that the application is on file in the office of the 71111  
township fiscal officer and is available for inspection by the 71112  
public during regular business hours. The notice shall also 71113  
indicate the date and time of any public hearing by the municipal 71114  
legislative authority or board of township trustees on the 71115  
application. 71116

Within seventy-five days after the date the application is 71117  
filed with the mayor of a municipal corporation, the legislative 71118  
authority of the municipal corporation by ordinance or resolution 71119  
shall approve or disapprove the application based on whether the 71120  
proposed revitalization district does or will substantially 71121  
contribute to entertainment, retail, educational, sporting, 71122  
social, cultural, or arts opportunities for the community. The 71123  
community considered shall at a minimum include the municipal 71124  
corporation in which the community is located. Any approval of an 71125  
application shall be by an affirmative majority vote of the 71126  
legislative authority. Not more than one revitalization district 71127  
shall be designated within the municipal corporation. 71128

Within seventy-five days after the date the application is 71129  
filed with a board of township trustees, the board by resolution 71130  
shall approve or disapprove the application based on whether the 71131  
proposed revitalization district does or will substantially 71132  
contribute to entertainment, retail, educational, sporting, 71133  
social, cultural, or arts opportunities for the community. The 71134  
community considered shall at a minimum include the township in 71135  
which the community is located. Any approval of an application 71136  
shall be by an affirmative majority vote of the board of township 71137  
trustees. Not more than one revitalization district shall be 71138  
designated within the unincorporated area of the township. 71139

If the municipal legislative authority or board of township trustees disapproves the application, the applicant may make changes in the application to secure its approval by the legislative authority or board of township trustees. Any area approved by the legislative authority or board of township trustees constitutes a revitalization district, and a local option election may be conducted in the district, as a type of community facility, under section 4301.356 of the Revised Code.

(D) All or part of an area designated as a revitalization district may lose this designation as provided in this division. The legislative authority of a municipal corporation in which a revitalization district is located, or the board of township trustees of the township in whose unincorporated area a revitalization district is located, after giving notice of its proposed action by publication once a week for two consecutive weeks in ~~at least~~ one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code, may determine by ordinance or resolution in the case of the legislative authority of a municipal corporation, or by resolution in the case of a board of township trustees of a township, that all or part of the area fails to meet the standards described in this section for designation of an area as a revitalization district. If the legislative authority or board so determines, the area designated in the ordinance or resolution no longer constitutes a revitalization district.

**Sec. 4303.02.** Permit A-1 may be issued to a manufacturer to manufacture beer and sell beer products in bottles or containers for home use and to retail and wholesale permit holders under rules ~~promulgated~~ adopted by the division of liquor control. In addition, an A-1 permit holder may sell beer and beer products at retail, by individual drink in a glass or from a container, for consumption on the premises where sold. The fee for this permit is



three thousand nine hundred six dollars for each plant during the 71172  
year covered by the permit. 71173

Sec. 4303.209. (A)(1) The division of liquor control may 71174  
issue an F-9 permit to a nonprofit corporation that operates a 71175  
park on property leased from a municipal corporation or a 71176  
nonprofit corporation that provides or manages entertainment 71177  
programming pursuant to an agreement with a nonprofit corporation 71178  
that operates a park on property leased from a municipal 71179  
corporation to sell beer or intoxicating liquor by the individual 71180  
drink at specific events conducted within the park property and 71181  
appurtenant streets, but only if, and only at times at which, the 71182  
sale of beer and intoxicating liquor on the premises is otherwise 71183  
permitted by law. Additionally, an F-9 permit may be issued only 71184  
if the park property is located in a county that has a population 71185  
of between one million one hundred thousand and one million two 71186  
hundred thousand on the effective date of this section. 71187

(2) The division may issue separate F-9 permits to a 71188  
nonprofit corporation that operates a park on property leased from 71189  
a municipal corporation and a nonprofit corporation that provides 71190  
or manages entertainment programming pursuant to an agreement with 71191  
a nonprofit corporation that operates a park on property leased 71192  
from a municipal corporation to be effective during the same time 71193  
period. However, the permit privileges may be exercised by only 71194  
one of the holders of an F-9 permit at specific events. The other 71195  
holder of an F-9 permit shall certify to the division that it will 71196  
not exercise its permit privileges during that specific event. 71197

(3) The premises on which an F-9 permit will be used shall be 71198  
clearly defined and sufficiently restricted to allow proper 71199  
supervision of the permit's use by state and local law enforcement 71200  
officers. Sales under an F-9 permit shall be confined to the same 71201  
hours permitted to the holder of a D-3 permit. 71202

(4) The fee for an F-9 permit is one thousand seven hundred 71203  
dollars. An F-9 permit is effective for a period not to exceed 71204  
nine months as specified in the permit. An F-9 permit is not 71205  
transferable or renewable. However, the holder of an F-9 permit 71206  
may apply for a new F-9 permit at any time. The holder of an F-9 71207  
permit shall make sales only at those specific events about which 71208  
the permit holder has notified in advance the division of liquor 71209  
control, the department of public safety, and the chief, sheriff, 71210  
or other principal peace officer of the local law enforcement 71211  
agencies having jurisdiction over the premises. 71212

(B)(1) An application for the issuance of an F-9 permit is 71213  
subject to the notice and hearing requirements established in 71214  
division (A) of section 4303.26 of the Revised Code. 71215

(2) The liquor control commission shall adopt rules under 71216  
Chapter 119. of the Revised Code necessary to administer this 71217  
section. 71218

(C) No F-9 permit holder shall sell beer or intoxicating 71219  
liquor beyond the hours of sale allowed by the permit. This 71220  
division imposes strict liability on the holder of an F-9 permit 71221  
and on any officer, agent, or employee of that permit holder. 71222

**Sec. 4313.01. As used in this chapter:** 71223

(A) "Enterprise acquisition project" means, as applicable, 71224  
all or any portion of the capital or other assets of the 71225  
spirituous liquor distribution and merchandising operations of the 71226  
division of liquor control, including, without limitation, 71227  
inventory, real property rights, equipment, furnishings, the 71228  
spirituous liquor distribution system including transportation, 71229  
the monetary management system, warehouses, contract rights, 71230  
rights to take assignment of contracts and related receipts and 71231  
revenues, accounts receivable, the exclusive right to manage and 71232  
control spirituous liquor distribution and merchandising and to 71233

sell spirituous liquor in the state subject to the control of the 71234  
division of liquor control pursuant to the terms of the transfer 71235  
agreement, and all necessary appurtenances thereto, or leasehold 71236  
interests therein, and the assets and liabilities of the 71237  
facilities establishment fund. 71238

(B) "JobsOhio" means the nonprofit corporation formed under 71239  
section 187.01 of the Revised Code and includes any subsidiary of 71240  
that corporation unless otherwise specified or clearly implied 71241  
from the context, together with any successor or assignee of that 71242  
corporation or any such subsidiary if and to the extent permitted 71243  
by the transfer agreement or Chapter 187. of the Revised Code. 71244

(C) "Spirituous liquor profits" means all receipts 71245  
representing the gross profit on the sale of spirituous liquor, as 71246  
referred to in division (B)(4) of section 4301.10 of the Revised 71247  
Code, less the costs, expenses, and working capital provided for 71248  
therein, but excluding the sum required by the second paragraph of 71249  
section 4301.12 of the Revised Code, as in effect on May 2, 1980, 71250  
to be paid into the state treasury, provided that from and after 71251  
the initial transfer of the enterprise acquisition project to 71252  
JobsOhio and until the transfer back to the state under division 71253  
(D) of section 4313.02 of the Revised Code, the reference in 71254  
division (B)(4) of section 4301.10 of the Revised Code to all 71255  
costs and expenses of the division and also an adequate working 71256  
capital reserve for the division shall be to all costs and 71257  
expenses of JobsOhio and providing an adequate working capital 71258  
reserve for JobsOhio. 71259

(D) "Transfer" means an assignment and sale, conveyance, 71260  
granting of a franchise, lease, or transfer of all or an interest. 71261

(E) "Transfer agreement" means the agreement entered into 71262  
between the state and JobsOhio providing for the transfer of the 71263  
enterprise acquisition project pursuant to section 4313.02 of the 71264  
Revised Code and any amendments or supplements thereto. 71265

Sec. 4313.02. (A) The state may transfer to JobsOhio, and 71266  
JobsOhio may accept the transfer of, all or a portion of the 71267  
enterprise acquisition project for a transfer price payable by 71268  
JobsOhio to the state. Any such transfer shall be treated as an 71269  
absolute conveyance and true sale of the interest in the 71270  
enterprise acquisition project purported to be conveyed for all 71271  
purposes, and not as a pledge or other security interest. The 71272  
characterization of any such transfer as a true sale and absolute 71273  
conveyance shall not be negated or adversely affected by the 71274  
acquisition or retention by the state of a residual interest in 71275  
the enterprise acquisition project, the participation of any state 71276  
officer or employee as a member or officer of, or provision of 71277  
staff support to, JobsOhio, any responsibility an officer or 71278  
employee of the state may have to collect amounts to be received 71279  
by JobsOhio from the enterprise acquisition project, or the 71280  
retention of the state of any legal title to or interest in any 71281  
portion of the enterprise acquisition project for the purpose of 71282  
these collection activities, or any characterization of JobsOhio 71283  
or obligations of JobsOhio under accounting, taxation, or 71284  
securities regulations, or any other reason whatsoever. An 71285  
absolute conveyance and true sale or lease shall exist under this 71286  
section regardless of whether JobsOhio has any recourse against 71287  
the state or the treatment or characterization of the transfer as 71288  
a financing for any purpose. Upon and following the transfer, the 71289  
state shall not have any right, title, or interest in the 71290  
enterprise acquisition project so transferred other than any 71291  
residual interest that may be described in the transfer agreement 71292  
pursuant to the following paragraph and division (D) of this 71293  
section. Any determination of the fair market value of the 71294  
enterprise acquisition project reflected in the transfer agreement 71295  
shall be conclusive and binding on the state and JobsOhio. 71296

Any transfer of the enterprise acquisition project that is a 71297

lease or grant of a franchise shall be for a term not to exceed 71298  
twenty-five years. Any transfer of the enterprise acquisition 71299  
project that is an assignment and sale, conveyance, or other 71300  
transfer shall contain a provision that the state shall have the 71301  
option to have conveyed or transferred back to it, at no cost, the 71302  
enterprise acquisition project, as it then exists, no later than 71303  
twenty-five years after the original transfer authorized in the 71304  
transfer agreement on such other terms as shall be provided in the 71305  
transfer agreement. 71306

The exercise of the powers granted by this section will be 71307  
for the benefit of the people of the state. As the services 71308  
performed by JobsOhio will constitute the performance of essential 71309  
government functions, all or any portion of the enterprise 71310  
acquisition project transferred pursuant to the transfer agreement 71311  
that would be exempt from real property taxes or assessments or 71312  
real property taxes or assessments in the absence of such transfer 71313  
shall, as it may from time to time exist thereafter, remain exempt 71314  
from real property taxes or assessments levied by the state and 71315  
its subdivisions to the same extent as if not transferred. The 71316  
gross receipts and income of JobsOhio derived from the enterprise 71317  
acquisition project shall be exempt from taxation levied by the 71318  
state and its subdivisions, including, but not limited to, the 71319  
taxes levied pursuant to Chapters 718., 5739., 5741., 5747., and 71320  
5751. of the Revised Code. Any transfer from the state to JobsOhio 71321  
of the enterprise acquisition project, or item included or to be 71322  
included in the project, shall be exempt from the taxes levied 71323  
pursuant to Chapters 5739. and 5741. of the Revised Code. 71324

(B) The proceeds of any transfer under division (A) of this 71325  
section may be expended as provided in the transfer agreement for 71326  
any one or more of the following purposes: 71327

(1) Funding, payment, or defeasance of outstanding bonds 71328  
issued pursuant to Chapters 151. and 166. of the Revised Code and 71329

secured by pledged liquor profits as defined in section 151.40 of 71330  
the Revised Code; 71331

(2) Deposit into the general revenue fund; 71332

(3) Deposit into the clean Ohio revitalization fund created 71333  
pursuant to section 122.658 of the Revised Code, the innovation 71334  
Ohio loan fund created pursuant to section 166.16 of the Revised 71335  
Code, the research and development loan fund created pursuant to 71336  
section 166.20 of the Revised Code, the logistics and distribution 71337  
infrastructure fund created pursuant to section 166.26 of the 71338  
Revised Code, the advanced energy research and development fund 71339  
created pursuant to section 3706.27 of the Revised Code, and the 71340  
advanced energy research and development taxable fund created 71341  
pursuant to section 3706.27 of the Revised Code; 71342

(4) Conveyance to JobsOhio for the purposes for which it was 71343  
created. 71344

(C)(1) The state may covenant, pledge, and agree in the 71345  
transfer agreement, with and for the benefit of JobsOhio, that it 71346  
shall maintain statutory authority for the enterprise acquisition 71347  
project and the revenues of the enterprise acquisition project and 71348  
not otherwise materially impair any obligations supported by a 71349  
pledge of revenues of the enterprise acquisition project. The 71350  
transfer agreement may provide or authorize the manner for 71351  
determining material impairment of the security for any such 71352  
outstanding obligations, including by assessing and evaluating the 71353  
revenues of the enterprise acquisition project. 71354

(2) The governor, director of development, director of 71355  
commerce, and director of budget and management may, without need 71356  
for any other approval take any action and execute any documents, 71357  
including any transfer agreements, necessary to effect the 71358  
transfer and the acceptance of the transfer of the enterprise 71359  
acquisition project. The director of budget and management, 71360

director of commerce, and director of development may also, 71361  
without need for any other approval, retain or contract for the 71362  
services of commercial appraisers, underwriters, investment 71363  
bankers, and financial advisers, as are necessary in their 71364  
judgment to effect the transfer agreement. Any transfer agreement 71365  
may contain terms and conditions established by the state to carry 71366  
out and effectuate the purposes of this section, including, 71367  
without limitation, covenants binding the state in favor of 71368  
JobsOhio. Any such transfer agreement shall be sufficient to 71369  
effectuate the transfer without regard to any other laws governing 71370  
other property sales or financial transactions by the state. The 71371  
director of budget and management may create any funds or 71372  
accounts, within or without the state treasury, as are needed for 71373  
the transactions and activities authorized by this section. 71374

(3) The transfer agreement may authorize JobsOhio to sell, 71375  
lease, release, or otherwise dispose of real and personal property 71376  
or interests therein, or a combination thereof, acquired by 71377  
JobsOhio under this section and no longer needed for the purposes 71378  
of this chapter, the enterprise acquisition project, or JobsOhio, 71379  
and to grant such easements and other interests and rights in, 71380  
over, under, or across all or a portion of the enterprise 71381  
acquisition project as will not interfere with its use of such 71382  
property. Such sale, lease, release, disposition, or grant may be 71383  
made without competitive bidding and in such manner and for such 71384  
consideration as JobsOhio in its judgment deems appropriate. 71385  
Subject to the provisions of the first sentence of this paragraph, 71386  
ownership of the interest in the enterprise acquisition project 71387  
that is transferred to JobsOhio under this section and the 71388  
transfer agreement shall be maintained in JobsOhio or a nonprofit 71389  
entity the sole member of which is JobsOhio until the enterprise 71390  
acquisition project is transferred back to the state pursuant to 71391  
the second paragraph of division (A) and division (D) of this 71392  
section. 71393

(D) The transfer agreement may authorize JobsOhio to fix, 71394  
alter, and collect rentals and other charges for the use and 71395  
occupancy of all or any portion of the enterprise acquisition 71396  
project and to lease any portion of the enterprise acquisition 71397  
project to others, and shall include a contract with, or the 71398  
granting of an option to, the state to have the enterprise 71399  
acquisition project, as it then exists, transferred back to it 71400  
without charge in accordance with the terms of the transfer 71401  
agreement after retirement or redemption, or provision therefor, 71402  
of all obligations supported by a pledge of spirituous liquor 71403  
profits. 71404

(E) JobsOhio, the director of budget and management, the 71405  
director of commerce, and the director of development may also, 71406  
without need for any other approval, enter into a contract, which 71407  
may be part of the transfer agreement, for the continuing 71408  
operation by the division of liquor control of spirituous liquor 71409  
distribution and merchandising subject to standards for 71410  
performance provided in that contract that may relate to or 71411  
support division (C)(1) of this section. The contract may 71412  
establish other terms and conditions for the assignment of duties 71413  
to, and the provision of advice, services, and other assistance 71414  
by, the division of liquor control, including providing for the 71415  
necessary staffing and payment by JobsOhio of appropriate 71416  
compensation to the division for the performance of such duties 71417  
and the provision of such advice, services, and other assistance. 71418  
The provisions of, and activities under, any such contract are 71419  
subject to the requirements of, and limitations established under, 71420  
divisions (A)(1), (3), and (5) and (B)(4) of section 4301.10 and 71421  
section 4301.17 of the Revised Code. 71422

(F) The transfer agreement shall require JobsOhio to pay for 71423  
the operations of the division of liquor control with regard to 71424  
the spirituous liquor merchandising operations of the division. 71425



The payments from JobsOhio shall be deposited into the state treasury to the credit of the liquor control fund created in section 4301.12 of the Revised Code.

**Sec. 4503.06.** (A) The owner of each manufactured or mobile home that has acquired situs in this state shall pay either a real property tax pursuant to Title LVIII of the Revised Code or a manufactured home tax pursuant to division (C) of this section.

(B) The owner of a manufactured or mobile home shall pay real property taxes if either of the following applies:

(1) The manufactured or mobile home acquired situs in the state or ownership in the home was transferred on or after January 1, 2000, and all of the following apply:

(a) The home is affixed to a permanent foundation as defined in division (C)(5) of section 3781.06 of the Revised Code.

(b) The home is located on land that is owned by the owner of the home.

(c) The certificate of title has been inactivated by the clerk of the court of common pleas that issued it, pursuant to division (H) of section 4505.11 of the Revised Code.

(2) The manufactured or mobile home acquired situs in the state or ownership in the home was transferred before January 1, 2000, and all of the following apply:

(a) The home is affixed to a permanent foundation as defined in division (C)(5) of section 3781.06 of the Revised Code.

(b) The home is located on land that is owned by the owner of the home.

(c) The owner of the home has elected to have the home taxed as real property and, pursuant to section 4505.11 of the Revised Code, has surrendered the certificate of title to the auditor of

the county containing the taxing district in which the home has 71455  
its situs, together with proof that all taxes have been paid. 71456

(d) The county auditor has placed the home on the real 71457  
property tax list and delivered the certificate of title to the 71458  
clerk of the court of common pleas that issued it and the clerk 71459  
has inactivated the certificate. 71460

(C)(1) Any mobile or manufactured home that is not taxed as 71461  
real property as provided in division (B) of this section is 71462  
subject to an annual manufactured home tax, payable by the owner, 71463  
for locating the home in this state. The tax as levied in this 71464  
section is for the purpose of supplementing the general revenue 71465  
funds of the local subdivisions in which the home has its situs 71466  
pursuant to this section. 71467

(2) The year for which the manufactured home tax is levied 71468  
commences on the first day of January and ends on the following 71469  
thirty-first day of December. The state shall have the first lien 71470  
on any manufactured or mobile home on the list for the amount of 71471  
taxes, penalties, and interest charged against the owner of the 71472  
home under this section. The lien of the state for the tax for a 71473  
year shall attach on the first day of January to a home that has 71474  
acquired situs on that date. The lien for a home that has not 71475  
acquired situs on the first day of January, but that acquires 71476  
situs during the year, shall attach on the next first day of 71477  
January. The lien shall continue until the tax, including any 71478  
penalty or interest, is paid. 71479

(3)(a) The situs of a manufactured or mobile home located in 71480  
this state on the first day of January is the local taxing 71481  
district in which the home is located on that date. 71482

(b) The situs of a manufactured or mobile home not located in 71483  
this state on the first day of January, but located in this state 71484  
subsequent to that date, is the local taxing district in which the 71485

home is located thirty days after it is acquired or first enters 71486  
this state. 71487

(4) The tax is collected by and paid to the county treasurer 71488  
of the county containing the taxing district in which the home has 71489  
its situs. 71490

(D) The manufactured home tax shall be computed and assessed 71491  
by the county auditor of the county containing the taxing district 71492  
in which the home has its situs as follows: 71493

(1) On a home that acquired situs in this state prior to 71494  
January 1, 2000: 71495

(a) By multiplying the assessable value of the home by the 71496  
tax rate of the taxing district in which the home has its situs, 71497  
and deducting from the product thus obtained any reduction 71498  
authorized under section 4503.065 of the Revised Code. The tax 71499  
levied under this formula shall not be less than thirty-six 71500  
dollars, unless the home qualifies for a reduction in assessable 71501  
value under section 4503.065 of the Revised Code, in which case 71502  
there shall be no minimum tax and the tax shall be the amount 71503  
calculated under this division. 71504

(b) The assessable value of the home shall be forty per cent 71505  
of the amount arrived at by the following computation: 71506

(i) If the cost to the owner, or market value at time of 71507  
purchase, whichever is greater, of the home includes the 71508  
furnishings and equipment, such cost or market value shall be 71509  
multiplied according to the following schedule: 71510

For the first calendar year			71511
in which the			71512
home is owned by the			71513
current owner	x	80%	71514
2nd calendar year	x	75%	71515
3rd "	x	70%	71516

4th "	x	65%	71517
5th "	x	60%	71518
6th "	x	55%	71519
7th "	x	50%	71520
8th "	x	45%	71521
9th "	x	40%	71522
10th and each year thereafter	x	35%	71523

The first calendar year means any period between the first 71524  
day of January and the thirty-first day of December of the first 71525  
year. 71526

(ii) If the cost to the owner, or market value at the time of 71527  
purchase, whichever is greater, of the home does not include the 71528  
furnishings and equipment, such cost or market value shall be 71529  
multiplied according to the following schedule: 71530

For the first calendar year 71531			
in which the 71532			
home is owned by the 71533			
current owner	x	95%	71534
2nd calendar year	x	90%	71535
3rd "	x	85%	71536
4th "	x	80%	71537
5th "	x	75%	71538
6th "	x	70%	71539
7th "	x	65%	71540
8th "	x	60%	71541
9th "	x	55%	71542
10th and each year thereafter	x	50%	71543

The first calendar year means any period between the first 71544  
day of January and the thirty-first day of December of the first 71545  
year. 71546

(2) On a home in which ownership was transferred or that 71547  
first acquired situs in this state on or after January 1, 2000: 71548

(a) By multiplying the assessable value of the home by the 71549  
effective tax rate, as defined in section 323.08 of the Revised 71550  
Code, for residential real property of the taxing district in 71551  
which the home has its situs, and deducting from the product thus 71552  
obtained the reductions required or authorized under section 71553  
319.302, division (B) of section 323.152, or section 4503.065 of 71554  
the Revised Code. 71555

(b) The assessable value of the home shall be thirty-five per 71556  
cent of its true value as determined under division (L) of this 71557  
section. 71558

(3) On or before the fifteenth day of January each year, the 71559  
county auditor shall record the assessable value and the amount of 71560  
tax on the manufactured or mobile home on the tax list and deliver 71561  
a duplicate of the list to the county treasurer. In the case of an 71562  
emergency as defined in section 323.17 of the Revised Code, the 71563  
tax commissioner, by journal entry, may extend the times for 71564  
delivery of the duplicate for an additional fifteen days upon 71565  
receiving a written application from the county auditor regarding 71566  
an extension for the delivery of the duplicate, or from the county 71567  
treasurer regarding an extension of the time for the billing and 71568  
collection of taxes. The application shall contain a statement 71569  
describing the emergency that will cause the unavoidable delay and 71570  
must be received by the tax commissioner on or before the last day 71571  
of the month preceding the day delivery of the duplicate is 71572  
otherwise required. When an extension is granted for delivery of 71573  
the duplicate, the time period for payment of taxes shall be 71574  
extended for a like period of time. When a delay in the closing of 71575  
a tax collection period becomes unavoidable, the tax commissioner, 71576  
upon application by the county auditor and county treasurer, may 71577  
order the time for payment of taxes to be extended if the tax 71578  
commissioner determines that penalties have accrued or would 71579  
otherwise accrue for reasons beyond the control of the taxpayers 71580

of the county. The order shall prescribe the final extended date 71581  
for payment of taxes for that collection period. 71582

(4) After January 1, 1999, the owner of a manufactured or 71583  
mobile home taxed pursuant to division (D)(1) of this section may 71584  
elect to have the home taxed pursuant to division (D)(2) of this 71585  
section by filing a written request with the county auditor of the 71586  
taxing district in which the home is located on or before the 71587  
first day of December of any year. Upon the filing of the request, 71588  
the county auditor shall determine whether all taxes levied under 71589  
division (D)(1) of this section have been paid, and if those taxes 71590  
have been paid, the county auditor shall tax the manufactured or 71591  
mobile home pursuant to division (D)(2) of this section commencing 71592  
in the next tax year. 71593

(5) A manufactured or mobile home that acquired situs in this 71594  
state prior to January 1, 2000, shall be taxed pursuant to 71595  
division (D)(2) of this section if no manufactured home tax had 71596  
been paid for the home and the home was not exempted from taxation 71597  
pursuant to division (E) of this section for the year for which 71598  
the taxes were not paid. 71599

(6)(a) Immediately upon receipt of any manufactured home tax 71600  
duplicate from the county auditor, but not less than twenty days 71601  
prior to the last date on which the first one-half taxes may be 71602  
paid without penalty as prescribed in division (F) of this 71603  
section, the county treasurer shall cause to be prepared and 71604  
mailed or delivered to each person charged on that duplicate with 71605  
taxes, or to an agent designated by such person, the tax bill 71606  
prescribed by the tax commissioner under division (D)(7) of this 71607  
section. When taxes are paid by installments, the county treasurer 71608  
shall mail or deliver to each person charged on such duplicate or 71609  
the agent designated by that person a second tax bill showing the 71610  
amount due at the time of the second tax collection. The second 71611  
half tax bill shall be mailed or delivered at least twenty days 71612

prior to the close of the second half tax collection period. A 71613  
change in the mailing address of any tax bill shall be made in 71614  
writing to the county treasurer. Failure to receive a bill 71615  
required by this section does not excuse failure or delay to pay 71616  
any taxes shown on the bill or, except as provided in division 71617  
(B)(1) of section 5715.39 of the Revised Code, avoid any penalty, 71618  
interest, or charge for such delay. 71619

(b) After delivery of the copy of the delinquent manufactured 71620  
home tax list under division (H) of this section, the county 71621  
treasurer may prepare and mail to each person in whose name a home 71622  
is listed an additional tax bill showing the total amount of 71623  
delinquent taxes charged against the home as shown on the list. 71624  
The tax bill shall include a notice that the interest charge 71625  
prescribed by division (G) of this section has begun to accrue. 71626

(7) Each tax bill prepared and mailed or delivered under 71627  
division (D)(6) of this section shall be in the form and contain 71628  
the information required by the tax commissioner. The commissioner 71629  
may prescribe different forms for each county and may authorize 71630  
the county auditor to make up tax bills and tax receipts to be 71631  
used by the county treasurer. The tax bill shall not contain or be 71632  
mailed or delivered with any information or material that is not 71633  
required by this section or that is not authorized by section 71634  
321.45 of the Revised Code or by the tax commissioner. In addition 71635  
to the information required by the commissioner, each tax bill 71636  
shall contain the following information: 71637

(a) The taxes levied and the taxes charged and payable 71638  
against the manufactured or mobile home; 71639

(b) The following notice: "Notice: If the taxes are not paid 71640  
within sixty days after the county auditor delivers the delinquent 71641  
manufactured home tax list to the county treasurer, you and your 71642  
home may be subject to collection proceedings for tax 71643  
delinquency." Failure to provide such notice has no effect upon 71644

the validity of any tax judgment to which a home may be subjected. 71645

(c) In the case of manufactured or mobile homes taxed under 71646  
division (D)(2) of this section, the following additional 71647  
information: 71648

(i) The effective tax rate. The words "effective tax rate" 71649  
shall appear in boldface type. 71650

(ii) The following notice: "Notice: If the taxes charged 71651  
against this home have been reduced by the 2-1/2 per cent tax 71652  
reduction for residences occupied by the owner but the home is not 71653  
a residence occupied by the owner, the owner must notify the 71654  
county auditor's office not later than March 31 of the year for 71655  
which the taxes are due. Failure to do so may result in the owner 71656  
being convicted of a fourth degree misdemeanor, which is 71657  
punishable by imprisonment up to 30 days, a fine up to \$250, or 71658  
both, and in the owner having to repay the amount by which the 71659  
taxes were erroneously or illegally reduced, plus any interest 71660  
that may apply. 71661

If the taxes charged against this home have not been reduced 71662  
by the 2-1/2 per cent tax reduction and the home is a residence 71663  
occupied by the owner, the home may qualify for the tax reduction. 71664  
To obtain an application for the tax reduction or further 71665  
information, the owner may contact the county auditor's office at 71666  
..... (insert the address and telephone number of the county 71667  
auditor's office)." 71668

(E)(1) A manufactured or mobile home is not subject to this 71669  
section when any of the following applies: 71670

(a) It is taxable as personal property pursuant to section 71671  
5709.01 of the Revised Code. Any manufactured or mobile home that 71672  
is used as a residence shall be subject to this section and shall 71673  
not be taxable as personal property pursuant to section 5709.01 of 71674  
the Revised Code. 71675



(b) It bears a license plate issued by any state other than 71676  
this state unless the home is in this state in excess of an 71677  
accumulative period of thirty days in any calendar year. 71678

(c) The annual tax has been paid on the home in this state 71679  
for the current year. 71680

(d) The tax commissioner has determined, pursuant to section 71681  
5715.27 of the Revised Code, that the property is exempt from 71682  
taxation, or would be exempt from taxation under Chapter 5709. of 71683  
the Revised Code if it were classified as real property. 71684

(2) A travel trailer or park trailer, as these terms are 71685  
defined in section 4501.01 of the Revised Code, is not subject to 71686  
this section if it is unused or unoccupied and stored at the 71687  
owner's normal place of residence or at a recognized storage 71688  
facility. 71689

(3) A travel trailer or park trailer, as these terms are 71690  
defined in section 4501.01 of the Revised Code, is subject to this 71691  
section and shall be taxed as a manufactured or mobile home if it 71692  
has a situs longer than thirty days in one location and is 71693  
connected to existing utilities, unless either of the following 71694  
applies: 71695

(a) The situs is in a state facility or a camping or park 71696  
area as defined in division (C), (Q), (S), or (V) of section 71697  
3729.01 of the Revised Code. 71698

(b) The situs is in a camping or park area that is a tract of 71699  
land that has been limited to recreational use by deed or zoning 71700  
restrictions and subdivided for sale of five or more individual 71701  
lots for the express or implied purpose of occupancy by either 71702  
self-contained recreational vehicles as defined in division (T) of 71703  
section 3729.01 of the Revised Code or by dependent recreational 71704  
vehicles as defined in division (D) of section 3729.01 of the 71705  
Revised Code. 71706

(F) Except as provided in division (D)(3) of this section, 71707  
the manufactured home tax is due and payable as follows: 71708

(1) When a manufactured or mobile home has a situs in this 71709  
state, as provided in this section, on the first day of January, 71710  
one-half of the amount of the tax is due and payable on or before 71711  
the first day of March and the balance is due and payable on or 71712  
before the thirty-first day of July. At the option of the owner of 71713  
the home, the tax for the entire year may be paid in full on the 71714  
first day of March. 71715

(2) When a manufactured or mobile home first acquires a situs 71716  
in this state after the first day of January, no tax is due and 71717  
payable for that year. 71718

(G)(1)(a) Except as otherwise provided in division (G)(1)(b) 71719  
of this section, if one-half of the current taxes charged under 71720  
this section against a manufactured or mobile home, together with 71721  
the full amount of any delinquent taxes, are not paid on or before 71722  
the first day of March in that year, or on or before the last day 71723  
for such payment as extended pursuant to section 4503.063 of the 71724  
Revised Code, a penalty of ten per cent shall be charged against 71725  
the unpaid balance of such half of the current taxes. If the total 71726  
amount of all such taxes is not paid on or before the thirty-first 71727  
day of July, next thereafter, or on or before the last day for 71728  
payment as extended pursuant to section 4503.063 of the Revised 71729  
Code, a like penalty shall be charged on the balance of the total 71730  
amount of the unpaid current taxes. 71731

(b) After a valid delinquent tax contract that includes 71732  
unpaid current taxes from a first-half collection period described 71733  
in division (F) of this section has been entered into under 71734  
section 323.31 of the Revised Code, no ten per cent penalty shall 71735  
be charged against such taxes after the second-half collection 71736  
period while the delinquent tax contract remains in effect. On the 71737  
day a delinquent tax contract becomes void, the ten per cent 71738

penalty shall be charged against such taxes and shall equal the amount of penalty that would have been charged against unpaid current taxes outstanding on the date on which the second-half penalty would have been charged thereon under division (G)(1)(a) of this section if the contract had not been in effect.

(2)(a) On the first day of the month following the last day the second installment of taxes may be paid without penalty beginning in 2000, interest shall be charged against and computed on all delinquent taxes other than the current taxes that became delinquent taxes at the close of the last day such second installment could be paid without penalty. The charge shall be for interest that accrued during the period that began on the preceding first day of December and ended on the last day of the month that included the last date such second installment could be paid without penalty. The interest shall be computed at the rate per annum prescribed by section 5703.47 of the Revised Code and shall be entered as a separate item on the delinquent manufactured home tax list compiled under division (H) of this section.

(b) On the first day of December beginning in 2000, the interest shall be charged against and computed on all delinquent taxes. The charge shall be for interest that accrued during the period that began on the first day of the month following the last date prescribed for the payment of the second installment of taxes in the current year and ended on the immediately preceding last day of November. The interest shall be computed at the rate per annum prescribed by section 5703.47 of the Revised Code and shall be entered as a separate item on the delinquent manufactured home tax list.

(c) After a valid undertaking has been entered into for the payment of any delinquent taxes, no interest shall be charged against such delinquent taxes while the undertaking remains in effect in compliance with section 323.31 of the Revised Code. If a

valid undertaking becomes void, interest shall be charged against 71771  
the delinquent taxes for the periods that interest was not 71772  
permitted to be charged while the undertaking was in effect. The 71773  
interest shall be charged on the day the undertaking becomes void 71774  
and shall equal the amount of interest that would have been 71775  
charged against the unpaid delinquent taxes outstanding on the 71776  
dates on which interest would have been charged thereon under 71777  
divisions (G)(1) and (2) of this section had the undertaking not 71778  
been in effect. 71779

(3) If the full amount of the taxes due at either of the 71780  
times prescribed by division (F) of this section is paid within 71781  
ten days after such time, the county treasurer shall waive the 71782  
collection of and the county auditor shall remit one-half of the 71783  
penalty provided for in this division for failure to make that 71784  
payment by the prescribed time. 71785

(4) The treasurer shall compile and deliver to the county 71786  
auditor a list of all tax payments the treasurer has received as 71787  
provided in division (G)(3) of this section. The list shall 71788  
include any information required by the auditor for the remission 71789  
of the penalties waived by the treasurer. The taxes so collected 71790  
shall be included in the settlement next succeeding the settlement 71791  
then in process. 71792

(H)(1) ~~Beginning in 2000, the~~ The county auditor shall 71793  
compile annually a "delinquent manufactured home tax list" 71794  
consisting of homes the county treasurer's records indicate have 71795  
taxes that were not paid within the time prescribed by divisions 71796  
(D)(3) and (F) of this section, have taxes that remain unpaid from 71797  
prior years, or have unpaid tax penalties or interest that have 71798  
been assessed. 71799

(2) Within thirty days after the settlement under division 71800  
(H)(2) of section 321.24 of the Revised Code ~~beginning in 2000,~~ 71801  
the county auditor shall deliver a copy of the delinquent 71802

manufactured home tax list to the county treasurer. The auditor 71803  
shall update and publish the delinquent manufactured home tax list 71804  
annually in the same manner as delinquent real property tax lists 71805  
are published. The county auditor ~~shall~~ may apportion the cost of 71806  
publishing the list among taxing districts in proportion to the 71807  
amount of delinquent manufactured home taxes so published that 71808  
each taxing district is entitled to receive upon collection of 71809  
those taxes, or the county auditor may charge the owner of a home 71810  
on the list a flat fee established under section 319.54 of the 71811  
Revised Code for the cost of publishing the list and, if the fee 71812  
is not paid, may place the fee upon the delinquent manufactured 71813  
home tax list as a lien on the listed home, to be collected as 71814  
other manufactured home taxes. 71815

(3) When taxes, penalties, or interest are charged against a 71816  
person on the delinquent manufactured home tax list and are not 71817  
paid within sixty days after the list is delivered to the county 71818  
treasurer, the county treasurer shall, in addition to any other 71819  
remedy provided by law for the collection of taxes, penalties, and 71820  
interest, enforce collection of such taxes, penalties, and 71821  
interest by civil action in the name of the treasurer against the 71822  
owner for the recovery of the unpaid taxes following the 71823  
procedures for the recovery of delinquent real property taxes in 71824  
sections 323.25 to 323.28 of the Revised Code. The action may be 71825  
brought in municipal or county court, provided the amount charged 71826  
does not exceed the monetary limitations for original jurisdiction 71827  
for civil actions in those courts. 71828

It is sufficient, having made proper parties to the suit, for 71829  
the county treasurer to allege in the treasurer's bill of 71830  
particulars or petition that the taxes stand chargeable on the 71831  
books of the county treasurer against such person, that they are 71832  
due and unpaid, and that such person is indebted in the amount of 71833  
taxes appearing to be due the county. The treasurer need not set 71834

forth any other matter relating thereto. If it is found on the 71835  
trial of the action that the person is indebted to the state, 71836  
judgment shall be rendered in favor of the county treasurer 71837  
prosecuting the action. The judgment debtor is not entitled to the 71838  
benefit of any law for stay of execution or exemption of property 71839  
from levy or sale on execution in the enforcement of the judgment. 71840

Upon the filing of an entry of confirmation of sale or an 71841  
order of forfeiture in a proceeding brought under this division, 71842  
title to the manufactured or mobile home shall be in the 71843  
purchaser. The clerk of courts shall issue a certificate of title 71844  
to the purchaser upon presentation of proof of filing of the entry 71845  
of confirmation or order and, in the case of a forfeiture, 71846  
presentation of the county auditor's certificate of sale. 71847

(I) The total amount of taxes collected shall be distributed 71848  
in the following manner: four per cent shall be allowed as 71849  
compensation to the county auditor for the county auditor's 71850  
service in assessing the taxes; two per cent shall be allowed as 71851  
compensation to the county treasurer for the services the county 71852  
treasurer renders as a result of the tax levied by this section. 71853  
Such amounts shall be paid into the county treasury, to the credit 71854  
of the county general revenue fund, on the warrant of the county 71855  
auditor. Fees to be paid to the credit of the real estate 71856  
assessment fund shall be collected pursuant to division (C) of 71857  
section 319.54 of the Revised Code and paid into the county 71858  
treasury, on the warrant of the county auditor. The balance of the 71859  
taxes collected shall be distributed among the taxing subdivisions 71860  
of the county in which the taxes are collected and paid in the 71861  
same ratio as those taxes were collected for the benefit of the 71862  
taxing subdivision. The taxes levied and revenues collected under 71863  
this section shall be in lieu of any general property tax and any 71864  
tax levied with respect to the privilege of using or occupying a 71865  
manufactured or mobile home in this state except as provided in 71866

sections 4503.04 and 5741.02 of the Revised Code. 71867

(J) An agreement to purchase or a bill of sale for a 71868  
manufactured home shall show whether or not the furnishings and 71869  
equipment are included in the purchase price. 71870

(K) If the county treasurer and the county prosecuting 71871  
attorney agree that an item charged on the delinquent manufactured 71872  
home tax list is uncollectible, they shall certify that 71873  
determination and the reasons to the county board of revision. If 71874  
the board determines the amount is uncollectible, it shall certify 71875  
its determination to the county auditor, who shall strike the item 71876  
from the list. 71877

(L)(1) The county auditor shall appraise at its true value 71878  
any manufactured or mobile home in which ownership is transferred 71879  
or which first acquires situs in this state on or after January 1, 71880  
2000, and any manufactured or mobile home the owner of which has 71881  
elected, under division (D)(4) of this section, to have the home 71882  
taxed under division (D)(2) of this section. The true value shall 71883  
include the value of the home, any additions, and any fixtures, 71884  
but not any furnishings in the home. In determining the true value 71885  
of a manufactured or mobile home, the auditor shall consider all 71886  
facts and circumstances relating to the value of the home, 71887  
including its age, its capacity to function as a residence, any 71888  
obsolete characteristics, and other factors that may tend to prove 71889  
its true value. 71890

(2)(a) If a manufactured or mobile home has been the subject 71891  
of an arm's length sale between a willing seller and a willing 71892  
buyer within a reasonable length of time prior to the 71893  
determination of true value, the county auditor shall consider the 71894  
sale price of the home to be the true value for taxation purposes. 71895

(b) The sale price in an arm's length transaction between a 71896  
willing seller and a willing buyer shall not be considered the 71897

true value of the home if either of the following occurred after 71898  
the sale: 71899

(i) The home has lost value due to a casualty. 71900

(ii) An addition or fixture has been added to the home. 71901

(3) The county auditor shall have each home viewed and 71902  
appraised at least once in each six-year period in the same year 71903  
in which real property in the county is appraised pursuant to 71904  
Chapter 5713. of the Revised Code, and shall update the appraised 71905  
values in the third calendar year following the appraisal. The 71906  
person viewing or appraising a home may enter the home to 71907  
determine by actual view any additions or fixtures that have been 71908  
added since the last appraisal. In conducting the appraisals and 71909  
establishing the true value, the auditor shall follow the 71910  
procedures set forth for appraising real property in sections 71911  
5713.01 and 5713.03 of the Revised Code. 71912

(4) The county auditor shall place the true value of each 71913  
home on the manufactured home tax list upon completion of an 71914  
appraisal. 71915

(5)(a) If the county auditor changes the true value of a 71916  
home, the auditor shall notify the owner of the home in writing, 71917  
delivered by mail or in person. The notice shall be given at least 71918  
thirty days prior to the issuance of any tax bill that reflects 71919  
the change. Failure to receive the notice does not invalidate any 71920  
proceeding under this section. 71921

(b) Any owner of a home or any other person or party listed 71922  
in division (A)(1) of section 5715.19 of the Revised Code may file 71923  
a complaint against the true value of the home as appraised under 71924  
this section. The complaint shall be filed with the county auditor 71925  
on or before the thirty-first day of March of the current tax year 71926  
or the date of closing of the collection for the first half of 71927  
manufactured home taxes for the current tax year, whichever is 71928



later. The auditor shall present to the county board of revision 71929  
all complaints filed with the auditor under this section. The 71930  
board shall hear and investigate the complaint and may take action 71931  
on it as provided under sections 5715.11 to 5715.19 of the Revised 71932  
Code. 71933

(c) If the county board of revision determines, pursuant to a 71934  
complaint against the valuation of a manufactured or mobile home 71935  
filed under this section, that the amount of taxes, assessments, 71936  
or other charges paid was in excess of the amount due based on the 71937  
valuation as finally determined, then the overpayment shall be 71938  
refunded in the manner prescribed in section 5715.22 of the 71939  
Revised Code. 71940

(d) Payment of all or part of a tax under this section for 71941  
any year for which a complaint is pending before the county board 71942  
of revision does not abate the complaint or in any way affect the 71943  
hearing and determination thereof. 71944

(M) If the county auditor determines that any tax or other 71945  
charge or any part thereof has been erroneously charged as a 71946  
result of a clerical error as defined in section 319.35 of the 71947  
Revised Code, the county auditor shall call the attention of the 71948  
county board of revision to the erroneous charges. If the board 71949  
finds that the taxes or other charges have been erroneously 71950  
charged or collected, it shall certify the finding to the auditor. 71951  
Upon receipt of the certification, the auditor shall remove the 71952  
erroneous charges on the manufactured home tax list or delinquent 71953  
manufactured home tax list in the same manner as is prescribed in 71954  
section 319.35 of the Revised Code for erroneous charges against 71955  
real property, and refund any erroneous charges that have been 71956  
collected, with interest, in the same manner as is prescribed in 71957  
section 319.36 of the Revised Code for erroneous charges against 71958  
real property. 71959

(N) As used in this section and section 4503.061 of the 71960

Revised Code: 71961

(1) "Manufactured home taxes" includes taxes, penalties, and interest charged under division (C) or (G) of this section and any penalties charged under division (G) or (H)(5) of section 4503.061 of the Revised Code. 71962  
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(2) "Current taxes" means all manufactured home taxes charged against a manufactured or mobile home that have not appeared on the manufactured home tax list for any prior year. Current taxes become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty, whether or not they have been certified delinquent. 71966  
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(3) "Delinquent taxes" means: 71973

(a) Any manufactured home taxes that were charged against a manufactured or mobile home for a prior year, including any penalties or interest charged for a prior year and the costs of publication under division (H)(2) of this section, and that remain unpaid; 71974  
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(b) Any current manufactured home taxes charged against a manufactured or mobile home that remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty, whether or not they have been certified delinquent, including any penalties or interest and the costs of publication under division (H)(2) of this section. 71979  
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**Sec. 4503.061.** (A) All manufactured and mobile homes shall be listed on either the real property tax list or the manufactured home tax list of the county in which the home has situs. Each owner shall follow the procedures in this section to identify the home to the county auditor of the county containing the taxing district in which the home has situs so that the auditor may place 71985  
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the home on the appropriate tax list. 71991

(B) When a manufactured or mobile home first acquires situs 71992  
in this state and is subject to real property taxation pursuant to 71993  
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 71994  
owner shall present to the auditor of the county containing the 71995  
taxing district in which the home has its situs the certificate of 71996  
title for the home, together with proof that all taxes due have 71997  
been paid and proof that a relocation notice was obtained for the 71998  
home if required under this section. Upon receiving the 71999  
certificate of title and the required proofs, the auditor shall 72000  
place the home on the real property tax list and proceed to treat 72001  
the home as other properties on that list. After the auditor has 72002  
placed the home on the tax list of real and public utility 72003  
property, the auditor shall deliver the certificate of title to 72004  
the clerk of the court of common pleas that issued it pursuant to 72005  
section 4505.11 of the Revised Code, and the clerk shall 72006  
inactivate the certificate of title. 72007

(C)(1) When a manufactured or mobile home subject to a 72008  
manufactured home tax is relocated to or first acquires situs in 72009  
any county that has adopted a permanent manufactured home 72010  
registration system, as provided in division (F) of this section, 72011  
the owner, within thirty days after the home is relocated or first 72012  
acquires situs under section 4503.06 of the Revised Code, shall 72013  
register the home with the county auditor of the county containing 72014  
the taxing district in which the home has its situs. For the first 72015  
registration in each county of situs, the owner or vendee in 72016  
possession shall present to the county auditor an Ohio certificate 72017  
of title, certified copy of the certificate of title, or 72018  
memorandum certificate of title as such are required by law, and 72019  
proof, as required by the county auditor, that the home, if it has 72020  
previously been occupied and is being relocated, has been 72021  
previously registered, that all taxes due and required to be paid 72022

under division (H)(1) of this section before a relocation notice 72023  
may be issued have been paid, and that a relocation notice was 72024  
obtained for the home if required by division (H) of this section. 72025  
If the owner or vendee does not possess the Ohio certificate of 72026  
title, certified copy of the certificate of title, or memorandum 72027  
certificate of title at the time the owner or vendee first 72028  
registers the home in a county, the county auditor shall register 72029  
the home without presentation of the document, but the owner or 72030  
vendee shall present the certificate of title, certified copy of 72031  
the certificate of title, or memorandum certificate of title to 72032  
the county auditor within fourteen days after the owner or vendee 72033  
obtains possession of the document. 72034

(2) When a manufactured or mobile home is registered for the 72035  
first time in a county and when the total tax due has been paid as 72036  
required by division (F) of section 4503.06 of the Revised Code or 72037  
divisions (E) and (H) of this section, the county treasurer shall 72038  
note by writing or by a stamp on the certificate of title, 72039  
certified copy of certificate of title, or memorandum certificate 72040  
of title that the home has been registered and that the taxes due, 72041  
if any, have been paid for the preceding five years and for the 72042  
current year. The treasurer shall then issue a certificate 72043  
evidencing registration and a decal to be displayed on the street 72044  
side of the home. The certificate is valid in any county in this 72045  
state during the year for which it is issued. 72046

(3) For each year thereafter, the county treasurer shall 72047  
issue a tax bill stating the amount of tax due under section 72048  
4503.06 of the Revised Code, as provided in division (D)(6) of 72049  
that section. When the total tax due has been paid as required by 72050  
division (F) of that section, the county treasurer shall issue a 72051  
certificate evidencing registration that shall be valid in any 72052  
county in this state during the year for which the certificate is 72053  
issued. 72054

(4) The permanent decal issued under this division is valid 72055  
during the period of ownership, except that when a manufactured 72056  
home is relocated in another county the owner shall apply for a 72057  
new registration as required by this section and section 4503.06 72058  
of the Revised Code. 72059

(D)(1) All owners of manufactured or mobile homes subject to 72060  
the manufactured home tax being relocated to or having situs in a 72061  
county that has not adopted a permanent registration system, as 72062  
provided in division (F) of this section, shall register the home 72063  
within thirty days after the home is relocated or first acquires 72064  
situs under section 4503.06 of the Revised Code and thereafter 72065  
shall annually register the home with the county auditor of the 72066  
county containing the taxing district in which the home has its 72067  
situs. 72068

(2) Upon the annual registration, the county treasurer shall 72069  
issue a tax bill stating the amount of annual manufactured home 72070  
tax due under section 4503.06 of the Revised Code, as provided in 72071  
division (D)(6) of that section. When a manufactured or mobile 72072  
home is registered and when the tax for the current one-half year 72073  
has been paid as required by division (F) of that section, the 72074  
county treasurer shall issue a certificate evidencing registration 72075  
and a decal. The certificate and decal are valid in any county in 72076  
this state during the year for which they are issued. The decal 72077  
shall be displayed on the street side of the home. 72078

(3) For the first annual registration in each county of 72079  
situs, the county auditor shall require the owner or vendee to 72080  
present an Ohio certificate of title, certified copy of the 72081  
certificate of title, or memorandum certificate of title as such 72082  
are required by law, and proof, as required by the county auditor, 72083  
that the manufactured or mobile home has been previously 72084  
registered, if such registration was required, that all taxes due 72085  
and required to be paid under division (H)(1) of this section 72086

before a relocation notice may be issued have been paid, and that 72087  
a relocation notice was obtained for the home if required by 72088  
division (H) of this section. If the owner or vendee does not 72089  
possess the Ohio certificate of title, certified copy of the 72090  
certificate of title, or memorandum certificate of title at the 72091  
time the owner or vendee first registers the home in a county, the 72092  
county auditor shall register the home without presentation of the 72093  
document, but the owner or vendee shall present the certificate of 72094  
title, certified copy of the certificate of title, or memorandum 72095  
certificate of title to the county auditor within fourteen days 72096  
after the owner or vendee obtains possession of the document. When 72097  
the county treasurer receives the tax payment, the county 72098  
treasurer shall note by writing or by a stamp on the certificate 72099  
of title, certified copy of the certificate of title, or 72100  
memorandum certificate of title that the home has been registered 72101  
for the current year and that the manufactured home taxes due, if 72102  
any, have been paid for the preceding five years and for the 72103  
current year. 72104

(4) For subsequent annual registrations, the auditor may 72105  
require the owner or vendee in possession to present an Ohio 72106  
certificate of title, certified copy of the certificate of title, 72107  
or memorandum certificate of title to the county treasurer upon 72108  
payment of the manufactured home tax that is due. 72109

(E)(1) Upon the application to transfer ownership of a 72110  
manufactured or mobile home for which manufactured home taxes are 72111  
paid pursuant to division (C) of section 4503.06 of the Revised 72112  
Code the clerk of the court of common pleas shall not issue any 72113  
certificate of title that does not contain or have attached both 72114  
of the following: 72115

(a) An endorsement of the county treasurer stating that the 72116  
home has been registered for each year of ownership and that all 72117  
manufactured home taxes imposed pursuant to section 4503.06 of the 72118

Revised Code have been paid or that no tax is due; 72119

(b) An endorsement of the county auditor that the 72120  
manufactured home transfer tax imposed pursuant to section 322.06 72121  
of the Revised Code and any fees imposed under division (G) of 72122  
section 319.54 of the Revised Code have been paid. 72123

(2) If all the taxes have not been paid, the clerk shall 72124  
notify the vendee to contact the county treasurer of the county 72125  
containing the taxing district in which the home has its situs at 72126  
the time of the proposed transfer. The county treasurer shall then 72127  
collect all the taxes that are due for the year of the transfer 72128  
and all previous years not exceeding a total of five years. The 72129  
county treasurer shall distribute that part of the collection owed 72130  
to the county treasurer of other counties if the home had its 72131  
situs in another county during a particular year when the unpaid 72132  
tax became due and payable. The burden to prove the situs of the 72133  
home in the years that the taxes were not paid is on the 72134  
transferor of the home. Upon payment of the taxes, the county 72135  
auditor shall remove all remaining taxes from the manufactured 72136  
home tax list and the delinquent manufactured home tax list, and 72137  
the county treasurer shall release all liens for such taxes. The 72138  
clerk of courts shall issue a certificate of title, free and clear 72139  
of all liens for manufactured home taxes, to the transferee of the 72140  
home. 72141

(3) Once the transfer is complete and the certificate of 72142  
title has been issued, the transferee shall register the 72143  
manufactured or mobile home pursuant to division (C) or (D) of 72144  
this section with the county auditor of the county containing the 72145  
taxing district in which the home remains after the transfer or, 72146  
if the home is relocated to another county, with the county 72147  
auditor of the county to which the home is relocated. The 72148  
transferee need not pay the annual tax for the year of acquisition 72149  
if the original owner has already paid the annual tax for that 72150

year. 72151

(F) The county auditor may adopt a permanent registration 72152  
system and issue a permanent decal with the first registration as 72153  
prescribed by the tax commissioner. 72154

(G) When any manufactured or mobile home required to be 72155  
registered by this section is not registered, the county auditor 72156  
shall impose a penalty of one hundred dollars upon the owner and 72157  
deposit the amount to the credit of the county real estate 72158  
assessment fund to be used to pay the costs of administering this 72159  
section and section 4503.06 of the Revised Code. If unpaid, the 72160  
penalty shall constitute a lien on the home and shall be added by 72161  
the county auditor to the manufactured home tax list for 72162  
collection. 72163

(H)(1) Except as otherwise provided in this division, before 72164  
moving a manufactured or mobile home on public roads from one 72165  
address within this state to another address within or outside 72166  
this state, the owner of the home shall obtain a relocation 72167  
notice, as provided by this section, from the auditor of the 72168  
county in which the home is located if the home is currently 72169  
subject to taxation pursuant to section 4503.06 of the Revised 72170  
Code. The auditor shall charge five dollars for the notice, and 72171  
deposit the amount to the credit of the county real estate 72172  
assessment fund to be used to pay the costs of administering this 72173  
section and section 4503.06 of the Revised Code. The auditor shall 72174  
not issue a relocation notice unless all taxes owed on the home 72175  
under section 4503.06 of the Revised Code that were first charged 72176  
to the home during the period of ownership of the owner seeking 72177  
the relocation notice have been paid. If the home is being moved 72178  
by a new owner of the home or by a party taking repossession of 72179  
the home, the auditor shall not issue a relocation notice unless 72180  
all of the taxes due for the preceding five years and for the 72181  
current year have been paid. A relocation notice issued by a 72182



county auditor is valid until the last day of December of the year 72183  
in which it was issued. 72184

If the home is being moved by a sheriff, police officer, 72185  
constable, bailiff, or manufactured home park operator, as defined 72186  
in section ~~3733.01~~ 4781.01 of the Revised Code, or any agent of 72187  
any of these persons, for purposes of removal from a manufactured 72188  
home park and storage, sale, or destruction under section 1923.14 72189  
of the Revised Code, the auditor shall issue a relocation notice 72190  
without requiring payment of any taxes owed on the home under 72191  
section 4503.06 of the Revised Code. 72192

(2) If a manufactured or mobile home is not yet subject to 72193  
taxation under section 4503.06 of the Revised Code, the owner of 72194  
the home shall obtain a relocation notice from the dealer of the 72195  
home. Within thirty days after the manufactured or mobile home is 72196  
purchased, the dealer of the home shall provide the auditor of the 72197  
county in which the home is to be located written notice of the 72198  
name of the purchaser of the home, the registration number or 72199  
vehicle identification number of the home, and the address or 72200  
location to which the home is to be moved. The county auditor 72201  
shall provide to each manufactured and mobile home dealer, without 72202  
charge, a supply of relocation notices to be distributed to 72203  
purchasers pursuant to this section. 72204

(3) The notice shall be in the form of a one-foot square 72205  
yellow sign with the words "manufactured home relocation notice" 72206  
printed prominently on it. The name of the owner of the home, the 72207  
home's registration number or vehicle identification number, the 72208  
county and the address or location to which the home is being 72209  
moved, and the county in which the notice is issued shall also be 72210  
entered on the notice. 72211

(4) The relocation notice must be attached to the rear of the 72212  
home when the home is being moved on a public road. Except as 72213  
provided in divisions (H)(1) and (5) of this section, no person 72214

shall drive a motor vehicle moving a manufactured or mobile home 72215  
on a public road from one address to another address within this 72216  
state unless a relocation notice is attached to the rear of the 72217  
home. 72218

(5) If the county auditor determines that a manufactured or 72219  
mobile home has been moved without a relocation notice as required 72220  
under this division, the auditor shall impose a penalty of one 72221  
hundred dollars upon the owner of the home and upon the person who 72222  
moved the home and deposit the amount to the credit of the county 72223  
real estate assessment fund to pay the costs of administering this 72224  
section and section 4503.06 of the Revised Code. If the home was 72225  
relocated from one county in this state to another county in this 72226  
state and the county auditor of the county to which the home was 72227  
relocated imposes the penalty, that county auditor, upon 72228  
collection of the penalty, shall cause an amount equal to the 72229  
penalty to be transmitted from the county real estate assessment 72230  
fund to the county auditor of the county from which the home was 72231  
relocated, who shall deposit the amount to the credit of the 72232  
county real estate assessment fund. If the penalty on the owner is 72233  
unpaid, the penalty shall constitute a lien on the home and the 72234  
auditor shall add the penalty to the manufactured home tax list 72235  
for collection. If the county auditor determines that a dealer 72236  
that has sold a manufactured or mobile home has failed to timely 72237  
provide the information required under this division, the auditor 72238  
shall impose a penalty upon the dealer in the amount of one 72239  
hundred dollars. The penalty shall be credited to the county real 72240  
estate assessment fund and used to pay the costs of administering 72241  
this section and section 4503.06 of the Revised Code. 72242

(I) Whoever violates division (H)(4) of this section is 72243  
guilty of a minor misdemeanor. 72244

**Sec. 4503.062.** (A) Every operator of a manufactured home 72245

court, or manufactured home park, as defined in section ~~3733.01~~ 72246  
4781.01 of the Revised Code, or when there is no operator, every 72247  
owner of property used for such purposes on which three or more 72248  
manufactured or mobile homes are located, shall keep a register of 72249  
all manufactured and mobile homes that make use of the court, 72250  
park, or property. The register shall contain all of the 72251  
following: 72252

(1) The name of the owner and all inhabitants of each home; 72253

(2) The ages of all inhabitants of each home; 72254

(3) The permanent and temporary post office addresses of all 72255  
inhabitants of each home; 72256

(4) The license number of each home; 72257

(5) The state issuing each such license; 72258

(6) The date of arrival and of departure of each home; 72259

(7) The make and model of each home, if known and if either 72260  
of the following applies: 72261

(a) The home enters the court, park, or property on or after 72262  
January 1, 2003. 72263

(b) Ownership of the home in the court or park, or on the 72264  
property, is transferred on or after January 1, 2003. 72265

(B) The register shall be open to inspection by the county 72266  
auditor, the county treasurer, agents of the auditor or treasurer, 72267  
and all law enforcement agencies at all times. 72268

(C) Any person who fails to comply with this section shall be 72269  
fined not less than twenty-five nor more than one hundred dollars. 72270

**Sec. 4503.235.** (A) If division (G) of section 4511.19 or 72271  
division ~~(B)~~(C) of section 4511.193 of the Revised Code requires a 72272  
court, as part of the sentence of an offender who is convicted of 72273  
or pleads guilty to a violation of division (A) of section 4511.19 72274

of the Revised Code or as a sanction for an offender who is 72275  
convicted of or pleaded guilty to a violation of a municipal OVI 72276  
ordinance, to order the immobilization of a vehicle for a 72277  
specified period of time, notwithstanding the requirement, the 72278  
court in its discretion may determine not to order the 72279  
immobilization of the vehicle if both of the following apply: 72280

(1) Prior to the issuance of the order of immobilization, a 72281  
family or household member of the offender files a motion with the 72282  
court identifying the vehicle and requesting that the 72283  
immobilization order not be issued on the ground that the family 72284  
or household member is completely dependent on the vehicle for the 72285  
necessities of life and that the immobilization of the vehicle 72286  
would be an undue hardship to the family or household member. 72287

(2) The court determines that the family or household member 72288  
who files the motion is completely dependent on the vehicle for 72289  
the necessities of life and that the immobilization of the vehicle 72290  
would be an undue hardship to the family or household member. 72291

(B) If a court pursuant to division (A) of this section 72292  
determines not to order the immobilization of a vehicle that 72293  
otherwise would be required pursuant to division (G) of section 72294  
4511.19 or division ~~(B)~~(C) of section 4511.193 of the Revised 72295  
Code, the court shall issue an order that waives the 72296  
immobilization that otherwise would be required pursuant to either 72297  
of those divisions. The immobilization waiver order shall be in 72298  
effect for the period of time for which the immobilization of the 72299  
vehicle otherwise would have been required under division (G) of 72300  
section 4511.19 or division ~~(B)~~(C) of section 4511.193 of the 72301  
Revised Code if the immobilization waiver order had not been 72302  
issued, subject to division (D) of this section. The 72303  
immobilization waiver order shall specify the period of time for 72304  
which it is in effect. The court shall provide a copy of an 72305  
immobilization waiver order to the offender and to the family or 72306

household member of the offender who filed the motion requesting 72307  
that the immobilization order not be issued and shall place a copy 72308  
of the immobilization waiver order in the record in the case. The 72309  
court shall impose an immobilization waiver fee in the amount of 72310  
fifty dollars. The court shall determine whether the fee is to be 72311  
paid by the offender or by the family or household member. The 72312  
clerk of the court shall deposit all of the fees collected during 72313  
a month on or before the twenty-third day of the following month 72314  
into the county or municipal indigent drivers alcohol treatment 72315  
fund under the control of that court, as created by the county or 72316  
municipal corporation under division (F) of section 4511.191 of 72317  
the Revised Code. 72318

(C) If a court pursuant to division (B) of this section 72319  
issues an immobilization waiver order, the order shall identify 72320  
the family or household member who requested the order and the 72321  
vehicle to which the order applies, shall identify the family or 72322  
household members who are permitted to operate the vehicle, and 72323  
shall identify the offender and specify that the offender is not 72324  
permitted to operate the vehicle. The immobilization waiver order 72325  
shall require that the family or household member display on the 72326  
vehicle to which the order applies restricted license plates that 72327  
are issued under section 4503.231 of the Revised Code for the 72328  
entire period for which the immobilization of the vehicle 72329  
otherwise would have been required under division (G) of section 72330  
4511.19 or division ~~(B)~~(C) of section 4511.193 of the Revised Code 72331  
if the immobilization waiver order had not been issued. 72332

(D) A family or household member who is permitted to operate 72333  
a vehicle under an immobilization waiver order issued under this 72334  
section shall not permit the offender to operate the vehicle. If a 72335  
family or household member who is permitted to operate a vehicle 72336  
under an immobilization waiver order issued under this section 72337  
permits the offender to operate the vehicle, both of the following 72338

apply: 72339

(1) The court that issued the immobilization waiver order 72340  
shall terminate that order and shall issue an immobilization order 72341  
in accordance with section 4503.233 of the Revised Code that 72342  
applies to the vehicle, and the immobilization order shall be in 72343  
effect for the remaining period of time for which the 72344  
immobilization of the vehicle otherwise would have been required 72345  
under division (G) of section 4511.19 or division ~~(B)~~(C) of 72346  
section 4511.193 of the Revised Code if the immobilization waiver 72347  
order had not been issued. 72348

(2) The conduct of the family or household member in 72349  
permitting the offender to operate the vehicle is a violation of 72350  
section 4511.203 of the Revised Code. 72351

(E) No offender shall operate a motor vehicle subject to an 72352  
immobilization waiver order. Whoever violates this division is 72353  
guilty of operating a motor vehicle in violation of an 72354  
immobilization waiver, a misdemeanor of the first degree. 72355

(F) "Family or household member" has the same meaning as in 72356  
section 2919.25 of the Revised Code, except that the person must 72357  
be currently residing with the offender. 72358

**Sec. 4503.70.** The owner or lessee of any passenger car, 72359  
noncommercial motor vehicle, recreational vehicle, or other 72360  
vehicle of a class approved by the registrar of motor vehicles who 72361  
is a member in good standing of the grand lodge of free and 72362  
accepted masons of Ohio may apply to the registrar for the 72363  
registration of the vehicle and issuance of freemason license 72364  
plates. The application for freemason license plates may be 72365  
combined with a request for a special reserved license plate under 72366  
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 72367  
the completed application, presentation by the applicant of 72368  
satisfactory evidence showing that the applicant is a member in 72369

good standing of the grand lodge of free and accepted masons of 72370  
Ohio, and compliance by the applicant with this section, the 72371  
registrar shall issue to the applicant the appropriate vehicle 72372  
registration and a set of freemason license plates with a 72373  
validation sticker or a validation sticker alone when required by 72374  
section 4503.191 of the Revised Code. 72375

In addition to the letters and numbers ordinarily inscribed 72376  
thereon, freemason license plates shall be inscribed with 72377  
identifying words and a symbol or logo designed by the grand lodge 72378  
of free and accepted masons of Ohio and approved by the registrar. 72379  
Freemason license plates shall bear county identification stickers 72380  
that identify the county of registration by name or number. 72381

Freemason license plates and validation stickers shall be 72382  
issued upon payment of the regular license fee required by section 72383  
4503.04 of the Revised Code, payment of any local motor vehicle 72384  
license tax levied under Chapter 4504. of the Revised Code, 72385  
payment of an additional fee of ten dollars, and compliance with 72386  
all other applicable laws relating to the registration of motor 72387  
vehicles. If the application for freemason license plates is 72388  
combined with a request for a special reserved license plate under 72389  
section 4503.40 or 4503.42 of the Revised Code, the license plates 72390  
and validation sticker shall be issued upon payment of the fees 72391  
and taxes contained in this section and the additional fee 72392  
prescribed under section 4503.40 or 4503.42 of the Revised Code. 72393  
The additional fee of ten dollars shall be for the purpose of 72394  
compensating the bureau of motor vehicles for additional services 72395  
required in the issuing of freemason license plates, and shall be 72396  
transmitted by the registrar to the treasurer of state for deposit 72397  
into the state treasury to the credit of the state bureau of motor 72398  
vehicles fund created by section 4501.25 of the Revised Code. 72399

**Sec. 4503.93.** (A) The owner or lessee of any passenger car, 72400

noncommercial motor vehicle, recreational vehicle, or other 72401  
vehicle of a class approved by the registrar of motor vehicles may 72402  
apply to the registrar for the registration of the vehicle and 72403  
issuance of Ohio "volunteer" license plates. The application for 72404  
Ohio "volunteer" license plates may be combined with a request for 72405  
a special reserved license plate under section 4503.40 or 4503.42 72406  
of the Revised Code. Upon receipt of the completed application and 72407  
compliance with divisions (B) and (C) of this section, the 72408  
registrar shall issue to the applicant the appropriate vehicle 72409  
registration and a set of Ohio "volunteer" license plates with a 72410  
validation sticker or a validation sticker alone when required by 72411  
section 4503.191 of the Revised Code. 72412

In addition to the letters and numbers ordinarily inscribed 72413  
on license plates, Ohio "volunteer" license plates shall be 72414  
inscribed with words and markings designed by the Ohio ~~community~~ 72415  
commission on service council and volunteerism created by section 72416  
121.40 of the Revised Code and approved by the registrar. Ohio 72417  
"volunteer" license plates shall bear county identification 72418  
stickers that identify the county of registration by name or 72419  
number. 72420

(B) Ohio "volunteer" license plates and a validation sticker, 72421  
or a validation sticker alone, shall be issued upon receipt of a 72422  
contribution as provided in division (C) of this section and upon 72423  
payment of the regular license tax prescribed in section 4503.04 72424  
of the Revised Code, any applicable motor vehicle tax levied under 72425  
Chapter 4504. of the Revised Code, any applicable additional fee 72426  
prescribed by section 4503.40 or 4503.42 of the Revised Code, a 72427  
bureau of motor vehicles fee of ten dollars, and compliance with 72428  
all other applicable laws relating to the registration of motor 72429  
vehicles. 72430

(C)(1) For each application for registration and registration 72431



renewal received under this section, the registrar shall collect a 72432  
contribution of fifteen dollars. The registrar shall transmit this 72433  
contribution to the treasurer of state for deposit in the Ohio 72434  
~~community~~ commission on service council and volunteerism gifts and 72435  
donations fund created by section 121.403 of the Revised Code. The 72436  
~~council~~ commission shall use all such contributions for the 72437  
purposes described in divisions (B)(2) and (3) of that section. 72438

(2) The registrar shall deposit the bureau of motor vehicles 72439  
fee of ten dollars specified in division (B) of this section, 72440  
which is for the purpose of compensating the bureau for the 72441  
additional services required in issuing Ohio "volunteer" license 72442  
plates, in the state bureau of motor vehicles fund created in 72443  
section 4501.25 of the Revised Code. 72444

**Sec. 4504.02.** For the purpose of paying the costs of 72445  
enforcing and administering the tax provided for in this section; 72446  
and for planning, constructing, improving, maintaining, and 72447  
repairing public roads, highways, and streets; maintaining and 72448  
repairing bridges and viaducts; paying the county's portion of the 72449  
costs and expenses of cooperating with the department of 72450  
transportation in the planning, improvement, and construction of 72451  
state highways; paying the county's portion of the compensation, 72452  
damages, cost, and expenses of planning, constructing, 72453  
reconstructing, improving, maintaining, and repairing roads; 72454  
paying any costs apportioned to the county under section 4907.47 72455  
of the Revised Code; paying debt service charges on notes or bonds 72456  
of the county issued for such purposes; paying all or part of the 72457  
costs and expenses of municipal corporations in planning, 72458  
constructing, reconstructing, improving, maintaining, and 72459  
repairing highways, roads, and streets designated as necessary or 72460  
conducive to the orderly and efficient flow of traffic within and 72461  
through the county pursuant to section 4504.03 of the Revised 72462  
Code; purchasing, erecting, and maintaining street and traffic 72463

signs and markers; purchasing, erecting, and maintaining traffic 72464  
lights and signals; and to supplement revenue already available 72465  
for such purposes, any county by resolution adopted by its board 72466  
of county commissioners may levy an annual license tax, in 72467  
addition to the tax levied by sections 4503.02, 4503.07, and 72468  
4503.18 of the Revised Code, upon the operation of motor vehicles 72469  
on the public roads or highways. Such tax shall be at the rate of 72470  
five dollars per motor vehicle on all motor vehicles the district 72471  
of registration of which, as defined in section 4503.10 of the 72472  
Revised Code, is located in the county levying the tax and shall 72473  
be in addition to the taxes at the rates specified in sections 72474  
4503.04 and 4503.16 of the Revised Code, subject to reductions in 72475  
the manner provided in section 4503.11 of the Revised Code and the 72476  
exemptions provided in sections 4503.16, 4503.17, 4503.171, 72477  
4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code. 72478

Prior to the adoption of any resolution under this section, 72479  
the board of county commissioners shall conduct two public 72480  
hearings thereon, the second hearing to be not less than three nor 72481  
more than ten days after the first. Notice of the date, time, and 72482  
place of such hearings shall be given by publication in a 72483  
newspaper of general circulation in the county or as provided in 72484  
section 7.16 of the Revised Code, once a week on the same day of 72485  
the week for two consecutive weeks, the second publication being 72486  
not less than ten nor more than thirty days prior to the first 72487  
hearing. 72488

No resolution under this section shall become effective 72489  
sooner than thirty days following its adoption, and such 72490  
resolution is subject to a referendum as provided in sections 72491  
305.31 to 305.41 of the Revised Code, unless such resolution is 72492  
adopted as an emergency measure necessary for the immediate 72493  
preservation of the public peace, health, or safety, in which case 72494  
it shall go into immediate effect. Such emergency measure must 72495

receive an affirmative vote of all of the members of the board of 72496  
county commissioners, and shall state the reasons for such 72497  
necessity. A resolution may direct the board of elections to 72498  
submit the question of levying the tax to the electors of the 72499  
county at the next primary or general election in the county 72500  
occurring not less than seventy-five days after such resolution is 72501  
certified to the board; no such resolution shall go into effect 72502  
unless approved by a majority of those voting upon it. 72503

**Sec. 4504.021.** The question of repeal of a county permissive 72504  
tax adopted as an emergency measure pursuant to section 4504.02, 72505  
4504.15, or 4504.16 of the Revised Code may be initiated by filing 72506  
with the board of elections of the county not less than ninety 72507  
days before the general election in any year a petition requesting 72508  
that an election be held on such question. Such petition shall be 72509  
signed by qualified electors residing in the county equal in 72510  
number to ten per cent of those voting for governor at the most 72511  
recent gubernatorial election. 72512

After determination by it that such petition is valid, the 72513  
board of elections shall submit the question to the electors of 72514  
the county at the next general election. The election shall be 72515  
conducted, canvassed, and certified in the same manner as regular 72516  
elections for county offices in the county. Notice of the election 72517  
shall be published in a newspaper of general circulation in the 72518  
district, or as provided in section 7.16 of the Revised Code, once 72519  
a week for two consecutive weeks prior to the election ~~and, if.~~ If 72520  
the board of elections operates and maintains a web site, notice 72521  
of the election also shall be posted on that web site for thirty 72522  
days prior to the election. The notice shall state the purpose, 72523  
time, and place of the election. The form of the ballot cast at 72524  
such election shall be prescribed by the secretary of state. The 72525  
question covered by such petition shall be submitted as a separate 72526  
proposition, but it may be printed on the same ballot with any 72527

other proposition submitted at the same election other than the 72528  
election of officers. If a majority of the qualified electors 72529  
voting on the question of repeal approve the repeal, the result of 72530  
the election shall be certified immediately after the canvass by 72531  
the board of elections to the county commissioners, who shall 72532  
thereupon, after the current year, cease to levy the tax. 72533

**Sec. 4504.15.** For the purpose of paying the costs of 72534  
enforcing and administering the tax provided for in this section; 72535  
for the various purposes stated in section 4504.02 of the Revised 72536  
Code; and to supplement revenue already available for those 72537  
purposes, any county may, by resolution adopted by its board of 72538  
county commissioners, levy an annual license tax, that shall be in 72539  
addition to the tax levied by sections 4503.02, 4503.07, and 72540  
4503.18 of the Revised Code, upon the operation of motor vehicles 72541  
upon the public roads and highways. The tax shall be at the rate 72542  
of five dollars per motor vehicle on all motor vehicles the 72543  
district of registration of which, as defined in section 4503.10 72544  
of the Revised Code, is located in the county levying the tax but 72545  
is not located within any municipal corporation levying the tax 72546  
authorized by section 4504.17 of the Revised Code, and shall be in 72547  
addition to the taxes at the rates specified in sections 4503.04 72548  
and 4503.16 of the Revised Code, subject to reductions in the 72549  
manner provided in section 4503.11 of the Revised Code and the 72550  
exemptions provided in sections 4503.16, 4503.17, 4503.171, 72551  
4503.41, and 4503.43 of the Revised Code. 72552

Prior to the adoption of any resolution under this section, 72553  
the board of county commissioners shall conduct two public 72554  
hearings thereon, the second hearing to be not less than three nor 72555  
more than ten days after the first. Notice of the date, time, and 72556  
place of such hearings shall be given by publication in a 72557  
newspaper of general circulation in the county, or as provided in 72558  
section 7.16 of the Revised Code, once a week for two consecutive 72559

weeks, ~~the~~. The second publication ~~being~~ shall be not less than 72560  
ten nor more than thirty days prior to the first hearing. 72561

No resolution under this section shall become effective 72562  
sooner than thirty days following its adoption, and such 72563  
resolution is subject to a referendum as provided in sections 72564  
305.31 to 305.41 of the Revised Code, unless the resolution is 72565  
adopted as an emergency measure necessary for the immediate 72566  
preservation of the public peace, health, or safety, in which case 72567  
it shall go into immediate effect. The emergency measure must 72568  
receive an affirmative vote of all of the members of the board of 72569  
county commissioners, and shall state the reasons for the 72570  
necessity. A resolution may direct the board of elections to 72571  
submit the question of levying the tax to the electors of the 72572  
county at the next primary or general election occurring not less 72573  
than ninety days after the resolution is certified to the board; 72574  
no such resolution shall go into effect unless approved by a 72575  
majority of those voting upon it. A county is not required to 72576  
enact the tax authorized by section 4504.02 of the Revised Code in 72577  
order to levy the tax authorized by this section, but no county 72578  
may have in effect the tax authorized by this section if it 72579  
repeals the tax authorized by section 4504.02 of the Revised Code 72580  
after April 1, 1987. 72581

**Sec. 4504.16.** For the purpose of paying the costs of 72582  
enforcing and administering the tax provided for in this section; 72583  
for the various purposes stated in section 4504.02 of the Revised 72584  
Code; and to supplement revenue already available for those 72585  
purposes, any county that currently levies the tax authorized by 72586  
section 4504.15 of the Revised Code may, by resolution adopted by 72587  
its board of county commissioners, levy an annual license tax, 72588  
that shall be in addition to the tax levied by that section and by 72589  
sections 4503.02, 4503.07, and 4503.18 of the Revised Code, upon 72590  
the operation of motor vehicles upon the public roads and 72591

highways. The tax shall be at the rate of five dollars per motor 72592  
vehicle on all motor vehicles the district of registration of 72593  
which, as defined in section 4503.10 of the Revised Code, is 72594  
located in the county levying the tax but is not located within 72595  
any municipal corporation levying the tax authorized by section 72596  
4504.171 of the Revised Code, and shall be in addition to the 72597  
taxes at the rates specified in sections 4503.04 and 4503.16 of 72598  
the Revised Code, subject to reductions in the manner provided in 72599  
section 4503.11 of the Revised Code and the exemptions provided in 72600  
sections 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43 of the 72601  
Revised Code. 72602

Prior to the adoption of any resolution under this section, 72603  
the board of county commissioners shall conduct two public 72604  
hearings thereon, the second hearing to be not less than three nor 72605  
more than ten days after the first. Notice of the date, time, and 72606  
place of such hearings shall be given by publication in a 72607  
newspaper of general circulation in the county, or as provided in 72608  
section 7.16 of the Revised Code, once a week for two consecutive 72609  
weeks, ~~the.~~ The second publication ~~being~~ shall be not less than 72610  
ten nor more than thirty days prior to the first hearing. 72611

No resolution under this section shall become effective 72612  
sooner than thirty days following its adoption, and such 72613  
resolution is subject to a referendum as provided in sections 72614  
305.31 to 305.41 of the Revised Code, unless the resolution is 72615  
adopted as an emergency measure necessary for the immediate 72616  
preservation of the public peace, health, or safety, in which case 72617  
it shall go into immediate effect. The emergency measure must 72618  
receive an affirmative vote of all of the members of the board of 72619  
county commissioners, and shall state the reasons for the 72620  
necessity. A resolution may direct the board of elections to 72621  
submit the question of levying the tax to the electors of the 72622  
county at the next primary or general election occurring not less 72623

than ninety days after the resolution is certified to the board; 72624  
no such resolution shall go into effect unless approved by a 72625  
majority of those voting upon it. 72626

Nothing in this section or in section 4504.15 of the Revised 72627  
Code shall be interpreted as preventing a county from levying the 72628  
county motor vehicle license taxes authorized by such sections in 72629  
a single resolution. 72630

**Sec. 4504.18.** For the purpose of paying the costs and 72631  
expenses of enforcing and administering the tax provided for in 72632  
this section; for the construction, reconstruction, improvement, 72633  
maintenance, and repair of township roads, bridges, and culverts; 72634  
for purchasing, erecting, and maintaining traffic signs, markers, 72635  
lights, and signals; for purchasing road machinery and equipment, 72636  
and planning, constructing, and maintaining suitable buildings to 72637  
house such equipment; for paying any costs apportioned to the 72638  
township under section 4907.47 of the Revised Code; and to 72639  
supplement revenue already available for such purposes, the board 72640  
of township trustees may levy an annual license tax, in addition 72641  
to the tax levied by sections 4503.02, 4503.07, and 4503.18 of the 72642  
Revised Code, upon the operation of motor vehicles on the public 72643  
roads and highways in the unincorporated territory of the 72644  
township. The tax shall be at the rate of five dollars per motor 72645  
vehicle on all motor vehicles the owners of which reside in the 72646  
unincorporated area of the township and shall be in addition to 72647  
the taxes at the rates specified in sections 4503.04 and 4503.16 72648  
of the Revised Code, subject to reductions in the manner provided 72649  
in section 4503.11 of the Revised Code and the exemptions provided 72650  
in sections 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43 of 72651  
the Revised Code. 72652

Prior to the adoption of any resolution under this section, 72653  
the board of township trustees shall conduct two public hearings 72654

thereon, the second hearing to be not less than three nor more 72655  
than ten days after the first. Notice of the date, time, and place 72656  
of such hearings shall be given by publication in a newspaper of 72657  
general circulation in the township or as provided in section 7.16 72658  
of the Revised Code, once a week on the same day of the week for 72659  
two consecutive weeks, the second publication being not less than 72660  
ten nor more than thirty days prior to the first hearing. 72661

No resolution under this section shall become effective 72662  
sooner than thirty days following its adoption, and such 72663  
resolution is subject to a referendum in the same manner, except 72664  
as to the form of the petition, as provided in division (H) of 72665  
section 519.12 of the Revised Code for a proposed amendment to a 72666  
township zoning resolution. In addition, a petition under this 72667  
section shall be governed by the rules specified in section 72668  
3501.38 of the Revised Code. No resolution levying a tax under 72669  
this section for which a referendum vote has been requested shall 72670  
go into effect unless approved by a majority of those voting upon 72671  
it. 72672

A township license tax levied under this section shall 72673  
continue in effect until repealed. 72674

**Sec. 4506.071.** On receipt of a notice pursuant to section 72675  
3123.54 of the Revised Code, the registrar of motor vehicles shall 72676  
comply with sections ~~3123.52~~ 3123.53 to ~~3123.614~~ 3123.60 of the 72677  
Revised Code and any applicable rules adopted under section 72678  
3123.63 of the Revised Code with respect to a commercial driver's 72679  
license or commercial driver's temporary instruction permit issued 72680  
pursuant to this chapter. 72681

**Sec. 4507.111.** On receipt of a notice pursuant to section 72682  
3123.54 of the Revised Code, the registrar of motor vehicles shall 72683  
comply with sections ~~3123.52~~ 3123.53 to ~~3123.614~~ 3123.60 of the 72684



Revised Code and any applicable rules adopted under section 72685  
3123.63 of the Revised Code with respect to any driver's or 72686  
commercial license or permit, motorcycle operator's license or 72687  
endorsement, or temporary instruction permit or commercial 72688  
driver's temporary instruction permit issued by this state that is 72689  
the subject of the notice. 72690

**Sec. 4507.164.** (A) Except as provided in divisions (C) to (E) 72691  
of this section, when the license of any person is suspended 72692  
pursuant to any provision of the Revised Code other than division 72693  
(G) of section 4511.19 of the Revised Code and other than section 72694  
4510.07 of the Revised Code for a violation of a municipal OVI 72695  
ordinance, the trial judge may impound the identification license 72696  
plates of any motor vehicle registered in the name of the person. 72697

(B)(1) When the license of any person is suspended pursuant 72698  
to division (G)(1)(a) of section 4511.19 of the Revised Code, or 72699  
pursuant to section 4510.07 of the Revised Code for a municipal 72700  
OVI offense when the suspension is equivalent in length to the 72701  
suspension under division (G) of section 4511.19 of the Revised 72702  
Code that is specified in this division, the trial judge of the 72703  
court of record or the mayor of the mayor's court that suspended 72704  
the license may impound the identification license plates of any 72705  
motor vehicle registered in the name of the person. 72706

(2) When the license of any person is suspended pursuant to 72707  
division (G)(1)(b) of section 4511.19 of the Revised Code, or 72708  
pursuant to section 4510.07 of the Revised Code for a municipal 72709  
OVI offense when the suspension is equivalent in length to the 72710  
suspension under division (G) of section 4511.19 of the Revised 72711  
Code that is specified in this division, the trial judge of the 72712  
court of record that suspended the license shall order the 72713  
impoundment of the identification license plates of the motor 72714  
vehicle the offender was operating at the time of the offense and 72715

the immobilization of that vehicle in accordance with section 72716  
4503.233 and division (G)(1)(b) of section 4511.19 or division 72717  
~~(B)~~(C)(2)(a) of section 4511.193 of the Revised Code and may 72718  
impound the identification license plates of any other motor 72719  
vehicle registered in the name of the person whose license is 72720  
suspended. 72721

(3) When the license of any person is suspended pursuant to 72722  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 72723  
Code, or pursuant to section 4510.07 of the Revised Code for a 72724  
municipal OVI offense when the suspension is equivalent in length 72725  
to the suspension under division (G) of section 4511.19 of the 72726  
Revised Code that is specified in this division, the trial judge 72727  
of the court of record that suspended the license shall order the 72728  
criminal forfeiture to the state of the motor vehicle the offender 72729  
was operating at the time of the offense in accordance with 72730  
section 4503.234 and division (G)(1)(c), (d), or (e) of section 72731  
4511.19 or division ~~(B)~~(C)(2)(b) of section 4511.193 of the 72732  
Revised Code and may impound the identification license plates of 72733  
any other motor vehicle registered in the name of the person whose 72734  
license is suspended. 72735

(C)(1) When a person is convicted of or pleads guilty to a 72736  
violation of section 4510.14 of the Revised Code or a 72737  
substantially equivalent municipal ordinance and division (B)(1) 72738  
or (2) of section 4510.14 or division (C)(1) or (2) of section 72739  
4510.161 of the Revised Code applies, the trial judge of the court 72740  
of record or the mayor of the mayor's court that imposes sentence 72741  
shall order the immobilization of the vehicle the person was 72742  
operating at the time of the offense and the impoundment of its 72743  
identification license plates in accordance with section 4503.233 72744  
and division (B)(1) or (2) of section 4510.14 or division (C)(1) 72745  
or (2) of section 4510.161 of the Revised Code and may impound the 72746  
identification license plates of any other vehicle registered in 72747

the name of that person. 72748

(2) When a person is convicted of or pleads guilty to a 72749  
violation of section 4510.14 of the Revised Code or a 72750  
substantially equivalent municipal ordinance and division (B)(3) 72751  
of section 4510.14 or division (C)(3) of section 4510.161 of the 72752  
Revised Code applies, the trial judge of the court of record that 72753  
imposes sentence shall order the criminal forfeiture to the state 72754  
of the vehicle the person was operating at the time of the offense 72755  
in accordance with section 4503.234 and division (B)(3) of section 72756  
4510.14 or division (C)(3) of section 4510.161 of the Revised Code 72757  
and may impound the identification license plates of any other 72758  
vehicle registered in the name of that person. 72759

(D)~~(1)~~ When a person is convicted of or pleads guilty to a 72760  
violation of division (A) of section 4510.16 of the Revised Code 72761  
or a substantially equivalent municipal ordinance, division (B) of 72762  
section 4510.16 or division (B) of section 4510.161 of the Revised 72763  
Code applies in determining whether the immobilization of the 72764  
vehicle the person was operating at the time of the offense and 72765  
the impoundment of its identification license plates or the 72766  
criminal forfeiture to the state of the vehicle the person was 72767  
operating at the time of the offense is authorized or required. 72768  
The trial judge of the court of record or the mayor of the mayor's 72769  
court that imposes sentence may impound the identification license 72770  
plates of any other vehicle registered in the name of that person. 72771

(E)(1) When a person is convicted of or pleads guilty to a 72772  
violation of section 4511.203 of the Revised Code and the person 72773  
is sentenced pursuant to division (C)(1) or (2) of section 72774  
4511.203 of the Revised Code, the trial judge of the court of 72775  
record or the mayor of the mayor's court that imposes sentence 72776  
shall order the immobilization of the vehicle that was involved in 72777  
the commission of the offense and the impoundment of its 72778  
identification license plates in accordance with division (C)(1) 72779

or (2) of section 4511.203 and section 4503.233 of the Revised Code and may impound the identification license plates of any other vehicle registered in the name of that person.

(2) When a person is convicted of or pleads guilty to a violation of section 4511.203 of the Revised Code and the person is sentenced pursuant to division (C)(3) of section 4511.203 of the Revised Code, the trial judge of the court of record or the mayor of the mayor's court that imposes sentence shall order the criminal forfeiture to the state of the vehicle that was involved in the commission of the offense in accordance with division (C)(3) of section 4511.203 and section 4503.234 of the Revised Code and may impound the identification license plates of any other vehicle registered in the name of that person.

(F) Except as provided in section 4503.233 or 4503.234 of the Revised Code, when the certificate of registration, the identification license plates, or both have been impounded, division (B) of section 4507.02 of the Revised Code is applicable.

(G) As used in this section, "municipal OVI offense" has the same meaning as in section 4511.181 of the Revised Code.

**Sec. 4510.037.** (A) When the registrar of motor vehicles determines that the total points charged against any person under section 4510.036 of the Revised Code exceed five, the registrar shall send a warning letter to the person at the person's last known address by regular mail. The warning letter shall list the reported violations that are the basis of the points charged, list the number of points charged for each violation, and outline the suspension provisions of this section.

(B) When the registrar determines that the total points charged against any person under section 4510.036 of the Revised Code within any two-year period beginning on the date of the first conviction within the two-year period is equal to twelve or more,

the registrar shall send a written notice to the person at the 72811  
person's last known address by regular mail. The notice shall list 72812  
the reported violations that are the basis of the points charged, 72813  
list the number of points charged for each violation, and state 72814  
that, because the total number of points charged against the 72815  
person within the applicable two-year period is equal to twelve or 72816  
more, the registrar is imposing a class D suspension of the 72817  
person's driver's or commercial driver's license or permit or 72818  
nonresident operating privileges for the period of time specified 72819  
in division (B)(4) of section 4510.02 of the Revised Code. The 72820  
notice also shall state that the suspension is effective on the 72821  
twentieth day after the mailing of the notice, unless the person 72822  
files a petition appealing the determination and suspension in the 72823  
municipal court, county court, or, if the person is under the age 72824  
of eighteen, the juvenile division of the court of common pleas in 72825  
whose jurisdiction the person resides or, if the person is not a 72826  
resident of this state, in the Franklin county municipal court or 72827  
juvenile division of the Franklin county court of common pleas. By 72828  
filing the appeal of the determination and suspension, the person 72829  
agrees to pay the cost of the proceedings in the appeal of the 72830  
determination and suspension and alleges that the person can show 72831  
cause why the person's driver's or commercial driver's license or 72832  
permit or nonresident operating privileges should not be 72833  
suspended. 72834

(C)(1) Any person against whom at least two but less than 72835  
twelve points have been charged under section 4510.036 of the 72836  
Revised Code may enroll in a course of remedial driving 72837  
instruction that is approved by the director of public safety. 72838  
Upon the person's completion of an approved course of remedial 72839  
driving instruction, the person may apply to the registrar on a 72840  
form prescribed by the registrar for a credit of two points on the 72841  
person's driving record. Upon receipt of the application and proof 72842  
of completion of the approved remedial driving course, the 72843

registrar shall approve the two-point credit. The registrar shall 72844  
not approve any credits for a person who completes an approved 72845  
course of remedial driving instruction pursuant to a judge's order 72846  
under section 4510.02 of the Revised Code. 72847

(2) In any three-year period, the registrar shall approve 72848  
only one two-point credit on a person's driving record under 72849  
division (C)(1) of this section. The registrar shall approve not 72850  
more than five two-point credits on a person's driving record 72851  
under division (C)(1) of this section during that person's 72852  
lifetime. 72853

(D) When a judge of a court of record suspends a person's 72854  
driver's or commercial driver's license or permit or nonresident 72855  
operating privilege and charges points against the person under 72856  
section 4510.036 of the Revised Code for the offense that resulted 72857  
in the suspension, the registrar shall credit that period of 72858  
suspension against the time of any subsequent suspension imposed 72859  
under this section for which those points were used to impose the 72860  
subsequent suspension. When a United States district court that 72861  
has jurisdiction within this state suspends a person's driver's or 72862  
commercial driver's license or permit or nonresident operating 72863  
privileges pursuant to the "Assimilative Crimes Act," 102 Stat. 72864  
4381 (1988), 18 U.S.C.A. 13, as amended, the district court 72865  
prepares an abstract pursuant to section 4510.031 of the Revised 72866  
Code, and the district court charges points against the person 72867  
under section 4510.036 of the Revised Code for the offense that 72868  
resulted in the suspension, the registrar shall credit the period 72869  
of suspension imposed by the district court against the time of 72870  
any subsequent suspension imposed under this section for which the 72871  
points were used to impose the subsequent suspension. 72872

(E) The registrar, upon the written request of a licensee who 72873  
files a petition under division (B) of this section, shall furnish 72874  
the licensee a certified copy of the registrar's record of the 72875

convictions and bond forfeitures of the person. This record shall 72876  
include the name, address, and date of birth of the licensee; the 72877  
name of the court in which each conviction or bail forfeiture took 72878  
place; the nature of the offense that was the basis of the 72879  
conviction or bond forfeiture; and any other information that the 72880  
registrar considers necessary. If the record indicates that twelve 72881  
points or more have been charged against the person within a 72882  
two-year period, it is prima-facie evidence that the person is a 72883  
repeat traffic offender, and the registrar shall suspend the 72884  
person's driver's or commercial driver's license or permit or 72885  
nonresident operating privilege pursuant to division (B) of this 72886  
section. 72887

In hearing the petition and determining whether the person 72888  
filing the petition has shown cause why the person's driver's or 72889  
commercial driver's license or permit or nonresident operating 72890  
privilege should not be suspended, the court shall decide the 72891  
issue on the record certified by the registrar and any additional 72892  
relevant, competent, and material evidence that either the 72893  
registrar or the person whose license is sought to be suspended 72894  
submits. 72895

(F) If a petition is filed under division (B) of this section 72896  
in a county court, the prosecuting attorney of the county in which 72897  
the case is pending shall represent the registrar in the 72898  
proceedings, except that, if the petitioner resides in a municipal 72899  
corporation within the jurisdiction of the county court, the city 72900  
director of law, village solicitor, or other chief legal officer 72901  
of the municipal corporation shall represent the registrar in the 72902  
proceedings. If a petition is filed under division (B) of this 72903  
section in a municipal court, the registrar shall be represented 72904  
in the resulting proceedings as provided in section 1901.34 of the 72905  
Revised Code. 72906

(G) If the court determines from the evidence submitted that 72907

a person who filed a petition under division (B) of this section 72908  
has failed to show cause why the person's driver's or commercial 72909  
driver's license or permit or nonresident operating privileges 72910  
should not be suspended, the court shall assess against the person 72911  
the cost of the proceedings in the appeal of the determination and 72912  
suspension and shall impose the applicable suspension under this 72913  
section or suspend all or a portion of the suspension and impose 72914  
any conditions upon the person that the court considers proper or 72915  
impose upon the person a community control sanction pursuant to 72916  
section 2929.15 or 2929.25 of the Revised Code. If the court 72917  
determines from the evidence submitted that a person who filed a 72918  
petition under division (B) of this section has shown cause why 72919  
the person's driver's or commercial driver's license or permit or 72920  
nonresident operating privileges should not be suspended, the 72921  
costs of the appeal proceeding shall be paid out of the county 72922  
treasury of the county in which the proceedings were held. 72923

(H) Any person whose driver's or commercial driver's license 72924  
or permit or nonresident operating privileges are suspended under 72925  
this section is not entitled to apply for or receive a new 72926  
driver's or commercial driver's license or permit or to request or 72927  
be granted nonresident operating privileges during the effective 72928  
period of the suspension. 72929

(I) Upon the termination of any suspension or other penalty 72930  
imposed under this section involving the surrender of license or 72931  
permit and upon the request of the person whose license or permit 72932  
was suspended or surrendered, the registrar shall return the 72933  
license or permit to the person upon determining that the person 72934  
has complied with all provisions of section 4510.038 of the 72935  
Revised Code or, if the registrar destroyed the license or permit 72936  
pursuant to section 4510.52 of the Revised Code, shall reissue the 72937  
person's license or permit. 72938

(J) Any person whose driver's or commercial driver's license 72939



or permit or nonresident operating privileges are suspended as a 72940  
repeat traffic offender under this section and who, during the 72941  
suspension, operates any motor vehicle upon any public roads and 72942  
highways is guilty of a misdemeanor of the first degree, and the 72943  
court shall sentence the offender to a minimum term of three days 72944  
in jail. No court shall suspend the first three days of jail time 72945  
imposed pursuant to this division. 72946

(K) The registrar, in accordance with specific statutory 72947  
authority, may suspend the privilege of driving a motor vehicle on 72948  
the public roads and highways of this state that is granted to 72949  
nonresidents by section 4507.04 of the Revised Code. 72950

(L) Any (1) Except as provided in division (L)(2) of this 72951  
section, any course of remedial driving instruction the director 72952  
of public safety approves under this section shall require its 72953  
students to attend at least fifty per cent of the course in 72954  
person. ~~The~~ and the director shall not approve any course of 72955  
remedial driving instruction that permits its students to take 72956  
more than fifty per cent of the course in any other manner, 72957  
including via video teleconferencing or the internet. 72958

(2) The director may approve a course of remedial instruction 72959  
that permits students to take the entire course via video 72960  
teleconferencing. In accordance with division (C) of this section, 72961  
upon receiving an application with a certificate or other proof of 72962  
completion of a course approved under this division, the registrar 72963  
shall approve the two-point reduction. 72964

**Sec. 4510.038.** (A) Any person whose driver's or commercial 72965  
driver's license or permit is suspended or who is granted limited 72966  
driving privileges under section 4510.037, under division (H) of 72967  
section 4511.19, or under section 4510.07 of the Revised Code for 72968  
a violation of a municipal ordinance that is substantially 72969  
equivalent to division (B) of section 4511.19 of the Revised Code 72970

is not eligible to retain the license, or to have the driving 72971  
privileges reinstated, until each of the following has occurred: 72972

(1) The person successfully completes a course of remedial 72973  
driving instruction approved by the director of public safety. A 72974  
minimum of twenty-five per cent of the number of hours of 72975  
instruction included in the course shall be devoted to instruction 72976  
on driver attitude. 72977

The course also shall devote a number of hours to instruction 72978  
in the area of alcohol and drugs and the operation of vehicles. 72979  
The instruction shall include, but not be limited to, a review of 72980  
the laws governing the operation of a vehicle while under the 72981  
influence of alcohol, drugs, or a combination of them, the dangers 72982  
of operating a vehicle while under the influence of alcohol, 72983  
drugs, or a combination of them, and other information relating to 72984  
the operation of vehicles and the consumption of alcoholic 72985  
beverages and use of drugs. The director, in consultation with the 72986  
director of alcohol and drug addiction services, shall prescribe 72987  
the content of the instruction. The number of hours devoted to the 72988  
area of alcohol and drugs and the operation of vehicles shall 72989  
comprise a minimum of twenty-five per cent of the number of hours 72990  
of instruction included in the course. 72991

(2) The person is examined in the manner provided for in 72992  
section 4507.20 of the Revised Code, and found by the registrar of 72993  
motor vehicles to be qualified to operate a motor vehicle; 72994

(3) The person gives and maintains proof of financial 72995  
responsibility, in accordance with section 4509.45 of the Revised 72996  
Code. 72997

(B) ~~Any (1) Except as provided in division (B)(2) of this~~ 72998  
~~section, any~~ course of remedial driving instruction the director 72999  
of public safety approves under this section shall require its 73000  
students to attend at least fifty per cent of the course in 73001

person.—The and the director shall not approve any course of 73002  
remedial driving instruction that permits its students to take 73003  
more than fifty per cent of the course in any other manner, 73004  
including via video teleconferencing or the internet. 73005

(2) The director may approve a course of remedial instruction 73006  
that permits students to take the entire course via video 73007  
teleconferencing or the internet. 73008

**Sec. 4511.191.** (A)(1) As used in this section: 73009

(a) "Physical control" has the same meaning as in section 73010  
4511.194 of the Revised Code. 73011

(b) "Alcohol monitoring device" means any device that 73012  
provides for continuous alcohol monitoring, any ignition interlock 73013  
device, any immobilizing or disabling device other than an 73014  
ignition interlock device that is constantly available to monitor 73015  
the concentration of alcohol in a person's system, or any other 73016  
device that provides for the automatic testing and periodic 73017  
reporting of alcohol consumption by a person and that a court 73018  
orders a person to use as a sanction imposed as a result of the 73019  
person's conviction of or plea of guilty to an offense. 73020

(2) Any person who operates a vehicle, streetcar, or 73021  
trackless trolley upon a highway or any public or private property 73022  
used by the public for vehicular travel or parking within this 73023  
state or who is in physical control of a vehicle, streetcar, or 73024  
trackless trolley shall be deemed to have given consent to a 73025  
chemical test or tests of the person's whole blood, blood serum or 73026  
plasma, breath, or urine to determine the alcohol, drug of abuse, 73027  
controlled substance, metabolite of a controlled substance, or 73028  
combination content of the person's whole blood, blood serum or 73029  
plasma, breath, or urine if arrested for a violation of division 73030  
(A) or (B) of section 4511.19 of the Revised Code, section 73031  
4511.194 of the Revised Code or a substantially equivalent 73032

municipal ordinance, or a municipal OVI ordinance. 73033

(3) The chemical test or tests under division (A)(2) of this 73034  
section shall be administered at the request of a law enforcement 73035  
officer having reasonable grounds to believe the person was 73036  
operating or in physical control of a vehicle, streetcar, or 73037  
trackless trolley in violation of a division, section, or 73038  
ordinance identified in division (A)(2) of this section. The law 73039  
enforcement agency by which the officer is employed shall 73040  
designate which of the tests shall be administered. 73041

(4) Any person who is dead or unconscious, or who otherwise 73042  
is in a condition rendering the person incapable of refusal, shall 73043  
be deemed to have consented as provided in division (A)(2) of this 73044  
section, and the test or tests may be administered, subject to 73045  
sections 313.12 to 313.16 of the Revised Code. 73046

(5)(a) If a law enforcement officer arrests a person for a 73047  
violation of division (A) or (B) of section 4511.19 of the Revised 73048  
Code, section 4511.194 of the Revised Code or a substantially 73049  
equivalent municipal ordinance, or a municipal OVI ordinance and 73050  
if the person if convicted would be required to be sentenced under 73051  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 73052  
Code, the law enforcement officer shall request the person to 73053  
submit, and the person shall submit, to a chemical test or tests 73054  
of the person's whole blood, blood serum or plasma, breath, or 73055  
urine for the purpose of determining the alcohol, drug of abuse, 73056  
controlled substance, metabolite of a controlled substance, or 73057  
combination content of the person's whole blood, blood serum or 73058  
plasma, breath, or urine. A law enforcement officer who makes a 73059  
request pursuant to this division that a person submit to a 73060  
chemical test or tests is not required to advise the person of the 73061  
consequences of submitting to, or refusing to submit to, the test 73062  
or tests and is not required to give the person the form described 73063  
in division (B) of section 4511.192 of the Revised Code, but the 73064

officer shall advise the person at the time of the arrest that if 73065  
the person refuses to take a chemical test the officer may employ 73066  
whatever reasonable means are necessary to ensure that the person 73067  
submits to a chemical test of the person's whole blood or blood 73068  
serum or plasma. The officer shall also advise the person at the 73069  
time of the arrest that the person may have an independent 73070  
chemical test taken at the person's own expense. Divisions (A)(3) 73071  
and (4) of this section apply to the administration of a chemical 73072  
test or tests pursuant to this division. 73073

(b) If a person refuses to submit to a chemical test upon a 73074  
request made pursuant to division (A)(5)(a) of this section, the 73075  
law enforcement officer who made the request may employ whatever 73076  
reasonable means are necessary to ensure that the person submits 73077  
to a chemical test of the person's whole blood or blood serum or 73078  
plasma. A law enforcement officer who acts pursuant to this 73079  
division to ensure that a person submits to a chemical test of the 73080  
person's whole blood or blood serum or plasma is immune from 73081  
criminal and civil liability based upon a claim for assault and 73082  
battery or any other claim for the acts, unless the officer so 73083  
acted with malicious purpose, in bad faith, or in a wanton or 73084  
reckless manner. 73085

(B)(1) Upon receipt of the sworn report of a law enforcement 73086  
officer who arrested a person for a violation of division (A) or 73087  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 73088  
the Revised Code or a substantially equivalent municipal 73089  
ordinance, or a municipal OVI ordinance that was completed and 73090  
sent to the registrar and a court pursuant to section 4511.192 of 73091  
the Revised Code in regard to a person who refused to take the 73092  
designated chemical test, the registrar shall enter into the 73093  
registrar's records the fact that the person's driver's or 73094  
commercial driver's license or permit or nonresident operating 73095  
privilege was suspended by the arresting officer under this 73096

division and that section and the period of the suspension, as 73097  
determined under this section. The suspension shall be subject to 73098  
appeal as provided in section 4511.197 of the Revised Code. The 73099  
suspension shall be for whichever of the following periods 73100  
applies: 73101

(a) Except when division (B)(1)(b), (c), or (d) of this 73102  
section applies and specifies a different class or length of 73103  
suspension, the suspension shall be a class C suspension for the 73104  
period of time specified in division (B)(3) of section 4510.02 of 73105  
the Revised Code. 73106

(b) If the arrested person, within six years of the date on 73107  
which the person refused the request to consent to the chemical 73108  
test, had refused one previous request to consent to a chemical 73109  
test or had been convicted of or pleaded guilty to one violation 73110  
of division (A) or (B) of section 4511.19 of the Revised Code or 73111  
one other equivalent offense, the suspension shall be a class B 73112  
suspension imposed for the period of time specified in division 73113  
(B)(2) of section 4510.02 of the Revised Code. 73114

(c) If the arrested person, within six years of the date on 73115  
which the person refused the request to consent to the chemical 73116  
test, had refused two previous requests to consent to a chemical 73117  
test, had been convicted of or pleaded guilty to two violations of 73118  
division (A) or (B) of section 4511.19 of the Revised Code or 73119  
other equivalent offenses, or had refused one previous request to 73120  
consent to a chemical test and also had been convicted of or 73121  
pleaded guilty to one violation of division (A) or (B) of section 73122  
4511.19 of the Revised Code or other equivalent offenses, which 73123  
violation or offense arose from an incident other than the 73124  
incident that led to the refusal, the suspension shall be a class 73125  
A suspension imposed for the period of time specified in division 73126  
(B)(1) of section 4510.02 of the Revised Code. 73127

(d) If the arrested person, within six years of the date on 73128

which the person refused the request to consent to the chemical 73129  
test, had refused three or more previous requests to consent to a 73130  
chemical test, had been convicted of or pleaded guilty to three or 73131  
more violations of division (A) or (B) of section 4511.19 of the 73132  
Revised Code or other equivalent offenses, or had refused a number 73133  
of previous requests to consent to a chemical test and also had 73134  
been convicted of or pleaded guilty to a number of violations of 73135  
division (A) or (B) of section 4511.19 of the Revised Code or 73136  
other equivalent offenses that cumulatively total three or more 73137  
such refusals, convictions, and guilty pleas, the suspension shall 73138  
be for five years. 73139

(2) The registrar shall terminate a suspension of the 73140  
driver's or commercial driver's license or permit of a resident or 73141  
of the operating privilege of a nonresident, or a denial of a 73142  
driver's or commercial driver's license or permit, imposed 73143  
pursuant to division (B)(1) of this section upon receipt of notice 73144  
that the person has entered a plea of guilty to, or that the 73145  
person has been convicted after entering a plea of no contest to, 73146  
operating a vehicle in violation of section 4511.19 of the Revised 73147  
Code or in violation of a municipal OVI ordinance, if the offense 73148  
for which the conviction is had or the plea is entered arose from 73149  
the same incident that led to the suspension or denial. 73150

The registrar shall credit against any judicial suspension of 73151  
a person's driver's or commercial driver's license or permit or 73152  
nonresident operating privilege imposed pursuant to section 73153  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 73154  
Revised Code for a violation of a municipal OVI ordinance, any 73155  
time during which the person serves a related suspension imposed 73156  
pursuant to division (B)(1) of this section. 73157

(C)(1) Upon receipt of the sworn report of the law 73158  
enforcement officer who arrested a person for a violation of 73159  
division (A) or (B) of section 4511.19 of the Revised Code or a 73160

municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the



Revised Code or one other equivalent offense. 73193

(c) If, within six years of the date the test was conducted, 73194  
the person has been convicted of or pleaded guilty to two 73195  
violations of a statute or ordinance described in division 73196  
(C)(1)(b) of this section, the suspension shall be a class B 73197  
suspension imposed for the period of time specified in division 73198  
(B)(2) of section 4510.02 of the Revised Code. 73199

(d) If, within six years of the date the test was conducted, 73200  
the person has been convicted of or pleaded guilty to more than 73201  
two violations of a statute or ordinance described in division 73202  
(C)(1)(b) of this section, the suspension shall be a class A 73203  
suspension imposed for the period of time specified in division 73204  
(B)(1) of section 4510.02 of the Revised Code. 73205

(2) The registrar shall terminate a suspension of the 73206  
driver's or commercial driver's license or permit of a resident or 73207  
of the operating privilege of a nonresident, or a denial of a 73208  
driver's or commercial driver's license or permit, imposed 73209  
pursuant to division (C)(1) of this section upon receipt of notice 73210  
that the person has entered a plea of guilty to, or that the 73211  
person has been convicted after entering a plea of no contest to, 73212  
operating a vehicle in violation of section 4511.19 of the Revised 73213  
Code or in violation of a municipal OVI ordinance, if the offense 73214  
for which the conviction is had or the plea is entered arose from 73215  
the same incident that led to the suspension or denial. 73216

The registrar shall credit against any judicial suspension of 73217  
a person's driver's or commercial driver's license or permit or 73218  
nonresident operating privilege imposed pursuant to section 73219  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 73220  
Revised Code for a violation of a municipal OVI ordinance, any 73221  
time during which the person serves a related suspension imposed 73222  
pursuant to division (C)(1) of this section. 73223

(D)(1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in division (B) or (C) of this section is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

(2) If a person is arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance, or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (B) or (C) of this section or Chapter 4510. of the Revised Code, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the citation to the person, subject to any continuance granted by the court pursuant to section 4511.197 of the Revised Code regarding the issues specified in that division.

(E) When it finally has been determined under the procedures of this section and sections 4511.192 to 4511.197 of the Revised Code that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(F) At the end of a suspension period under this section,

under section 4511.194, section 4511.196, or division (G) of 73256  
section 4511.19 of the Revised Code, or under section 4510.07 of 73257  
the Revised Code for a violation of a municipal OVI ordinance and 73258  
upon the request of the person whose driver's or commercial 73259  
driver's license or permit was suspended and who is not otherwise 73260  
subject to suspension, cancellation, or disqualification, the 73261  
registrar shall return the driver's or commercial driver's license 73262  
or permit to the person upon the occurrence of all of the 73263  
conditions specified in divisions (F)(1) and (2) of this section: 73264

(1) A showing that the person has proof of financial 73265  
responsibility, a policy of liability insurance in effect that 73266  
meets the minimum standards set forth in section 4509.51 of the 73267  
Revised Code, or proof, to the satisfaction of the registrar, that 73268  
the person is able to respond in damages in an amount at least 73269  
equal to the minimum amounts specified in section 4509.51 of the 73270  
Revised Code. 73271

(2) Subject to the limitation contained in division (F)(3) of 73272  
this section, payment by the person to the registrar of motor 73273  
vehicles or an eligible deputy registrar of a license 73274  
reinstatement fee of four hundred seventy-five dollars, which fee 73275  
shall be deposited in the state treasury and credited as follows: 73276

(a) One hundred twelve dollars and fifty cents shall be 73277  
credited to the statewide treatment and prevention fund created by 73278  
section 4301.30 of the Revised Code. The Money credited to the 73279  
fund under this section shall be used ~~to pay the costs of driver~~ 73280  
~~treatment and intervention programs operated pursuant to sections~~ 73281  
~~3793.02 and 3793.10 for purposes identified in the comprehensive~~ 73282  
statewide alcohol and drug addiction services plan developed under 73283  
section 3793.04 of the Revised Code. ~~The director of alcohol and~~ 73284  
~~drug addiction services shall determine the share of the fund that~~ 73285  
~~is to be allocated to alcohol and drug addiction programs~~ 73286  
~~authorized by section 3793.02 of the Revised Code, and the share~~ 73287

~~of the fund that is to be allocated to drivers' intervention 73288~~  
~~programs authorized by section 3793.10 of the Revised Code. 73289~~

(b) Seventy-five dollars shall be credited to the reparations 73290  
fund created by section 2743.191 of the Revised Code. 73291

(c) Thirty-seven dollars and fifty cents shall be credited to 73292  
the indigent drivers alcohol treatment fund, which is hereby 73293  
established in the state treasury. Except as otherwise provided in 73294  
division (F)(2)(c) of this section, moneys in the fund shall be 73295  
distributed by the department of alcohol and drug addiction 73296  
services to the county indigent drivers alcohol treatment funds, 73297  
the county juvenile indigent drivers alcohol treatment funds, and 73298  
the municipal indigent drivers alcohol treatment funds that are 73299  
required to be established by counties and municipal corporations 73300  
pursuant to division (H) of this section, and shall be used only 73301  
to pay the cost of an alcohol and drug addiction treatment program 73302  
attended by an offender or juvenile traffic offender who is 73303  
ordered to attend an alcohol and drug addiction treatment program 73304  
by a county, juvenile, or municipal court judge and who is 73305  
determined by the county, juvenile, or municipal court judge not 73306  
to have the means to pay for the person's attendance at the 73307  
program or to pay the costs specified in division (H)(4) of this 73308  
section in accordance with that division. In addition, a county, 73309  
juvenile, or municipal court judge may use moneys in the county 73310  
indigent drivers alcohol treatment fund, county juvenile indigent 73311  
drivers alcohol treatment fund, or municipal indigent drivers 73312  
alcohol treatment fund to pay for the cost of the continued use of 73313  
an alcohol monitoring device as described in divisions (H)(3) and 73314  
(4) of this section. Moneys in the fund that are not distributed 73315  
to a county indigent drivers alcohol treatment fund, a county 73316  
juvenile indigent drivers alcohol treatment fund, or a municipal 73317  
indigent drivers alcohol treatment fund under division (H) of this 73318  
section because the director of alcohol and drug addiction 73319

services does not have the information necessary to identify the 73320  
county or municipal corporation where the offender or juvenile 73321  
offender was arrested may be transferred by the director of budget 73322  
and management to the statewide treatment and prevention fund 73323  
created by section 4301.30 of the Revised Code, upon certification 73324  
of the amount by the director of alcohol and drug addiction 73325  
services. 73326

(d) Seventy-five dollars shall be credited to the Ohio 73327  
rehabilitation services commission established by section 3304.12 73328  
of the Revised Code, to the services for rehabilitation fund, 73329  
which is hereby established. The fund shall be used to match 73330  
available federal matching funds where appropriate, and for any 73331  
other purpose or program of the commission to rehabilitate people 73332  
with disabilities to help them become employed and independent. 73333

(e) Seventy-five dollars shall be deposited into the state 73334  
treasury and credited to the drug abuse resistance education 73335  
programs fund, which is hereby established, to be used by the 73336  
attorney general for the purposes specified in division (F)(4) of 73337  
this section. 73338

(f) Thirty dollars shall be credited to the state bureau of 73339  
motor vehicles fund created by section 4501.25 of the Revised 73340  
Code. 73341

(g) Twenty dollars shall be credited to the trauma and 73342  
emergency medical services grants fund created by section 4513.263 73343  
of the Revised Code. 73344

(h) Fifty dollars shall be credited to the indigent drivers 73345  
interlock and alcohol monitoring fund, which is hereby established 73346  
in the state treasury. ~~Monies~~ Moneys in the fund shall be 73347  
distributed by the department of public safety to the county 73348  
indigent drivers interlock and alcohol monitoring funds, the 73349  
county juvenile indigent drivers interlock and alcohol monitoring 73350

funds, and the municipal indigent drivers interlock and alcohol 73351  
monitoring funds that are required to be established by counties 73352  
and municipal corporations pursuant to this section, and shall be 73353  
used only to pay the cost of an immobilizing or disabling device, 73354  
including a certified ignition interlock device, or an alcohol 73355  
monitoring device used by an offender or juvenile offender who is 73356  
ordered to use the device by a county, juvenile, or municipal 73357  
court judge and who is determined by the county, juvenile, or 73358  
municipal court judge not to have the means to pay for the 73359  
person's use of the device. 73360

(3) If a person's driver's or commercial driver's license or 73361  
permit is suspended under this section, under section 4511.196 or 73362  
division (G) of section 4511.19 of the Revised Code, under section 73363  
4510.07 of the Revised Code for a violation of a municipal OVI 73364  
ordinance or under any combination of the suspensions described in 73365  
division (F)(3) of this section, and if the suspensions arise from 73366  
a single incident or a single set of facts and circumstances, the 73367  
person is liable for payment of, and shall be required to pay to 73368  
the registrar or an eligible deputy registrar, only one 73369  
reinstatement fee of four hundred seventy-five dollars. The 73370  
reinstatement fee shall be distributed by the bureau in accordance 73371  
with division (F)(2) of this section. 73372

(4) The attorney general shall use amounts in the drug abuse 73373  
resistance education programs fund to award grants to law 73374  
enforcement agencies to establish and implement drug abuse 73375  
resistance education programs in public schools. Grants awarded to 73376  
a law enforcement agency under this section shall be used by the 73377  
agency to pay for not more than fifty per cent of the amount of 73378  
the salaries of law enforcement officers who conduct drug abuse 73379  
resistance education programs in public schools. The attorney 73380  
general shall not use more than six per cent of the amounts the 73381  
attorney general's office receives under division (F)(2)(e) of 73382

this section to pay the costs it incurs in administering the grant 73383  
program established by division (F)(2)(e) of this section and in 73384  
providing training and materials relating to drug abuse resistance 73385  
education programs. 73386

The attorney general shall report to the governor and the 73387  
general assembly each fiscal year on the progress made in 73388  
establishing and implementing drug abuse resistance education 73389  
programs. These reports shall include an evaluation of the 73390  
effectiveness of these programs. 73391

(5) In addition to the reinstatement fee under this section, 73392  
if the person pays the reinstatement fee to a deputy registrar, 73393  
the deputy registrar shall collect a service fee of ten dollars to 73394  
compensate the deputy registrar for services performed under this 73395  
section. The deputy registrar shall retain eight dollars of the 73396  
service fee and shall transmit the reinstatement fee, plus two 73397  
dollars of the service fee, to the registrar in the manner the 73398  
registrar shall determine. 73399

(G) Suspension of a commercial driver's license under 73400  
division (B) or (C) of this section shall be concurrent with any 73401  
period of disqualification under section 3123.611 or 4506.16 of 73402  
the Revised Code or any period of suspension under section 3123.58 73403  
of the Revised Code. No person who is disqualified for life from 73404  
holding a commercial driver's license under section 4506.16 of the 73405  
Revised Code shall be issued a driver's license under Chapter 73406  
4507. of the Revised Code during the period for which the 73407  
commercial driver's license was suspended under division (B) or 73408  
(C) of this section. No person whose commercial driver's license 73409  
is suspended under division (B) or (C) of this section shall be 73410  
issued a driver's license under Chapter 4507. of the Revised Code 73411  
during the period of the suspension. 73412

(H)(1) Each county shall establish an indigent drivers 73413  
alcohol treatment fund, each county shall establish a juvenile 73414

indigent drivers alcohol treatment fund, and each municipal 73415  
corporation in which there is a municipal court shall establish an 73416  
indigent drivers alcohol treatment fund. All revenue that the 73417  
general assembly appropriates to the indigent drivers alcohol 73418  
treatment fund for transfer to a county indigent drivers alcohol 73419  
treatment fund, a county juvenile indigent drivers alcohol 73420  
treatment fund, or a municipal indigent drivers alcohol treatment 73421  
fund, all portions of fees that are paid under division (F) of 73422  
this section and that are credited under that division to the 73423  
indigent drivers alcohol treatment fund in the state treasury for 73424  
a county indigent drivers alcohol treatment fund, a county 73425  
juvenile indigent drivers alcohol treatment fund, or a municipal 73426  
indigent drivers alcohol treatment fund, all portions of 73427  
additional costs imposed under section 2949.094 of the Revised 73428  
Code that are specified for deposit into a county, county 73429  
juvenile, or municipal indigent drivers alcohol treatment fund by 73430  
that section, and all portions of fines that are specified for 73431  
deposit into a county or municipal indigent drivers alcohol 73432  
treatment fund by section 4511.193 of the Revised Code shall be 73433  
deposited into that county indigent drivers alcohol treatment 73434  
fund, county juvenile indigent drivers alcohol treatment fund, or 73435  
municipal indigent drivers alcohol treatment fund. The portions of 73436  
the fees paid under division (F) of this section that are to be so 73437  
deposited shall be determined in accordance with division (H)(2) 73438  
of this section. Additionally, all portions of fines that are paid 73439  
for a violation of section 4511.19 of the Revised Code or of any 73440  
prohibition contained in Chapter 4510. of the Revised Code, and 73441  
that are required under section 4511.19 or any provision of 73442  
Chapter 4510. of the Revised Code to be deposited into a county 73443  
indigent drivers alcohol treatment fund or municipal indigent 73444  
drivers alcohol treatment fund shall be deposited into the 73445  
appropriate fund in accordance with the applicable division of the 73446  
section or provision. 73447



(2) That portion of the license reinstatement fee that is 73448  
paid under division (F) of this section and that is credited under 73449  
that division to the indigent drivers alcohol treatment fund shall 73450  
be deposited into a county indigent drivers alcohol treatment 73451  
fund, a county juvenile indigent drivers alcohol treatment fund, 73452  
or a municipal indigent drivers alcohol treatment fund as follows: 73453

(a) Regarding a suspension imposed under this section, that 73454  
portion of the fee shall be deposited as follows: 73455

(i) If the fee is paid by a person who was charged in a 73456  
county court with the violation that resulted in the suspension or 73457  
in the imposition of the court costs, the portion shall be 73458  
deposited into the county indigent drivers alcohol treatment fund 73459  
under the control of that court; 73460

(ii) If the fee is paid by a person who was charged in a 73461  
juvenile court with the violation that resulted in the suspension 73462  
or in the imposition of the court costs, the portion shall be 73463  
deposited into the county juvenile indigent drivers alcohol 73464  
treatment fund established in the county served by the court; 73465

(iii) If the fee is paid by a person who was charged in a 73466  
municipal court with the violation that resulted in the suspension 73467  
or in the imposition of the court costs, the portion shall be 73468  
deposited into the municipal indigent drivers alcohol treatment 73469  
fund under the control of that court. 73470

(b) Regarding a suspension imposed under section 4511.19 of 73471  
the Revised Code or under section 4510.07 of the Revised Code for 73472  
a violation of a municipal OVI ordinance, that portion of the fee 73473  
shall be deposited as follows: 73474

(i) If the fee is paid by a person whose license or permit 73475  
was suspended by a county court, the portion shall be deposited 73476  
into the county indigent drivers alcohol treatment fund under the 73477  
control of that court; 73478

(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(3) Expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund shall be made only upon the order of a county, juvenile, or municipal court judge and only for payment of the cost of an assessment or the cost of the attendance at an alcohol and drug addiction treatment program of a person who is convicted of, or found to be a juvenile traffic offender by reason of, a violation of division (A) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend the alcohol and drug addiction treatment program, and who is determined by the court to be unable to pay the cost of the assessment or the cost of attendance at the treatment program or for payment of the costs specified in division (H)(4) of this section in accordance with that division. The alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health service district in which the court is located shall administer the indigent drivers alcohol treatment program of the court. When a court orders an offender or juvenile traffic offender to obtain an assessment or attend an alcohol and drug addiction treatment program, the board shall determine which program is suitable to meet the needs of the offender or juvenile traffic offender, and when a suitable program is located and space is available at the program, the offender or juvenile traffic offender shall attend the program designated by the board. A reasonable amount not to exceed five per cent of the amounts credited to and deposited into the county indigent drivers alcohol

treatment fund, the county juvenile indigent drivers alcohol 73512  
treatment fund, or the municipal indigent drivers alcohol 73513  
treatment fund serving every court whose program is administered 73514  
by that board shall be paid to the board to cover the costs it 73515  
incurs in administering those indigent drivers alcohol treatment 73516  
programs. 73517

In addition, upon exhaustion of moneys in the indigent 73518  
drivers interlock and alcohol monitoring fund for the use of an 73519  
alcohol monitoring device, a county, juvenile, or municipal court 73520  
judge may use moneys in the county indigent drivers alcohol 73521  
treatment fund, county juvenile indigent drivers alcohol treatment 73522  
fund, or municipal indigent drivers alcohol treatment fund in the 73523  
following manners: 73524

(a) If the source of the moneys was an appropriation of the 73525  
general assembly, a portion of a fee that was paid under division 73526  
(F) of this section, a portion of a fine that was specified for 73527  
deposit into the fund by section 4511.193 of the Revised Code, or 73528  
a portion of a fine that was paid for a violation of section 73529  
4511.19 of the Revised Code or of a provision contained in Chapter 73530  
4510. of the Revised Code that was required to be deposited into 73531  
the fund, to pay for the continued use of an alcohol monitoring 73532  
device by an offender or juvenile traffic offender, in conjunction 73533  
with a treatment program approved by the department of alcohol and 73534  
drug addiction services, when such use is determined clinically 73535  
necessary by the treatment program and when the court determines 73536  
that the offender or juvenile traffic offender is unable to pay 73537  
all or part of the daily monitoring or cost of the device; 73538

(b) If the source of the moneys was a portion of an 73539  
additional court cost imposed under section 2949.094 of the 73540  
Revised Code, to pay for the continued use of an alcohol 73541  
monitoring device by an offender or juvenile traffic offender when 73542  
the court determines that the offender or juvenile traffic 73543

offender is unable to pay all or part of the daily monitoring or 73544  
cost of the device. The moneys may be used for a device as 73545  
described in this division if the use of the device is in 73546  
conjunction with a treatment program approved by the department of 73547  
alcohol and drug addiction services, when the use of the device is 73548  
determined clinically necessary by the treatment program, but the 73549  
use of a device is not required to be in conjunction with a 73550  
treatment program approved by the department in order for the 73551  
moneys to be used for the device as described in this division. 73552

(4) If a county, juvenile, or municipal court determines, in 73553  
consultation with the alcohol and drug addiction services board or 73554  
the board of alcohol, drug addiction, and mental health services 73555  
established pursuant to section 340.02 or 340.021 of the Revised 73556  
Code and serving the alcohol, drug addiction, and mental health 73557  
district in which the court is located, that the funds in the 73558  
county indigent drivers alcohol treatment fund, the county 73559  
juvenile indigent drivers alcohol treatment fund, or the municipal 73560  
indigent drivers alcohol treatment fund under the control of the 73561  
court are more than sufficient to satisfy the purpose for which 73562  
the fund was established, as specified in divisions (H)(1) to (3) 73563  
of this section, the court may declare a surplus in the fund. If 73564  
the court declares a surplus in the fund, the court may expend the 73565  
amount of the surplus in the fund for: 73566

(a) Alcohol and drug abuse assessment and treatment of 73567  
persons who are charged in the court with committing a criminal 73568  
offense or with being a delinquent child or juvenile traffic 73569  
offender and in relation to whom both of the following apply: 73570

(i) The court determines that substance abuse was a 73571  
contributing factor leading to the criminal or delinquent activity 73572  
or the juvenile traffic offense with which the person is charged. 73573

(ii) The court determines that the person is unable to pay 73574  
the cost of the alcohol and drug abuse assessment and treatment 73575

for which the surplus money will be used. 73576

(b) All or part of the cost of purchasing alcohol monitoring 73577  
devices to be used in conjunction with division (H)(3) of this 73578  
section, upon exhaustion of moneys in the indigent drivers 73579  
interlock and alcohol monitoring fund for the use of an alcohol 73580  
monitoring device. 73581

(5) For the purpose of determining as described in division 73582  
(F)(2)(c) of this section whether an offender does not have the 73583  
means to pay for the offender's attendance at an alcohol and drug 73584  
addiction treatment program or whether an alleged offender or 73585  
delinquent child is unable to pay the costs specified in division 73586  
(H)(4) of this section, the court shall use the indigent client 73587  
eligibility guidelines and the standards of indigency established 73588  
by the state public defender to make the determination. 73589

(6) The court shall identify and refer any alcohol and drug 73590  
addiction program that is not certified under section 3793.06 of 73591  
the Revised Code and that is interested in receiving amounts from 73592  
the surplus in the fund declared under division (H)(4) of this 73593  
section to the department of alcohol and drug addiction services 73594  
in order for the program to become a certified alcohol and drug 73595  
addiction program. The department shall keep a record of applicant 73596  
referrals received pursuant to this division and shall submit a 73597  
report on the referrals each year to the general assembly. If a 73598  
program interested in becoming certified makes an application to 73599  
become certified pursuant to section 3793.06 of the Revised Code, 73600  
the program is eligible to receive surplus funds as long as the 73601  
application is pending with the department. The department of 73602  
alcohol and drug addiction services must offer technical 73603  
assistance to the applicant. If the interested program withdraws 73604  
the certification application, the department must notify the 73605  
court, and the court shall not provide the interested program with 73606  
any further surplus funds. 73607

(7)(a) Each alcohol and drug addiction services board and 73608  
board of alcohol, drug addiction, and mental health services 73609  
established pursuant to section 340.02 or 340.021 of the Revised 73610  
Code shall submit to the department of alcohol and drug addiction 73611  
services an annual report for each indigent drivers alcohol 73612  
treatment fund in that board's area. 73613

(b) The report, which shall be submitted not later than sixty 73614  
days after the end of the state fiscal year, shall provide the 73615  
total payment that was made from the fund, including the number of 73616  
indigent consumers that received treatment services and the number 73617  
of indigent consumers that received an alcohol monitoring device. 73618  
The report shall identify the treatment program and expenditure 73619  
for an alcohol monitoring device for which that payment was made. 73620  
The report shall include the fiscal year balance of each indigent 73621  
drivers alcohol treatment fund located in that board's area. In 73622  
the event that a surplus is declared in the fund pursuant to 73623  
division (H)(4) of this section, the report also shall provide the 73624  
total payment that was made from the surplus moneys and identify 73625  
the treatment program and expenditure for an alcohol monitoring 73626  
device for which that payment was made. The department may require 73627  
additional information necessary to complete the comprehensive 73628  
statewide alcohol and drug addiction services plan as required by 73629  
section 3793.04 of the Revised Code. 73630

(c) If a board is unable to obtain adequate information to 73631  
develop the report to submit to the department for a particular 73632  
indigent drivers alcohol treatment fund, the board shall submit a 73633  
report detailing the effort made in obtaining the information. 73634

(I)(1) Each county shall establish an indigent drivers 73635  
interlock and alcohol monitoring fund and a juvenile indigent 73636  
drivers interlock and alcohol treatment fund, and each municipal 73637  
corporation in which there is a municipal court shall establish an 73638  
indigent drivers interlock and alcohol monitoring fund. All 73639

revenue that the general assembly appropriates to the indigent 73640  
drivers interlock and alcohol monitoring fund for transfer to a 73641  
county indigent drivers interlock and alcohol monitoring fund, a 73642  
county juvenile indigent drivers interlock and alcohol monitoring 73643  
fund, or a municipal indigent drivers interlock and alcohol 73644  
monitoring fund, all portions of license reinstatement fees that 73645  
are paid under division (F)(2) of this section and that are 73646  
credited under that division to the indigent drivers interlock and 73647  
alcohol monitoring fund in the state treasury, and all portions of 73648  
fines that are paid under division (G) of section 4511.19 of the 73649  
Revised Code and that are credited by division (G)(5)(e) of that 73650  
section to the indigent drivers interlock and alcohol monitoring 73651  
fund in the state treasury shall be deposited in the appropriate 73652  
fund in accordance with division (I)(2) of this section. 73653

(2) That portion of the license reinstatement fee that is 73654  
paid under division (F) of this section and that portion of the 73655  
fine paid under division (G) of section 4511.19 of the Revised 73656  
Code and that is credited under either division to the indigent 73657  
drivers interlock and alcohol monitoring fund shall be deposited 73658  
into a county indigent drivers interlock and alcohol monitoring 73659  
fund, a county juvenile indigent drivers interlock and alcohol 73660  
monitoring fund, or a municipal indigent drivers interlock and 73661  
alcohol monitoring fund as follows: 73662

(a) If the fee or fine is paid by a person who was charged in 73663  
a county court with the violation that resulted in the suspension 73664  
or fine, the portion shall be deposited into the county indigent 73665  
drivers interlock and alcohol monitoring fund under the control of 73666  
that court. 73667

(b) If the fee or fine is paid by a person who was charged in 73668  
a juvenile court with the violation that resulted in the 73669  
suspension or fine, the portion shall be deposited into the county 73670  
juvenile indigent drivers interlock and alcohol monitoring fund 73671

established in the county served by the court. 73672

(c) If the fee or fine is paid by a person who was charged in 73673  
a municipal court with the violation that resulted in the 73674  
suspension, the portion shall be deposited into the municipal 73675  
indigent drivers interlock and alcohol monitoring fund under the 73676  
control of that court. 73677

**Sec. 4511.193.** (A) Twenty-five dollars of any fine imposed 73678  
for a violation of a municipal OVI ordinance shall be deposited 73679  
into the municipal or county indigent drivers alcohol treatment 73680  
fund created pursuant to division (H) of section 4511.191 of the 73681  
Revised Code in accordance with this section and section 733.40, 73682  
divisions (A) ~~and~~, (B), ~~and~~ (C) of section 1901.024, division (F) 73683  
of section 1901.31, or division (C) of section 1907.20 of the 73684  
Revised Code. Regardless of whether the fine is imposed by a 73685  
municipal court, a mayor's court, or a juvenile court, if the fine 73686  
was imposed for a violation of an ordinance of a municipal 73687  
corporation that is within the jurisdiction of a county-operated 73688  
municipal court or a municipal court that is not a county-operated 73689  
municipal court, the twenty-five dollars that is subject to this 73690  
section shall be deposited into the indigent drivers alcohol 73691  
treatment fund of the county in which that municipal corporation 73692  
is located if the municipal court that has jurisdiction over that 73693  
municipal corporation is a county-operated municipal court or of 73694  
the municipal corporation in which is located the municipal court 73695  
that has jurisdiction over that municipal corporation if that 73696  
municipal court is not a county-operated municipal court. 73697  
Regardless of whether the fine is imposed by a county court, a 73698  
mayor's court, or a juvenile court, if the fine was imposed for a 73699  
violation of an ordinance of a municipal corporation that is 73700  
within the jurisdiction of a county court, the twenty-five dollars 73701  
that is subject to this section shall be deposited into the 73702  
indigent drivers alcohol treatment fund of the county in which is 73703



located the county court that has jurisdiction over that municipal 73704  
corporation. The deposit shall be made in accordance with section 73705  
733.40, divisions (A) ~~and~~, (B), and (C) of section 1901.024, 73706  
division (F) of section 1901.31, or division (C) of section 73707  
1907.20 of the Revised Code. 73708

(B) Any court cost imposed as a result of a violation of a 73709  
municipal ordinance that is a moving violation and designated for 73710  
an indigent drivers alcohol treatment fund established pursuant to 73711  
division (H) of section 4511.191 of the Revised Code shall be 73712  
deposited into the municipal or county indigent drivers alcohol 73713  
treatment fund created pursuant to division (H) of section 73714  
4511.191 of the Revised Code in accordance with this section and 73715  
section 733.40, divisions (A), (B), and (C) of section 1901.024, 73716  
division (F) of section 1901.31, or division (C) of section 73717  
1907.20 of the Revised Code. Regardless of whether the court cost 73718  
is imposed by a municipal court, a mayor's court, or a juvenile 73719  
court, if the court cost was imposed for a violation of an 73720  
ordinance of a municipal corporation that is within the 73721  
jurisdiction of a county-operated municipal court or a municipal 73722  
court that is not a county-operated municipal court, the court 73723  
cost that is subject to this section shall be deposited into the 73724  
indigent drivers alcohol treatment fund of the county in which 73725  
that municipal corporation is located if the municipal court that 73726  
has jurisdiction over that municipal corporation is a 73727  
county-operated municipal court or of the municipal corporation in 73728  
which is located the municipal court that has jurisdiction over 73729  
that municipal corporation if that municipal court is not a 73730  
county-operated municipal court. Regardless of whether the court 73731  
cost is imposed by a county court, a mayor's court, or a juvenile 73732  
court, if the court cost was imposed for a violation of an 73733  
ordinance of a municipal corporation that is within the 73734  
jurisdiction of a county court, the court cost that is subject to 73735

this section shall be deposited into the indigent drivers alcohol treatment fund of the county in which is located the county court that has jurisdiction over that municipal corporation. The deposit shall be made in accordance with section 733.40, divisions (A), (B), and (C) of section 1901.024, division (F) of section 1901.31, or division (C) of section 1907.20 of the Revised Code.

(C)(1) The requirements and sanctions imposed by divisions ~~(B)~~(C)(1) and (2) of this section are an adjunct to and derive from the state's exclusive authority over the registration and titling of motor vehicles and do not comprise a part of the criminal sentence to be imposed upon a person who violates a municipal OVI ordinance.

(2) If a person is convicted of or pleads guilty to a violation of a municipal OVI ordinance, if the vehicle the offender was operating at the time of the offense is registered in the offender's name, and if, within six years of the current offense, the offender has been convicted of or pleaded guilty to one or more violations of division (A) or (B) of section 4511.19 of the Revised Code or one or more other equivalent offenses, the court, in addition to and independent of any sentence that it imposes upon the offender for the offense, shall do whichever of the following is applicable:

(a) Except as otherwise provided in division ~~(B)~~(C)(2)(b) of this section, if, within six years of the current offense, the offender has been convicted of or pleaded guilty to one violation described in division ~~(B)~~(C)(2) of this section, the court shall order the immobilization for ninety days of that vehicle and the impoundment for ninety days of the license plates of that vehicle. The order for the immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Revised Code.

(b) If, within six years of the current offense, the offender

has been convicted of or pleaded guilty to two or more violations 73768  
described in division ~~(B)~~(C)(2) of this section, or if the 73769  
offender previously has been convicted of or pleaded guilty to a 73770  
violation of division (A) of section 4511.19 of the Revised Code 73771  
under circumstances in which the violation was a felony and 73772  
regardless of when the violation and the conviction or guilty plea 73773  
occurred, the court shall order the criminal forfeiture to the 73774  
state of that vehicle. The order of criminal forfeiture shall be 73775  
issued and enforced in accordance with section 4503.234 of the 73776  
Revised Code. 73777

(D) As used in this section, "county-operated municipal 73778  
court" has the same meaning as in section 1901.03 of the Revised 73779  
Code. 73780

**Sec. 4513.62.** Unclaimed motor vehicles ordered into storage 73781  
pursuant to division (A)(1) of section 4513.60 or section 4513.61 73782  
of the Revised Code shall be disposed of at the order of the 73783  
sheriff of the county or the chief of police of the municipal 73784  
corporation, township, or township police district to a motor 73785  
vehicle salvage dealer or scrap metal processing facility as 73786  
defined in section 4737.05 of the Revised Code, or to any other 73787  
facility owned by or under contract with the county, municipal 73788  
corporation, or township, for the disposal of such motor vehicles, 73789  
or shall be sold by the sheriff, chief of police, or licensed 73790  
auctioneer at public auction, after giving notice thereof by 73791  
advertisement, published once a week for two successive weeks in a 73792  
newspaper of general circulation in the county or as provided in 73793  
section 7.16 of the Revised Code. Any moneys accruing from the 73794  
disposition of an unclaimed motor vehicle that are in excess of 73795  
the expenses resulting from the removal and storage of the vehicle 73796  
shall be credited to the general fund of the county, the municipal 73797  
corporation, or the township, as the case may be. 73798

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the Revised Code:

(A) "Persons" includes individuals, firms, partnerships, associations, joint stock companies, corporations, and any combinations of individuals.

(B) "Motor vehicle" means motor vehicle as defined in section 4501.01 of the Revised Code and also includes "all-purpose vehicle" and "off-highway motorcycle" as those terms are defined in section 4519.01 of the Revised Code. "Motor vehicle" does not include a snowmobile as defined in section 4519.01 of the Revised Code or manufactured and mobile homes.

(C) "New motor vehicle" means a motor vehicle, the legal title to which has never been transferred by a manufacturer, remanufacturer, distributor, or dealer to an ultimate purchaser.

(D) "Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a dealer purchasing in the capacity of a dealer, who in good faith purchases such new motor vehicle for purposes other than resale.

(E) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect.

(F) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor's assets is not engaging in business.

(G) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise

disposing of a motor vehicle to an ultimate purchaser for use as a consumer. 73829  
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(H) "Retail installment contract" includes any contract in the form of a note, chattel mortgage, conditional sales contract, lease, agreement, or other instrument payable in one or more installments over a period of time and arising out of the retail sale of a motor vehicle. 73831  
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(I) "Farm machinery" means all machines and tools used in the production, harvesting, and care of farm products. 73836  
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(J) "Dealer" or "motor vehicle dealer" means any new motor vehicle dealer, any motor vehicle leasing dealer, and any used motor vehicle dealer. 73838  
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(K) "New motor vehicle dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in new motor vehicles pursuant to a contract or agreement entered into with the manufacturer, remanufacturer, or distributor of the motor vehicles. 73841  
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(L) "Used motor vehicle dealer" means any person engaged in the business of selling, displaying, offering for sale, or dealing in used motor vehicles, at retail or wholesale, but does not mean any new motor vehicle dealer selling, displaying, offering for sale, or dealing in used motor vehicles incidentally to engaging in the business of selling, displaying, offering for sale, or dealing in new motor vehicles, any person engaged in the business of dismantling, salvaging, or rebuilding motor vehicles by means of using used parts, or any public officer performing official duties. 73846  
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(M) "Motor vehicle leasing dealer" means any person engaged in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle pursuant to a bailment, lease, sublease, or other contractual 73856  
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arrangement under which a charge is made for its use at a periodic 73860  
rate for a term of thirty days or more, and title to the motor 73861  
vehicle is in and remains in the motor vehicle leasing dealer who 73862  
originally leases it, irrespective of whether or not the motor 73863  
vehicle is the subject of a later sublease, and not in the user, 73864  
but does not mean a manufacturer or its affiliate leasing to its 73865  
employees or to dealers. 73866

(N) "Salesperson" means any person employed by a dealer ~~or~~ 73867  
~~manufactured home broker~~ to sell, display, and offer for sale, or 73868  
deal in motor vehicles for a commission, compensation, or other 73869  
valuable consideration, but does not mean any public officer 73870  
performing official duties. 73871

(O) "Casual sale" means any transfer of a motor vehicle by a 73872  
person other than a new motor vehicle dealer, used motor vehicle 73873  
dealer, motor vehicle salvage dealer, as defined in division (A) 73874  
of section 4738.01 of the Revised Code, salesperson, motor vehicle 73875  
auction owner, manufacturer, or distributor acting in the capacity 73876  
of a dealer, salesperson, auction owner, manufacturer, or 73877  
distributor, to a person who purchases the motor vehicle for use 73878  
as a consumer. 73879

(P) "Motor vehicle show" means a display of current models of 73880  
motor vehicles whereby the primary purpose is the exhibition of 73881  
competitive makes and models in order to provide the general 73882  
public the opportunity to review and inspect various makes and 73883  
models of motor vehicles at a single location. 73884

(Q) "Motor vehicle auction owner" means any person who is 73885  
engaged wholly or in part in the business of auctioning motor 73886  
vehicles, but does not mean a construction equipment auctioneer or 73887  
a construction equipment auction licensee. 73888

(R) "Manufacturer" means a person who manufactures, 73889  
assembles, or imports motor vehicles, including motor homes, but 73890

does not mean a person who only assembles or installs a body, 73891  
special equipment unit, finishing trim, or accessories on a motor 73892  
vehicle chassis supplied by a manufacturer or distributor. 73893

(S) "Tent-type fold-out camping trailer" means any vehicle 73894  
intended to be used, when stationary, as a temporary shelter with 73895  
living and sleeping facilities, and that is subject to the 73896  
following properties and limitations: 73897

(1) A minimum of twenty-five per cent of the fold-out portion 73898  
of the top and sidewalls combined must be constructed of canvas, 73899  
vinyl, or other fabric, and form an integral part of the shelter. 73900

(2) When folded, the unit must not exceed: 73901

(a) Fifteen feet in length, exclusive of bumper and tongue; 73902

(b) Sixty inches in height from the point of contact with the 73903  
ground; 73904

(c) Eight feet in width; 73905

(d) One ton gross weight at time of sale. 73906

(T) "Distributor" means any person authorized by a motor 73907  
vehicle manufacturer to distribute new motor vehicles to licensed 73908  
new motor vehicle dealers, but does not mean a person who only 73909  
assembles or installs a body, special equipment unit, finishing 73910  
trim, or accessories on a motor vehicle chassis supplied by a 73911  
manufacturer or distributor. 73912

(U) "Flea market" means a market place, other than a dealer's 73913  
location licensed under this chapter, where a space or location is 73914  
provided for a fee or compensation to a seller to exhibit and 73915  
offer for sale or trade, motor vehicles to the general public. 73916

(V) "Franchise" means any written agreement, contract, or 73917  
understanding between any motor vehicle manufacturer or 73918  
remanufacturer engaged in commerce and any motor vehicle dealer 73919  
that purports to fix the legal rights and liabilities of the 73920

parties to such agreement, contract, or understanding. 73921

(W) "Franchisee" means a person who receives new motor 73922  
vehicles from the franchisor under a franchise agreement and who 73923  
offers, sells, and provides service for such new motor vehicles to 73924  
the general public. 73925

(X) "Franchisor" means a new motor vehicle manufacturer, 73926  
remanufacturer, or distributor who supplies new motor vehicles 73927  
under a franchise agreement to a franchisee. 73928

(Y) "Dealer organization" means a state or local trade 73929  
association the membership of which is comprised predominantly of 73930  
new motor vehicle dealers. 73931

(Z) "Factory representative" means a representative employed 73932  
by a manufacturer, remanufacturer, or by a factory branch 73933  
primarily for the purpose of promoting the sale of its motor 73934  
vehicles, parts, or accessories to dealers or for supervising or 73935  
contacting its dealers or prospective dealers. 73936

(AA) "Administrative or executive management" means those 73937  
individuals who are not subject to federal wage and hour laws. 73938

(BB) "Good faith" means honesty in the conduct or transaction 73939  
concerned and the observance of reasonable commercial standards of 73940  
fair dealing in the trade as is defined in section 1301.201 of the 73941  
Revised Code, including, but not limited to, the duty to act in a 73942  
fair and equitable manner so as to guarantee freedom from 73943  
coercion, intimidation, or threats of coercion or intimidation; 73944  
provided however, that recommendation, endorsement, exposition, 73945  
persuasion, urging, or argument shall not be considered to 73946  
constitute a lack of good faith. 73947

(CC) "Coerce" means to compel or attempt to compel by failing 73948  
to act in good faith or by threat of economic harm, breach of 73949  
contract, or other adverse consequences. Coerce does not mean to 73950  
argue, urge, recommend, or persuade. 73951



(DD) "Relevant market area" means any area within a radius of ten miles from the site of a potential new dealership, except that for manufactured home or recreational vehicle dealerships the radius shall be twenty-five miles. The ten-mile radius shall be measured from the dealer's established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in motor vehicles.

(EE) "Wholesale" or "at wholesale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to a transferee for the purpose of resale and not for ultimate consumption by that transferee.

(FF) "Motor vehicle wholesaler" means any person licensed as a dealer under the laws of another state and engaged in the business of selling, displaying, or offering for sale used motor vehicles, at wholesale, but does not mean any motor vehicle dealer as defined in this section.

(GG)(1) "Remanufacturer" means a person who assembles or installs passenger seating, walls, a roof elevation, or a body extension on a conversion van with the motor vehicle chassis supplied by a manufacturer or distributor, a person who modifies a truck chassis supplied by a manufacturer or distributor for use as a public safety or public service vehicle, a person who modifies a motor vehicle chassis supplied by a manufacturer or distributor for use as a limousine or hearse, or a person who modifies an incomplete motor vehicle cab and chassis supplied by a new motor vehicle dealer or distributor for use as a tow truck, but does not mean either of the following:

(a) A person who assembles or installs passenger seating, a roof elevation, or a body extension on a recreational vehicle as defined in division (Q) and referred to in division (B) of section 4501.01 of the Revised Code;

(b) A person who assembles or installs special equipment or accessories for handicapped persons, as defined in section 4503.44 of the Revised Code, upon a motor vehicle chassis supplied by a manufacturer or distributor.

(2) For the purposes of division (GG)(1) of this section, "public safety vehicle or public service vehicle" means a fire truck, ambulance, school bus, street sweeper, garbage packing truck, or cement mixer, or a mobile self-contained facility vehicle.

(3) For the purposes of division (GG)(1) of this section, "limousine" means a motor vehicle, designed only for the purpose of carrying nine or fewer passengers, that a person modifies by cutting the original chassis, lengthening the wheelbase by forty inches or more, and reinforcing the chassis in such a way that all modifications comply with all applicable federal motor vehicle safety standards. No person shall qualify as or be deemed to be a remanufacturer who produces limousines unless the person has a written agreement with the manufacturer of the chassis the person utilizes to produce the limousines to complete properly the remanufacture of the chassis into limousines.

(4) For the purposes of division (GG)(1) of this section, "hearse" means a motor vehicle, designed only for the purpose of transporting a single casket, that is equipped with a compartment designed specifically to carry a single casket that a person modifies by cutting the original chassis, lengthening the wheelbase by ten inches or more, and reinforcing the chassis in such a way that all modifications comply with all applicable federal motor vehicle safety standards. No person shall qualify as or be deemed to be a remanufacturer who produces hearses unless the person has a written agreement with the manufacturer of the chassis the person utilizes to produce the hearses to complete properly the remanufacture of the chassis into hearses.

(5) For the purposes of division (GG)(1) of this section, 74015  
"mobile self-contained facility vehicle" means a mobile classroom 74016  
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 74017  
testing laboratory, and mobile display vehicle, each of which is 74018  
designed for purposes other than for passenger transportation and 74019  
other than the transportation or displacement of cargo, freight, 74020  
materials, or merchandise. A vehicle is remanufactured into a 74021  
mobile self-contained facility vehicle in part by the addition of 74022  
insulation to the body shell, and installation of all of the 74023  
following: a generator, electrical wiring, plumbing, holding 74024  
tanks, doors, windows, cabinets, shelving, and heating, 74025  
ventilating, and air conditioning systems. 74026

(6) For the purposes of division (GG)(1) of this section, 74027  
"tow truck" means both of the following: 74028

(a) An incomplete cab and chassis that are purchased by a 74029  
remanufacturer from a new motor vehicle dealer or distributor of 74030  
the cab and chassis and on which the remanufacturer then installs 74031  
in a permanent manner a wrecker body it purchases from a 74032  
manufacturer or distributor of wrecker bodies, installs an 74033  
emergency flashing light pylon and emergency lights upon the mast 74034  
of the wrecker body or rooftop, and installs such other related 74035  
accessories and equipment, including push bumpers, front grille 74036  
guards with pads and other custom-ordered items such as painting, 74037  
special lettering, and safety striping so as to create a complete 74038  
motor vehicle capable of lifting and towing another motor vehicle. 74039

(b) An incomplete cab and chassis that are purchased by a 74040  
remanufacturer from a new motor vehicle dealer or distributor of 74041  
the cab and chassis and on which the remanufacturer then installs 74042  
in a permanent manner a car carrier body it purchases from a 74043  
manufacturer or distributor of car carrier bodies, installs an 74044  
emergency flashing light pylon and emergency lights upon the 74045  
rooftop, and installs such other related accessories and 74046

equipment, including push bumpers, front grille guards with pads 74047  
and other custom-ordered items such as painting, special 74048  
lettering, and safety striping. 74049

As used in division (GG)(6)(b) of this section, "car carrier 74050  
body" means a mechanical or hydraulic apparatus capable of lifting 74051  
and holding a motor vehicle on a flat level surface so that one or 74052  
more motor vehicles can be transported, once the car carrier is 74053  
permanently installed upon an incomplete cab and chassis. 74054

(HH) "Operating as a new motor vehicle dealership" means 74055  
engaging in activities such as displaying, offering for sale, and 74056  
selling new motor vehicles at retail, operating a service facility 74057  
to perform repairs and maintenance on motor vehicles, offering for 74058  
sale and selling motor vehicle parts at retail, and conducting all 74059  
other acts that are usual and customary to the operation of a new 74060  
motor vehicle dealership. For the purposes of this chapter only, 74061  
possession of either a valid new motor vehicle dealer franchise 74062  
agreement or a new motor vehicle dealers license, or both of these 74063  
items, is not evidence that a person is operating as a new motor 74064  
vehicle dealership. 74065

(II) "Outdoor power equipment" means garden and small utility 74066  
tractors, walk-behind and riding mowers, chainsaws, and tillers. 74067

(JJ) "Remote service facility" means premises that are 74068  
separate from a licensed new motor vehicle dealer's sales facility 74069  
by not more than one mile and that are used by the dealer to 74070  
perform repairs, warranty work, recall work, and maintenance on 74071  
motor vehicles pursuant to a franchise agreement entered into with 74072  
a manufacturer of motor vehicles. A remote service facility shall 74073  
be deemed to be part of the franchise agreement and is subject to 74074  
all the rights, duties, obligations, and requirements of Chapter 74075  
4517. of the Revised Code that relate to the performance of motor 74076  
vehicle repairs, warranty work, recall work, and maintenance work 74077  
by new motor vehicle dealers. 74078

(KK) "Recreational vehicle" has the same meaning as in section 4501.01 of the Revised Code. 74079  
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(LL) "Construction equipment auctioneer" means a person who holds both a valid auctioneer's license issued under Chapter 4707. of the Revised Code and a valid construction equipment auction license issued under this chapter. 74081  
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(MM) "Large construction or transportation equipment" means vehicles having a gross vehicle weight rating of more than ten thousand pounds and includes road rollers, traction engines, power shovels, power cranes, commercial cars and trucks, or farm trucks, and other similar vehicles obtained primarily from the construction, mining, transportation or farming industries. 74085  
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**Sec. 4517.04.** Each person applying for a new motor vehicle dealer's license shall ~~annually~~ biennially make out and deliver to the registrar of motor vehicles, before the first day of April, and upon a blank to be furnished by the registrar for that purpose, a separate application for license for each county in which the business of selling new motor vehicles is to be conducted. The application shall be in the form prescribed by the registrar, shall be signed and sworn to by the applicant, and, in addition to any other information required by the registrar, shall include the following: 74091  
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(A) Name of applicant and location of principal place of business; 74101  
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(B) Name or style under which business is to be conducted and, if a corporation, the state of incorporation; 74103  
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(C) Name and address of each owner or partner and, if a corporation, the names of the officers and directors; 74105  
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(D) The county in which the business is to be conducted and the address of each place of business therein; 74107  
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(E) A statement of the previous history, record, and 74109  
association of the applicant and of each owner, partner, officer, 74110  
and director, that shall be sufficient to establish to the 74111  
satisfaction of the registrar the reputation in business of the 74112  
applicant; 74113

(F) A statement showing whether the applicant has previously 74114  
applied for a motor vehicle dealer's license, motor vehicle 74115  
leasing dealer's license, ~~manufactured home broker's license,~~ 74116  
distributor's license, motor vehicle auction owner's license, or 74117  
motor vehicle salesperson's license, and the result of the 74118  
application, and whether the applicant has ever been the holder of 74119  
any such license that was revoked or suspended; 74120

(G) If the applicant is a corporation or partnership, a 74121  
statement showing whether any partner, employee, officer, or 74122  
director has been refused a motor vehicle dealer's license, motor 74123  
vehicle leasing dealer's license, ~~manufactured home broker's~~ 74124  
~~license,~~ distributor's license, motor vehicle auction owner's 74125  
license, or motor vehicle salesperson's license, or has been the 74126  
holder of any such license that was revoked or suspended; 74127

(H) A statement of the makes of new motor vehicles to be 74128  
handled. 74129

The statement required by division (E) of this section shall 74130  
indicate whether the applicant or, if applicable, any of the 74131  
applicant's owners, partners, officers, or directors, 74132  
individually, or as owner, partner, officer, or director of a 74133  
business entity, has been convicted of, pleaded guilty, or pleaded 74134  
no contest, in a criminal action, or had a judgment rendered 74135  
against ~~him~~ the person in a civil action for, a violation of 74136  
sections 4549.41 to 4549.46 of the Revised Code, of any 74137  
substantively comparable provisions of the law of any other state, 74138  
or of subchapter IV of the "Motor Vehicle Information and Cost 74139  
Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 74140

A true copy of the contract, agreement, or understanding the applicant has entered into or is about to enter into with the manufacturer or distributor of the new motor vehicles the applicant will handle shall be filed with the application. If the contract, agreement, or understanding is not in writing, a written statement of all the terms thereof shall be filed. Each such copy or statement shall bear a certificate signed by each party to the contract, agreement, or understanding, to the effect that the copy or statement is true and complete and contains all of the agreements made or about to be made between the parties.

The application also shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant.

**Sec. 4517.09.** Each person applying for a salesperson's license shall ~~annually~~ biennially make out and deliver to the registrar of motor vehicles, before the first day of July and upon a blank to be furnished by the registrar for that purpose, an application for license. The application shall be in the form prescribed by the registrar, shall be signed and sworn to by the applicant, and, in addition to any other information required by the registrar, shall include the following:

(A) Name and post-office address of the applicant;

(B) Name and post-office address of the motor vehicle dealer ~~or manufactured home broker~~ for whom the applicant intends to act as salesperson;

(C) A statement of the applicant's previous history, record, and association, that shall be sufficient to establish to the satisfaction of the registrar the applicant's reputation in business;

(D) A statement as to whether the applicant intends to engage

in any occupation or business other than that of a motor vehicle salesperson; 74171  
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(E) A statement as to whether the applicant has ever had any previous application refused, and whether the applicant has previously had a license revoked or suspended; 74173  
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(F) A statement as to whether the applicant was an employee of or salesperson for a dealer ~~or manufactured home broker~~ whose license was suspended or revoked; 74176  
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(G) A statement of the motor vehicle dealer ~~or manufactured home broker~~ named therein, designating the applicant as the dealer's ~~or broker's~~ salesperson. 74179  
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The statement required by division (C) of this section shall indicate whether the applicant individually, or as an owner, partner, officer, or director of a business entity, has been convicted of, or pleaded guilty to, in a criminal action, or had a judgment rendered against the applicant in a civil action for, a violation of sections 4549.41 to 4549.46 of the Revised Code, of any substantively comparable provisions of the law of any other state, or of subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 74182  
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**Sec. 4517.10.** At the time the registrar of motor vehicles grants the application of any person for a license as motor vehicle dealer, motor vehicle leasing dealer, ~~manufactured home broker,~~ distributor, motor vehicle auction owner, or motor vehicle salesperson, the registrar shall issue to the person a license. The registrar shall prescribe different forms for the licenses of motor vehicle dealers, motor vehicle leasing dealers, ~~manufactured home brokers,~~ distributors, motor vehicle auction owners, and motor vehicle salespersons, and all licenses shall include the name and post-office address of the person licensed. 74191  
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The fee for a dealer's license, and a motor vehicle leasing dealer's license, ~~and a manufactured home broker's license~~ shall be fifty dollars, and the fee for a salesperson's license shall be ten dollars. The fee for a motor vehicle auction owner's license shall be one hundred dollars for each location. The fee for a distributor's license shall be one hundred dollars for each distributorship. In all cases, the fee shall accompany the application for license.

The registrar may require each applicant for a license issued under this chapter to pay an additional fee, which shall be used by the registrar to pay the costs of obtaining a record of any arrests and convictions of the applicant from the Ohio bureau of identification and investigation. The amount of the fee shall be equal to that paid by the registrar to obtain such record.

If a dealer, or a motor vehicle leasing dealer, ~~or a manufactured home broker,~~ has more than one place of business in the county, the dealer ~~or the broker~~ shall make application, in such form as the registrar prescribes, for a certified copy of the license issued to the dealer ~~or manufactured home broker~~ for each place of business operated. In the event of the loss, mutilation, or destruction of a license issued under sections 4517.01 to 4517.65 of the Revised Code, any licensee may make application to the registrar, in such form as the registrar prescribes, for a duplicate copy thereof. The fee for a certified or duplicate copy of a dealer's, motor vehicle leasing dealer's, ~~manufactured home broker's,~~ distributor's, or auction owner's license, is two dollars, and the fee for a duplicate copy of a salesperson's license is one dollar. All fees for such copies shall accompany the applications.

Beginning on ~~the effective date of this amendment~~ September 16, 2004, all dealers' licenses, motor vehicle leasing dealers' licenses, ~~manufactured home broker's licenses,~~ distributors'

licenses, auction owners' licenses, and all salespersons' licenses 74233  
issued or renewed shall expire biennially on a day within the 74234  
two-year cycle that is prescribed by the registrar, unless sooner 74235  
suspended or revoked. Before the first day after the day 74236  
prescribed by the registrar in the year that the license expires, 74237  
each licensed dealer, motor vehicle leasing dealer, ~~manufactured~~ 74238  
~~home broker~~, distributor, and auction owner and each licensed 74239  
salesperson, in the year in which the license will expire, shall 74240  
file an application, in such form as the registrar prescribes, for 74241  
the renewal of such license. The fee provided in this section for 74242  
the original license shall accompany the application. 74243

Any salesperson's license shall be suspended upon the 74244  
termination, suspension, or revocation of the license of the motor 74245  
vehicle dealer ~~or manufactured home broker~~ for whom the 74246  
salesperson is acting, or upon the salesperson leaving the service 74247  
of the motor vehicle dealer ~~or manufactured home broker~~; provided 74248  
that upon the termination, suspension, or revocation of the 74249  
license of the motor vehicle dealer ~~or manufactured home broker~~ 74250  
for whom the salesperson is acting, or upon the salesperson 74251  
leaving the service of a licensed motor vehicle dealer ~~or~~ 74252  
~~manufactured home broker~~, the licensed salesperson, upon entering 74253  
the service of any other licensed motor vehicle dealer ~~or~~ 74254  
~~manufactured home broker~~, shall make application to the registrar, 74255  
in such form as the registrar prescribes, to have the 74256  
salesperson's license reinstated, transferred, and registered as a 74257  
salesperson for the other dealer ~~or broker~~. If the information 74258  
contained in the application is satisfactory to the registrar, the 74259  
registrar shall have the salesperson's license reinstated, 74260  
transferred, and registered as a salesperson for the other dealer 74261  
~~or broker~~. The fee for the reinstatement and transfer of license 74262  
shall be two dollars. No license issued to a dealer, motor vehicle 74263  
leasing dealer, auction owner, ~~manufactured home broker~~, or 74264  
salesperson, under sections 4517.01 to 4517.65 of the Revised Code 74265

shall be transferable to any other person. 74266

Each dealer, motor vehicle leasing dealer, ~~manufactured home~~ 74267  
~~broker~~, distributor, and auction owner shall keep the license or a 74268  
certified copy thereof and, in the case of a dealer ~~or broker~~, a 74269  
current list of the dealer's ~~or the broker's~~ licensed 74270  
salespersons, showing the names, addresses, and serial numbers of 74271  
their licenses, posted in a conspicuous place in each place of 74272  
business. Each salesperson shall carry the salesperson's license 74273  
or a certified copy thereof and shall exhibit such license or copy 74274  
upon demand to any inspector of the bureau of motor vehicles, 74275  
state highway patrol trooper, police officer, or person with whom 74276  
the salesperson seeks to transact business as a motor vehicle 74277  
salesperson. 74278

The notice of refusal to grant a license shall disclose the 74279  
reason for refusal. 74280

**Sec. 4517.12.** (A) The registrar of motor vehicles shall deny 74281  
the application of any person for a license as a motor vehicle 74282  
dealer, motor vehicle leasing dealer, ~~manufactured home broker~~, or 74283  
motor vehicle auction owner and refuse to issue the license if the 74284  
registrar finds that the applicant: 74285

(1) Has made any false statement of a material fact in the 74286  
application; 74287

(2) Has not complied with sections 4517.01 to 4517.45 of the 74288  
Revised Code; 74289

(3) Is of bad business repute or has habitually defaulted on 74290  
financial obligations; 74291

(4) Is engaged or will engage in the business of selling at 74292  
retail any new motor vehicles without having written authority 74293  
from the manufacturer or distributor thereof to sell new motor 74294  
vehicles and to perform repairs under the terms of the 74295

manufacturer's or distributor's new motor vehicle warranty, except 74296  
as provided in division (C) of this section and except that a 74297  
person who assembles or installs special equipment or accessories 74298  
for handicapped persons, as defined in section 4503.44 of the 74299  
Revised Code, upon a motor vehicle chassis supplied by a 74300  
manufacturer or distributor shall not be denied a license pursuant 74301  
to division (A)(4) of this section; 74302

(5) Has been guilty of a fraudulent act in connection with 74303  
selling or otherwise dealing in, or leasing, motor vehicles, or in 74304  
connection with brokering manufactured homes; 74305

(6) Has entered into or is about to enter into a contract or 74306  
agreement with a manufacturer or distributor of motor vehicles 74307  
that is contrary to sections 4517.01 to 4517.45 of the Revised 74308  
Code; 74309

(7) Is insolvent; 74310

(8) Is of insufficient responsibility to ensure the prompt 74311  
payment of any final judgments that might reasonably be entered 74312  
against the applicant because of the transaction of business as a 74313  
motor vehicle dealer, motor vehicle leasing dealer, ~~manufactured~~ 74314  
~~home broker,~~ or motor vehicle auction owner during the period of 74315  
the license applied for, or has failed to satisfy any such 74316  
judgment; 74317

(9) Has no established place of business that, where 74318  
applicable, is used or will be used for the purpose of selling, 74319  
displaying, offering for sale, dealing in, or leasing motor 74320  
vehicles at the location for which application is made; 74321

(10) Has, less than twelve months prior to making 74322  
application, been denied a motor vehicle dealer's, motor vehicle 74323  
leasing dealer's, ~~manufactured home broker's,~~ or motor vehicle 74324  
auction owner's license, or has any such license revoked. 74325

(B) If the applicant is a corporation or partnership, the 74326

registrar may refuse to issue a license if any officer, director, 74327  
or partner of the applicant has been guilty of any act or omission 74328  
that would be cause for refusing or revoking a license issued to 74329  
such officer, director, or partner as an individual. The 74330  
registrar's finding may be based upon facts contained in the 74331  
application or upon any other information the registrar may have. 74332  
Immediately upon denying an application for any of the reasons in 74333  
this section, the registrar shall enter a final order together 74334  
with the registrar's findings and certify the same to the motor 74335  
vehicle dealers' and salespersons' licensing board. 74336

(C) Notwithstanding division (A)(4) of this section, the 74337  
registrar shall not deny the application of any person and refuse 74338  
to issue a license if the registrar finds that the applicant is 74339  
engaged or will engage in the business of selling at retail any 74340  
new motor vehicles and demonstrates all of the following in the 74341  
form prescribed by the registrar: 74342

(1) That the applicant has posted a bond, surety, or 74343  
certificate of deposit with the registrar in an amount not less 74344  
than one hundred thousand dollars for the protection and benefit 74345  
of the applicant's customers except that a new motor vehicle 74346  
dealer who is not exclusively engaged in the business of selling 74347  
remanufactured vehicles shall not be required to post the bond, 74348  
surety, or certificate of deposit otherwise required by division 74349  
(C)(1) of this section; 74350

~~(2) That, at the time of the sale of the vehicle, each 74351  
customer of the applicant will be furnished with a binding 74352  
agreement ensuring that the customer has the right to have the 74353  
vehicle serviced or repaired by a new motor vehicle dealer who is 74354  
licensed to sell and service vehicles of the same line make as the 74355  
chassis of the remanufactured vehicle purchased by the customer 74356  
and whose service or repair facility is located within either 74357  
twenty miles of the applicant's location and place of business or 74358~~

~~twenty miles of the customer's residence or place of business. If 74359  
there is no such new motor vehicle dealer located within twenty 74360  
miles of the applicant's location and place of business or the 74361  
customer's residence or place of business, the binding agreement 74362  
furnished to the customer may be with the new motor vehicle dealer 74363  
who is franchised to sell and service vehicles of the same 74364  
line make as the chassis of the remanufactured vehicle purchased 74365  
by the customer and whose service or repair facility is located 74366  
nearest to the remanufacturer's location and place of business or 74367  
the customer's residence or place of business. 74368~~

~~(3)~~ That, at the time of the sale of the vehicle, each 74369  
customer of the applicant will be furnished with a warranty issued 74370  
by the remanufacturer for a term of at least one year; 74371

~~(4)~~(3) That the applicant provides and maintains at the 74372  
applicant's location and place of business a permanent facility 74373  
with all of the following: 74374

(a) A showroom with space, under roof, for the display of at 74375  
least one new motor vehicle; 74376

(b) A service and parts facility for remanufactured vehicles; 74377

(c) Full-time service and parts personnel with the proper 74378  
training and technical expertise to service the remanufactured 74379  
vehicles sold by the applicant. 74380

**Sec. 4517.13.** The registrar of motor vehicles shall deny the 74381  
application of any person for a license as a distributor and 74382  
refuse to issue the license if the registrar finds that the 74383  
applicant: 74384

(A) Has made any false statement of a material fact in the 74385  
application; 74386

(B) Has not complied with sections 4517.01 to 4517.45 of the 74387  
Revised Code; 74388

(C) Is of bad business repute or has habitually defaulted on financial obligations; 74389  
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(D) Is engaged or will engage in the business of distributing any new motor vehicle without having the authority of a contract with the manufacturer of the vehicle; 74391  
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(E) Has been guilty of a fraudulent act in connection with selling or otherwise dealing in motor vehicles; 74394  
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(F) Has entered into or is about to enter into a contract or agreement with a manufacturer of motor vehicles that is contrary to sections 4517.01 to 4517.45 of the Revised Code; 74396  
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(G) Is insolvent; 74399

(H) Is of insufficient responsibility to ensure the prompt payment of any financial judgment that might reasonably be entered against the applicant because of the transaction of business as a distributor during the period of the license applied for, or has failed to satisfy any such judgment; 74400  
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(I) Has no established place of business that, where applicable, is used or will be used exclusively for the purpose of distributing new motor vehicles at the location for which application is made; 74405  
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(J) Has, less than twelve months prior to making application, been denied a distributor's, motor vehicle dealer's, motor vehicle leasing dealer's, ~~manufactured home broker's~~, or motor vehicle auction owner's license, or had any such license revoked. 74409  
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If the applicant is a corporation or partnership, the registrar may refuse to issue a license if any officer, director, employee, or partner of the applicant has been guilty of any act or omission that would be cause for refusing or revoking a license issued to such officer, director, employee, or partner as an individual. The registrar's finding may be based upon facts 74413  
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contained in the application or upon any other information the registrar may have. Immediately upon denying an application for any of the reasons in this section, the registrar shall enter a final order together with the registrar's findings and certify the same to the motor vehicle dealers board.

**Sec. 4517.14.** The registrar of motor vehicles shall deny the application of any person for a license as a salesperson and refuse to issue the license if the registrar finds that the applicant:

(A) Has made any false statement of a material fact in the application;

(B) Has not complied with sections 4517.01 to 4517.45 of the Revised Code;

(C) Is of bad business repute or has habitually defaulted on financial obligations;

(D) Has been guilty of a fraudulent act in connection with selling or otherwise dealing in motor vehicles;

(E) Has not been designated to act as salesperson for a motor vehicle dealer ~~or manufactured home broker~~ licensed to do business in this state under section 4517.10 of the Revised Code, or intends to act as salesperson for more than one licensed motor vehicle dealer ~~or manufactured home broker~~ at the same time, except that a licensed salesperson may act as a salesperson at any licensed dealership owned or operated by the same ~~corporation~~ company, regardless of the county in which the dealership's facility is located;

(F) Holds a current motor vehicle dealer's ~~or manufactured home broker's~~ license issued under section 4517.10 of the Revised Code, and intends to act as salesperson for another licensed motor vehicle dealer ~~or manufactured home broker~~;



(G) Has, less than twelve months prior to making application, 74449  
been denied a salesperson's license or had a salesperson's license 74450  
revoked. 74451

The registrar may refuse to issue a salesperson's license to 74452  
an applicant who was salesperson for, or in the employ of, a motor 74453  
vehicle dealer ~~or manufactured home broker~~ at the time the 74454  
dealer's ~~or broker's~~ license was revoked. The registrar's finding 74455  
may be based upon any statement contained in the application or 74456  
upon any facts within the registrar's knowledge, and, immediately 74457  
upon refusing to issue a salesperson's license, the registrar 74458  
shall enter a final order and shall certify the final order 74459  
together with his findings to the motor vehicle dealers board. 74460

**Sec. 4517.23.** (A) Any licensed motor vehicle dealer, motor 74461  
vehicle leasing dealer, ~~manufactured home broker,~~ or distributor 74462  
shall notify the registrar of motor vehicles concerning any change 74463  
in status as a dealer, motor vehicle leasing dealer, ~~manufactured~~ 74464  
~~home broker,~~ or distributor during the period for which the 74465  
dealer, ~~broker,~~ or distributor is licensed, if the change of 74466  
status concerns any of the following: 74467

(1) Personnel of owners, partners, officers, or directors; 74468

(2) Location of office or principal place of business; 74469

(3) In the case of a motor vehicle dealer, any contract or 74470  
agreement with any manufacturer or distributor; and in the case of 74471  
a distributor, any contract or agreement with any manufacturer. 74472

(B) The notification required by division (A) of this section 74473  
shall be made by filing with the registrar, within fifteen days 74474  
after the change of status, a supplemental statement in a form 74475  
prescribed by the registrar showing in what respect the status has 74476  
been changed. If the change involves a change in any contract or 74477  
agreement between any manufacturer or distributor, and dealer, or 74478

any manufacturer and distributor, the supplemental statement shall 74479  
be accompanied by such copies of contracts, statements, and 74480  
certificates as would have been required by sections 4517.01 to 74481  
4517.45 of the Revised Code if the change had occurred prior to 74482  
the licensee's application for license. 74483

The motor vehicle dealers board may adopt a rule exempting 74484  
from the notification requirement of division (A)(1) of this 74485  
section any dealer if stock in the dealer or its parent company is 74486  
publicly traded and if there are public records with state or 74487  
federal agencies that provide the information required by division 74488  
(A)(1) of this section. 74489

(C) Whoever violates this section is guilty of a misdemeanor 74490  
of the fourth degree. 74491

**Sec. 4517.24.** (A) No two motor vehicle dealers shall engage 74492  
in business at the same location, unless they agree to be jointly, 74493  
severally, and personally liable for any liability arising from 74494  
their engaging in business at the same location. The agreement 74495  
shall be filed with the motor vehicle dealers board, and shall 74496  
also be made a part of the articles of incorporation of each such 74497  
dealer filed with the secretary of state. Whenever the board has 74498  
reason to believe that a dealer who has entered into such an 74499  
agreement has revoked the agreement but continues to engage in 74500  
business at the same location, the board shall revoke the dealer's 74501  
license. 74502

~~(B) This section does not apply to two or more motor vehicle 74503  
dealers engaged in the business of selling new or used 74504  
manufactured or mobile homes in the same manufactured home park. 74505~~

~~(C) Whoever violates this section is guilty of a misdemeanor 74506  
of the fourth degree. 74507~~

**Sec. 4517.44.** (A) No manufacturer or distributor of motor 74508

vehicles, dealer in motor vehicles, ~~or manufactured home broker,~~ 74509  
nor any owner, proprietor, person in control, or keeper of any 74510  
garage, stable, shop, or other place of business, shall fail to 74511  
keep or cause to be kept any record required by law. 74512

(B) Whoever violates this section is guilty of a minor 74513  
misdemeanor. 74514

**Sec. 4582.31.** (A) A port authority created in accordance with 74515  
section 4582.22 of the Revised Code may: 74516

(1) Adopt bylaws for the regulation of its affairs and the 74517  
conduct of its business; 74518

(2) Adopt an official seal; 74519

(3) Maintain a principal office within its jurisdiction, and 74520  
maintain such branch offices as it may require; 74521

(4) Acquire, construct, furnish, equip, maintain, repair, 74522  
sell, exchange, lease to or from, or lease with an option to 74523  
purchase, convey other interests in real or personal property, or 74524  
any combination thereof, related to, useful for, or in furtherance 74525  
of any authorized purpose and operate any property in connection 74526  
with transportation, recreational, governmental operations, or 74527  
cultural activities; 74528

(5) Straighten, deepen, and improve any channel, river, 74529  
stream, or other water course or way which may be necessary or 74530  
proper in the development of the facilities of a port authority; 74531

(6) Make available the use or services of any port authority 74532  
facility to one or more persons, one or more governmental 74533  
agencies, or any combination thereof; 74534

(7) Issue bonds or notes for the acquisition, construction, 74535  
furnishing, or equipping of any port authority facility or other 74536  
permanent improvement that a port authority is authorized to 74537

acquire, construct, furnish, or equip, in compliance with Chapter 74538  
133. of the Revised Code, except that such bonds or notes may only 74539  
be issued pursuant to a vote of the electors residing within the 74540  
area of jurisdiction of the port authority. The net indebtedness 74541  
incurred by a port authority shall never exceed two per cent of 74542  
the total value of all property within the territory comprising 74543  
the port authority as listed and assessed for taxation. 74544

(8) Issue port authority revenue bonds beyond the limit of 74545  
bonded indebtedness provided by law, payable solely from revenues 74546  
as provided in section 4582.48 of the Revised Code, for the 74547  
purpose of providing funds to pay the costs of any port authority 74548  
facility or facilities or parts thereof; 74549

(9) Apply to the proper authorities of the United States 74550  
pursuant to appropriate law for the right to establish, operate, 74551  
and maintain foreign trade zones and establish, operate, and 74552  
maintain foreign trade zones and to acquire, exchange, sell, lease 74553  
to or from, lease with an option to purchase, or operate 74554  
facilities, land, or property therefor in accordance with the 74555  
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 74556  
81u; 74557

(10) Enjoy and possess the same rights, privileges, and 74558  
powers granted municipal corporations under sections 721.04 to 74559  
721.11 of the Revised Code; 74560

(11) Maintain such funds as it considers necessary; 74561

(12) Direct its agents or employees, when properly identified 74562  
in writing, and after at least five days' written notice, to enter 74563  
upon lands within the confines of its jurisdiction in order to 74564  
make surveys and examinations preliminary to location and 74565  
construction of works for the purposes of the port authority, 74566  
without liability of the port authority or its agents or employees 74567  
except for actual damage done; 74568

(13) Promote, advertise, and publicize the port authority and its facilities; provide information to shippers and other commercial interests; and appear before rate-making authorities to represent and promote the interests of the port authority;

(14) Adopt rules, not in conflict with general law, it finds necessary or incidental to the performance of its duties and the execution of its powers under sections 4582.21 to 4582.54 of the Revised Code. Any such rule shall be posted at no less than five public places in the port authority, as determined by the board of directors, for a period of not fewer than fifteen days, and shall be available for public inspection at the principal office of the port authority during regular business hours. No person shall violate any lawful rule adopted and posted as provided in this division.

(15) Do any of the following, in regard to any interests in any real or personal property, or any combination thereof, including, without limitation, machinery, equipment, plants, factories, offices, and other structures and facilities related to, useful for, or in furtherance of any authorized purpose, for such consideration and in such manner, consistent with Article VIII of the Ohio Constitution, as the board in its sole discretion may determine:

(a) Loan moneys to any person or governmental entity for the acquisition, construction, furnishing, and equipping of the property;

(b) Acquire, construct, maintain, repair, furnish, and equip the property;

(c) Sell to, exchange with, lease, convey other interests in, or lease with an option to purchase the same or any lesser interest in the property to the same or any other person or governmental entity;

(d) Guarantee the obligations of any person or governmental 74600  
entity. 74601

A port authority may accept and hold as consideration for the 74602  
conveyance of property or any interest therein such property or 74603  
interests therein as the board in its discretion may determine, 74604  
notwithstanding any restrictions that apply to the investment of 74605  
funds by a port authority. 74606

(16) Sell, lease, or convey other interests in real and 74607  
personal property, and grant easements or rights-of-way over 74608  
property of the port authority. The board of directors shall 74609  
specify the consideration and any terms for the sale, lease, or 74610  
conveyance of other interests in real and personal property. Any 74611  
determination made by the board under this division shall be 74612  
conclusive. The sale, lease, or conveyance may be made without 74613  
advertising and the receipt of bids. 74614

(17) Exercise the right of eminent domain to appropriate any 74615  
land, rights, rights-of-way, franchises, easements, or other 74616  
property, necessary or proper for any authorized purpose, pursuant 74617  
to the procedure provided in sections 163.01 to 163.22 of the 74618  
Revised Code, if funds equal to the appraised value of the 74619  
property to be acquired as a result of such proceedings are 74620  
available for that purpose. However, nothing contained in sections 74621  
4582.201 to 4582.59 of the Revised Code shall authorize a port 74622  
authority to take or disturb property or facilities belonging to 74623  
any agency or political subdivision of this state, public utility, 74624  
cable operator, or common carrier, which property or facilities 74625  
are necessary and convenient in the operation of the agency or 74626  
political subdivision, public utility, cable operator, or common 74627  
carrier, unless provision is made for the restoration, relocation, 74628  
or duplication of such property or facilities, or upon the 74629  
election of the agency or political subdivision, public utility, 74630  
cable operator, or common carrier, for the payment of 74631

compensation, if any, at the sole cost of the port authority, 74632  
provided that: 74633

(a) If any restoration or duplication proposed to be made 74634  
under this section involves a relocation of the property or 74635  
facilities, the new facilities and location shall be of at least 74636  
comparable utilitarian value and effectiveness and shall not 74637  
impair the ability of the public utility, cable operator, or 74638  
common carrier to compete in its original area of operation; 74639

(b) If any restoration or duplication made under this section 74640  
involves a relocation of the property or facilities, the port 74641  
authority shall acquire no interest or right in or to the 74642  
appropriated property or facilities, except as provided in 74643  
division (A)(15) of this section, until the relocated property or 74644  
facilities are available for use and until marketable title 74645  
thereto has been transferred to the public utility, cable 74646  
operator, or common carrier. 74647

As used in division (A)(17) of this section, "cable operator" 74648  
has the same meaning as in the "Cable Communications Policy Act of 74649  
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 74650  
amended by the "Telecommunications Act of 1996," Pub. L. No. 74651  
104-104, 110 Stat. 56. 74652

(18)(a) Make and enter into all contracts and agreements and 74653  
execute all instruments necessary or incidental to the performance 74654  
of its duties and the execution of its powers under sections 74655  
4582.21 to 4582.59 of the Revised Code. 74656

(b)(i) Except as provided in division (A)(18)(c) of this 74657  
section, when the cost of a contract for the construction of any 74658  
building, structure, or other improvement undertaken by a port 74659  
authority involves an expenditure exceeding the higher of one 74660  
hundred thousand dollars or the amount as adjusted under division 74661  
(A)(18)(b)(ii) of this section, and the port authority is the 74662

contracting entity, the port authority shall make a written 74663  
contract after notice calling for bids for the award of the 74664  
contract has been given by publication twice, with at least seven 74665  
days between publications, in a newspaper of general circulation 74666  
in the area of the port authority or as provided in section 7.16 74667  
of the Revised Code. Each such contract shall be let to the lowest 74668  
responsive and responsible bidder in accordance with section 9.312 74669  
of the Revised Code. Every contract shall be accompanied by or 74670  
shall refer to plans and specifications for the work to be done, 74671  
prepared for and approved by the port authority, signed by an 74672  
authorized officer of the port authority and by the contractor, 74673  
and shall be executed in triplicate. 74674

Each bid shall be awarded in accordance with sections 153.54, 74675  
153.57, and 153.571 of the Revised Code. The port authority may 74676  
reject any and all bids. 74677

(ii) On January 1, 2012, and the first day of January of 74678  
every even-numbered year thereafter, the director of commerce 74679  
shall adjust the threshold level for contracts subject to the 74680  
bidding requirements contained in division (A)(18)(b)(i) of this 74681  
section. The director shall adjust this amount according to the 74682  
average increase for each of the two years immediately preceding 74683  
the adjustment as set forth in the producer price index for 74684  
material and supply inputs for new nonresidential construction as 74685  
determined by the bureau of labor statistics of the United States 74686  
department of labor or, if that index no longer is published, a 74687  
generally available comparable index. If there is no resulting 74688  
increase, the threshold shall remain the same until the next 74689  
scheduled adjustment on the first day of January of the next 74690  
even-numbered year. 74691

(c) The board of directors by rule may provide criteria for 74692  
the negotiation and award without competitive bidding of any 74693  
contract as to which the port authority is the contracting entity 74694



for the construction of any building or structure or other 74695  
improvement under any of the following circumstances: 74696

(i) There exists a real and present emergency that threatens 74697  
damage or injury to persons or property of the port authority or 74698  
other persons, provided that a statement specifying the nature of 74699  
the emergency that is the basis for the negotiation and award of a 74700  
contract without competitive bidding shall be signed by the 74701  
officer of the port authority that executes that contract at the 74702  
time of the contract's execution and shall be attached to the 74703  
contract. 74704

(ii) A commonly recognized industry or other standard or 74705  
specification does not exist and cannot objectively be articulated 74706  
for the improvement. 74707

(iii) The contract is for any energy conservation measure as 74708  
defined in section 307.041 of the Revised Code. 74709

(iv) With respect to material to be incorporated into the 74710  
improvement, only a single source or supplier exists for the 74711  
material. 74712

(v) A single bid is received by the port authority after 74713  
complying with the provisions of division (A)(18)(b) of this 74714  
section. 74715

(d)(i) If a contract is to be negotiated and awarded without 74716  
competitive bidding for the reason set forth in division 74717  
(A)(18)(c)(ii) of this section, the port authority shall publish a 74718  
notice calling for technical proposals ~~at least~~ twice, with at 74719  
least seven days between publications, in a newspaper of general 74720  
circulation in the area of the port authority or as provided in 74721  
section 7.16 of the Revised Code. After receipt of the technical 74722  
proposals, the port authority may negotiate with and award a 74723  
contract for the improvement to the proposer making the proposal 74724  
considered to be the most advantageous to the port authority. 74725

(ii) If a contract is to be negotiated and awarded without 74726  
competitive bidding for the reason set forth in division 74727  
(A)(18)(c)(iv) of this section, any construction activities 74728  
related to the incorporation of the material into the improvement 74729  
also may be provided without competitive bidding by the source or 74730  
supplier of that material. 74731

(e)(i) Any purchase, exchange, sale, lease, lease with an 74732  
option to purchase, conveyance of other interests in, or other 74733  
contract with a person or governmental entity that pertains to the 74734  
acquisition, construction, maintenance, repair, furnishing, 74735  
equipping, or operation of any real or personal property, or any 74736  
combination thereof, related to, useful for, or in furtherance of 74737  
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 74738  
Constitution, shall be made in such manner and subject to such 74739  
terms and conditions as may be determined by the board of 74740  
directors in its discretion. 74741

(ii) Division (A)(18)(e)(i) of this section applies to all 74742  
contracts that are subject to the division, notwithstanding any 74743  
other provision of law that might otherwise apply, including, 74744  
without limitation, any requirement of notice, any requirement of 74745  
competitive bidding or selection, or any requirement for the 74746  
provision of security. 74747

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 74748  
apply to either of the following: any contract secured by or to be 74749  
paid from moneys raised by taxation or the proceeds of obligations 74750  
secured by a pledge of moneys raised by taxation; or any contract 74751  
secured exclusively by or to be paid exclusively from the general 74752  
revenues of the port authority. For the purposes of this section, 74753  
any revenues derived by the port authority under a lease or other 74754  
agreement that, by its terms, contemplates the use of amounts 74755  
payable under the agreement either to pay the costs of the 74756  
improvement that is the subject of the contract or to secure 74757

obligations of the port authority issued to finance costs of such 74758  
improvement, are excluded from general revenues. 74759

(19) Employ managers, superintendents, and other employees 74760  
and retain or contract with consulting engineers, financial 74761  
consultants, accounting experts, architects, attorneys, and any 74762  
other consultants and independent contractors as are necessary in 74763  
its judgment to carry out this chapter, and fix the compensation 74764  
thereof. All expenses thereof shall be payable from any available 74765  
funds of the port authority or from funds appropriated for that 74766  
purpose by a political subdivision creating or participating in 74767  
the creation of the port authority. 74768

(20) Receive and accept from any state or federal agency 74769  
grants and loans for or in aid of the construction of any port 74770  
authority facility or for research and development with respect to 74771  
port authority facilities, and receive and accept aid or 74772  
contributions from any source of money, property, labor, or other 74773  
things of value, to be held, used, and applied only for the 74774  
purposes for which the grants and contributions are made; 74775

(21) Engage in research and development with respect to port 74776  
authority facilities; 74777

(22) Purchase fire and extended coverage and liability 74778  
insurance for any port authority facility and for the principal 74779  
office and branch offices of the port authority, insurance 74780  
protecting the port authority and its officers and employees 74781  
against liability for damage to property or injury to or death of 74782  
persons arising from its operations, and any other insurance the 74783  
port authority may agree to provide under any resolution 74784  
authorizing its port authority revenue bonds or in any trust 74785  
agreement securing the same; 74786

(23) Charge, alter, and collect rentals and other charges for 74787  
the use or services of any port authority facility as provided in 74788

section 4582.43 of the Revised Code; 74789

(24) Provide coverage for its employees under Chapters 145., 74790  
4123., and 4141. of the Revised Code; 74791

(25) Do all acts necessary or proper to carry out the powers 74792  
expressly granted in sections 4582.21 to 4582.59 of the Revised 74793  
Code. 74794

(B) Any instrument by which real property is acquired 74795  
pursuant to this section shall identify the agency of the state 74796  
that has the use and benefit of the real property as specified in 74797  
section 5301.012 of the Revised Code. 74798

(C) Whoever violates division (A)(14) of this section is 74799  
guilty of a minor misdemeanor. 74800

**Sec. 4585.10.** The officer holding a writ for the sale of a 74801  
watercraft, its apparel, or furniture, before ~~he proceeds~~ 74802  
proceeding to sell it, shall give public notice of the time and 74803  
place of sale for at least ten days previous thereto or as 74804  
provided in section 7.16 of the Revised Code, by advertisement in 74805  
a newspaper ~~published~~ of general circulation in the county, and by 74806  
advertisement posted in at least five public places in the county. 74807  
Such sales shall be conducted, and the court shall have the same 74808  
power over them as sales upon execution. 74809

**Sec. 4705.021.** (A) As used in this section: 74810

(1) "Disciplinary counsel" means the disciplinary counsel 74811  
appointed by the board of commissioners on grievances and 74812  
discipline of the supreme court under the Rules for the Government 74813  
of the Bar of Ohio. 74814

(2) "Certified grievance committee" means a duly constituted 74815  
and organized committee of the Ohio state bar association or of 74816  
one or more local bar associations of the state that complies with 74817

the criteria set forth in rule V, section 3 of the Rules for the Government of the Bar of Ohio.

(3) "Child support order" has the same meaning as in section 3119.01 of the Revised Code.

(B) If an individual who has been admitted to the bar by order of the supreme court in compliance with its published rules is determined pursuant to sections 3123.01 to 3123.07 of the Revised Code by a court or child support enforcement agency to be in default under a support order being administered or handled by a child support enforcement agency, that agency may send a notice listing the name and social security number or other identification number of the individual and a certified copy of the court or agency determination that the individual is in default to the secretary of the board of commissioners on grievances and discipline of the supreme court and to either the disciplinary counsel or the president, secretary, and chairperson of each certified grievance committee if both of the following are the case:

(1) At least ninety days have elapsed since the final and enforceable determination of default;

(2) In the preceding ninety days, the obligor has failed to pay at least fifty per cent of the arrearage through means other than those described in sections 3123.81 to 3123.85 of the Revised Code.

**Sec. 4709.13.** (A) The barber board may refuse to issue or renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for any one or more of the following causes:

~~(1) Conviction of a felony shown by a certified copy of the record of the court of conviction;~~

<del>(2)</del> Advertising by means of knowingly false or deceptive statements;	74848 74849
<del>(3)</del> <u>(2)</u> Habitual drunkenness or possession of or addiction to the use of any controlled drug prohibited by state or federal law;	74850 74851
<del>(4)</del> <u>(3)</u> Immoral or unprofessional conduct;	74852
<del>(5)</del> <u>(4)</u> Continuing to be employed in a barber shop wherein rules of the board or department of health are violated;	74853 74854
<del>(6)</del> <u>(5)</u> Employing any person who does not have a current Ohio license to perform the practice of barbering;	74855 74856
<del>(7)</del> <u>(6)</u> Owning, managing, operating, or controlling any barber school or portion thereof, wherein the practice of barbering is carried on, whether in the same building or not, without displaying a sign at all entrances to the places where the barbering is carried on, indicating that the work therein is done by students exclusively;	74857 74858 74859 74860 74861 74862
<del>(8)</del> <u>(7)</u> Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop;	74863 74864 74865 74866
<del>(9)</del> <u>(8)</u> Violating any sanitary rules approved by the department of health or the board;	74867 74868
<del>(10)</del> <u>(9)</u> Employing another person to perform or <del>himself</del> <u>personally</u> perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;	74869 74870 74871 74872
<del>(11)</del> <u>(10)</u> Gross incompetence.	74873
<u>(B)(1) The barber board may refuse to renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for conviction of or plea of guilty to a felony committed after the person has been issued a license under this</u>	74874 74875 74876 74877

chapter, shown by a certified copy of the record of the court in 74878  
which the person was convicted or pleaded guilty. 74879

(2) A conviction or plea of guilty to a felony committed 74880  
prior to being issued a license under this chapter shall not 74881  
disqualify a person from being issued an initial license under 74882  
this chapter. 74883

(C) Prior to taking any action under division (A) or (B) of 74884  
this section, the board shall provide the person with a statement 74885  
of the charges against ~~him~~ the person and notice of the time and 74886  
place of a hearing on the charges. The board shall conduct the 74887  
hearing according to Chapter 119. of the Revised Code. Any person 74888  
dissatisfied with a decision of the board may appeal the board's 74889  
decision to the court of common pleas in Franklin county. 74890

~~(C)~~(D) The board may adopt rules in accordance with Chapter 74891  
119. of the Revised Code, specifying additional grounds upon which 74892  
the board may take action under division (A) of this section. 74893

**Sec. 4725.34.** (A) The state board of optometry shall charge 74894  
the following nonrefundable fees: 74895

(1) One hundred ~~ten~~ thirty dollars for application for a 74896  
certificate of licensure; 74897

(2) ~~Twenty-five~~ Forty-five dollars for application for a 74898  
therapeutic pharmaceutical agents certificate, except when the 74899  
certificate is to be issued pursuant to division (A)(3) of section 74900  
4725.13 of the Revised Code, in which case the fee shall be 74901  
thirty-five dollars; 74902

(3) One hundred ~~ten~~ thirty dollars for renewal of a 74903  
certificate of licensure; 74904

(4) ~~Twenty-five~~ Forty-five dollars for renewal of a topical 74905  
ocular pharmaceutical agents certificate; 74906

(5) ~~Twenty-five~~ Forty-five dollars for renewal of a 74907

therapeutic pharmaceutical agents certificate;	74908
(6) <del>Seventy-five</del> <u>One hundred twenty-five</u> dollars for late completion <u>or submission, or both,</u> of continuing optometric education;	74909 74910 74911
(7) <del>Seventy-five</del> <u>One hundred twenty-five</u> dollars for late renewal of one or more certificates that have expired;	74912 74913
(8) Seventy-five dollars for reinstatement of one or more certificates classified as delinquent under section 4725.16 of the Revised Code, multiplied by the number of years the one or more certificates have been classified as delinquent;	74914 74915 74916 74917
(9) Seventy-five dollars for reinstatement of one or more certificates placed on inactive status under section 4725.17 of the Revised Code;	74918 74919 74920
(10) Seventy-five dollars for reinstatement under section 4725.171 of the Revised Code of one or more expired certificates;	74921 74922
(11) Additional fees to cover administrative costs incurred by the board, including fees for replacing licenses issued by the board and providing rosters of currently licensed optometrists. Such fees shall be established at a regular meeting of the board and shall comply with any applicable guidelines or policies set by the department of administrative services or the office of budget and management.	74923 74924 74925 74926 74927 74928 74929
(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in division (A) of this section if the fees do not exceed the amounts specified by more than fifty per cent.	74930 74931 74932 74933
(C) All receipts of the board, from any source, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund.	74934 74935 74936
<b>Sec. 4725.48.</b> (A) Any person who desires to engage in optical	74937



dispensing, except as provided in section 4725.47 of the Revised Code, shall file a properly completed written application for an examination with the Ohio optical dispensers board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made on a form provided by the board or testing service and shall be accompanied by an examination fee the board shall establish by rule. Applicants must return the application to the board or testing service at least sixty days prior to the date the examination is scheduled to be administered.

(B) Except as provided in section 4725.47 of the Revised Code, any person who desires to engage in optical dispensing shall file a properly completed written application for a license with the board with ~~the appropriate license~~ a licensure application fee ~~as set forth under section 4725.50 of the Revised Code~~ of fifty dollars.

No person shall be eligible to apply for a license under this division, unless the person is at least eighteen years of age, is of good moral character, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be continuous experience of not less than thirty hours a week in an optical laboratory;

(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English,

anatomy and physiology of the eye, applied optics, ophthalmic 74970  
optics, measurement and inspection of lenses, lens grinding and 74971  
edging, ophthalmic lens design, keratometry, and the fitting and 74972  
adjusting of spectacle lenses and frames and contact lenses, 74973  
including methods of fitting contact lenses and post-fitting care. 74974

(C) Any person who desires to obtain a license to practice as 74975  
an ocularist shall file a properly completed written application 74976  
with the board accompanied by the appropriate fee and proof that 74977  
the applicant has met the requirements for licensure. The board 74978  
shall establish, by rule, the application fee and the minimum 74979  
requirements for licensure, including education, examination, or 74980  
experience standards recognized by the board as national standards 74981  
for ocularists. The board shall issue a license to practice as an 74982  
ocularist to an applicant who satisfies the requirements of this 74983  
division and rules adopted pursuant to this division. 74984

**Sec. 4725.50.** (A) Except for a person who qualifies for 74985  
licensure as an ocularist, each person who qualifies for licensure 74986  
under sections 4725.40 to 4725.59 of the Revised Code shall 74987  
receive from the Ohio optical dispensers board, under its seal, a 74988  
certificate of licensure entitling ~~him~~ the person to practice as a 74989  
licensed spectacle dispensing optician, licensed contact lens 74990  
dispensing optician, or a licensed spectacle-contact lens 74991  
dispensing optician. The appropriate certificate of licensure 74992  
shall be issued by the board no later than sixty days after it has 74993  
notified the applicant of ~~his~~ the applicant's approval for 74994  
licensure. 74995

(B) ~~The licensure fee shall be fifty dollars for applications 74996  
submitted in January through March; thirty seven dollars and fifty 74997  
cents, in April through June; twenty five dollars, in July through 74998  
September; and twelve dollars and fifty cents, in October through 74999  
December.~~ 75000

~~(C)~~ Each licensed dispensing optician shall display ~~his~~ the  
licensed dispensing optician's certificate of licensure in a  
conspicuous place in ~~his~~ the licensed dispensing optician's office  
or place of business. If a licensed dispensing optician maintains  
more than one office or place of business, ~~he~~ the licensed  
dispensing optician shall display a duplicate copy of such  
certificate at each location. The board shall issue duplicate  
copies of the appropriate certificate of licensure for this  
purpose upon the filing of an application form therefor and the  
payment of a five-dollar fee for each duplicate copy.

**Sec. 4725.52.** Any licensed dispensing optician may supervise  
a maximum of three apprentices who shall be permitted to engage in  
optical dispensing only under the supervision of the licensed  
dispensing optician.

~~A person serving~~ To serve as an apprentice, a person shall  
register ~~annually~~ with the Ohio optical dispensers board either on  
a form provided by the board or in the form of a statement giving  
the name and address of the supervising licensed dispensing  
optician, the location at which the apprentice will be employed,  
and any other information required by the board. ~~Each registrant~~  
For the duration of the apprenticeship, the apprentice shall  
register annually on the form provided by the board or in the form  
of a statement.

Each apprentice shall pay a an initial registration fee of  
~~ten~~ twenty dollars. For each registration renewal thereafter, each  
apprentice shall pay a registration renewal fee of twenty dollars.

A person who is gaining experience under the supervision of a  
licensed optometrist or ophthalmologist that would qualify ~~him~~ the  
person under division (B)(1) of section 4725.48 of the Revised  
Code to take the examination for optical dispensing is not  
required to register with the board.

**Sec. 4725.57.** An applicant for licensure as a licensed 75032  
dispensing optician who is licensed or registered in another state 75033  
shall be accorded the full privileges of practice within this 75034  
state, upon the payment of a ~~seventy-five~~ fifty-dollar fee and the 75035  
submission of a certified copy of the license or certificate 75036  
issued by such other state, without the necessity of examination, 75037  
if the board determines that the applicant meets the ~~criteria of~~ 75038  
~~division (A) of section 4725.48 of the Revised Code and further~~ 75039  
~~determines that the educational background or experience of the~~ 75040  
~~applicant satisfies the~~ remaining requirements of division (B) of 75041  
section 4725.48 of the Revised Code. The board may require that 75042  
the applicant have received a passing score, as determined by the 75043  
board, on an examination that is substantially the same as the 75044  
examination described in division (A) of section 4725.48 of the 75045  
Revised Code. 75046

**Sec. 4729.021.** The state board of pharmacy may enter into 75047  
contracts with private entities for the furtherance of its duties 75048  
as set forth in this chapter. When entering into these contracts, 75049  
the board shall give preference to entities that are Ohio-based 75050  
companies. Any revenue received by the board from such contracts 75051  
shall be placed in the occupational licensing and regulatory fund 75052  
and may be used for any purpose determined by the board to be 75053  
relevant to its duties, including the establishment and 75054  
maintenance of a drug database pursuant to section 4729.75 of the 75055  
Revised Code. 75056

**Sec. 4731.65.** As used in sections 4731.65 to 4731.71 of the 75057  
Revised Code: 75058

(A)(1) "Clinical laboratory services" means either of the 75059  
following: 75060

(a) Any examination of materials derived from the human body 75061

for the purpose of providing information for the diagnosis, 75062  
prevention, or treatment of any disease or impairment or for the 75063  
assessment of health; 75064

(b) Procedures to determine, measure, or otherwise describe 75065  
the presence or absence of various substances or organisms in the 75066  
body. 75067

(2) "Clinical laboratory services" does not include the mere 75068  
collection or preparation of specimens. 75069

(B) "Designated health services" means any of the following: 75070

(1) Clinical laboratory services; 75071

(2) Home health care services; 75072

(3) Outpatient prescription drugs. 75073

(C) "Fair market value" means the value in arms-length 75074  
transactions, consistent with general market value and: 75075

(1) With respect to rentals or leases, the value of rental 75076  
property for general commercial purposes, not taking into account 75077  
its intended use; 75078

(2) With respect to a lease of space, not adjusted to reflect 75079  
the additional value the prospective lessee or lessor would 75080  
attribute to the proximity or convenience to the lessor if the 75081  
lessor is a potential source of referrals to the lessee. 75082

(D) "Governmental health care program" means any program 75083  
providing health care benefits that is administered by the federal 75084  
government, this state, or a political subdivision of this state, 75085  
including the medicare program established under Title XVIII of 75086  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 75087  
as amended, health care coverage for public employees, health care 75088  
benefits administered by the bureau of workers' compensation, and 75089  
the medicaid program established under Chapter 5111. of the 75090  
Revised Code, ~~and the children's buy-in program established under~~ 75091

~~sections 5101.5211 to 5101.5216 of the Revised Code.~~ 75092

(E)(1) "Group practice" means a group of two or more holders 75093  
of certificates under this chapter legally organized as a 75094  
partnership, professional corporation or association, limited 75095  
liability company, foundation, nonprofit corporation, faculty 75096  
practice plan, or similar group practice entity, including an 75097  
organization comprised of a nonprofit medical clinic that 75098  
contracts with a professional corporation or association of 75099  
physicians to provide medical services exclusively to patients of 75100  
the clinic in order to comply with section 1701.03 of the Revised 75101  
Code and including a corporation, limited liability company, 75102  
partnership, or professional association described in division (B) 75103  
of section 4731.226 of the Revised Code formed for the purpose of 75104  
providing a combination of the professional services of 75105  
optometrists who are licensed, certificated, or otherwise legally 75106  
authorized to practice optometry under Chapter 4725. of the 75107  
Revised Code, chiropractors who are licensed, certificated, or 75108  
otherwise legally authorized to practice chiropractic or 75109  
acupuncture under Chapter 4734. of the Revised Code, psychologists 75110  
who are licensed, certificated, or otherwise legally authorized to 75111  
practice psychology under Chapter 4732. of the Revised Code, 75112  
registered or licensed practical nurses who are licensed, 75113  
certificated, or otherwise legally authorized to practice nursing 75114  
under Chapter 4723. of the Revised Code, pharmacists who are 75115  
licensed, certificated, or otherwise legally authorized to 75116  
practice pharmacy under Chapter 4729. of the Revised Code, 75117  
physical therapists who are licensed, certificated, or otherwise 75118  
legally authorized to practice physical therapy under sections 75119  
4755.40 to 4755.56 of the Revised Code, occupational therapists 75120  
who are licensed, certificated, or otherwise legally authorized to 75121  
practice occupational therapy under sections 4755.04 to 4755.13 of 75122  
the Revised Code, mechanotherapists who are licensed, 75123  
certificated, or otherwise legally authorized to practice 75124

mechanotherapy under section 4731.151 of the Revised Code, and 75125  
doctors of medicine and surgery, osteopathic medicine and surgery, 75126  
or podiatric medicine and surgery who are licensed, certificated, 75127  
or otherwise legally authorized for their respective practices 75128  
under this chapter, to which all of the following apply: 75129

(a) Each physician who is a member of the group practice 75130  
provides substantially the full range of services that the 75131  
physician routinely provides, including medical care, 75132  
consultation, diagnosis, or treatment, through the joint use of 75133  
shared office space, facilities, equipment, and personnel. 75134

(b) Substantially all of the services of the members of the 75135  
group are provided through the group and are billed in the name of 75136  
the group and amounts so received are treated as receipts of the 75137  
group. 75138

(c) The overhead expenses of and the income from the practice 75139  
are distributed in accordance with methods previously determined 75140  
by members of the group. 75141

(d) The group practice meets any other requirements that the 75142  
state medical board applies in rules adopted under section 4731.70 75143  
of the Revised Code. 75144

(2) In the case of a faculty practice plan associated with a 75145  
hospital with a medical residency training program in which 75146  
physician members may provide a variety of specialty services and 75147  
provide professional services both within and outside the group, 75148  
as well as perform other tasks such as research, the criteria in 75149  
division (E)(1) of this section apply only with respect to 75150  
services rendered within the faculty practice plan. 75151

(F) "Home health care services" and "immediate family" have 75152  
the same meanings as in the rules adopted under section 4731.70 of 75153  
the Revised Code. 75154

(G) "Hospital" has the same meaning as in section 3727.01 of 75155

the Revised Code. 75156

(H) A "referral" includes both of the following: 75157

(1) A request by a holder of a certificate under this chapter 75158

for an item or service, including a request for a consultation 75159

with another physician and any test or procedure ordered by or to 75160

be performed by or under the supervision of the other physician; 75161

(2) A request for or establishment of a plan of care by a 75162

certificate holder that includes the provision of designated 75163

health services. 75164

(I) "Third-party payer" has the same meaning as in section 75165

3901.38 of the Revised Code. 75166

**Sec. 4731.71.** The auditor of state may implement procedures 75167

to detect violations of section 4731.66 or 4731.69 of the Revised 75168

Code within governmental health care programs administered by the 75169

state. The auditor of state shall report any violation of either 75170

section to the state medical board and shall certify to the 75171

attorney general in accordance with section 131.02 of the Revised 75172

Code the amount of any refund owed to a state-administered 75173

governmental health care program under section 4731.69 of the 75174

Revised Code as a result of a violation. If a refund is owed to 75175

the medicaid program established under Chapter 5111. of the 75176

Revised Code ~~or the children's buy-in program established under~~ 75177

~~sections 5101.5211 to 5101.5216 of the Revised Code,~~ the auditor 75178

of state also shall report the amount to the department of job and 75179

family services. 75180

The state medical board also may implement procedures to 75181

detect violations of section 4731.66 or 4731.69 of the Revised 75182

Code. 75183

**Sec. 4733.15.** (A) Registration expires ~~annually~~ on the last 75184

day of December ~~following initial registration or renewal of~~ 75185



~~registration 2011, and becomes invalid on that date unless renewed~~ 75186  
~~pursuant to this section and the standard renewal procedure of~~ 75187  
~~sections 4745.01 to 4745.03 of the Revised Code. For renewals~~ 75188  
~~after that date, registration expires biennially on the last day~~ 75189  
~~of December following initial registration or renewal of~~ 75190  
~~registration and becomes invalid on that date unless renewed.~~ 75191  
Renewal may be effected ~~at any time prior to the date of~~ 75192  
~~expiration for a period of one year~~ by the applicant's payment to 75193  
the treasurer of state of a fee of ~~twenty~~ forty dollars for a 75194  
renewal of registration as either a professional engineer or 75195  
professional surveyor and, ~~for renewals for calendar year 2008 and~~ 75196  
~~thereafter,~~ demonstration of completion of the continuing 75197  
professional development requirements of section 4733.151 of the 75198  
Revised Code. When notified as required in this section, a 75199  
registrant's failure to renew registration shall not deprive the 75200  
registrant of the right of renewal within the following twelve 75201  
months, but the fee to renew a registration within twelve months 75202  
after expiration shall be increased fifty per cent, and the 75203  
registrant shall certify completion of continuing professional 75204  
development hours as required in section 4733.151 of the Revised 75205  
Code. 75206

The state board of registration for professional engineers 75207  
and surveyors may, upon request, waive the payment of renewal fees 75208  
or the completion of continuing professional development 75209  
requirements for a registrant during the period when the 75210  
registrant is on active duty in connection with any branch of the 75211  
armed forces of the United States. 75212

(B) Each certificate of authorization issued pursuant to 75213  
section 4733.16 of the Revised Code shall authorize the holder to 75214  
provide professional engineering or professional surveying 75215  
services, through the registered professional engineer or 75216  
professional surveyor designated as being in responsible charge of 75217

the professional engineering or professional surveying practice, 75218  
from the date of issuance until the last day of June next 75219  
succeeding the date upon which the certificate was issued, unless 75220  
the certificate has been revoked or suspended for cause as 75221  
provided in section 4733.20 of the Revised Code or has been 75222  
suspended pursuant to section 3123.47 of the Revised Code. 75223

(C) If a registrant fails to renew registration as provided 75224  
under division (A) of this section, renewal and reinstatement may 75225  
be effected under rules the board adopts regarding requirements 75226  
for reexamination or reapplication, and reinstatement penalty 75227  
fees. The board may require a registrant who fails to renew 75228  
registration to complete ~~those~~ the required hours of continuing 75229  
professional development ~~required from the effective date of this~~ 75230  
~~section,~~ as a condition of renewal and reinstatement if the 75231  
registrant seeks renewal and reinstatement under this division ~~on~~ 75232  
~~or after January 1, 2009.~~ 75233

**Sec. 4733.151.** (A) ~~Each~~ For registrations expiring on the 75234  
last day of December 2011, each registrant for renewal ~~for~~ 75235  
~~calendar year 2008 and thereafter~~ shall have completed, ~~within the~~ 75236  
~~preceding~~ in calendar year 2011, at least fifteen hours of 75237  
continuing professional development for professional engineers and 75238  
surveyors. Thereafter, each registrant shall complete at least 75239  
thirty hours of continuing professional development during the 75240  
two-year period immediately preceding the biennial renewal 75241  
expiration date. 75242

(B) The continuing professional development requirement may 75243  
be satisfied by coursework or activities dealing with technical, 75244  
ethical, or managerial topics relevant to the practice of 75245  
engineering or surveying. A registrant may earn continuing 75246  
professional development hours by completing or teaching 75247  
university or college level coursework, attending seminars, 75248

workshops, or conferences, authoring relevant published papers, 75249  
articles, or books, receiving patent awards, or actively 75250  
participating in professional or technical societies serving the 75251  
engineering or surveying professions. 75252

In the case of the board disputing the content of any credit 75253  
hours or coursework, then the board shall presume as a matter of 75254  
law that any credit hours submitted by a registrant, or any 75255  
coursework or activity submitted for approval, complies with this 75256  
section if submitted and if a statement signed by a current 75257  
registrant not otherwise participating in the event, affirms that 75258  
the material is relevant to the registrant's practice and will 75259  
assist the registrant's development in the profession. 75260

Credit for university or college level coursework shall be 75261  
based on the credit established by the university or college. One 75262  
semester hour as established by the university or college shall be 75263  
the equivalent of forty-five hours of continuing professional 75264  
development, and one quarter hour as established by the university 75265  
or college shall be the equivalent of thirty hours of continuing 75266  
professional development. 75267

Credit for seminars, workshops, or conferences offering 75268  
continuing education units shall be based on the units awarded by 75269  
the organization presenting the seminar, workshop, or conference. 75270  
A registrant may earn ten continuing professional development 75271  
hours for each continuing education unit awarded. Each hour of 75272  
attendance at a seminar, workshop, or conference for which no 75273  
continuing education units are offered shall be the equivalent of 75274  
one continuing professional development hour. 75275

A registrant may earn two continuing professional development 75276  
hours for each year of service as an officer or active committee 75277  
member of a professional or technical society or association that 75278  
represents registrants or entities composed of registrants. A 75279  
registrant may earn ten continuing professional development hours 75280

for authoring relevant published papers, articles, or books. A 75281  
registrant may earn ten continuing professional development hours 75282  
for each such published paper, article, or book. A registrant may 75283  
earn ten continuing professional development hours for each patent 75284  
award. 75285

(C) A person registered as both a professional engineer and 75286  
professional surveyor shall complete at least ~~five~~ ten of the 75287  
~~fifteen~~ thirty hours required under division (A) of this section 75288  
in engineering-related coursework or activities and at least ~~five~~ 75289  
ten of those ~~fifteen~~ thirty hours in surveying-related coursework 75290  
or activities. 75291

(D) A registrant is exempt from the continuing professional 75292  
development requirements of this section during the first calendar 75293  
year of registration. 75294

(E) A registrant who completes more than ~~fifteen~~ thirty hours 75295  
of approved coursework or activities in ~~any calendar year a~~ 75296  
biennial renewal period may carry forward to the next ~~calendar~~ 75297  
~~year~~ biennial renewal period a maximum of fifteen of the excess 75298  
hours. 75299

(F) A registrant shall maintain records to demonstrate 75300  
completion of the continuing professional development requirements 75301  
specified in this section for a period of ~~three~~ four calendar 75302  
years beyond the year in which certification of the completion of 75303  
the requirements is obtained by the registrant. The records shall 75304  
include all of the following: 75305

(1) A log specifying the type of coursework or activity, its 75306  
location and duration along with the instructor's name, and the 75307  
number of continuing professional development hours earned; 75308

(2) Certificates of completion or other evidence verifying 75309  
attendance. 75310

(G) The records specified in division (F) of this section may 75311

be audited at any time by the state board of registration for 75312  
professional engineers and surveyors. If the board discovers that 75313  
a registrant has failed to complete coursework or activities, it 75314  
shall notify the registrant of the deficiencies and allow the 75315  
registrant six months from the date of the notice to rectify the 75316  
deficiencies and to provide the board with evidence of 75317  
satisfactory completion of the continuing professional development 75318  
requirements. If the registrant fails to provide such evidence 75319  
within that six-month period, the board may revoke or suspend the 75320  
registration after offering an adjudication hearing in accordance 75321  
with Chapter 119. of the Revised Code. 75322

**Sec. 4736.12.** (A) The state board of sanitarian registration 75323  
shall charge the following fees: 75324

(1) To apply as a sanitarian-in-training, eighty dollars; 75325

(2) For sanitarians-in-training to apply for registration as 75326  
sanitarians, eighty dollars. The applicant shall pay this fee only 75327  
once regardless of the number of times the applicant takes an 75328  
examination required under section 4736.08 of the Revised Code. 75329

(3) For persons other than sanitarians-in-training to apply 75330  
for registration as sanitarians, including persons meeting the 75331  
requirements of section 4736.16 of the Revised Code, one hundred 75332  
sixty dollars. The applicant shall pay this fee only once 75333  
regardless of the number of times the applicant takes an 75334  
examination required under section 4736.08 of the Revised Code. 75335

(4) The renewal fee for registered sanitarians shall be 75336  
~~seventy four~~ eighty dollars. 75337

(5) The renewal fee for sanitarians-in-training shall be 75338  
~~seventy four~~ eighty dollars. 75339

(6) For late application for renewal, ~~twenty seven~~ an 75340  
additional fifty dollars. 75341

The board of sanitarian registration, with the approval of 75342  
the controlling board, may establish fees in excess of the amounts 75343  
provided in this section, provided that such fees do not exceed 75344  
the amounts permitted by this section by more than fifty per cent. 75345

(B) The board of sanitarian registration shall charge 75346  
separate fees for examinations as required by section 4736.08 of 75347  
the Revised Code, provided that the fees are not in excess of the 75348  
actual cost to the board of conducting the examinations. 75349

(C) The board of sanitarian registration may adopt rules 75350  
establishing fees for all of the following: 75351

(1) Application for the registration of a training agency 75352  
approved under rules adopted by the board pursuant to section 75353  
4736.11 of the Revised Code and for the annual registration 75354  
renewal of an approved training agency-; 75355

(2) Application for the review of continuing education hours 75356  
submitted for the board's approval by approved training agencies 75357  
or by registered sanitarians or sanitarians-in-training; 75358

(3) Additional copies of pocket identification cards and wall 75359  
certificates. 75360

**Sec. 4743.05.** Except as otherwise provided in sections 75361  
4701.20, 4723.062, 4723.082, ~~and~~ 4729.65, 4781.121, and 4781.28 of 75362  
the Revised Code, all money collected under Chapters 3773., 4701., 75363  
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 75364  
4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 75365  
4761., 4766., 4771., 4775., 4779., and 4781. of the Revised Code 75366  
shall be paid into the state treasury to the credit of the 75367  
occupational licensing and regulatory fund, which is hereby 75368  
created for use in administering such chapters. 75369

At the end of each quarter, the director of budget and 75370  
management shall transfer from the occupational licensing and 75371

regulatory fund to the nurse education assistance fund created in 75372  
section 3333.28 of the Revised Code the amount certified to the 75373  
director under division (B) of section 4723.08 of the Revised 75374  
Code. 75375

At the end of each quarter, the director shall transfer from 75376  
the occupational licensing and regulatory fund to the certified 75377  
public accountant education assistance fund created in section 75378  
4701.26 of the Revised Code the amount certified to the director 75379  
under division (H)(2) of section 4701.10 of the Revised Code. 75380

**Sec. 4757.31.** (A) Subject to division (B) of this section, 75381  
the counselor, social worker, and marriage and family therapist 75382  
board shall establish, and may from time to time adjust, fees to 75383  
be charged for the following: 75384

(1) Examination for licensure as a professional clinical 75385  
counselor, professional counselor, marriage and family therapist, 75386  
independent marriage and family therapist, social worker, or 75387  
independent social worker; 75388

(2) Initial licenses of professional clinical counselors, 75389  
professional counselors, marriage and family therapists, 75390  
independent marriage and family therapists, social workers, and 75391  
independent social workers, except that the board shall charge 75392  
only one fee to a person who fulfills all requirements for more 75393  
than one of the following initial licenses: an initial license as 75394  
a social worker or independent social worker, an initial license 75395  
as a professional counselor or professional clinical counselor, 75396  
and an initial license as a marriage and family therapist or 75397  
independent marriage and family therapist; 75398

(3) Initial certificates of registration of social work 75399  
assistants; 75400

(4) Renewal and late renewal of licenses of professional 75401

clinical counselors, professional counselors, marriage and family 75402  
therapists, independent marriage and family therapists, social 75403  
workers, and independent social workers and renewal and late 75404  
renewal of certificates of registration of social work assistants; 75405

(5) Verification, to another jurisdiction, of a license or 75406  
registration issued by the board; 75407

(6) Continuing education programs offered by the board to 75408  
licensees or registrants; 75409

(7) Approval of continuing education programs; 75410

(8) Approval of continuing education providers to be 75411  
authorized to offer continuing education programs without prior 75412  
approval from the board for each program offered; 75413

(9) Issuance of a replacement copy of any wall certificate 75414  
issued by the board. 75415

(B) The fees charged under division (A)(1) of this section 75416  
shall be established in amounts sufficient to cover the direct 75417  
expenses incurred in examining applicants for licensure. The fees 75418  
charged under divisions (A)(2) to ~~(6)~~(9) of this section shall be 75419  
nonrefundable and shall be established in amounts sufficient to 75420  
cover the necessary expenses in administering this chapter and 75421  
rules adopted under it that are not covered by fees charged under 75422  
division (A)(1) or (C) of this section. The renewal fee for a 75423  
license or certificate of registration shall not be less than the 75424  
initial fee for that license or certificate. The fees charged for 75425  
licensure and registration and the renewal of licensure and 75426  
registration may differ for the various types of licensure and 75427  
registration, but shall not exceed one hundred twenty-five dollars 75428  
each, unless the board determines that amounts in excess of one 75429  
hundred twenty-five dollars are needed to cover its necessary 75430  
expenses in administering this chapter and rules adopted under it 75431  
and the amounts in excess of one hundred twenty-five dollars are 75432



approved by the controlling board. 75433

(C) All receipts of the board shall be deposited in the state 75434  
treasury to the credit of the occupational licensing and 75435  
regulatory fund. All vouchers of the board shall be approved by 75436  
the chairperson or executive director of the board, or both, as 75437  
authorized by the board. 75438

**Sec. 4781.01.** As used in this chapter: 75439

(A) "Industrialized unit" has the same meaning as in division 75440  
(C)(3) of section 3781.06 of the Revised Code. 75441

(B) "Installation" means any of the following: 75442

(1) The temporary or permanent construction of stabilization, 75443  
support, and anchoring systems for manufactured housing; 75444

(2) The placement and erection of a manufactured housing unit 75445  
or components of a unit on a structural support system; 75446

(3) The supporting, blocking, leveling, securing, anchoring, 75447  
underpinning, or adjusting of any section or component of a 75448  
manufactured housing unit; 75449

(4) The joining or connecting of all sections or components 75450  
of a manufactured housing unit. 75451

(C) "Manufactured home" has the same meaning as in division 75452  
(C)(4) of section 3781.06 of the Revised Code. 75453

(D) "Manufactured home park" ~~has the same meaning as in~~ 75454  
~~division (A) of section 3733.01 of the Revised Code~~ means any 75455  
tract of land upon which three or more manufactured or mobile 75456  
homes used for habitation are parked, either free of charge or for 75457  
revenue purposes, and includes any roadway, building, structure, 75458  
vehicle, or enclosure used or intended for use as a part of the 75459  
facilities of the park. "Manufactured home park" does not include 75460  
any of the following: 75461

- (1) A tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp as defined in section 3729.01 of the Revised Code; 75462  
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- (2) A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority; 75465  
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- (3) A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation. 75469  
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- (E) "Manufactured housing" means manufactured homes and mobile homes. 75473  
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- (F) "Manufactured housing installer" means an individual who installs manufactured housing. 75475  
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- (G) "Mobile home" has the same meaning as in division (O) of section 4501.01 of the Revised Code. 75477  
75478
- (H) "Model standards" means the federal manufactured home installation standards established pursuant to 42 U.S.C. 5404. 75479  
75480
- (I) "Permanent foundation" has the same meaning as in division (C)(5) of section 3781.06 of the Revised Code. 75481  
75482
- (J) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect. 75483  
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- (K) "Casual sale" means any transfer of a manufactured home or mobile home by a person other than a manufactured housing dealer, manufactured housing salesperson, or manufacturer to an ultimate consumer or a person who purchases the home for use as a residence. 75486  
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- (L) "Engaging in business" means commencing, conducting, or 75491

continuing in business, or liquidating a business when the 75492  
liquidator thereof holds self out to be conducting such business; 75493  
making a casual sale or otherwise making transfers in the ordinary 75494  
course of business when the transfers are made in connection with 75495  
the disposition of all or substantially all of the transferor's 75496  
assets is not engaging in business. 75497

(M) "Manufactured home park operator" ~~has the same meaning as~~ 75498  
~~"operator" in section 3733.01 of the Revised Code or "park~~ 75499  
operator" means the person who has responsible charge of a 75500  
manufactured home park and who is licensed under sections 4781.26 75501  
to 4781.35 of the Revised Code. 75502

(N) "Manufactured housing broker" means any person acting as 75503  
a selling agent on behalf of an owner of a manufactured home or 75504  
mobile home that is subject to taxation under section 4503.06 of 75505  
the Revised Code. 75506

(O) "Manufactured housing dealer" means any person engaged in 75507  
the business of selling at retail, displaying, offering for sale, 75508  
or dealing in manufactured homes or mobile homes. 75509

(P) "Manufacturer" means a person who manufactures, 75510  
assembles, or imports manufactured homes or mobile homes. 75511

(Q) "Retail sale" or "sale at retail" means the act or 75512  
attempted act of selling, bartering, exchanging, or otherwise 75513  
disposing of a manufactured home or mobile home to an ultimate 75514  
purchaser for use as a residence. 75515

(R) "Salesperson" means any individual employed by a 75516  
manufactured housing dealer or manufactured housing broker to 75517  
sell, display, and offer for sale, or deal in manufactured homes 75518  
or mobile homes for a commission, compensation, or other valuable 75519  
consideration, but does not mean any public officer performing 75520  
official duties. 75521

(S) "Ultimate purchaser" means, with respect to any new 75522

manufactured home, the first person, other than a manufactured 75523  
housing dealer purchasing in the capacity of a manufactured 75524  
housing dealer, who purchases such new manufactured home for 75525  
purposes other than resale. 75526

(T) "Tenant" means a person who is entitled under a rental 75527  
agreement with a manufactured home park operator to occupy a 75528  
manufactured home park lot and who does not own the home occupying 75529  
the lot. 75530

(U) "Owner" means a person who is entitled under a rental 75531  
agreement with a manufactured home park operator to occupy a 75532  
manufactured home park lot and who owns the home occupying the 75533  
lot. 75534

(V) "Resident" means a person entitled under a rental 75535  
agreement to the use and occupancy of residential premises to the 75536  
exclusion of others. "Resident" includes both tenants and owners. 75537

(W) "Residential premises" means a lot located within a 75538  
manufactured home park and the grounds, areas, and facilities 75539  
contained within the manufactured home park for the use of 75540  
residents generally or the use of which is promised to a resident. 75541

(X) "Rental agreement" means any agreement or lease, written 75542  
or oral, that establishes or modifies the terms, conditions, 75543  
rules, or any other provisions concerning the use and occupancy of 75544  
residential premises by one of the parties. 75545

(Y) "Security deposit" means any deposit of money or property 75546  
to secure performance by the resident under a rental agreement. 75547

(Z) "Development" means any artificial change to improved or 75548  
unimproved real estate, including, without limitation, buildings 75549  
or structures, dredging, filling, grading, paving, excavation or 75550  
drilling operations, or storage of equipment or materials, and the 75551  
construction, expansion, or substantial alteration of a 75552  
manufactured home park, for which plan review is required under 75553

division (A) of section 4781.31 of the Revised Code. "Development" 75554  
does not include the building, construction, erection, or 75555  
manufacture of any building to which section 3781.06 of the 75556  
Revised Code is applicable. 75557

(AA) "Flood" or "flooding" means either of the following: 75558

(1) A general and temporary condition of partial or complete 75559  
inundation of normally dry land areas from any of the following: 75560

(a) The overflow of inland or tidal waters; 75561

(b) The unusual and rapid accumulation or runoff of surface 75562  
waters from any source; 75563

(c) Mudslides that are proximately caused by flooding as 75564  
defined in division (AA)(1)(b) of this section and that are akin 75565  
to a river of liquid and flowing mud on the surface of normally 75566  
dry land areas, as when earth is carried by a current of water and 75567  
deposited along the path of the current. 75568

(2) The collapse or subsidence of land along the shore of a 75569  
lake or other body of water as a result of erosion or undermining 75570  
that is caused by waves or currents of water exceeding anticipated 75571  
cyclical levels or that is suddenly caused by an unusually high 75572  
water level in a natural body of water, and that is accompanied by 75573  
a severe storm, by an unanticipated force of nature, such as a 75574  
flash flood, by an abnormal tidal surge, or by some similarly 75575  
unusual and unforeseeable event, that results in flooding as 75576  
defined in division (AA)(1)(a) of this section. 75577

(BB) "Flood plain" means the area adjoining any river, 75578  
stream, watercourse, or lake that has been or may be covered by 75579  
flood water. 75580

(CC) "One-hundred-year flood" means a flood having a one per 75581  
cent chance of being equaled or exceeded in any given year. 75582

(DD) "One-hundred-year flood plain" means that portion of a 75583

flood plain inundated by a one-hundred-year flood. 75584

(EE) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes this state, any political subdivision of this state, and any other state or local body of this state. 75585  
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(FF) "Substantial damage" means damage of any origin sustained by a manufactured or mobile home that is situated in a manufactured home park located in a flood plain when the cost of restoring the home to its condition before the damage occurred will equal or exceed fifty per cent of the market value of the home before the damage occurred. 75589  
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(GG) "Substantially alter" means a change in the layout or design of a manufactured home park, including, without limitation, the movement of utilities or changes in established streets, lots, or sites or in other facilities. In the case of manufactured home parks located within a one-hundred-year flood plain, "substantially alter" also includes changes in elevation resulting from the addition of fill, grading, or excavation that may affect flood plain management. 75595  
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(HH) "Tract" means a contiguous area of land that consists of one or more parcels, lots, or sites that have been separately surveyed regardless of whether the individual parcels, lots, or sites have been recorded and regardless of whether the one or more parcels, lots, or sites are under common or different ownership. 75603  
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**Sec. 4781.02.** (A) There is hereby created the manufactured homes commission which consists of nine members, with three members appointed by the governor, three members appointed by the president of the senate, and three members appointed by the speaker of the house of representatives. 75608  
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(B)(1) Commission members shall be residents of this state, 75613

except for members appointed pursuant to divisions (B)(3)(b) and 75614  
(B)(4)(a) of this section. Members shall be selected from a list 75615  
of persons the Ohio manufactured homes association, or any 75616  
successor entity, recommends, except for appointments made 75617  
pursuant to division (B)(2) of this section. 75618

(2) The governor shall appoint the following members: 75619

(a) One member to represent the board of building standards, 75620  
who may be a member of the board or a board employee not in the 75621  
classified civil service, with an initial term ending December 31, 75622  
2007; 75623

~~(b) One member to represent the department of health, who may 75624  
be a department employee not in the classified civil service, with 75625  
an initial term ending December 31, 2005 who is registered as a 75626  
sanitarian in accordance with Chapter 4736. of the Revised Code, 75627  
has experience with the regulation of manufactured homes, and is 75628  
an employee of a health district described in section 3709.01 of 75629  
the Revised Code; 75630~~

(c) One member whose primary residence is a manufactured 75631  
home, with an initial term ending December 31, 2006. 75632

(3) The president of the senate shall appoint the following 75633  
members: 75634

(a) Two members who are manufactured housing installers who 75635  
have been actively engaged in the installation of manufactured 75636  
housing for the five years immediately prior to appointment, with 75637  
the initial term of one installer ending December 31, 2007, and 75638  
the initial term of the other installer ending December 31, 2005. 75639

(b) One member who manufactures manufactured homes in this 75640  
state or who manufactures manufactured homes in another state and 75641  
ships homes into this state, to represent manufactured home 75642  
manufacturers, with an initial term ending December 31, 2006. 75643

(4) The speaker of the house of representatives shall appoint the following members:

(a) One member who operates a manufactured or mobile home retail business in this state to represent manufactured housing dealers, with an initial term ending December 31, 2007;

(b) One member who is a manufactured home park operator or is employed by an operator, with an initial term ending December 31, 2005;

(c) One member to represent the Ohio manufactured home association, or any successor entity, who may be the president or executive director of the association or the successor entity, with an initial term ending December 31, 2006.

(C)(1) After the initial term, each term of office is for four years ending on the thirty-first day of December. A member holds office from the date of appointment until the end of the term. No member may serve more than two consecutive four-year terms.

(2) Any member appointed to fill a vacancy that occurs prior to the expiration of a term continues in office for the remainder of that term. Any member continues in office subsequent to the expiration date of the term until the member's successor takes office or until sixty days have elapsed, which ever occurs first.

(3) A vacancy on the commission does not impair the authority of the remaining members to exercise all of the commission's powers.

(D)(1) The governor may remove any member from office for incompetence, neglect of duty, misfeasance, nonfeasance, malfeasance, or unprofessional conduct in office.

(2) Vacancies shall be filled in the manner of the original appointment.



**Sec. 4781.04.** (A) The manufactured homes commission shall 75674  
adopt rules pursuant to Chapter 119. of the Revised Code to do all 75675  
of the following: 75676

(1) Establish uniform standards that govern the installation 75677  
of manufactured housing. Not later than one hundred eighty days 75678  
after the secretary of the United States department of housing and 75679  
urban development adopts model standards for the installation of 75680  
manufactured housing or amends those standards, the commission 75681  
shall amend its standards as necessary to be consistent with, and 75682  
not less stringent than, the model standards for the design and 75683  
installation of manufactured housing the secretary adopts or any 75684  
manufacturers' standards that the secretary determines are equal 75685  
to or not less stringent than the model standards. 75686

(2) Govern the inspection of the installation of manufactured 75687  
housing. The rules shall specify that the commission, any building 75688  
department or personnel of any department, ~~any licensor or~~ 75689  
~~personnel of any licensor,~~ or any private third party, certified 75690  
pursuant to section 4781.07 of the Revised Code shall conduct all 75691  
inspections of the installation of manufactured housing located in 75692  
manufactured home parks to determine compliance with the uniform 75693  
installation standards the commission establishes pursuant to this 75694  
section. 75695

~~As used in division (A)(2) of this section, "licensor" has~~ 75696  
~~the same meaning as in section 3733.01 of the Revised Code.~~ 75697

(3) Govern the design, construction, installation, approval, 75698  
and inspection of foundations and the base support systems for 75699  
manufactured housing. The rules shall specify that the commission, 75700  
any building department or personnel of any department, ~~any~~ 75701  
~~licensor or personnel of any licensor,~~ or any private third party, 75702  
certified pursuant to section 4781.07 of the Revised Code shall 75703  
conduct all inspections of the installation, foundations, and base 75704

support systems of manufactured housing located in manufactured 75705  
home parks to determine compliance with the uniform installation 75706  
standards and foundation and base support system design the 75707  
commission establishes pursuant to this section. 75708

~~As used in division (A)(3) of this section, "licensor" has 75709  
the same meaning as in section 3733.01 of the Revised Code. 75710~~

(4) Govern the training, experience, and education 75711  
requirements for manufactured housing installers, manufactured 75712  
housing dealers, manufactured housing brokers, and manufactured 75713  
housing salespersons; 75714

(5) Establish a code of ethics for manufactured housing 75715  
installers; 75716

(6) Govern the issuance, revocation, and suspension of 75717  
licenses to manufactured housing installers; 75718

(7) Establish fees for the issuance and renewal of licenses, 75719  
for conducting inspections to determine an applicant's compliance 75720  
with this chapter and the rules adopted pursuant to it, and for 75721  
the commission's expenses incurred in implementing this chapter; 75722

(8) Establish conditions under which a licensee may enter 75723  
into contracts to fulfill the licensee's responsibilities; 75724

(9) Govern the investigation of complaints concerning any 75725  
violation of this chapter or the rules adopted pursuant to it or 75726  
complaints involving the conduct of any licensed manufactured 75727  
housing installer or person installing manufactured housing 75728  
without a license, licensed manufactured housing dealer, licensed 75729  
manufactured housing broker, or manufactured housing salesperson; 75730

(10) Establish a dispute resolution program for the timely 75731  
resolution of warranty issues involving new manufactured homes, 75732  
disputes regarding responsibility for the correction or repair of 75733  
defects in manufactured housing, and the installation of 75734

manufactured housing. The rules shall provide for the timely 75735  
resolution of disputes between manufacturers, manufactured housing 75736  
dealers, and installers regarding the correction or repair of 75737  
defects in manufactured housing that are reported by the purchaser 75738  
of the home during the one-year period beginning on the date of 75739  
installation of the home. The rules also shall provide that 75740  
decisions made regarding the dispute under the program are not 75741  
binding upon the purchaser of the home or the other parties 75742  
involved in the dispute unless the purchaser so agrees in a 75743  
written acknowledgement that the purchaser signs and delivers to 75744  
the program within ten business days after the decision is issued. 75745

(11) Establish the requirements and procedures for the 75746  
certification of building departments and building department 75747  
personnel pursuant to section 4781.07 of the Revised Code; 75748

(12) Establish fees to be charged to building departments and 75749  
building department personnel applying for certification and 75750  
renewal of certification pursuant to section 4781.07 of the 75751  
Revised Code; 75752

(13) Develop a policy regarding the maintenance of records 75753  
for any inspection authorized or conducted pursuant to this 75754  
chapter. Any record maintained under division (A)(13) of this 75755  
section shall be a public record under section 149.43 of the 75756  
Revised Code. 75757

(14) Carry out any other provision of this chapter. 75758

(B) The manufactured homes commission shall do all of the 75759  
following: 75760

(1) Prepare and administer a licensure examination to 75761  
determine an applicant's knowledge of manufactured housing 75762  
installation and other aspects of installation the commission 75763  
determines appropriate; 75764

(2) Select, provide, or procure appropriate examination 75765

questions and answers for the licensure examination and establish	75766
the criteria for successful completion of the examination;	75767
(3) Prepare and distribute any application form this chapter	75768
requires;	75769
(4) Receive applications for licenses and renewal of licenses	75770
and issue licenses to qualified applicants;	75771
(5) Establish procedures for processing, approving, and	75772
disapproving applications for licensure;	75773
(6) Retain records of applications for licensure, including	75774
all application materials submitted and a written record of the	75775
action taken on each application;	75776
(7) Review the design and plans for manufactured housing	75777
installations, foundations, and support systems;	75778
(8) Inspect a sample of homes at a percentage the commission	75779
determines to evaluate the construction and installation of	75780
manufactured housing installations, foundations, and support	75781
systems to determine compliance with the standards the commission	75782
adopts;	75783
(9) Investigate complaints concerning violations of this	75784
chapter or the rules adopted pursuant to it, or the conduct of any	75785
manufactured housing installer, manufactured housing dealer,	75786
manufactured housing broker, or manufactured housing salesperson;	75787
(10) Determine appropriate disciplinary actions for	75788
violations of this chapter;	75789
(11) Conduct audits and inquiries of manufactured housing	75790
installers, manufactured housing dealers, and manufactured housing	75791
brokers as appropriate for the enforcement of this chapter. The	75792
commission, or any person the commission employs for the purpose,	75793
may review and audit the business records of any manufactured	75794
housing installer, dealer, or broker during normal business hours.	75795

(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity;

(13) Perform any function or duty necessary to administer this chapter and the rules adopted pursuant to it.

(C) Nothing in this section shall be construed to limit the authority of a board of health to enforce section 3701.344 of the Revised Code or Chapters 3703., 3718., and 3781. of the Revised Code.

**Sec. 4781.07.** (A) Pursuant to rules the manufactured homes commission adopts, the commission may certify municipal, township, and county building departments and the personnel of those departments, ~~licensors as defined in section 3733.01 of the Revised Code and the personnel of those licensors,~~ or any private third party, to exercise the commission's enforcement authority, accept and approve plans and specifications for foundations, support systems and installations, and inspect manufactured housing foundations, support systems, and manufactured housing installations. Any certification is effective for three years.

(B) Following an investigation and finding of facts that support its action, the commission may revoke or suspend certification. The commission may initiate an investigation on its own motion or the petition of a person affected by the enforcement or approval of plans.

**Sec. 4781.09.** (A) The manufactured homes commission may deny, suspend, revoke, or refuse to renew the license of any manufactured home installer for any of the following reasons:

(1) Failure to satisfy the requirements of section 4781.08 or 4781.10 of the Revised Code;

(2) Violation of this chapter or any rule adopted pursuant to

it;	75826
(3) Making a material misstatement in an application for a license;	75827 75828
(4) Installing manufactured housing without a license or without being under the supervision of a licensed manufactured housing installer;	75829 75830 75831
(5) Failure to appear for a hearing before the commission or to comply with any final adjudication order of the commission issued pursuant to this chapter;	75832 75833 75834
(6) Conviction of a felony or a crime involving moral turpitude;	75835 75836
(7) Having had a license revoked, suspended, or denied by the commission during the preceding two years;	75837 75838
(8) Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years;	75839 75840
(9) Engaging in conduct in another state or jurisdiction that would violate this chapter if committed in this state.	75841 75842
(10) Failing to provide written notification of an installation pursuant to division (D) of section 4781.11 of the Revised Code to a county treasurer or county auditor.	75843 75844 75845
(B)(1) Any person whose license or license application is revoked, suspended, denied, or not renewed or upon whom a civil penalty is imposed <del>pursuant to division (C) of this section</del> may request an adjudication hearing on the matter within thirty days after receipt of the notice of the action. The hearing shall be held in accordance with Chapter 119. of the Revised Code.	75846 75847 75848 75849 75850 75851
(2) Any licensee or applicant may appeal an order made pursuant to an adjudication hearing in the manner provided in section 119.12 of the Revised Code.	75852 75853 75854
(C) <del>As an alternative to suspending, revoking, or refusing to</del>	75855

~~renew a manufactured housing installer's license, the commission 75856  
may impose a civil penalty of not less than one hundred dollars or 75857  
more than five hundred dollars per violation of this chapter or 75858  
any rule adopted pursuant to it. The commission shall deposit 75859  
penalties in the occupational licensing and regulatory fund 75860  
pursuant to section 4743.05 of the Revised Code. 75861~~

(D) A person whose license is suspended, revoked, or not 75862  
renewed may apply for a new license two years after the date on 75863  
which the license was suspended, revoked, or not renewed. 75864

Sec. 4781.121. (A) The manufactured homes commission, 75865  
pursuant to section 4781.04 of the Revised Code, may investigate 75866  
any person who allegedly has committed a violation. If, after an 75867  
investigation the commission determines that reasonable evidence 75868  
exists that a person has committed a violation, within seven days 75869  
after that determination, the commission shall send a written 75870  
notice to that person in the same manner as prescribed in section 75871  
119.07 of the Revised Code for licensees, except that the notice 75872  
shall specify that a hearing will be held and specify the date, 75873  
time, and place of the hearing. 75874

(B) The commission shall hold a hearing regarding the alleged 75875  
violation in the same manner prescribed for an adjudication 75876  
hearing under section 119.09 of the Revised Code. If the 75877  
commission, after the hearing, determines that a violation has 75878  
occurred, the commission, upon an affirmative vote of five of its 75879  
members, may impose a fine not exceeding one thousand dollars per 75880  
violation per day. The commission's determination is an order that 75881  
the person may appeal in accordance with section 119.12 of the 75882  
Revised Code. 75883

(C) If the person who allegedly committed a violation fails 75884  
to appear for a hearing, the commission may request the court of 75885  
common pleas of the county where the alleged violation occurred to 75886

compel the person to appear before the commission for a hearing. 75887

(D) If the commission assesses a person a civil penalty for a violation and the person fails to pay that civil penalty within the time period prescribed by the commission pursuant to section 131.02 of the Revised Code, the commission shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty. 75888  
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(E) The authority provided to the commission pursuant to this section, and any fine imposed under this section, shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter. Any fines collected pursuant to this section shall be used solely to administer and enforce this chapter and rules adopted under it. Any fees collected pursuant to this section shall be transmitted to the treasurer of state and shall be credited to the manufactured homes commission regulatory fund created in section 4781.54 of the Revised Code; the fees shall be used only for the purpose of administering and enforcing sections 4781.26 to 4781.35 of the Revised Code and the rules adopted thereunder. 75897  
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(F) As used in this section, "violation" means a violation of section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant to section 4781.04, of the Revised Code. 75909  
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**Sec. 4781.14.** ~~(A) Except as provided in division (A)(3) of section 3733.02 of the Revised Code, the state, through the~~ The manufactured homes commission, has exclusive authority to regulate manufactured home installers, the installation of manufactured housing, and manufactured housing foundations and support systems in ~~the~~ this state. By enacting this chapter, it is the intent of 75912  
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the general assembly to preempt municipal corporations and other 75918  
political subdivisions from regulating and licensing manufactured 75919  
housing installers and regulating and inspecting the installation 75920  
of manufactured housing and manufactured housing foundations and 75921  
support systems. 75922

~~(B) Except as provided in division (A)(3) of section 3733.02~~ 75923  
~~of the Revised Code, the~~ The manufactured homes commission has 75924  
exclusive power to adopt rules of uniform application throughout 75925  
the state governing installation of manufactured housing, the 75926  
inspection of manufactured housing foundations and support 75927  
systems, the inspection of the installation of manufactured 75928  
housing, the training and licensing of manufactured housing 75929  
installers, and the investigation of complaints concerning 75930  
manufactured housing installers. 75931

~~(C) Except as provided in division (A)(3) of section 3733.02~~ 75932  
~~of the Revised Code, the~~ The rules the commission adopts pursuant 75933  
to this chapter are the exclusive rules governing the installation 75934  
of manufactured housing, the design, construction, and approval of 75935  
foundations for manufactured housing, the licensure of 75936  
manufactured home installers, and the fees charged for licensure 75937  
of manufactured home installers. No political subdivision of the 75938  
state or any department or agency of the state may establish any 75939  
other standards governing the installation of manufactured 75940  
housing, manufactured housing foundations and support systems, the 75941  
licensure of manufactured housing installers, or fees charged for 75942  
the licensure of manufactured housing installers. 75943

(D) Nothing in this section limits the authority of the 75944  
attorney general to enforce Chapter 1345. of the Revised Code or 75945  
to take any action permitted by the Revised Code against 75946  
manufactured housing installers, retailers, or manufacturers. 75947

Sec. 4781.15. The remedies provided in ~~sections 4781.01 to~~ 75948  
~~4781.14 of the Revised Code~~ this chapter are in addition to 75949  
remedies otherwise available for the same conduct under state or 75950  
local law. 75951

Sec. ~~3733.02~~ 4781.26. (A)~~(1)~~ The ~~public health council~~ 75952  
manufactured homes commission, subject to Chapter 119. of the 75953  
Revised Code, shall adopt, and has the exclusive power to adopt, 75954  
rules of uniform application throughout the state governing the 75955  
review of plans, issuance of flood plain management permits, and 75956  
issuance of licenses for manufactured home parks; the location, 75957  
layout, density, construction, drainage, sanitation, safety, and 75958  
operation of those parks; and notices of flood events concerning, 75959  
and flood protection at, those parks. The rules pertaining to 75960  
flood plain management shall be consistent with and not less 75961  
stringent than the flood plain management criteria of the national 75962  
flood insurance program adopted under the "National Flood 75963  
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 75964  
amended. The rules shall not apply to the construction, erection, 75965  
or manufacture of any building to which section 3781.06 of the 75966  
Revised Code is applicable. 75967

~~(2)~~(B) The rules pertaining to manufactured home parks 75968  
constructed after June 30, 1971, shall specify that each home must 75969  
be placed on its lot to provide not less than fifteen feet between 75970  
the side of one home and the side of another home, ten feet 75971  
between the end of one home and the side of another home, and five 75972  
feet between the ends of two homes placed end to end. 75973

~~(3)~~(C) The manufactured homes commission shall determine 75974  
compliance with the installation, blocking, tiedown, foundation, 75975  
and base support system standards for manufactured housing located 75976  
in manufactured home parks adopted by the commission pursuant to 75977  
section 4781.04 of the Revised Code. All inspections of the 75978

installation, blocking, tiedown, foundation, and base support 75979  
systems of manufactured housing in a manufactured home park that 75980  
the ~~department of health or a licenser~~ commission conducts shall 75981  
be conducted by a person ~~who has completed an installation~~ 75982  
~~training course approved by~~ the manufactured homes commission 75983  
certifies pursuant to ~~division (B)(12) of~~ section 4781.04 4781.07 75984  
of the Revised Code. 75985

~~As used in division (A)(3) of this section, "manufactured~~ 75986  
~~housing" has the same meaning as in section 4781.01 of the Revised~~ 75987  
~~Code.~~ 75988

~~(B) The public health council, in accordance with Chapter~~ 75989  
~~119. of the Revised Code, shall adopt rules of uniform application~~ 75990  
~~throughout the state establishing requirements and procedures in~~ 75991  
~~accordance with which the director of health may authorize~~ 75992  
~~licensors for the purposes of sections 3733.022 and 3733.025 of~~ 75993  
~~the Revised Code. The rules shall include at least provisions~~ 75994  
~~under which a licenser may enter into contracts for the purpose of~~ 75995  
~~fulfilling the licenser's responsibilities under either or both of~~ 75996  
~~those sections.~~ 75997

(D) The manufactured homes commission may enter into 75998  
contracts for the purpose of fulfilling the commission's annual 75999  
inspection responsibilities for manufactured home parks under this 76000  
chapter. Boards of health of city or general health districts 76001  
shall have the right of first refusal for those contracts. 76002

**Sec. ~~3733.03~~ 4781.27.** (A)(1) On or after the first day of 76003  
December, but before the first day of January of the next year, 76004  
every person who intends to operate a manufactured home park shall 76005  
procure a license to operate the park for the next year from the 76006  
~~licenser~~ manufactured homes commission. If the applicable license 76007  
fee prescribed under section ~~3733.04~~ 4781.28 of the Revised Code 76008  
is not received by the ~~licenser~~ commission by the close of 76009

business on the last day of December, the applicant for the 76010  
license shall pay a penalty equal to twenty-five per cent of the 76011  
applicable license fee. The penalty shall accompany the license 76012  
fee. If the last day of December is not a business day, the 76013  
penalty attaches upon the close of business on the next business 76014  
day. 76015

(2) No manufactured home park shall be maintained or operated 76016  
in this state without a license. 76017

(3) No person who has received a license, upon the sale or 76018  
disposition of the manufactured home park, may have the license 76019  
transferred to the new operator. A person shall obtain a separate 76020  
license to operate each manufactured home park. 76021

(B) Before a license is initially issued and annually 76022  
thereafter, or more often if necessary, the ~~licensor~~ commission 76023  
shall cause each manufactured home park to be inspected ~~relative~~ 76024  
~~to~~ for compliance with sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 76025  
of the Revised Code and the rules adopted under those sections. A 76026  
record shall be made of each inspection on a form prescribed by 76027  
the ~~director of health~~ commission. 76028

(C) Each person applying for an initial license to operate a 76029  
manufactured home park shall provide acceptable proof to the 76030  
~~director~~ commission that adequate fire protection will be provided 76031  
and that applicable fire codes will be adhered to in the 76032  
construction and operation of the park. 76033

**Sec. ~~3733.04~~ 4781.28.** The ~~licensor of a manufactured home~~ 76034  
~~park~~ manufactured homes commission may charge a fee for an annual 76035  
license to operate ~~such~~ a manufactured home park. The fee for a 76036  
license shall be determined in accordance with section ~~3709.09~~ 76037  
4781.26 of the Revised Code and shall include the cost of 76038  
licensing and all inspections. 76039

~~The fee also shall include any additional amount determined~~ 76040  
~~by rule of the public health council, which shall be collected and~~ 76041  
~~transmitted by the board of health to the director of health~~ 76042  
~~pursuant to section 3709.092 of the Revised Code and used only for~~ 76043  
~~the purpose of administering and enforcing sections 3733.01 to~~ 76044  
~~3733.08 of the Revised Code and the rules adopted under those~~ 76045  
~~sections. The portion of any fee retained by the board of health~~ 76046  
Any fees collected shall be paid into a special fund transmitted 76047  
to the treasurer of state and shall be credited to the 76048  
manufactured homes commission regulatory fund created in section 76049  
4781.54 of the Revised Code and used only for the purpose of 76050  
administering and enforcing sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 76051  
4781.35 of the Revised Code and the rules adopted thereunder. 76052

**Sec. ~~3733.05~~ 4781.29.** ~~The licensor of the health district in~~ 76053  
~~which a manufactured home park is or is to be located, in~~ 76054  
~~accordance with Chapter 119. of the Revised Code, manufactured~~ 76055  
~~homes commission may refuse to grant, may suspend, or may revoke~~ 76056  
~~any license granted to any person for failure to comply with~~ 76057  
~~sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 of the Revised Code or~~ 76058  
~~with any rule adopted by the public health council under section~~ 76059  
~~~~3733.02~~ 4781.26 of the Revised Code.~~ 76060

**Sec. ~~3733.06~~ 4781.30.** (A) Upon a license being issued under 76061  
sections ~~3733.03~~ 4781.27 to ~~3733.05~~ 4781.29 of the Revised Code, 76062  
any operator shall have the right to rent or use each lot for the 76063  
parking or placement of a manufactured home or mobile home to be 76064  
used for human habitation without interruption for any period 76065  
coextensive with any license or consecutive licenses issued under 76066  
sections ~~3733.03~~ 4781.27 to ~~3733.05~~ 4781.29 of the Revised Code. 76067

(B) No operator of a manufactured home park shall sell 76068  
individual lots in a park for eight years following the issuance 76069  
of the initial license for the park unless, at the time of sale, 76070

the park fulfills all platting and subdivision requirements 76071  
established by the political subdivision in which the park is 76072  
located, or the political subdivision has entered into an 76073  
agreement with the operator regarding platting and subdivision 76074  
requirements and the operator has fulfilled the terms of that 76075  
agreement. 76076

**Sec. ~~3733.021~~ 4781.31.** (A) No person shall cause development 76077  
to occur within any portion of a manufactured home park until the 76078  
plans for the development have been submitted to and reviewed and 76079  
approved by the ~~director of health~~ manufactured homes commission. 76080  
This division does not require that plans be submitted to the 76081  
~~director~~ commission for approval for the replacement of 76082  
manufactured or mobile homes on previously approved lots in a 76083  
manufactured home park when no development is to occur in 76084  
connection with the replacement. Within thirty days after receipt 76085  
of the plans, all supporting documents and materials required to 76086  
complete the review, and the applicable plan review fee 76087  
established under division (D) of this section, the ~~director~~ 76088  
commission shall approve or disapprove the plans. 76089

(B) Any person aggrieved by the ~~director's~~ commission's 76090  
disapproval of a set of plans under division (A) of this section 76091  
may request a hearing on the matter within thirty days after 76092  
receipt of the ~~director's~~ commission's notice of the disapproval. 76093  
The hearing shall be held in accordance with Chapter 119. of the 76094  
Revised Code. Thereafter, the disapproval may be appealed in the 76095  
manner provided in section 119.12 of the Revised Code. 76096

(C) The ~~director~~ commission shall establish a system by which 76097  
development occurring within a manufactured home park is inspected 76098  
or verified in accordance with rules adopted under ~~division (A) of~~ 76099  
section ~~3733.02~~ 4781.26 of the Revised Code to ensure that the 76100  
development complies with the plans approved under division (A) of 76101

this section. 76102

(D) The ~~public health council~~ commission shall establish fees 76103  
for reviewing plans under division (A) of this section and 76104  
conducting inspections under division (C) of this section. 76105

(E) The ~~director~~ commission shall charge the appropriate fees 76106  
established under division (D) of this section for reviewing plans 76107  
under division (A) of this section and conducting inspections 76108  
under division (C) of this section. All such plan review and 76109  
inspection fees received by the ~~director~~ commission shall be 76110  
transmitted to the treasurer of state and shall be credited to the 76111  
~~general operations~~ occupational licensing and regulatory fund 76112  
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 76113  
credited to the fund shall be used only for the purpose of 76114  
administering and enforcing sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 76115  
4781.35 of the Revised Code and rules adopted under those 76116  
sections. 76117

(F) Plan approvals issued under this section do not 76118  
constitute an exemption from the land use and building 76119  
requirements of the political subdivision in which the 76120  
manufactured home park is or is to be located. 76121

**Sec. ~~3733.022~~ 4781.32.** (A) No person shall cause development 76122  
to occur or cause the replacement of a mobile or manufactured home 76123  
within any portion of a manufactured home park that is located 76124  
within a one-hundred-year flood plain unless the person first 76125  
obtains a permit from the ~~director of health or a licenser~~ 76126  
~~authorized by the director~~ manufactured homes commission. If the 76127  
development for which a permit is required under this division is 76128  
to occur on a lot where a mobile or manufactured home is or is to 76129  
be located, the owner of the home and the operator of the 76130  
manufactured home park shall jointly obtain the permit. Each of 76131  
the persons to whom a permit is jointly issued is responsible for 76132

compliance with the provisions of the approved permit that are 76133  
applicable to that person. 76134

The ~~director or a licensor authorized by the director~~ 76135  
commission shall disapprove an application for a permit required 76136  
under this division unless the ~~director or the licensor~~ commission 76137  
finds that the proposed development or replacement of a mobile or 76138  
manufactured home complies with the rules adopted under ~~division~~ 76139  
(A) of section ~~3733.02~~ 4781.26 of the Revised Code. No permit is 76140  
required under this division for the construction, erection, or 76141  
manufacture of any building to which section 3781.06 of the 76142  
Revised Code applies. 76143

The ~~director or a licensor authorized by the director~~ 76144  
commission may suspend or revoke a permit issued under this 76145  
division for failure to comply with the rules adopted under 76146  
~~division (A) of section 3733.02~~ 4781.26 of the Revised Code 76147  
pertaining to flood plain management or for failure to comply with 76148  
the approved permit. 76149

Any person aggrieved by the disapproval, suspension, or 76150  
revocation of a permit under this division by the ~~director or by a~~ 76151  
~~licensor authorized by the director~~ commission may request a 76152  
hearing on the matter within thirty days after receipt of the 76153  
notice of the disapproval, suspension, or revocation. The hearing 76154  
shall be held in accordance with Chapter 119. of the Revised Code. 76155  
Thereafter, an appeal of the disapproval, suspension, or 76156  
revocation may be taken in the manner provided in section 119.12 76157  
of the Revised Code. 76158

(B) The ~~public health council~~ commission shall establish fees 76159  
for the issuance of permits under division (A) of this section and 76160  
for necessary inspections conducted to determine compliance with 76161  
those permits. 76162

(C) The ~~director or a licensor authorized by the director~~ 76163



commission shall charge the appropriate fee established under 76164  
division (B) of this section for the issuance of a permit under 76165  
division (A) of this section or for conducting any necessary 76166  
inspection to determine compliance with the permit. If the 76167  
~~director~~ commission issues such a permit or conducts such an 76168  
inspection, the fee for the permit or inspection shall be 76169  
transmitted to the treasurer of state and shall be credited to the 76170  
~~general operations~~ occupational licensing and regulatory fund 76171  
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 76172  
credited to the fund shall be used ~~by the director~~ only for the 76173  
purpose of administering and enforcing sections ~~3733.01~~ 4781.26 to 76174  
~~3733.08~~ 4781.35 of the Revised Code and rules adopted under those 76175  
sections. ~~If the licensor is a board of health, the permit or~~ 76176  
~~inspection fee shall be deposited to the credit of the special~~ 76177  
~~fund of the health district created in section 3733.04 of the~~ 76178  
~~Revised Code and shall be used only for the purpose set forth in~~ 76179  
~~that section.~~ 76180

**Sec. ~~3733.024~~ 4781.33.** (A) When a flood event affects a 76181  
manufactured home park, the operator of the manufactured home 76182  
park, in accordance with rules adopted under ~~division (A) of~~ 76183  
section ~~3733.02~~ 4781.26 of the Revised Code, shall notify the 76184  
~~licensor having jurisdiction of the occurrence of~~ manufactured 76185  
homes commission and the board of health having jurisdiction where 76186  
the flood event occurred within forty-eight hours after the end of 76187  
the flood event. The commission, after receiving notification, 76188  
shall immediately notify the board of health. 76189

~~No person shall fail to comply with this division.~~ 76190

~~(B) The licensor having jurisdiction where a flood event~~ 76191  
~~occurred that affected a manufactured home park shall notify the~~ 76192  
~~director of health of the occurrence of the flood event within~~ 76193  
~~twenty four hours after being notified of the flood event under~~ 76194

~~division (A) of this section. Within forty eight hours after~~ After 76195  
~~being notified of such a flood event by a licenser, the director~~ 76196  
~~board of health~~ shall cause an inspection to be made of the 76197  
manufactured home park named in the notice. The board of health 76198  
shall issue a report of the inspection to the commission within 76199  
ten days after the inspection is completed. 76200

**Sec. ~~3733.025~~ 4781.34.** (A) If a mobile or manufactured home 76201  
that is located in a flood plain is substantially damaged, the 76202  
owner of the home shall make all alterations, repairs, or changes 76203  
to the home, and the operator of the manufactured home park shall 76204  
make all alterations, repairs, or changes to the lot on which the 76205  
home is located, that are necessary to ensure compliance with the 76206  
flood plain management rules adopted under ~~division (A) of section~~ 76207  
~~3733.02~~ 4781.26 of the Revised Code. Such alterations, repairs, or 76208  
changes may include, without limitation, removal of the home or 76209  
other structures. 76210

No person shall fail to comply with this division. 76211

(B) No person shall cause to be performed any alteration, 76212  
repair, or change required by division (A) of this section unless 76213  
the person first obtains a permit from the ~~director of health or a~~ 76214  
~~licenser authorized by the director~~ manufactured homes commission. 76215  
~~The owner of the home and the operator of the manufactured home~~ 76216  
~~park shall jointly obtain the permit required by this division.~~ 76217  
~~Each of the persons to whom a permit is jointly issued is~~ 76218  
~~responsible for compliance with the provisions of the approved~~ 76219  
~~permit that are applicable to that person.~~ 76220

The ~~director or a licenser authorized by the director~~ 76221  
commission shall disapprove an application for a permit required 76222  
under this division unless the ~~director or the licenser~~ commission 76223  
finds that the proposed alteration, repair, or change complies 76224  
with the rules adopted under ~~division (A) of section 3733.02~~ 76225

4781.26 of the Revised Code. No permit is required under this 76226  
division for the construction, erection, or manufacture of any 76227  
building to which section 3781.06 of the Revised Code applies. 76228

The ~~director or a licenser authorized by the director~~ 76229  
commission may suspend or revoke a permit issued under this 76230  
division for failure to comply with the rules adopted under 76231  
~~division (A) of section 3733.02~~ 4781.26 of the Revised Code 76232  
pertaining to flood plain management or for failure to comply with 76233  
the approved permit for making alterations, repairs, or changes to 76234  
the lot on which the manufactured home is located. 76235

Any person aggrieved by the disapproval, suspension, or 76236  
revocation of a permit under this division by the ~~director or by a~~ 76237  
~~licenser authorized by the director~~ commission may request a 76238  
hearing on the matter within thirty days after receipt of the 76239  
notice of the disapproval, suspension, or revocation. The hearing 76240  
shall be held in accordance with Chapter 119. of the Revised Code. 76241  
Thereafter, an appeal of the disapproval, suspension, or 76242  
revocation may be taken in the manner provided in section 119.12 76243  
of the Revised Code and for necessary inspections conducted to 76244  
determine compliance with those permits. 76245

(C) The ~~public health council~~ commission shall establish fees 76246  
for the issuance of permits under division (B) of this section and 76247  
for necessary inspections conducted to determine compliance with 76248  
those permits for making alterations, repairs, or changes to the 76249  
lot on which the manufactured home is located. 76250

(D) The ~~director or a licenser authorized by the director~~ 76251  
commission shall charge the appropriate fee established under 76252  
division (C) of this section for the issuance of a permit under 76253  
division (B) of this section or for conducting any necessary 76254  
inspection to determine compliance with the permit. If the 76255  
~~director~~ commission issues such a permit or conducts such an 76256  
inspection, the fee for the permit or inspection shall be 76257

transmitted to the treasurer of state and shall be credited to the 76258  
~~general operations~~ occupational licensing and regulatory fund 76259  
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 76260  
credited to the fund shall be used ~~by the director~~ only for the 76261  
purpose of administering and enforcing sections ~~3733.01~~ 4781.26 to 76262  
~~3733.08~~ 4781.35 of the Revised Code and rules adopted under those 76263  
sections. ~~If the licenser is a board of health, the permit or~~ 76264  
~~inspection fee shall be deposited to the credit of the special~~ 76265  
~~fund of the health district created in section 3733.04 of the~~ 76266  
~~Revised Code and shall be used only for the purpose set forth in~~ 76267  
~~that section.~~ 76268

**Sec. ~~3733.08~~ 4781.35.** (A) No person shall violate sections 76269  
~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 of the Revised Code or the 76270  
rules adopted thereunder. 76271

(B) The prosecuting attorney of the county, the city director 76272  
of law, or the attorney general, upon complaint of the ~~licenser or~~ 76273  
~~the director of health~~ manufactured homes commission, shall 76274  
prosecute to termination or bring an action for injunction against 76275  
any person violating sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 76276  
of the Revised Code or the rules adopted thereunder. 76277

**Sec. ~~3733.09~~ 4781.36.** (A) Subject to section ~~3733.091~~ 4781.37 76278  
of the Revised Code, a park operator shall not retaliate against a 76279  
resident by increasing the resident's rent, decreasing services 76280  
that are due to the resident, refusing to renew or threatening to 76281  
refuse to renew the rental agreement with the resident, or 76282  
bringing or threatening to bring an action for possession of the 76283  
resident's premises because: 76284

(1) The resident has complained to an appropriate 76285  
governmental agency of a violation of a building, housing, health, 76286  
or safety code that is applicable to the premises, and the 76287

|                                                                                                                                                                                                                                                                                |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| violation materially affects health and safety;                                                                                                                                                                                                                                | 76288                                     |
| (2) The resident has complained to the park operator of any violation of section <del>3733.10</del> <u>4781.38</u> of the Revised Code;                                                                                                                                        | 76289<br>76290                            |
| (3) The resident joined with other residents for the purpose of negotiating or dealing collectively with the park operator on any of the terms and conditions of a rental agreement.                                                                                           | 76291<br>76292<br>76293                   |
| (B) If a park operator acts in violation of division (A) of this section, the resident may:                                                                                                                                                                                    | 76294<br>76295                            |
| (1) Use the retaliatory action of the park operator as a defense to an action by the park operator to recover possession of the premises;                                                                                                                                      | 76296<br>76297<br>76298                   |
| (2) Recover possession of the premises;                                                                                                                                                                                                                                        | 76299                                     |
| (3) Terminate the rental agreement.                                                                                                                                                                                                                                            | 76300                                     |
| In addition, the resident may recover from the park operator any actual damages together with reasonable attorneys fees.                                                                                                                                                       | 76301<br>76302                            |
| (C) Nothing in division (A) of this section prohibits a park operator from increasing the rent to reflect the cost of improvements installed by the park operator in or about the premises or to reflect an increase in other costs of operation of the premises.              | 76303<br>76304<br>76305<br>76306<br>76307 |
| <b>Sec. <del>3733.091</del> <u>4781.37</u>.</b> (A) Notwithstanding section <del>3733.09</del> <u>4781.36</u> of the Revised Code, a park operator may bring an action under Chapter 1923. of the Revised Code for possession of the premises if any of the following applies: | 76308<br>76309<br>76310<br>76311          |
| (1) The resident is in default in the payment of rent.                                                                                                                                                                                                                         | 76312                                     |
| (2) The violation of the applicable building, housing, health, or safety code that the resident complained of was primarily caused by any act or lack of reasonable care by the resident, by any other person in the resident's household, or by                               | 76313<br>76314<br>76315<br>76316          |

anyone on the premises with the consent of the resident. 76317

(3) The resident is holding over the resident's term. 76318

(4) The resident is in violation of rules of the ~~public~~ 76319  
~~health council~~ manufactured homes commission adopted pursuant to 76320  
section ~~3733.02~~ 4781.26 of the Revised Code or rules of the 76321  
manufactured home park adopted pursuant to the rules of the ~~public~~ 76322  
~~health council~~ manufactured homes commission. 76323

(5) The resident has been absent from the manufactured home 76324  
park for a period of thirty consecutive days prior to the 76325  
commencement of the action, and the resident's manufactured home, 76326  
mobile home, or recreational vehicle parked in the manufactured 76327  
home park has been left unoccupied for that thirty-day period, 76328  
without notice to the park operator and without payment of rent 76329  
due under the rental agreement. 76330

(B) The maintenance of an action by the park operator under 76331  
this section does not prevent the resident from recovering damages 76332  
for any violation by the park operator of the rental agreement or 76333  
of section ~~3733.10~~ 4781.38 of the Revised Code. 76334

**Sec. ~~3733.10~~ 4781.38.** (A) A park operator who is a party to a 76335  
rental agreement shall: 76336

(1) Comply with the requirements of all applicable building, 76337  
housing, health, and safety codes which materially affect health 76338  
and safety, and comply with rules of the ~~public health council~~ 76339  
manufactured homes commission; 76340

(2) Make all repairs and do whatever is reasonably necessary 76341  
to put and keep the premises in a fit and habitable condition; 76342

(3) Keep all common areas of the premises in a safe and 76343  
sanitary condition; 76344

(4) Maintain in good and safe working order and condition all 76345  
electrical and plumbing fixtures and appliances, and septic 76346

systems, sanitary and storm sewers, refuse receptacles, and well 76347  
and water systems that are supplied or required to be supplied by 76348  
~~him~~ the park operator; 76349

(5) Not abuse the right of access conferred by division (B) 76350  
of section ~~3733.101~~ 4781.39 of the Revised Code; 76351

(6) Except in the case of emergency or if it is impracticable 76352  
to do so, give the resident reasonable notice of ~~his~~ the park 76353  
operator's intent to enter onto the residential premises and enter 76354  
only at reasonable times. Twenty-four hours' notice shall be 76355  
presumed to be a reasonable notice in the absence of evidence to 76356  
the contrary. 76357

(B) If the park operator violates any provision of this 76358  
section, makes a lawful entry onto the residential premises in an 76359  
unreasonable manner, or makes repeated demands for entry otherwise 76360  
lawful which demands have the effect of harassing the resident, 76361  
the resident may recover actual damages resulting from the 76362  
violation, entry, or demands and injunctive relief to prevent the 76363  
recurrence of the conduct, and if ~~he~~ the resident obtains a 76364  
judgment, reasonable attorneys' fees, or terminate the rental 76365  
agreement. 76366

**Sec. ~~3733.101~~ 4781.39.** (A) A resident who is a party to a 76367  
rental agreement shall: 76368

(1) Keep that part of the premises that the resident occupies 76369  
and uses safe and sanitary; 76370

(2) Dispose of all rubbish, garbage, and other waste in a 76371  
clean, safe, and sanitary manner; 76372

(3) Comply with the requirements imposed on residents by all 76373  
applicable state and local housing, health, and safety codes, 76374  
rules of the ~~public health council~~ manufactured homes commission, 76375  
and rules of the manufactured home park; 76376

(4) Personally refrain, and forbid any other person who is on the premises with the resident's permission, from intentionally or negligently destroying, defacing, damaging, or removing any fixture, appliance, or other part of the residential premises;

(5) Conduct self and require other persons on the premises with the resident's consent to conduct themselves in a manner that will not disturb the resident's neighbors' peaceful enjoyment of the manufactured home park.

(B) The resident shall not unreasonably withhold consent for the park operator to enter the home to inspect utility connections, or enter onto the premises in order to inspect the premises, make ordinary, necessary, or agreed repairs, decorations, alterations, or improvements, deliver parcels which are too large for the resident's mail facilities, or supply necessary or agreed services.

(C) If the resident violates any provision of this section, the park operator may recover any actual damages which result from the violation and reasonable attorneys' fees. This remedy is in addition to any right of the park operator to terminate the rental agreement, to maintain an action for the possession of the premises, or injunctive relief to compel access under division (B) of this section.

**Sec. ~~3733.11~~ 4781.40.** (A)(1) ~~The~~ A manufactured home park operator shall offer each home owner a written rental agreement for a manufactured home park lot for a term of one year or more that contains terms essentially the same as any alternative month-to-month rental agreement offered to current and prospective tenants and owners. The park operator shall offer the minimum one-year rental agreement to the owner prior to installation of the home in the manufactured home park or, if the home is in the manufactured home park, prior to the expiration of the owner's



existing rental agreement. 76408

(2) The park operator shall deliver the offer to the owner by 76409  
certified mail, return receipt requested, or in person. If the 76410  
park operator delivers the offer to the owner in person, the owner 76411  
shall complete a return showing receipt of the offer. If the owner 76412  
does not accept the offer, the park operator is discharged from 76413  
any obligation to make any further such offers. If the owner 76414  
accepts the offer, the park operator shall, at the expiration of 76415  
each successive rental agreement, offer the owner another rental 76416  
agreement, for a term that is mutually agreed upon, and that 76417  
contains terms essentially the same as the alternative 76418  
month-to-month agreement. The park operator shall deliver 76419  
subsequent rental offers by ordinary mail or personal delivery. If 76420  
the park operator sells the manufactured home park to another 76421  
manufactured home park operator, the purchaser is bound by the 76422  
rental agreements entered into by the purchaser's predecessor. 76423

(3) If the park operator sells the manufactured home park for 76424  
a use other than as a manufactured home park, the park operator 76425  
shall give each tenant and owner a written notification by 76426  
certified mail, return receipt requested, or by handing it to the 76427  
tenant or owner in person. If the park operator delivers the 76428  
notification in person, the recipient shall complete a return 76429  
showing receipt of the notification. This notification shall 76430  
contain notice of the sale of the manufactured home park, and 76431  
notice of the date by which the tenant or owner shall vacate. The 76432  
date by which the tenant shall vacate shall be at least one 76433  
hundred twenty days after receipt of the written notification, and 76434  
the date by which the owner shall vacate shall be at least one 76435  
hundred eighty days after receipt of the written notification. 76436

(B) A park operator shall fully disclose in writing all fees, 76437  
charges, assessments, including rental fees, and rules prior to a 76438  
tenant or owner executing a rental agreement and assuming 76439

occupancy in the manufactured home park. No fees, charges, 76440  
assessments, or rental fees so disclosed may be increased nor 76441  
rules changed by a park operator without specifying the date of 76442  
implementation of the changed fees, charges, assessments, rental 76443  
fees, or rules, which date shall be not less than thirty days 76444  
after written notice of the change and its effective date to all 76445  
tenants or owners in the manufactured home park, and no fee, 76446  
charge, assessment, or rental fee shall be increased during the 76447  
term of any tenant's or owner's rental agreement. Failure on the 76448  
part of the park operator to fully disclose all fees, charges, or 76449  
assessments shall prevent the park operator from collecting the 76450  
undisclosed fees, charges, or assessments. If a tenant or owner 76451  
refuses to pay any undisclosed fees, charges, or assessments, the 76452  
refusal shall not be used by the park operator as a cause for 76453  
eviction in any court. 76454

(C) A park operator shall promulgate rules governing the 76455  
rental or occupancy of a lot in the manufactured home park. The 76456  
rules shall not be unreasonable, arbitrary, or capricious. A copy 76457  
of the rules and any amendments to them shall be delivered by the 76458  
park operator to the tenant or owner prior to signing the rental 76459  
agreement. A copy of the rules and any amendments to them shall be 76460  
posted in a conspicuous place upon the manufactured home park 76461  
grounds. 76462

(D) No park operator shall require an owner to purchase from 76463  
the park operator any personal property. The park operator may 76464  
determine by rule the style or quality of skirting, equipment for 76465  
tying down homes, manufactured or mobile home accessories, or 76466  
other equipment to be purchased by an owner from a vendor of the 76467  
owner's choosing, provided that the equipment is readily available 76468  
to the owner. Any such equipment shall be installed in accordance 76469  
with the manufactured home park rules. 76470

(E) No park operator shall charge any owner who chooses to 76471

install an electric or gas appliance in a home an additional fee 76472  
solely on the basis of the installation, unless the installation 76473  
is performed by the park operator at the request of the owner, nor 76474  
shall the park operator restrict the installation, service, or 76475  
maintenance of the appliance, restrict the ingress or egress of 76476  
repairpersons to the manufactured home park for the purpose of 76477  
installation, service, or maintenance of the appliance, nor 76478  
restrict the making of any interior improvement in a home, if the 76479  
installation or improvement is in compliance with applicable 76480  
building codes and other provisions of law and if adequate utility 76481  
services are available for the installation or improvement. 76482

(F) No park operator shall require a tenant to lease or an 76483  
owner to purchase a manufactured or mobile home from the park 76484  
operator or any specific person as a condition of or prerequisite 76485  
to entering into a rental agreement. 76486

(G) No park operator shall require an owner to use the 76487  
services of the park operator or any other specific person for 76488  
installation of the manufactured or mobile home on the residential 76489  
premises or for the performance of any service. 76490

(H) No park operator shall: 76491

(1) Deny any owner the right to sell the owner's manufactured 76492  
home within the manufactured home park if the owner gives the park 76493  
operator ten days' notice of the intention to sell the home; 76494

(2) Require the owner to remove the home from the 76495  
manufactured home park solely on the basis of the sale of the 76496  
home; 76497

(3) Unreasonably refuse to enter into a rental agreement with 76498  
a purchaser of a home located within the operator's manufactured 76499  
home park; 76500

(4) Charge any tenant or owner any fee, charge, or 76501  
assessment, including a rental fee, that is not set forth in the 76502

rental agreement or, if the rental agreement is oral, is not set 76503  
forth in a written disclosure given to the tenant or owner prior 76504  
to the tenant or owner entering into a rental agreement; 76505

(5) Charge any owner any fee, charge, or assessment because 76506  
of the transfer of ownership of a home or because a home is moved 76507  
out of or into the manufactured home park, except a charge for the 76508  
actual costs and expenses that are incurred by the park operator 76509  
in moving the home out of or into the manufactured home park, or 76510  
in installing the home in the manufactured home park and that have 76511  
not been reimbursed by another tenant or owner. 76512

(I) If the park operator violates any provision of divisions 76513  
(A) to (H) of this section, the tenant or owner may recover actual 76514  
damages resulting from the violation, and, if the tenant or owner 76515  
obtains a judgment, reasonable attorneys' fees, or terminate the 76516  
rental agreement. 76517

(J) No rental agreement shall require a tenant or owner to 76518  
sell, lease, or sublet the tenant's or owner's interest in the 76519  
rental agreement or the manufactured or mobile home that is or 76520  
will be located on the lot that is the subject of the rental 76521  
agreement to any specific person or through any specific person as 76522  
the person's agent. 76523

(K) No park operator shall enter into a rental agreement with 76524  
the owner of a manufactured or mobile home for the use of 76525  
residential premises, if the rental agreement requires the owner 76526  
of the home, as a condition to the owner's renting, occupying, or 76527  
remaining on the residential premises, to pay the park operator or 76528  
any other person specified in the rental agreement a fee or any 76529  
sum of money based on the sale of the home, unless the owner of 76530  
the home uses the park operator or other person as the owner's 76531  
agent in the sale of the home. 76532

(L) A park operator and a tenant or owner may include in a 76533

rental agreement any terms and conditions, including any term 76534  
relating to rent, the duration of an agreement, and any other 76535  
provisions governing the rights and obligations of the parties 76536  
that are not inconsistent with or prohibited by sections 3733.09 76537  
to 3733.20 of the Revised Code or any other rule of law. 76538

(M) Notwithstanding any other provision of the Revised Code, 76539  
the owner of a manufactured or mobile home ~~that was previously~~ 76540  
~~titled by a dealer~~ may utilize the services of a manufactured home 76541  
housing dealer or broker licensed under ~~Chapter 4517. of the~~ 76542  
~~Revised Code~~ this chapter or a person properly licensed under 76543  
Chapter 4735. of the Revised Code to sell or lease the home. 76544

**Sec. ~~3733.12~~ 4781.41.** (A) If a park operator fails to fulfill 76545  
any obligation imposed upon ~~him~~ the park operator by section 76546  
~~3733.10~~ 4781.38 of the Revised Code or by the rental agreement, or 76547  
the conditions of the premises are such that the resident 76548  
reasonably believes that a park operator has failed to fulfill any 76549  
such obligations, or a governmental agency has found that the 76550  
premises are not in compliance with building, housing, health, or 76551  
safety codes which apply to any condition of the residential 76552  
premises that could materially affect the health and safety of an 76553  
occupant, the resident may give notice in writing to the park 76554  
operator specifying the acts, omissions, or code violations that 76555  
constitute noncompliance with such provisions. The notice shall be 76556  
sent to the person or place where rent is normally paid. 76557

(B) If a park operator receives the notice described in 76559  
division (A) of this section and after receipt of the notice fails 76560  
to remedy the condition within a reasonable time, considering the 76561  
severity of the condition and the time necessary to remedy such 76562  
condition, or within thirty days, whichever is sooner, and if the 76563  
resident is current in rent payments due under the rental 76564

agreement, the resident may do one of the following: 76565

(1) Deposit all rent that is due and thereafter becomes due 76566  
the park operator with the clerk of court of the municipal or 76567  
county court having jurisdiction in the territory in which the 76568  
residential premises are located; 76569

(2) Apply to the court for an order directing the park 76570  
operator to remedy the condition. As part thereof, the resident 76571  
may deposit rent pursuant to division (B)(1) of this section, and 76572  
may apply for an order reducing the periodic rent due the park 76573  
operator until such time as the park operator does remedy the 76574  
condition, and may apply for an order to use the rent deposited to 76575  
remedy the condition. In any order issued pursuant to this 76576  
division, the court may require the resident to deposit rent with 76577  
the clerk of court as provided in division (B)(1) of this section. 76578

**Sec. ~~3733.121~~ 4781.42.** (A) Whenever a resident deposits rent 76579  
with the clerk of a court as provided in section ~~3733.12~~ 4781.41 76580  
of the Revised Code, the clerk shall give written notice of this 76581  
fact to the park operator and to ~~his~~ the park operator's agent, if 76582  
any. 76583

(B) The clerk shall place all rent deposited with ~~him~~ the 76584  
clerk in a separate rent escrow account in the name of the clerk 76585  
in a bank or building and loan association domiciled in this 76586  
state. 76587

(C) The clerk shall keep in a separate docket an account of 76588  
each deposit, with the name and address of the resident, and the 76589  
name and address of the park operator and of ~~his~~ the park 76590  
operator's agent, if any. 76591

(D) For ~~his~~ the clerk's costs, the clerk may charge a fee of 76592  
one per cent of the amount of the rent deposited, which shall be 76593  
assessed as court costs. 76594

(E) All interest that has accrued on the rent deposited by the clerk of a county court under division (B) of this section shall be paid into the treasury of the political subdivision for which the clerk performs ~~his~~ the clerk's duties. All interest that has accrued on the rent deposited by the clerk of a municipal court under division (B) of this section shall be paid into the city treasury as defined in division (B) of section 1901.03 of the Revised Code.

**Sec. ~~3733.122~~ 4781.43.** (A) A park operator who receives notice that rent due ~~him~~ the park operator has been deposited with a clerk of court pursuant to section ~~3733.12~~ 4781.41 of the Revised Code, may:

(1) Apply to the clerk of court for release of the rent on the ground that the condition contained in the notice given pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised Code has been remedied. The clerk shall forthwith release the rent, less costs, to the park operator if the resident gives written notice to the clerk that the condition has been remedied.

(2) Apply to the court for release of the rent on the grounds that the resident did not comply with the notice requirement of division (A) of section ~~3733.12~~ 4781.41 of the Revised Code, or that the resident was not current in rent payments due under the rental agreement at the time the resident initiated rent deposits with the clerk of courts under division (B)(1) of section ~~3733.12~~ 4781.41 of the Revised Code;

(3) Apply to the court for release of the rent on the grounds that there was no violation of any obligation imposed upon the park operator by section ~~3733.10~~ 4781.38 of the Revised Code or by the rental agreement, or by any building, housing, health, or safety code, or that the condition contained in the notice given pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised

Code has been remedied. 76626

(B) The resident shall be named as a party to any action 76627  
filed by the park operator under this section, and shall have the 76628  
right to file an answer and counterclaim, as in other civil cases. 76629  
A trial shall be held within sixty days of the date of filing of 76630  
the park operator's complaint, unless for good cause shown the 76631  
court grants a continuance. 76632

(C) If the court finds that there was no violation of any 76633  
obligation imposed upon the park operator by section ~~3733.10~~ 76634  
4781.38 of the Revised Code or by the rental agreement, or by any 76635  
building, housing, health, or safety code, or that the condition 76636  
contained in the notice given pursuant to division (A) of section 76637  
~~3733.12~~ 4781.41 of the Revised Code has been remedied, or that the 76638  
resident did not comply with the notice requirement of division 76639  
(A) of section ~~3733.12~~ 4781.41 of the Revised Code, or that the 76640  
resident was not current in rent payments at the time the resident 76641  
initiated rent deposits with the clerk of court under division 76642  
(B)(1) of section ~~3733.12~~ 4781.41 of the Revised Code, the court 76643  
shall order the release to the park operator of rent on deposit 76644  
with the clerk, less costs. 76645

(D) If the court finds that the condition contained in the 76646  
notice given pursuant to division (A) of section ~~3733.12~~ 4781.41 76647  
of the Revised Code was the result of an act or omission of the 76648  
resident, or that the resident intentionally acted in bad faith in 76649  
proceeding under section ~~3733.12~~ 4781.41 of the Revised Code, the 76650  
resident shall be liable for damages caused to the park operator, 76651  
and for costs, together with reasonable attorneys' fees if the 76652  
resident intentionally acted in bad faith. 76653

**Sec. ~~3733.123~~ 4781.44.** (A) If a park operator brings an 76654  
action for the release of rent deposited with a clerk of court, 76655  
the court may, during the pendency of the action, upon application 76656



of the park operator, release part of the rent on deposit for 76657  
payment of the periodic interest on a mortgage on the premises, 76658  
the periodic principal payments on a mortgage on the premises, the 76659  
insurance premiums for the premises, real estate taxes on the 76660  
premises, utility services, repairs, and other customary and usual 76661  
costs of operating the premises. 76662

(B) In determining whether to release rent for the payments 76663  
described in division (A) of this section, the court shall 76664  
consider the amount of rent the park operator receives from other 76665  
lots, the cost of operating these lots, and the costs which may be 76666  
required to remedy the condition contained in the notice given 76667  
pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised 76668  
Code. 76669

**Sec. ~~3733.13~~ 4781.45.** If a resident commits a material 76670  
violation of the rules of the manufactured home park, of the 76671  
~~public health council~~ manufactured homes commission, or of 76672  
applicable state and local health and safety codes, the park 76673  
operator may deliver a written notification of the violation to 76674  
the resident. The notification shall contain all of the following: 76675

(A) A description of the violation; 76676

(B) A statement that the rental agreement will terminate upon 76677  
a date specified in the written notice not less than thirty days 76678  
after receipt of the notice unless the resident remedies the 76679  
violation; 76680

(C) A statement that the violation was material and that if a 76681  
second material violation of any park or ~~public health council~~ 76682  
commission rule, or any health and safety code, occurs within six 76683  
months after the date of this notice, the rental agreement will 76684  
terminate immediately; 76685

(D) A statement that a defense available to termination of 76686

the rental agreement for two material violations of park or ~~public~~ 76687  
~~health council~~ commission rules, or of health and safety codes, is 76688  
that the park rule is unreasonable, or that the park or ~~public~~ 76689  
~~health council~~ rule commission, or health or safety code, is not 76690  
being enforced against other manufactured home park residents, or 76691  
that the two violations were not willful and not committed in bad 76692  
faith. 76693

If the resident remedies the condition described in the 76694  
notice, whether by repair, the payment of damages, or otherwise, 76695  
the rental agreement shall not terminate. The park operator may 76696  
terminate the rental agreement immediately if the resident commits 76697  
a second material violation of the park or ~~public health council~~ 76698  
commission rules, or of applicable state and local health and 76699  
safety codes, subject to the defense that the park rule is 76700  
unreasonable, that the park or ~~public health council~~ commission 76701  
rule, or health or safety code, is not being enforced against 76702  
other manufactured home park residents, or that the two violations 76703  
were not willful and not committed in bad faith. 76704

**Sec. ~~3733.14~~ 4781.46.** In any action under sections ~~3733.09~~ 76705  
~~4781.36~~ to ~~3733.20~~ 4781.52 of the Revised Code, any party may 76706  
recover damages for the breach of contract or the breach of any 76707  
duty that is imposed by law. 76708

**Sec. ~~3733.15~~ 4781.47.** (A) No provision of sections ~~3733.09~~ 76709  
~~4781.36~~ to ~~3733.20~~ 4781.52 of the Revised Code may be modified or 76710  
waived by any oral or written agreement except as provided in 76711  
division (F) of this section. 76712

(B) No warrant of attorney to confess judgment shall be 76713  
recognized in any rental agreement or in any other agreement 76714  
between a park operator and resident for the recovery of rent or 76715  
damages to the residential premises. 76716

(C) No agreement to pay the park operator's or resident's attorney fees shall be recognized in any rental agreement for residential premises or in any other agreement between a park operator and resident.

(D) No agreement by a resident to the exculpation or limitation of any liability of the park operator arising under law or to indemnify the park operator for that liability or its related costs shall be recognized in any rental agreement or in any other agreement between a park operator and resident.

(E) A rental agreement, or the assignment, conveyance, trust deed, or security instrument of the park operator's interest in the rental agreement may not permit the receipt of rent free of the obligation to comply with section ~~3733.10~~ 4781.38 of the Revised Code.

(F) The park operator may agree to assume responsibility for fulfilling any duty or obligation imposed on a resident by section ~~3733.101~~ 4781.39 of the Revised Code.

**Sec. ~~3733.16~~ 4781.48.** (A) If the court as a matter of law finds a rental agreement, or any clause of it, to have been unconscionable at the time it was made, it may refuse to enforce the rental agreement or it may enforce the remainder of the rental agreement without the unconscionable clause, or it may so limit the application of any unconscionable clause as to avoid any unconscionable result.

(B) When it is claimed or appears to the court that the rental agreement, or any clause of it, may be unconscionable, the parties shall be afforded a reasonable opportunity to present evidence as to its setting, purpose, and effect to aid the court in making the determination.

**Sec. ~~3733.17~~ 4781.49.** (A) No park operator of residential

premises shall initiate any act, including termination of 76747  
utilities or services, exclusion from the premises, or threat of 76748  
any unlawful act, against a resident, or a resident whose right to 76749  
possession has terminated, for the purpose of recovering 76750  
possession of residential premises, other than as provided in 76751  
Chapters 1923., ~~3733.~~ 4781., and 5303. of the Revised Code. 76752

(B) No park operator of residential premises shall seize the 76753  
furnishings or possessions of a resident, or of a resident whose 76754  
right to possession was terminated, for the purpose of recovering 76755  
rent payments, other than in accordance with an order issued by a 76756  
court of competent jurisdiction. 76757

(C) A park operator who violates this section is liable in a 76758  
civil action for all damages caused to a resident, or to a 76759  
resident whose right to possession has terminated, together with 76760  
reasonable attorneys' fees. 76761

**Sec. ~~3733.18~~ 4781.50.** (A) Any security deposit in excess of 76762  
fifty dollars or one month's periodic rent, whichever is greater, 76763  
shall bear interest on the excess at the rate of five per cent per 76764  
annum if the resident remains in possession of the premises for 76765  
six months or more, and shall be computed and paid annually by the 76766  
park operator to the resident. 76767

(B) Upon termination of the rental agreement any property or 76768  
money held by the park operator as a security deposit may be 76769  
applied to the payment of past due rent and to the payment of the 76770  
amount of damages that the park operator has suffered by reason of 76771  
the resident's noncompliance with section ~~3733.101~~ 4781.39 of the 76772  
Revised Code or the rental agreement. Any deduction from the 76773  
security deposit shall be itemized and identified by the park 76774  
operator in a written notice delivered to the resident together 76775  
with the amount due, within thirty days after termination of the 76776  
rental agreement and delivery of possession. The resident shall 76777

provide the park operator in writing with a forwarding address or 76778  
new address to which the written notice and amount due from the 76779  
park operator may be sent. If the resident fails to provide the 76780  
park operator with the forwarding or new address as required, the 76781  
resident shall not be entitled to damages or attorneys' fees under 76782  
division (C) of this section. 76783

(C) If the park operator fails to comply with division (B) of 76784  
this section, the resident may recover the property and money due 76785  
~~him~~ the resident, together with damages in an amount equal to the 76786  
amount wrongfully withheld, and reasonable attorneys' fees. 76787

**Sec. ~~3733.19~~ 4781.51.** (A) Every written rental agreement for 76788  
residential premises shall contain the name and address of the 76789  
owner of the residential premises and the name and address of the 76790  
owner's agent, if any. If the owner or the owner's agent is a 76791  
corporation, partnership, limited partnership, association, trust, 76792  
or other entity, the address shall be the principal place of 76793  
business in the county in which the residential premises are 76794  
situated or if there is no place of business in such county then 76795  
its principal place of business in this state, and shall include 76796  
the name of the person in charge thereof. 76797

(B) If the rental agreement is oral, the park operator, at 76798  
the commencement of the term of occupancy, shall deliver to the 76799  
resident a written notice containing the information required in 76800  
division (A) of this section. 76801

(C) If the park operator fails to provide the notice of the 76802  
name and address of the owner and owner's agent, if any, as 76803  
required under division (A) or (B) of this section, the notices to 76804  
the park operator required under division (A) of sections ~~3733.12~~ 76805  
4781.41 and ~~3733.121~~ 4781.42 of the Revised Code are waived by the 76806  
park operator and the operator's agent. 76807

(D) Every written rental agreement for residential premises 76808

shall contain the following notice in ten-point boldface type: 76809

"YOUR RIGHTS AS A RESIDENT AND YOUR MANUFACTURED HOME PARK 76810  
OPERATOR'S RIGHTS ARE PROTECTED BY SECTIONS ~~3733.09~~ 4781.36 TO 76811  
~~3733.20~~ 4781.52 OF THE REVISED CODE, WHICH REGULATE RENTAL 76812  
AGREEMENTS IN MANUFACTURED HOME PARKS." 76813

If the rental agreement is oral, the park operator, at the 76814  
commencement of the term of occupancy, shall deliver the notice to 76815  
the resident in writing. 76816

**Sec. ~~3733.20~~ 4781.52.** No municipal corporation may adopt or 76817  
continue in existence any ordinance and no township may adopt or 76818  
continue in existence any resolution that is in conflict with 76819  
sections ~~3733.09~~ 4781.36 to ~~3733.20~~ 4781.52 of the Revised Code, 76820  
or that regulates those rights and obligations of parties to a 76821  
rental agreement that are regulated by sections ~~3733.09~~ 4781.36 to 76822  
~~3733.20~~ 4781.52 of the Revised Code. Sections ~~3733.09~~ 4781.36 to 76823  
~~3733.20~~ 4781.52 of the Revised Code do not preempt any housing, 76824  
building, health, or safety codes of any municipal corporation or 76825  
township. 76826

**Sec. 4781.54.** There is hereby created in the state treasury 76827  
the manufactured homes commission regulatory fund. The fund shall 76828  
consist of fees collected under section 4781.121 of the Revised 76829  
Code and fees paid under section 4781.28 of the Revised Code and 76830  
shall be used for the purposes described in those sections. 76831

**Sec. 4781.99.** (A) Whoever violates division (A) of section 76832  
4781.16 of the Revised Code is guilty of a minor misdemeanor on a 76833  
first offense and shall be subject to a mandatory fine of one 76834  
hundred dollars. On a second offense, the person is guilty of a 76835  
misdemeanor of the first degree and shall be subject to a 76836  
mandatory fine of one thousand dollars. 76837

(B) Whoever violates section 4781.20 of the Revised Code is guilty of a minor misdemeanor. 76838  
76839

(C) Whoever violates any of the following is guilty of a misdemeanor of the fourth degree: 76840  
76841

(1) Division (B) or (C) of section 4781.16 of the Revised Code; 76842  
76843

(2) Section 4781.22 of the Revised Code; 76844

(3) Section 4781.23 of the Revised Code; 76845

(4) Division (A) of section 4781.24 of the Revised Code; 76846

(5) Section 4781.25 of the Revised Code; 76847

(6) Division (A) of section 4781.35 of the Revised Code. 76848

**Sec. 4905.90.** As used in sections 4905.90 to 4905.96 of the Revised Code: 76849  
76850

(A) "Contiguous property" includes, but is not limited to, a manufactured home park as defined in section ~~3733.01~~ 4781.01 of the Revised Code; a public or publicly subsidized housing project; an apartment complex; a condominium complex; a college or university; an office complex; a shopping center; a hotel; an industrial park; and a race track. 76851  
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(B) "Gas" means natural gas, flammable gas, or gas which is toxic or corrosive. 76857  
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(C) "Gathering lines" and the "gathering of gas" have the same meaning as in the Natural Gas Pipeline Safety Act and the rules adopted by the United States department of transportation pursuant to the Natural Gas Pipeline Safety Act, including 49 C.F.R. part 192, as amended. 76859  
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(D) "Intrastate pipe-line transportation" has the same meaning as in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1671, as amended, but excludes the gathering of gas exempted by the Natural 76864  
76865  
76866

Gas Pipeline Safety Act. 76867

(E) "Master-meter system" means a pipe-line system that 76868  
distributes gas within a contiguous property for which the system 76869  
operator purchases gas for resale to consumers, including tenants. 76870  
Such pipe-line system supplies consumers who purchase the gas 76871  
directly through a meter, or by paying rent, or by other means. 76872  
The term includes a master-meter system as defined in 49 C.F.R. 76873  
191.3, as amended. The term excludes a pipeline within a 76874  
manufactured home, mobile home, or a building. 76875

(F) "Natural Gas Pipeline Safety Act" means the "Natural Gas 76876  
Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C.A. App. 1671 76877  
et seq., as amended. 76878

(G) "Operator" means any of the following: 76879

(1) A gas company or natural gas company as defined in 76880  
section 4905.03 of the Revised Code, except that division (A)(5) 76881  
of that section does not authorize the public utilities commission 76882  
to relieve any producer of gas, as a gas company or natural gas 76883  
company, of compliance with sections 4905.90 to 4905.96 of the 76884  
Revised Code or the pipe-line safety code created under section 76885  
4905.91 of the Revised Code; 76886

(2) A pipe-line company, as defined in section 4905.03 of the 76887  
Revised Code, when engaged in the business of transporting gas by 76888  
pipeline; 76889

(3) A public utility that is excepted from the definition of 76890  
"public utility" under division (B) or (C) of section 4905.02 of 76891  
the Revised Code, when engaged in supplying or transporting gas by 76892  
pipeline within this state; 76893

(4) Any person that owns, operates, manages, controls, or 76894  
leases any of the following: 76895

(a) Intrastate pipe-line transportation facilities within 76896



this state; 76897

(b) Gas gathering lines within this state which are not 76898  
exempted by the Natural Gas Pipeline Safety Act; 76899

(c) A master-meter system within this state. 76900

"Operator" does not include an ultimate consumer who owns a 76901  
service line, as defined in 49 C.F.R. 192.3, as amended, on the 76902  
real property of that ultimate consumer. 76903

(H) "Operator of a master-meter system" means a person 76904  
described under division ~~(F)~~(G)(4)(c) of this section. An operator 76905  
of a master-meter system is not a public utility under section 76906  
4905.02 or a gas or natural gas company under section 4905.03 of 76907  
the Revised Code. 76908

(I) "Person" means: 76909

(1) In addition to those defined in division (C) of section 76910  
1.59 of the Revised Code, a joint venture or a municipal 76911  
corporation; 76912

(2) Any trustee, receiver, assignee, or personal 76913  
representative of persons defined in division ~~(H)~~(I)(1) of this 76914  
section. 76915

(J) "Safety audit" means the public utilities commission's 76916  
audit of the premises, pipe-line facilities, and the records, 76917  
maps, and other relevant documents of a master-meter system to 76918  
determine the operator's compliance with sections 4905.90 to 76919  
4905.96 of the Revised Code and the pipe-line safety code. 76920

(K) "Safety inspection" means any inspection, survey, or 76921  
testing of a master-meter system which is authorized or required 76922  
by sections 4905.90 to 4905.96 of the Revised Code and the 76923  
pipe-line safety code. The term includes, but is not limited to, 76924  
leak surveys, inspection of regulators and critical valves, and 76925  
monitoring of cathodic protection systems, where applicable. 76926

(L) "Safety-related condition" means any safety-related condition defined in 49 C.F.R. 191.23, as amended. 76927  
76928

(M) "Total Mcfs of gas it supplied or delivered" means the sum of the following volumes of gas that an operator supplied or delivered, measured in units per one thousand cubic feet: 76929  
76930  
76931

(1) Residential sales; 76932

(2) Commercial and industrial sales; 76933

(3) Other sales to public authorities; 76934

(4) Interdepartmental sales; 76935

(5) Sales for resale; 76936

(6) Transportation of gas. 76937

Sec. 4905.98. Public utilities shall do their best to include minority and bilingual consumer outreach, which includes, but is not limited to, newspaper. As used in this section, "minority" has the same meaning as in section 184.17 of the Revised Code. 76938  
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**Sec. 4909.15.** (A) The public utilities commission, when fixing and determining just and reasonable rates, fares, tolls, rentals, and charges, shall determine: 76942  
76943  
76944

(1) The valuation as of the date certain of the property of the public utility used and useful in rendering the public utility service for which rates are to be fixed and determined. The valuation so determined shall be the total value as set forth in division (J) of section 4909.05 of the Revised Code, and a reasonable allowance for materials and supplies and cash working capital, as determined by the commission. 76945  
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The commission, in its discretion, may include in the valuation a reasonable allowance for construction work in progress but, in no event, may such an allowance be made by the commission 76952  
76953  
76954

until it has determined that the particular construction project 76955  
is at least seventy-five per cent complete. 76956

In determining the percentage completion of a particular 76957  
construction project, the commission shall consider, among other 76958  
relevant criteria, the per cent of time elapsed in construction; 76959  
the per cent of construction funds, excluding allowance for funds 76960  
used during construction, expended, or obligated to such 76961  
construction funds budgeted where all such funds are adjusted to 76962  
reflect current purchasing power; and any physical inspection 76963  
performed by or on behalf of any party, including the commission's 76964  
staff. 76965

A reasonable allowance for construction work in progress 76966  
shall not exceed ten per cent of the total valuation as stated in 76967  
this division, not including such allowance for construction work 76968  
in progress. 76969

Where the commission permits an allowance for construction 76970  
work in progress, the dollar value of the project or portion 76971  
thereof included in the valuation as construction work in progress 76972  
shall not be included in the valuation as plant in service until 76973  
such time as the total revenue effect of the construction work in 76974  
progress allowance is offset by the total revenue effect of the 76975  
plant in service exclusion. Carrying charges calculated in a 76976  
manner similar to allowance for funds used during construction 76977  
shall accrue on that portion of the project in service but not 76978  
reflected in rates as plant in service, and such accrued carrying 76979  
charges shall be included in the valuation of the property at the 76980  
conclusion of the offset period for purposes of division (J) of 76981  
section 4909.05 of the Revised Code. 76982

From and after April 10, 1985, no allowance for construction 76983  
work in progress as it relates to a particular construction 76984  
project shall be reflected in rates for a period exceeding 76985  
forty-eight consecutive months commencing on the date the initial 76986

rates reflecting such allowance become effective, except as 76987  
otherwise provided in this division. 76988

The applicable maximum period in rates for an allowance for 76989  
construction work in progress as it relates to a particular 76990  
construction project shall be tolled if, and to the extent, a 76991  
delay in the in-service date of the project is caused by the 76992  
action or inaction of any federal, state, county, or municipal 76993  
agency having jurisdiction, where such action or inaction relates 76994  
to a change in a rule, standard, or approval of such agency, and 76995  
where such action or inaction is not the result of the failure of 76996  
the utility to reasonably endeavor to comply with any rule, 76997  
standard, or approval prior to such change. 76998

In the event that such period expires before the project goes 76999  
into service, the commission shall exclude, from the date of 77000  
expiration, the allowance for the project as construction work in 77001  
progress from rates, except that the commission may extend the 77002  
expiration date up to twelve months for good cause shown. 77003

In the event that a utility has permanently canceled, 77004  
abandoned, or terminated construction of a project for which it 77005  
was previously permitted a construction work in progress 77006  
allowance, the commission immediately shall exclude the allowance 77007  
for the project from the valuation. 77008

In the event that a construction work in progress project 77009  
previously included in the valuation is removed from the valuation 77010  
pursuant to this division, any revenues collected by the utility 77011  
from its customers after April 10, 1985, that resulted from such 77012  
prior inclusion shall be offset against future revenues over the 77013  
same period of time as the project was included in the valuation 77014  
as construction work in progress. The total revenue effect of such 77015  
offset shall not exceed the total revenues previously collected. 77016

In no event shall the total revenue effect of any offset or 77017

offsets provided under division (A)(1) of this section exceed the 77018  
total revenue effect of any construction work in progress 77019  
allowance. 77020

(2) A fair and reasonable rate of return to the utility on 77021  
the valuation as determined in division (A)(1) of this section; 77022

(3) The dollar annual return to which the utility is entitled 77023  
by applying the fair and reasonable rate of return as determined 77024  
under division (A)(2) of this section to the valuation of the 77025  
utility determined under division (A)(1) of this section; 77026

(4) The cost to the utility of rendering the public utility 77027  
service for the test period less the total of any interest on cash 77028  
or credit refunds paid, pursuant to section 4909.42 of the Revised 77029  
Code, by the utility during the test period. 77030

(a) Federal, state, and local taxes imposed on or measured by 77031  
net income may, in the discretion of the commission, be computed 77032  
by the normalization method of accounting, provided the utility 77033  
maintains accounting reserves that reflect differences between 77034  
taxes actually payable and taxes on a normalized basis, provided 77035  
that no determination as to the treatment in the rate-making 77036  
process of such taxes shall be made that will result in loss of 77037  
any tax depreciation or other tax benefit to which the utility 77038  
would otherwise be entitled, and further provided that such tax 77039  
benefit as redounds to the utility as a result of such a 77040  
computation may not be retained by the company, used to fund any 77041  
dividend or distribution, or utilized for any purpose other than 77042  
the defrayal of the operating expenses of the utility and the 77043  
defrayal of the expenses of the utility in connection with 77044  
construction work. 77045

(b) The amount of any tax credits granted to an electric 77046  
light company under section 5727.391 of the Revised Code for Ohio 77047  
coal burned prior to January 1, 2000, shall not be retained by the 77048

company, used to fund any dividend or distribution, or utilized 77049  
for any purposes other than the defrayal of the allowable 77050  
operating expenses of the company and the defrayal of the 77051  
allowable expenses of the company in connection with the 77052  
installation, acquisition, construction, or use of a compliance 77053  
facility. The amount of the tax credits granted to an electric 77054  
light company under that section for Ohio coal burned prior to 77055  
January 1, 2000, shall be returned to its customers within three 77056  
years after initially claiming the credit through an offset to the 77057  
company's rates or fuel component, as determined by the 77058  
commission, as set forth in schedules filed by the company under 77059  
section 4905.30 of the Revised Code. As used in division 77060  
(A)(4)~~(e)~~(b) of this section, "compliance facility" has the same 77061  
meaning as in section 5727.391 of the Revised Code. 77062

(B) The commission shall compute the gross annual revenues to 77063  
which the utility is entitled by adding the dollar amount of 77064  
return under division (A)(3) of this section to the cost of 77065  
rendering the public utility service for the test period under 77066  
division (A)(4) of this section. 77067

(C) The test period, unless otherwise ordered by the 77068  
commission, shall be the twelve-month period beginning six months 77069  
prior to the date the application is filed and ending six months 77070  
subsequent to that date. In no event shall the test period end 77071  
more than nine months subsequent to the date the application is 77072  
filed. The revenues and expenses of the utility shall be 77073  
determined during the test period. The date certain shall be not 77074  
later than the date of filing. 77075

(D) ~~When the~~ (1) The commission shall fix and determine the 77076  
just and reasonable rate, fare, charge, toll, rental, or service 77077  
to be rendered, charged, demanded, exacted, or collected for the 77078  
performance or rendition of a service that will provide a public 77079  
utility the allowable gross annual revenues under division (B) of 77080

this section, and order such just and reasonable rate, fare, charge, toll, rental, or service to be substituted for the existing one, when either of the following apply: 77081  
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77083

(a) The commission is of the opinion, after hearing and after making the determinations under divisions (A) and (B) of this section, that any of the following apply: 77084  
77085  
77086

(i) Any rate, fare, charge, toll, rental, schedule, classification, or service, or any joint rate, fare, charge, toll, rental, schedule, classification, or service rendered, charged, demanded, exacted, or proposed to be rendered, charged, demanded, or exacted, is, or will be, unjust, unreasonable, unjustly discriminatory, unjustly preferential, or in violation of law, that the. 77087  
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(ii) The service is, or will be, inadequate, or that the. 77094

(iii) The maximum rates, charges, tolls, or rentals chargeable by any such public utility are insufficient to yield reasonable compensation for the service rendered, and are unjust and unreasonable, the commission shall. 77095  
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(b) A public utility's rate, fare, charge, toll, rental, or schedule, or joint rate, fare, charge, toll, rental, or schedule, charged, demanded, exacted, or proposed to be charged, demanded, or exacted, was, or will be, determined in part based on the utility's payments of assessments under section 4911.18 of the Revised Code that were based on an appropriation to the office of the consumers' counsel for fiscal year 2011 or a prior fiscal year and that exceeded the minimum assessment under that section. 77099  
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(2) The commission shall make the fixations and determinations under division (D)(1)(a) of this section: 77107  
77108

~~(1)~~(a) With due regard among other things to the value of all property of the public utility actually used and useful for the convenience of the public as determined under division (A)(1) of 77109  
77110  
77111

this section, excluding from such value the value of any franchise 77112  
or right to own, operate, or enjoy the same in excess of the 77113  
amount, exclusive of any tax or annual charge, actually paid to 77114  
any political subdivision of the state or county, as the 77115  
consideration for the grant of such franchise or right, and 77116  
excluding any value added to such property by reason of a monopoly 77117  
or merger, with due regard in determining the dollar annual return 77118  
under division (A)(3) of this section to the necessity of making 77119  
reservation out of the income for surplus, depreciation, and 77120  
contingencies, and; 77121

~~(2)(b)~~ With due regard to all such other matters as are 77122  
proper, according to the facts in each case, 77123

~~(a)(i)~~ Including a fair and reasonable rate of return 77124  
determined by the commission with reference to a cost of debt 77125  
equal to the actual embedded cost of debt of such public utility, 77126

~~(b)(ii)~~ But not including the portion of any periodic rental 77127  
or use payments representing that cost of property that is 77128  
included in the valuation report under divisions (F) and (G) of 77129  
section 4909.05 of the Revised Code, ~~fix and determine the just~~ 77130  
~~and reasonable rate, fare, charge, toll, rental, or service to be~~ 77131  
~~rendered, charged, demanded, exacted, or collected for the~~ 77132  
~~performance or rendition of the service that will provide the~~ 77133  
~~public utility the allowable gross annual revenues under division~~ 77134  
~~(B) of this section, and order such just and reasonable rate,~~ 77135  
~~fare, charge, toll, rental, or service to be substituted for the~~ 77136  
~~existing one. After such determination.~~ 77137

(3) The commission shall make the fixations and 77138  
determinations under division (D)(1)(b) of this section 77139  
exclusively with regard to the payments of assessments that are 77140  
required to be calculated based on the appropriation to the office 77141  
of the consumers' counsel for fiscal year 2012. The commission 77142  
shall make all such fixations and determinations on or before 77143



December 31, 2011, unless the public utility has filed an 77144  
application with the commission under section 4909.18 of the 77145  
Revised Code and the application is pending on the effective date 77146  
of this section. 77147

(4) After a determination and order made under division (D) 77148  
of this section, no change in the rate, fare, toll, charge, 77149  
rental, schedule, classification, or service shall be made, 77150  
rendered, charged, demanded, exacted, or changed by such public 77151  
utility without the order of the commission, and any other rate, 77152  
fare, toll, charge, rental, classification, or service is 77153  
prohibited. 77154

(E) Upon application of any person or any public utility, and 77155  
after notice to the parties in interest and opportunity to be 77156  
heard as provided in Chapters 4901., 4903., 4905., 4907., 4909., 77157  
4921., and 4923. of the Revised Code for other hearings, has been 77158  
given, the commission may rescind, alter, or amend an order fixing 77159  
any rate, fare, toll, charge, rental, classification, or service, 77160  
or any other order made by the commission. Certified copies of 77161  
such orders shall be served and take effect as provided for 77162  
original orders. 77163

**Sec. 4911.02.** (A) The consumers' counsel shall be appointed 77164  
by the consumers' counsel governing board, and shall hold office 77165  
at the pleasure of the board. 77166

(B)(1) The counsel may sue or be sued and has the powers and 77167  
duties granted ~~him~~ the counsel under this chapter, and all 77168  
necessary powers to carry out the purposes of this chapter. 77169

(2) Without limitation because of enumeration, the counsel: 77170

(a) Shall have all the rights and powers of any party in 77171  
interest appearing before the public utilities commission 77172  
regarding examination and cross-examination of witnesses, 77173

presentation of evidence, and other matters; 77174

(b) May take appropriate action with respect to residential 77175  
consumer complaints concerning quality of service, service 77176  
charges, and the operation of the public utilities commission; 77177

(c) May institute, intervene in, or otherwise participate in 77178  
proceedings in both state and federal courts and administrative 77179  
agencies on behalf of the residential consumers concerning review 77180  
of decisions rendered by, or failure to act by, the public 77181  
utilities commission; 77182

(d) May conduct long range studies concerning various topics 77183  
relevant to the rates charged to ~~residential~~ residential consumers. 77184

(C) The counsel shall not advocate or otherwise promote any 77185  
position contrary to development of competitive markets in this 77186  
state, including any position contrary to natural gas retail 77187  
auctions, merchant-function exit, or the policies of this state 77188  
relating to competitive natural gas markets as set forth in 77189  
Chapter 4929. of the Revised Code. 77190

Sec. 4911.021. The consumers' counsel shall not operate a 77191  
telephone call center for consumer complaints. Any calls received 77192  
by the consumers' counsel concerning consumer complaints shall be 77193  
forwarded to the public utilities commission's call center. 77194

**Sec. 4927.17.** (A) Except as provided in sections 4927.07 and 77195  
4927.12 of the Revised Code and, if applicable, under rules 77196  
adopted by the public utilities commission for the pilot program 77197  
for community-voicemail service created in S.B. 162 of the 128th 77198  
general assembly, a telephone company shall provide at least 77199  
fifteen days' advance notice to its affected customers of any 77200  
material change in the rates, terms, and conditions of a service 77201  
and any change in the company's operations that are not 77202  
transparent to customers and may impact service. 77203

(B) A telephone company shall inform its customers of the 77204  
commission's toll-free number and e-mail address on all bills and 77205  
disconnection notices ~~and any residential customers of the office~~ 77206  
~~of the consumers' counsel's toll free number and e mail address on~~ 77207  
~~all residential bills and disconnection notices.~~ 77208

**Sec. 4928.10.** For the protection of consumers in this state, 77209  
the public utilities commission shall adopt rules under division 77210  
(A) of section 4928.06 of the Revised Code specifying the 77211  
necessary minimum service requirements, on or after the starting 77212  
date of competitive retail electric service, of an electric 77213  
utility, electric services company, electric cooperative, or 77214  
governmental aggregator subject to certification under section 77215  
4928.08 of the Revised Code regarding the provision directly or 77216  
through its billing and collection agent of competitive retail 77217  
electric services for which it is subject to certification. Rules 77218  
adopted under this section shall include a prohibition against 77219  
unfair, deceptive, and unconscionable acts and practices in the 77220  
marketing, solicitation, and sale of such a competitive retail 77221  
electric service and in the administration of any contract for 77222  
service, and also shall include additional consumer protections 77223  
concerning all of the following: 77224

(A) Contract disclosure. The rules shall include requirements 77225  
that an electric utility, electric services company, electric 77226  
cooperative, or governmental aggregator subject to certification 77227  
under section 4928.08 of the Revised Code do both of the 77228  
following: 77229

(1) Provide consumers with adequate, accurate, and 77230  
understandable pricing and terms and conditions of service, 77231  
including any switching fees, and with a document containing the 77232  
terms and conditions of pricing and service before the consumer 77233  
enters into the contract for service; 77234

(2) Disclose the conditions under which a customer may  
rescind a contract without penalty.

(B) Service termination. The rules shall include disclosure  
of the terms identifying how customers may switch or terminate  
service, including any required notice and any penalties.

(C) Minimum content of customer bills. The rules shall  
include all of the following requirements, which shall be  
standardized:

(1) Price disclosure and disclosures of total billing units  
for the billing period and historical annual usage;

(2) To the maximum extent practicable, separate listing of  
each service component to enable a customer to recalculate its  
bill for accuracy;

(3) Identification of the supplier of each service;

(4) Statement of where and how payment may be made and  
provision of a toll-free or local customer assistance and  
complaint number for the electric utility, electric services  
company, electric cooperative, or governmental aggregator, as well  
as a consumer assistance telephone number or numbers for state  
agencies, such as the commission, ~~the office of the consumers'~~  
~~counsel,~~ and the attorney general's office, with the available  
hours noted;

(5) Other than for the first billing after the starting date  
of competitive retail electric service, highlighting and clear  
explanation on each customer bill, for two consecutive billing  
periods, of any changes in the rates, terms, and conditions of  
service.

(D) Disconnection and service termination, including  
requirements with respect to master-metered buildings. The rules  
shall include policies and procedures that are consistent with

sections 4933.121 and 4933.122 of the Revised Code and the 77265  
commission's rules adopted under those sections, and that provide 77266  
for all of the following: 77267

(1) Coordination between suppliers for the purpose of 77268  
maintaining service; 77269

(2) The allocation of partial payments between suppliers when 77270  
service components are jointly billed; 77271

(3) A prohibition against blocking, or authorizing the 77272  
blocking of, customer access to a noncompetitive retail electric 77273  
service when a customer is delinquent in payments to the electric 77274  
utility or electric services company for a competitive retail 77275  
electric service; 77276

(4) A prohibition against switching, or authorizing the 77277  
switching of, a customer's supplier of competitive retail electric 77278  
service without the prior consent of the customer in accordance 77279  
with appropriate confirmation practices, which may include 77280  
independent, third-party verification procedures. 77281

(5) A requirement of disclosure of the conditions under which 77282  
a customer may rescind a decision to switch its supplier without 77283  
penalty; 77284

(6) Specification of any required notice and any penalty for 77285  
early termination of contract. 77286

(E) Minimum service quality, safety, and reliability. 77287  
However, service quality, safety, and reliability requirements for 77288  
electric generation service shall be determined primarily through 77289  
market expectations and contractual relationships. 77290

(F) Generation resource mix and environmental characteristics 77291  
of power supplies. The rules shall include requirements for 77292  
determination of the approximate generation resource mix and 77293  
environmental characteristics of the power supplies and disclosure 77294

to the customer prior to the customer entering into a contract to 77295  
purchase and four times per year under the contract. The rules 77296  
also shall require that the electric utility, electric services 77297  
company, electric cooperative, or governmental aggregator provide, 77298  
or cause its billing and collection agent to provide, a customer 77299  
with standardized information comparing the projected, with the 77300  
actual and verifiable, resource mix and environmental 77301  
characteristics. This disclosure shall occur not less than 77302  
annually or not less than once during the contract period if the 77303  
contract period is less than one year, and prior to any renewal of 77304  
a contract. 77305

(G) Customer information. The rules shall include 77306  
requirements that the electric utility, electric services company, 77307  
electric cooperative, or governmental aggregator make generic 77308  
customer load pattern information available to other electric 77309  
light companies on a comparable and nondiscriminatory basis, and 77310  
make customer-specific information available to other electric 77311  
light companies on a comparable and nondiscriminatory basis 77312  
unless, as to customer-specific information, the customer objects. 77313  
The rules shall ensure that each such utility, company, 77314  
cooperative, or aggregator provide clear and frequent notice to 77315  
its customers of the right to object and of applicable procedures. 77316  
The rules shall establish the exact language that shall be used in 77317  
all such notices. 77318

**Sec. 4928.18.** (A) Notwithstanding division (D)(2)~~(a)~~(b)(i) of 77319  
section 4909.15 of the Revised Code, nothing in this chapter 77320  
prevents the public utilities commission from exercising its 77321  
authority under Title XLIX of the Revised Code to protect 77322  
customers of retail electric service supplied by an electric 77323  
utility from any adverse effect of the utility's provision of a 77324  
product or service other than retail electric service. 77325

(B) The commission has jurisdiction under section 4905.26 of 77326  
the Revised Code, upon complaint of any person or upon complaint 77327  
or initiative of the commission on or after the starting date of 77328  
competitive retail electric service, to determine whether an 77329  
electric utility or its affiliate has violated any provision of 77330  
section 4928.17 of the Revised Code or an order issued or rule 77331  
adopted under that section. For this purpose, the commission may 77332  
examine such books, accounts, or other records kept by an electric 77333  
utility or its affiliate as may relate to the businesses for which 77334  
corporate separation is required under section 4928.17 of the 77335  
Revised Code, and may investigate such utility or affiliate 77336  
operations as may relate to those businesses and investigate the 77337  
interrelationship of those operations. Any such examination or 77338  
investigation by the commission shall be governed by Chapter 4903. 77339  
of the Revised Code. 77340

(C) In addition to any remedies otherwise provided by law, 77341  
the commission, regarding a determination of a violation pursuant 77342  
to division (B) of this section, may do any of the following: 77343

(1) Issue an order directing the utility or affiliate to 77344  
comply; 77345

(2) Modify an order as the commission finds reasonable and 77346  
appropriate and order the utility or affiliate to comply with the 77347  
modified order; 77348

(3) Suspend or abrogate an order, in whole or in part; 77349

(4) Issue an order that the utility or affiliate pay 77350  
restitution to any person injured by the violation or failure to 77351  
comply; 77352

(D) In addition to any remedies otherwise provided by law, 77353  
the commission, regarding a determination of a violation pursuant 77354  
to division (B) of this section and commensurate with the severity 77355  
of the violation, the source of the violation, any pattern of 77356

violations, or any monetary damages caused by the violation, may 77357  
do either of the following: 77358

(1) Impose a forfeiture on the utility or affiliate of up to 77359  
twenty-five thousand dollars per day per violation. The recovery 77360  
and deposit of any such forfeiture shall be subject to sections 77361  
4905.57 and 4905.59 of the Revised Code. 77362

(2) Regarding a violation by an electric utility relating to 77363  
a corporate separation plan involving competitive retail electric 77364  
service, suspend or abrogate all or part of an order, to the 77365  
extent it is in effect, authorizing an opportunity for the utility 77366  
to receive transition revenues under a transition plan approved by 77367  
the commission under section 4928.33 of the Revised Code. 77368

Corporate separation under this section does not prohibit the 77369  
common use of employee benefit plans, facilities, equipment, or 77370  
employees, subject to proper accounting and the code of conduct 77371  
ordered by the commission as provided in division (A)(1) of this 77372  
section. 77373

(E) Section 4905.61 of the Revised Code applies in the case 77374  
of any violation of section 4928.17 of the Revised Code or of any 77375  
rule adopted or order issued under that section. 77376

**Sec. 4928.20.** (A) The legislative authority of a municipal 77377  
corporation may adopt an ordinance, or the board of township 77378  
trustees of a township or the board of county commissioners of a 77379  
county may adopt a resolution, under which, on or after the 77380  
starting date of competitive retail electric service, it may 77381  
aggregate in accordance with this section the retail electrical 77382  
loads located, respectively, within the municipal corporation, 77383  
township, or unincorporated area of the county and, for that 77384  
purpose, may enter into service agreements to facilitate for those 77385  
loads the sale and purchase of electricity. The legislative 77386  
authority or board also may exercise such authority jointly with 77387



any other such legislative authority or board. For customers that 77388  
are not mercantile customers, an ordinance or resolution under 77389  
this division shall specify whether the aggregation will occur 77390  
only with the prior, affirmative consent of each person owning, 77391  
occupying, controlling, or using an electric load center proposed 77392  
to be aggregated or will occur automatically for all such persons 77393  
pursuant to the opt-out requirements of division (D) of this 77394  
section. The aggregation of mercantile customers shall occur only 77395  
with the prior, affirmative consent of each such person owning, 77396  
occupying, controlling, or using an electric load center proposed 77397  
to be aggregated. Nothing in this division, however, authorizes 77398  
the aggregation of the retail electric loads of an electric load 77399  
center, as defined in section 4933.81 of the Revised Code, that is 77400  
located in the certified territory of a nonprofit electric 77401  
supplier under sections 4933.81 to 4933.90 of the Revised Code or 77402  
an electric load center served by transmission or distribution 77403  
facilities of a municipal electric utility. 77404

(B) If an ordinance or resolution adopted under division (A) 77405  
of this section specifies that aggregation of customers that are 77406  
not mercantile customers will occur automatically as described in 77407  
that division, the ordinance or resolution shall direct the board 77408  
of elections to submit the question of the authority to aggregate 77409  
to the electors of the respective municipal corporation, township, 77410  
or unincorporated area of a county at a special election on the 77411  
day of the next primary or general election in the municipal 77412  
corporation, township, or county. The legislative authority or 77413  
board shall certify a copy of the ordinance or resolution to the 77414  
board of elections not less than ninety days before the day of the 77415  
special election. No ordinance or resolution adopted under 77416  
division (A) of this section that provides for an election under 77417  
this division shall take effect unless approved by a majority of 77418  
the electors voting upon the ordinance or resolution at the 77419  
election held pursuant to this division. 77420

(C) Upon the applicable requisite authority under divisions 77421  
(A) and (B) of this section, the legislative authority or board 77422  
shall develop a plan of operation and governance for the 77423  
aggregation program so authorized. Before adopting a plan under 77424  
this division, the legislative authority or board shall hold at 77425  
least two public hearings on the plan. Before the first hearing, 77426  
the legislative authority or board shall publish notice of the 77427  
hearings once a week for two consecutive weeks in a newspaper of 77428  
general circulation in the jurisdiction or as provided in section 77429  
7.16 of the Revised Code. The notice shall summarize the plan and 77430  
state the date, time, and location of each hearing. 77431

(D) No legislative authority or board, pursuant to an 77432  
ordinance or resolution under divisions (A) and (B) of this 77433  
section that provides for automatic aggregation of customers that 77434  
are not mercantile customers as described in division (A) of this 77435  
section, shall aggregate the electrical load of any electric load 77436  
center located within its jurisdiction unless it in advance 77437  
clearly discloses to the person owning, occupying, controlling, or 77438  
using the load center that the person will be enrolled 77439  
automatically in the aggregation program and will remain so 77440  
enrolled unless the person affirmatively elects by a stated 77441  
procedure not to be so enrolled. The disclosure shall state 77442  
prominently the rates, charges, and other terms and conditions of 77443  
enrollment. The stated procedure shall allow any person enrolled 77444  
in the aggregation program the opportunity to opt out of the 77445  
program every three years, without paying a switching fee. Any 77446  
such person that opts out before the commencement of the 77447  
aggregation program pursuant to the stated procedure shall default 77448  
to the standard service offer provided under section 4928.14 or 77449  
division (D) of section 4928.35 of the Revised Code until the 77450  
person chooses an alternative supplier. 77451

(E)(1) With respect to a governmental aggregation for a 77452

municipal corporation that is authorized pursuant to divisions (A) 77453  
to (D) of this section, resolutions may be proposed by initiative 77454  
or referendum petitions in accordance with sections 731.28 to 77455  
731.41 of the Revised Code. 77456

(2) With respect to a governmental aggregation for a township 77457  
or the unincorporated area of a county, which aggregation is 77458  
authorized pursuant to divisions (A) to (D) of this section, 77459  
resolutions may be proposed by initiative or referendum petitions 77460  
in accordance with sections 731.28 to 731.40 of the Revised Code, 77461  
except that: 77462

(a) The petitions shall be filed, respectively, with the 77463  
township fiscal officer or the board of county commissioners, who 77464  
shall perform those duties imposed under those sections upon the 77465  
city auditor or village clerk. 77466

(b) The petitions shall contain the signatures of not less 77467  
than ten per cent of the total number of electors in, 77468  
respectively, the township or the unincorporated area of the 77469  
county who voted for the office of governor at the preceding 77470  
general election for that office in that area. 77471

(F) A governmental aggregator under division (A) of this 77472  
section is not a public utility engaging in the wholesale purchase 77473  
and resale of electricity, and provision of the aggregated service 77474  
is not a wholesale utility transaction. A governmental aggregator 77475  
shall be subject to supervision and regulation by the public 77476  
utilities commission only to the extent of any competitive retail 77477  
electric service it provides and commission authority under this 77478  
chapter. 77479

(G) This section does not apply in the case of a municipal 77480  
corporation that supplies such aggregated service to electric load 77481  
centers to which its municipal electric utility also supplies a 77482  
noncompetitive retail electric service through transmission or 77483

distribution facilities the utility singly or jointly owns or 77484  
operates. 77485

(H) A governmental aggregator shall not include in its 77486  
aggregation the accounts of any of the following: 77487

(1) A customer that has opted out of the aggregation; 77488

(2) A customer in contract with a certified electric services 77489  
company; 77490

(3) A customer that has a special contract with an electric 77491  
distribution utility; 77492

(4) A customer that is not located within the governmental 77493  
aggregator's governmental boundaries; 77494

(5) Subject to division (C) of section 4928.21 of the Revised 77495  
Code, a customer who appears on the "do not aggregate" list 77496  
maintained under that section. 77497

(I) Customers that are part of a governmental aggregation 77498  
under this section shall be responsible only for such portion of a 77499  
surcharge under section 4928.144 of the Revised Code that is 77500  
proportionate to the benefits, as determined by the commission, 77501  
that electric load centers within the jurisdiction of the 77502  
governmental aggregation as a group receive. The proportionate 77503  
surcharge so established shall apply to each customer of the 77504  
governmental aggregation while the customer is part of that 77505  
aggregation. If a customer ceases being such a customer, the 77506  
otherwise applicable surcharge shall apply. Nothing in this 77507  
section shall result in less than full recovery by an electric 77508  
distribution utility of any surcharge authorized under section 77509  
4928.144 of the Revised Code. 77510

(J) On behalf of the customers that are part of a 77511  
governmental aggregation under this section and by filing written 77512  
notice with the public utilities commission, the legislative 77513

authority that formed or is forming that governmental aggregation 77514  
may elect not to receive standby service within the meaning of 77515  
division (B)(2)(d) of section 4928.143 of the Revised Code from an 77516  
electric distribution utility in whose certified territory the 77517  
governmental aggregation is located and that operates under an 77518  
approved electric security plan under that section. Upon the 77519  
filing of that notice, the electric distribution utility shall not 77520  
charge any such customer to whom competitive retail electric 77521  
generation service is provided by another supplier under the 77522  
governmental aggregation for the standby service. Any such 77523  
consumer that returns to the utility for competitive retail 77524  
electric service shall pay the market price of power incurred by 77525  
the utility to serve that consumer plus any amount attributable to 77526  
the utility's cost of compliance with the alternative energy 77527  
resource provisions of section 4928.64 of the Revised Code to 77528  
serve the consumer. Such market price shall include, but not be 77529  
limited to, capacity and energy charges; all charges associated 77530  
with the provision of that power supply through the regional 77531  
transmission organization, including, but not limited to, 77532  
transmission, ancillary services, congestion, and settlement and 77533  
administrative charges; and all other costs incurred by the 77534  
utility that are associated with the procurement, provision, and 77535  
administration of that power supply, as such costs may be approved 77536  
by the commission. The period of time during which the market 77537  
price and alternative energy resource amount shall be so assessed 77538  
on the consumer shall be from the time the consumer so returns to 77539  
the electric distribution utility until the expiration of the 77540  
electric security plan. However, if that period of time is 77541  
expected to be more than two years, the commission may reduce the 77542  
time period to a period of not less than two years. 77543

(K) The commission shall adopt rules to encourage and promote 77544  
large-scale governmental aggregation in this state. For that 77545  
purpose, the commission shall conduct an immediate review of any 77546

rules it has adopted for the purpose of this section that are in 77547  
effect on the effective date of the amendment of this section by 77548  
S.B. 221 of the 127th general assembly, July 31, 2008. Further, 77549  
within the context of an electric security plan under section 77550  
4928.143 of the Revised Code, the commission shall consider the 77551  
effect on large-scale governmental aggregation of any 77552  
nonbypassable generation charges, however collected, that would be 77553  
established under that plan, except any nonbypassable generation 77554  
charges that relate to any cost incurred by the electric 77555  
distribution utility, the deferral of which has been authorized by 77556  
the commission prior to the effective date of the amendment of 77557  
this section by S.B. 221 of the 127th general assembly, July 31, 77558  
2008. 77559

**Sec. 4929.22.** For the protection of consumers in this state, 77560  
the public utilities commission shall adopt rules under section 77561  
4929.10 of the Revised Code specifying the necessary minimum 77562  
service requirements of a retail natural gas supplier or 77563  
governmental aggregator subject to certification under section 77564  
4929.20 of the Revised Code regarding the marketing, solicitation, 77565  
sale, or provision, directly or through its billing and collection 77566  
agent, of any competitive retail natural gas service for which it 77567  
is subject to certification. Rules adopted under this section 77568  
shall include additional consumer protections concerning all of 77569  
the following: 77570

(A) Contract disclosure. The rules shall include requirements 77571  
that a retail natural gas supplier or governmental aggregator 77572  
subject to certification under section 4929.20 of the Revised Code 77573  
do both of the following: 77574

(1) Provide consumers with adequate, accurate, and 77575  
understandable pricing and terms and conditions of service, 77576  
including any switching fees, and with a document containing the 77577

terms and conditions of pricing and service before the consumer enters into the contract for service; 77578  
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(2) Disclose the conditions under which a customer may rescind a contract without penalty. 77580  
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(B) Service qualification and termination. The rules shall include a requirement that, before a consumer is eligible for service from a retail natural gas supplier or governmental aggregator subject to certification under section 4929.20 of the Revised Code, the consumer shall discharge, or enter into a plan to discharge, all existing arrearages owed to or being billed by the natural gas company from which the consumer presently is receiving service. The rules also shall provide for disclosure of the terms identifying how customers may switch or terminate service, including any required notice and any penalties. 77582  
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(C) Minimum content of customer bills. The rules shall include all of the following requirements, which shall be standardized: 77592  
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(1) Price disclosure and disclosures of total billing units for the billing period and historical annual usage; 77595  
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(2) To the maximum extent practicable, separate listing of each service component to enable a customer to recalculate its bill for accuracy; 77597  
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(3) Identification of the supplier of each service; 77600

(4) Statement of where and how payment may be made and provision of a toll-free or local customer assistance and complaint number for the retail natural gas supplier or governmental aggregator, as well as a consumer assistance telephone number or numbers for state agencies, such as the commission, ~~the office of the consumers' counsel,~~ and the attorney general's office, with the available hours noted; 77601  
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(5) Other than for the first billing after the effective date of initial rules adopted pursuant to division (A) of section 4929.20 of the Revised Code, highlighting and clear explanation on each customer bill, for two consecutive billing periods, of any changes in the rates, terms, and conditions of service.

(D) Disconnection and service termination, including requirements with respect to master-metered buildings. The rules shall include policies and procedures that are consistent with sections 4933.12 and 4933.122 of the Revised Code and the commission's rules adopted under those sections, and that provide for all of the following:

(1) Coordination between suppliers for the purpose of maintaining service;

(2) The allocation of partial payments between suppliers when service components are jointly billed;

(3) A prohibition against switching, or authorizing the switching of, a customer's supplier of competitive retail natural gas service without the prior consent of the customer in accordance with appropriate confirmation practices, which may include independent, third-party verification procedures;

(4) A requirement of disclosure of the conditions under which a customer may rescind a decision to switch its supplier without penalty;

(5) Specification of any required notice and any penalty for early termination of contract.

(E) Minimum service quality, safety, and reliability.

(F) Customer information. The rules shall include requirements that a natural gas company make generic customer load pattern information available to a retail natural gas supplier or governmental aggregator as defined in division (K)(1) or (2) of



section 4929.01 of the Revised Code on a comparable and 77638  
nondiscriminatory basis, and make customer information available 77639  
to a retail natural gas supplier or governmental aggregator as 77640  
defined in division (K)(1) or (2) of section 4929.01 of the 77641  
Revised Code on a comparable and nondiscriminatory basis unless, 77642  
as to customer information, the customer objects. The rules shall 77643  
ensure that each natural gas company provide clear and frequent 77644  
notice to its customers of the right to object and of applicable 77645  
procedures. The rules shall establish the exact language that 77646  
shall be used in all such notices. The rules also shall require 77647  
that, upon the request of a governmental aggregator defined in 77648  
division (K)(1) of section 4929.01 of the Revised Code, solely for 77649  
purposes of the disclosure required by division (D) of section 77650  
4929.26 of the Revised Code, or for purposes of a governmental 77651  
aggregator defined in division (K)(2) of section 4929.01 of the 77652  
Revised Code, a natural gas company or retail natural gas supplier 77653  
must provide the governmental aggregator, in a timely manner and 77654  
at such cost as the commission shall provide for in the rules, 77655  
with the billing names and addresses of the customers of the 77656  
company or supplier whose retail natural gas loads are to be 77657  
included in the governmental aggregation. 77658

(G) Ohio office. The rules shall require that a retail 77659  
natural gas supplier maintain an office and an employee in this 77660  
state. 77661

**Sec. 4929.26.** (A)(1) The legislative authority of a municipal 77662  
corporation may adopt an ordinance, or the board of township 77663  
trustees of a township or the board of county commissioners of a 77664  
county may adopt a resolution, under which, in accordance with 77665  
this section and except as otherwise provided in division (A)(2) 77666  
of this section, the legislative authority or board may aggregate 77667  
automatically, subject to the opt-out requirements of division (D) 77668  
of this section, competitive retail natural gas service for the 77669

retail natural gas loads that are located, respectively, within 77670  
the municipal corporation, township, or unincorporated area of the 77671  
county and for which there is a choice of supplier of that service 77672  
as a result of revised schedules approved under division (C) of 77673  
section 4929.29 of the Revised Code, a rule or order adopted or 77674  
issued by the commission under Chapter 4905. of the Revised Code, 77675  
or an exemption granted by the commission under sections 4929.04 77676  
to 4929.08 of the Revised Code. An ordinance or a resolution 77677  
adopted under this section shall expressly state that it is 77678  
adopted pursuant to the authority conferred by this section. The 77679  
legislative authority or board also may exercise its authority 77680  
under this section jointly with any other such legislative 77681  
authority or board. For the purpose of the aggregation, the 77682  
legislative authority or board may enter into service agreements 77683  
to facilitate the sale and purchase of the service for the retail 77684  
natural gas loads. 77685

(2)(a) No aggregation under an ordinance or resolution 77686  
adopted under division (A)(1) of this section shall include the 77687  
retail natural gas load of any person that meets any of the 77688  
following criteria: 77689

(i) The person is both a distribution service customer and a 77690  
mercantile customer on the date of commencement of service to the 77691  
aggregated load, or the person becomes a distribution service 77692  
customer after that date and also is a mercantile customer. 77693

(ii) The person is supplied with commodity sales service 77694  
pursuant to a contract with a retail natural gas supplier that is 77695  
in effect on the effective date of the ordinance or resolution. 77696

(iii) The person is supplied with commodity sales service as 77697  
part of a retail natural gas load aggregation provided for 77698  
pursuant to a rule or order adopted or issued by the commission 77699  
under this chapter or Chapter 4905. of the Revised Code. 77700

(b) Nothing in division (A)(2)(a) of this section precludes a governmental aggregation under this section from permitting the retail natural gas load of a person described in division (A)(2)(a) of this section from being included in the aggregation upon the expiration of any contract or aggregation as described in division (A)(2)(a)(ii) or (iii) of this section or upon the person no longer being a customer as described in division (A)(2)(a)(i) of this section or qualifying to be included in an aggregation described under division (A)(2)(a)(iii) of this section.

(B) An ordinance or resolution adopted under division (A) of this section shall direct the board of elections to submit the question of the authority to aggregate to the electors of the respective municipal corporation, township, or unincorporated area of a county at a special election on the day of the next primary or general election in the municipal corporation, township, or county. The legislative authority or board shall certify a copy of the ordinance or resolution to the board of elections not less than ninety days before the day of the special election. No ordinance or resolution adopted under division (A) of this section that provides for an election under this division shall take effect unless approved by a majority of the electors voting upon the ordinance or resolution at the election held pursuant to this division.

(C) Upon the applicable requisite authority under divisions (A) and (B) of this section, the legislative authority or board shall develop a plan of operation and governance for the aggregation program so authorized. Before adopting a plan under this division, the legislative authority or board shall hold at least two public hearings on the plan. Before the first hearing, the legislative authority or board shall publish notice of the hearings once a week for two consecutive weeks in a newspaper of general circulation in the jurisdiction or as provided in section

7.16 of the Revised Code. The notice shall summarize the plan and 77733  
state the date, time, and location of each hearing. 77734

(D) No legislative authority or board, pursuant to an 77735  
ordinance or resolution under divisions (A) and (B) of this 77736  
section, shall aggregate any retail natural gas load located 77737  
within its jurisdiction unless it in advance clearly discloses to 77738  
the person whose retail natural gas load is to be so aggregated 77739  
that the person will be enrolled automatically in the aggregation 77740  
and will remain so enrolled unless the person affirmatively elects 77741  
by a stated procedure not to be so enrolled. The disclosure shall 77742  
state prominently the rates, charges, and other terms and 77743  
conditions of enrollment. The stated procedure shall allow any 77744  
person enrolled in the aggregation the opportunity to opt out of 77745  
the aggregation every two years, without paying a switching fee. 77746  
Any such person that opts out of the aggregation pursuant to the 77747  
stated procedure shall default to the natural gas company 77748  
providing distribution service for the person's retail natural gas 77749  
load, until the person chooses an alternative supplier. 77750

(E)(1) With respect to a governmental aggregation for a 77751  
municipal corporation that is authorized pursuant to divisions (A) 77752  
to (D) of this section, resolutions may be proposed by initiative 77753  
or referendum petitions in accordance with sections 731.28 to 77754  
731.41 of the Revised Code. 77755

(2) With respect to a governmental aggregation for a township 77756  
or the unincorporated area of a county, which aggregation is 77757  
authorized pursuant to divisions (A) to (D) of this section, 77758  
resolutions may be proposed by initiative or referendum petitions 77759  
in accordance with sections 731.28 to 731.40 of the Revised Code, 77760  
except that: 77761

(a) The petitions shall be filed, respectively, with the 77762  
township fiscal officer or the board of county commissioners, who 77763  
shall perform those duties imposed under those sections upon the 77764

city auditor or village clerk. 77765

(b) The petitions shall contain the signatures of not less 77766  
than ten per cent of the total number of electors in the township 77767  
or the unincorporated area of the county, respectively, who voted 77768  
for the office of governor at the preceding general election for 77769  
that office in that area. 77770

(F) A governmental aggregator under division (A) of this 77771  
section is not a public utility engaging in the wholesale purchase 77772  
and resale of natural gas, and provision of the aggregated service 77773  
is not a wholesale utility transaction. A governmental aggregator 77774  
shall be subject to supervision and regulation by the public 77775  
utilities commission only to the extent of any competitive retail 77776  
natural gas service it provides and commission authority under 77777  
this chapter. 77778

**Sec. 4929.27.** (A)(1) The legislative authority of a municipal 77779  
corporation may adopt an ordinance, or the board of township 77780  
trustees of a township or the board of county commissioners of a 77781  
county may adopt a resolution, under which, in accordance with 77782  
this section and except as otherwise provided in division (A)(2) 77783  
of this section, the legislative authority or board may aggregate, 77784  
with the prior consent of each person whose retail natural gas 77785  
load is proposed to be aggregated, competitive retail natural gas 77786  
service for any such retail natural gas load that is located, 77787  
respectively, within the municipal corporation, township, or 77788  
unincorporated area of the county and for which there is a choice 77789  
of supplier of that service as a result of revised schedules 77790  
approved under division (C) of section 4929.29 of the Revised 77791  
Code, a rule or order adopted or issued by the commission under 77792  
Chapter 4905. of the Revised Code, or an exemption granted by the 77793  
commission under sections 4929.04 to 4929.08 of the Revised Code. 77794  
An ordinance or a resolution adopted under this section shall 77795

expressly state that it is adopted pursuant to the authority 77796  
conferred by this section. The legislative authority or board also 77797  
may exercise such authority jointly with any other such 77798  
legislative authority or board. For the purpose of the 77799  
aggregation, the legislative authority or board may enter into 77800  
service agreements to facilitate the sale and purchase of the 77801  
service for the retail natural gas loads. 77802

(2)(a) No aggregation under an ordinance or resolution 77803  
adopted under division (A)(1) of this section shall include the 77804  
retail natural gas load of any person that meets either of the 77805  
following criteria: 77806

(i) The person is supplied with commodity sales service 77807  
pursuant to a contract with a retail natural gas supplier that is 77808  
in effect on the effective date of the ordinance or resolution. 77809

(ii) The person is supplied with commodity sales service as 77810  
part of a retail natural gas load aggregation provided for 77811  
pursuant to a rule or order adopted or issued by the commission 77812  
under this chapter or Chapter 4905. of the Revised Code. 77813

(b) Nothing in division (A)(2)(a) of this section precludes a 77814  
governmental aggregation under this section from permitting the 77815  
retail natural gas load of a person described in division 77816  
(A)(2)(a) of this section from being included in the aggregation 77817  
upon the expiration of any contract or aggregation as described in 77818  
division (A)(2)(a)(i) or (ii) of this section or upon the person 77819  
no longer qualifying to be included in an aggregation. 77820

(B) Upon the applicable requisite authority under division 77821  
(A) of this section, the legislative authority or board shall 77822  
develop a plan of operation and governance for the aggregation 77823  
program so authorized. Before adopting a plan under this division, 77824  
the legislative authority or board shall hold at least two public 77825  
hearings on the plan. Before the first hearing, the legislative 77826

authority or board shall publish notice of the hearings once a 77827  
week for two consecutive weeks in a newspaper of general 77828  
circulation in the jurisdiction or as provided in section 7.16 of 77829  
the Revised Code. The notice shall summarize the plan and state 77830  
the date, time, and location of each hearing. 77831

(C)(1) With respect to a governmental aggregation for a 77832  
municipal corporation that is authorized pursuant to division (A) 77833  
of this section, resolutions may be proposed by initiative or 77834  
referendum petitions in accordance with sections 731.28 to 731.41 77835  
of the Revised Code. 77836

(2) With respect to a governmental aggregation for a township 77837  
or the unincorporated area of a county, which aggregation is 77838  
authorized pursuant to division (A) of this section, resolutions 77839  
may be proposed by initiative or referendum petitions in 77840  
accordance with sections 731.28 to 731.40 of the Revised Code, 77841  
except that: 77842

(a) The petitions shall be filed, respectively, with the 77843  
township fiscal officer or the board of county commissioners, who 77844  
shall perform those duties imposed under those sections upon the 77845  
city auditor or village clerk. 77846

(b) The petitions shall contain the signatures of not less 77847  
than ten per cent of the total number of electors in the township 77848  
or the unincorporated area of the county, respectively, who voted 77849  
for the office of governor at the preceding general election for 77850  
that office in that area. 77851

(D) A governmental aggregator under division (A) of this 77852  
section is not a public utility engaging in the wholesale purchase 77853  
and resale of natural gas, and provision of the aggregated service 77854  
is not a wholesale utility transaction. A governmental aggregator 77855  
shall be subject to supervision and regulation by the public 77856  
utilities commission only to the extent of any competitive retail 77857

natural gas service it provides and commission authority under 77858  
this chapter. 77859

**Sec. 4931.51.** (A)(1) For the purpose of paying the costs of 77860  
establishing, equipping, and furnishing one or more public safety 77861  
answering points as part of a countywide 9-1-1 system effective 77862  
under division (B) of section 4931.44 of the Revised Code and 77863  
paying the expense of administering and enforcing this section, 77864  
the board of county commissioners of a county, in accordance with 77865  
this section, may fix and impose, on each lot or parcel of real 77866  
property in the county that is owned by a person, municipal 77867  
corporation, township, or other political subdivision and is 77868  
improved, or is in the process of being improved, reasonable 77869  
charges to be paid by each such owner. The charges shall be 77870  
sufficient to pay only the estimated allowed costs and shall be 77871  
equal in amount for all such lots or parcels. 77872

(2) For the purpose of paying the costs of operating and 77873  
maintaining the answering points and paying the expense of 77874  
administering and enforcing this section, the board, in accordance 77875  
with this section, may fix and impose reasonable charges to be 77876  
paid by each owner, as provided in division (A)(1) of this 77877  
section, that shall be sufficient to pay only the estimated 77878  
allowed costs and shall be equal in amount for all such lots or 77879  
parcels. The board may fix and impose charges under this division 77880  
pursuant to a resolution adopted for the purposes of both 77881  
divisions (A)(1) and (2) of this section or pursuant to a 77882  
resolution adopted solely for the purpose of division (A)(2) of 77883  
this section, and charges imposed under division (A)(2) of this 77884  
section may be separately imposed or combined with charges imposed 77885  
under division (A)(1) of this section. 77886

(B) Any board adopting a resolution under this section 77887  
pursuant to a final plan initiating the establishment of a 9-1-1 77888



system or pursuant to an amendment to a final plan shall adopt the 77889  
resolution within sixty days after the board receives the final 77890  
plan for the 9-1-1 system pursuant to division (C) of section 77891  
4931.43 of the Revised Code. The board by resolution may change 77892  
any charge imposed under this section whenever the board considers 77893  
it advisable. Any resolution adopted under this section shall 77894  
declare whether securities will be issued under Chapter 133. of 77895  
the Revised Code in anticipation of the collection of unpaid 77896  
special assessments levied under this section. 77897

(C) The board shall adopt a resolution under this section at 77898  
a public meeting held in accordance with section 121.22 of the 77899  
Revised Code. Additionally, the board, before adopting any such 77900  
resolution, shall hold at least two public hearings on the 77901  
proposed charges. Prior to the first hearing, the board shall 77902  
publish notice of the hearings once a week for two consecutive 77903  
weeks in a newspaper of general circulation in the county or as 77904  
provided in section 7.16 of the Revised Code. The notice shall 77905  
include a listing of the charges proposed in the resolution and 77906  
the date, time, and location of each of the hearings. The board 77907  
shall hear any person who wishes to testify on the charges or the 77908  
resolution. 77909

(D) No resolution adopted under this section shall be 77910  
effective sooner than thirty days following its adoption nor shall 77911  
any such resolution be adopted as an emergency measure. The 77912  
resolution is subject to a referendum in accordance with sections 77913  
305.31 to 305.41 of the Revised Code unless, in the resolution, 77914  
the board of county commissioners directs the board of elections 77915  
of the county to submit the question of imposing the charges to 77916  
the electors of the county at the next primary or general election 77917  
in the county occurring not less than ninety days after the 77918  
resolution is certified to the board. No resolution shall go into 77919  
effect unless approved by a majority of those voting upon it in 77920

any election allowed under this division. 77921

(E) To collect charges imposed under division (A) of this 77922  
section, the board of county commissioners shall certify them to 77923  
the county auditor of the county who then shall place them upon 77924  
the real property duplicate against the properties to be assessed, 77925  
as provided in division (A) of this section. Each assessment shall 77926  
bear interest at the same rate that securities issued in 77927  
anticipation of the collection of the assessments bear, is a lien 77928  
on the property assessed from the date placed upon the real 77929  
property duplicate by the auditor, and shall be collected in the 77930  
same manner as other taxes. 77931

(F) All money collected by or on behalf of a county under 77932  
this section shall be paid to the county treasurer of the county 77933  
and kept in a separate and distinct fund to the credit of the 77934  
county. The fund shall be used to pay the costs allowed in 77935  
division (A) of this section and specified in the resolution 77936  
adopted under that division. In no case shall any surplus so 77937  
collected be expended for other than the use and benefit of the 77938  
county. 77939

**Sec. 4931.52.** (A) This section applies only to a county that 77940  
meets both of the following conditions: 77941

(1) A final plan for a countywide 9-1-1 system either has not 77942  
been approved in the county under section 4931.44 of the Revised 77943  
Code or has been approved but has not been put into operation 77944  
because of a lack of funding; 77945

(2) The board of county commissioners, at least once, has 77946  
submitted to the electors of the county the question of raising 77947  
funds for a 9-1-1 system under section 4931.51, 5705.19, or 77948  
5739.026 of the Revised Code, and a majority of the electors has 77949  
disapproved the question each time it was submitted. 77950

(B) A board of county commissioners may adopt a resolution 77951  
imposing a monthly charge on telephone access lines to pay for the 77952  
equipment costs of establishing and maintaining no more than three 77953  
public safety answering points of a countywide 9-1-1 system, which 77954  
public safety answering points shall be only twenty-four-hour 77955  
dispatching points already existing in the county. The resolution 77956  
shall state the amount of the charge, which shall not exceed fifty 77957  
cents per month, and the month the charge will first be imposed, 77958  
which shall be no earlier than four months after the special 77959  
election held pursuant to this section. Each residential and 77960  
business telephone company customer within the area served by the 77961  
9-1-1 system shall pay the monthly charge for each of its 77962  
residential or business customer access lines or their equivalent. 77963

Before adopting a resolution under this division, the board 77964  
of county commissioners shall hold at least two public hearings on 77965  
the proposed charge. Before the first hearing, the board shall 77966  
publish notice of the hearings once a week for two consecutive 77967  
weeks in a newspaper of general circulation in the county or as 77968  
provided in section 7.16 of the Revised Code. The notice shall 77969  
state the amount of the proposed charge, an explanation of the 77970  
necessity for the charge, and the date, time, and location of each 77971  
of the hearings. 77972

(C) A resolution adopted under division (B) of this section 77973  
shall direct the board of elections to submit the question of 77974  
imposing the charge to the electors of the county at a special 77975  
election on the day of the next primary or general election in the 77976  
county. The board of county commissioners shall certify a copy of 77977  
the resolution to the board of elections not less than ninety days 77978  
before the day of the special election. No resolution adopted 77979  
under division (B) of this section shall take effect unless 77980  
approved by a majority of the electors voting upon the resolution 77981  
at an election held pursuant to this section. 77982

In any year, the board of county commissioners may impose a 77983  
lesser charge than the amount originally approved by the electors. 77984  
The board may change the amount of the charge no more than once a 77985  
year. The board may not impose a charge greater than the amount 77986  
approved by the electors without first holding an election on the 77987  
question of the greater charge. 77988

(D) Money raised from a monthly charge on telephone access 77989  
lines under this section shall be deposited into a special fund 77990  
created in the county treasury by the board of county 77991  
commissioners pursuant to section 5705.12 of the Revised Code, to 77992  
be used only for the necessary equipment costs of establishing and 77993  
maintaining no more than three public safety answering points of a 77994  
countywide 9-1-1 system pursuant to a resolution adopted under 77995  
division (B) of this section. In complying with this division, any 77996  
county may seek the assistance of the public utilities commission 77997  
with regard to operating and maintaining a 9-1-1 system. 77998

(E) Pursuant to the voter approval required by division (C) 77999  
of this section, the final plan for a countywide 9-1-1 system that 78000  
will be funded through a monthly charge imposed in accordance with 78001  
this section shall be amended by the existing 9-1-1 planning 78002  
committee, and the amendment of such a final plan is not an 78003  
amendment of a final plan for the purpose of division (A) of 78004  
section 4931.45 of the Revised Code. 78005

**Sec. 4931.53.** (A) This section applies only to a county that 78006  
has a final plan for a countywide 9-1-1 system that either has not 78007  
been approved in the county under section 4931.44 of the Revised 78008  
Code or has been approved but has not been put into operation 78009  
because of a lack of funding. 78010

(B) A board of county commissioners may adopt a resolution 78011  
imposing a monthly charge on telephone access lines to pay for the 78012  
operating and equipment costs of establishing and maintaining no 78013

more than one public safety answering point of a countywide 9-1-1 78014  
system. The resolution shall state the amount of the charge, which 78015  
shall not exceed fifty cents per month, and the month the charge 78016  
will first be imposed, which shall be no earlier than four months 78017  
after the special election held pursuant to this section. Each 78018  
residential and business telephone company customer within the 78019  
area of the county served by the 9-1-1 system shall pay the 78020  
monthly charge for each of its residential or business customer 78021  
access lines or their equivalent. 78022

Before adopting a resolution under this division, the board 78023  
of county commissioners shall hold at least two public hearings on 78024  
the proposed charge. Before the first hearing, the board shall 78025  
publish notice of the hearings once a week for two consecutive 78026  
weeks in a newspaper of general circulation in the county or as 78027  
provided in section 7.16 of the Revised Code. The notice shall 78028  
state the amount of the proposed charge, an explanation of the 78029  
necessity for the charge, and the date, time, and location of each 78030  
of the hearings. 78031

(C) A resolution adopted under division (B) of this section 78032  
shall direct the board of elections to submit the question of 78033  
imposing the charge to the electors of the county at a special 78034  
election on the day of the next primary or general election in the 78035  
county. The board of county commissioners shall certify a copy of 78036  
the resolution to the board of elections not less than ninety days 78037  
before the day of the special election. No resolution adopted 78038  
under division (B) of this section shall take effect unless 78039  
approved by a majority of the electors voting upon the resolution 78040  
at an election held pursuant to this section. 78041

In any year, the board of county commissioners may impose a 78042  
lesser charge than the amount originally approved by the electors. 78043  
The board may change the amount of the charge no more than once a 78044  
year. The board shall not impose a charge greater than the amount 78045

approved by the electors without first holding an election on the 78046  
question of the greater charge. 78047

(D) Money raised from a monthly charge on telephone access 78048  
lines under this section shall be deposited into a special fund 78049  
created in the county treasury by the board of county 78050  
commissioners pursuant to section 5705.12 of the Revised Code, to 78051  
be used only for the necessary operating and equipment costs of 78052  
establishing and maintaining no more than one public safety 78053  
answering point of a countywide 9-1-1 system pursuant to a 78054  
resolution adopted under division (B) of this section. In 78055  
complying with this division, any county may seek the assistance 78056  
of the public utilities commission with regard to operating and 78057  
maintaining a 9-1-1 system. 78058

(E) Nothing in sections 4931.40 to 4931.53 of the Revised 78059  
Code precludes a final plan adopted in accordance with those 78060  
sections from being amended to provide that, by agreement included 78061  
in the plan, a public safety answering point of another countywide 78062  
9-1-1 system is the public safety answering point of a countywide 78063  
9-1-1 system funded through a monthly charge imposed in accordance 78064  
with this section. In that event, the county for which the public 78065  
safety answering point is provided shall be deemed the subdivision 78066  
operating the public safety answering point for purposes of 78067  
sections 4931.40 to 4931.53 of the Revised Code, except that, for 78068  
the purpose of division (D) of section 4931.41 of the Revised 78069  
Code, the county shall pay only so much of the costs associated 78070  
with establishing, equipping, furnishing, operating, or 78071  
maintaining the public safety answering point specified in the 78072  
agreement included in the final plan. 78073

(F) Pursuant to the voter approval required by division (C) 78074  
of this section, the final plan for a countywide 9-1-1 system that 78075  
will be funded through a monthly charge imposed in accordance with 78076  
this section, or that will be amended to include an agreement 78077

described in division (E) of this section, shall be amended by the 78078  
existing 9-1-1 planning committee, and the amendment of such a 78079  
final plan is not an amendment of a final plan for the purpose of 78080  
division (A) of section 4931.45 of the Revised Code. 78081

**Sec. 5101.16.** (A) As used in this section and sections 78082  
5101.161 and 5101.162 of the Revised Code: 78083

(1) "Disability financial assistance" means the financial 78084  
assistance program established under Chapter 5115. of the Revised 78085  
Code. 78086

(2) " Supplemental nutrition assistance program" means the 78087  
program administered by the department of job and family services 78088  
pursuant to section 5101.54 of the Revised Code. 78089

(3) "Medicaid" means the medical assistance program 78090  
established by Chapter 5111. of the Revised Code, excluding 78091  
transportation services provided under that chapter. 78092

(4) "Ohio works first" means the program established by 78093  
Chapter 5107. of the Revised Code. 78094

(5) "Prevention, retention, and contingency" means the 78095  
program established by Chapter 5108. of the Revised Code. 78096

(6) "Public assistance expenditures" means expenditures for 78097  
all of the following: 78098

(a) Ohio works first; 78099

(b) County administration of Ohio works first; 78100

(c) Prevention, retention, and contingency; 78101

(d) County administration of prevention, retention, and 78102  
contingency; 78103

(e) Disability financial assistance; 78104

(f) County administration of disability financial assistance; 78105

(g) County administration of the supplemental nutrition assistance program; 781106  
781107

(h) County administration of medicaid. 781108

(7) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code. 781109  
781110

(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter: 781111  
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781113  
781114  
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(1) The amount that is twenty-five per cent of the county's total expenditures for disability financial assistance and county administration of that program during the state fiscal year ending in the previous calendar year that the department of job and family services determines are allowable. 781117  
781118  
781119  
781120  
781121

(2) The amount that is ten per cent, or other percentage determined under division (D) of this section, of the county's total expenditures for county administration of the supplemental nutrition assistance program and medicaid during the state fiscal year ending in the previous calendar year that the department determines are allowable, less the amount of federal reimbursement credited to the county under division (E) of this section for the state fiscal year ending in the previous calendar year; 781122  
781123  
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781127  
781128  
781129

(3) A percentage of the actual amount of the county share of program and administrative expenditures during federal fiscal year 1994 for assistance and services, other than child care, provided under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as those titles existed prior to the enactment of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105. The department of job 781130  
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and family services shall determine the actual amount of the 78137  
county share from expenditure reports submitted to the United 78138  
States department of health and human services. The percentage 78139  
shall be the percentage established in rules adopted under 78140  
division (F) of this section. 78141

(C)(1) If a county's share of public assistance expenditures 78142  
determined under division (B) of this section for a state fiscal 78143  
year exceeds one hundred ~~ten~~ five per cent of the county's share 78144  
for those expenditures for the immediately preceding state fiscal 78145  
year, the department of job and family services shall reduce the 78146  
county's share for expenditures under divisions (B)(1) and (2) of 78147  
this section so that the total of the county's share for 78148  
expenditures under division (B) of this section equals one hundred 78149  
~~ten~~ five per cent of the county's share of those expenditures for 78150  
the immediately preceding state fiscal year. 78151

(2) A county's share of public assistance expenditures 78152  
determined under division (B) of this section may be increased 78153  
pursuant to section 5101.163 of the Revised Code and a sanction 78154  
under section 5101.24 of the Revised Code. An increase made 78155  
pursuant to section 5101.163 of the Revised Code may cause the 78156  
county's share to exceed the limit established by division (C)(1) 78157  
of this section. 78158

(D)(1) If the per capita tax duplicate of a county is less 78159  
than the per capita tax duplicate of the state as a whole and 78160  
division (D)(2) of this section does not apply to the county, the 78161  
percentage to be used for the purpose of division (B)(2) of this 78162  
section is the product of ten multiplied by a fraction of which 78163  
the numerator is the per capita tax duplicate of the county and 78164  
the denominator is the per capita tax duplicate of the state as a 78165  
whole. The department of job and family services shall compute the 78166  
per capita tax duplicate for the state and for each county by 78167  
dividing the tax duplicate for the most recent available year by 78168

the current estimate of population prepared by the department of 78169  
development. 78170

(2) If the percentage of families in a county with an annual 78171  
income of less than three thousand dollars is greater than the 78172  
percentage of such families in the state and division (D)(1) of 78173  
this section does not apply to the county, the percentage to be 78174  
used for the purpose of division (B)(2) of this section is the 78175  
product of ten multiplied by a fraction of which the numerator is 78176  
the percentage of families in the state with an annual income of 78177  
less than three thousand dollars a year and the denominator is the 78178  
percentage of such families in the county. The department of job 78179  
and family services shall compute the percentage of families with 78180  
an annual income of less than three thousand dollars for the state 78181  
and for each county by multiplying the most recent estimate of 78182  
such families published by the department of development, by a 78183  
fraction, the numerator of which is the estimate of average annual 78184  
personal income published by the bureau of economic analysis of 78185  
the United States department of commerce for the year on which the 78186  
census estimate is based and the denominator of which is the most 78187  
recent such estimate published by the bureau. 78188

(3) If the per capita tax duplicate of a county is less than 78189  
the per capita tax duplicate of the state as a whole and the 78190  
percentage of families in the county with an annual income of less 78191  
than three thousand dollars is greater than the percentage of such 78192  
families in the state, the percentage to be used for the purpose 78193  
of division (B)(2) of this section shall be determined as follows: 78194

(a) Multiply ten by the fraction determined under division 78195  
(D)(1) of this section; 78196

(b) Multiply the product determined under division (D)(3)(a) 78197  
of this section by the fraction determined under division (D)(2) 78198  
of this section. 78199

(4) The department of job and family services shall 78200  
determine, for each county, the percentage to be used for the 78201  
purpose of division (B)(2) of this section not later than the 78202  
first day of July of the year preceding the state fiscal year for 78203  
which the percentage is used. 78204

(E) The department of job and family services shall credit to 78205  
a county the amount of federal reimbursement the department 78206  
receives from the United States departments of agriculture and 78207  
health and human services for the county's expenditures for 78208  
administration of the supplemental nutrition assistance program 78209  
and medicaid that the department determines are allowable 78210  
administrative expenditures. 78211

(F)(1) The director of job and family services shall adopt 78212  
rules in accordance with section 111.15 of the Revised Code to 78213  
establish all of the following: 78214

(a) The method the department is to use to change a county's 78215  
share of public assistance expenditures determined under division 78216  
(B) of this section as provided in division (C) of this section; 78217

(b) The allocation methodology and formula the department 78218  
will use to determine the amount of funds to credit to a county 78219  
under this section; 78220

(c) The method the department will use to change the payment 78221  
of the county share of public assistance expenditures from a 78222  
calendar-year basis to a state fiscal year basis; 78223

(d) The percentage to be used for the purpose of division 78224  
(B)(3) of this section, which shall, except as provided in section 78225  
5101.163 of the Revised Code, meet both of the following 78226  
requirements: 78227

(i) The percentage shall not be less than seventy-five per 78228  
cent nor more than eighty-two per cent; 78229

(ii) The percentage shall not exceed the percentage that the state's qualified state expenditures is of the state's historic state expenditures as those terms are defined in 42 U.S.C. 609(a)(7).

(e) Other procedures and requirements necessary to implement this section.

(2) The director of job and family services may amend the rule adopted under division (F)(1)(d) of this section to modify the percentage on determination that the amount the general assembly appropriates for Title IV-A programs makes the modification necessary. The rule shall be adopted and amended as if an internal management rule and in consultation with the director of budget and management.

**Sec. 5101.181.** (A) As used in this section and section 5101.182 of the Revised Code, ~~"public:~~

~~(1) "Public assistance" includes, in addition to Ohio works first,~~ means any or all of the following:

~~(1)(a) Ohio works first;~~

(b) Prevention, retention, and contingency;

~~(2) Medicaid;~~

~~(3)(c) Disability financial assistance;~~

~~(4)(d) General assistance provided prior to July 17, 1995, under former Chapter 5113. of the Revised Code.~~

(2) "Medical assistance" means medical assistance provided pursuant to, or under programs established by, section 5101.49, sections 5101.50 to 5101.529, Chapter 5111., or any other provision of the Revised Code.

(B) As part of the procedure for the determination of overpayment to a recipient of public assistance under Chapter

5107., 5108., ~~5111.~~, or 5115. of the Revised Code, the director of 78259  
job and family services ~~shall~~ may furnish quarterly the name and 78260  
social security number of each individual who receives public 78261  
assistance to the director of administrative services, the 78262  
administrator of the bureau of workers' compensation, and each of 78263  
the state's retirement boards. Within fourteen days after 78264  
receiving the name and social security number of an individual who 78265  
receives public assistance, the director of administrative 78266  
services, administrator, or board shall inform the auditor of 78267  
state as to whether such individual is receiving wages or 78268  
benefits, the amount of any wages or benefits being received, the 78269  
social security number, and the address of the individual. The 78270  
director of administrative services, administrator, boards, and 78271  
any agent or employee of those officials and boards shall comply 78272  
with the rules of the director of job and family services 78273  
restricting the disclosure of information regarding recipients of 78274  
public assistance. Any person who violates this provision shall 78275  
thereafter be disqualified from acting as an agent or employee or 78276  
in any other capacity under appointment or employment of any state 78277  
board, commission, or agency. 78278

(C) The auditor of state may enter into a reciprocal 78279  
agreement with the director of job and family services or 78280  
comparable officer of any other state for the exchange of names, 78281  
current or most recent addresses, or social security numbers of 78282  
persons receiving public assistance under Title IV-A ~~or under~~ 78283  
~~Title XIX~~ of the "Social Security Act," 49 Stat. 620 (1935), 42 78284  
U.S.C. 301, as amended. 78285

(D)~~(1)~~ The auditor of state shall retain, for not less than 78286  
two years, at least one copy of all information received under 78287  
this section and sections 145.27, 742.41, 3307.20, 3309.22, 78288  
4123.27, 5101.182, and 5505.04 of the Revised Code. ~~The~~ 78289

(E) On the request of the director of job and family 78290

services, the auditor of state may conduct an audit of an 78291  
individual who receives medical assistance. If the auditor decides 78292  
to conduct an audit, the auditor shall enter into an interagency 78293  
agreement with the department of job and family services that 78294  
specifies that the auditor agrees to comply with section 5101.271 78295  
of the Revised Code with respect to any information the auditor 78296  
receives pursuant to the audit. 78297

(F) The auditor shall review the information described in 78298  
division (D) of this section to determine whether overpayments 78299  
were made to recipients of public assistance under Chapters 5107., 78300  
5108., ~~5111.~~, and 5115. of the Revised Code. The auditor of state 78301  
shall initiate action leading to prosecution, where warranted, of 78302  
recipients who received overpayments by forwarding the name of 78303  
each recipient who received overpayment, together with other 78304  
pertinent information, to the director of job and family services 78305  
~~and, the attorney general, to the district director of job and~~ 78306  
~~family services of the district through which public assistance~~ 78307  
~~was received,~~ and ~~to~~ the county director of job and family 78308  
services and county prosecutor of the county through which public 78309  
assistance was received. 78310

~~(2)~~(G) The auditor of state and the attorney general or their 78311  
designees may examine any records, whether in computer or printed 78312  
format, in the possession of the director of job and family 78313  
services or any county director of job and family services. They 78314  
shall provide safeguards which restrict access to such records to 78315  
purposes directly connected with an audit or investigation, 78316  
prosecution, or criminal or civil proceeding conducted in 78317  
connection with the administration of the programs and shall 78318  
comply with ~~the~~ sections 5101.27 and 5101.271 of the Revised Code 78319  
and adopts rules of the director of job and family services 78320  
restricting the disclosure of information regarding recipients of 78321  
public assistance or medical assistance. Any person who violates 78322

this provision shall thereafter be disqualified from acting as an 78323  
agent or employee or in any other capacity under appointment or 78324  
employment of any state board, commission, or agency. 78325

~~(3)~~(H) Costs incurred by the auditor of state in carrying out 78326  
the auditor of state's duties under this ~~division~~ section shall be 78327  
borne by the auditor of state. 78328

**Sec. 5101.182.** As part of the procedure for the determination 78329  
of overpayment to a recipient of public assistance ~~under Chapter~~ 78330  
~~5107., 5111., or 5115.~~ pursuant to section 5101.181 of the Revised 78331  
Code, the director of job and family services ~~shall~~ may 78332  
semiannually, at times determined jointly by the auditor of state 78333  
and the tax commissioner, furnish to the tax commissioner in 78334  
computer format the name and social security number of each 78335  
individual who receives public assistance. Within sixty days after 78336  
receiving the name and social security number of a recipient of 78337  
public assistance, the commissioner shall inform the auditor of 78338  
state whether the individual filed an Ohio individual income tax 78339  
return, separate or joint, as provided by section 5747.08 of the 78340  
Revised Code, for either or both of the two taxable years 78341  
preceding the year in which the director furnished the names and 78342  
social security numbers to the commissioner. If the individual did 78343  
so file, at the same time the commissioner shall also inform the 78344  
auditor of state of the amount of the federal adjusted gross 78345  
income as reported on such returns and of the addresses on such 78346  
returns. The commissioner shall also advise the auditor of state 78347  
whether such returns were filed on a joint basis, as provided in 78348  
section 5747.08 of the Revised Code, in which case the federal 78349  
adjusted gross income as reported may be that of the individual or 78350  
the individual's spouse. 78351

If the auditor of state determines that further investigation 78352  
is needed, the auditor of state may request the commissioner to 78353

determine whether the individual filed income tax returns for any 78354  
previous taxable years in which the individual received public 78355  
assistance and for which the tax department retains income tax 78356  
returns. Within fourteen days of receipt of the request, the 78357  
commissioner shall inform the auditor of state whether the 78358  
individual filed an individual income tax return for the taxable 78359  
years in question, of the amount of the federal adjusted gross 78360  
income as reported on such returns, of the addresses on such 78361  
returns, and whether the returns were filed on a joint or separate 78362  
basis. 78363

If the auditor of state determines that further investigation 78364  
is needed of a recipient of public assistance who filed an Ohio 78365  
individual income tax return, the auditor of state may request a 78366  
certified copy of the Ohio individual income tax return or returns 78367  
of that person for the taxable years described above, together 78368  
with any other documents the commissioner has concerning the 78369  
return or returns. Within fourteen days of receipt of such a 78370  
request in writing, the commissioner shall forward the returns and 78371  
documents to the auditor of state. 78372

The director of job and family services, ~~district director of~~ 78373  
~~job and family services~~, county director of job and family 78374  
services, county prosecutor, attorney general, auditor of state, 78375  
or any agent or employee of those officials having access to any 78376  
information or documents furnished by the commissioner pursuant to 78377  
this section shall not divulge or use any such information except 78378  
for the purpose of determining overpayment of public assistance, 78379  
or for an audit, investigation, or prosecution, or in accordance 78380  
with a proper judicial order. Any person who violates this 78381  
provision shall thereafter be disqualified from acting as an agent 78382  
or employee or in any other capacity under appointment or 78383  
employment of any state or county board, commission, or agency. 78384



Sec. 5101.183. (A) ~~The~~ Except as provided in section 5111.12 78385  
of the Revised Code, the director of job and family services, in 78386  
accordance with section 111.15 of the Revised Code, may adopt 78387  
rules under which county ~~departments of job and~~ family services ~~or~~ 78388  
~~public children services~~ agencies shall take action to recover the 78389  
cost of ~~social~~ the following benefits and services: 78390

(1) Benefits or services provided to any of the following: 78391

~~(1)(a)~~ (a) Persons who were not eligible for ~~social~~ the benefits 78392  
or services but who secured ~~social~~ the benefits or services 78393  
through fraud or misrepresentation; 78394

~~(2)(b)~~ (b) Persons who were eligible for ~~social~~ the benefits or 78395  
services but who intentionally diverted the benefits or services 78396  
to other persons who were not eligible for the benefits or 78397  
services. 78398

(2) Any benefits or services provided by a county family 78399  
services agency for which recovery is required or permitted by 78400  
federal law for the federal programs administered by the agency. 78401

(B) A county ~~department of job and~~ family services ~~or public~~ 78402  
~~children services~~ agency may bring a civil action against a 78403  
recipient of ~~social~~ benefits or services to recover any costs 78404  
described in division (A) of this section. 78405

(C) A county ~~department of job and~~ family services ~~or public~~ 78406  
~~children services~~ agency shall retain any money it recovers under 78407  
division (A) of this section and shall use the money ~~for the~~ 78408  
~~provision of social~~ to meet a family services duty, except that, 78409  
if federal law requires the department of job and family services 78410  
to return any portion of the money so recovered to the federal 78411  
government, the county ~~department or~~ family services agency shall 78412  
pay that portion to the department of job and family services. 78413

Sec. 5101.244. (A) If the department of job and family 78414

services determines that a grant awarded to a county grantee in a 78415  
grant agreement entered into under section 5101.21 of the Revised 78416  
Code, an allocation, advance, or reimbursement the department 78417  
makes to a county family services agency, or a cash draw a county 78418  
family services agency makes exceeds the allowable amount for the 78419  
grant, allocation, advance, reimbursement, or cash draw, the 78420  
department may ~~adjust~~ take one or more of the following actions to 78421  
recover the excess amount: 78422

(1) The department may adjust, offset, withhold, or reduce an 78423  
allocation, cash draw, advance, reimbursement, or other financial 78424  
assistance to the county grantee or county family services agency 78425  
as necessary to recover the excess amount ~~of the excess grant,~~ 78426  
~~allocation, advance, reimbursement, or cash draw.~~ 78427

(2) The department may require the county grantee or county 78428  
family services agency to enter into an agreement with the 78429  
department for repayment of the excess amount. The department may 78430  
require that the repayment include interest on the excess amount, 78431  
calculated from the day that the excess occurred at a rate not 78432  
exceeding the rate per annum prescribed by section 5703.47 of the 78433  
Revised Code. 78434

(3) The department may certify a claim to the attorney 78435  
general under section 131.02 of the Revised Code for the attorney 78436  
general to take action under that section against the county 78437  
grantee or county family services agency to recover the excess 78438  
amount. The 78439

(B) In taking an action authorized under this section, the 78440  
department is not required to ~~make the adjustment, offset,~~ 78441  
~~withholding, or reduction~~ take the action in accordance with 78442  
section 5101.24 of the Revised Code. 78443

(C) The director of job and family services may adopt rules 78444  
under section 111.15 of the Revised Code as necessary to implement 78445

this section. The director shall adopt the rules as if they were 78446  
internal management rules. 78447

**Sec. 5101.26.** As used in this section and in sections 5101.27 78448  
to 5101.30 of the Revised Code: 78449

(A) "County agency" means a county department of job and 78450  
family services or a public children services agency. 78451

(B) "Fugitive felon" means an individual who is fleeing to 78452  
avoid prosecution, or custody or confinement after conviction, 78453  
under the laws of the place from which the individual is fleeing, 78454  
for a crime or an attempt to commit a crime that is a felony under 78455  
the laws of the place from which the individual is fleeing or, in 78456  
the case of New Jersey, a high misdemeanor, regardless of whether 78457  
the individual has departed from the individual's usual place of 78458  
residence. 78459

(C) "Information" means records as defined in section 149.011 78460  
of the Revised Code, any other documents in any format, and data 78461  
derived from records and documents that are generated, acquired, 78462  
or maintained by the department of job and family services, a 78463  
county agency, or an entity performing duties on behalf of the 78464  
department or a county agency. 78465

(D) "Law enforcement agency" means the state highway patrol, 78466  
an agency that employs peace officers as defined in section 109.71 78467  
of the Revised Code, the adult parole authority, a county 78468  
department of probation, a prosecuting attorney, the attorney 78469  
general, similar agencies of other states, federal law enforcement 78470  
agencies, and postal inspectors. "Law enforcement agency" includes 78471  
the peace officers and other law enforcement officers employed by 78472  
the agency. 78473

(E) "Medical assistance ~~provided under a public assistance~~ 78474  
~~program~~" means medical assistance provided pursuant to, or under 78475

the programs established ~~under sections~~ by, section 5101.49, 78476  
sections 5101.50, ~~5101.51, 5101.52, and 5101.5211 to 5101.5216 to~~ 78477  
5101.529, Chapter 5111., or any other provision of the Revised 78478  
Code. 78479

(F) "Medical assistance recipient" means an applicant for or 78480  
recipient or former recipient of medical assistance. 78481

(G) "Public assistance" means financial assistance, ~~medical~~ 78482  
~~assistance,~~ or social services that are not medical assistance 78483  
provided under a program administered by the department of job and 78484  
family services or a county agency pursuant to Chapter 329., 78485  
5101., 5104., 5107., 5108., ~~5111.~~, or 5115. of the Revised Code or 78486  
an executive order issued under section 107.17 of the Revised 78487  
Code. 78488

~~(G)~~(H) "Public assistance recipient" means an applicant for 78489  
or recipient or former recipient of public assistance. 78490

**Sec. 5101.27.** (A) Except as permitted by this section, 78491  
section ~~5101.272~~ 5101.273, 5101.28, or 5101.29 of the Revised 78492  
Code, or ~~the~~ rules adopted under ~~division (A)~~ of section 5101.30 78493  
of the Revised Code, or when required by federal law, no person or 78494  
government entity shall solicit, disclose, receive, use, or 78495  
knowingly permit, or participate in the use of any information 78496  
regarding a public assistance recipient for any purpose not 78497  
directly connected with the administration of a public assistance 78498  
program. 78499

(B) To the extent permitted by federal law, the department of 78500  
job and family services and county agencies shall do all of the 78501  
following: 78502

(1) Release information regarding a public assistance 78503  
recipient for purposes directly connected to the administration of 78504  
the program to a government entity responsible for administering 78505

that public assistance program; 78506

(2) Provide information regarding a public assistance 78507  
recipient to a law enforcement agency for the purpose of any 78508  
investigation, prosecution, or criminal or civil proceeding 78509  
relating to the administration of that public assistance program; 78510

(3) Provide, for purposes directly connected to the 78511  
administration of a program that assists needy individuals with 78512  
the costs of public utility services, information regarding a 78513  
recipient of financial assistance provided under a program 78514  
administered by the department or a county agency pursuant to 78515  
Chapter 5107. or 5108. of the Revised Code or sections 5115.01 to 78516  
5115.07 of the Revised Code to an entity administering the public 78517  
utility services program. 78518

(C) To the extent permitted by federal law and section 78519  
1347.08 of the Revised Code, the department and county agencies 78520  
shall provide access to information regarding a public assistance 78521  
recipient to all of the following: 78522

(1) The recipient; 78523

(2) The authorized representative; 78524

(3) The legal guardian of the recipient; 78525

(4) The attorney of the recipient, if the attorney has 78526  
written authorization that complies with section ~~5101.271~~ 5101.272 78527  
of the Revised Code from the recipient. 78528

(D) To the extent permitted by federal law and subject to 78529  
division (E) of this section, the department and county agencies 78530  
may do both of the following: 78531

(1) Release information about a public assistance recipient 78532  
if the recipient gives voluntary, written authorization that 78533  
complies with section ~~5101.271~~ 5101.272 of the Revised Code; 78534

(2) Release information regarding a public assistance 78535

recipient to a state, federal, or federally assisted program that 78536  
provides cash or in-kind assistance or services directly to 78537  
individuals based on need or for the purpose of protecting 78538  
children to a government entity responsible for administering a 78539  
children's protective services program. 78540

(E) Except when the release is required by division (B), (C), 78541  
or (D)(2) of this section, the department or county agency shall 78542  
release the information only in accordance with the authorization. 78543  
The department or county agency shall provide, at no cost, a copy 78544  
of each written authorization to the individual who signed it. 78545

~~(F) The department or county agency may release information 78546  
under division (D) of this section concerning the receipt of 78547  
medical assistance provided under a public assistance program only 78548  
if all of the following conditions are met: 78549~~

~~(1) The release of information is for purposes directly 78550  
connected to the administration of or provision of medical 78551  
assistance provided under a public assistance program; 78552~~

~~(2) The information is released to persons or government 78553  
entities that are subject to standards of confidentiality and 78554  
safeguarding information substantially comparable to those 78555  
established for medical assistance provided under a public 78556  
assistance program; 78557~~

~~(3) The department or county agency has obtained an 78558  
authorization consistent with section 5101.271 of the Revised 78559  
Code. 78560~~

~~(G) Information concerning the receipt of medical assistance 78561  
provided under a public assistance program may be released only if 78562  
the release complies with this section and rules adopted by the 78563  
department pursuant to section 5101.30 of the Revised Code or, if 78564  
more restrictive, the Health Insurance Portability and 78565  
Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1955, 78566~~

~~42 U.S.C. 1320d, et seq., as amended, and regulations adopted by the United States department of health and human services to implement the act.~~

~~(H) The department of job and family services may adopt rules defining "authorized representative" for purposes of division (C)(2) of this section.~~

Sec. 5101.271. (A) Except as permitted by this section, section 5101.273, or rules adopted under section 5101.30 of the Revised Code, or when required by federal law, no person or government entity shall use or disclose information regarding a medical assistance recipient for any purpose not directly connected with the administration of the medical assistance program.

(B) Both of the following shall be considered to be purposes directly connected with the administration of the medical assistance program:

(1) Treatment, payment, or other operations or activities authorized by 42 C.F.R. Chapter IV;

(2) Any administrative function or duty the department of job and family services performs alone or jointly with a federal government entity, another state government entity, or a local government entity implementing a provision of federal law.

(C) The department or a county agency may disclose information regarding a medical assistance recipient to any of the following:

(1) The recipient or the recipient's authorized representative;

(2) The recipient's legal guardian in accordance with division (C) of section 2111.13 of the Revised Code;

(3) The attorney of the recipient, if the department or

county agency has obtained authorization from the recipient, the recipient's authorized representative, or the recipient's legal guardian that meets all requirements of the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, 110 Stat. 1955, 42 U.S.C. 1320d et seq., as amended, regulations promulgated by the United States department of health and human services to implement the act, section 5101.272 of the Revised Code, and any rules the director of job and family services adopts under section 5101.30 of the Revised Code; 78597  
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(4) A health information or health records management entity that has executed with the department a business associate agreement required by 45 C.F.R 164.502(e)(2) and has been authorized by the recipient, the recipient's authorized representative, or the recipient's legal guardian to receive the recipient's electronic health records in accordance with rules the director of job and family services adopts under section 5101.30 of the Revised Code; 78606  
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(5) A court if pursuant to a written order of the court. 78614

(D) The department may receive from county departments of job and family services information regarding any medical assistance recipient for purposes of training and verifying the accuracy of eligibility determinations for medical assistance. The department may assemble information received under this division into a report if the report is in a form specified by the department. Information received and assembled into a report under this division shall remain confidential and not be subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code. 78615  
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(E) The department shall notify courts in this state regarding its authority, under division (C)(5) of this section, to disclose information regarding a medical assistance recipient pursuant to a written court order. 78625  
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**Sec. ~~5101.271~~ 5101.272.** (A) For the purposes of ~~section~~ 78629  
~~sections~~ 5101.27 and 5101.271 of the Revised Code, an 78630  
authorization shall be made on a form that uses language 78631  
understandable to the average person and contains all of the 78632  
following: 78633

(1) A description of the information to be used or disclosed 78634  
that identifies the information in a specific and meaningful 78635  
fashion; 78636

(2) The name or other specific identification of the person 78637  
or class of persons authorized to make the requested use or 78638  
disclosure; 78639

(3) The name or other specific identification of the person 78640  
or governmental entity to which the information may be released; 78641

(4) A description of each purpose of the requested use or 78642  
disclosure of the information; 78643

(5) The date on which the authorization expires or an event 78644  
related either to the individual who is the subject of the request 78645  
or to the purposes of the requested use or disclosure, the 78646  
occurrence of which will cause the authorization to expire; 78647

(6) A statement that the information used or disclosed 78648  
pursuant to the authorization may be disclosed by the recipient of 78649  
the information and may no longer be protected from disclosure; 78650

(7) The signature of the individual or the individual's 78651  
authorized representative and the date on which the authorization 78652  
was signed; 78653

(8) If signed by an authorized representative, a description 78654  
of the representative's authority to act for the individual; 78655

(9) A statement of the individual or authorized 78656  
representative's right to prospectively revoke the written 78657  
authorization in writing, along with one of the following: 78658

(a) A description of how the individual or authorized representative may revoke the authorization; 78659  
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(b) If the department of job and family services' privacy notice contains a description of how the individual or authorized representative may revoke the authorization, a reference to that privacy notice. 78661  
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(10) A statement that treatment, payment, enrollment, or eligibility for public assistance or medical assistance cannot be conditioned on signing the authorization unless the authorization is necessary for determining eligibility for the public assistance or medical assistance program. 78665  
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(B) An authorization for the release of information regarding a medical assistance recipient to the recipient's attorney under division (C)(3) of section 5101.271 of the Revised Code may include a provision specifically authorizing the release of the recipient's electronic health records, if any, in accordance with rules the director of job and family services adopts under section 5101.30 of the Revised Code. 78670  
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(C) When an individual requests information pursuant to section 5101.27 or 5101.271 of the Revised Code regarding the individual's receipt of public assistance or medical assistance and does not wish to provide a statement of purpose, the statement "at request of the individual" is a sufficient description for purposes of division (A)(4) of this section. 78677  
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~~Sec. 5101.272 5101.273. Not later than August 31, 2007, the director of job and family services shall submit a report to the general assembly on the costs and potential three year cost savings associated with participation in the federally administered public assistance reporting information system. If cost savings are indicated in the report, not later than October 1, 2007, the~~ The department of job and family 78683  
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services shall enter into any necessary agreements with the United States department of health and human services and neighboring states to join and participate as an active member in the public assistance reporting information system. The department may disclose information regarding a public assistance recipient or medical assistance recipient to the extent necessary to participate as an active member in the public assistance reporting information system.

**Sec. 5101.28.** (A)(1) On request of the department of job and family services or a county agency, a law enforcement agency shall provide information regarding public assistance recipients to enable the department or county agency to determine, for eligibility purposes, whether a recipient or a member of a recipient's assistance group is a fugitive felon or violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under state or federal law.

(2) A county agency may enter into a written agreement with a local law enforcement agency establishing procedures concerning access to information and providing for compliance with division (F) of this section.

(B) To the extent permitted by federal law, the department and county agencies shall provide information, ~~except information directly related to the receipt of medical assistance or medical services,~~ regarding recipients of public assistance under a program administered by the state department or a county agency pursuant to Chapter 5107., 5108., or 5115. of the Revised Code to law enforcement agencies on request for the purposes of investigations, prosecutions, and criminal and civil proceedings that are within the scope of the law enforcement agencies' official duties.

(C) Information about a public assistance recipient shall be

exchanged, obtained, or shared only if the department, county 78721  
agency, or law enforcement agency requesting the information gives 78722  
sufficient information to specifically identify the recipient. In 78723  
addition to the recipient's name, identifying information may 78724  
include the recipient's current or last known address, social 78725  
security number, other identifying number, age, gender, physical 78726  
characteristics, any information specified in an agreement entered 78727  
into under division (A) of this section, or any information 78728  
considered appropriate by the department or agency. 78729

(D)(1) The department and its officers and employees are not 78730  
liable in damages in a civil action for any injury, death, or loss 78731  
to person or property that allegedly arises from the release of 78732  
information in accordance with divisions (A), (B), and (C) of this 78733  
section. This section does not affect any immunity or defense that 78734  
the department and its officers and employees may be entitled to 78735  
under another section of the Revised Code or the common law of 78736  
this state, including section 9.86 of the Revised Code. 78737

(2) The county agencies and their employees are not liable in 78738  
damages in a civil action for any injury, death, or loss to person 78739  
or property that allegedly arises from the release of information 78740  
in accordance with divisions (A), (B), and (C) of this section. 78741  
"Employee" has the same meaning as in division (B) of section 78742  
2744.01 of the Revised Code. This section does not affect any 78743  
immunity or defense that the county agencies and their employees 78744  
may be entitled to under another section of the Revised Code or 78745  
the common law of this state, including section 2744.02 and 78746  
division (A)(6) of section 2744.03 of the Revised Code. 78747

(E) To the extent permitted by federal law, the department 78748  
and county agencies shall provide access to information to the 78749  
auditor of state acting pursuant to Chapter 117. or sections 78750  
5101.181 and 5101.182 of the Revised Code and to any other 78751  
government entity authorized by federal law to conduct an audit 78752

of\_ or similar activity involving\_ a public assistance program. 78753

(F) The auditor of state shall prepare an annual report on 78754  
the outcome of the agreements required under division (A) of this 78755  
section. The report shall include the number of fugitive felons, 78756  
probation and parole violators, and violators of community control 78757  
sanctions and post-release control sanctions apprehended during 78758  
the immediately preceding year as a result of the exchange of 78759  
information pursuant to that division. The auditor of state shall 78760  
file the report with the governor, the president and minority 78761  
leader of the senate, and the speaker and minority leader of the 78762  
house of representatives. The state department, county agencies, 78763  
and law enforcement agencies shall cooperate with the auditor of 78764  
state's office in gathering the information required under this 78765  
division. 78766

(G) To the extent permitted by federal law, the department of 78767  
job and family services, county departments of job and family 78768  
services, and employees of the departments may report to a public 78769  
children services agency or other appropriate agency information 78770  
on known or suspected physical or mental injury, sexual abuse or 78771  
exploitation, or negligent treatment or maltreatment, of a child 78772  
receiving public assistance, if circumstances indicate that the 78773  
child's health or welfare is threatened. 78774

(H) As used in this section: 78775

(1) "Community control sanction" has the same meaning as in 78776  
section 2929.01 of the Revised Code. 78777

(2) "Post-release control sanction" has the same meaning as 78778  
in section 2967.01 of the Revised Code. 78779

**Sec. 5101.30.** (A) The director of job and family services 78780  
shall adopt rules in accordance with Chapter 119. of the Revised 78781  
Code implementing sections 5101.26 to 5101.30 of the Revised Code 78782

and governing the custody, use, disclosure, and preservation of 78783  
the information generated or received by the department of job and 78784  
family services, county agencies, other state and county entities, 78785  
contractors, grantees, private entities, or officials 78786  
participating in the administration of public assistance or 78787  
medical assistance programs. The rules shall comply with 78788  
applicable federal statutes and regulations. The 78789

(1) The rules shall specify conditions and procedures for the 78790  
release of information. ~~The rules shall comply with applicable~~ 78791  
~~federal statutes and regulations. To the extent permitted by~~ 78792  
~~federal law which may include, among other conditions and~~ 78793  
procedures, both of the following: 78794

~~(1) The rules may permit (a) Permitting~~ providers of services 78795  
or assistance under public assistance programs limited access to 78796  
information that is essential for the providers to render services 78797  
or assistance or to bill for services or assistance rendered. The 78798  
department of aging, when investigating a complaint under section 78799  
173.20 of the Revised Code, shall be granted any limited access 78800  
permitted in the rules pursuant to division (A)(1) of this 78801  
section. 78802

~~(2) The rules may permit (b) Permitting~~ a contractor, 78803  
grantee, or other state or county entity limited access to 78804  
information that is essential for the contractor, grantee, or 78805  
entity to perform administrative or other duties on behalf of the 78806  
department or county agency. A contractor, grantee, or entity 78807  
given access to information pursuant to division (A)(2) of this 78808  
section is bound by the director's rules, and disclosure of the 78809  
information by the contractor, grantee, or entity in a manner not 78810  
authorized by the rules is a violation of section 5101.27 of the 78811  
Revised Code. 78812

(2) The rules may define who is an "authorized 78813  
representative" for purposes of sections 5101.27, 5101.271, and 78814

5101.272 of the Revised Code. 78815

(B) Whenever names, addresses, or other information relating 78816  
to public assistance recipients is held by any agency other than 78817  
the department or a county agency, that other agency shall adopt 78818  
rules consistent with sections 5101.26 to 5101.30 of the Revised 78819  
Code to prevent the publication or disclosure of names, lists, or 78820  
other information concerning those recipients. 78821

**Sec. 5101.35.** (A) As used in this section: 78822

(1) "Agency" means the following entities that administer a 78823  
family services program: 78824

(a) The department of job and family services; 78825

(b) A county department of job and family services; 78826

(c) A public children services agency; 78827

(d) A private or government entity administering, in whole or 78828  
in part, a family services program for or on behalf of the 78829  
department of job and family services or a county department of 78830  
job and family services or public children services agency. 78831

(2) "Appellant" means an applicant, participant, former 78832  
participant, recipient, or former recipient of a family services 78833  
program who is entitled by federal or state law to a hearing 78834  
regarding a decision or order of the agency that administers the 78835  
program. 78836

(3) "Family services program" means assistance provided under 78837  
a Title IV-A program as defined in section 5101.80 of the Revised 78838  
Code or under Chapter 5104., 5111., or 5115. or section ~~173.35~~ 78839  
5119.69, 5101.141, 5101.46, 5101.461, 5101.54, 5153.163, or 78840  
5153.165 of the Revised Code, other than assistance provided under 78841  
section 5101.46 of the Revised Code by the department of mental 78842  
health, the department of developmental disabilities, a board of 78843  
alcohol, drug addiction, and mental health services, or a county 78844

board of developmental disabilities. 78845

(B) Except as provided by divisions (G) and (H) of this 78846  
section, an appellant who appeals under federal or state law a 78847  
decision or order of an agency administering a family services 78848  
program shall, at the appellant's request, be granted a state 78849  
hearing by the department of job and family services. This state 78850  
hearing shall be conducted in accordance with rules adopted under 78851  
this section. The state hearing shall be recorded, but neither the 78852  
recording nor a transcript of the recording shall be part of the 78853  
official record of the proceeding. A state hearing decision is 78854  
binding upon the agency and department, unless it is reversed or 78855  
modified on appeal to the director of job and family services or a 78856  
court of common pleas. 78857

(C) Except as provided by division (G) of this section, an 78858  
appellant who disagrees with a state hearing decision may make an 78859  
administrative appeal to the director of job and family services 78860  
in accordance with rules adopted under this section. This 78861  
administrative appeal does not require a hearing, but the director 78862  
or the director's designee shall review the state hearing decision 78863  
and previous administrative action and may affirm, modify, remand, 78864  
or reverse the state hearing decision. Any person designated to 78865  
make an administrative appeal decision on behalf of the director 78866  
shall have been admitted to the practice of law in this state. An 78867  
administrative appeal decision is the final decision of the 78868  
department and is binding upon the department and agency, unless 78869  
it is reversed or modified on appeal to the court of common pleas. 78870

(D) An agency shall comply with a decision issued pursuant to 78871  
division (B) or (C) of this section within the time limits 78872  
established by rules adopted under this section. If a county 78873  
department of job and family services or a public children 78874  
services agency fails to comply within these time limits, the 78875  
department may take action pursuant to section 5101.24 of the 78876



Revised Code. If another agency fails to comply within the time 78877  
limits, the department may force compliance by withholding funds 78878  
due the agency or imposing another sanction established by rules 78879  
adopted under this section. 78880

(E) An appellant who disagrees with an administrative appeal 78881  
decision of the director of job and family services or the 78882  
director's designee issued under division (C) of this section may 78883  
appeal from the decision to the court of common pleas pursuant to 78884  
section 119.12 of the Revised Code. The appeal shall be governed 78885  
by section 119.12 of the Revised Code except that: 78886

(1) The person may appeal to the court of common pleas of the 78887  
county in which the person resides, or to the court of common 78888  
pleas of Franklin county if the person does not reside in this 78889  
state. 78890

(2) The person may apply to the court for designation as an 78891  
indigent and, if the court grants this application, the appellant 78892  
shall not be required to furnish the costs of the appeal. 78893

(3) The appellant shall mail the notice of appeal to the 78894  
department of job and family services and file notice of appeal 78895  
with the court within thirty days after the department mails the 78896  
administrative appeal decision to the appellant. For good cause 78897  
shown, the court may extend the time for mailing and filing notice 78898  
of appeal, but such time shall not exceed six months from the date 78899  
the department mails the administrative appeal decision. Filing 78900  
notice of appeal with the court shall be the only act necessary to 78901  
vest jurisdiction in the court. 78902

(4) The department shall be required to file a transcript of 78903  
the testimony of the state hearing with the court only if the 78904  
court orders the department to file the transcript. The court 78905  
shall make such an order only if it finds that the department and 78906  
the appellant are unable to stipulate to the facts of the case and 78907

that the transcript is essential to a determination of the appeal. 78908  
The department shall file the transcript not later than thirty 78909  
days after the day such an order is issued. 78910

(F) The department of job and family services shall adopt 78911  
rules in accordance with Chapter 119. of the Revised Code to 78912  
implement this section, including rules governing the following: 78913

(1) State hearings under division (B) of this section. The 78914  
rules shall include provisions regarding notice of eligibility 78915  
termination and the opportunity of an appellant appealing a 78916  
decision or order of a county department of job and family 78917  
services to request a county conference with the county department 78918  
before the state hearing is held. 78919

(2) Administrative appeals under division (C) of this 78920  
section; 78921

(3) Time limits for complying with a decision issued under 78922  
division (B) or (C) of this section; 78923

(4) Sanctions that may be applied against an agency under 78924  
division (D) of this section. 78925

(G) The department of job and family services may adopt rules 78926  
in accordance with Chapter 119. of the Revised Code establishing 78927  
an appeals process for an appellant who appeals a decision or 78928  
order regarding a Title IV-A program identified under division 78929  
(A)(4)(c), (d), (e), or (f) of section 5101.80 of the Revised Code 78930  
that is different from the appeals process established by this 78931  
section. The different appeals process may include having a state 78932  
agency that administers the Title IV-A program pursuant to an 78933  
interagency agreement entered into under section 5101.801 of the 78934  
Revised Code administer the appeals process. 78935

(H) If an appellant receiving medicaid through a health 78936  
insuring corporation that holds a certificate of authority under 78937  
Chapter 1751. of the Revised Code is appealing a denial of 78938

medicaid services based on lack of medical necessity or other 78939  
clinical issues regarding coverage by the health insuring 78940  
corporation, the person hearing the appeal may order an 78941  
independent medical review if that person determines that a review 78942  
is necessary. The review shall be performed by a health care 78943  
professional with appropriate clinical expertise in treating the 78944  
recipient's condition or disease. The department shall pay the 78945  
costs associated with the review. 78946

A review ordered under this division shall be part of the 78947  
record of the hearing and shall be given appropriate evidentiary 78948  
consideration by the person hearing the appeal. 78949

(I) The requirements of Chapter 119. of the Revised Code 78950  
apply to a state hearing or administrative appeal under this 78951  
section only to the extent, if any, specifically provided by rules 78952  
adopted under this section. 78953

**Sec. 5101.37.** (A) The department of job and family services 78954  
and each county department of job and family services and child 78955  
support enforcement agency may ~~make~~ conduct any audits or 78956  
investigations that are necessary in the performance of their 78957  
duties, and to that end they shall have the same power as a judge 78958  
of a county court to administer oaths and to enforce the 78959  
attendance and testimony of witnesses and the production of books 78960  
or papers. 78961

The department and each county department and agency shall 78962  
keep a record of their audits and investigations stating the time, 78963  
place, charges, or subject<sup>7i</sup> witnesses summoned and examined<sup>7i</sup> and 78964  
their conclusions. 78965

Witnesses shall be paid the fees and mileage provided for 78966  
under section 119.094 of the Revised Code. 78967

(B) In conducting hearings pursuant to Chapters 3119., 3121., 78968

and 3123. or pursuant to division (B) of section 5101.35 of the Revised Code, the department and each child support enforcement agency have the same power as a judge of a county court to administer oaths and to enforce the attendance and testimony of witnesses and the production of books or papers. The department and each agency shall keep a record of those hearings stating the time, place, charges, or subject, witnesses summoned and examined and their conclusions.

The issuance of a subpoena by the department or a child support enforcement agency to enforce attendance and testimony of witnesses and the production of books or papers at a hearing is discretionary and the department or agency is not required to pay the fees of witnesses for attendance and travel.

(C) Any judge of any division of the court of common pleas, upon application of the department or a county department or child support enforcement agency, may compel the attendance of witnesses, the production of books or papers, and the giving of testimony before the department, county department, or agency, by a judgment for contempt or otherwise, in the same manner as in cases before those courts.

(D) Until an audit report is formally released by the department of job and family services, the audit report or any working paper or other document or record prepared by the department and related to the audit that is the subject of the audit report is not a public record under section 149.43 of the Revised Code.

(E) The director of job and family services may adopt rules as necessary to implement this section. The rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules.

**Sec. 5101.46.** (A) As used in this section:

- (1) "Title XX" means Title XX of the "Social Security Act," 79000  
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 79001
- (2) "Respective local agency" means, with respect to the 79002  
department of job and family services, a county department of job 79003  
and family services; with respect to the department of mental 79004  
health, a board of alcohol, drug addiction, and mental health 79005  
services; and with respect to the department of developmental 79006  
disabilities, a county board of developmental disabilities. 79007
- (3) "Federal poverty guidelines" means the poverty guidelines 79008  
as revised annually by the United States department of health and 79009  
human services in accordance with section 673(2) of the "Omnibus 79010  
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 79011  
9902, as amended, for a family size equal to the size of the 79012  
family of the person whose income is being determined. 79013
- (B) The departments of job and family services, mental 79014  
health, and developmental disabilities, with their respective 79015  
local agencies, shall administer the provision of social services 79016  
funded through grants made under Title XX. The social services 79017  
furnished with Title XX funds shall be directed at the following 79018  
goals: 79019
- (1) Achieving or maintaining economic self-support to 79020  
prevent, reduce, or eliminate dependency; 79021
- (2) Achieving or maintaining self-sufficiency, including 79022  
reduction or prevention of dependency; 79023
- (3) Preventing or remedying neglect, abuse, or exploitation 79024  
of children and adults unable to protect their own interests, or 79025  
preserving, rehabilitating, or reuniting families; 79026
- (4) Preventing or reducing inappropriate institutional care 79027  
by providing for community-based care, home-based care, or other 79028  
forms of less intensive care; 79029

(5) Securing referral or admission for institutional care 79030  
when other forms of care are not appropriate, or providing 79031  
services to individuals in institutions. 79032

(C)(1) All federal funds received under Title XX shall be 79033  
appropriated as follows: 79034

(a) Seventy-two and one-half per cent to the department of 79035  
job and family services; 79036

(b) Twelve and ninety-three one-hundredths per cent to the 79037  
department of mental health; 79038

(c) Fourteen and fifty-seven one-hundredths per cent to the 79039  
department of developmental disabilities. 79040

(2) Each of the state department departments shall, subject 79041  
to the approval of the controlling board, develop ~~formulas a~~ 79042  
formula for the distribution of ~~their the~~ Title XX ~~appropriations~~ 79043  
funds appropriated to the department to their its respective local 79044  
agencies. The ~~formulas~~ formula developed by each state department 79045  
shall take into account all of the following for each of its 79046  
respective local agencies: 79047

(a) The total population of the area that is served by the 79048  
respective local agency, ~~the;~~ 79049

(b) The percentage of the population in the area served that 79050  
falls below the federal poverty guidelines, ~~and the;~~ 79051

(c) The respective local agency's history of and ability to 79052  
utilize Title XX funds. 79053

(3) Each of the state departments shall expend ~~no~~ for state 79054  
administrative costs not more than three per cent of ~~its the~~ Title 79055  
XX ~~appropriation for state administrative costs~~ funds appropriated 79056  
to the department. ~~Each of the department's~~ respective local 79057  
~~agencies shall expend no more than fourteen per cent of its Title~~ 79058  
~~XX appropriation~~ 79059

Each state department shall establish for each of its 79060  
respective local agencies the maximum percentage of the Title XX 79061  
funds distributed to the respective local agency that the 79062  
respective local agency may expend for local administrative costs. 79063  
The percentage shall be established by rule and shall comply with 79064  
federal law governing the use of Title XX funds. The rules shall 79065  
be adopted in accordance with section 111.15 of the Revised Code 79066  
as if they were internal management rules. 79067

(4) The department of job and family services shall expend ~~no~~ 79068  
for the training of the following not more than two per cent of 79069  
its the Title XX appropriation for the training of the following 79070  
funds appropriated to the department: 79071

(a) Employees of county departments of job and family 79072  
services; 79073

(b) Providers of services under contract with the state 79074  
departments' respective local agencies; 79075

(c) Employees of a public children services agency directly 79076  
engaged in providing Title XX services. 79077

(D) The department of job and family services shall prepare a 79078  
biennial comprehensive Title XX social services plan on the 79079  
intended use of Title XX funds. The department shall develop a 79080  
method for obtaining public comment during the development of the 79081  
plan and following its completion. 79082

For each state fiscal year, the department of job and family 79083  
services shall prepare a report on the actual use of Title XX 79084  
funds. The department shall make the annual report available for 79085  
public inspection. 79086

The departments of mental health and developmental 79087  
disabilities shall prepare and submit to the department of job and 79088  
family services the portions of each biennial plan and annual 79089  
report that apply to services for mental health and mental 79090

retardation and developmental disabilities. Each respective local 79091  
agency of the three state departments shall submit information as 79092  
necessary for the preparation of biennial plans and annual 79093  
reports. 79094

(E) Each county department shall adopt a county profile for 79095  
the administration and provision of Title XX social services in 79096  
the county. In developing its county profile, the county 79097  
department shall take into consideration the comments and 79098  
recommendations received from the public by the county family 79099  
services planning committee pursuant to section 329.06 of the 79100  
Revised Code. As part of its preparation of the county profile, 79101  
the county department may prepare a local needs report analyzing 79102  
the need for Title XX social services. 79103

The county department shall submit the county profile to the 79104  
board of county commissioners for its review. Once the county 79105  
profile has been approved by the board, the county department 79106  
shall file a copy of the county profile with the department of job 79107  
and family services. The department shall approve the county 79108  
profile if the department determines the profile provides for the 79109  
Title XX social services to meet the goals specified in division 79110  
(B) of this section. 79111

(F) Any of the three state departments and their respective 79112  
local agencies may require that an entity under contract to 79113  
provide social services with Title XX funds submit to an audit on 79114  
the basis of alleged misuse or improper accounting of funds. If an 79115  
audit is required, the social services provider shall reimburse 79116  
the state department or respective local agency for the cost it 79117  
incurred in conducting the audit or having the audit conducted. 79118

If an audit demonstrates that a social services provider is 79119  
responsible for one or more adverse findings, the provider shall 79120  
reimburse the appropriate state department or its respective local 79121  
agency the amount of the adverse findings. The amount shall not be 79122



reimbursed with Title XX funds received under this section. The 79123  
three state departments and their respective local agencies may 79124  
terminate or refuse to enter into a Title XX contract with a 79125  
social services provider if there are adverse findings in an audit 79126  
that are the responsibility of the provider. 79127

(G) The Except with respect to the matters for which each of 79128  
the state departments must adopt rules under division (C)(3) of 79129  
this section, the department of job and family services may adopt 79130  
any rules it considers necessary to implement and carry out the 79131  
purposes of this section. Rules governing financial and 79132  
operational matters of the department or matters between the 79133  
department and county departments of job and family services shall 79134  
be adopted as internal management rules in accordance with section 79135  
111.15 of the Revised Code. Rules governing eligibility for 79136  
services, program participation, and other matters pertaining to 79137  
applicants and participants shall be adopted in accordance with 79138  
Chapter 119. of the Revised Code. 79139

**Sec. 5101.47.** (A) Except as provided in ~~division~~ divisions 79140  
(B) and (C) of this section, the ~~director~~ department of job and 79141  
family services may accept applications, determine eligibility, 79142  
redetermine eligibility, and perform related administrative 79143  
activities for one or more of the following: 79144

(1) The medicaid program established by Chapter 5111. of the 79145  
Revised Code; 79146

(2) The children's health insurance program parts I, II, and 79147  
III provided for under sections 5101.50, ~~5101.51, and 5101.52~~ to 79148  
5101.529 of the Revised Code; 79149

(3) Publicly funded child care provided under Chapter 5104. 79150  
of the Revised Code; 79151

(4) The supplemental nutrition assistance program 79152

administered by the department ~~of job and family services~~ pursuant 79153  
to section 5101.54 of the Revised Code; 79154

(5) Other programs the director of job and family services 79155  
determines are supportive of children, adults, or families; 79156

(6) Other programs regarding which the director determines 79157  
administrative cost savings and efficiency may be achieved through 79158  
the department accepting applications, determining eligibility, 79159  
redetermining eligibility, or performing related administrative 79160  
activities. 79161

(B) To the extent permitted by federal law, the department 79162  
may enter into agreements with one or more other state agencies, 79163  
local government entities, or political subdivisions to accept 79164  
applications, determine eligibility, redetermine eligibility, and 79165  
perform related administrative activities on behalf of the 79166  
department with respect to the medicaid program and the children's 79167  
health insurance program. 79168

(C) If federal law requires a face-to-face interview to 79169  
complete an eligibility determination for a program specified in 79170  
or pursuant to division (A) of this section, the face-to-face 79171  
interview shall not be conducted by the department of job and 79172  
family services. 79173

~~(C)~~(D) Subject to division ~~(B)~~(C) of this section, if the 79174  
~~director~~ department elects to accept applications, determine 79175  
eligibility, redetermine eligibility, and perform related 79176  
administrative activities for a program specified in or pursuant 79177  
to division (A) of this section, both of the following apply: 79178

(1) An individual seeking services under the program may 79179  
apply for the program to the ~~director~~ department or to the entity 79180  
that state law governing the program authorizes to accept 79181  
applications for the program. 79182

(2) The ~~director~~ department is subject to federal statutes 79183

and regulations and state statutes and rules that require, permit, 79184  
or prohibit an action regarding accepting applications, 79185  
determining or redetermining eligibility, and performing related 79186  
administrative activities for the program. 79187

~~(D)~~(E) The director may adopt rules as necessary to implement 79188  
this section. 79189

**Sec. 5101.571.** As used in sections 5101.571 to 5101.591 of 79190  
the Revised Code: 79191

(A) "Information" means all of the following: 79192

(1) An individual's name, address, date of birth, and social 79193  
security number; 79194

(2) The group or plan number, or other identifier, assigned 79195  
by a third party to a policy held by an individual or a plan in 79196  
which the individual participates and the nature of the coverage; 79197

(3) Any other data the director of job and family services 79198  
specifies in rules adopted under section 5101.591 of the Revised 79199  
Code. 79200

(B) "Medical assistance" means medical items or services 79201  
provided under any of the following: 79202

(1) Medicaid, as defined in section 5111.01 of the Revised 79203  
Code; 79204

(2) The children's health insurance program part I, part II, 79205  
and part III established under sections 5101.50, 5101.51, and 79206  
5101.52 of the Revised Code; 79207

~~(3) The children's buy-in program established under sections 79208  
5101.5211 to 5101.5216 of the Revised Code. 79209~~

(C) "Medical support" means support specified as support for 79210  
the purpose of medical care by order of a court or administrative 79211  
agency. 79212

(D) "Public assistance" means medical assistance or 79213  
assistance under the Ohio works first program established under 79214  
Chapter 5107. of the Revised Code. 79215

(E)(1) Subject to division (E)(2) of this section, and except 79216  
as provided in division (E)(3) of this section, "third party" 79217  
means all of the following: 79218

(a) A person authorized to engage in the business of sickness 79219  
and accident insurance under Title XXXIX of the Revised Code; 79220

(b) A person or governmental entity providing coverage for 79221  
medical services or items to individuals on a self-insurance 79222  
basis; 79223

(c) A health insuring corporation as defined in section 79224  
1751.01 of the Revised Code; 79225

(d) A group health plan as defined in 29 U.S.C. 1167; 79226

(e) A service benefit plan as referenced in 42 U.S.C. 79227  
1396a(a)(25); 79228

(f) A managed care organization; 79229

(g) A pharmacy benefit manager; 79230

(h) A third party administrator; 79231

(i) Any other person or governmental entity that is, by law, 79232  
contract, or agreement, responsible for the payment or processing 79233  
of a claim for a medical item or service for a public assistance 79234  
recipient or participant. 79235

(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a 79236  
person or governmental entity listed in division (E)(1) of this 79237  
section is a third party even if the person or governmental entity 79238  
limits or excludes payments for a medical item or service in the 79239  
case of a public assistance recipient. 79240

(3) "Third party" does not include the program for medically 79241

handicapped children established under section 3701.023 of the Revised Code. 79242  
79243

**Sec. 5101.573.** (A) Subject to divisions (B) and (C) of this section, a third party shall do all of the following: 79244  
79245

(1) Accept the department of job and family services' right of recovery under section 5101.58 of the Revised Code and the assignment of rights to the department that are described in section 5101.59 of the Revised Code; 79246  
79247  
79248  
79249

(2) Respond to an inquiry by the department regarding a claim for payment of a medical item or service that was submitted to the third party not later than ~~three~~ six years after the date of the provision of such medical item or service; 79250  
79251  
79252  
79253

(3) Not charge a fee to do either of the following for a claim described in division (A)(2) of this section: 79254  
79255

(a) Determine whether the claim should be paid; 79256

(b) Process the claim. 79257

(4) Pay a claim described in division (A)(2) of this section; 79258

~~(4)~~(5) Not deny a claim submitted by the department solely on the basis of the date of submission of the claim, type or format of the claim form, or a failure by the medical assistance recipient who is the subject of the claim to present proper documentation of coverage at the time of service, if both of the following are true: 79259  
79260  
79261  
79262  
79263  
79264

(a) The claim was submitted by the department not later than ~~three~~ six years after the date of the provision of the medical item or service. 79265  
79266  
79267

(b) An action by the department to enforce its right of recovery under section 5101.58 of the Revised Code on the claim was commenced not later than six years after the department's 79268  
79269  
79270

submission of the claim. 79271

~~(5)~~(6) Consider the department's payment of a claim for a 79272  
medical item or service to be the equivalent of the medical 79273  
assistance recipient having obtained prior authorization for the 79274  
item or service from the third party; 79275

~~(6)~~(7) Not deny a claim described in division (A)~~(5)~~(6) of 79276  
this section that is submitted by the department solely on the 79277  
basis of the medical assistance recipient's failure to obtain 79278  
prior authorization for the medical item or service. 79279

(B) For purposes of the requirements in division (A) of this 79280  
section, a third party shall treat a managed care organization as 79281  
the department for a claim in which both of the following are 79282  
true: 79283

(1) The individual who is the subject of the claim received a 79284  
medical item or service through a managed care organization that 79285  
has entered into a contract with the department of job and family 79286  
services under section 5111.17 of the Revised Code; 79287

(2) The department has assigned its right of recovery for the 79288  
claim to the managed care organization. 79289

(C) The time limitations associated with the requirements in 79290  
divisions (A)(2) and ~~(A)(4)~~(5) of this section apply only to 79291  
submissions of claims to, and payments of claims by, a health 79292  
insurer to which 42 U.S.C. 1396a(a)(25)(I) applies. 79293

**Sec. 5101.58.** (A) The acceptance of public assistance gives 79294  
an automatic right of recovery to the department of job and family 79295  
services and a county department of job and family services 79296  
against the liability of a third party for the cost of medical 79297  
assistance paid on behalf of the public assistance recipient or 79298  
participant. When an action or claim is brought against a third 79299  
party by a public assistance recipient or participant, any 79300

payment, settlement or compromise of the action or claim, or any 79301  
court award or judgment, is subject to the recovery right of the 79302  
department of job and family services or county department of job 79303  
and family services. Except in the case of a recipient or 79304  
participant who receives medical assistance through a managed care 79305  
organization, the department's or county department's claim shall 79306  
not exceed the amount of medical assistance paid by a department 79307  
on behalf of the recipient or participant. A payment, settlement, 79308  
compromise, judgment, or award that excludes the cost of medical 79309  
assistance paid for by a department shall not preclude a 79310  
department from enforcing its rights under this section. 79311

(B) In the case of a recipient or participant who receives 79312  
medical assistance through a managed care organization, the amount 79313  
of the department's or county department's claim shall be the 79314  
amount the managed care organization pays for medical assistance 79315  
rendered to the recipient or participant, even if that amount is 79316  
more than the amount a department pays to the managed care 79317  
organization for the recipient's or participant's medical 79318  
assistance. 79319

(C) A recipient or participant, and the recipient's or 79320  
participant's attorney, if any, shall cooperate with the 79321  
departments. In furtherance of this requirement, the recipient or 79322  
participant, or the recipient's or participant's attorney, if any, 79323  
shall, not later than thirty days after initiating informal 79324  
recovery activity or filing a legal recovery action against a 79325  
third party, provide written notice of the activity or action to 79326  
the department of job and family services when medical assistance 79327  
under medicaid ~~or the children's buy in program~~ has been paid. 79328

(D) The written notice that must be given under division (C) 79329  
of this section shall disclose the identity and address of any 79330  
third party against whom the recipient or participant has or may 79331  
have a right of recovery. 79332

(E) No settlement, compromise, judgment, or award or any recovery in any action or claim by a recipient or participant where the departments have a right of recovery shall be made final without first giving the appropriate departments written notice as described in division (C) of this section and a reasonable opportunity to perfect their rights of recovery. If the departments are not given the appropriate written notice, the recipient or participant and, if there is one, the recipient's or participant's attorney, are liable to reimburse the departments for the recovery received to the extent of medical payments made by the departments.

(F) The departments shall be permitted to enforce their recovery rights against the third party even though they accepted prior payments in discharge of their rights under this section if, at the time the departments received such payments, they were not aware that additional medical expenses had been incurred but had not yet been paid by the departments. The third party becomes liable to the department of job and family services or county department of job and family services as soon as the third party is notified in writing of the valid claims for recovery under this section.

(G)(1) Subject to division (G)(2) of this section, the right of recovery of a department does not apply to that portion of any judgment, award, settlement, or compromise of a claim, to the extent of attorneys' fees, costs, or other expenses incurred by a recipient or participant in securing the judgment, award, settlement, or compromise, or to the extent of medical, surgical, and hospital expenses paid by such recipient or participant from the recipient's or participant's own resources.

(2) Reasonable attorneys' fees, not to exceed one-third of the total judgment, award, settlement, or compromise, plus costs and other expenses incurred by the recipient or participant in



securing the judgment, award, settlement, or compromise, shall 79365  
first be deducted from the total judgment, award, settlement, or 79366  
compromise. After fees, costs, and other expenses are deducted 79367  
from the total judgment, award, settlement, or compromise, the 79368  
department of job and family services or appropriate county 79369  
department of job and family services shall receive no less than 79370  
one-half of the remaining amount, or the actual amount of medical 79371  
assistance paid, whichever is less. 79372

(H) A right of recovery created by this section may be 79373  
enforced separately or jointly by the department of job and family 79374  
services or the appropriate county department of job and family 79375  
services. To enforce their recovery rights, the departments may do 79376  
any of the following: 79377

(1) Intervene or join in any action or proceeding brought by 79378  
the recipient or participant or on the recipient's or 79379  
participant's behalf against any third party who may be liable for 79380  
the cost of medical assistance paid; 79381

(2) Institute and pursue legal proceedings against any third 79382  
party who may be liable for the cost of medical assistance paid; 79383

(3) Initiate legal proceedings in conjunction with any 79384  
injured, diseased, or disabled recipient or participant or the 79385  
recipient's or participant's attorney or representative. 79386

(I) A recipient or participant shall not assess attorney 79387  
fees, costs, or other expenses against the department of job and 79388  
family services or a county department of job and family services 79389  
when the department or county department enforces its right of 79390  
recovery created by this section. 79391

(J) The right of recovery given to the department under this 79392  
section does not include rights to support from any other person 79393  
assigned to the state under sections 5107.20 and 5115.07 of the 79394  
Revised Code, but includes payments made by a third party under 79395

contract with a person having a duty to support. 79396

**Sec. 5101.60.** As used in sections 5101.60 to 5101.71 of the 79397  
Revised Code: 79398

(A) "Abuse" means the infliction upon an adult by self or 79399  
others of injury, unreasonable confinement, intimidation, or cruel 79400  
punishment with resulting physical harm, pain, or mental anguish. 79401

(B) "Adult" means any person sixty years of age or older 79402  
within this state who is handicapped by the infirmities of aging 79403  
or who has a physical or mental impairment which prevents the 79404  
person from providing for the person's own care or protection, and 79405  
who resides in an independent living arrangement. An "independent 79406  
living arrangement" is a domicile of a person's own choosing, 79407  
including, but not limited to, a private home, apartment, trailer, 79408  
or rooming house. An "independent living arrangement" includes an 79409  
adult care facility licensed pursuant to Chapter ~~3722-~~ 5119. of 79410  
the Revised Code, but does not include other institutions or 79411  
facilities licensed by the state or facilities in which a person 79412  
resides as a result of voluntary, civil, or criminal commitment. 79413

(C) "Caretaker" means the person assuming the responsibility 79414  
for the care of an adult on a voluntary basis, by contract, 79415  
through receipt of payment for care, as a result of a family 79416  
relationship, or by order of a court of competent jurisdiction. 79417

(D) "Court" means the probate court in the county where an 79418  
adult resides. 79419

(E) "Emergency" means that the adult is living in conditions 79420  
which present a substantial risk of immediate and irreparable 79421  
physical harm or death to self or any other person. 79422

(F) "Emergency services" means protective services furnished 79423  
to an adult in an emergency. 79424

(G) "Exploitation" means the unlawful or improper act of a 79425

caretaker using an adult or an adult's resources for monetary or 79426  
personal benefit, profit, or gain. 79427

(H) "In need of protective services" means an adult known or 79428  
suspected to be suffering from abuse, neglect, or exploitation to 79429  
an extent that either life is endangered or physical harm, mental 79430  
anguish, or mental illness results or is likely to result. 79431

(I) "Incapacitated person" means a person who is impaired for 79432  
any reason to the extent that the person lacks sufficient 79433  
understanding or capacity to make and carry out reasonable 79434  
decisions concerning the person's self or resources, with or 79435  
without the assistance of a caretaker. Refusal to consent to the 79436  
provision of services shall not be the sole determinative that the 79437  
person is incapacitated. "Reasonable decisions" are decisions made 79438  
in daily living which facilitate the provision of food, shelter, 79439  
clothing, and health care necessary for life support. 79440

(J) "Mental illness" means a substantial disorder of thought, 79441  
mood, perception, orientation, or memory that grossly impairs 79442  
judgment, behavior, capacity to recognize reality, or ability to 79443  
meet the ordinary demands of life. 79444

(K) "Neglect" means the failure of an adult to provide for 79445  
self the goods or services necessary to avoid physical harm, 79446  
mental anguish, or mental illness or the failure of a caretaker to 79447  
provide such goods or services. 79448

(L) "Peace officer" means a peace officer as defined in 79449  
section 2935.01 of the Revised Code. 79450

(M) "Physical harm" means bodily pain, injury, impairment, or 79451  
disease suffered by an adult. 79452

(N) "Protective services" means services provided by the 79453  
county department of job and family services or its designated 79454  
agency to an adult who has been determined by evaluation to 79455  
require such services for the prevention, correction, or 79456

discontinuance of an act of as well as conditions resulting from 79457  
abuse, neglect, or exploitation. Protective services may include, 79458  
but are not limited to, case work services, medical care, mental 79459  
health services, legal services, fiscal management, home health 79460  
care, homemaker services, housing-related services, guardianship 79461  
services, and placement services as well as the provision of such 79462  
commodities as food, clothing, and shelter. 79463

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 79464  
and Friday, except when such day is a holiday as defined in 79465  
section 1.14 of the Revised Code. 79466

**Sec. 5101.61.** (A) As used in this section: 79467

(1) "Senior service provider" means any person who provides 79468  
care or services to a person who is an adult as defined in 79469  
division (B) of section 5101.60 of the Revised Code. 79470

(2) "Ambulatory health facility" means a nonprofit, public or 79471  
proprietary freestanding organization or a unit of such an agency 79472  
or organization that: 79473

(a) Provides preventive, diagnostic, therapeutic, 79474  
rehabilitative, or palliative items or services furnished to an 79475  
outpatient or ambulatory patient, by or under the direction of a 79476  
physician or dentist in a facility which is not a part of a 79477  
hospital, but which is organized and operated to provide medical 79478  
care to outpatients; 79479

(b) Has health and medical care policies which are developed 79480  
with the advice of, and with the provision of review of such 79481  
policies, an advisory committee of professional personnel, 79482  
including one or more physicians, one or more dentists, if dental 79483  
care is provided, and one or more registered nurses; 79484

(c) Has a medical director, a dental director, if dental care 79485  
is provided, and a nursing director responsible for the execution 79486

of such policies, and has physicians, dentists, nursing, and 79487  
ancillary staff appropriate to the scope of services provided; 79488

(d) Requires that the health care and medical care of every 79489  
patient be under the supervision of a physician, provides for 79490  
medical care in a case of emergency, has in effect a written 79491  
agreement with one or more hospitals and other centers or clinics, 79492  
and has an established patient referral system to other resources, 79493  
and a utilization review plan and program; 79494

(e) Maintains clinical records on all patients; 79495

(f) Provides nursing services and other therapeutic services 79496  
in accordance with programs and policies, with such services 79497  
supervised by a registered professional nurse, and has a 79498  
registered professional nurse on duty at all times of clinical 79499  
operations; 79500

(g) Provides approved methods and procedures for the 79501  
dispensing and administration of drugs and biologicals; 79502

(h) Has established an accounting and record keeping system 79503  
to determine reasonable and allowable costs; 79504

(i) "Ambulatory health facilities" also includes an 79505  
alcoholism treatment facility approved by the joint commission on 79506  
accreditation of healthcare organizations as an alcoholism 79507  
treatment facility or certified by the department of alcohol and 79508  
drug addiction services, and such facility shall comply with other 79509  
provisions of this division not inconsistent with such 79510  
accreditation or certification. 79511

(3) "Community mental health facility" means a facility which 79512  
provides community mental health services and is included in the 79513  
comprehensive mental health plan for the alcohol, drug addiction, 79514  
and mental health service district in which it is located. 79515

(4) "Community mental health service" means services, other 79516

than inpatient services, provided by a community mental health facility. 79517  
79518

(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which: 79519  
79520

(a) Is primarily engaged in providing home health services; 79521

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy; 79522  
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(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies; 79529  
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79531  
79532

(d) Maintains comprehensive records on all patients; 79533

(e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 79534  
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(6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home: 79543  
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|                                                                                                                                                                                                                                                                                                                                                                                                     |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (a) Nursing care provided by or under the supervision of a registered professional nurse;                                                                                                                                                                                                                                                                                                           | 79547<br>79548                                     |
| (b) Physical, occupational, or speech therapy ordered by the patient's attending physician;                                                                                                                                                                                                                                                                                                         | 79549<br>79550                                     |
| (c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;                                                                                                                                                                                                                 | 79551<br>79552<br>79553                            |
| (d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;                                                                                                                                                                                                        | 79554<br>79555<br>79556                            |
| (e) Medical supplies and the use of medical appliances;                                                                                                                                                                                                                                                                                                                                             | 79557                                              |
| (f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;                                                                                                                                                                                                  | 79558<br>79559<br>79560<br>79561                   |
| (g) Any of the foregoing items and services which:                                                                                                                                                                                                                                                                                                                                                  | 79562                                              |
| (i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;                                                                                                                                                                                                                                                                | 79563<br>79564<br>79565                            |
| (ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.                                                               | 79566<br>79567<br>79568<br>79569<br>79570          |
| Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of an adult care facility as defined in section <del>3722.01</del> | 79571<br>79572<br>79573<br>79574<br>79575<br>79576 |

5119.70 of the Revised Code, any employee of a nursing home, 79577  
residential care facility, or home for the aging, as defined in 79578  
section 3721.01 of the Revised Code, any senior service provider, 79579  
any peace officer, coroner, clergyman, any employee of a community 79580  
mental health facility, and any person engaged in social work or 79581  
counseling having reasonable cause to believe that an adult is 79582  
being abused, neglected, or exploited, or is in a condition which 79583  
is the result of abuse, neglect, or exploitation shall immediately 79584  
report such belief to the county department of job and family 79585  
services. This section does not apply to employees of any hospital 79586  
or public hospital as defined in section 5122.01 of the Revised 79587  
Code. 79588

(B) Any person having reasonable cause to believe that an 79589  
adult has suffered abuse, neglect, or exploitation may report, or 79590  
cause reports to be made of such belief to the department. 79591

(C) The reports made under this section shall be made orally 79592  
or in writing except that oral reports shall be followed by a 79593  
written report if a written report is requested by the department. 79594  
Written reports shall include: 79595

(1) The name, address, and approximate age of the adult who 79596  
is the subject of the report; 79597

(2) The name and address of the individual responsible for 79598  
the adult's care, if any individual is, and if the individual is 79599  
known; 79600

(3) The nature and extent of the alleged abuse, neglect, or 79601  
exploitation of the adult; 79602

(4) The basis of the reporter's belief that the adult has 79603  
been abused, neglected, or exploited. 79604

(D) Any person with reasonable cause to believe that an adult 79605  
is suffering abuse, neglect, or exploitation who makes a report 79606  
pursuant to this section or who testifies in any administrative or 79607



judicial proceeding arising from such a report, or any employee of 79608  
the state or any of its subdivisions who is discharging 79609  
responsibilities under section 5101.62 of the Revised Code shall 79610  
be immune from civil or criminal liability on account of such 79611  
investigation, report, or testimony, except liability for perjury, 79612  
unless the person has acted in bad faith or with malicious 79613  
purpose. 79614

(E) No employer or any other person with the authority to do 79615  
so shall discharge, demote, transfer, prepare a negative work 79616  
performance evaluation, or reduce benefits, pay, or work 79617  
privileges, or take any other action detrimental to an employee or 79618  
in any way retaliate against an employee as a result of the 79619  
employee's having filed a report under this section. 79620

(F) Neither the written or oral report provided for in this 79621  
section nor the investigatory report provided for in section 79622  
5101.62 of the Revised Code shall be considered a public record as 79623  
defined in section 149.43 of the Revised Code. Information 79624  
contained in the report shall upon request be made available to 79625  
the adult who is the subject of the report, to agencies authorized 79626  
by the department to receive information contained in the report, 79627  
and to legal counsel for the adult. 79628

**Sec. 5104.01.** As used in this chapter: 79629

(A) "Administrator" means the person responsible for the 79630  
daily operation of a center or type A home. The administrator and 79631  
the owner may be the same person. 79632

(B) "Approved child day camp" means a child day camp approved 79633  
pursuant to section 5104.22 of the Revised Code. 79634

(C) "Authorized provider" means a person authorized by a 79635  
county director of job and family services to operate a certified 79636  
type B family day-care home. 79637

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care.

(E) "Career pathways model" means an alternative pathway to meeting the requirements for a child care staff member or administrator that uses one framework to integrate the pathways of formal education, training, experience, and specialized credentials, and certifications, and that allows the member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

~~(F)~~(G) "Certified type B family day-care home" and "certified type B home" mean a type B family day-care home that is certified by the director of the county department of job and family services pursuant to section 5104.11 of the Revised Code to receive public funds for providing child care pursuant to this chapter and any rules adopted under it.

~~(G)~~(H) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the Revised Code.

~~(H)~~(I) "Child" includes an infant, toddler, preschool child, or school child.

~~(I)~~(J) "Child care block grant act" means the "Child Care and 79669  
Development Block Grant Act of 1990," established in section 5082 79670  
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 79671  
1388-236 (1990), 42 U.S.C. 9858, as amended. 79672

~~(J)~~(K) "Child day camp" means a program in which only school 79673  
children attend or participate, that operates for no more than 79674  
seven hours per day, that operates only during one or more public 79675  
school district's regular vacation periods or for no more than 79676  
fifteen weeks during the summer, and that operates outdoor 79677  
activities for each child who attends or participates in the 79678  
program for a minimum of fifty per cent of each day that children 79679  
attend or participate in the program, except for any day when 79680  
hazardous weather conditions prevent the program from operating 79681  
outdoor activities for a minimum of fifty per cent of that day. 79682  
For purposes of this division, the maximum seven hours of 79683  
operation time does not include transportation time from a child's 79684  
home to a child day camp and from a child day camp to a child's 79685  
home. 79686

~~(K)~~(L) "Child care" means administering to the needs of 79687  
infants, toddlers, preschool children, and school children outside 79688  
of school hours by persons other than their parents or guardians, 79689  
custodians, or relatives by blood, marriage, or adoption for any 79690  
part of the twenty-four-hour day in a place or residence other 79691  
than a child's own home. 79692

~~(L)~~(M) "Child day-care center" and "center" mean any place in 79693  
which child care or publicly funded child care is provided for 79694  
thirteen or more children at one time or any place that is not the 79695  
permanent residence of the licensee or administrator in which 79696  
child care or publicly funded child care is provided for seven to 79697  
twelve children at one time. In counting children for the purposes 79698  
of this division, any children under six years of age who are 79699  
related to a licensee, administrator, or employee and who are on 79700

the premises of the center shall be counted. "Child day-care center" and "center" do not include any of the following:

(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;

(2) A child day camp;

(3) A place that provides child care, but not publicly funded child care, if all of the following apply:

(a) An organized religious body provides the child care;

(b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times;

(c) The child care is not provided for more than thirty days a year;

(d) The child care is provided only for preschool and school children.

~~(M)~~(N) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.

~~(N)~~(O) "Child care resource and referral services" means all of the following services:

(1) Maintenance of a uniform data base of all child care

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| providers in the community that are in compliance with this               | 79731 |
| chapter, including current occupancy and vacancy data;                    | 79732 |
| (2) Provision of individualized consumer education to                     | 79733 |
| families seeking child care;                                              | 79734 |
| (3) Provision of timely referrals of available child care                 | 79735 |
| providers to families seeking child care;                                 | 79736 |
| (4) Recruitment of child care providers;                                  | 79737 |
| (5) Assistance in the development, conduct, and dissemination             | 79738 |
| of training for child care providers and provision of technical           | 79739 |
| assistance to current and potential child care providers,                 | 79740 |
| employers, and the community;                                             | 79741 |
| (6) Collection and analysis of data on the supply of and                  | 79742 |
| demand for child care in the community;                                   | 79743 |
| (7) Technical assistance concerning locally, state, and                   | 79744 |
| federally funded child care and early childhood education                 | 79745 |
| programs;                                                                 | 79746 |
| (8) Stimulation of employer involvement in making child care              | 79747 |
| more affordable, more available, safer, and of higher quality for         | 79748 |
| their employees and for the community;                                    | 79749 |
| (9) Provision of written educational materials to caretaker               | 79750 |
| parents and informational resources to child care providers;              | 79751 |
| (10) Coordination of services among child care resource and               | 79752 |
| referral service organizations to assist in developing and                | 79753 |
| maintaining a statewide system of child care resource and referral        | 79754 |
| services if required by the department of job and family services;        | 79755 |
| (11) Cooperation with the county department of job and family             | 79756 |
| services in encouraging the establishment of parent cooperative           | 79757 |
| child care centers and parent cooperative type A family day-care          | 79758 |
| homes.                                                                    | 79759 |
| <del>(O)</del> (P) "Child-care staff member" means an employee of a child | 79760 |

day-care center or type A family day-care home who is primarily 79761  
responsible for the care and supervision of children. The 79762  
administrator may be a part-time child-care staff member when not 79763  
involved in other duties. 79764

~~(P)~~(O) "Drop-in child day-care center," "drop-in center," 79765  
"drop-in type A family day-care home," and "drop-in type A home" 79766  
mean a center or type A home that provides child care or publicly 79767  
funded child care for children on a temporary, irregular basis. 79768

~~(Q)~~(R) "Employee" means a person who either: 79769

(1) Receives compensation for duties performed in a child 79770  
day-care center or type A family day-care home; 79771

(2) Is assigned specific working hours or duties in a child 79772  
day-care center or type A family day-care home. 79773

~~(R)~~(S) "Employer" means a person, firm, institution, 79774  
organization, or agency that operates a child day-care center or 79775  
type A family day-care home subject to licensure under this 79776  
chapter. 79777

~~(S)~~(T) "Federal poverty line" means the official poverty 79778  
guideline as revised annually in accordance with section 673(2) of 79779  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 79780  
U.S.C. 9902, as amended, for a family size equal to the size of 79781  
the family of the person whose income is being determined. 79782

~~(T)~~(U) "Head start program" means a comprehensive child 79783  
development program that receives funds distributed under the 79784  
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 79785  
amended, and is licensed as a child day-care center. 79786

~~(U)~~(V) "Income" means gross income, as defined in section 79787  
5107.10 of the Revised Code, less any amounts required by federal 79788  
statutes or regulations to be disregarded. 79789

~~(V)~~(W) "Indicator checklist" means an inspection tool, used 79790

in conjunction with an instrument-based program monitoring 79791  
information system, that contains selected licensing requirements 79792  
that are statistically reliable indicators or predictors of a 79793  
child day-care center or type A family day-care home's compliance 79794  
with licensing requirements. 79795

~~(W)~~(X) "Infant" means a child who is less than eighteen 79796  
months of age. 79797

~~(X)~~(Y) "In-home aide" means a person who does not reside with 79798  
the child but provides care in the child's home and is certified 79799  
by a county director of job and family services pursuant to 79800  
section 5104.12 of the Revised Code to provide publicly funded 79801  
child care to a child in a child's own home pursuant to this 79802  
chapter and any rules adopted under it. 79803

~~(Y)~~(Z) "Instrument-based program monitoring information 79804  
system" means a method to assess compliance with licensing 79805  
requirements for child day-care centers and type A family day-care 79806  
homes in which each licensing requirement is assigned a weight 79807  
indicative of the relative importance of the requirement to the 79808  
health, growth, and safety of the children that is used to develop 79809  
an indicator checklist. 79810

~~(Z)~~(AA) "License capacity" means the maximum number in each 79811  
age category of children who may be cared for in a child day-care 79812  
center or type A family day-care home at one time as determined by 79813  
the director of job and family services considering building 79814  
occupancy limits established by the department of commerce, ~~number~~ 79815  
~~of available child care staff members,~~ amount of available indoor 79816  
floor space and outdoor play space, and amount of available play 79817  
equipment, materials, and supplies. For the purposes of a 79818  
provisional license issued under this chapter, the director shall 79819  
also consider the number of available child-care staff members 79820  
when determining "license capacity" for the provisional license. 79821

~~(AA)~~(BB) "Licensed preschool program" or "licensed school  
child program" means a preschool program or school child program,  
as defined in section 3301.52 of the Revised Code, that is  
licensed by the department of education pursuant to sections  
3301.52 to 3301.59 of the Revised Code.

~~(BB)~~(CC) "Licensee" means the owner of a child day-care  
center or type A family day-care home that is licensed pursuant to  
this chapter and who is responsible for ensuring its compliance  
with this chapter and rules adopted pursuant to this chapter.

~~(CC)~~(DD) "Operate a child day camp" means to operate,  
establish, manage, conduct, or maintain a child day camp.

~~(DD)~~(EE) "Owner" includes a person, as defined in section  
1.59 of the Revised Code, or government entity.

~~(EE)~~(FF) "Parent cooperative child day-care center," "parent  
cooperative center," "parent cooperative type A family day-care  
home," and "parent cooperative type A home" mean a corporation or  
association organized for providing educational services to the  
children of members of the corporation or association, without  
gain to the corporation or association as an entity, in which the  
services of the corporation or association are provided only to  
children of the members of the corporation or association,  
ownership and control of the corporation or association rests  
solely with the members of the corporation or association, and at  
least one parent-member of the corporation or association is on  
the premises of the center or type A home during its hours of  
operation.

~~(FF)~~(GG) "Part-time child day-care center," "part-time  
center," "part-time type A family day-care home," and "part-time  
type A home" mean a center or type A home that provides child care  
or publicly funded child care for no more than four hours a day  
for any child.



~~(GG)~~(HH) "Place of worship" means a building where activities 79853  
of an organized religious group are conducted and includes the 79854  
grounds and any other buildings on the grounds used for such 79855  
activities. 79856

~~(HH)~~(II) "Preschool child" means a child who is three years 79857  
old or older but is not a school child. 79858

~~(II)~~(JJ) "Protective child care" means publicly funded child 79859  
care for the direct care and protection of a child to whom either 79860  
of the following applies: 79861

(1) A case plan prepared and maintained for the child 79862  
pursuant to section 2151.412 of the Revised Code indicates a need 79863  
for protective care and the child resides with a parent, 79864  
stepparent, guardian, or another person who stands in loco 79865  
parentis as defined in rules adopted under section 5104.38 of the 79866  
Revised Code; 79867

(2) The child and the child's caretaker either temporarily 79868  
reside in a facility providing emergency shelter for homeless 79869  
families or are determined by the county department of job and 79870  
family services to be homeless, and are otherwise ineligible for 79871  
publicly funded child care. 79872

~~(JJ)~~(KK) "Publicly funded child care" means administering to 79873  
the needs of infants, toddlers, preschool children, and school 79874  
children under age thirteen during any part of the 79875  
twenty-four-hour day by persons other than their caretaker parents 79876  
for remuneration wholly or in part with federal or state funds, 79877  
including funds available under the child care block grant act, 79878  
Title IV-A, and Title XX, distributed by the department of job and 79879  
family services. 79880

~~(KK)~~(LL) "Religious activities" means any of the following: 79881  
worship or other religious services; religious instruction; Sunday 79882  
school classes or other religious classes conducted during or 79883

prior to worship or other religious services; youth or adult 79884  
fellowship activities; choir or other musical group practices or 79885  
programs; meals; festivals; or meetings conducted by an organized 79886  
religious group. 79887

~~(LL)~~(MM) "School child" means a child who is enrolled in or 79888  
is eligible to be enrolled in a grade of kindergarten or above but 79889  
is less than fifteen years old. 79890

~~(MM)~~(NN) "School child day-care center," "school child 79891  
center," "school child type A family day-care home," and "school 79892  
child type A family home" mean a center or type A home that 79893  
provides child care for school children only and that does either 79894  
or both of the following: 79895

(1) Operates only during that part of the day that 79896  
immediately precedes or follows the public school day of the 79897  
school district in which the center or type A home is located; 79898

(2) Operates only when the public schools in the school 79899  
district in which the center or type A home is located are not 79900  
open for instruction with pupils in attendance. 79901

~~(NN)~~(OO) "State median income" means the state median income 79902  
calculated by the department of development pursuant to division 79903  
(A)(1)(g) of section 5709.61 of the Revised Code. 79904

~~(OO)~~(PP) "Title IV-A" means Title IV-A of the "Social 79905  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 79906

~~(PP)~~(OO) "Title XX" means Title XX of the "Social Security 79907  
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 79908

~~(OO)~~(RR) "Toddler" means a child who is at least eighteen 79909  
months of age but less than three years of age. 79910

~~(RR)~~(SS) "Type A family day-care home" and "type A home" mean 79911  
a permanent residence of the administrator in which child care or 79912  
publicly funded child care is provided for seven to twelve 79913

children at one time or a permanent residence of the administrator 79914  
in which child care is provided for four to twelve children at one 79915  
time if four or more children at one time are under two years of 79916  
age. In counting children for the purposes of this division, any 79917  
children under six years of age who are related to a licensee, 79918  
administrator, or employee and who are on the premises of the type 79919  
A home shall be counted. "Type A family day-care home" and "type A 79920  
home" do not include any child day camp. 79921

~~(SS)~~(TT) "Type B family day-care home" and "type B home" mean 79922  
a permanent residence of the provider in which child care is 79923  
provided for one to six children at one time and in which no more 79924  
than three children are under two years of age at one time. In 79925  
counting children for the purposes of this division, any children 79926  
under six years of age who are related to the provider and who are 79927  
on the premises of the type B home shall be counted. "Type B 79928  
family day-care home" and "type B home" do not include any child 79929  
day camp. 79930

**Sec. 5104.011.** (A) The director of job and family services 79931  
shall adopt rules pursuant to Chapter 119. of the Revised Code 79932  
governing the operation of child day-care centers, including, but 79933  
not limited to, parent cooperative centers, part-time centers, 79934  
drop-in centers, and school child centers, which rules shall 79935  
reflect the various forms of child care and the needs of children 79936  
receiving child care or publicly funded child care and shall 79937  
include specific rules for school child care centers that are 79938  
developed in consultation with the department of education. The 79939  
rules shall not require an existing school facility that is in 79940  
compliance with applicable building codes to undergo an additional 79941  
building code inspection or to have structural modifications. The 79942  
rules shall include the following: 79943

(1) Submission of a site plan and descriptive plan of 79944

operation to demonstrate how the center proposes to meet the 79945  
requirements of this chapter and rules adopted pursuant to this 79946  
chapter for the initial license application; 79947

(2) Standards for ensuring that the physical surroundings of 79948  
the center are safe and sanitary including, but not limited to, 79949  
the physical environment, the physical plant, and the equipment of 79950  
the center; 79951

(3) Standards for the supervision, care, and discipline of 79952  
children receiving child care or publicly funded child care in the 79953  
center; 79954

(4) Standards for a program of activities, and for play 79955  
equipment, materials, and supplies, to enhance the development of 79956  
each child; however, any educational curricula, philosophies, and 79957  
methodologies that are developmentally appropriate and that 79958  
enhance the social, emotional, intellectual, and physical 79959  
development of each child shall be permissible. As used in this 79960  
division, "program" does not include instruction in religious or 79961  
moral doctrines, beliefs, or values that is conducted at child 79962  
day-care centers owned and operated by churches and does include 79963  
methods of disciplining children at child day-care centers. 79964

(5) Admissions policies and procedures, health care policies 79965  
and procedures, including, but not limited to, procedures for the 79966  
isolation of children with communicable diseases, first aid and 79967  
emergency procedures, procedures for discipline and supervision of 79968  
children, standards for the provision of nutritious meals and 79969  
snacks, and procedures for screening children and employees, 79970  
~~including, but not limited to, that may include~~ any necessary 79971  
physical examinations and immunizations; 79972

(6) Methods for encouraging parental participation in the 79973  
center and methods for ensuring that the rights of children, 79974  
parents, and employees are protected and that responsibilities of 79975

|                                                                                                                                                                                                                                                                                                                                                                        |                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| parents and employees are met;                                                                                                                                                                                                                                                                                                                                         | 79976                                              |
| (7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;                                                                                                                                                                                                        | 79977<br>79978<br>79979                            |
| (8) Procedures for record keeping, organization, and administration;                                                                                                                                                                                                                                                                                                   | 79980<br>79981                                     |
| (9) Procedures for issuing, <del>renewing</del> , denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;                                                                                                                                                                                                             | 79982<br>79983<br>79984                            |
| (10) Inspection procedures;                                                                                                                                                                                                                                                                                                                                            | 79985                                              |
| (11) Procedures and standards for setting initial <del>and renewal</del> license application fees;                                                                                                                                                                                                                                                                     | 79986<br>79987                                     |
| (12) Procedures for receiving, recording, and responding to complaints about centers;                                                                                                                                                                                                                                                                                  | 79988<br>79989                                     |
| (13) Procedures for enforcing section 5104.04 of the Revised Code;                                                                                                                                                                                                                                                                                                     | 79990<br>79991                                     |
| (14) A standard requiring the inclusion, on and after July 1, 1987, of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;                                      | 79992<br>79993<br>79994<br>79995<br>79996          |
| (15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section. | 79997<br>79998<br>79999<br>80000<br>80001<br>80002 |
| <del>(16) Procedures to be used by licensees for checking the references of potential employees of centers and procedures to be used by the director for checking the references of applicants for</del>                                                                                                                                                               | 80003<br>80004<br>80005                            |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <del>licenses to operate centers;</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 80006                                                                                                                                                 |
| <del>(17)</del> Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 80007<br>80008<br>80009<br>80010                                                                                                                      |
| <del>(18)</del> <u>(17)</u> A procedure for reporting of injuries of children that occur at the center;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 80011<br>80012                                                                                                                                        |
| <del>(19)</del> <u>(18)</u> Any other procedures and standards necessary to carry out this chapter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 80013<br>80014                                                                                                                                        |
| (B)(1) The child day-care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards. The minimum of thirty-five square feet of usable indoor floor space shall not include hallways, kitchens, storage areas, or any other areas that are not available for the care of children, as determined by the director, in meeting the space requirement of this division, and bathrooms shall be counted in determining square footage only if they are used exclusively by children enrolled in the center, except that the exclusion of hallways, kitchens, storage areas, bathrooms not used exclusively by children enrolled in the center, and any other areas not available for the care of children from the minimum of thirty-five square feet of usable indoor floor space shall not apply to: | 80015<br>80016<br>80017<br>80018<br>80019<br>80020<br>80021<br>80022<br>80023<br>80024<br>80025<br>80026<br>80027<br>80028<br>80029<br>80030<br>80031 |
| (a) Centers licensed prior to or on September 1, 1986, that continue under licensure after that date;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 80032<br>80033                                                                                                                                        |
| (b) Centers licensed prior to or on September 1, 1986, that are issued a new license after that date solely due to a change of ownership of the center.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 80034<br>80035<br>80036                                                                                                                               |

(2) The child day-care center shall have on the site a safe outdoor play space which is enclosed by a fence or otherwise protected from traffic or other hazards. The play space shall contain not less than sixty square feet per child using such space at any one time, and shall provide an opportunity for supervised outdoor play each day in suitable weather. The director may exempt a center from the requirement of this division, if an outdoor play space is not available and if all of the following are met:

(a) The center provides an indoor recreation area that has not less than sixty square feet per child using the space at any one time, that has a minimum of one thousand four hundred forty square feet of space, and that is separate from the indoor space required under division (B)(1) of this section.

(b) The director has determined that there is regularly available and scheduled for use a conveniently accessible and safe park, playground, or similar outdoor play area for play or recreation.

(c) The children are closely supervised during play and while traveling to and from the area.

The director also shall exempt from the requirement of this division a child day-care center that was licensed prior to September 1, 1986, if the center received approval from the director prior to September 1, 1986, to use a park, playground, or similar area, not connected with the center, for play or recreation in lieu of the outdoor space requirements of this section and if the children are closely supervised both during play and while traveling to and from the area and except if the director determines upon investigation and inspection pursuant to section 5104.04 of the Revised Code and rules adopted pursuant to that section that the park, playground, or similar area, as well as access to and from the area, is unsafe for the children.

(3) The child day-care center shall have at least two responsible adults available on the premises at all times when seven or more children are in the center. The center shall organize the children in the center in small groups, shall provide child-care staff to give continuity of care and supervision to the children on a day-by-day basis, and shall ensure that no child is left alone or unsupervised. Except as otherwise provided in division (E) of this section, the maximum number of children per child-care staff member and maximum group size, by age category of children, are as follows:

|                                                                    | Maximum Number of                                                        |         |  |
|--------------------------------------------------------------------|--------------------------------------------------------------------------|---------|--|
|                                                                    | Children Per                                                             | Maximum |  |
| Age Category                                                       | Child-Care                                                               | Group   |  |
| of Children                                                        | Staff Member                                                             | Size    |  |
| (a) Infants:                                                       |                                                                          |         |  |
| (i) Less than twelve months old                                    | 5:1, or<br>12:2 if two<br>child-care<br>staff members<br>are in the room | 12      |  |
| (ii) At least twelve months old, but less than eighteen months old | 6:1                                                                      | 12      |  |
| (b) Toddlers:                                                      |                                                                          |         |  |
| (i) At least eighteen months old, but less than thirty months old  | 7:1                                                                      | 14      |  |
| (ii) At least thirty months old, but less than three years old     | 8:1                                                                      | 16      |  |



|                                                                              |      |    |       |
|------------------------------------------------------------------------------|------|----|-------|
| (c) Preschool                                                                |      |    | 80101 |
| children:                                                                    |      |    | 80102 |
| (i) Three years old                                                          | 12:1 | 24 | 80103 |
| (ii) Four years old and                                                      |      |    | 80104 |
| five years old who                                                           |      |    | 80105 |
| are not school                                                               |      |    | 80106 |
| children                                                                     | 14:1 | 28 | 80107 |
| (d) School children:                                                         |      |    | 80108 |
| (i) A child who is                                                           |      |    | 80109 |
| enrolled in or is                                                            |      |    | 80110 |
| eligible to be                                                               |      |    | 80111 |
| enrolled in a grade                                                          |      |    | 80112 |
| of kindergarten                                                              |      |    | 80113 |
| or above, but                                                                |      |    | 80114 |
| is less than                                                                 |      |    | 80115 |
| eleven years old                                                             | 18:1 | 36 | 80116 |
| (ii) Eleven through fourteen                                                 |      |    | 80117 |
| years old                                                                    | 20:1 | 40 | 80118 |
| Except as otherwise provided in division (E) of this section,                |      |    | 80119 |
| the maximum number of children per child-care staff member and               |      |    | 80120 |
| maximum group size requirements of the younger age group shall               |      |    | 80121 |
| apply when age groups are combined.                                          |      |    | 80122 |
| (4)(a) The child day-care center administrator shall show the                |      |    | 80123 |
| director both of the following:                                              |      |    | 80124 |
| (i) Evidence of at least high school graduation or                           |      |    | 80125 |
| certification of high school equivalency by the state board of               |      |    | 80126 |
| education or the appropriate agency of another state;                        |      |    | 80127 |
| (ii) Evidence of having completed at least two years of                      |      |    | 80128 |
| training in an accredited college, university, or technical                  |      |    | 80129 |
| college, including courses in child development or early childhood           |      |    | 80130 |
| education, <del>or</del> at least two years of experience in supervising and |      |    | 80131 |
| giving daily care to children attending an organized group                   |      |    | 80132 |

program, or the equivalent based on a designation as an "early childhood professional level three" under the career pathways model of the quality-rating program established under section 5104.30 of the Revised Code. 80133  
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(b) In addition to the requirements of division (B)(4)(a) of this section and except as provided in division (B)(4)(c) of this section, any administrator employed or designated ~~on or after September 1, 1986,~~ as such prior to the effective date of this section, as amended, shall show evidence of, ~~and any administrator employed or designated prior to September 1, 1986, shall show evidence at least one of the following~~ within six years after ~~such the date of,~~ at least one of the following employment or designation: 80137  
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(i) Two years of experience working as a child-care staff member in a center and at least four courses in child development or early childhood education from an accredited college, university, or technical college, except that a person who has two years of experience working as a child-care staff member in a particular center and who has been promoted to or designated as administrator of that center shall have one year from the time the person was promoted to or designated as administrator to complete the required four courses; 80146  
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(ii) Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college; 80155  
80156  
80157

(iii) A child development associate credential issued by the national child development associate credentialing commission; 80158  
80159

(iv) An associate or higher degree in child development or early childhood education from an accredited college, technical college, or university, or a license designated for teaching in an associate teaching position in a preschool setting issued by the 80160  
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state board of education. 80164

(c) For the purposes of division (B)(4)(b) of this section, 80165  
any administrator employed or designated as such prior to the 80166  
effective date of this section, as amended, may also show evidence 80167  
of an administrator's credential as approved by the department of 80168  
job and family services in lieu of, or in addition to, the 80169  
evidence required under division (B)(4)(b) of this section. The 80170  
evidence of an administrator's credential must be shown to the 80171  
director not later than one year after the date of employment or 80172  
designation. 80173

(d) In addition to the requirements of division (B)(4)(a) of 80174  
this section, any administrator employed or designated as such on 80175  
or after the effective date of this section, as amended, shall 80176  
show evidence of at least one of the following not later than one 80177  
year after the date of employment or designation: 80178

(i) Two years of experience working as a child-care staff 80179  
member in a center and at least four courses in child development 80180  
or early childhood education from an accredited college, 80181  
university, or technical college, except that a person who has two 80182  
years of experience working as a child-care staff member in a 80183  
particular center and who has been promoted to or designated as 80184  
administrator of that center shall have one year from the time the 80185  
person was promoted to or designated as administrator to complete 80186  
the required four courses; 80187

(ii) Two years of training, including at least four courses 80188  
in child development or early childhood education from an 80189  
accredited college, university, or technical college; 80190

(iii) A child development associate credential issued by the 80191  
national child development associate credentialing commission; 80192

(iv) An associate or higher degree in child development or 80193  
early childhood education from an accredited college, technical 80194

college, or university, or a license designated for teaching in an 80195  
associate teaching position in a preschool setting issued by the 80196  
state board of education; 80197

(v) An administrator's credential as approved by the 80198  
department of job and family services. 80199

(5) All child-care staff members of a child day-care center 80200  
shall be at least eighteen years of age, and shall furnish the 80201  
director evidence of at least high school graduation or 80202  
certification of high school equivalency by the state board of 80203  
education or the appropriate agency of another state or evidence 80204  
of completion of a training program approved by the department of 80205  
job and family services or state board of education, except as 80206  
follows: 80207

(a) A child-care staff member may be less than eighteen years 80208  
of age if the staff member is either of the following: 80209

(i) A graduate of a two-year vocational child-care training 80210  
program approved by the state board of education; 80211

(ii) A student enrolled in the second year of a vocational 80212  
child-care training program approved by the state board of 80213  
education which leads to high school graduation, provided that the 80214  
student performs the student's duties in the child day-care center 80215  
under the continuous supervision of an experienced child-care 80216  
staff member, receives periodic supervision from the vocational 80217  
child-care training program teacher-coordinator in the student's 80218  
high school, and meets all other requirements of this chapter and 80219  
rules adopted pursuant to this chapter. 80220

(b) A child-care staff member shall be exempt from the 80221  
educational requirements of this division if the staff member: 80222

(i) Prior to January 1, 1972, was employed or designated by a 80223  
child day-care center and has been continuously employed since 80224  
either by the same child day-care center employer or at the same 80225

child day-care center; ~~or~~ 80226

(ii) Is a student enrolled in the second year of a vocational 80227  
child-care training program approved by the state board of 80228  
education which leads to high school graduation, provided that the 80229  
student performs the student's duties in the child day-care center 80230  
under the continuous supervision of an experienced child-care 80231  
staff member, receives periodic supervision from the vocational 80232  
child-care training program teacher-coordinator in the student's 80233  
high school, and meets all other requirements of this chapter and 80234  
rules adopted pursuant to this chapter; 80235

(iii) Is receiving or has completed the final year of 80236  
instruction at home as authorized under section 3321.04 of the 80237  
Revised Code or has graduated from a nonchartered, nonpublic 80238  
school in Ohio. 80239

(6) Every child care staff member of a child day-care center 80240  
annually shall complete fifteen hours of inservice training in 80241  
child development or early childhood education, child abuse 80242  
recognition and prevention, first aid, and in prevention, 80243  
recognition, and management of communicable diseases, until a 80244  
total of forty-five hours of training has been completed, unless 80245  
the staff member furnishes one of the following to the director: 80246

(a) Evidence of an associate or higher degree in child 80247  
development or early childhood education from an accredited 80248  
college, university, or technical college; 80249

(b) A license designated for teaching in an associate 80250  
teaching position in a preschool setting issued by the state board 80251  
of education; 80252

(c) Evidence of a child development associate credential; 80253

(d) Evidence of a preprimary credential from the American 80254  
Montessori society or the association Montessori internationale. 80255  
For the purposes of division (B)(6) of this section, "hour" means 80256

sixty minutes. 80257

~~(7) The administrator of each child day care center shall 80258  
prepare at least once annually and for each group of children at 80259  
the center a roster of names and telephone numbers of parents, 80260  
custodians, or guardians of each group of children attending the 80261  
center and upon request shall furnish the roster for each group to 80262  
the parents, custodians, or guardians of the children in that 80263  
group. The administrator may prepare a roster of names and 80264  
telephone numbers of all parents, custodians, or guardians of 80265  
children attending the center and upon request shall furnish the 80266  
roster to the parents, custodians, or guardians of the children 80267  
who attend the center. The administrator shall not include in any 80268  
roster the name or telephone number of any parent, custodian, or 80269  
guardian who requests the administrator not to include the 80270  
parent's, custodian's, or guardian's name or number and shall not 80271  
furnish any roster to any person other than a parent, custodian, 80272  
or guardian of a child who attends the center. 80273~~

(C)(1) Each child day-care center shall have on the center 80274  
premises and readily available at all times at least one 80275  
child-care staff member who has completed a course in first aid 80276  
~~and, one staff member who has completed a course in prevention,~~ 80277  
recognition, and management of communicable diseases which is 80278  
approved by the state department of health, and a staff member who 80279  
has completed a course in child abuse recognition and prevention 80280  
training which is approved by the department of job and family 80281  
services. 80282

(2) The administrator of each child day-care center shall 80283  
maintain enrollment, health, and attendance records for all 80284  
children attending the center and health and employment records 80285  
for all center employees. The records shall be confidential, 80286  
~~except as otherwise provided in division (B)(7) of this section~~ 80287  
~~and~~ except that they shall be disclosed by the administrator to 80288

the director upon request for the purpose of administering and 80289  
enforcing this chapter and rules adopted pursuant to this chapter. 80290  
Neither the center nor the licensee, administrator, or employees 80291  
of the center shall be civilly or criminally liable in damages or 80292  
otherwise for records disclosed to the director by the 80293  
administrator pursuant to this division. It shall be a defense to 80294  
any civil or criminal charge based upon records disclosed by the 80295  
administrator to the director that the records were disclosed 80296  
pursuant to this division. 80297

(3)(a) Any parent who is the residential parent and legal 80298  
custodian of a child enrolled in a child day-care center and any 80299  
custodian or guardian of such a child shall be permitted unlimited 80300  
access to the center during its hours of operation for the 80301  
purposes of contacting their children, evaluating the care 80302  
provided by the center, evaluating the premises of the center, or 80303  
for other purposes approved by the director. A parent of a child 80304  
enrolled in a child day-care center who is not the child's 80305  
residential parent shall be permitted unlimited access to the 80306  
center during its hours of operation for those purposes under the 80307  
same terms and conditions under which the residential parent of 80308  
that child is permitted access to the center for those purposes. 80309  
However, the access of the parent who is not the residential 80310  
parent is subject to any agreement between the parents and, to the 80311  
extent described in division (C)(3)(b) of this section, is subject 80312  
to any terms and conditions limiting the right of access of the 80313  
parent who is not the residential parent, as described in division 80314  
(I) of section 3109.051 of the Revised Code, that are contained in 80315  
a parenting time order or decree issued under that section, 80316  
section 3109.12 of the Revised Code, or any other provision of the 80317  
Revised Code. 80318

(b) If a parent who is the residential parent of a child has 80319  
presented the administrator or the administrator's designee with a 80320

copy of a parenting time order that limits the terms and 80321  
conditions under which the parent who is not the residential 80322  
parent is to have access to the center, as described in division 80323  
(I) of section 3109.051 of the Revised Code, the parent who is not 80324  
the residential parent shall be provided access to the center only 80325  
to the extent authorized in the order. If the residential parent 80326  
has presented such an order, the parent who is not the residential 80327  
parent shall be permitted access to the center only in accordance 80328  
with the most recent order that has been presented to the 80329  
administrator or the administrator's designee by the residential 80330  
parent or the parent who is not the residential parent. 80331

(c) Upon entering the premises pursuant to division (C)(3)(a) 80332  
or (b) of this section, the parent who is the residential parent 80333  
and legal custodian, the parent who is not the residential parent, 80334  
or the custodian or guardian shall notify the administrator or the 80335  
administrator's designee of the parent's, custodian's, or 80336  
guardian's presence. 80337

(D) The director of job and family services, in addition to 80338  
the rules adopted under division (A) of this section, shall adopt 80339  
rules establishing minimum requirements for child day-care 80340  
centers. The rules shall include, but not be limited to, the 80341  
requirements set forth in divisions (B) and (C) of this section. 80342  
Except as provided in section 5104.07 of the Revised Code, the 80343  
rules shall not change the square footage requirements of division 80344  
(B)(1) or (2) of this section; the maximum number of children per 80345  
child-care staff member and maximum group size requirements of 80346  
division (B)(3) of this section; the educational and experience 80347  
requirements of division (B)(4) of this section; the age, 80348  
educational, and experience requirements of division (B)(5) of 80349  
this section; the number and type of inservice training hours 80350  
required under division (B)(6) of this section; ~~or the requirement~~ 80351  
~~for at least annual preparation of a roster for each group of~~ 80352



~~children of names and telephone numbers of parents, custodians, or guardians of each group of children attending the center that must be furnished upon request to any parent, custodian, or guardian of any child in that group required under division (B)(7) of this section;~~ however, the rules shall provide procedures for determining compliance with those requirements.

(E)(1) When age groups are combined, the maximum number of children per child-care staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives services in a group in which all the other children are in the next older age group, the maximum number of children per child-care staff member and maximum group size requirements of the older age group established under division (B)(3) of this section shall apply.

(2) The maximum number of toddlers or preschool children per child-care staff member in a room where children are napping shall be twice the maximum number of children per child-care staff member established under division (B)(3) of this section if all the following criteria are met:

(a) At least one child-care staff member is present in the room.

(b) Sufficient child-care staff members are on the child day-care center premises to meet the maximum number of children per child-care staff member requirements established under division (B)(3) of this section.

(c) Naptime preparations are complete and all napping children are resting or sleeping on cots.

(d) The maximum number established under division (E)(2) of this section is in effect for no more than ~~one and one-half~~ two hours during a twenty-four-hour day.

(F) The director of job and family services shall adopt rules

pursuant to Chapter 119. of the Revised Code governing the 80384  
operation of type A family day-care homes, including, but not 80385  
limited to, parent cooperative type A homes, part-time type A 80386  
homes, drop-in type A homes, and school child type A homes, which 80387  
shall reflect the various forms of child care and the needs of 80388  
children receiving child care. The rules shall include the 80389  
following: 80390

(1) Submission of a site plan and descriptive plan of 80391  
operation to demonstrate how the type A home proposes to meet the 80392  
requirements of this chapter and rules adopted pursuant to this 80393  
chapter for the initial license application; 80394

(2) Standards for ensuring that the physical surroundings of 80395  
the type A home are safe and sanitary, including, but not limited 80396  
to, the physical environment, the physical plant, and the 80397  
equipment of the type A home; 80398

(3) Standards for the supervision, care, and discipline of 80399  
children receiving child care or publicly funded child care in the 80400  
type A home; 80401

(4) Standards for a program of activities, and for play 80402  
equipment, materials, and supplies, to enhance the development of 80403  
each child; however, any educational curricula, philosophies, and 80404  
methodologies that are developmentally appropriate and that 80405  
enhance the social, emotional, intellectual, and physical 80406  
development of each child shall be permissible; 80407

(5) Admissions policies and procedures, health care policies 80408  
and procedures, including, but not limited to, procedures for the 80409  
isolation of children with communicable diseases, first aid and 80410  
emergency procedures, procedures for discipline and supervision of 80411  
children, standards for the provision of nutritious meals and 80412  
snacks, and procedures for screening children and employees, 80413  
including, but not limited to, any necessary physical examinations 80414

|                                                                                                                                                                                                                                                                                                                                                   |                                                    |
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| and immunizations;                                                                                                                                                                                                                                                                                                                                | 80415                                              |
| (6) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;                                                                                                                  | 80416<br>80417<br>80418<br>80419                   |
| (7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;                                                                                                                                                                         | 80420<br>80421<br>80422                            |
| (8) Procedures for record keeping, organization, and administration;                                                                                                                                                                                                                                                                              | 80423<br>80424                                     |
| (9) Procedures for issuing, <del>renewing</del> , denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;                                                                                                                                                                                        | 80425<br>80426<br>80427                            |
| (10) Inspection procedures;                                                                                                                                                                                                                                                                                                                       | 80428                                              |
| (11) Procedures and standards for setting initial <del>and renewal</del> license application fees;                                                                                                                                                                                                                                                | 80429<br>80430                                     |
| (12) Procedures for receiving, recording, and responding to complaints about type A homes;                                                                                                                                                                                                                                                        | 80431<br>80432                                     |
| (13) Procedures for enforcing section 5104.04 of the Revised Code;                                                                                                                                                                                                                                                                                | 80433<br>80434                                     |
| (14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll-free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant <u>to</u> this chapter; | 80435<br>80436<br>80437<br>80438<br>80439<br>80440 |
| (15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;                                                                                                                               | 80441<br>80442<br>80443<br>80444                   |

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| <del>(16) Procedures to be used by licensees for checking the</del>             | 80445 |
| <del>references of potential employees of type A homes and procedures</del>     | 80446 |
| <del>to be used by the director for checking the references of</del>            | 80447 |
| <del>applicants for licenses to operate type A homes;</del>                     | 80448 |
| <del>(17)</del> Standards providing for the special needs of children           | 80449 |
| who are handicapped or who require treatment for health conditions              | 80450 |
| while the child is receiving child care or publicly funded child                | 80451 |
| care in the type A home;                                                        | 80452 |
| <del>(18)</del> <u>(17)</u> Standards for the maximum number of children per    | 80453 |
| child-care staff member;                                                        | 80454 |
| <del>(19)</del> <u>(18)</u> Requirements for the amount of usable indoor floor  | 80455 |
| space for each child;                                                           | 80456 |
| <del>(20)</del> <u>(19)</u> Requirements for safe outdoor play space;           | 80457 |
| <del>(21)</del> <u>(20)</u> Qualifications and training requirements for        | 80458 |
| administrators and for child-care staff members;                                | 80459 |
| <del>(22)</del> <u>(21)</u> Procedures for granting a parent who is the         | 80460 |
| residential parent and legal custodian, or a custodian or guardian              | 80461 |
| access to the type A home during its hours of operation;                        | 80462 |
| <del>(23)</del> <u>(22)</u> Standards for the preparation and distribution of a | 80463 |
| roster of parents, custodians, and guardians;                                   | 80464 |
| <del>(24)</del> <u>(23)</u> Any other procedures and standards necessary to     | 80465 |
| carry out this chapter.                                                         | 80466 |
| (G) The director of job and family services shall adopt rules                   | 80467 |
| pursuant to Chapter 119. of the Revised Code governing the                      | 80468 |
| certification of type B family day-care homes.                                  | 80469 |
| (1) The rules shall include all of the following:                               | 80470 |
| (a) Procedures, standards, and other necessary provisions for                   | 80471 |
| granting limited certification to type B family day-care homes                  | 80472 |
| that are operated by the following adult providers:                             | 80473 |

(i) Persons who provide child care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the provider or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the provider;

(ii) Persons who provide child care for eligible children all of whom are the children of the same caretaker parent;

(b) Procedures for the director to ensure, that type B homes that receive a limited certification provide child care to children in a safe and sanitary manner;

(c) Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code.

With regard to providers who apply for limited certification, a provider shall be granted a provisional limited certification on signing a declaration under oath attesting that the provider meets the standards for limited certification. Such provisional limited certifications shall remain in effect for no more than sixty calendar days and shall entitle the provider to offer publicly funded child care during the provisional period. Except as otherwise provided in division (G)(1) of this section, section 5104.013 or 5104.09 of the Revised Code, or division (A)(2) of section 5104.11 of the Revised Code, prior to the expiration of the provisional limited certificate, a county department of job and family services shall inspect the home and shall grant limited certification to the provider if the provider meets the requirements of this division. Limited certificates remain valid for two years unless earlier revoked. Except as otherwise provided in division (G)(1) of this section, providers operating under limited certification shall be inspected annually.

If a provider is a person described in division (G)(1)(a)(i)

of this section or a person described in division (G)(1)(a)(ii) of 80505  
this section who is a friend of the caretaker parent, the provider 80506  
and the caretaker parent may verify in writing to the county 80507  
department of job and family services that minimum health and 80508  
safety requirements are being met in the home. Except as otherwise 80509  
provided in section 5104.013 or 5104.09 or in division (A)(2) of 80510  
section 5104.11 of the Revised Code, if such verification is 80511  
provided, the county shall waive any inspection required by this 80512  
chapter and grant limited certification to the provider. 80513

(2) The rules shall provide for safeguarding the health, 80514  
safety, and welfare of children receiving child care or publicly 80515  
funded child care in a certified type B home and shall include the 80516  
following: 80517

(a) Standards for ensuring that the type B home and the 80518  
physical surroundings of the type B home are safe and sanitary, 80519  
including, but not limited to, physical environment, physical 80520  
plant, and equipment; 80521

(b) Standards for the supervision, care, and discipline of 80522  
children receiving child care or publicly funded child care in the 80523  
home; 80524

(c) Standards for a program of activities, and for play 80525  
equipment, materials, and supplies to enhance the development of 80526  
each child; however, any educational curricula, philosophies, and 80527  
methodologies that are developmentally appropriate and that 80528  
enhance the social, emotional, intellectual, and physical 80529  
development of each child shall be permissible; 80530

(d) Admission policies and procedures, health care, first aid 80531  
and emergency procedures, procedures for the care of sick 80532  
children, procedures for discipline and supervision of children, 80533  
nutritional standards, and procedures for screening children and 80534  
authorized providers, including, but not limited to, any necessary 80535

|                                                                                                                                                                                                                        |                                  |
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| physical examinations and immunizations;                                                                                                                                                                               | 80536                            |
| (e) Methods of encouraging parental participation and ensuring that the rights of children, parents, and authorized providers are protected and the responsibilities of parents and authorized providers are met;      | 80537<br>80538<br>80539<br>80540 |
| (f) Standards for the safe transport of children when under the care of authorized providers;                                                                                                                          | 80541<br>80542                   |
| (g) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;                                                                                                                            | 80543<br>80544                   |
| (h) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to certification to ensure that the home is safe and sanitary;                                  | 80545<br>80546<br>80547          |
| (i) Procedures for record keeping and evaluation;                                                                                                                                                                      | 80548                            |
| (j) Procedures for receiving, recording, and responding to complaints;                                                                                                                                                 | 80549<br>80550                   |
| (k) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home; | 80551<br>80552<br>80553<br>80554 |
| (l) Requirements for the amount of usable indoor floor space for each child;                                                                                                                                           | 80555<br>80556                   |
| (m) Requirements for safe outdoor play space;                                                                                                                                                                          | 80557                            |
| (n) Qualification and training requirements for authorized providers;                                                                                                                                                  | 80558<br>80559                   |
| (o) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;                                            | 80560<br>80561<br>80562          |
| (p) Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified                                                                                         | 80563<br>80564                   |

as a foster home under section 5103.03 of the Revised Code; 80565

(q) Any other procedures and standards necessary to carry out 80566  
this chapter. 80567

(H) The director shall adopt rules pursuant to Chapter 119. 80568  
of the Revised Code governing the certification of in-home aides. 80569  
The rules shall include procedures, standards, and other necessary 80570  
provisions for granting limited certification to in-home aides who 80571  
provide child care for eligible children who are 80572  
great-grandchildren, grandchildren, nieces, nephews, or siblings 80573  
of the in-home aide or for eligible children whose caretaker 80574  
parent is a grandchild, child, niece, nephew, or sibling of the 80575  
in-home aide. The rules shall require, and shall include 80576  
procedures for the director to ensure, that in-home aides that 80577  
receive a limited certification provide child care to children in 80578  
a safe and sanitary manner. The rules shall provide for 80579  
safeguarding the health, safety, and welfare of children receiving 80580  
publicly funded child care in their own home and shall include the 80581  
following: 80582

(1) Standards for ensuring that the child's home and the 80583  
physical surroundings of the child's home are safe and sanitary, 80584  
including, but not limited to, physical environment, physical 80585  
plant, and equipment; 80586

(2) Standards for the supervision, care, and discipline of 80587  
children receiving publicly funded child care in their own home; 80588

(3) Standards for a program of activities, and for play 80589  
equipment, materials, and supplies to enhance the development of 80590  
each child; however, any educational curricula, philosophies, and 80591  
methodologies that are developmentally appropriate and that 80592  
enhance the social, emotional, intellectual, and physical 80593  
development of each child shall be permissible; 80594

(4) Health care, first aid, and emergency procedures, 80595



procedures for the care of sick children, procedures for 80596  
discipline and supervision of children, nutritional standards, and 80597  
procedures for screening children and in-home aides, including, 80598  
but not limited to, any necessary physical examinations and 80599  
immunizations; 80600

(5) Methods of encouraging parental participation and 80601  
ensuring that the rights of children, parents, and in-home aides 80602  
are protected and the responsibilities of parents and in-home 80603  
aides are met; 80604

(6) Standards for the safe transport of children when under 80605  
the care of in-home aides; 80606

(7) Procedures for issuing, renewing, denying, refusing to 80607  
renew, or revoking certificates; 80608

(8) Procedures for inspection of homes of children receiving 80609  
publicly funded child care in their own homes; 80610

(9) Procedures for record keeping and evaluation; 80611

(10) Procedures for receiving, recording, and responding to 80612  
complaints; 80613

(11) Qualifications and training requirements for in-home 80614  
aides; 80615

(12) Standards providing for the special needs of children 80616  
who are handicapped or who receive treatment for health conditions 80617  
while the child is receiving publicly funded child care in the 80618  
child's own home; 80619

(13) Any other procedures and standards necessary to carry 80620  
out this chapter. 80621

(I) To the extent that any rules adopted for the purposes of 80622  
this section require a health care professional to perform a 80623  
physical examination, the rules shall include as a health care 80624  
professional a physician assistant, a clinical nurse specialist, a 80625

certified nurse practitioner, or a certified nurse-midwife. 80626

(J)(1) The director of job and family services shall do all 80627  
of the following: 80628

(a) Provide or make available in either paper or electronic 80629  
form to each licensee notice of proposed rules governing the 80630  
licensure of child day-care centers and type A homes; 80631

(b) Give public notice of hearings regarding the rules to 80632  
each licensee at least thirty days prior to the date of the public 80633  
hearing, in accordance with section 119.03 of the Revised Code; 80634

(c) At least thirty days before the effective date of a rule, 80635  
provide, in either paper or electronic form, a copy of the adopted 80636  
rule to each licensee. 80637

(2) The director shall do all of the following: 80638

(a) Send to each county director of job and family services a 80639  
notice of proposed rules governing the certification of type B 80640  
family homes and in-home aides that includes an internet web site 80641  
address where the proposed rules can be viewed; 80642

(b) Give public notice of hearings regarding the proposed 80643  
rules not less than thirty days in advance; 80644

(c) Provide to each county director of job and family 80645  
services an electronic copy of each adopted rule at least 80646  
forty-five days prior to the rule's effective date. 80647

(3) The county director of job and family services shall 80648  
provide or make available in either paper or electronic form to 80649  
each authorized provider and in-home aide copies of proposed rules 80650  
and shall give public notice of hearings regarding the rules to 80651  
each authorized provider and in-home aide at least thirty days 80652  
prior to the date of the public hearing, in accordance with 80653  
section 119.03 of the Revised Code. At least thirty days before 80654  
the effective date of a rule, the county director of job and 80655

family services shall provide, in either paper or electronic form, 80656  
copies of the adopted rule to each authorized provider and in-home 80657  
aide. 80658

(4) Additional copies of proposed and adopted rules shall be 80659  
made available by the director of job and family services to the 80660  
public on request at no charge. 80661

(5) The director of job and family services ~~shall recommend~~ 80662  
~~standards~~ may adopt rules pursuant to Chapter 119. of the Revised 80663  
Code for imposing sanctions on persons and entities that are 80664  
licensed or certified under this chapter ~~and that violate any~~ 80665  
~~provision of this chapter.~~ The ~~standards~~ sanctions shall be based 80666  
on the scope and severity of the violations. ~~The director shall~~ 80667  
~~provide copies of the recommendations to the governor, the speaker~~ 80668  
~~and minority leader of the house of representatives, and the~~ 80669  
~~president and minority leader of the senate and, on request, shall~~ 80670  
~~make copies available to the public.~~ 80671

~~(6)~~ Sanctions adopted under division (J)(5) of this section 80672  
may be imposed only for a serious risk noncompliance violation of 80673  
licensure or certification standards. Sanctions for a serious risk 80674  
noncompliance violation identified in a single licensure or 80675  
certification visit that does not result in permanent harm to, or 80676  
death of, a child may include one or more of the following: 80677

(a) Completion of training or technical assistance; 80678

(b) Additional targeted monitoring or extension of a 80679  
provisional license or certification if applicable. 80680

For the purposes of division (J)(5) of this section, "serious 80681  
risk noncompliance violation" means a licensure or certification 80682  
standard violation that leads to the greatest risk of permanent 80683  
harm to, or death of, a child and is observable, not inferable. 80684

(6) The director of job and family services shall adopt rules 80685  
pursuant to Chapter 119. of the Revised Code establishing 80686

incentives for persons and entities that are licensed or certified 80687  
under this chapter and have a history of substantial compliance 80688  
with licensure or certification standards. Incentives shall 80689  
include, but not be limited to, less frequent or focused licensure 80690  
or certification visits, participation in the quality-rating 80691  
program established under section 5104.30 of the Revised Code, and 80692  
scholarships for training. 80693

(7) The director of job and family services shall adopt rules 80694  
pursuant to Chapter 119. of the Revised Code that establish 80695  
standards for the training of individuals whom any county 80696  
department of job and family services employs, with whom any 80697  
county department of job and family services contracts, or with 80698  
whom the director of job and family services contracts, to inspect 80699  
or investigate type B family day-care homes pursuant to section 80700  
5104.11 of the Revised Code. The department shall provide training 80701  
in accordance with those standards for individuals in the 80702  
categories described in this division. 80703

(K) The director of job and family services shall review all 80704  
rules adopted pursuant to this chapter at least once every seven 80705  
years. 80706

(L) Notwithstanding any provision of the Revised Code, the 80707  
director of job and family services shall not regulate in any way 80708  
under this chapter or rules adopted pursuant to this chapter, 80709  
instruction in religious or moral doctrines, beliefs, or values. 80710

**Sec. 5104.04.** (A) The department of job and family services 80711  
shall establish procedures to be followed in investigating, 80712  
inspecting, and licensing child day-care centers and type A family 80713  
day-care homes. 80714

(B)(1)(a) The department shall, at least once during every 80715  
twelve-month period of operation of a center or type A home, 80716  
inspect the center or type A home. The department shall inspect a 80717

part-time center or part-time type A home at least once during 80718  
every twelve-month period of operation. The department shall 80719  
provide a written inspection report to the licensee within a 80720  
reasonable time after each inspection. The licensee shall display 80721  
all written reports of inspections conducted during the current 80722  
licensing period in a conspicuous place in the center or type A 80723  
home. 80724

Inspections may be unannounced. No person, firm, 80725  
organization, institution, or agency shall interfere with the 80726  
inspection of a center or type A home by any state or local 80727  
official engaged in performing duties required of the state or 80728  
local official by Chapter 5104. of the Revised Code or rules 80729  
adopted pursuant to Chapter 5104. of the Revised Code, including 80730  
inspecting the center or type A home, reviewing records, or 80731  
interviewing licensees, employees, children, or parents. 80732

(b) Upon receipt of any complaint that a center or type A 80733  
home is out of compliance with the requirements of Chapter 5104. 80734  
of the Revised Code or rules adopted pursuant to Chapter 5104. of 80735  
the Revised Code, the department shall investigate the center or 80736  
home, and both of the following apply: 80737

(i) If the complaint alleges that a child suffered physical 80738  
harm while receiving child care at the center or home or that the 80739  
noncompliance alleged in the complaint involved, resulted in, or 80740  
poses a substantial risk of physical harm to a child receiving 80741  
child care at the center or home, the department shall inspect the 80742  
center or home. 80743

(ii) If division (B)(1)(b)(i) of this section does not apply 80744  
regarding the complaint, the department may inspect the center or 80745  
home. 80746

(c) Division (B)(1)(b) of this section does not limit, 80747  
restrict, or negate any duty of the department to inspect a center 80748

or type A home that otherwise is imposed under this section, or 80749  
any authority of the department to inspect a center or type A home 80750  
that otherwise is granted under this section when the department 80751  
believes the inspection is necessary and it is permitted under the 80752  
grant. 80753

(2) If the department implements an instrument-based program 80754  
monitoring information system, it may use an indicator checklist 80755  
to comply with division (B)(1) of this section. 80756

(3) The department shall contract with a third party by the 80757  
first day of October in each even-numbered year to collect 80758  
information concerning the amounts charged by the center or home 80759  
for providing child care services for use in establishing 80760  
reimbursement ceilings and payment pursuant to section 5104.30 of 80761  
the Revised Code. The third party shall compile the information 80762  
and report the results of the survey to the department not later 80763  
than the first day of December in each even-numbered year. 80764

~~(C) In the event a licensed center or type A home is 80765  
determined to be out of compliance with the requirements of 80766  
Chapter 5104. of the Revised Code or rules adopted pursuant to 80767  
Chapter 5104. of the Revised Code, the department shall notify the 80768  
licensee of the center or type A home in writing regarding the 80769  
nature of the violation, what must be done to correct the 80770  
violation, and by what date the correction must be made. If the 80771  
correction is not made by the date established by the department, 80772  
the department may commence action under Chapter 119. of the 80773  
Revised Code to revoke the license. The department's commencement 80774  
of an action to revoke the license is sufficient notice that the 80775  
correction has not been made, and no other notice regarding the 80776  
correction is required. 80777~~

~~(D) The department may deny an application or revoke a 80778  
license, or refuse to renew a license of a center or type A home, 80779  
if the applicant knowingly makes a false statement on the 80780~~

application, the center or home does not comply with the 80781  
requirements of Chapter 5104. or rules adopted pursuant to Chapter 80782  
5104. of the Revised Code, or the applicant or owner has pleaded 80783  
guilty to or been convicted of an offense described in section 80784  
5104.09 of the Revised Code. 80785

~~(E)~~(D) If the department finds, after notice and hearing 80786  
pursuant to Chapter 119. of the Revised Code, that any applicant, 80787  
person, firm, organization, institution, or agency applying for 80788  
licensure or licensed under section 5104.03 of the Revised Code is 80789  
in violation of any provision of Chapter 5104. of the Revised Code 80790  
or rules adopted pursuant to Chapter 5104. of the Revised Code, 80791  
the department may issue an order of denial to the applicant or an 80792  
order of revocation to the center or type A home revoking the 80793  
license previously issued by the department. Upon the issuance of 80794  
any such an order of revocation, the person whose application is 80795  
denied or whose license is revoked may appeal in accordance with 80796  
section 119.12 of the Revised Code. 80797

~~(F)~~(E) The surrender of a center or type A home license to 80798  
the department or the withdrawal of an application for licensure 80799  
by the owner or administrator of the center or type A home shall 80800  
not prohibit the department from instituting any of the actions 80801  
set forth in this section. 80802

~~(G)~~(F) Whenever the department receives a complaint, is 80803  
advised, or otherwise has any reason to believe that a center or 80804  
type A home is providing child care without a license issued or 80805  
renewed pursuant to section 5104.03 and is not exempt from 80806  
licensing pursuant to section 5104.02 of the Revised Code, the 80807  
department shall investigate the center or type A home and may 80808  
inspect the areas children have access to or areas necessary for 80809  
the care of children in the center or type A home during suspected 80810  
hours of operation to determine whether the center or type A home 80811  
is subject to the requirements of Chapter 5104. or rules adopted 80812

pursuant to Chapter 5104. of the Revised Code. 80813

~~(H)~~(G) The department, upon determining that the center or 80814  
type A home is operating without a license, shall notify the 80815  
attorney general, the prosecuting attorney of the county in which 80816  
the center or type A home is located, or the city attorney, 80817  
village solicitor, or other chief legal officer of the municipal 80818  
corporation in which the center or type A home is located, that 80819  
the center or type A home is operating without a license. Upon 80820  
receipt of the notification, the attorney general, prosecuting 80821  
attorney, city attorney, village solicitor, or other chief legal 80822  
officer of a municipal corporation shall file a complaint in the 80823  
court of common pleas of the county in which the center or type A 80824  
home is located requesting that the court grant an order enjoining 80825  
the owner from operating the center or type A home in violation of 80826  
section 5104.02 of the Revised Code. The court shall grant such 80827  
injunctive relief upon a showing that the respondent named in the 80828  
complaint is operating a center or type A home and is doing so 80829  
without a license. 80830

~~(I)~~(H) The department shall prepare an annual report on 80831  
inspections conducted under this section. The report shall include 80832  
the number of inspections conducted, the number and types of 80833  
violations found, and the steps taken to address the violations. 80834  
The department shall file the report with the governor, the 80835  
president and minority leader of the senate, and the speaker and 80836  
minority leader of the house of representatives on or before the 80837  
first day of January of each year, beginning in 1999. 80838

**Sec. 5104.13.** ~~No later than July 1, 1998, and at reasonable~~ 80839  
~~intervals thereafter, the~~ The department of job and family 80840  
services shall ~~publish~~ prepare a guide describing the state 80841  
statutes and rules governing the certification of type B family 80842  
day-care homes. The department ~~shall distribute~~ may publish the 80843



~~guide to county departments of job and family services in~~ 80844  
~~sufficient number that a copy is available to each electronically~~ 80845  
~~or otherwise and shall do so in a manner that the guide is~~ 80846  
~~accessible to the public, including type B home provider~~ 80847  
~~providers.~~ 80848

**Sec. 5104.30.** (A) The department of job and family services 80849  
is hereby designated as the state agency responsible for 80850  
administration and coordination of federal and state funding for 80851  
publicly funded child care in this state. Publicly funded child 80852  
care shall be provided to the following: 80853

(1) Recipients of transitional child care as provided under 80854  
section 5104.34 of the Revised Code; 80855

(2) Participants in the Ohio works first program established 80856  
under Chapter 5107. of the Revised Code; 80857

(3) Individuals who would be participating in the Ohio works 80858  
first program if not for a sanction under section 5107.16 of the 80859  
Revised Code and who continue to participate in a work activity, 80860  
developmental activity, or alternative work activity pursuant to 80861  
an assignment under section 5107.42 of the Revised Code; 80862

(4) A family receiving publicly funded child care on October 80863  
1, 1997, until the family's income reaches one hundred fifty per 80864  
cent of the federal poverty line; 80865

(5) Subject to available funds, other individuals determined 80866  
eligible in accordance with rules adopted under section 5104.38 of 80867  
the Revised Code. 80868

The department shall apply to the United States department of 80869  
health and human services for authority to operate a coordinated 80870  
program for publicly funded child care, if the director of job and 80871  
family services determines that the application is necessary. For 80872  
purposes of this section, the department of job and family 80873

services may enter into agreements with other state agencies that 80874  
are involved in regulation or funding of child care. The 80875  
department shall consider the special needs of migrant workers 80876  
when it administers and coordinates publicly funded child care and 80877  
shall develop appropriate procedures for accommodating the needs 80878  
of migrant workers for publicly funded child care. 80879

(B) The department of job and family services shall 80880  
distribute state and federal funds for publicly funded child care, 80881  
including appropriations of state funds for publicly funded child 80882  
care and appropriations of federal funds available under the child 80883  
care block grant act, Title IV-A, and Title XX. The department may 80884  
use any state funds appropriated for publicly funded child care as 80885  
the state share required to match any federal funds appropriated 80886  
for publicly funded child care. 80887

(C) In the use of federal funds available under the child 80888  
care block grant act, all of the following apply: 80889

(1) The department may use the federal funds to hire staff to 80890  
prepare any rules required under this chapter and to administer 80891  
and coordinate federal and state funding for publicly funded child 80892  
care. 80893

(2) Not more than five per cent of the aggregate amount of 80894  
the federal funds received for a fiscal year may be expended for 80895  
administrative costs. 80896

(3) The department shall allocate and use at least four per 80897  
cent of the federal funds for the following: 80898

(a) Activities designed to provide comprehensive consumer 80899  
education to parents and the public; 80900

(b) Activities that increase parental choice; 80901

(c) Activities, including child care resource and referral 80902  
services, designed to improve the quality, and increase the 80903

supply, of child care; 80904

(d) Establishing a voluntary child day-care center 80905  
quality-rating program in which participation in the program may 80906  
allow a child day-care center to be eligible for grants, technical 80907  
assistance, training, or other assistance and become eligible for 80908  
unrestricted monetary awards for maintaining a quality rating. 80909

(4) The department shall ensure that the federal funds will 80910  
be used only to supplement, and will not be used to supplant, 80911  
federal, state, and local funds available on the effective date of 80912  
the child care block grant act for publicly funded child care and 80913  
related programs. If authorized by rules adopted by the department 80914  
pursuant to section 5104.42 of the Revised Code, county 80915  
departments of job and family services may purchase child care 80916  
from funds obtained through any other means. 80917

(D) The department shall encourage the development of 80918  
suitable child care throughout the state, especially in areas with 80919  
high concentrations of recipients of public assistance and 80920  
families with low incomes. The department shall encourage the 80921  
development of suitable child care designed to accommodate the 80922  
special needs of migrant workers. On request, the department, 80923  
through its employees or contracts with state or community child 80924  
care resource and referral service organizations, shall provide 80925  
consultation to groups and individuals interested in developing 80926  
child care. The department of job and family services may enter 80927  
into interagency agreements with the department of education, the 80928  
board of regents, the department of development, and other state 80929  
agencies and entities whenever the cooperative efforts of the 80930  
other state agencies and entities are necessary for the department 80931  
of job and family services to fulfill its duties and 80932  
responsibilities under this chapter. 80933

The department shall develop and maintain a registry of 80934  
persons providing child care. The director shall adopt rules 80935

pursuant to Chapter 119. of the Revised Code establishing 80936  
procedures and requirements for the registry's administration. 80937

(E)(1) The director shall adopt rules in accordance with 80938  
Chapter 119. of the Revised Code establishing both of the 80939  
following: 80940

(a) Reimbursement ceilings for providers of publicly funded 80941  
child care not later than the first day of July in each 80942  
odd-numbered year; 80943

(b) A procedure for reimbursing and paying providers of 80944  
publicly funded child care. 80945

(2) In establishing reimbursement ceilings under division 80946  
(E)(1)(a) of this section, the director shall do all of the 80947  
following: 80948

(a) Use the information obtained under division (B)(3) of 80949  
section 5104.04 of the Revised Code; 80950

(b) Establish an enhanced reimbursement ceiling for providers 80951  
who provide child care for caretaker parents who work 80952  
nontraditional hours; 80953

(c) For a type B family day-care home provider that has 80954  
received limited certification pursuant to rules adopted under 80955  
division (G)(1) of section 5104.011 of the Revised Code, establish 80956  
a reimbursement ceiling that is the following: 80957

(i) If the provider is a person described in division 80958  
(G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five 80959  
per cent of the reimbursement ceiling that applies to a type B 80960  
family day-care home certified by the same county department of 80961  
job and family services pursuant to section 5104.11 of the Revised 80962  
Code; 80963

(ii) If the provider is a person described in division 80964  
(G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per 80965

cent of the reimbursement ceiling that applies to a type B family 80966  
day-care home certified by the same county department pursuant to 80967  
section 5104.11 of the Revised Code. 80968

(d) With regard to the voluntary child day-care center 80969  
quality-rating program established pursuant to division (C)(3)(d) 80970  
of this section, do both of the following: 80971

(i) Establish enhanced reimbursement ceilings for child 80972  
day-care centers that participate in the program and maintain 80973  
quality ratings under the program; 80974

(ii) Weigh any reduction in reimbursement ceilings more 80975  
heavily against child day-care centers that do not participate in 80976  
the program or do not maintain quality ratings under the program. 80977

(3) In establishing reimbursement ceilings under division 80978  
(E)(1)(a) of this section, the director may establish different 80979  
reimbursement ceilings based on any of the following: 80980

(a) Geographic location of the provider; 80981

(b) Type of care provided; 80982

(c) Age of the child served; 80983

(d) Special needs of the child served; 80984

(e) Whether the expanded hours of service are provided; 80985

(f) Whether weekend service is provided; 80986

(g) Whether the provider has exceeded the minimum 80987  
requirements of state statutes and rules governing child care; 80988

(h) Any other factors the director considers appropriate. 80989

(F) The director shall adopt rules in accordance with Chapter 80990  
119. of the Revised Code to implement the voluntary child day-care 80991  
center quality-rating program described in division (C)(3)(d) of 80992  
this section. 80993

**Sec. 5104.32.** (A) Except as provided in division (C) of this section, all purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, certified type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the ~~county~~ department of job and family services. ~~A county department of job and family services may enter into a contract with a provider for publicly funded child care for a specified period of time or upon a continuous basis for an unspecified period of time.~~ All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department ~~of job and family services~~ shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state ~~or county~~ contracts or contracts involving the expenditure of state, ~~county,~~ or federal funds, all contracts for publicly funded child care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state ~~or county~~ contracts or contracts involving the expenditure of state, ~~county,~~ or federal funds.

(B) Each contract for publicly funded child care shall specify at least the following:

(1) That the provider of publicly funded child care agrees to be paid for rendering services at the ~~lowest~~ lower of the rate customarily charged by the provider for children enrolled for child care, or the reimbursement ceiling or rate of payment established pursuant to section 5104.30 of the Revised Code, ~~or a~~

~~rate the county department negotiates with the provider;~~ 81026

(2) That, if a provider provides child care to an individual 81027  
potentially eligible for publicly funded child care who is 81028  
subsequently determined to be eligible, the ~~county~~ department 81029  
agrees to pay for all child care provided between the date the 81030  
county department of job and family services receives the 81031  
individual's completed application and the date the individual's 81032  
eligibility is determined; 81033

(3) Whether the county department of job and family services, 81034  
the provider, or a child care resource and referral service 81035  
organization will make eligibility determinations, whether the 81036  
provider or a child care resource and referral service 81037  
organization will be required to collect information to be used by 81038  
the county department to make eligibility determinations, and the 81039  
time period within which the provider or child care resource and 81040  
referral service organization is required to complete required 81041  
eligibility determinations or to transmit to the county department 81042  
any information collected for the purpose of making eligibility 81043  
determinations; 81044

(4) That the provider, other than a border state child care 81045  
provider, shall continue to be licensed, approved, or certified 81046  
pursuant to this chapter and shall comply with all standards and 81047  
other requirements in this chapter and in rules adopted pursuant 81048  
to this chapter for maintaining the provider's license, approval, 81049  
or certification; 81050

(5) That, in the case of a border state child care provider, 81051  
the provider shall continue to be licensed, certified, or 81052  
otherwise approved by the state in which the provider is located 81053  
and shall comply with all standards and other requirements 81054  
established by that state for maintaining the provider's license, 81055  
certificate, or other approval; 81056

(6) Whether the provider will be paid by the ~~county~~ 81057  
~~department of job and family services,~~ the state department of job 81058  
and family services, or in some other manner as prescribed by 81059  
rules adopted under section 5104.42 of the Revised Code; 81060

(7) That the contract is subject to the availability of state 81061  
and federal funds; 81062

(8) That, in the case of a certified type B family day-care 81063  
home, the provider will be paid according to an hourly 81064  
reimbursement rate when day care is provided for one-tenth of an 81065  
hour to nine and nine-tenths hours per week. For the purpose of 81066  
the reimbursement rate, a part-time week shall be considered ten 81067  
hours to twenty-four and nine-tenths hours of day care. 81068

(C) Unless specifically prohibited by federal law or by rules 81069  
adopted under section 5104.42 of the Revised Code, the county 81070  
department of job and family services shall give individuals 81071  
eligible for publicly funded child care the option of obtaining 81072  
certificates ~~for payment~~ that the individual may use to purchase 81073  
services from any provider qualified to provide publicly funded 81074  
child care under section 5104.31 of the Revised Code. Providers of 81075  
publicly funded child care may present these certificates for 81076  
payment ~~for reimbursement~~ in accordance with rules that the 81077  
director of job and family services shall adopt. Only providers 81078  
may receive ~~reimbursement~~ payment for certificates ~~for payment~~. 81079  
The value of the certificate ~~for payment~~ shall be based on the 81080  
~~lowest~~ lower of the rate customarily charged by the provider, ~~the 81081~~  
~~reimbursement ceiling~~ or the rate of payment established pursuant 81082  
to section 5104.30 of the Revised Code, ~~or a rate the county 81083~~  
~~department negotiates with the provider~~. The county department may 81084  
provide the certificates ~~for payment~~ to the individuals or may 81085  
contract with child care providers or child care resource and 81086  
referral service organizations that make determinations of 81087  
eligibility for publicly funded child care pursuant to contracts 81088



entered into under section 5104.34 of the Revised Code for the 81089  
providers or resource and referral service organizations to 81090  
provide the certificates ~~for payment~~ to individuals whom they 81091  
determine are eligible for publicly funded child care. 81092

For each six-month period a provider of publicly funded child 81093  
care provides publicly funded child day-care to the child of an 81094  
individual given certificates ~~for payment~~, the individual shall 81095  
provide the provider certificates for days the provider would have 81096  
provided publicly funded child care to the child had the child 81097  
been present. The maximum number of days providers shall be 81098  
provided certificates shall not exceed ten days in a six-month 81099  
period during which publicly funded child care is provided to the 81100  
child regardless of the number of providers that provide publicly 81101  
funded child care to the child during that period. 81102

**Sec. 5104.341.** (A) Except as provided in division (B) of this 81103  
section, both of the following apply: 81104

(1) An eligibility determination made under section 5104.34 81105  
of the Revised Code for publicly funded child care is valid for 81106  
one year; 81107

(2) The county department of job and family services shall 81108  
adjust the appropriate level of a fee charged under division (B) 81109  
of section 5104.34 of the Revised Code if a caretaker parent 81110  
reports changes in income, family size, or both. 81111

(B) Division (A) of this section does not apply ~~in either of~~ 81112  
~~the following circumstances:~~ 81113

~~(1) The publicly funded child care is provided under division~~ 81114  
~~(B)(4) of section 5104.35 of the Revised Code;~~ 81115

~~(2) The if the recipient of the publicly funded child care~~ 81116  
ceases to be eligible for publicly funded child care. 81117

Sec. 5104.35. (A) ~~The~~ Each county department of job and 81118  
family services shall do all of the following: 81119

(1) Accept any gift, grant, or other funds from either public 81120  
or private sources offered unconditionally or under conditions 81121  
which are, in the judgment of the department, proper and 81122  
consistent with this chapter and deposit the funds in the county 81123  
public assistance fund established by section 5101.161 of the 81124  
Revised Code; 81125

(2) Recruit individuals and groups interested in 81126  
certification as in-home aides or in developing and operating 81127  
suitable licensed child day-care centers, type A family day-care 81128  
homes, or certified type B family day-care homes, especially in 81129  
areas with high concentrations of recipients of public assistance, 81130  
and for that purpose provide consultation to interested 81131  
individuals and groups on request; 81132

(3) Inform clients of the availability of child care 81133  
services; 81134

~~(4) Pay to a child day care center, type A family day care 81135  
home, certified type B family day care home, in home aide, 81136  
approved child day camp, licensed preschool program, licensed 81137  
school child program, or border state child care provider for 81138  
child care services, the amount provided for in division (B) of 81139  
section 5104.32 of the Revised Code. If part of the cost of care 81140  
of a child is paid by the child's parent or any other person, the 81141  
amount paid shall be subtracted from the amount the provider is 81142  
paid. 81143~~

~~(5) In accordance with rules adopted pursuant to section 81144  
5104.39 of the Revised Code, provide monthly reports to the 81145  
director of job and family services and the director of budget and 81146  
management regarding expenditures for the purchase of publicly 81147  
funded child care. 81148~~

(B) ~~The A~~ county department of job and family services may ~~do~~ 81149  
~~any of the following:~~ 81150

~~(1) To, to~~ the extent permitted by federal law, use public 81151  
child care funds to extend the hours of operation of the county 81152  
department to accommodate the needs of working caretaker parents 81153  
and enable those parents to apply for publicly funded child care; 81154

~~(2) In accordance with rules adopted by the director of job 81155  
and family services, request a waiver of the reimbursement ceiling 81156  
established pursuant to section 5104.30 of the Revised Code for 81157  
the purpose of paying a higher rate for publicly funded child care 81158  
based upon the special needs of a child;~~ 81159

~~(3) To the extent permitted by federal law, use state and 81160  
federal funds to pay deposits and other advance payments that a 81161  
provider of child care customarily charges all children who 81162  
receive child care from that provider;~~ 81163

~~(4) To the extent permitted by federal law, pay for up to 81164  
thirty days of child care for a child whose caretaker parent is 81165  
seeking employment, taking part in employment orientation 81166  
activities, or taking part in activities in anticipation of 81167  
enrollment or attendance in an education or training program or 81168  
activity, if the employment or education or training program or 81169  
activity is expected to begin within the thirty day period.~~ 81170

**Sec. 5104.37.** The department of job and family services ~~and a~~ 81171  
~~county department of job and family services~~ may withhold any 81172  
money due, and recover through any appropriate method any money 81173  
erroneously paid, under this chapter if evidence exists of less 81174  
than full compliance with this chapter and any rules adopted under 81175  
it. 81176

**Sec. 5104.38.** In addition to any other rules adopted under 81177  
this chapter, the director of job and family services shall adopt 81178

rules in accordance with Chapter 119. of the Revised Code 81179  
governing financial and administrative requirements for publicly 81180  
funded child care and establishing all of the following: 81181

(A) Procedures and criteria to be used in making 81182  
determinations of eligibility for publicly funded child care that 81183  
give priority to children of families with lower incomes and 81184  
procedures and criteria for eligibility for publicly funded 81185  
protective child care. The rules shall specify the maximum amount 81186  
of income a family may have for initial and continued eligibility. 81187  
The maximum amount shall not exceed two hundred per cent of the 81188  
federal poverty line. The rules may specify exceptions to the 81189  
eligibility requirements in the case of a family that previously 81190  
received publicly funded child care and is seeking to have the 81191  
child care reinstated after the family's eligibility was 81192  
terminated. 81193

(B) Procedures under which a county department of job and 81194  
family services may, if the department, under division (A) of this 81195  
section, specifies a maximum amount of income a family may have 81196  
for eligibility for publicly funded child care that is less than 81197  
the maximum amount specified in that division, specify a maximum 81198  
amount of income a family residing in the county the county 81199  
department serves may have for initial and continued eligibility 81200  
for publicly funded child care that is higher than the amount 81201  
specified by the department but does not exceed the maximum amount 81202  
specified in division (A) of this section; 81203

(C) A schedule of fees requiring all eligible caretaker 81204  
parents to pay a fee for publicly funded child care according to 81205  
income and family size, which shall be uniform for all types of 81206  
publicly funded child care, except as authorized by rule, and, to 81207  
the extent permitted by federal law, shall permit the use of state 81208  
and federal funds to pay the customary deposits and other advance 81209  
payments that a provider charges all children who receive child 81210

care from that provider. The schedule of fees may not provide for 81211  
a caretaker parent to pay a fee that exceeds ten per cent of the 81212  
parent's family income. 81213

(D) A formula ~~based upon a percentage of the county's total~~ 81214  
~~expenditures for publicly funded child care~~ for determining the 81215  
~~maximum~~ amount of state and federal funds appropriated for 81216  
publicly funded child care that may be allocated to a county 81217  
department ~~may~~ to use for administrative purposes; 81218

(E) Procedures to be followed by the department and county 81219  
departments in recruiting individuals and groups to become 81220  
providers of child care; 81221

(F) Procedures to be followed in establishing state or local 81222  
programs designed to assist individuals who are eligible for 81223  
publicly funded child care in identifying the resources available 81224  
to them and to refer the individuals to appropriate sources to 81225  
obtain child care; 81226

(G) Procedures to deal with fraud and abuse committed by 81227  
either recipients or providers of publicly funded child care; 81228

(H) Procedures for establishing a child care grant or loan 81229  
program in accordance with the child care block grant act; 81230

(I) Standards and procedures for applicants to apply for 81231  
grants and loans, and for the department to make grants and loans; 81232

(J) A definition of "person who stands in loco parentis" for 81233  
the purposes of division ~~(II)(1)~~ (JJ)(1) of section 5104.01 of the 81234  
Revised Code; 81235

(K) Procedures for a county department of job and family 81236  
services to follow in making eligibility determinations and 81237  
redeterminations for publicly funded child care available through 81238  
telephone, computer, and other means at locations other than the 81239  
county department; 81240

(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served; 81241 81242 81243 81244 81245

(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period; 81246 81247 81248 81249 81250 81251 81252 81253

(N) Any other rules necessary to carry out sections 5104.30 to ~~5104.39~~ 5104.43 of the Revised Code. 81254 81255

**Sec. 5104.39.** (A) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a procedure for monitoring the expenditures ~~of county departments of job and family services~~ for publicly funded child care to ensure that expenditures do not exceed the available federal and state funds for publicly funded child care. The department of job and family services, with the assistance of the office of budget and management and the child care advisory council created pursuant to section 5104.08 of the Revised Code, shall monitor the anticipated future expenditures ~~of county departments~~ for publicly funded child care and shall compare those anticipated future expenditures to available federal and state funds for publicly funded child care. Whenever the department determines that the anticipated future expenditures ~~of the county departments~~ will exceed the available federal and state funds for publicly funded child care ~~and the department reimburses the~~ 81256 81257 81258 81259 81260 81261 81262 81263 81264 81265 81266 81267 81268 81269 81270 81271

~~county departments in accordance with rules adopted under section~~ 81272  
~~5104.42 of the Revised Code will exceed the available federal and~~ 81273  
~~state funds,~~ the department shall promptly notify the county 81274  
~~departments of job and family services~~ and, before the available 81275  
state and federal funds are used, the director shall issue and 81276  
implement an administrative order that shall specify both of the 81277  
following: 81278

(1) Priorities for expending the remaining available federal 81279  
and state funds for publicly funded child care; 81280

(2) Instructions and procedures to be used by the county 81281  
departments regarding eligibility determinations. 81282

(B) The order may do any or all of the following: 81283

(1) Suspend enrollment of all new participants in any program 81284  
of publicly funded child care; 81285

(2) Limit enrollment of new participants to those with 81286  
incomes at or below a specified percentage of the federal poverty 81287  
line; 81288

(3) Disenroll existing participants with income above a 81289  
specified percentage of the federal poverty line; 81290

(4) Change the schedule of fees paid by eligible caretaker 81291  
parents that has been established pursuant to section 5104.38 of 81292  
the Revised Code; 81293

(5) Change the rate of payment for providers of publicly 81294  
funded child care that has been established pursuant to section 81295  
5104.30 of the Revised Code. 81296

(C) Each county department shall comply with the order no 81297  
later than thirty days after it is issued. ~~If the department fails~~ 81298  
~~to notify the county departments and to implement the reallocation~~ 81299  
~~priorities specified in the order before the available federal and~~ 81300  
~~state funds for publicly funded child care are used, the state~~ 81301

~~department shall provide sufficient funds to the county 81302  
departments for publicly funded child care to enable each county 81303  
department to pay for all publicly funded child care that was 81304  
provided by providers pursuant to contract prior to the date that 81305  
the county department received notice under this section and the 81306  
state department implemented in that county the priorities. 81307~~

(D) If after issuing an order under this section to suspend 81308  
or limit enrollment of new participants or disenroll existing 81309  
participants the department determines that available state and 81310  
federal funds for publicly funded child care exceed the 81311  
anticipated future expenditures ~~of the county departments for~~ 81312  
publicly funded child care, the director may issue and implement 81313  
another administrative order increasing income eligibility levels 81314  
to a specified percentage of the federal poverty line. The order 81315  
shall include instructions and procedures to be used by the county 81316  
departments. Each county department shall comply with the order 81317  
not later than thirty days after it is issued. 81318

(E) The department of job and family services shall do all of 81319  
the following: 81320

(1) Conduct a quarterly evaluation of the program of publicly 81321  
funded child care that is operated pursuant to sections 5104.30 to 81322  
~~5104.39~~ 5104.43 of the Revised Code; 81323

(2) Prepare reports based upon the evaluations that specify 81324  
for each county the number of participants and amount of 81325  
expenditures; 81326

(3) Provide copies of the reports to both houses of the 81327  
general assembly and, on request, to interested parties. 81328

**Sec. 5104.42. (A)** The director of job and family services 81329  
shall adopt rules pursuant to section 111.15 of the Revised Code 81330  
establishing a payment procedure for publicly funded child care. 81331



~~The rules may provide that the department of job and family services will reimburse county departments of job and family services for payments made to providers of publicly funded child care, make direct payments to providers, or establish another system for the payment of publicly funded child care.~~

~~Alternately, the (B) The director, by rule adopted in accordance with section 111.15 of the Revised Code, may establish a methodology for allocating among the county departments the state and federal funds appropriated for all publicly funded child care services. If the department chooses to allocate funds for publicly funded child care, it may provide the funds to each county department, up to the limit of the county's allocation, by advancing the funds or reimbursing county care expenditures. The rules adopted under this section may prescribe procedures for making the advances or reimbursements. The rules may establish a method under which the department may determine which county expenditures for child care services are allowable for use of and federal funds.~~

~~The rules may establish procedures that a county department shall follow when the county department determines that its anticipated future expenditures for publicly funded child care services will exceed the amount of state and federal funds allocated by the state department. The procedures may include suspending or limiting enrollment of new participants.~~

**Sec. 5104.43.** Each county department of job and family services shall deposit all funds received from any source for child care services into the public assistance fund established under section 5101.161 of the Revised Code. ~~All expenditures by a county department for publicly funded child care shall be made from the public assistance fund.~~

**Sec. 5111.012.** The (A) Except as provided in division (B) of this section, the 81362  
county department of job and family services of 81363  
each county shall establish the eligibility for medical assistance 81364  
of persons living in the county, and shall notify the department 81365  
of job and family services in the manner prescribed by the 81366  
department. The county shall be reimbursed for administrative 81367  
expenditures in accordance with sections 5101.16, 5101.161, and 81368  
5701.01 of the Revised Code. Expenditures for medical assistance 81369  
shall be made from funds appropriated to the department of job and 81370  
family services for public assistance subsidies. The program shall 81371  
conform to the requirements of the "Social Security Act," 49 Stat. 81372  
620 (1935), 42 U.S.C.A. 301, as amended. 81373

(B) If the department of job and family services elects to 81374  
enter into agreements with county departments of job and family 81375  
services pursuant to division (B) of section 5101.47 of the 81376  
Revised Code, a county department of job and family services shall 81377  
establish eligibility for medical assistance only if authorized to 81378  
do so under such an agreement. 81379

**Sec. 5111.013.** (A) The provision of medical assistance to 81380  
pregnant women and young children who are eligible for medical 81381  
assistance under division (A)(3) of section 5111.01 of the Revised 81382  
Code, but who are not otherwise eligible for medical assistance 81383  
under that section, shall be known as the healthy start program. 81384

(B) The department of job and family services shall do all of 81385  
the following with regard to the application procedures for the 81386  
healthy start program: 81387

(1) Establish a short application form for the program that 81388  
requires the applicant to provide no more information than is 81389  
necessary for making determinations of eligibility for the healthy 81390  
start program, except that the form may require applicants to 81391

provide their social security numbers. The form shall include a 81392  
statement, which must be signed by the applicant, indicating that 81393  
she does not choose at the time of making application for the 81394  
program to apply for assistance provided under any other program 81395  
administered by the department and that she understands that she 81396  
is permitted at any other time to apply at the county department 81397  
of job and family services of the county in which she resides for 81398  
any other assistance administered by the department. 81399

(2) To the extent permitted by federal law, do one or both of 81400  
the following: 81401

(a) Distribute the application form for the program to each 81402  
public or private entity that serves as a women, infants, and 81403  
children clinic or as a child and family health clinic and to each 81404  
administrative body for such clinics and train employees of each 81405  
such agency or entity to provide applicants assistance in 81406  
completing the form; 81407

(b) In cooperation with the department of health, develop 81408  
arrangements under which employees of county departments of job 81409  
and family services are stationed at public or private agencies or 81410  
entities selected by the department of job and family services 81411  
that serve as women, infants, and children clinics; child and 81412  
family health clinics; or administrative bodies for such clinics 81413  
for the purpose both of assisting applicants for the program in 81414  
completing the application form and of making determinations at 81415  
that location of eligibility for the program. 81416

(3) Establish performance standards by which a county 81417  
department of job and family services' level of enrollment of 81418  
persons potentially eligible for the program can be measured, and 81419  
establish acceptable levels of enrollment for each county 81420  
department. 81421

(4) Direct any county department of job and family services 81422

whose rate of enrollment of potentially eligible enrollees in the 81423  
program is below acceptable levels established under division 81424  
(B)(3) of this section to implement corrective action. Corrective 81425  
action may include but is not limited to any one or more of the 81426  
following to the extent permitted by federal law: 81427

(a) Establishing formal referral and outreach methods with 81428  
local health departments and local entities receiving funding 81429  
through the bureau of maternal and child health; 81430

(b) Designating a specialized intake unit within the county 81431  
department for healthy start applicants; 81432

(c) Establishing abbreviated timeliness requirements to 81433  
shorten the time between receipt of an application and the 81434  
scheduling of an initial application interview; 81435

(d) Establishing a system for telephone scheduling of intake 81436  
interviews for applicants; 81437

(e) Establishing procedures to minimize the time an applicant 81438  
must spend in completing the application and eligibility 81439  
determination process, including permitting applicants to complete 81440  
the process at times other than the regular business hours of the 81441  
county department and at locations other than the offices of the 81442  
county department. 81443

(C) To the extent permitted by federal law, local funds, 81444  
whether from public or private sources, expended by a county 81445  
department for administration of the healthy start program shall 81446  
be considered to have been expended by the state for the purpose 81447  
of determining the extent to which the state has complied with any 81448  
federal requirement that the state provide funds to match federal 81449  
funds for medical assistance, except that this division shall not 81450  
affect the amount of funds the county is entitled to receive under 81451  
section 5101.16, 5101.161, or 5111.012 of the Revised Code. 81452

~~(D) The director of job and family services shall do one or 81453~~

~~both of the following:~~ 81454

~~(1) To the extent that federal funds are provided for such 81455  
assistance, adopt a plan for granting presumptive eligibility for 81456  
pregnant women applying for healthy start;~~ 81457

~~(2) To the extent permitted by federal medicaid regulations, 81458  
adopt a plan for making same day determinations of eligibility for 81459  
pregnant women applying for healthy start.~~ 81460

~~(E)~~ A county department of job and family services that 81461  
maintains offices at more than one location shall accept 81462  
applications for the healthy start program at all of those 81463  
locations. 81464

~~(F)~~(E) The director of job and family services shall adopt 81465  
rules in accordance with section 111.15 of the Revised Code as 81466  
necessary to implement this section. 81467

**Sec. 5111.0112.** (A) The director of job and family services 81468  
shall institute a cost-sharing program under the medicaid program. 81469  
In instituting the cost-sharing program, the director shall comply 81470  
with federal law. ~~In the case of an individual participating in 81471  
the children's buy in program established under sections 5101.5211 81472  
to 5101.5216 of the Revised Code, the cost sharing program shall 81473  
be consistent with sections 5101.5213 and 5101.5214 of the Revised 81474  
Code if the children's buy in program is a component of the 81475  
medicaid program.~~ The cost-sharing program shall establish a 81476  
copayment requirement for at least dental services, vision 81477  
services, nonemergency emergency department services, and 81478  
prescription drugs, other than generic drugs. The cost-sharing 81479  
program shall establish requirements regarding premiums, 81480  
enrollment fees, deductions, and similar charges. The director 81481  
shall adopt rules under section 5111.02 of the Revised Code 81482  
governing the cost-sharing program. 81483

(B) The cost-sharing program shall, to the extent permitted by federal law, provide for all of the following with regard to any providers participating in the medicaid program:

(1) No provider shall refuse to provide a service to a medicaid recipient who is unable to pay a required copayment for the service.

(2) Division (B)(1) of this section shall not be considered to do either of the following with regard to a medicaid recipient who is unable to pay a required copayment:

(a) Relieve the medicaid recipient from the obligation to pay a copayment;

(b) Prohibit the provider from attempting to collect an unpaid copayment.

(3) Except as provided in division (C) of this section, no provider shall waive a medicaid recipient's obligation to pay the provider a copayment.

(4) No provider or drug manufacturer, including the manufacturer's representative, employee, independent contractor, or agent, shall pay any copayment on behalf of a medicaid recipient.

(5) If it is the routine business practice of the provider to refuse service to any individual who owes an outstanding debt to the provider, the provider may consider an unpaid copayment imposed by the cost-sharing program as an outstanding debt and may refuse service to a medicaid recipient who owes the provider an outstanding debt. If the provider intends to refuse service to a medicaid recipient who owes the provider an outstanding debt, the provider shall notify the individual of the provider's intent to refuse services.

(C) In the case of a provider that is a hospital, the

cost-sharing program shall permit the hospital to take action to 81514  
collect a copayment by providing, at the time services are 81515  
rendered to a medicaid recipient, notice that a copayment may be 81516  
owed. If the hospital provides the notice and chooses not to take 81517  
any further action to pursue collection of the copayment, the 81518  
prohibition against waiving copayments specified in division 81519  
(B)(3) of this section does not apply. 81520

(D) The department of job and family services may work with a 81521  
state agency that is administering, pursuant to a contract entered 81522  
into under section 5111.91 of the Revised Code, one or more 81523  
components of the medicaid program or one or more aspects of a 81524  
component as necessary for the state agency to apply the 81525  
cost-sharing program to the components or aspects of the medicaid 81526  
program that the state agency administers. 81527

Sec. 5111.0122. As used in this section, "maintenance of 81528  
effort requirement" means the requirement established by section 81529  
1902(qg) of the "Social Security Act," 124 Stat. 275 (2010), 42 81530  
U.S.C. 1396a(qg), as amended, regarding medicaid eligibility 81531  
standards, methodologies, and procedures. 81532

Except to the extent, if any, otherwise authorized by the 81533  
United States secretary of health and human services, the 81534  
department of job and family services shall comply with the 81535  
maintenance of effort requirement while the requirement is in 81536  
effect. 81537

Sec. 5111.0123. (A) Subject to division (B) of this section, 81538  
the director of job and family services may adopt rules under 81539  
sections 5111.011 and 5111.85 of the Revised Code to reduce the 81540  
complexity of the eligibility determination processes for the 81541  
medicaid program caused by the different income and resource 81542  
standards for the numerous medicaid eligibility categories. 81543

(B) In implementing division (A) of this section, both of the following apply: 81544  
81545

(1) Before implementing a revision to an eligibility determination process, the director shall obtain, to the extent necessary, the approval of the United States secretary of health and human services in the form of a federal medicaid waiver, medicaid state plan amendment, or demonstration grant. 81546  
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(2) The director shall comply with section 5111.0122 of the Revised Code. 81551  
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**Sec. 5111.0124.** (A) As used in this section: 81553

"Children's hospital" has the same meaning as in section 2151.86 of the Revised Code. 81554  
81555

"Federally-qualified health center" has the same meaning as in 42 U.S.C. 1396d(1)(2)(B). 81556  
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"Presumptive eligibility for pregnant women option" means the option available under 42 U.S.C. 1396r-1 to make ambulatory prenatal care available to pregnant women under the medicaid program during presumptive eligibility periods. 81558  
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(B) The director of job and family services shall submit a state medicaid plan amendment to the United States secretary of health and human services to implement the presumptive eligibility for pregnant women option. Children's hospitals and federally-qualified health centers that are eligible to be qualified providers under section 42 U.S.C. 1396r-1(b)(2) may serve as qualified providers for purposes of the presumptive eligibility for pregnant women option. 81562  
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**Sec. 5111.0125.** (A) As used in this section: 81570

"Children's hospital" has the same meaning as in section 2151.86 of the Revised Code. 81571  
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"Federally-qualified health center" has the same meaning as 81573  
in 42 U.S.C. 1396d(1)(2)(B). 81574

"Presumptive eligibility for children option" means the 81575  
option available under 42 U.S.C. 1396r-1a to make medical 81576  
assistance with respect to health care items and services 81577  
available to children under the medicaid program during 81578  
presumptive eligibility periods. 81579

(B) The director of job and family services shall retain the 81580  
presumptive eligibility for children option in the state medicaid 81581  
plan. Children's hospitals and federally-qualified health centers 81582  
that are eligible to be qualified entities under section 42 U.S.C. 81583  
1396r-1a(b)(3) may serve as qualified entities for purposes of the 81584  
presumptive eligibility for children option. 81585

**Sec. 5111.021.** Under the medicaid program: 81586

~~(A) Except as otherwise permitted by federal statute or~~ 81587  
~~regulation and at the department's discretion, reimbursement by~~ 81588  
~~the~~ The department of job and family services ~~to~~ shall not 81589  
reimburse a medical provider for any medical ~~service~~ assistance 81590  
rendered under the program ~~shall not exceed~~ an amount that exceeds 81591  
the following: 81592

(1) If the provider is a hospital, nursing facility, or 81593  
intermediate care facility for the mentally retarded, the limits 81594  
established under Subpart C of 42 C.F.R. Part 447; 81595

(2) If the provider is other than a provider described in 81596  
division (A)(1) of this section, the authorized reimbursement 81597  
~~level~~ limits for the same service under the medicare program 81598  
established under Title XVIII of the "Social Security Act," 79 81599  
Stat. 286 (1965), 42 U.S.C. 1395, as amended. 81600

(B) Reimbursement for freestanding medical laboratory charges 81601  
shall not exceed the customary and usual fee for laboratory 81602

profiles. 81603

(C) The department may deduct from payments for services 81604  
rendered by a medicaid provider under the medicaid program any 81605  
amounts the provider owes the state as the result of incorrect 81606  
medicaid payments the department has made to the provider. 81607

(D) The department may conduct final fiscal audits in 81608  
accordance with the applicable requirements set forth in federal 81609  
laws and regulations and determine any amounts the provider may 81610  
owe the state. When conducting final fiscal audits, the department 81611  
shall consider generally accepted auditing standards, which 81612  
include the use of statistical sampling. 81613

(E) The number of days of inpatient hospital care for which 81614  
reimbursement is made on behalf of a medicaid recipient to a 81615  
hospital that is not paid under a diagnostic-related-group 81616  
prospective payment system shall not exceed thirty days during a 81617  
period beginning on the day of the recipient's admission to the 81618  
hospital and ending sixty days after the termination of that 81619  
hospital stay, except that the department may make exceptions to 81620  
this limitation. The limitation does not apply to children 81621  
participating in the program for medically handicapped children 81622  
established under section 3701.023 of the Revised Code. 81623

(F) The division of any reimbursement between a collaborating 81624  
physician or podiatrist and a clinical nurse specialist, certified 81625  
nurse-midwife, or certified nurse practitioner for services 81626  
performed by the nurse shall be determined and agreed on by the 81627  
nurse and collaborating physician or podiatrist. In no case shall 81628  
reimbursement exceed the payment that the physician or podiatrist 81629  
would have received had the physician or podiatrist provided the 81630  
entire service. 81631

**Sec. 5111.023.** (A) As used in this section: 81632

(1) "Community mental health agency or facility" means a 81633  
community mental health agency or facility that has a ~~quality~~ 81634  
~~assurance program accredited by the joint commission on~~ 81635  
~~accreditation of healthcare organizations or is its community~~ 81636  
mental health services certified by the department of mental 81637  
health under section 5119.611 of the Revised Code or by the 81638  
department of job and family services. 81639

(2) "Mental health professional" means a person qualified to 81640  
work with mentally ill persons under the standards established by 81641  
the director of mental health pursuant to section 5119.611 of the 81642  
Revised Code. 81643

(B) The state medicaid plan ~~shall~~ may include provision of 81644  
the following mental health services when provided by community 81645  
mental health agencies or facilities: 81646

(1) Outpatient mental health services, including, but not 81647  
limited to, preventive, diagnostic, therapeutic, rehabilitative, 81648  
and palliative interventions rendered to individuals in an 81649  
individual or group setting by a mental health professional in 81650  
accordance with a plan of treatment appropriately established, 81651  
monitored, and reviewed; 81652

(2) Partial-hospitalization mental health services rendered 81653  
by persons directly supervised by a mental health professional; 81654

(3) Unscheduled, emergency mental health services of a kind 81655  
ordinarily provided to persons in crisis when rendered by persons 81656  
supervised by a mental health professional; 81657

(4) Subject to receipt of federal approval, assertive 81658  
community treatment and intensive home-based mental health 81659  
services. 81660

(C) ~~The comprehensive annual plan shall certify the~~ 81661  
~~availability of sufficient unencumbered community mental health~~ 81662  
~~state subsidy and local funds to match federal medicaid~~ 81663

~~reimbursement funds earned by community mental health facilities.~~ 81664

~~(D) The department of job and family services shall enter into a separate contract with the department of mental health under section 5111.91 of the Revised Code with regard to the component of the medicaid program provided for by this section.~~ 81665  
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~~(E) Not later than July 21, 2006, the department of job and family services shall request federal approval to provide assertive community treatment and intensive home based mental health services under medicaid pursuant to this section.~~ 81669  
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~~(F) On receipt of federal approval sought under division (E) of this section, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code for assertive community treatment and intensive home based mental health services provided under medicaid pursuant to this section. The director shall consult with the department of mental health in adopting the rules.~~ 81673  
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**Sec. 5111.025.** (A) In rules adopted under section 5111.02 of the Revised Code, the director of job and family services shall modify the manner or establish a new manner in which the following are paid under medicaid: 81680  
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(1) Community mental health agencies or facilities for providing community mental health services included in the state medicaid plan pursuant to section 5111.023 of the Revised Code; 81684  
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(2) Providers of alcohol and drug addiction services for providing alcohol and drug addiction services included in the medicaid program pursuant to rules adopted under section 5111.02 of the Revised Code. 81687  
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(B) The director's authority to modify the manner, or to establish a new manner, for medicaid to pay for the services specified in division (A) of this section is not limited by any 81691  
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rules adopted under section 5111.02 or 5119.61 of the Revised Code 81694  
that are in effect on June 26, 2003, and govern the way medicaid 81695  
pays for those services. This is the case regardless of what state 81696  
agency adopted the rules. 81697

Sec. 5111.0212. As necessary to comply with section 81698  
1902(a)(13)(A) of the "Social Security Act," 111 Stat. 507 (1997), 81699  
42 U.S.C. 1396a(a)(13)(A), as amended, and any other federal law 81700  
that requires public notice of proposed changes to reimbursement 81701  
rates for medical assistance provided under the medicaid program, 81702  
the director of job and family services shall give public notice 81703  
in the register of Ohio of any change to a method or standard used 81704  
to determine the medicaid reimbursement rate for medical 81705  
assistance. 81706

Sec. 5111.0213. (A) As used in this section: 81707

(1) "Aide services" means all of the following: 81708

(a) Home health aide services available under the home health 81709  
services benefit pursuant to 42 C.F.R. 440.70(b)(2); 81710

(b) Home care attendant services available under a home and 81711  
community-based services medicaid waiver component; 81712

(c) Personal care aide services available under a home and 81713  
community-based services medicaid waiver component. 81714

(2) "Home and community-based services medicaid waiver 81715  
component" has the same meaning as in section 5111.85 of the 81716  
Revised Code. 81717

(3) "Nursing services" means all of the following: 81718

(a) Nursing services available under the home health services 81719  
benefit pursuant to 42 C.F.R. 440.70(b)(1); 81720

(b) Private duty nursing services as defined in 42 C.F.R. 81721  
440.80; 81722

(c) Nursing services available under a home and community-based services medicaid waiver component. 81723  
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(B) The department of job and family services shall do both of the following: 81725  
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(1) Effective not later than October 1, 2011, reduce the medicaid program's first-hour-unit price for aide services and nursing services in a manner that reflects, at a minimum, labor market data that shows the medicaid and non-medicaid reimbursement rates for such services or similar services; 81727  
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(2) Not sooner than July 1, 2012, adjust the medicaid reimbursement rates for aide services and nursing services in a manner that reflects, at a minimum, labor market data, education and licensure status, home health agency and non-agency provider status, and length of service visit. 81732  
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(C) The department shall strive to have the adjustment made under division (B)(2) of this section go into effect on July 1, 2012. The reduction made under division (B)(1) of this section shall remain in effect until the adjustment made under division (B)(2) of this section goes into effect. 81737  
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(D) The director of job and family services shall adopt rules under sections 5111.02 and 5111.85 of the Revised Code as necessary to implement this section. 81742  
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**Sec. 5111.0214.** The department of job and family services shall not knowingly make a medicaid payment for a provider-preventable condition for which federal financial participation is prohibited by regulations adopted under section 2702 of the "Patient Protection and Affordable Care Act," 124 Stat. 318 (2010), 42 U.S.C. 1396b-1. The director of job and family services shall adopt rules under section 5111.02 of the Revised Code as necessary to implement this section. 81745  
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Sec. 5111.0215. (A) The department of job and family services 81753  
may establish a program under which it provides incentive 81754  
payments, as authorized by the "Health Information Technology for 81755  
Economic and Clinical Health Act," 123 Stat. 489 (2009), 42 U.S.C. 81756  
1396b(a)(3)(F) and 1396b(t), as amended, to encourage the adoption 81757  
and use of electronic health record technology by medicaid 81758  
providers who are identified under that federal law as eligible 81759  
professionals. 81760

(B) After the department has made a determination regarding 81761  
the amount of a medicaid provider's electronic health record 81762  
incentive payment or the denial of an incentive payment, the 81763  
department shall notify the provider. The provider may request 81764  
that the department reconsider its determination. 81765

A request for reconsideration shall be submitted in writing 81766  
to the department not later than fifteen days after the provider 81767  
receives notification of the determination. The request shall be 81768  
accompanied by written materials setting forth the basis for, and 81769  
supporting, the reconsideration request. 81770

On receipt of a timely request, the department shall 81771  
reconsider the determination. On the basis of the written 81772  
materials accompanying the request, the department may uphold, 81773  
reverse, or modify its original determination. The department 81774  
shall mail to the provider by certified mail a written notice of 81775  
the reconsideration decision. 81776

In accordance with Chapter 2505. of the Revised Code, the 81777  
medicaid provider may appeal the reconsideration decision by 81778  
filing a notice of appeal with the court of common pleas of 81779  
Franklin county. The notice shall identify the decision being 81780  
appealed and the specific grounds for the appeal. The notice of 81781  
appeal shall be filed not later than fifteen days after the 81782  
department mails its notice of the reconsideration decision. A 81783

copy of the notice of appeal shall be filed with the department 81784  
not later than three days after the notice is filed with the 81785  
court. 81786

(C) The director of job and family services may adopt rules 81787  
in accordance with Chapter 119. of the Revised Code as necessary 81788  
to implement this section. 81789

**Sec. 5111.031.** (A) As used in this section: 81790

(1) "Independent provider" has the same meaning as in section 81791  
5111.034 of the Revised Code. 81792

(2) "Intermediate care facility for the mentally retarded" 81793  
and "nursing facility" have the same meanings as in section 81794  
5111.20 of the Revised Code. 81795

(3) "Noninstitutional medicaid provider" means any person or 81796  
entity with a medicaid provider agreement other than a hospital, 81797  
nursing facility, or intermediate care facility for the mentally 81798  
retarded. 81799

(4) "Owner" means any person having at least five per cent 81800  
ownership in a noninstitutional medicaid provider. 81801

(B) Notwithstanding any provision of this chapter to the 81802  
contrary, the department of job and family services shall take 81803  
action under this section against a noninstitutional medicaid 81804  
provider or its owner, officer, authorized agent, associate, 81805  
manager, or employee. 81806

(C) Except as provided in division (D) of this section and in 81807  
rules adopted by the department under division (H) of this 81808  
section, on receiving notice and a copy of an indictment that is 81809  
issued on or after ~~the effective date of this section~~ September 81810  
29, 2007, and charges a noninstitutional medicaid provider or its 81811  
owner, officer, authorized agent, associate, manager, or employee 81812  
with committing an offense specified in division (E) of this 81813



section, the department shall suspend the provider agreement held 81814  
by the noninstitutional medicaid provider. Subject to division (D) 81815  
of this section, the department shall also terminate medicaid 81816  
reimbursement to the provider for services rendered. 81817

The suspension shall continue in effect until the proceedings 81818  
in the criminal case are completed through ~~conviction~~, dismissal 81819  
of the indictment, or through conviction, entry of a guilty plea, 81820  
or finding of not guilty. If the department commences a process to 81821  
terminate the suspended provider agreement, the suspension shall 81822  
also continue in effect until the termination process is 81823  
concluded. ~~Pursuant~~ 81824

Pursuant to section 5111.06 of the Revised Code, the 81825  
department is not required to take action under this division by 81826  
issuing an order pursuant to an adjudication conducted in 81827  
accordance with Chapter 119. of the Revised Code. 81828

When subject to a suspension under this division, a provider, 81829  
owner, officer, authorized agent, associate, manager, or employee 81830  
shall not own or provide services to any other medicaid provider 81831  
or risk contractor or arrange for, render, or order services for 81832  
medicaid recipients during the period of suspension. During the 81833  
period of suspension, the provider, owner, officer, authorized 81834  
agent, associate, manager, or employee shall not receive 81835  
reimbursement in the form of direct payments from the department 81836  
or indirect payments of medicaid funds in the form of salary, 81837  
shared fees, contracts, kickbacks, or rebates from or through any 81838  
participating provider or risk contractor. 81839

(D)(1) The department shall not suspend a provider agreement 81840  
or terminate medicaid reimbursement under division (C) of this 81841  
section if the provider or owner can demonstrate through the 81842  
submission of written evidence that the provider or owner did not 81843  
directly or indirectly sanction the action of its authorized 81844  
agent, associate, manager, or employee that resulted in the 81845

indictment. 81846

(2) The termination of medicaid reimbursement applies only to 81847  
payments for medicaid services rendered subsequent to the date on 81848  
which the notice required under division (F) of this section is 81849  
sent. Claims for reimbursement for medicaid services rendered by 81850  
the provider prior to the issuance of the notice may be subject to 81851  
prepayment review procedures whereby the department reviews claims 81852  
to determine whether they are supported by sufficient 81853  
documentation, are in compliance with state and federal statutes 81854  
and rules, and are otherwise complete. 81855

(E)(1) In the case of a noninstitutional medicaid provider 81856  
that is not an independent provider, the suspension of a provider 81857  
agreement under division (C) of this section applies when an 81858  
indictment charges a person with committing an act that would be a 81859  
felony or misdemeanor under the laws of this state and the act 81860  
relates to or results from either of the following: 81861

(a) Furnishing or billing for medical care, services, or 81862  
supplies under the medicaid program; 81863

(b) Participating in the performance of management or 81864  
administrative services relating to furnishing medical care, 81865  
services, or supplies under the medicaid program. 81866

(2) In the case of a noninstitutional medicaid provider that 81867  
is an independent provider, the suspension of a provider agreement 81868  
under division (C) of this section applies when an indictment 81869  
charges a person with committing an act that would constitute one 81870  
of the offenses specified in division (D) of section 5111.034 of 81871  
the Revised Code. 81872

(F) Not later than five days after suspending a provider 81873  
agreement under division (C) of this section, the department shall 81874  
send notice of the suspension to the affected provider or owner. 81875  
In providing the notice, the department shall do all of the 81876

following: 81877

(1) Describe the indictment that was the cause of the 81878  
suspension, without necessarily disclosing specific information 81879  
concerning any ongoing civil or criminal investigation; 81880

(2) State that the suspension will continue in effect until 81881  
the proceedings in the criminal case are completed through 81882  
~~conviction~~, dismissal of the indictment, or through conviction, 81883  
entry of a guilty plea, or finding of not guilty and, if the 81884  
department commences a process to terminate the suspended provider 81885  
agreement, until the termination process is concluded; 81886

(3) Inform the provider or owner of the opportunity to submit 81887  
to the department, not later than thirty days after receiving the 81888  
notice, a request for a reconsideration pursuant to division (G) 81889  
of this section. 81890

(G)(1) ~~A~~ Pursuant to the procedure specified in division 81891  
(G)(2) of this section, a noninstitutional medicaid provider or 81892  
owner subject to a suspension under this section may request a 81893  
reconsideration. The request shall be made not later than thirty 81894  
days after receipt of the notice provided under division (F) of 81895  
this section. The reconsideration is not subject to an 81896  
adjudication hearing pursuant to Chapter 119. of the Revised Code. 81897

(2) In requesting a reconsideration, the provider or owner 81898  
shall submit written information and documents to the department. 81899  
The information and documents may pertain to any of the following 81900  
issues: 81901

(a) Whether the determination to suspend the provider 81902  
agreement was based on a mistake of fact, other than the validity 81903  
of the indictment; 81904

(b) Whether any offense charged in the indictment resulted 81905  
from an offense specified in division (E) of this section; 81906

(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the indictment.

(3) The department shall review the information and documents submitted in a request for reconsideration. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration.

(H) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules may specify circumstances under which the department would not suspend a provider agreement pursuant to this section.

**Sec. 5111.035.** (A) As used in this section:

(1) "Creditable allegation of fraud" has the same meaning as in 42 C.F.R. 455.2, except that for purposes of this section any reference in that regulation to the "state" or the "state medicaid agency" means the department of job and family services.

(2) "Provider" has the same meaning as in section 5111.032 of the Revised Code.

(3) "Owner" has the same meaning as in section 5111.031 of the Revised Code.

(B)(1) Except as provided in division (C) of this section and in rules adopted by the department of job and family services under division (J) of this section, on determining there is a creditable allegation of fraud for which an investigation is pending under the medicaid program against a provider, the

department shall suspend the provider agreement held by the 81937  
provider. Subject to division (C) of this section, the department 81938  
shall also terminate medicaid reimbursement to the provider for 81939  
services rendered. 81940

(2)(a) The suspension shall continue in effect until either 81941  
of the following is the case: 81942

(i) The department or a prosecuting authority determines that 81943  
there is insufficient evidence of fraud by the provider; 81944

(ii) The proceedings in any related criminal case are 81945  
completed through dismissal of the indictment or through 81946  
conviction, entry of a guilty plea, or finding of not guilty. 81947

(b) If the department commences a process to terminate the 81948  
suspended provider agreement, the suspension shall also continue 81949  
in effect until the termination process is concluded. 81950

(3) Pursuant to section 5111.06 of the Revised Code, the 81951  
department is not required to take action under division (B)(1) of 81952  
this section by issuing an order pursuant to an adjudication in 81953  
accordance with Chapter 119. of the Revised Code. 81954

(4) When subject to a suspension under this section, a 81955  
provider, owner, officer, authorized agent, associate, manager, or 81956  
employee shall not own or provide services to any other medicaid 81957  
provider or risk contractor or arrange for, render, or order 81958  
services to any other medicaid provider or risk contractor or 81959  
arrange for, render, or order services for medicaid recipients 81960  
during the period of suspension. During the period of suspension, 81961  
the provider, owner, officer, authorized agent, associate, 81962  
manager, or employee shall not receive reimbursement in the form 81963  
of direct payments from the department or indirect payments of 81964  
medicaid funds in the form of salary, shared fees, contracts, 81965  
kickbacks, or rebates from or through any participating provider 81966  
or risk contractor. 81967

(C) The department shall not suspend a provider agreement or terminate medicaid reimbursement under division (B) of this section if the provider or owner can demonstrate through the submission of written evidence that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the creditable allegation of fraud. 81968  
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(D) The termination of medicaid reimbursement under division (B) of this section applies only to payments for medicaid services rendered subsequent to the date on which the notice required by division (E) of this section is sent. Claims for reimbursement of medicaid services rendered by the provider prior to the issuance of the notice may be subject to prepayment review procedures whereby the department reviews claims to determine whether they are supported by sufficient documentation, are in compliance with state and federal statutes and rules, and are otherwise complete. 81975  
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(E) After suspending a provider agreement under division (B) of this section, the department shall, as specified in 42 C.F.R. 455.23(b), send notice of the suspension to the affected provider or owner in accordance with the following timeframes: 81984  
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(1) Not later than five days after the suspension, unless a law enforcement agency makes a written request to temporarily delay the notice; 81988  
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(2) If a law enforcement agency makes a written request to temporarily delay the notice, not later than thirty days after the suspension occurs subject to the conditions specified in division (F) of this section. 81991  
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(F) A written request for a temporary delay described in division (E)(2) of this section may be renewed in writing by a law enforcement agency not more than two times except that under no circumstances shall the notice be issued more than ninety days 81995  
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after the suspension occurs. 81999

(G) The notice required by division (E) of this section shall do all of the following: 82000

(1) State that payments are being suspended in accordance with this section and 42 C.F.R. 455.23; 82001

(2) Set forth the general allegations related to the nature of the conduct leading to the suspension, except that it is not necessary to disclose any specific information concerning an ongoing investigation; 82002

(3) State that the suspension continues to be in effect until either of the following is the case: 82003

(a) The department or a prosecuting authority determines that there is insufficient evidence of fraud by the provider; 82004

(b) The proceedings in any related criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty and, if the department commences a process to terminate the suspended provider agreement, until the termination process is concluded. 82005

(4) Specify, if applicable, the type or types of medicaid claims or business units of the provider that are affected by the suspension; 82006

(5) Inform the provider or owner of the opportunity to submit to the department, not later than thirty days after receiving the notice, a request for reconsideration of the suspension in accordance with division (H) of this section. 82007

(H)(1) Pursuant to the procedure specified in division (H)(2) of this section, a provider or owner subject to a suspension under this section may request a reconsideration of the suspension. The request shall be made not later than thirty days after receipt of a notice required by division (E) of this section. The 82008

reconsideration is not subject to an adjudication hearing pursuant 82029  
to Chapter 119. of the Revised Code. 82030

(2) In requesting a reconsideration, the provider or owner 82031  
shall submit written information and documents to the department. 82032  
The information and documents may pertain to any of the following 82033  
issues: 82034

(a) Whether the determination to suspend the provider 82035  
agreement was based on a mistake of fact, other than the validity 82036  
of an indictment in a related criminal case. 82037

(b) If there has been an indictment in a related criminal 82038  
case, whether any offense charged in the indictment resulted from 82039  
an offense specified in division (E) of section 5111.031 of the 82040  
Revised Code. 82041

(c) Whether the provider or owner can demonstrate that the 82042  
provider or owner did not directly or indirectly sanction the 82043  
action of its authorized agent, associate, manager, or employee 82044  
that resulted in the suspension under this section or an 82045  
indictment in a related criminal case. 82046

(I) The department shall review the information and documents 82047  
submitted in a request made under division (H) of this section for 82048  
reconsideration of a suspension. After the review, the suspension 82049  
may be affirmed, reversed, or modified, in whole or in part. The 82050  
department shall notify the affected provider or owner of the 82051  
results of the review. The review and notification of its results 82052  
shall be completed not later than forty-five days after receiving 82053  
the information and documents submitted in a request for 82054  
reconsideration. 82055

(J) The department may adopt rules in accordance with Chapter 82056  
119. of the Revised Code to implement this section. The rules may 82057  
specify circumstances under which the department would not suspend 82058  
a provider agreement pursuant to this section. 82059



Sec. 5111.051. The director of job and family services may 82060  
submit a medicaid state plan amendment or request for a federal 82061  
waiver to the United States secretary of health and human services 82062  
as necessary to implement, at the director's discretion, a system 82063  
under which payments for medical assistance provided under the 82064  
medicaid program are made to an organization on behalf of the 82065  
providers of the medical assistance. The system may not provide 82066  
for an organization to receive an amount that exceeds, in 82067  
aggregate, the amount the department would have paid directly to 82068  
the providers if not for this section. 82069

Sec. 5111.052. (A) As used in this section, "electronic 82070  
claims submission process" means any of the following: 82071

(1) Electronic interchange of data; 82072

(2) Direct entry of data through an internet-based mechanism 82073  
implemented by the department of job and family services; 82074

(3) Any other process for the electronic submission of claims 82075  
that is specified in rules adopted under this section. 82076

(B) Not later than January 1, 2013, and except as provided in 82077  
division (C) of this section, each provider of services to 82078  
medicaid recipients shall do both of the following: 82079

(1) Use only an electronic claims submission process to 82080  
submit to the department of job and family services claims for 82081  
medicaid reimbursement for services provided to medicaid 82082  
recipients; 82083

(2) Arrange to receive medicaid reimbursement from the 82084  
department by means of electronic funds transfer. 82085

(C) Division (B) of this section does not apply to any of the 82086  
following: 82087

(1) A nursing facility, as defined in section 5111.20 of the 82088

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|------------------------------------------------------------------------|-------|
| <u>Revised Code;</u>                                                   | 82089 |
| <u>(2) An intermediate care facility for the mentally retarded,</u>    | 82090 |
| <u>as defined in section 5111.20 of the Revised Code;</u>              | 82091 |
| <u>(3) A medicaid managed care organization under contract with</u>    | 82092 |
| <u>the department pursuant to section 5111.17 of the Revised Code;</u> | 82093 |
| <u>(4) Any other provider or type of provider designated in</u>        | 82094 |
| <u>rules adopted under this section.</u>                               | 82095 |
| <u>(D) The department shall not process a medicaid claim</u>           | 82096 |
| <u>submitted on or after January 1, 2013, unless the claim is</u>      | 82097 |
| <u>submitted through an electronic claims submission process in</u>    | 82098 |
| <u>accordance with this section.</u>                                   | 82099 |
| <u>(E) The director of job and family services may adopt rules</u>     | 82100 |
| <u>in accordance with Chapter 119. of the Revised Code as the</u>      | 82101 |
| <u>director considers necessary to implement this section.</u>         | 82102 |
| <br>                                                                   |       |
| <b>Sec. 5111.06.</b> (A)(1) As used in this section and in sections    | 82103 |
| 5111.061 and <del>5111.062</del> <u>5111.063</u> of the Revised Code:  | 82104 |
| (a) "Provider" means any person, institution, or entity that           | 82105 |
| furnishes medicaid services under a provider agreement with the        | 82106 |
| department of job and family services pursuant to Title XIX of the     | 82107 |
| "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as        | 82108 |
| amended.                                                               | 82109 |
| (b) "Party" has the same meaning as in division (G) of                 | 82110 |
| section 119.01 of the Revised Code.                                    | 82111 |
| (c) "Adjudication" has the same meaning as in division (D) of          | 82112 |
| section 119.01 of the Revised Code.                                    | 82113 |
| (2) This section does not apply to any action taken by the             | 82114 |
| department of job and family services under sections 5111.35 to        | 82115 |
| 5111.62 of the Revised Code.                                           | 82116 |
| (B) Except as provided in division (D) of this section and             | 82117 |

section 5111.914 of the Revised Code, the department shall do 82118  
either of the following by issuing an order pursuant to an 82119  
adjudication conducted in accordance with Chapter 119. of the 82120  
Revised Code: 82121

(1) Enter into or refuse to enter into a provider agreement 82122  
with a provider, or suspend, terminate, renew, or refuse to renew 82123  
an existing provider agreement with a provider; 82124

(2) Take any action based upon a final fiscal audit of a 82125  
provider. 82126

(C) Any party who is adversely affected by the issuance of an 82127  
adjudication order under division (B) of this section may appeal 82128  
to the court of common pleas of Franklin county in accordance with 82129  
section 119.12 of the Revised Code. 82130

(D) The department is not required to comply with division 82131  
(B)(1) of this section whenever any of the following occur: 82132

(1) The terms of a provider agreement require the provider to 82133  
hold a license, permit, or certificate or maintain a certification 82134  
issued by an official, board, commission, department, division, 82135  
bureau, or other agency of state or federal government other than 82136  
the department of job and family services, and the license, 82137  
permit, certificate, or certification has been denied, revoked, 82138  
not renewed, suspended, or otherwise limited. 82139

(2) The terms of a provider agreement require the provider to 82140  
hold a license, permit, or certificate or maintain certification 82141  
issued by an official, board, commission, department, division, 82142  
bureau, or other agency of state or federal government other than 82143  
the department of job and family services, and the provider has 82144  
not obtained the license, permit, certificate, or certification. 82145

(3) The provider agreement is denied, terminated, or not 82146  
renewed due to the termination, refusal to renew, or denial of a 82147  
license, permit, certificate, or certification by an official, 82148

board, commission, department, division, bureau, or other agency 82149  
of this state other than the department of job and family 82150  
services, notwithstanding the fact that the provider may hold a 82151  
license, permit, certificate, or certification from an official, 82152  
board, commission, department, division, bureau, or other agency 82153  
of another state. 82154

(4) The provider agreement is denied, terminated, or not 82155  
renewed pursuant to division (C) or (F) of section 5111.03 of the 82156  
Revised Code. 82157

(5) The provider agreement is denied, terminated, or not 82158  
renewed due to the provider's termination, suspension, or 82159  
exclusion from the medicare program established under Title XVIII 82160  
of the "Social Security Act," or from another state's medicaid 82161  
program and, in either case, the termination, suspension, or 82162  
exclusion is binding on the provider's participation in the 82163  
medicaid program in this state. 82164

(6) The provider agreement is denied, terminated, or not 82165  
renewed due to the provider's pleading guilty to or being 82166  
convicted of a criminal activity materially related to either the 82167  
medicare or medicaid program. 82168

(7) The provider agreement is denied, terminated, or 82169  
suspended as a result of action by the United States department of 82170  
health and human services and that action is binding on the 82171  
provider's participation in the medicaid program. 82172

(8) ~~The Pursuant to either section 5111.031 or 5111.035 of~~ 82173  
~~the Revised Code, the~~ provider agreement is suspended ~~pursuant to~~ 82174  
~~section 5111.031 of the Revised Code and payments to the provider~~ 82175  
are suspended pending indictment of the provider. 82176

(9) The provider agreement is denied, terminated, or not 82177  
renewed because the provider or its owner, officer, authorized 82178  
agent, associate, manager, or employee has been convicted of one 82179

of the offenses that caused the provider agreement to be suspended 82180  
pursuant to section 5111.031 of the Revised Code. 82181

(10) The provider agreement is converted under section 82182  
5111.028 of the Revised Code from a provider agreement that is not 82183  
time-limited to a provider agreement that is time-limited. 82184

(11) The provider agreement is terminated or an application 82185  
for re-enrollment is denied because the provider has failed to 82186  
apply for re-enrollment within the time or in the manner specified 82187  
for re-enrollment pursuant to section 5111.028 of the Revised 82188  
Code. 82189

(12) The provider agreement is suspended or terminated, or an 82190  
application for enrollment or re-enrollment is denied, for any 82191  
reason authorized or required by one or more of the following: 42 82192  
C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450. 82193

(13) The provider agreement is terminated or not renewed 82194  
because the provider has not billed or otherwise submitted a 82195  
medicaid claim to the department for two years or longer. 82196

~~(13)~~(14) The provider agreement is denied, terminated, or not 82197  
renewed because the provider fails to provide to the department 82198  
the national provider identifier assigned the provider by the 82199  
national provider system pursuant to 45 C.F.R. 162.408. 82200

In the case of a provider described in division (D)~~(12)~~(13) 82201  
or ~~(13)~~(14) of this section, the department may take its proposed 82202  
action against a provider agreement by sending a notice explaining 82203  
the proposed action to the provider. The notice shall be sent to 82204  
the provider's address on record with the department. The notice 82205  
may be sent by regular mail. 82206

(E) The department may withhold payments for services 82207  
rendered by a medicaid provider under the medicaid program during 82208  
the pendency of proceedings initiated under division (B)(1) of 82209  
this section. If the proceedings are initiated under division 82210

(B)(2) of this section, the department may withhold payments only 82211  
to the extent that they equal amounts determined in a final fiscal 82212  
audit as being due the state. This division does not apply if the 82213  
department fails to comply with section 119.07 of the Revised 82214  
Code, requests a continuance of the hearing, or does not issue a 82215  
decision within thirty days after the hearing is completed. This 82216  
division does not apply to nursing facilities and intermediate 82217  
care facilities for the mentally retarded as defined in section 82218  
5111.20 of the Revised Code. 82219

Sec. 5111.063. For the purpose of raising funds necessary to 82220  
pay the expenses of implementing the provider screening 82221  
requirements of subpart E of 42 C.F.R. Part 455, the department of 82222  
job and family services shall charge an application fee to a 82223  
provider seeking to enter into or renew a medicaid provider 82224  
agreement, unless the provider is exempt from paying the 82225  
application fee under 42 C.F.R. 455.460(a). The application fees 82226  
shall be deposited into the health care services administration 82227  
fund created under section 5111.94 of the Revised Code. 82228

The director of job and family services shall adopt rules in 82229  
accordance with Chapter 119. of the Revised Code as necessary to 82230  
implement this section, including a rule establishing the amount 82231  
of the application fee that is charged under this section. The 82232  
amount of the application fee shall not be set at an amount that 82233  
is more than necessary to pay for the expenses of implementing the 82234  
provider screening requirements. 82235

Sec. 5111.085. As used in this section, "federal upper 82236  
reimbursement limit" means the limit established pursuant to 82237  
section 1927(e) of the "Social Security Act," 104 Stat. 1388-151 82238  
(1990), 42 U.S.C. 1396r-8(e), as amended. 82239

The medicaid payment for a drug that is subject to a federal 82240

upper reimbursement limit shall not exceed, in the aggregate, the 82241  
federal upper reimbursement limit for the drug. The director of 82242  
job and family services shall adopt rules under section 5111.02 of 82243  
the Revised Code as necessary to implement this section. 82244

**Sec. 5111.113.** (A) As used in this section: 82245

(1) "Adult care facility" has the same meaning as in section 82246  
~~3722.01~~ 5119.70 of the Revised Code. 82247

(2) "Commissioner" means a person appointed by a probate 82248  
court under division (B) of section 2113.03 of the Revised Code to 82249  
act as a commissioner. 82250

(3) "Home" has the same meaning as in section 3721.10 of the 82251  
Revised Code. 82252

(4) "Personal needs allowance account" means an account or 82253  
petty cash fund that holds the money of a resident of an adult 82254  
care facility or home and that the facility or home manages for 82255  
the resident. 82256

(B) Except as provided in divisions (C) and (D) of this 82257  
section, the owner or operator of an adult care facility or home 82258  
shall transfer to the department of job and family services the 82259  
money in the personal needs allowance account of a resident of the 82260  
facility or home who was a recipient of the medical assistance 82261  
program no earlier than sixty days but not later than ninety days 82262  
after the resident dies. The adult care facility or home shall 82263  
transfer the money even though the owner or operator of the 82264  
facility or home has not been issued letters testamentary or 82265  
letters of administration concerning the resident's estate. 82266

(C) If funeral or burial expenses for a resident of an adult 82267  
care facility or home who has died have not been paid and the only 82268  
resource the resident had that could be used to pay for the 82269  
expenses is the money in the resident's personal needs allowance 82270

account, or all other resources of the resident are inadequate to 82271  
pay the full cost of the expenses, the money in the resident's 82272  
personal needs allowance account shall be used to pay for the 82273  
expenses rather than being transferred to the department of job 82274  
and family services pursuant to division (B) of this section. 82275

(D) If, not later than sixty days after a resident of an 82276  
adult care facility or home dies, letters testamentary or letters 82277  
of administration are issued, or an application for release from 82278  
administration is filed under section 2113.03 of the Revised Code, 82279  
concerning the resident's estate, the owner or operator of the 82280  
facility or home shall transfer the money in the resident's 82281  
personal needs allowance account to the administrator, executor, 82282  
commissioner, or person who filed the application for release from 82283  
administration. 82284

(E) The transfer or use of money in a resident's personal 82285  
needs allowance account in accordance with division (B), (C), or 82286  
(D) of this section discharges and releases the adult care 82287  
facility or home, and the owner or operator of the facility or 82288  
home, from any claim for the money from any source. 82289

(F) If, sixty-one or more days after a resident of an adult 82290  
care facility or home dies, letters testamentary or letters of 82291  
administration are issued, or an application for release from 82292  
administration under section 2113.03 of the Revised Code is filed, 82293  
concerning the resident's estate, the department of job and family 82294  
services shall transfer the funds to the administrator, executor, 82295  
commissioner, or person who filed the application, unless the 82296  
department is entitled to recover the money under the medicaid 82297  
estate recovery program instituted under section 5111.11 of the 82298  
Revised Code. 82299

**Sec. 5111.13.** (A) As used in this section, "cost-effective" 82300  
and "group health plan" have the same meanings as in section 1906 82301



of the "Social Security Act," 49 104 Stat. 620 ~~(1935)~~ 1388-161 82302  
(1990), 42 U.S.C.A. 1396e, as amended, and any regulations adopted 82303  
under that section. 82304

(B) The department of job and family services, ~~pursuant to~~ 82305  
~~guidelines issued by~~ may submit a medicaid state plan amendment to 82306  
the United States secretary of health and human services, ~~shall~~ 82307  
~~identify cases in which enrollment of an individual otherwise~~ 82308  
~~eligible for medical assistance under this chapter in a group~~ 82309  
~~health plan in which the individual is eligible to enroll and~~ 82310  
~~payment of the individual's premiums, deductibles, coinsurance,~~ 82311  
~~and other cost sharing expenses is cost effective.~~ 82312

~~The department shall require, as a condition of eligibility~~ 82313  
~~for medical assistance, individuals identified under this~~ 82314  
~~division, or in the case of a child, the child's parent, to apply~~ 82315  
~~for enrollment in the group health plan, except that the failure~~ 82316  
~~of a parent to enroll self or the parent's child in a group health~~ 82317  
~~plan does not affect the child's eligibility under the medical~~ 82318  
~~assistance program.~~ 82319

~~The department shall pay enrollee premiums and deductibles,~~ 82320  
~~coinsurance, and other cost sharing obligations for services and~~ 82321  
~~items otherwise covered under the medical assistance program. The~~ 82322  
~~department shall treat coverage under the group health plan in the~~ 82323  
~~same manner as any other third party liability under the program.~~ 82324  
~~If not all members of a family are eligible for medical assistance~~ 82325  
~~and enrollment of the eligible members in a group health plan is~~ 82326  
~~not possible without also enrolling the members who are ineligible~~ 82327  
~~for medical assistance, the department shall pay the premiums for~~ 82328  
~~the ineligible members if the payments are cost effective. The~~ 82329  
~~department shall not pay deductibles, coinsurance, or other~~ 82330  
~~cost sharing obligations of enrolled members who are not eligible~~ 82331  
~~for medical assistance.~~ 82332

~~The department may make payments under this section to~~ 82333

~~employers, insurers, or other entities. The department may make~~ 82334  
~~the payments without entering into a contract with employers,~~ 82335  
~~insurers, or other entities.~~ 82336

~~(C) To the extent permitted by federal law and regulations,~~ 82337  
~~the department of job and family services shall coordinate the~~ 82338  
~~medical assistance program with group health plans in such a~~ 82339  
~~manner that the medical assistance program serves as a supplement~~ 82340  
~~to the group health plans. In its coordination efforts, the~~ 82341  
~~department shall consider cost effectiveness and quality of care.~~ 82342  
~~The department may enter into agreements with group health plans~~ 82343  
~~as necessary to implement this division for the purpose of~~ 82344  
~~implementing a program pursuant to section 1906 of the "Social~~ 82345  
~~Security Act," 104 Stat. 1388-161 (1990), 42 U.S.C. 1396e, as~~ 82346  
~~amended, for the enrollment of medicaid-eligible individuals in~~ 82347  
~~group health plans when the department determines that enrollment~~ 82348  
~~is cost-effective.~~ 82349

~~(D)(C)~~ The director of job and family services ~~shall~~ may 82350  
adopt rules in accordance with Chapter 119. of the Revised Code as 82351  
necessary to implement this section. 82352

**Sec. 5111.14.** The director of job and family services may 82353  
submit to the United States secretary of health and human services 82354  
an amendment to the medicaid state plan in order to implement 82355  
within the medicaid program a system under which medicaid 82356  
recipients with chronic conditions are provided with coordinated 82357  
care through health homes, as authorized by section 1945 of the 82358  
"Social Security Act," 124 Stat. 319 (2010), 42 U.S.C. 1396w-4. 82359

The director may adopt rules under section 5111.02 of the 82360  
Revised Code to implement this section. 82361

**Sec. 5111.14 5111.141.** The department of job and family 82362  
services may require county departments of job and family services 82363

to provide case management of nonemergency transportation services 82364  
provided under the medical assistance program. County departments 82365  
shall provide the case management if required by the department in 82366  
accordance with rules adopted by the director of job and family 82367  
services. 82368

The department shall determine, for the purposes of claiming 82369  
federal reimbursement under the medical assistance program, 82370  
whether it will claim expenditures for nonemergency transportation 82371  
services as administrative or program expenditures. 82372

**Sec. 5111.151.** (A)(1) This section applies only to either of 82373  
the following: 82374

(a) Initial eligibility determinations for all cases 82375  
involving medicaid provided pursuant to this chapter, qualified 82376  
medicare beneficiaries, specified low income medicare 82377  
beneficiaries, qualifying individuals 1, qualifying individuals 2, 82378  
and medical assistance for covered families and children the 82379  
medicaid program made by the director of job and family services 82380  
pursuant to section 5101.47 of the Revised Code or by a county 82381  
department of job and family services pursuant to section 5111.012 82382  
of the Revised Code; 82383

(b) An appeal from a determination described in division 82384  
(A)(1)(a) of this section pursuant to section 5101.35 of the 82385  
Revised Code. 82386

(2)(a) Except as provided in division (A)(2)(b) of this 82387  
section, this section shall not be used by a court to determine 82388  
the effect of a trust on an individual's initial eligibility for 82389  
the medicaid program. 82390

(b) The prohibition in division (A)(2)(a) of this section 82391  
does not apply to an appeal described in division (A)(1)(b) of 82392  
this section. 82393

|                                                                                                                                                                                                                                                                                                               |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (B) As used in this section:                                                                                                                                                                                                                                                                                  | 82394                                     |
| (1) "Trust" means any arrangement in which a grantor transfers real or personal property to a trust with the intention that it be held, managed, or administered by at least one trustee for the benefit of the grantor or beneficiaries. "Trust" includes any legal instrument or device similar to a trust. | 82395<br>82396<br>82397<br>82398<br>82399 |
| (2) "Legal instrument or device similar to a trust" includes, but is not limited to, escrow accounts, investment accounts, partnerships, contracts, and other similar arrangements that are not called trusts under state law but are similar to a trust and to which all of the following apply:             | 82400<br>82401<br>82402<br>82403<br>82404 |
| (a) The property in the trust is held, managed, retained, or administered by a trustee.                                                                                                                                                                                                                       | 82405<br>82406                            |
| (b) The trustee has an equitable, legal, or fiduciary duty to hold, manage, retain, or administer the property for the benefit of the beneficiary.                                                                                                                                                            | 82407<br>82408<br>82409                   |
| (c) The trustee holds identifiable property for the beneficiary.                                                                                                                                                                                                                                              | 82410<br>82411                            |
| (3) "Grantor" is a person who creates a trust, including all of the following:                                                                                                                                                                                                                                | 82412<br>82413                            |
| (a) An individual;                                                                                                                                                                                                                                                                                            | 82414                                     |
| (b) An individual's spouse;                                                                                                                                                                                                                                                                                   | 82415                                     |
| (c) A person, including a court or administrative body, with legal authority to act in place of or on behalf of an individual or an individual's spouse;                                                                                                                                                      | 82416<br>82417<br>82418                   |
| (d) A person, including a court or administrative body, that acts at the direction or on request of an individual or the individual's spouse.                                                                                                                                                                 | 82419<br>82420<br>82421                   |
| (4) "Beneficiary" is a person or persons, including a grantor, who benefits in some way from a trust.                                                                                                                                                                                                         | 82422<br>82423                            |

- (5) "Trustee" is a person who manages a trust's principal and income for the benefit of the beneficiaries. 82424  
82425
- (6) "Person" has the same meaning as in section 1.59 of the Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association. 82426  
82427  
82428
- (7) "Applicant" is an individual who applies for medicaid or the individual's spouse. 82429  
82430
- (8) "Recipient" is an individual who receives medicaid or the individual's spouse. 82431  
82432
- (9) "Revocable trust" is a trust that can be revoked by the grantor or the beneficiary, including all of the following, even if the terms of the trust state that it is irrevocable: 82433  
82434  
82435
- (a) A trust that provides that the trust can be terminated only by a court; 82436  
82437
- (b) A trust that terminates on the happening of an event, but only if the event occurs at the direction or control of the grantor, beneficiary, or trustee. 82438  
82439  
82440
- (10) "Irrevocable trust" is a trust that cannot be revoked by the grantor or terminated by a court and that terminates only on the occurrence of an event outside of the control or direction of the beneficiary or grantor. 82441  
82442  
82443  
82444
- (11) "Payment" is any disbursement from the principal or income of the trust, including actual cash, noncash or property disbursements, or the right to use and occupy real property. 82445  
82446  
82447
- (12) "Payments to or for the benefit of the applicant or recipient" is a payment to any person resulting in a direct or indirect benefit to the applicant or recipient. 82448  
82449  
82450
- (13) "Testamentary trust" is a trust that is established by a will and does not take effect until after the death of the person who created the trust. 82451  
82452  
82453

(C)(1) If an applicant or recipient is a beneficiary of a trust, the county department of job and family services shall determine what type of trust it is and shall treat the trust in accordance with the appropriate provisions of this section and rules adopted by the department of job and family services governing trusts. The county department of job and family services may determine that the trust or portion of the trust ~~is one of the~~ following:

~~(1) A countable (a) Is a resource available to the applicant or recipient;~~

~~(2) Countable (b) Contains income available to the applicant or recipient;~~

~~(3) A countable resource and countable income (c) Constitutes both items described in divisions (C)(1)(a) and (b) of this section;~~

~~(4) Not a countable resource or countable income (d) Is neither an item described in division (C)(1)(a) nor (C)(1)(b) of this section.~~

(2) Except as provided in division (F) of this section, a trust or portion of a trust that is a resource available to the applicant or recipient or contains income available to the applicant or recipient shall be counted for purposes of determining medicaid eligibility.

(D)(1) A trust or legal instrument or device similar to a trust shall be considered a medicaid qualifying trust if all of the following apply:

(a) The trust was established on or prior to August 10, 1993.

(b) The trust was not established by a will.

(c) The trust was established by an applicant or recipient.

(d) The applicant or recipient is or may become the

beneficiary of all or part of the trust. 82484

(e) Payment from the trust is determined by one or more 82485  
trustees who are permitted to exercise any discretion with respect 82486  
to the distribution to the applicant or recipient. 82487

(2) If a trust meets the requirement of division (D)(1) of 82488  
this section, the amount of the trust that is considered by the 82489  
county department of job and family services ~~as an available to be~~ 82490  
a resource available to the applicant or recipient shall be the 82491  
maximum amount of payments permitted under the terms of the trust 82492  
to be distributed to the applicant or recipient, assuming the full 82493  
exercise of discretion by the trustee or trustees. The maximum 82494  
amount shall include only amounts that are permitted to be 82495  
distributed but are not distributed from either the income or 82496  
principal of the trust. 82497

(3) Amounts that are actually distributed from a medicaid 82498  
qualifying trust to a beneficiary for any purpose shall be treated 82499  
in accordance with rules adopted by the department of job and 82500  
family services governing income. 82501

(4) Availability of a medicaid qualifying trust shall be 82502  
considered without regard to any of the following: 82503

(a) Whether or not the trust is irrevocable or was 82504  
established for purposes other than to enable a grantor to qualify 82505  
for medicaid, medical assistance for covered families and 82506  
children, or as a qualified medicare beneficiary, specified 82507  
low-income medicare beneficiary, qualifying individual-1, or 82508  
qualifying individual-2; 82509

(b) Whether or not the trustee actually exercises discretion. 82510

(5) If any real or personal property is transferred to a 82511  
medicaid qualifying trust that is not distributable to the 82512  
applicant or recipient, the transfer shall be considered an 82513  
improper disposition of assets and shall be subject to section 82514

5111.0116 of the Revised Code and rules to implement that section 82515  
adopted under section 5111.011 of the Revised Code. 82516

(6) The baseline date for the look-back period for 82517  
disposition of assets involving a medicaid qualifying trust shall 82518  
be the date on which the applicant or recipient is both 82519  
institutionalized and first applies for medicaid. 82520

(E)(1) A trust or legal instrument or device similar to a 82521  
trust shall be considered a self-settled trust if all of the 82522  
following apply: 82523

(a) The trust was established on or after August 11, 1993. 82524

(b) The trust was not established by a will. 82525

(c) The trust was established by an applicant or recipient, 82526  
spouse of an applicant or recipient, or a person, including a 82527  
court or administrative body, with legal authority to act in place 82528  
of or on behalf of an applicant, recipient, or spouse, or acting 82529  
at the direction or on request of an applicant, recipient, or 82530  
spouse. 82531

(2) A trust that meets the requirements of division (E)(1) of 82532  
this section and is a revocable trust shall be treated by the 82533  
county department of job and family services as follows: 82534

(a) The corpus of the trust shall be considered a resource 82535  
available to the applicant or recipient. 82536

(b) Payments from the trust to or for the benefit of the 82537  
applicant or recipient shall be considered unearned income of the 82538  
applicant or recipient. 82539

(c) Any other payments from the trust shall be considered an 82540  
improper disposition of assets and shall be subject to section 82541  
5111.0116 of the Revised Code and rules to implement that section 82542  
adopted under section 5111.011 of the Revised Code. 82543

(3) A trust that meets the requirements of division (E)(1) of 82544



this section and is an irrevocable trust shall be treated by the 82545  
county department of job and family services as follows: 82546

(a) If there are any circumstances under which payment from 82547  
the trust could be made to or for the benefit of the applicant or 82548  
recipient, including a payment that can be made only in the 82549  
future, the portion from which payments could be made shall be 82550  
considered a resource available to the applicant or recipient. The 82551  
county department of job and family services shall not take into 82552  
account when payments can be made. 82553

(b) Any payment that is actually made to or for the benefit 82554  
of the applicant or recipient from either the corpus or income 82555  
shall be considered unearned income. 82556

(c) If a payment is made to someone other than to the 82557  
applicant or recipient and the payment is not for the benefit of 82558  
the applicant or recipient, the payment shall be considered an 82559  
improper disposition of assets and shall be subject to section 82560  
5111.0116 of the Revised Code and rules to implement that section 82561  
adopted under section 5111.011 of the Revised Code. 82562

(d) The date of the disposition shall be the later of the 82563  
date of establishment of the trust or the date of the occurrence 82564  
of the event. 82565

(e) When determining the value of the disposed asset under 82566  
this provision, the value of the trust shall be its value on the 82567  
date payment to the applicant or recipient was foreclosed. 82568

(f) Any income earned or other resources added subsequent to 82569  
the foreclosure date shall be added to the total value of the 82570  
trust. 82571

(g) Any payments to or for the benefit of the applicant or 82572  
recipient after the foreclosure date but prior to the application 82573  
date shall be subtracted from the total value. Any other payments 82574  
shall not be subtracted from the value. 82575

(h) Any addition of assets after the foreclosure date shall be considered a separate disposition.

(4) If a trust is funded with assets of another person or persons in addition to assets of the applicant or recipient, the applicable provisions of this section and rules adopted by the department of job and family services governing trusts shall apply only to the portion of the trust attributable to the applicant or recipient.

(5) The availability of a self-settled trust shall be considered without regard to any of the following:

(a) The purpose for which the trust is established;

(b) Whether the trustees have exercised or may exercise discretion under the trust;

(c) Any restrictions on when or whether distributions may be made from the trust;

(d) Any restrictions on the use of distributions from the trust.

(6) The baseline date for the look-back period for dispositions of assets involving a self-settled trust shall be the date on which the applicant or recipient is both institutionalized and first applies for medicaid.

(F) The principal or income from any of the following shall ~~be exempt from being counted as~~ not be a resource ~~by a county department of job and family services available to the applicant or recipient:~~

(1)(a) A special needs trust that meets all of the following requirements:

(i) The trust contains assets of an applicant or recipient under sixty-five years of age and may contain the assets of other individuals.

(ii) The applicant or recipient is disabled as defined in rules adopted by the department of job and family services.

(iii) The trust is established for the benefit of the applicant or recipient by a parent, grandparent, legal guardian, or a court.

(iv) The trust requires that on the death of the applicant or recipient the state will receive all amounts remaining in the trust up to an amount equal to the total amount of medicaid paid on behalf of the applicant or recipient.

(b) If a special needs trust meets the requirements of division (F)(1)(a) of this section and has been established for a disabled applicant or recipient under sixty-five years of age, the exemption for the trust granted pursuant to division (F) of this section shall continue after the disabled applicant or recipient becomes sixty-five years of age if the applicant or recipient continues to be disabled as defined in rules adopted by the department of job and family services. Except for income earned by the trust, the grantor shall not add to or otherwise augment the trust after the applicant or recipient attains sixty-five years of age. An addition or augmentation of the trust by the applicant or recipient with the applicant's own assets after the applicant or recipient attains sixty-five years of age shall be treated as an improper disposition of assets.

(c) Cash distributions to the applicant or recipient shall be counted as unearned income. All other distributions from the trust shall be treated as provided in rules adopted by the department of job and family services governing in-kind income.

(d) Transfers of assets to a special needs trust shall not be treated as an improper transfer of resources. ~~Assets~~ An Asset held prior to the transfer to the trust shall be considered ~~countable assets or countable~~ a resource available to the

applicant or recipient, income available to the applicant or 82637  
recipient, or countable assets both a resource and income 82638  
available to the individual. 82639

(2)(a) A qualifying income trust that meets all of the 82640  
following requirements: 82641

(i) The trust is composed only of pension, social security, 82642  
and other income to the applicant or recipient, including 82643  
accumulated interest in the trust. 82644

(ii) The income is received by the individual and the right 82645  
to receive the income is not assigned or transferred to the trust. 82646

(iii) The trust requires that on the death of the applicant 82647  
or recipient the state will receive all amounts remaining in the 82648  
trust up to an amount equal to the total amount of medicaid paid 82649  
on behalf of the applicant or recipient. 82650

(b) No resources shall be used to establish or augment the 82651  
trust. 82652

(c) If an applicant or recipient has irrevocably transferred 82653  
or assigned the applicant's or recipient's right to receive income 82654  
to the trust, the trust shall not be considered a qualifying 82655  
income trust by the county department of job and family services. 82656

(d) Income placed in a qualifying income trust shall not be 82657  
counted in determining an applicant's or recipient's eligibility 82658  
for medicaid. The recipient of the funds may place any income 82659  
directly into a qualifying income trust without those funds 82660  
adversely affecting the applicant's or recipient's eligibility for 82661  
medicaid. Income generated by the trust that remains in the trust 82662  
shall not be considered as income to the applicant or recipient. 82663

(e) All income placed in a qualifying income trust shall be 82664  
combined with any ~~countable~~ income available to the individual 82665  
that is not placed in the trust to arrive at a base income figure 82666

to be used for spend down calculations. 82667

(f) The base income figure shall be used for post-eligibility 82668  
deductions, including personal needs allowance, monthly income 82669  
allowance, family allowance, and medical expenses not subject to 82670  
third party payment. Any income remaining shall be used toward 82671  
payment of patient liability. Payments made from a qualifying 82672  
income trust shall not be combined with the base income figure for 82673  
post-eligibility calculations. 82674

(g) The base income figure shall be used when determining the 82675  
spend down budget for the applicant or recipient. Any income 82676  
remaining after allowable deductions are permitted as provided 82677  
under rules adopted by the department of job and family services 82678  
shall be considered the applicant's or recipient's spend down 82679  
liability. 82680

(3)(a) A pooled trust that meets all of the following 82681  
requirements: 82682

(i) The trust contains the assets of the applicant or 82683  
recipient ~~of any~~ under sixty-five years of age who is disabled as 82684  
defined in rules adopted by the department of job and family 82685  
services. 82686

(ii) The trust is established and managed by a nonprofit 82687  
association. 82688

(iii) A separate account is maintained for each beneficiary 82689  
of the trust but, for purposes of investment and management of 82690  
funds, the trust pools the funds in these accounts. 82691

(iv) Accounts in the trust are established by the applicant 82692  
or recipient, the applicant's or recipient's parent, grandparent, 82693  
or legal guardian, or a court solely for the benefit of 82694  
individuals who are disabled. 82695

(v) The trust requires that, to the extent that any amounts 82696

remaining in the beneficiary's account on the death of the 82697  
beneficiary are not retained by the trust, the trust pay to the 82698  
state the amounts remaining in the trust up to an amount equal to 82699  
the total amount of medicaid paid on behalf of the beneficiary. 82700

(b) Cash distributions to the applicant or recipient shall be 82701  
counted as unearned income. All other distributions from the trust 82702  
shall be treated as provided in rules adopted by the department of 82703  
job and family services governing in-kind income. 82704

(c) Transfers of assets to a pooled trust shall not be 82705  
treated as an improper disposition of assets. ~~Assets~~ An asset held 82706  
prior to the transfer to the trust shall be considered as 82707  
~~countable assets, countable~~ a resource available to the applicant 82708  
or recipient, income available to the applicant or recipient, or 82709  
~~countable assets~~ both a resource and income available to the 82710  
applicant or recipient. 82711

(4) A supplemental services trust that meets the requirements 82712  
of section 5815.28 of the Revised Code and to which all of the 82713  
following apply: 82714

(a) A person may establish a supplemental services trust 82715  
pursuant to section 5815.28 of the Revised Code only for another 82716  
person who is eligible to receive services through one of the 82717  
following agencies: 82718

(i) The department of developmental disabilities; 82719

(ii) A county board of developmental disabilities; 82720

(iii) The department of mental health; 82721

(iv) A board of alcohol, drug addiction, and mental health 82722  
services. 82723

(b) A county department of job and family services shall not 82724  
determine eligibility for another agency's program. An applicant 82725  
or recipient shall do one of the following: 82726

(i) Provide documentation from one of the agencies listed in 82727  
division (F)(4)(a) of this section that establishes that the 82728  
applicant or recipient was determined to be eligible for services 82729  
from the agency at the time of the creation of the trust; 82730

(ii) Provide an order from a court of competent jurisdiction 82731  
that states that the applicant or recipient was eligible for 82732  
services from one of the agencies listed in division (F)(4)(a) of 82733  
this section at the time of the creation of the trust. 82734

(c) At the time the trust is created, the trust principal 82735  
does not exceed the maximum amount permitted. The maximum amount 82736  
permitted in calendar year 2006 is two hundred twenty-two thousand 82737  
dollars. Each year thereafter, the maximum amount permitted is the 82738  
prior year's amount plus two thousand dollars. 82739

(d) A county department of job and family services shall 82740  
review the trust to determine whether it complies with the 82741  
provisions of section 5815.28 of the Revised Code. 82742

(e) Payments from supplemental services trusts shall be 82743  
exempt as long as the payments are for supplemental services as 82744  
defined in rules adopted by the department of job and family 82745  
services. All supplemental services shall be purchased by the 82746  
trustee and shall not be purchased through direct cash payments to 82747  
the beneficiary. 82748

(f) If a trust is represented as a supplemental services 82749  
trust and a county department of job and family services 82750  
determines that the trust does not meet the requirements provided 82751  
in division (F)(4) of this section and section 5815.28 of the 82752  
Revised Code, the county department of job and family services 82753  
shall not consider it an exempt trust. 82754

(G)(1) A trust or legal instrument or device similar to a 82755  
trust shall be considered a trust established by an individual for 82756  
the benefit of the applicant or recipient if all of the following 82757

apply: 82758

(a) The trust is created by a person other than the applicant 82759  
or recipient. 82760

(b) The trust names the applicant or recipient as a 82761  
beneficiary. 82762

(c) The trust is funded with assets or property in which the 82763  
applicant or recipient has never held an ownership interest prior 82764  
to the establishment of the trust. 82765

(2) Any portion of a trust that meets the requirements of 82766  
division (G)(1) of this section shall be ~~an available~~ a resource 82767  
available to the applicant or recipient only if the trust permits 82768  
the trustee to expend principal, corpus, or assets of the trust 82769  
for the applicant's or recipient's medical care, care, comfort, 82770  
maintenance, health, welfare, general well being, or any 82771  
combination of these purposes. 82772

(3) A trust that meets the requirements of division (G)(1) of 82773  
this section shall be considered ~~an available~~ a resource available 82774  
to the applicant or recipient even if the trust contains any of 82775  
the following types of provisions: 82776

(a) A provision that prohibits the trustee from making 82777  
payments that would supplant or replace medicaid or other public 82778  
assistance; 82779

(b) A provision that prohibits the trustee from making 82780  
payments that would impact or have an effect on the applicant's or 82781  
recipient's right, ability, or opportunity to receive medicaid or 82782  
other public assistance; 82783

(c) A provision that attempts to prevent the trust or its 82784  
corpus or principal from being ~~counted as an available~~ a resource 82785  
available to the applicant or recipient. 82786

(4) A trust that meets the requirements of division (G)(1) of 82787



this section shall not be counted as ~~an available~~ a resource 82788  
available to the applicant or recipient if at least one of the 82789  
following circumstances applies: 82790

(a) If a trust contains a clear statement requiring the 82791  
trustee to preserve a portion of the trust for another beneficiary 82792  
or remainderman, that portion of the trust shall not be counted as 82793  
~~an available~~ a resource available to the applicant or recipient. 82794  
Terms of a trust that grant discretion to preserve a portion of 82795  
the trust shall not qualify as a clear statement requiring the 82796  
trustee to preserve a portion of the trust. 82797

(b) If a trust contains a clear statement requiring the 82798  
trustee to use a portion of the trust for a purpose other than 82799  
medical care, care, comfort, maintenance, welfare, or general well 82800  
being of the applicant or recipient, that portion of the trust 82801  
shall not be counted as ~~an available~~ a resource available to the 82802  
applicant or recipient. Terms of a trust that grant discretion to 82803  
limit the use of a portion of the trust shall not qualify as a 82804  
clear statement requiring the trustee to use a portion of the 82805  
trust for a particular purpose. 82806

(c) If a trust contains a clear statement limiting the 82807  
trustee to making fixed periodic payments, the trust shall not be 82808  
counted as ~~an available~~ a resource available to the applicant or 82809  
recipient and payments shall be treated in accordance with rules 82810  
adopted by the department of job and family services governing 82811  
income. Terms of a trust that grant discretion to limit payments 82812  
shall not qualify as a clear statement requiring the trustee to 82813  
make fixed periodic payments. 82814

(d) If a trust contains a clear statement that requires the 82815  
trustee to terminate the trust if it is counted as ~~an available~~ a 82816  
resource available to the applicant or recipient, the trust shall 82817  
not be counted as ~~an available resource~~ such. Terms of a trust 82818  
that grant discretion to terminate the trust do not qualify as a 82819

clear statement requiring the trustee to terminate the trust. 82820

(e) If a person obtains a judgment from a court of competent 82821  
jurisdiction that expressly prevents the trustee from using part 82822  
or all of the trust for the medical care, care, comfort, 82823  
maintenance, welfare, or general well being of the applicant or 82824  
recipient, the trust or that portion of the trust subject to the 82825  
court order shall not be counted as a resource available to the 82826  
applicant or recipient. 82827

(f) If a trust is specifically exempt from being counted as 82828  
~~an available~~ a resource available to the applicant or recipient by 82829  
a provision of the Revised Code, rules, or federal law, the trust 82830  
shall not be counted as ~~a resource~~ such. 82831

(g) If an applicant or recipient presents a final judgment 82832  
from a court demonstrating that the applicant or recipient was 82833  
unsuccessful in a civil action against the trustee to compel 82834  
payments from the trust, the trust shall not be counted as ~~an~~ 82835  
~~available~~ a resource available to the applicant or recipient. 82836

(h) If an applicant or recipient presents a final judgment 82837  
from a court demonstrating that in a civil action against the 82838  
trustee the applicant or recipient was only able to compel limited 82839  
or periodic payments, the trust shall not be counted as ~~an~~ 82840  
~~available~~ a resource available to the applicant or recipient and 82841  
payments shall be treated in accordance with rules adopted by the 82842  
department of job and family services governing income. 82843

(i) If an applicant or recipient provides written 82844  
documentation showing that the cost of a civil action brought to 82845  
compel payments from the trust would be cost prohibitive, the 82846  
trust shall not be counted as ~~an available~~ a resource available to 82847  
the applicant or recipient. 82848

(5) Any actual payments to the applicant or recipient from a 82849  
trust that meet the requirements of division (G)(1) of this 82850

section, including trusts that are not counted as ~~an available a~~ 82851  
resource available to the applicant or recipient, shall be treated 82852  
as provided in rules adopted by the department of job and family 82853  
services governing income. Payments to any person other than the 82854  
applicant or recipient shall not be considered income to the 82855  
applicant or recipient. Payments from the trust to a person other 82856  
than the applicant or recipient shall not be considered an 82857  
improper disposition of assets. 82858

**Sec. 5111.16.** (A) As part of the medicaid program, the 82859  
department of job and family services shall establish a care 82860  
management system. The department shall submit, if necessary, 82861  
applications to the United States department of health and human 82862  
services for waivers of federal medicaid requirements that would 82863  
otherwise be violated in the implementation of the system. 82864

(B) The department shall implement the care management system 82865  
in some or all counties and shall designate the medicaid 82866  
recipients who are required or permitted to participate in the 82867  
system. In the department's implementation of the system and 82868  
designation of participants, all of the following apply: 82869

(1) In the case of individuals who receive medicaid on the 82870  
basis of being included in the category identified by the 82871  
department as covered families and children, the department shall 82872  
implement the care management system in all counties. All 82873  
individuals included in the category shall be designated for 82874  
participation, except for individuals included in one or more of 82875  
the medicaid recipient groups specified in 42 C.F.R. 438.50(d). 82876  
The department shall ensure that all participants are enrolled in 82877  
health insuring corporations under contract with the department 82878  
pursuant to section 5111.17 of the Revised Code. 82879

(2) In the case of individuals who receive medicaid on the 82880  
basis of being aged, blind, or disabled, as specified in division 82881

(A)(2) of section 5111.01 of the Revised Code, the department 82882  
shall implement the care management system in all counties. All 82883  
Except as provided in division (C) of this section, all 82884  
individuals included in the category shall be designated for 82885  
participation, ~~except for the individuals specified in divisions~~ 82886  
~~(B)(2)(a) to (c) of this section.~~ The department shall ensure that 82887  
all participants are enrolled in health insuring corporations 82888  
under contract with the department pursuant to section 5111.17 of 82889  
the Revised Code. 82890

~~In (3) Alcohol, drug addiction, and mental health services~~ 82891  
~~covered by medicaid shall not be included in any component of the~~ 82892  
~~care management system when the nonfederal share of the cost of~~ 82893  
~~those services is provided by a board of alcohol, drug addiction,~~ 82894  
~~and mental health services or a state agency other than the~~ 82895  
~~department of job and family services, but the recipients of those~~ 82896  
~~services may otherwise be designated for participation in the~~ 82897  
~~system.~~ 82898

(C)(1) In designating participants who receive medicaid on 82899  
the basis of being aged, blind, or disabled, the department shall 82900  
not include any of the following, except as provided under 82901  
division (C)(2) of this section: 82902

(a) Individuals who are under twenty-one years of age; 82903

(b) Individuals who are institutionalized; 82904

(c) Individuals who become eligible for medicaid by spending 82905  
down their income or resources to a level that meets the medicaid 82906  
program's financial eligibility requirements; 82907

(d) Individuals who are dually eligible under the medicaid 82908  
program and the medicare program established under Title XVIII of 82909  
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as 82910  
amended; 82911

(e) Individuals to the extent that they are receiving 82912

medicaid services through a medicaid waiver component, as defined 82913  
in section 5111.85 of the Revised Code. 82914

~~(3) Alcohol, drug addiction, and mental health services 82915  
covered by medicaid shall not be included in any component of the 82916  
care management system when the nonfederal share of the cost of 82917  
those services is provided by a board of alcohol, drug addiction, 82918  
and mental health services or a state agency other than the 82919  
department of job and family services, but the recipients of those 82920  
services may otherwise be designated for participation in the 82921  
system. 82922~~

(C)(2) If any necessary waiver of federal medicaid 82923  
requirements is granted, the department may designate any of the 82924  
following individuals who receive medicaid on the basis of being 82925  
aged, blind, or disabled as individuals who are permitted or 82926  
required to participate in the care management system: 82927

(a) Individuals who are under twenty-one years of age; 82928

(b) Individuals who reside in a nursing facility, as defined 82929  
in section 5111.20 of the Revised Code; 82930

(c) Individuals who, as an alternative to receiving nursing 82931  
facility services, are participating in a home and community-based 82932  
services medicaid waiver component, as defined in section 5111.85 82933  
of the Revised Code; 82934

(d) Individuals who are dually eligible under the medicaid 82935  
program and the medicare program. 82936

(D) Subject to division (B) of this section, the department 82937  
may do both of the following under the care management system: 82938

(1) Require or permit participants in the system to obtain 82939  
health care services from providers designated by the department; 82940

(2) Require or permit participants in the system to obtain 82941  
health care services through managed care organizations under 82942

contract with the department pursuant to section 5111.17 of the Revised Code. 82943  
82944

~~(D)~~(E)(1) The department shall prepare an annual report on the care management system. The report shall address the department's ability to implement the system, including all of the following components: 82945  
82946  
82947  
82948

(a) The required designation of participants included in the category identified by the department as covered families and children; 82949  
82950  
82951

(b) The required designation of participants included in the aged, blind, or disabled category of medicaid recipients; 82952  
82953

(c) The use of any programs for enhanced care management. 82954

(2) The department shall submit each annual report to the general assembly. The first report shall be submitted not later than October 1, 2007. 82955  
82956  
82957

~~(E)~~(F) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 82958  
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82960

**Sec. 5111.161.** (A) This section applies if the department of job and family services includes in the care management system, pursuant to section 5111.16 of the Revised Code, individuals who are under twenty-one years of age and are included in the category of individuals who receive medicaid on the basis of being aged, blind, or disabled, as specified in division (A)(2) of section 5111.01 of the Revised Code. 82961  
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82963  
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(B) For the purpose of developing a system for the provision of care management services to the individuals under twenty-one years of age specified in division (A) of this section, the department may do either or both of the following: 82968  
82969  
82970  
82971

(1) Enter into contracts with entities to serve as pediatric 82972

accountable care organizations; 82973

(2) Require that a managed care organization under contract 82974  
with the department pursuant to section 5111.17 of the Revised 82975  
Code enter into a subcontract with an entity to provide the care 82976  
management services, subject to the entity meeting the 82977  
subcontracting criteria established in rules adopted under this 82978  
section. 82979

(C) On determining that an entity seeking a contract to serve 82980  
as a pediatric accountable care organization meets the criteria 82981  
established in rules adopted under this section, the department 82982  
may contract with the entity to serve in that capacity. The 82983  
department's determination of whether to enter into a contract 82984  
with the entity shall be based on evidence or other documentation 82985  
submitted by the entity, as required by the department under rules 82986  
adopted under this section. 82987

The department's determination to refuse to enter into a 82988  
contract with an entity may not be appealed. An entity that is 82989  
denied a contract may seek another contract to serve as a 82990  
pediatric accountable care organization, but not earlier than six 82991  
months after the most recent contract denial. 82992

(D) The department shall adopt rules as necessary to 82993  
implement this section. The rules shall be adopted in accordance 82994  
with Chapter 119. of the Revised Code. In adopting the rules, the 82995  
department shall specify the following: 82996

(1) The minimum criteria that an entity must meet to qualify 82997  
for a contract with the department to serve as a pediatric 82998  
accountable care organization, including criteria that 82999  
incorporates the minimum criteria established by federal law; 83000

(2) The evidence or other documentation that an entity must 83001  
submit to the department when seeking a contract to serve as an 83002  
accountable care organization; 83003

(3) The minimum criteria that an entity must meet to qualify for a subcontract with a managed care organization to provide care management services to the individuals under twenty-one years of age specified in division (A) of this section who are enrolled in the organization. 83004  
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83006  
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(E) If the department does not adopt rules under division (D) of this section on or before July 1, 2012, both of the following apply until the department adopts those rules: 83009  
83010  
83011

(1) Each managed care organization under contract with the department pursuant to section 5111.17 of the Revised Code shall subcontract with an entity the organization selects to provide care management services for the individuals specified in division (A) of this section under twenty-one years of age who are enrolled in the organization; 83012  
83013  
83014  
83015  
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(2) The entity shall accept from the organization, as payment in full for providing the care management services, the same amount that the department would reimburse a provider for providing the care management services to a medicaid recipient who is not enrolled in a managed care organization. 83018  
83019  
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83022

**Sec. 5111.162.** (A) As used in this section: 83023

(1) "Emergency services" has the same meaning as in section 1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-2(b)(2), as amended. 83024  
83025  
83026

(2) "Medicaid managed care organization" means a managed care organization that has entered into a contract with the department of job and family services pursuant to section 5111.17 of the Revised Code. 83027  
83028  
83029  
83030

(3) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 83031  
83032

(4) "Hospital system" means one or more hospitals owned or 83033



controlled by the same organization for the purposes of 83034  
coordinating and delivering health services within a geographic 83035  
area selected by the organization. 83036

(5) "Hospital system provider" means a health care provider 83037  
that is employed, owned, leased, managed, or otherwise controlled 83038  
by a hospital system, including a physician, a business entity 83039  
under which one or more physicians practice, a provider of 83040  
ancillary health services, and any other type of provider 83041  
specified in rules adopted under this section. 83042

~~(B) Except as provided in division (C) of this section, when~~ 83043  
~~a participant in the care management system established under~~ 83044  
~~section 5111.16 of the Revised Code is enrolled in a medicaid~~ 83045  
~~managed care organization and the organization refers the~~ 83046  
~~participant to receive services, other than emergency services~~ 83047  
~~provided on or after January 1, 2007, at a hospital that~~ 83048  
~~participates in the medicaid program but is not under contract~~ 83049  
~~with the organization, the hospital shall provide the service for~~ 83050  
~~which the referral was made and shall accept from the~~ 83051  
~~organization, as payment in full, the amount derived from the~~ 83052  
~~reimbursement rate used by the department to reimburse other~~ 83053  
~~hospitals of the same type for providing the same service to a~~ 83054  
~~medicaid recipient who is not enrolled in a medicaid managed care~~ 83055  
~~organization.~~ 83056

~~(C) A hospital is not subject to division (B) of this section~~ 83057  
~~if all of the following are the case:~~ 83058

~~(1) The hospital is located in a county in which participants~~ 83059  
~~in the care management system are required before January 1, 2006,~~ 83060  
~~to be enrolled in a medicaid managed care organization that is a~~ 83061  
~~health insuring corporation;~~ 83062

~~(2) The hospital has entered into a contract before January~~ 83063  
~~1, 2006, with at least one health insuring corporation serving the~~ 83064

~~participants specified in division (C)(1) of this section;~~ 83065

~~(3) The hospital remains under contract with at least one 83066  
health insuring corporation serving participants in the care 83067  
management system who are required to be enrolled in a health 83068  
insuring corporation. 83069~~

~~(D) The director of job and family services shall adopt rules 83070  
specifying the circumstances under which a medicaid managed care 83071  
organization is permitted to refer a participant in the care 83072  
management system to a hospital that is not under contract with 83073  
the organization. The If a hospital or hospital system provider 83074  
participates in the medicaid program but is not under contract 83075  
with a particular medicaid managed care organization, all of the 83076  
following apply with respect to that managed care organization and 83077  
that hospital or hospital system provider: 83078~~

~~(1) When the organization authorizes a service or services to 83079  
be provided to an individual who is enrolled in the organization 83080  
as a participant in the care management system established under 83081  
section 5111.16 of the Revised Code, the hospital or hospital 83082  
system provider shall provide to the individual the service or 83083  
services authorized by the organization, including inpatient and 83084  
outpatient services, as long as the service or services are 83085  
medically necessary and covered by medicaid. 83086~~

~~(2) Except as provided in division (B)(3) of this section, 83087  
the hospital or hospital system provider shall accept from the 83088  
organization, as payment in full for providing the authorized 83089  
service or services, the same amount that the department of job 83090  
and family services would reimburse the hospital or hospital 83091  
system provider for providing the authorized service or services 83092  
to a medicaid recipient who is not enrolled in a medicaid managed 83093  
care organization. 83094~~

~~(3) Emergency services provided to the individual are subject 83095~~

to reimbursement under section 5111.163 of the Revised Code. 83096

(C) The director of job and family services may adopt ~~any~~ 83097  
~~other~~ rules as necessary to implement this section. All rules 83098  
adopted under this section shall be adopted in accordance with 83099  
Chapter 119. of the Revised Code. 83100

**Sec. 5111.17.** (A) The department of job and family services 83101  
may enter into contracts with managed care organizations, 83102  
including health insuring corporations, under which the 83103  
organizations are authorized to provide, or arrange for the 83104  
provision of, health care services to medical assistance 83105  
recipients who are required or permitted to obtain health care 83106  
services through managed care organizations as part of the care 83107  
management system established under section 5111.16 of the Revised 83108  
Code. 83109

(B) The department or its actuary shall base the hospital 83110  
inpatient capital payment portion of the payment made to managed 83111  
care organizations on data for services provided to all recipients 83112  
enrolled in managed care organizations with which the department 83113  
contracts, as reported by hospitals on relevant cost reports 83114  
submitted pursuant to rules adopted under this section. 83115

(C) The director of job and family services may adopt rules 83116  
in accordance with Chapter 119. of the Revised Code to implement 83117  
this section. 83118

~~(C)~~(D) The department of job and family services shall allow 83119  
a managed care ~~plans~~ organization to use providers to render care 83120  
upon completion of the managed care ~~plan's~~ organization's 83121  
credentialing process. 83122

**Sec. 5111.172.** (A) When contracting under section 5111.17 of 83123  
the Revised Code with a managed care organization that is a health 83124  
insuring corporation, the department of job and family services 83125

~~may~~ shall require the health insuring corporation to provide 83126  
coverage of prescription drugs for medicaid recipients enrolled in 83127  
the health insuring corporation. In providing the required 83128  
coverage, the health insuring corporation may, subject to the 83129  
department's approval and the limitations specified in division 83130  
(B) of this section, use strategies for the management of drug 83131  
utilization. 83132

(B) The department shall not permit a health insuring 83133  
corporation to impose a prior authorization requirement in the 83134  
case of a drug to which all of the following apply: 83135

(1) The drug is an antidepressant or antipsychotic. 83136

(2) The drug is administered or dispensed in a standard 83137  
tablet or capsule form, except that in the case of an 83138  
antipsychotic, the drug also may be administered or dispensed in a 83139  
long-acting injectable form. 83140

(3) The drug is prescribed by a physician whom the health 83141  
insuring corporation, pursuant to division (C) of section 5111.17 83142  
of the Revised Code, has credentialed to provide care as a 83143  
psychiatrist. 83144

(4) The drug is prescribed for a use that is indicated on the 83145  
drug's labeling, as approved by the federal food and drug 83146  
administration. 83147

(C) As used in this division, "controlled substance" has the 83148  
same meaning as in section 3719.01 of the Revised Code. 83149

~~If~~ The department shall permit a health insuring corporation 83150  
~~is required under this section to provide coverage of prescription~~ 83151  
~~drugs, the department shall permit the health insuring corporation~~ 83152  
to develop and implement a pharmacy utilization management program 83153  
under which prior authorization through the program is established 83154  
as a condition of obtaining a controlled substance pursuant to a 83155  
prescription. The program may include processes for requiring 83156

medicaid recipients at high risk for fraud or abuse involving 83157  
controlled substances to have their prescriptions for controlled 83158  
substances filled by a pharmacy, medical provider, or health care 83159  
facility designated by the program. 83160

Sec. 5111.179. (A) The department of job and family services 83161  
shall establish a managed care performance payment program. Under 83162  
the program, the department may provide payments to managed care 83163  
organizations under contract with the department pursuant to 83164  
section 5111.17 of the Revised Code that meet performance 83165  
standards established by the department. 83166

In establishing performance standards, the department shall 83167  
use the most recent healthcare effectiveness data and information 83168  
set and quality measurement tool established by the national 83169  
committee for quality assurance. 83170

The standards that must be met to receive the payments may be 83171  
specified in the contract the department enters into with a 83172  
managed care organization. 83173

If a managed care organization meets the performance 83174  
standards established by the department, the department shall make 83175  
one or more performance payments to the organization. The number 83176  
of payments and the schedule for making the payments shall be 83177  
established by the department. The payments shall be discontinued 83178  
if the department determines that the organization no longer meets 83179  
the performance standards. The department shall not make or 83180  
discontinue payments based on any performance standard that has 83181  
been in effect as part of the organization's contract for less 83182  
than six months. 83183

(B) For purposes of the program, the department shall 83184  
establish an amount that is to be withheld each time a premium 83185  
payment is made to a managed care organization. The amount shall 83186  
be established as a percentage of each premium payment. The 83187

percentage shall be the same for all managed care organizations 83188  
under contract with the department. The sum of all withholdings 83189  
under this division shall not exceed one per cent of the total of 83190  
all premium payments made to all managed care organizations under 83191  
contract with the department. 83192

Each managed care organization shall agree to the withholding 83193  
as a condition of receiving or maintaining its medicaid provider 83194  
agreement with the department. 83195

When the amount is established and each time the amount is 83196  
modified thereafter, the department shall certify the amount to 83197  
the director of budget and management and begin withholding the 83198  
amount from each premium the department pays to a managed care 83199  
organization. 83200

(C) There is hereby created in the state treasury the managed 83201  
care performance payment fund. The fund shall consist of amounts 83202  
transferred to it by the director of budget and management for the 83203  
purpose of the program. All investment earnings of the fund shall 83204  
be credited to the fund. Amounts in the fund shall be used solely 83205  
to make performance payments to managed care organizations in 83206  
accordance with this section. 83207

(D) The department may adopt rules as necessary to implement 83208  
this section. The rules shall be adopted in accordance with 83209  
Chapter 119. of the Revised Code. 83210

**Sec. 5111.20.** As used in sections 5111.20 to ~~5111.34~~ 5111.33 83211  
of the Revised Code: 83212

(A) "Allowable costs" are those costs determined by the 83213  
department of job and family services to be reasonable and do not 83214  
include fines paid under sections 5111.35 to 5111.61 and section 83215  
5111.99 of the Revised Code. 83216

(B) "Ancillary and support costs" means all reasonable costs 83217

incurred by a nursing facility other than direct care costs or 83218  
capital costs. "Ancillary and support costs" includes, but is not 83219  
limited to, costs of activities, social services, pharmacy 83220  
consultants, habilitation supervisors, qualified mental 83221  
retardation professionals, program directors, medical and 83222  
habilitation records, program supplies, incontinence supplies, 83223  
food, enterals, dietary supplies and personnel, laundry, 83224  
housekeeping, security, administration, medical equipment, 83225  
utilities, liability insurance, bookkeeping, purchasing 83226  
department, human resources, communications, travel, dues, license 83227  
fees, subscriptions, home office costs not otherwise allocated, 83228  
legal services, accounting services, minor equipment, wheelchairs, 83229  
resident transportation, maintenance and repairs, help-wanted 83230  
advertising, informational advertising, start-up costs, 83231  
organizational expenses, other interest, property insurance, 83232  
employee training and staff development, employee benefits, 83233  
payroll taxes, and workers' compensation premiums or costs for 83234  
self-insurance claims and related costs as specified in rules 83235  
adopted by the director of job and family services under section 83236  
5111.02 of the Revised Code, for personnel listed in this 83237  
division. "Ancillary and support costs" also means the cost of 83238  
equipment, including vehicles, acquired by operating lease 83239  
executed before December 1, 1992, if the costs are reported as 83240  
administrative and general costs on the facility's cost report for 83241  
the cost reporting period ending December 31, 1992. 83242

(C) "Capital costs" means costs of ownership and, in the case 83243  
of an intermediate care facility for the mentally retarded, costs 83244  
of nonextensive renovation. 83245

(1) "Cost of ownership" means the actual expense incurred for 83246  
all of the following: 83247

(a) Depreciation and interest on any capital assets that cost 83248  
five hundred dollars or more per item, including the following: 83249

|                                                                                                                                                                                                                                                                         |                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (i) Buildings;                                                                                                                                                                                                                                                          | 83250                                     |
| (ii) Building improvements that are not approved as nonextensive renovations under section 5111.251 of the Revised Code;                                                                                                                                                | 83251<br>83252<br>83253                   |
| (iii) Except as provided in division (B) of this section, equipment;                                                                                                                                                                                                    | 83254<br>83255                            |
| (iv) In the case of an intermediate care facility for the mentally retarded, extensive renovations;                                                                                                                                                                     | 83256<br>83257                            |
| (v) Transportation equipment.                                                                                                                                                                                                                                           | 83258                                     |
| (b) Amortization and interest on land improvements and leasehold improvements;                                                                                                                                                                                          | 83259<br>83260                            |
| (c) Amortization of financing costs;                                                                                                                                                                                                                                    | 83261                                     |
| (d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment.                                                                                                                                                                | 83262<br>83263                            |
| The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.                                                                                                                        | 83264<br>83265<br>83266                   |
| (2) "Costs of nonextensive renovation" means the actual expense incurred by an intermediate care facility for the mentally retarded for depreciation or amortization and interest on renovations that are not extensive renovations.                                    | 83267<br>83268<br>83269<br>83270          |
| (D) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.                                                                                                                                               | 83271<br>83272                            |
| (E) "Case-mix score" means the measure determined under section 5111.232 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a resident of a nursing facility or intermediate care facility for the mentally retarded. | 83273<br>83274<br>83275<br>83276<br>83277 |
| (F)(1) "Date of licensure," for a facility originally                                                                                                                                                                                                                   | 83278                                     |



licensed as a nursing home under Chapter 3721. of the Revised 83279  
Code, means the date specific beds were originally licensed as 83280  
nursing home beds under that chapter, regardless of whether they 83281  
were subsequently licensed as residential facility beds under 83282  
section 5123.19 of the Revised Code. For a facility originally 83283  
licensed as a residential facility under section 5123.19 of the 83284  
Revised Code, "date of licensure" means the date specific beds 83285  
were originally licensed as residential facility beds under that 83286  
section. 83287

If nursing home beds licensed under Chapter 3721. of the 83288  
Revised Code or residential facility beds licensed under section 83289  
5123.19 of the Revised Code were not required by law to be 83290  
licensed when they were originally used to provide nursing home or 83291  
residential facility services, "date of licensure" means the date 83292  
the beds first were used to provide nursing home or residential 83293  
facility services, regardless of the date the present provider 83294  
obtained licensure. 83295

If a facility adds nursing home beds or residential facility 83296  
beds or extensively renovates all or part of the facility after 83297  
its original date of licensure, it will have a different date of 83298  
licensure for the additional beds or extensively renovated portion 83299  
of the facility, unless the beds are added in a space that was 83300  
constructed at the same time as the previously licensed beds but 83301  
was not licensed under Chapter 3721. or section 5123.19 of the 83302  
Revised Code at that time. 83303

(2) The definition of "date of licensure" in this section 83304  
applies in determinations of the medicaid reimbursement rate for a 83305  
nursing facility or intermediate care facility for the mentally 83306  
retarded but does not apply in determinations of the franchise 83307  
permit fee for a nursing facility or intermediate care facility 83308  
for the mentally retarded. 83309

(G) "Desk-reviewed" means that costs as reported on a cost 83310

report submitted under section 5111.26 of the Revised Code have 83311  
been subjected to a desk review under division (A) of section 83312  
5111.27 of the Revised Code and preliminarily determined to be 83313  
allowable costs. 83314

(H) "Direct care costs" means all of the following: 83315

(1)(a) Costs for registered nurses, licensed practical 83316  
nurses, and nurse aides employed by the facility; 83317

(b) Costs for direct care staff, administrative nursing 83318  
staff, medical directors, respiratory therapists, and except as 83319  
provided in division (H)(2) of this section, other persons holding 83320  
degrees qualifying them to provide therapy; 83321

(c) Costs of purchased nursing services; 83322

(d) Costs of quality assurance; 83323

(e) Costs of training and staff development, employee 83324  
benefits, payroll taxes, and workers' compensation premiums or 83325  
costs for self-insurance claims and related costs as specified in 83326  
rules adopted by the director of job and family services in 83327  
accordance with Chapter 119. of the Revised Code, for personnel 83328  
listed in divisions (H)(1)(a), (b), and (d) of this section; 83329

(f) Costs of consulting and management fees related to direct 83330  
care; 83331

(g) Allocated direct care home office costs. 83332

(2) In addition to the costs specified in division (H)(1) of 83333  
this section, for nursing facilities only, direct care costs 83334  
include costs of habilitation staff (other than habilitation 83335  
supervisors), medical supplies, oxygen, over-the-counter pharmacy 83336  
products, physical therapists, physical therapy assistants, 83337  
occupational therapists, occupational therapy assistants, speech 83338  
therapists, audiologists, habilitation supplies, and universal 83339  
precautions supplies. 83340

(3) In addition to the costs specified in division (H)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following:

(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified mental retardation professionals, program directors, social services staff, activities staff, off-site day programming, psychologists and psychology assistants, and social workers and counselors;

(b) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5111.02 of the Revised Code, for personnel listed in division (H)(3)(a) of this section.

(4) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5111.02 of the Revised Code.

(I) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.

(J) "Franchise permit fee" means the following:

(1) In the context of nursing facilities, the fee imposed by sections 3721.50 to 3721.58 of the Revised Code;

(2) In the context of intermediate care facilities for the mentally retarded, the fee imposed by sections 5112.30 to 5112.39 of the Revised Code.

(K) "Indirect care costs" means all reasonable costs incurred by an intermediate care facility for the mentally retarded other than direct care costs, other protected costs, or capital costs. "Indirect care costs" includes but is not limited to costs of

habilitation supplies, pharmacy consultants, medical and 83371  
habilitation records, program supplies, incontinence supplies, 83372  
food, enterals, dietary supplies and personnel, laundry, 83373  
housekeeping, security, administration, liability insurance, 83374  
bookkeeping, purchasing department, human resources, 83375  
communications, travel, dues, license fees, subscriptions, home 83376  
office costs not otherwise allocated, legal services, accounting 83377  
services, minor equipment, maintenance and repairs, help-wanted 83378  
advertising, informational advertising, start-up costs, 83379  
organizational expenses, other interest, property insurance, 83380  
employee training and staff development, employee benefits, 83381  
payroll taxes, and workers' compensation premiums or costs for 83382  
self-insurance claims and related costs as specified in rules 83383  
adopted under section 5111.02 of the Revised Code, for personnel 83384  
listed in this division. Notwithstanding division (C)(1) of this 83385  
section, "indirect care costs" also means the cost of equipment, 83386  
including vehicles, acquired by operating lease executed before 83387  
December 1, 1992, if the costs are reported as administrative and 83388  
general costs on the facility's cost report for the cost reporting 83389  
period ending December 31, 1992. 83390

(L) "Inpatient days" means all days during which a resident, 83391  
regardless of payment source, occupies a bed in a nursing facility 83392  
or intermediate care facility for the mentally retarded that is 83393  
included in the facility's certified capacity under Title XIX. 83394  
Therapeutic or hospital leave days for which payment is made under 83395  
section 5111.33 of the Revised Code are considered inpatient days 83396  
proportionate to the percentage of the facility's per resident per 83397  
day rate paid for those days. 83398

(M) "Intermediate care facility for the mentally retarded" 83399  
means an intermediate care facility for the mentally retarded 83400  
certified as in compliance with applicable standards for the 83401  
medicaid program by the director of health in accordance with 83402

Title XIX. 83403

(N) "Maintenance and repair expenses" means, except as 83404  
provided in division (BB)(2) of this section, expenditures that 83405  
are necessary and proper to maintain an asset in a normally 83406  
efficient working condition and that do not extend the useful life 83407  
of the asset two years or more. "Maintenance and repair expenses" 83408  
includes but is not limited to the cost of ordinary repairs such 83409  
as painting and wallpapering. 83410

(O) "Medicaid days" means all days during which a resident 83411  
who is a ~~Medicaid~~ medicaid recipient eligible for nursing facility 83412  
services occupies a bed in a nursing facility that is included in 83413  
the nursing facility's certified capacity under Title XIX. 83414  
Therapeutic or hospital leave days for which payment is made under 83415  
section 5111.33 of the Revised Code are considered ~~Medicaid~~ 83416  
medicaid days proportionate to the percentage of the nursing 83417  
facility's per resident per day rate paid for those days. 83418

(P) "Nursing facility" means a facility, or a distinct part 83419  
of a facility, that is certified as a nursing facility by the 83420  
director of health in accordance with Title XIX and is not an 83421  
intermediate care facility for the mentally retarded. "Nursing 83422  
facility" includes a facility, or a distinct part of a facility, 83423  
that is certified as a nursing facility by the director of health 83424  
in accordance with Title XIX and is certified as a skilled nursing 83425  
facility by the director in accordance with Title XVIII. 83426

(Q) "Operator" means the person or government entity 83427  
responsible for the daily operating and management decisions for a 83428  
nursing facility or intermediate care facility for the mentally 83429  
retarded. 83430

(R) "Other protected costs" means costs incurred by an 83431  
intermediate care facility for the mentally retarded for medical 83432  
supplies; real estate, franchise, and property taxes; natural gas, 83433

fuel oil, water, electricity, sewage, and refuse and hazardous 83434  
medical waste collection; allocated other protected home office 83435  
costs; and any additional costs defined as other protected costs 83436  
in rules adopted under section 5111.02 of the Revised Code. 83437

(S)(1) "Owner" means any person or government entity that has 83438  
at least five per cent ownership or interest, either directly, 83439  
indirectly, or in any combination, in any of the following 83440  
regarding a nursing facility or intermediate care facility for the 83441  
mentally retarded: 83442

(a) The land on which the facility is located; 83443

(b) The structure in which the facility is located; 83444

(c) Any mortgage, contract for deed, or other obligation 83445  
secured in whole or in part by the land or structure on or in 83446  
which the facility is located; 83447

(d) Any lease or sublease of the land or structure on or in 83448  
which the facility is located. 83449

(2) "Owner" does not mean a holder of a debenture or bond 83450  
related to the nursing facility or intermediate care facility for 83451  
the mentally retarded and purchased at public issue or a regulated 83452  
lender that has made a loan related to the facility unless the 83453  
holder or lender operates the facility directly or through a 83454  
subsidiary. 83455

(T) "Patient" includes "resident." 83456

(U) Except as provided in divisions (U)(1) and (2) of this 83457  
section, "per diem" means a nursing facility's or intermediate 83458  
care facility for the mentally retarded's actual, allowable costs 83459  
in a given cost center in a cost reporting period, divided by the 83460  
facility's inpatient days for that cost reporting period. 83461

(1) When calculating indirect care costs for the purpose of 83462  
establishing rates under section 5111.241 of the Revised Code, 83463

"per diem" means an intermediate care facility for the mentally retarded's actual, allowable indirect care costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been eighty-five per cent.

(2) When calculating capital costs for the purpose of establishing rates under section 5111.251 of the Revised Code, "per diem" means a facility's actual, allowable capital costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety-five per cent.

(V) "Provider" means an operator with a provider agreement.

(W) "Provider agreement" means a contract between the department of job and family services and the operator of a nursing facility or intermediate care facility for the mentally retarded for the provision of nursing facility services or intermediate care facility services for the mentally retarded under the medicaid program.

(X) "Purchased nursing services" means services that are provided in a nursing facility by registered nurses, licensed practical nurses, or nurse aides who are not employees of the facility.

(Y) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of patient care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

(Z) "Related party" means an individual or organization that,

to a significant extent, has common ownership with, is associated 83495  
or affiliated with, has control of, or is controlled by, the 83496  
provider. 83497

(1) An individual who is a relative of an owner is a related 83498  
party. 83499

(2) Common ownership exists when an individual or individuals 83500  
possess significant ownership or equity in both the provider and 83501  
the other organization. Significant ownership or equity exists 83502  
when an individual or individuals possess five per cent ownership 83503  
or equity in both the provider and a supplier. Significant 83504  
ownership or equity is presumed to exist when an individual or 83505  
individuals possess ten per cent ownership or equity in both the 83506  
provider and another organization from which the provider 83507  
purchases or leases real property. 83508

(3) Control exists when an individual or organization has the 83509  
power, directly or indirectly, to significantly influence or 83510  
direct the actions or policies of an organization. 83511

(4) An individual or organization that supplies goods or 83512  
services to a provider shall not be considered a related party if 83513  
all of the following conditions are met: 83514

(a) The supplier is a separate bona fide organization. 83515

(b) A substantial part of the supplier's business activity of 83516  
the type carried on with the provider is transacted with others 83517  
than the provider and there is an open, competitive market for the 83518  
types of goods or services the supplier furnishes. 83519

(c) The types of goods or services are commonly obtained by 83520  
other nursing facilities or intermediate care facilities for the 83521  
mentally retarded from outside organizations and are not a basic 83522  
element of patient care ordinarily furnished directly to patients 83523  
by the facilities. 83524



(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

(AA) "Relative of owner" means an individual who is related to an owner of a nursing facility or intermediate care facility for the mentally retarded by one of the following relationships:

- (1) Spouse;
- (2) Natural parent, child, or sibling;
- (3) Adopted parent, child, or sibling;
- (4) Stepparent, stepchild, stepbrother, or stepsister;
- (5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;
- (6) Grandparent or grandchild;
- (7) Foster caregiver, foster child, foster brother, or foster sister.

(BB) "Renovation" and "extensive renovation" mean:

(1) Any betterment, improvement, or restoration of an intermediate care facility for the mentally retarded started before July 1, 1993, that meets the definition of a renovation or extensive renovation established in rules adopted by the director of job and family services in effect on December 22, 1992.

(2) In the case of betterments, improvements, and restorations of intermediate care facilities for the mentally retarded started on or after July 1, 1993:

(a) "Renovation" means the betterment, improvement, or restoration of an intermediate care facility for the mentally retarded beyond its current functional capacity through a structural change that costs at least five hundred dollars per

bed. A renovation may include betterment, improvement, 83554  
restoration, or replacement of assets that are affixed to the 83555  
building and have a useful life of at least five years. A 83556  
renovation may include costs that otherwise would be considered 83557  
maintenance and repair expenses if they are an integral part of 83558  
the structural change that makes up the renovation project. 83559  
"Renovation" does not mean construction of additional space for 83560  
beds that will be added to a facility's licensed or certified 83561  
capacity. 83562

(b) "Extensive renovation" means a renovation that costs more 83563  
than sixty-five per cent and no more than eighty-five per cent of 83564  
the cost of constructing a new bed and that extends the useful 83565  
life of the assets for at least ten years. 83566

For the purposes of division (BB)(2) of this section, the 83567  
cost of constructing a new bed shall be considered to be forty 83568  
thousand dollars, adjusted for the estimated rate of inflation 83569  
from January 1, 1993, to the end of the calendar year during which 83570  
the renovation is completed, using the consumer price index for 83571  
shelter costs for all urban consumers for the north central 83572  
region, as published by the United States bureau of labor 83573  
statistics. 83574

The department of job and family services may treat a 83575  
renovation that costs more than eighty-five per cent of the cost 83576  
of constructing new beds as an extensive renovation if the 83577  
department determines that the renovation is more prudent than 83578  
construction of new beds. 83579

(CC) "Title XIX" means Title XIX of the "Social Security 83580  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 83581

(DD) "Title XVIII" means Title XVIII of the "Social Security 83582  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 83583

**Sec. 5111.21.** (A) In order to be eligible for medicaid 83584  
payments, the operator of a nursing facility or intermediate care 83585  
facility for the mentally retarded shall do all of the following: 83586

(1) Enter into a provider agreement with the department as 83587  
provided in section 5111.22, 5111.671, or 5111.672 of the Revised 83588  
Code; 83589

(2) Apply for and maintain a valid license to operate if so 83590  
required by law; 83591

(3) Subject to division (B) of this section, comply with all 83592  
applicable state and federal laws and rules. 83593

(B) A state rule that requires the operator of an 83594  
intermediate care facility for the mentally retarded to have 83595  
received approval of a plan for the proposed facility pursuant to 83596  
section 5123.042 of the Revised Code as a condition of the 83597  
operator being eligible for medicaid payments for the facility 83598  
does not apply if, under former section 5123.193 of the Revised 83599  
Code as enacted by Am. Sub. H.B. 1 of the 128th general assembly 83600  
or section 5123.197 of the Revised Code, a residential facility 83601  
license was obtained or modified for the facility without 83602  
obtaining approval of such a plan. 83603

(C)(1) Except as provided in division (C)(2) of this section, 83604  
the operator of a nursing facility that elects to obtain and 83605  
maintain eligibility for payments under the medicaid program shall 83606  
qualify all of the facility's medicaid-certified beds in the 83607  
medicare program established by Title XVIII. The director of job 83608  
and family services may adopt rules under section 5111.02 of the 83609  
Revised Code to establish the time frame in which a nursing 83610  
facility must comply with this requirement. 83611

(2) The department of veterans services is not required to 83612  
qualify all of the medicaid-certified beds in a nursing facility 83613

the agency maintains and operates under section 5907.01 of the Revised Code in the medicare program.

**Sec. 5111.211.** (A) Except as provided in division (C) of this section, the department of developmental disabilities is responsible for the nonfederal share of claims submitted for services that are covered by the medicaid program and provided to an eligible medicaid recipient by an intermediate care facility for the mentally retarded if all of the following are the case:

(1) The services are provided on or after July 1, 2003;

(2) The facility receives initial certification by the director of health as an intermediate care facility for the mentally retarded on or after June 1, 2003;

(3) The facility, or a portion of the facility, is licensed by the director of developmental disabilities as a residential facility under section 5123.19 of the Revised Code;

(4) There is a valid provider agreement for the facility.

(B) Each month, the department of job and family services shall invoice the department of developmental disabilities by interagency transfer voucher for the claims for which the department of developmental disabilities is responsible pursuant to this section.

(C) Division (A) of this section does not apply to claims submitted for an intermediate care facility for the mentally retarded if, under former section 5123.193 of the Revised Code as enacted by Am. Sub. H.B. 1 of the 128th general assembly or section 5123.197 of the Revised Code, a residential facility license was obtained or modified for the facility without obtaining approval of a plan for the proposed residential facility pursuant to section 5123.042 of the Revised Code.

Sec. 5111.222. (A) Except as otherwise provided by sections 83643  
5111.20 to 5111.33 of the Revised Code and by division (B) of this 83644  
section, the payments that the department of job and family 83645  
services shall agree to make to the provider of a nursing facility 83646  
pursuant to a provider agreement shall equal the sum of all of the 83647  
following: 83648

(1) The rate for direct care costs determined for the nursing 83649  
facility under section 5111.231 of the Revised Code; 83650

(2) The rate for ancillary and support costs determined for 83651  
the nursing facility's ancillary and support cost peer group under 83652  
section 5111.24 of the Revised Code; 83653

(3) The rate for tax costs determined for the nursing 83654  
facility under section 5111.242 of the Revised Code; 83655

~~(4) The rate for franchise permit fees determined for the 83656  
nursing facility under section 5111.243 of the Revised Code;~~ 83657

~~(5) The quality incentive payment, if any, paid to the 83658  
nursing facility under section 5111.244 of the Revised Code;~~ 83659

~~(6)~~(5) The ~~median~~ rate for capital costs determined for the 83660  
~~nursing facilities in the~~ nursing facility's capital costs peer 83661  
group ~~as determined~~ under section 5111.25 of the Revised Code. 83662

(B) The department shall adjust the rates otherwise 83663  
determined under ~~divisions~~ division (A)~~(1), (2), (3), and (6)~~ of 83664  
this section as directed by the general assembly through the 83665  
enactment of law governing medicaid payments to providers of 83666  
nursing facilities, including any law that ~~does either of the~~ 83667  
~~following:~~ 83668

~~(1) Establishes~~ establishes factors by which the rates are to 83669  
be adjusted; 83670

~~(2) Establishes a methodology for phasing in the rates 83671  
determined for fiscal year 2006 under uncodified law the general 83672~~

~~assembly enacts to rates determined for subsequent fiscal years~~ 83673  
~~under sections 5111.20 to 5111.33 of the Revised Code.~~ 83674

Sec. 5111.224. (A) Except as otherwise provided by sections 83675  
5111.20 to 5111.33 of the Revised Code and by division (B) of this 83676  
section, the payments that the department of job and family 83677  
services shall agree to make to the provider of an intermediate 83678  
care facility for the mentally retarded pursuant to a provider 83679  
agreement shall equal the sum of all of the following: 83680

(1) The rate for direct care costs determined for the 83681  
facility under section 5111.23 of the Revised Code; 83682

(2) The rate for other protected costs determined for the 83683  
facility under section 5111.235 of the Revised Code; 83684

(3) The rate for indirect care costs determined for the 83685  
facility under section 5111.241 of the Revised Code; 83686

(4) The rate for capital costs determined for the facility 83687  
under section 5111.251 of the Revised Code. 83688

(B) The department shall adjust the total rate otherwise 83689  
determined under division (A) of this section as directed by the 83690  
general assembly through the enactment of law governing medicaid 83691  
payments to providers of intermediate care facilities for the 83692  
mentally retarded. 83693

Sec. 5111.225. (A) As used in this section: 83694

"Dual eligible individual" has the same meaning as in section 83695  
1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010), 83696  
42 U.S.C. 1396n(h)(2)(B). 83697

"Medicaid maximum allowable amount" means one hundred per 83698  
cent of a nursing facility's per diem rate for a medicaid day. 83699

(B) The department of job and family services shall pay the 83700  
provider of a nursing facility the lesser of the following for 83701

nursing facility services the nursing facility provides on or 83702  
after January 1, 2012, to a dual eligible individual who is 83703  
eligible for nursing facility services under the medicaid program 83704  
and post-hospital extended care services under Part A of Title 83705  
XVIII: 83706

(1) The coinsurance amount for the services as provided under 83707  
Part A of Title XVIII; 83708

(2) The medicaid maximum allowable amount for the services, 83709  
less the amount paid under Part A of Title XVIII for the services. 83710

**Sec. 5111.23.** (A) The department of job and family services 83711  
shall pay a provider for each of the provider's eligible 83712  
intermediate care facilities for the mentally retarded a per 83713  
resident per day rate for direct care costs established 83714  
prospectively for each facility. The department shall establish 83715  
each facility's rate for direct care costs quarterly. 83716

(B) Each facility's rate for direct care costs shall be based 83717  
on the facility's cost per case-mix unit, subject to the maximum 83718  
costs per case-mix unit established under division (B)(2) of this 83719  
section, from the calendar year preceding the fiscal year in which 83720  
the rate is paid. To determine the rate, the department shall do 83721  
all of the following: 83722

(1) Determine each facility's cost per case-mix unit for the 83723  
calendar year preceding the fiscal year in which the rate will be 83724  
paid by dividing the facility's desk-reviewed, actual, allowable, 83725  
per diem direct care costs for that year by its average case-mix 83726  
score determined under section 5111.232 of the Revised Code for 83727  
the same calendar year. 83728

(2)(a) Set the maximum cost per case-mix unit for each peer 83729  
group of intermediate care facilities for the mentally retarded 83730  
with more than eight beds specified in rules adopted under 83731

division ~~(E)~~(F) of this section at a percentage above the cost per 83732  
case-mix unit of the facility in the group that has the group's 83733  
median medicaid inpatient day for the calendar year preceding the 83734  
fiscal year in which the rate will be paid, as calculated under 83735  
division (B)(1) of this section, that is no less than the 83736  
percentage calculated under division ~~(D)~~(E)(2) of this section. 83737

(b) Set the maximum cost per case-mix unit for each peer 83738  
group of intermediate care facilities for the mentally retarded 83739  
with eight or fewer beds specified in rules adopted under division 83740  
~~(E)~~(F) of this section at a percentage above the cost per case-mix 83741  
unit of the facility in the group that has the group's median 83742  
medicaid inpatient day for the calendar year preceding the fiscal 83743  
year in which the rate will be paid, as calculated under division 83744  
(B)(1) of this section, that is no less than the percentage 83745  
calculated under division ~~(D)~~(E)(3) of this section. 83746

(c) In calculating the maximum cost per case-mix unit under 83747  
divisions (B)(2)(a) ~~to~~ and (b) of this section for each peer 83748  
group, the department shall exclude from its calculations the cost 83749  
per case-mix unit of any facility in the group that participated 83750  
in the medicaid program under the same operator for less than 83751  
twelve months during the calendar year preceding the fiscal year 83752  
in which the rate will be paid. 83753

(3) Estimate the rate of inflation for the eighteen-month 83754  
period beginning on the first day of July of the calendar year 83755  
preceding the fiscal year in which the rate will be paid and 83756  
ending on the thirty-first day of December of the fiscal year in 83757  
which the rate will be paid, using the ~~employment cost index for~~ 83758  
~~total compensation, health services component, published by the~~ 83759  
~~United States bureau of labor statistics~~ specified in division (C) 83760  
of this section. If the estimated inflation rate for the 83761  
eighteen-month period is different from the actual inflation rate 83762  
for that period, as measured using the same index, the difference 83763



shall be added to or subtracted from the inflation rate estimated 83764  
under division (B)(3) of this section for the following fiscal 83765  
year. 83766

(4) The department shall not recalculate a maximum cost per 83767  
case-mix unit under division (B)(2) of this section or a 83768  
percentage under division ~~(D)~~(E) of this section based on 83769  
additional information that it receives after the maximum costs 83770  
per case-mix unit or percentages are set. The department shall 83771  
recalculate a maximum cost per case-mix units or percentage only 83772  
if it made an error in computing the maximum cost per case-mix 83773  
unit or percentage based on information available at the time of 83774  
the original calculation. 83775

(C) The department shall use the following index for the 83776  
purpose of division (B)(3) of this section: 83777

(1) The employment cost index for total compensation, health 83778  
services component, published by the United States bureau of labor 83779  
statistics; 83780

(2) If the United States bureau of labor statistics ceases to 83781  
publish the index specified in division (C)(1) of this section, 83782  
the index that is subsequently published by the bureau and covers 83783  
nursing facilities' staff costs. 83784

(D) Each facility's rate for direct care costs shall be 83785  
determined as follows for each calendar quarter within a fiscal 83786  
year: 83787

(1) Multiply the lesser of the following by the facility's 83788  
average case-mix score determined under section 5111.232 of the 83789  
Revised Code for the calendar quarter that preceded the 83790  
immediately preceding calendar quarter: 83791

(a) The facility's cost per case-mix unit for the calendar 83792  
year preceding the fiscal year in which the rate will be paid, as 83793  
determined under division (B)(1) of this section; 83794

(b) The maximum cost per case-mix unit established for the 83795  
fiscal year in which the rate will be paid for the facility's peer 83796  
group under division (B)(2) of this section; 83797

(2) Adjust the product determined under division ~~(C)~~(D)(1) of 83798  
this section by the inflation rate estimated under division (B)(3) 83799  
of this section. 83800

~~(D)~~(E)(1) The department shall calculate the percentage above 83801  
the median cost per case-mix unit determined under division (B)(1) 83802  
of this section for the facility that has the median medicaid 83803  
inpatient day for calendar year 1992 for all intermediate care 83804  
facilities for the mentally retarded with more than eight beds 83805  
that would result in payment of all desk-reviewed, actual, 83806  
allowable direct care costs for eighty and one-half per cent of 83807  
the medicaid inpatient days for such facilities for calendar year 83808  
1992. 83809

(2) The department shall calculate the percentage above the 83810  
median cost per case-mix unit determined under division (B)(1) of 83811  
this section for the facility that has the median medicaid 83812  
inpatient day for calendar year 1992 for all intermediate care 83813  
facilities for the mentally retarded with eight or fewer beds that 83814  
would result in payment of all desk-reviewed, actual, allowable 83815  
direct care costs for eighty and one-half per cent of the medicaid 83816  
inpatient days for such facilities for calendar year 1992. 83817

~~(E)~~(F) The director of job and family services shall adopt 83818  
rules under section 5111.02 of the Revised Code that specify peer 83819  
groups of intermediate care facilities for the mentally retarded 83820  
with more than eight beds and intermediate care facilities for the 83821  
mentally retarded with eight or fewer beds, based on findings of 83822  
significant per diem direct care cost differences due to geography 83823  
and facility bed-size. The rules also may specify peer groups 83824  
based on findings of significant per diem direct care cost 83825  
differences due to other factors which may include case-mix. 83826

~~(F)~~(G) The department, in accordance with division (D) of 83827  
section 5111.232 of the Revised Code and rules adopted under 83828  
division ~~(E)~~(F) of that section, may assign case-mix scores or 83829  
costs per case-mix unit if a provider fails to submit assessment 83830  
data necessary to calculate an intermediate care facility for the 83831  
mentally retarded's case-mix score in accordance with that 83832  
section. 83833

**Sec. 5111.231.** (A) As used in this section, ~~"applicable:~~ 83834

(1) "Applicable calendar year" means the following: 83835

~~(1)~~(a) For the purpose of the department of job and family 83836  
services' initial determination under division (D) of this section 83837  
of each peer group's cost per case-mix unit, calendar year 2003; 83838

~~(2)~~(b) For the purpose of the department's ~~subsequent~~ 83839  
~~determinations under division (D) of this section of each peer~~ 83840  
~~group's cost per case-mix unit~~ rebasings, the calendar year the 83841  
department selects. 83842

(2) "Rebasing" means a redetermination under division (D) of 83843  
this section of each peer groups' cost per case-mix unit using 83844  
information from cost reports for an applicable calendar year that 83845  
is later than the applicable calendar year used for the previous 83846  
determination of such costs. 83847

(B) The department of job and family services shall pay a 83848  
provider for each of the provider's eligible nursing facilities a 83849  
per resident per day rate for direct care costs determined 83850  
semiannually by multiplying the cost per case-mix unit determined 83851  
under division (D) of this section for the facility's peer group 83852  
by the facility's semiannual case-mix score determined under 83853  
section 5111.232 of the Revised Code. 83854

(C) For the purpose of determining nursing facilities' rate 83855  
for direct care costs, the department shall establish three peer 83856

groups. 83857

Each nursing facility located in any of the following 83858  
counties shall be placed in peer group one: Brown, Butler, 83859  
Clermont, Clinton, Hamilton, and Warren. 83860

Each nursing facility located in any of the following 83861  
counties shall be placed in peer group two: Ashtabula, Champaign, 83862  
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 83863  
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 83864  
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 83865  
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 83866  
and Wood. 83867

Each nursing facility located in any of the following 83868  
counties shall be placed in peer group three: Adams, Allen, 83869  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 83870  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 83871  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 83872  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 83873  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 83874  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 83875  
Washington, Wayne, Williams, and Wyandot. 83876

(D)(1) ~~At least once every ten years, the~~ The department 83877  
shall determine a cost per case-mix unit for each peer group 83878  
established under division (C) of this section. ~~A~~ The department 83879  
is not required to conduct a rebasing more than once every ten 83880  
years. Except as necessary to implement the amendments made by 83881  
this act to this section, the cost per case-mix unit determined 83882  
under this division for a peer group shall be used for subsequent 83883  
years until the department ~~redetermines it~~ conducts a rebasing. To 83884  
determine a peer group's cost per case-mix unit, the department 83885  
shall do all of the following: 83886

(a) Determine the cost per case-mix unit for each nursing 83887

facility in the peer group for the applicable calendar year by 83888  
dividing each facility's desk-reviewed, actual, allowable, per 83889  
diem direct care costs for the applicable calendar year by the 83890  
facility's annual average case-mix score determined under section 83891  
5111.232 of the Revised Code for the applicable calendar year;~~i~~ 83892

(b) Subject to division (D)(2) of this section, identify 83893  
which nursing facility in the peer group is at the twenty-fifth 83894  
percentile of the cost per case-mix units determined under 83895  
division (D)(1)(a) of this section;~~i~~ 83896

~~(c) Calculate the amount that is seven per cent above the 83897  
cost per case mix unit determined under division (D)(1)(a) of this 83898  
section for the nursing facility identified under division 83899  
(D)(1)(b) of this section. 83900~~

~~(d) Multiply the amount calculated under division (D)(1)(c) 83901  
of this section by Using the index specified in division (D)(3) of 83902  
this section, multiply the rate of inflation for the 83903  
eighteen-month period beginning on the first day of July of the 83904  
applicable calendar year and ending the last day of December of 83905  
the calendar year immediately following the applicable calendar 83906  
year ~~using the following:~~ 83907~~

~~(i) In the case of the initial calculation made under 83908  
division (D)(1)(d) of this section, the employment cost index for 83909  
total compensation, health services component, published by the 83910  
United States bureau of labor statistics, as the index existed on 83911  
July 1, 2005; 83912~~

~~(ii) In the case of subsequent calculations made under 83913  
division (D)(1)(d) of this section and except as provided in 83914  
division (D)(1)(d)(iii) of this section, the employment cost index 83915  
for total compensation, nursing and residential care facilities 83916  
occupational group, published by the United States bureau of labor 83917  
statistics; 83918~~

~~(iii) If the United States bureau of labor statistics ceases to publish the index specified in division (D)(1)(d)(ii) of this section, the index the bureau subsequently publishes that covers nursing facilities' staff costs by the cost per case-mix unit determined under division (D)(1)(a) of this section for the nursing facility identified under division (D)(1)(b) of this section;~~ 83919  
83920  
83921  
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83925

(d) Until the first rebasing occurs, add one dollar and eighty-eight cents to the amount calculated under division (D)(1)(c) of this section. 83926  
83927  
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(2) In making the identification under division (D)(1)(b) of this section, the department shall exclude both of the following: 83929  
83930

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year; 83931  
83932  
83933

(b) Nursing facilities whose cost per case-mix unit is more than one standard deviation from the mean cost per case-mix unit for all nursing facilities in the nursing facility's peer group for the applicable calendar year. 83934  
83935  
83936  
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(3) The following index shall be used for the purpose of the calculation made under division (D)(1)(c) of this section: 83938  
83939

(a) Until the first rebasing occurs, the employment cost index for total compensation, health services component, published by the United States bureau of labor statistics, as the index existed on July 1, 2005; 83940  
83941  
83942  
83943

(b) Effective with the first rebasing and except as provided in division (D)(3)(c) of this section, the employment cost index for total compensation, nursing and residential care facilities occupational group, published by the United States bureau of labor statistics; 83944  
83945  
83946  
83947  
83948

(c) If the United States bureau of labor statistics ceases to publish the index specified in division (D)(3)(b) of this section, the index the bureau subsequently publishes that covers nursing facilities' staff costs. 83949  
83950  
83951  
83952

(4) The department shall not redetermine a peer group's cost per case-mix unit under this division based on additional information that it receives after the peer group's per case-mix unit is determined. The department shall redetermine a peer group's cost per case-mix unit only if it made an error in determining the peer group's cost per case-mix unit based on information available to the department at the time of the original determination. 83953  
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**Sec. 5111.235.** (A) The department of job and family services shall pay a provider for each of the provider's eligible intermediate care facilities for the mentally retarded a per resident per day rate for other protected costs established prospectively each fiscal year for each facility. The rate for each facility shall be the facility's desk-reviewed, actual, allowable, per diem other protected costs from the calendar year preceding the fiscal year in which the rate will be paid, all adjusted for the estimated inflation rate for the eighteen-month period beginning on the first day of July of the calendar year preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of that fiscal year. The department shall estimate inflation using the ~~consumer price index for all urban consumers for nonprescription drugs and medical supplies, as published by the United States bureau of labor statistics~~ specified in division (B) of this section. If the estimated inflation rate for the eighteen-month period is different from the actual inflation rate for that period, the difference shall be added to or subtracted from the inflation rate estimated for the following year.

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(B) The department shall use the following index for the purpose of division (A) of this section: 83981  
83982

(1) The consumer price index for all urban consumers for nonprescription drugs and medical supplies, as published by the United States bureau of labor statistics; 83983  
83984  
83985

(2) If the United States bureau of labor statistics ceases to publish the index specified in division (B)(1) of this section, the index that is subsequently published by the bureau and covers nonprescription drugs and medical supplies. 83986  
83987  
83988  
83989

**Sec. 5111.24.** (A) As used in this section, ~~"applicable:~~ 83990

(1) "Applicable calendar year" means the following: 83991

~~(1)(a)~~ (a) For the purpose of the department of job and family services' initial determination under division (D) of this section of each peer group's rate for ancillary and support costs, calendar year 2003; 83992  
83993  
83994  
83995

~~(2)(b)~~ (b) For the purpose of the department's ~~subsequent determinations under division (D) of this section of each peer group's rate for ancillary and support costs~~ rebasings, the calendar year the department selects. 83996  
83997  
83998  
83999

(2) "Rebasing" means a redetermination under division (D) of this section of each peer groups' rate for ancillary and support costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates. 84000  
84001  
84002  
84003  
84004

(B) The department of job and family services shall pay a provider for each of the provider's eligible nursing facilities a per resident per day rate for ancillary and support costs determined for the nursing facility's peer group under division (D) of this section. 84005  
84006  
84007  
84008  
84009

(C) For the purpose of determining nursing facilities' rate 84010



for ancillary and support costs, the department shall establish 84011  
six peer groups. 84012

Each nursing facility located in any of the following 84013  
counties shall be placed in peer group one or two: Brown, Butler, 84014  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 84015  
located in any of those counties that has fewer than one hundred 84016  
beds shall be placed in peer group one. Each nursing facility 84017  
located in any of those counties that has one hundred or more beds 84018  
shall be placed in peer group two. 84019

Each nursing facility located in any of the following 84020  
counties shall be placed in peer group three or four: Ashtabula, 84021  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 84022  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 84023  
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 84024  
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 84025  
Union, and Wood. Each nursing facility located in any of those 84026  
counties that has fewer than one hundred beds shall be placed in 84027  
peer group three. Each nursing facility located in any of those 84028  
counties that has one hundred or more beds shall be placed in peer 84029  
group four. 84030

Each nursing facility located in any of the following 84031  
counties shall be placed in peer group five or six: Adams, Allen, 84032  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 84033  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 84034  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 84035  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 84036  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 84037  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 84038  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 84039  
located in any of those counties that has fewer than one hundred 84040  
beds shall be placed in peer group five. Each nursing facility 84041  
located in any of those counties that has one hundred or more beds 84042

shall be placed in peer group six. 84043

(D)(1) ~~At least once every ten years, the~~ The department 84044  
shall determine the rate for ancillary and support costs for each 84045  
peer group established under division (C) of this section. The 84046  
department is not required to conduct a rebasing more than once 84047  
every ten years. Except as necessary to implement the amendments 84048  
made by this act to this section, the rate for ancillary and 84049  
support costs determined under this division for a peer group 84050  
shall be used for subsequent years until the department 84051  
~~redetermines it~~ conducts a rebasing. To determine a peer group's 84052  
rate for ancillary and support costs, the department shall do all 84053  
of the following: 84054

(a) ~~Determine~~ Subject to division (D)(2) of this section, 84055  
determine the rate for ancillary and support costs for each 84056  
nursing facility in the peer group for the applicable calendar 84057  
year by using the greater of the nursing facility's actual 84058  
inpatient days for the applicable calendar year or the inpatient 84059  
days the nursing facility would have had for the applicable 84060  
calendar year if its occupancy rate had been ninety per cent. ~~For~~ 84061  
~~the purpose of determining a nursing facility's occupancy rate~~ 84062  
~~under division (D)(1)(a) of this section, the department shall~~ 84063  
~~include any beds that the nursing facility removes from its~~ 84064  
~~medicaid certified capacity unless the nursing facility also~~ 84065  
~~removes the beds from its licensed bed capacity.;~~ 84066

(b) Subject to division (D)~~(2)~~(3) of this section, identify 84067  
which nursing facility in the peer group is at the twenty-fifth 84068  
percentile of the rate for ancillary and support costs for the 84069  
applicable calendar year determined under division (D)(1)(a) of 84070  
this section-; 84071

(c) ~~Calculate the amount that is three per cent above the~~ 84072  
~~rate for ancillary and support costs determined under division~~ 84073  
~~(D)(1)(a) of this section for the nursing facility identified~~ 84074

~~under division (D)(1)(b) of this section.~~ 84075

~~(d) Multiply the amount calculated rate for ancillary and support costs determined under division (D)(1)(~~e~~)(a) of this section for the nursing facility identified under division (D)(1)(b) of this section by the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following:~~ 84076  
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~~(i) In the case of the initial calculation made under division (D)(1)(d) of this section Until the first rebasing occurs, the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics, as that index existed on July 1, 2005;~~ 84084  
84085  
84086  
84087  
84088  
84089

~~(ii) In the case of subsequent calculations made under division (D)(1)(d) of this section Effective with the first rebasing and except as provided in division (D)(1)(~~d~~)(c)(iii) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics;~~ 84090  
84091  
84092  
84093  
84094  
84095

~~(iii) If the United States bureau of labor statistics ceases to publish the index specified in division (D)(1)(~~d~~)(c)(ii) of this section, the index the bureau subsequently publishes that covers urban consumers' prices for items for the region that includes this state.~~ 84096  
84097  
84098  
84099  
84100

~~(2) For the purpose of determining a nursing facility's occupancy rate under division (D)(1)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity unless the nursing facility also removes the beds from its licensed bed capacity.~~ 84101  
84102  
84103  
84104  
84105

(3) In making the identification under division (D)(1)(b) of 84106  
this section, the department shall exclude both of the following: 84107

(a) Nursing facilities that participated in the medicaid 84108  
program under the same provider for less than twelve months in the 84109  
applicable calendar year; 84110

(b) Nursing facilities whose ancillary and support costs are 84111  
more than one standard deviation from the mean desk-reviewed, 84112  
actual, allowable, per diem ancillary and support cost for all 84113  
nursing facilities in the nursing facility's peer group for the 84114  
applicable calendar year. 84115

~~(3)~~(4) The department shall not redetermine a peer group's 84116  
rate for ancillary and support costs under this division based on 84117  
additional information that it receives after the rate is 84118  
determined. The department shall redetermine a peer group's rate 84119  
for ancillary and support costs only if ~~it~~ the department made an 84120  
error in determining the rate based on information available to 84121  
the department at the time of the original determination. 84122

**Sec. 5111.241.** (A) The department of job and family services 84123  
shall pay a provider for each of the provider's eligible 84124  
intermediate care facilities for the mentally retarded a per 84125  
resident per day rate for indirect care costs established 84126  
prospectively each fiscal year for each facility. The rate for 84127  
each intermediate care facility for the mentally retarded shall be 84128  
the sum of the following, but shall not exceed the maximum rate 84129  
established for the facility's peer group under division (B) of 84130  
this section: 84131

(1) The facility's desk-reviewed, actual, allowable, per diem 84132  
indirect care costs from the calendar year preceding the fiscal 84133  
year in which the rate will be paid, adjusted for the inflation 84134  
rate estimated under division (C)(1) of this section; 84135

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| (2) An efficiency incentive in the following amount:               | 84136 |
| (a) For fiscal years ending in even-numbered calendar years:       | 84137 |
| (i) In the case of intermediate care facilities for the            | 84138 |
| mentally retarded with more than eight beds, seven and one-tenth   | 84139 |
| per cent of the maximum rate established for the facility's peer   | 84140 |
| group under division (B) of this section;                          | 84141 |
| (ii) In the case of intermediate care facilities for the           | 84142 |
| mentally retarded with eight or fewer beds, seven per cent of the  | 84143 |
| maximum rate established for the facility's peer group under       | 84144 |
| division (B) of this section;                                      | 84145 |
| (b) For fiscal years ending in odd-numbered calendar years,        | 84146 |
| the amount calculated for the preceding fiscal year under division | 84147 |
| (A)(2)(a) of this section.                                         | 84148 |
| (B)(1) The maximum rate for indirect care costs for each peer      | 84149 |
| group of intermediate care facilities for the mentally retarded    | 84150 |
| with more than eight beds specified in rules adopted under         | 84151 |
| division (D) of this section shall be determined as follows:       | 84152 |
| (a) For fiscal years ending in even-numbered calendar years,       | 84153 |
| the maximum rate for each peer group shall be the rate that is no  | 84154 |
| less than twelve and four-tenths per cent above the median         | 84155 |
| desk-reviewed, actual, allowable, per diem indirect care cost for  | 84156 |
| all intermediate care facilities for the mentally retarded with    | 84157 |
| more than eight beds in the group, excluding facilities in the     | 84158 |
| group whose indirect care costs for that period are more than      | 84159 |
| three standard deviations from the mean desk-reviewed, actual,     | 84160 |
| allowable, per diem indirect care cost for all intermediate care   | 84161 |
| facilities for the mentally retarded with more than eight beds,    | 84162 |
| for the calendar year preceding the fiscal year in which the rate  | 84163 |
| will be paid, adjusted by the inflation rate estimated under       | 84164 |
| division (C)(1) of this section.                                   | 84165 |
| (b) For fiscal years ending in odd-numbered calendar years,        | 84166 |

the maximum rate for each peer group is the group's maximum rate 84167  
for the previous fiscal year, adjusted for the inflation rate 84168  
estimated under division (C)(2) of this section. 84169

(2) The maximum rate for indirect care costs for each peer 84170  
group of intermediate care facilities for the mentally retarded 84171  
with eight or fewer beds specified in rules adopted under division 84172  
(D) of this section shall be determined as follows: 84173

(a) For fiscal years ending in even-numbered calendar years, 84174  
the maximum rate for each peer group shall be the rate that is no 84175  
less than ten and three-tenths per cent above the median 84176  
desk-reviewed, actual, allowable, per diem indirect care cost for 84177  
all intermediate care facilities for the mentally retarded with 84178  
eight or fewer beds in the group, excluding facilities in the 84179  
group whose indirect care costs are more than three standard 84180  
deviations from the mean desk-reviewed, actual, allowable, per 84181  
diem indirect care cost for all intermediate care facilities for 84182  
the mentally retarded with eight or fewer beds, for the calendar 84183  
year preceding the fiscal year in which the rate will be paid, 84184  
adjusted by the inflation rate estimated under division (C)(1) of 84185  
this section. 84186

(b) For fiscal years that end in odd-numbered calendar years, 84187  
the maximum rate for each peer group is the group's maximum rate 84188  
for the previous fiscal year, adjusted for the inflation rate 84189  
estimated under division (C)(2) of this section. 84190

(3) The department shall not recalculate a maximum rate for 84191  
indirect care costs under division (B)(1) or (2) of this section 84192  
based on additional information that it receives after the maximum 84193  
rate is set. The department shall recalculate the maximum rate for 84194  
indirect care costs only if it made an error in computing the 84195  
maximum rate based on the information available at the time of the 84196  
original calculation. 84197

(C)(1) When adjusting rates for inflation under divisions (A)(1), (B)(1)(a), and (B)(2)(a) of this section, the department shall estimate the rate of inflation for the eighteen-month period beginning on the first day of July of the calendar year preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid, using the. To estimate the rate of inflation, the department shall use the following:

(a) The consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics;

(b) If the United States bureau of labor statistics ceases to publish the index specified in division (C)(1)(a) of this section, a comparable index that the bureau publishes and the department determines is appropriate.

(2) When adjusting rates for inflation under divisions (B)(1)(b) and (B)(2)(b) of this section, the department shall estimate the rate of inflation for the twelve-month period beginning on the first day of January of the fiscal year preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid, using the. To estimate the rate of inflation, the department shall use the following:

(a) The consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics;

(b) If the United States bureau of labor statistics ceases to publish the index specified in division (C)(2)(a) of this section, a comparable index that the bureau publishes and the department determines is appropriate.

(3) If an inflation rate estimated under division (C)(1) or

(2) of this section is different from the actual inflation rate 84229  
for the relevant time period, as measured using the same index, 84230  
the difference shall be added to or subtracted from the inflation 84231  
rate estimated pursuant to this division for the following fiscal 84232  
year. 84233

(D) The director of job and family services shall adopt rules 84234  
under section 5111.02 of the Revised Code that specify peer groups 84235  
of intermediate care facilities for the mentally retarded with 84236  
more than eight beds, and peer groups of intermediate care 84237  
facilities for the mentally retarded with eight or fewer beds, 84238  
based on findings of significant per diem indirect care cost 84239  
differences due to geography and facility bed-size. The rules also 84240  
may specify peer groups based on findings of significant per diem 84241  
indirect care cost differences due to other factors, including 84242  
case-mix. 84243

**Sec. 5111.244.** (A) As used in this section, "deficiency" and 84244  
"standard survey" have the same meanings as in section 5111.35 of 84245  
the Revised Code. 84246

(B) ~~Each fiscal year~~ Subject to division (D) of this section, 84247  
the department of job and family services shall pay the provider 84248  
of each nursing facility a quality incentive payment. The amount 84249  
of a quality incentive payment paid to a provider ~~for a fiscal~~ 84250  
~~year~~ shall be based on the number of points the provider's nursing 84251  
facility is awarded ~~under division (C) of this section~~ for that 84252  
~~fiscal year~~ meeting accountability measures. The amount of a 84253  
quality incentive payment paid to a provider of a nursing facility 84254  
that is awarded no points may be zero. ~~The mean payment for fiscal~~ 84255  
~~year 2007, weighted by medicaid days, shall be three dollars per~~ 84256  
~~medicaid day. The department shall adjust the mean payment for~~ 84257  
~~subsequent fiscal years by the same adjustment factors the~~ 84258  
~~department uses to adjust, pursuant to division (B) of section~~ 84259



|                                                                                     |       |
|-------------------------------------------------------------------------------------|-------|
| <del>5111.222 of the Revised Code, nursing facilities' rates otherwise</del>        | 84260 |
| <del>determined under divisions (A)(1), (2), (3), and (6) of that</del>             | 84261 |
| <del>section.</del>                                                                 | 84262 |
| (C)(1) Except as provided by <del>division</del> <u>divisions</u> (C)(2) <u>and</u> | 84263 |
| <u>(D)</u> of this section, the department shall <del>annually</del> award each     | 84264 |
| nursing facility participating in the medicaid program one point                    | 84265 |
| for each of the following accountability measures the facility                      | 84266 |
| meets:                                                                              | 84267 |
| (a) The facility had no health deficiencies on the facility's                       | 84268 |
| most recent standard survey.                                                        | 84269 |
| (b) The facility had no health deficiencies with a scope and                        | 84270 |
| severity level greater than E, as determined under nursing                          | 84271 |
| facility certification standards established under Title XIX, on                    | 84272 |
| the facility's most recent standard survey.                                         | 84273 |
| (c) The facility's resident satisfaction is above the                               | 84274 |
| statewide average.                                                                  | 84275 |
| (d) The facility's family satisfaction is above the statewide                       | 84276 |
| average.                                                                            | 84277 |
| (e) The number of hours the facility employs nurses is above                        | 84278 |
| the statewide average.                                                              | 84279 |
| (f) The facility's employee retention rate is above the                             | 84280 |
| average for the facility's peer group established in division (C)                   | 84281 |
| of section 5111.231 of the Revised Code.                                            | 84282 |
| (g) The facility's occupancy rate is above the statewide                            | 84283 |
| average.                                                                            | 84284 |
| (h) The facility's medicaid utilization rate is above the                           | 84285 |
| statewide average.                                                                  | 84286 |
| (i) The facility's case-mix score is above the statewide                            | 84287 |
| average.                                                                            | 84288 |
| (2) The department shall award points pursuant to division                          | 84289 |

(C)(1)(c) or (d) of this section to a nursing facility only for a 84290  
fiscal year immediately following a calendar year for which if a 84291  
survey of resident or family satisfaction has been was conducted 84292  
under section 173.47 of the Revised Code for the nursing facility 84293  
in calendar year 2010. 84294

(D) The department shall cease to award points to nursing 84295  
facilities under division (C) of this section on the earlier of 84296  
the effective date of the rules adopted under division (E) of this 84297  
section establishing new accountability measures and July 1, 2012. 84298  
If the effective date of the rules establishing the new 84299  
accountability measures is after July 1, 2012, the department 84300  
shall not award any points, and therefore not pay quality 84301  
incentive payments, for the period beginning July 1, 2012, and 84302  
ending on the effective date of the rules. Once the rules are in 84303  
effect, the department shall award each nursing facility 84304  
participating in the medicaid program points in accordance with 84305  
the new accountability measures established in the rules. 84306

(E) The director of job and family services shall adopt rules 84307  
under section 5111.02 of the Revised Code as necessary to 84308  
implement this section. The rules shall include, including rules 84309  
governing the methodology for converting points awarded under this 84310  
section into quality incentive payments and rules establishing the 84311  
system for awarding points under division (C) of this section. The 84312  
director shall strive to have in effect not later than July 1, 84313  
2012, rules establishing new accountability measures for the 84314  
purpose of division (D) of this section. In adopting those rules, 84315  
the director shall collaborate with persons interested in the 84316  
issue of medicaid coverage of nursing facility services. The new 84317  
accountability measures shall include measures relating to the 84318  
quality of care that nursing facilities provide their residents 84319  
and the residents' quality of life. 84320

**Sec. 5111.25.** (A) As used in this section, ~~"applicable:~~ 84321

(1) "Applicable calendar year" means the following: 84322

~~(1)(a)~~ For the purpose of the department of job and family 84323  
services' initial determination under division (D) of this section 84324  
of each peer group's ~~median~~ rate for capital costs, calendar year 84325  
2003; 84326

~~(2)(b)~~ For the purpose of the department's ~~subsequent~~ 84327  
~~determinations under division (D) of this section of each peer~~ 84328  
~~group's median rate for capital costs~~ rebasings, the calendar year 84329  
the department selects. 84330

(2) "Rebasing" means a redetermination under division (D) of 84331  
this section of each peer groups' rate for capital costs using 84332  
information from cost reports for an applicable calendar year that 84333  
is later than the applicable calendar year used for the previous 84334  
determination of such rates. 84335

(B) The department of job and family services shall pay a 84336  
provider for each of the provider's eligible nursing facilities a 84337  
per resident per day rate for capital costs. ~~A nursing facility's~~ 84338  
~~rate for capital costs shall be the median rate for capital costs~~ 84339  
~~for the nursing facilities in~~ determined for the nursing 84340  
facility's peer group ~~as determined~~ under division (D) of this 84341  
section. 84342

(C) For the purpose of determining nursing facilities' rate 84343  
for capital costs, the department shall establish six peer groups. 84344

Each nursing facility located in any of the following 84345  
counties shall be placed in peer group one or two: Brown, Butler, 84346  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 84347  
located in any of those counties that has fewer than one hundred 84348  
beds shall be placed in peer group one. Each nursing facility 84349  
located in any of those counties that has one hundred or more beds 84350

shall be placed in peer group two. 84351

Each nursing facility located in any of the following 84352  
counties shall be placed in peer group three or four: Ashtabula, 84353  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 84354  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 84355  
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 84356  
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 84357  
Union, and Wood. Each nursing facility located in any of those 84358  
counties that has fewer than one hundred beds shall be placed in 84359  
peer group three. Each nursing facility located in any of those 84360  
counties that has one hundred or more beds shall be placed in peer 84361  
group four. 84362

Each nursing facility located in any of the following 84363  
counties shall be placed in peer group five or six: Adams, Allen, 84364  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 84365  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 84366  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 84367  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 84368  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 84369  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 84370  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 84371  
located in any of those counties that has fewer than one hundred 84372  
beds shall be placed in peer group five. Each nursing facility 84373  
located in any of those counties that has one hundred or more beds 84374  
shall be placed in peer group six. 84375

(D)(1) ~~At least once every ten years, the~~ The department 84376  
shall determine the ~~median~~ rate for capital costs for each peer 84377  
group established under division (C) of this section. The ~~median~~ 84378  
department is not required to conduct a rebasing more than once 84379  
every ten years. Except as necessary to implement the amendments 84380  
made by this act to this section, the rate for capital costs 84381  
determined under this division for a peer group shall be used for 84382

subsequent years until the department ~~redetermines it~~ conducts a 84383  
rebasing. ~~To determine a~~ A peer group's median rate for capital 84384  
costs shall be the rate for capital costs determined for the 84385  
nursing facility in the peer group that is at the twenty-fifth 84386  
percentile of the rate for capital costs for the applicable 84387  
calendar year. In identifying that nursing facility, the 84388  
department shall do both of the following: 84389

(a) Subject to division (D)(2) of this section, use the 84390  
greater of each nursing facility's actual inpatient days for the 84391  
applicable calendar year or the inpatient days the nursing 84392  
facility would have had for the applicable calendar year if its 84393  
occupancy rate had been one hundred per cent-; 84394

(b) Exclude both of the following: 84395

(i) Nursing facilities that participated in the medicaid 84396  
program under the same provider for less than twelve months in the 84397  
applicable calendar year; 84398

(ii) Nursing facilities whose capital costs are more than one 84399  
standard deviation from the mean desk-reviewed, actual, allowable, 84400  
per diem capital cost for all nursing facilities in the nursing 84401  
facility's peer group for the applicable calendar year. 84402

(2) For the purpose of determining a nursing facility's 84403  
occupancy rate under division (D)(1)(a) of this section, the 84404  
department shall include any beds that the nursing facility 84405  
removes from its medicaid-certified capacity after June 30, 2005, 84406  
unless the nursing facility also removes the beds from its 84407  
licensed bed capacity. 84408

(3) The department shall not redetermine a peer group's rate 84409  
for capital costs under this division based on additional 84410  
information that it receives after the rate is determined. The 84411  
department shall redetermine a peer group's rate for capital costs 84412  
only if the department made an error in determining the rate based 84413

on information available to the department at the time of the 84414  
original determination. 84415

(E) Buildings shall be depreciated using the straight line 84416  
method over forty years or over a different period approved by the 84417  
department. Components and equipment shall be depreciated using 84418  
the straight-line method over a period designated in rules adopted 84419  
under section 5111.02 of the Revised Code, consistent with the 84420  
guidelines of the American hospital association, or over a 84421  
different period approved by the department. Any rules authorized 84422  
by this division that specify useful lives of buildings, 84423  
components, or equipment apply only to assets acquired on or after 84424  
July 1, 1993. Depreciation for costs paid or reimbursed by any 84425  
government agency shall not be included in capital costs unless 84426  
that part of the payment under sections 5111.20 to 5111.33 of the 84427  
Revised Code is used to reimburse the government agency. 84428

(F) The capital cost basis of nursing facility assets shall 84429  
be determined in the following manner: 84430

(1) Except as provided in division (F)(3) of this section, 84431  
for purposes of calculating the rates to be paid for facilities 84432  
with dates of licensure on or before June 30, 1993, the capital 84433  
cost basis of each asset shall be equal to the desk-reviewed, 84434  
actual, allowable, capital cost basis that is listed on the 84435  
facility's cost report for the calendar year preceding the fiscal 84436  
year during which the rate will be paid. 84437

(2) For facilities with dates of licensure after June 30, 84438  
1993, the capital cost basis shall be determined in accordance 84439  
with the principles of the medicare program established under 84440  
Title XVIII, except as otherwise provided in sections 5111.20 to 84441  
5111.33 of the Revised Code. 84442

(3) Except as provided in division (F)(4) of this section, if 84443  
a provider transfers an interest in a facility to another provider 84444

after June 30, 1993, there shall be no increase in the capital 84445  
cost basis of the asset if the providers are related parties or 84446  
the provider to which the interest is transferred authorizes the 84447  
provider that transferred the interest to continue to operate the 84448  
facility under a lease, management agreement, or other 84449  
arrangement. If the previous sentence does not prohibit the 84450  
adjustment of the capital cost basis under this division, the 84451  
basis of the asset shall be adjusted by ~~the lesser of the~~ 84452  
~~following:~~ 84453

~~(a) One half of the change in construction costs during the 84454  
time that the transferor held the asset, as calculated by the 84455  
department of job and family services using the "Dodge building 84456  
cost indexes, northeastern and north central states," published by 84457  
Marshall and Swift;~~ 84458

~~(b) One-half one-half of the change in the consumer price 84459  
index for all items for all urban consumers, as published by the 84460  
United States bureau of labor statistics, during the time that the 84461  
transferor held the asset.~~ 84462

(4) If a provider transfers an interest in a facility to 84463  
another provider who is a related party, the capital cost basis of 84464  
the asset shall be adjusted as specified in division (F)(3) of 84465  
this section if all of the following conditions are met: 84466

(a) The related party is a relative of owner; 84467

(b) Except as provided in division (F)(4)(c)(ii) of this 84468  
section, the provider making the transfer retains no ownership 84469  
interest in the facility; 84470

(c) The department of job and family services determines that 84471  
the transfer is an arm's length transaction pursuant to rules 84472  
adopted under section 5111.02 of the Revised Code. The rules shall 84473  
provide that a transfer is an arm's length transaction if all of 84474  
the following apply: 84475

(i) Once the transfer goes into effect, the provider that 84476  
made the transfer has no direct or indirect interest in the 84477  
provider that acquires the facility or the facility itself, 84478  
including interest as an owner, officer, director, employee, 84479  
independent contractor, or consultant, but excluding interest as a 84480  
creditor. 84481

(ii) The provider that made the transfer does not reacquire 84482  
an interest in the facility except through the exercise of a 84483  
creditor's rights in the event of a default. If the provider 84484  
reacquires an interest in the facility in this manner, the 84485  
department shall treat the facility as if the transfer never 84486  
occurred when the department calculates its reimbursement rates 84487  
for capital costs. 84488

(iii) The transfer satisfies any other criteria specified in 84489  
the rules. 84490

(d) Except in the case of hardship caused by a catastrophic 84491  
event, as determined by the department, or in the case of a 84492  
provider making the transfer who is at least sixty-five years of 84493  
age, not less than twenty years have elapsed since, for the same 84494  
facility, the capital cost basis was adjusted most recently under 84495  
division (F)(4) of this section or actual, allowable cost of 84496  
ownership was determined most recently under division (G)(9) of 84497  
this section. 84498

(G) As used in this division: 84499

"Imputed interest" means the lesser of the prime rate plus 84500  
two per cent or ten per cent. 84501

"Lease expense" means lease payments in the case of an 84502  
operating lease and depreciation expense and interest expense in 84503  
the case of a capital lease. 84504

"New lease" means a lease, to a different lessee, of a 84505  
nursing facility that previously was operated under a lease. 84506



(1) Subject to division (B) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable capital cost during the term of the existing lease. The entire lease expense also is an actual, allowable capital cost if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to division (B) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by ~~the lesser of the following amounts:~~

~~(a) One half of the change in construction costs during the time the lessor held each asset until the beginning of the lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;~~

~~(b) one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.~~

(3) Subject to division (B) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital

costs shall include the annual lease expense if there was a 84538  
substantial commitment of money for construction of the facility 84539  
after December 22, 1992, and before July 1, 1993. If there was not 84540  
a substantial commitment of money after December 22, 1992, and 84541  
before July 1, 1993, actual, allowable capital costs shall include 84542  
the lesser of the annual lease expense or the sum of the 84543  
following: 84544

(a) The annual depreciation expense that would be calculated 84545  
at the inception of the lease using the lessor's entire historical 84546  
capital asset cost basis; 84547

(b) The greater of the lessor's actual annual amortization of 84548  
financing costs and interest expense at the inception of the lease 84549  
or the imputed interest expense calculated at the inception of the 84550  
lease using seventy per cent of the lessor's historical capital 84551  
asset cost basis. 84552

(4) Subject to division (B) of this section, for a lease of a 84553  
facility with a date of licensure on or after May 27, 1992, that 84554  
was not initially operated under a lease and has been in existence 84555  
for ten years, actual, allowable capital costs shall include the 84556  
lesser of the annual lease expense or the annual depreciation 84557  
expense and imputed interest expense that would be calculated at 84558  
the inception of the lease using the entire historical capital 84559  
asset cost basis of the lessor, ~~adjusted by the lesser of the~~ 84560  
~~following:~~ 84561

~~(a) One half of the change in construction costs during the 84562  
time the lessor held each asset until the beginning of the lease, 84563  
as calculated by the department using the "Dodge building cost 84564  
indexes, northeastern and north central states," published by 84565  
Marshall and Swift;~~ 84566

~~(b) One half one-half of the change in the consumer price 84567  
index for all items for all urban consumers, as published by the 84568~~

United States bureau of labor statistics, during the time the 84569  
lessor held each asset until the beginning of the lease. 84570

(5) Subject to division (B) of this section, for a new lease 84571  
of a facility that was operated under a lease on May 27, 1992, 84572  
actual, allowable capital costs shall include the lesser of the 84573  
annual new lease expense or the annual old lease payment. If the 84574  
old lease was in effect for ten years or longer, the old lease 84575  
payment from the beginning of the old lease shall be adjusted by 84576  
~~the lesser of the following:~~ 84577

~~(a) One half of the change in construction costs from the 84578  
beginning of the old lease to the beginning of the new lease, as 84579  
calculated by the department using the "Dodge building cost 84580  
indexes, northeastern and north central states," published by 84581  
Marshall and Swift;~~ 84582

~~(b) One half one-half of the change in the consumer price 84583  
index for all items for all urban consumers, as published by the 84584  
United States bureau of labor statistics, from the beginning of 84585  
the old lease to the beginning of the new lease. 84586~~

(6) Subject to division (B) of this section, for a new lease 84587  
of a facility that was not in existence or that was in existence 84588  
but not operated under a lease on May 27, 1992, actual, allowable 84589  
capital costs shall include the lesser of annual new lease expense 84590  
or the annual amount calculated for the old lease under division 84591  
(G)(2), (3), (4), or (6) of this section, as applicable. If the 84592  
old lease was in effect for ten years or longer, the lessor's 84593  
historical capital asset cost basis shall be ~~adjusted by the 84594  
lesser of the following,~~ for purposes of calculating the annual 84595  
amount under division (G)(2), (3), (4), or (6) of this section. 84596

~~(a) One half of the change in construction costs from the 84597  
beginning of the old lease to the beginning of the new lease, as 84598  
calculated by the department using the "Dodge building cost 84599~~

~~indexes, northeastern and north central states," published by~~ 84600  
~~Marshall and Swift;~~ 84601

~~(b) One-half, adjusted by one-half~~ of the change in the 84602  
consumer price index for all items for all urban consumers, as 84603  
published by the United States bureau of labor statistics, from 84604  
the beginning of the old lease to the beginning of the new lease. 84605

In the case of a lease under division (G)(3) of this section 84606  
of a facility for which a substantial commitment of money was made 84607  
after December 22, 1992, and before July 1, 1993, the old lease 84608  
payment shall be adjusted for the purpose of determining the 84609  
annual amount. 84610

(7) For any revision of a lease described in division (G)(1), 84611  
(2), (3), (4), (5), or (6) of this section, or for any subsequent 84612  
lease of a facility operated under such a lease, other than 84613  
execution of a new lease, the portion of actual, allowable capital 84614  
costs attributable to the lease shall be the same as before the 84615  
revision or subsequent lease. 84616

(8) Except as provided in division (G)(9) of this section, if 84617  
a provider leases an interest in a facility to another provider 84618  
who is a related party or previously operated the facility, the 84619  
related party's or previous operator's actual, allowable capital 84620  
costs shall include the lesser of the annual lease expense or the 84621  
reasonable cost to the lessor. 84622

(9) If a provider leases an interest in a facility to another 84623  
provider who is a related party, regardless of the date of the 84624  
lease, the related party's actual, allowable capital costs shall 84625  
include the annual lease expense, subject to the limitations 84626  
specified in divisions (G)(1) to (7) of this section, if all of 84627  
the following conditions are met: 84628

(a) The related party is a relative of owner; 84629

(b) If the lessor retains an ownership interest, it is, 84630

except as provided in division (G)(9)(c)(ii) of this section, in 84631  
only the real property and any improvements on the real property; 84632

(c) The department of job and family services determines that 84633  
the lease is an arm's length transaction pursuant to rules adopted 84634  
under section 5111.02 of the Revised Code. The rules shall provide 84635  
that a lease is an arm's length transaction if all of the 84636  
following apply: 84637

(i) Once the lease goes into effect, the lessor has no direct 84638  
or indirect interest in the lessee or, except as provided in 84639  
division (G)(9)(b) of this section, the facility itself, including 84640  
interest as an owner, officer, director, employee, independent 84641  
contractor, or consultant, but excluding interest as a lessor. 84642

(ii) The lessor does not reacquire an interest in the 84643  
facility except through the exercise of a lessor's rights in the 84644  
event of a default. If the lessor reacquires an interest in the 84645  
facility in this manner, the department shall treat the facility 84646  
as if the lease never occurred when the department calculates its 84647  
reimbursement rates for capital costs. 84648

(iii) The lease satisfies any other criteria specified in the 84649  
rules. 84650

(d) Except in the case of hardship caused by a catastrophic 84651  
event, as determined by the department, or in the case of a lessor 84652  
who is at least sixty-five years of age, not less than twenty 84653  
years have elapsed since, for the same facility, the capital cost 84654  
basis was adjusted most recently under division (F)(4) of this 84655  
section or actual, allowable capital costs were determined most 84656  
recently under division (G)(9) of this section. 84657

(10) This division does not apply to leases of specific items 84658  
of equipment. 84659

**Sec. 5111.251.** (A) The department of job and family services 84660

shall pay a provider for each of the provider's eligible 84661  
intermediate care facilities for the mentally retarded for its 84662  
reasonable capital costs, a per resident per day rate established 84663  
prospectively each fiscal year for each intermediate care facility 84664  
for the mentally retarded. Except as otherwise provided in 84665  
sections 5111.20 to 5111.33 of the Revised Code, the rate shall be 84666  
based on the facility's capital costs for the calendar year 84667  
preceding the fiscal year in which the rate will be paid. The rate 84668  
shall equal the sum of the following: 84669

(1) The facility's desk-reviewed, actual, allowable, per diem 84670  
cost of ownership for the preceding cost reporting period, limited 84671  
as provided in divisions (C) and (F) of this section; 84672

(2) Any efficiency incentive determined under division (B) of 84673  
this section; 84674

(3) Any amounts for renovations determined under division (D) 84675  
of this section; 84676

(4) Any amounts for return on equity determined under 84677  
division ~~(I)~~(H) of this section. 84678

Buildings shall be depreciated using the straight line method 84679  
over forty years or over a different period approved by the 84680  
department. Components and equipment shall be depreciated using 84681  
the straight line method over a period designated by the director 84682  
of job and family services in rules adopted under section 5111.02 84683  
of the Revised Code, consistent with the guidelines of the 84684  
American hospital association, or over a different period approved 84685  
by the department of job and family services. Any rules authorized 84686  
by this division that specify useful lives of buildings, 84687  
components, or equipment apply only to assets acquired on or after 84688  
July 1, 1993. Depreciation for costs paid or reimbursed by any 84689  
government agency shall not be included in costs of ownership or 84690  
renovation unless that part of the payment under sections 5111.20 84691

to 5111.33 of the Revised Code is used to reimburse the government 84692  
agency. 84693

(B) The department of job and family services shall pay to a 84694  
provider for each of the provider's eligible intermediate care 84695  
facilities for the mentally retarded an efficiency incentive equal 84696  
to fifty per cent of the difference between any desk-reviewed, 84697  
actual, allowable cost of ownership and the applicable limit on 84698  
cost of ownership payments under division (C) of this section. For 84699  
purposes of computing the efficiency incentive, depreciation for 84700  
costs paid or reimbursed by any government agency shall be 84701  
considered as a cost of ownership, and the applicable limit under 84702  
division (C) of this section shall apply both to facilities with 84703  
more than eight beds and facilities with eight or fewer beds. The 84704  
efficiency incentive paid to a provider for a facility with eight 84705  
or fewer beds shall not exceed three dollars per patient day, 84706  
adjusted annually for the inflation rate for the twelve-month 84707  
period beginning on the first day of July of the calendar year 84708  
preceding the calendar year that precedes the fiscal year for 84709  
which the efficiency incentive is determined and ending on the 84710  
thirtieth day of the following June, using the consumer price 84711  
index for shelter costs for all urban consumers for the north 84712  
central region, as published by the United States bureau of labor 84713  
statistics. 84714

(C) Cost of ownership payments for intermediate care 84715  
facilities for the mentally retarded with more than eight beds 84716  
shall not exceed the following limits: 84717

(1) For facilities with dates of licensure prior to January 84718  
1, 1958, not exceeding two dollars and fifty cents per patient 84719  
day; 84720

(2) For facilities with dates of licensure after December 31, 84721  
1957, but prior to January 1, 1968, not exceeding: 84722

|                                                                                                                                                                                                       |                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (a) Three dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or more per bed;                                                                | 84723<br>84724<br>84725          |
| (b) Two dollars and fifty cents per patient day if the cost of construction was less than three thousand five hundred dollars per bed.                                                                | 84726<br>84727<br>84728          |
| (3) For facilities with dates of licensure after December 31, 1967, but prior to January 1, 1976, not exceeding:                                                                                      | 84729<br>84730                   |
| (a) Four dollars and fifty cents per patient day if the cost of construction was five thousand one hundred fifty dollars or more per bed;                                                             | 84731<br>84732<br>84733          |
| (b) Three dollars and fifty cents per patient day if the cost of construction was less than five thousand one hundred fifty dollars per bed, but exceeds three thousand five hundred dollars per bed; | 84734<br>84735<br>84736<br>84737 |
| (c) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.                                                                  | 84738<br>84739<br>84740          |
| (4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding:                                                                                      | 84741<br>84742                   |
| (a) Five dollars and fifty cents per patient day if the cost of construction was six thousand eight hundred dollars or more per bed;                                                                  | 84743<br>84744<br>84745          |
| (b) Four dollars and fifty cents per patient day if the cost of construction was less than six thousand eight hundred dollars per bed but exceeds five thousand one hundred fifty dollars per bed;    | 84746<br>84747<br>84748<br>84749 |
| (c) Three dollars and fifty cents per patient day if the cost of construction was five thousand one hundred fifty dollars or less per bed, but exceeds three thousand five hundred dollars per        | 84750<br>84751<br>84752          |



bed; 84753

(d) Two dollars and fifty cents per patient day if the cost 84754  
of construction was three thousand five hundred dollars or less 84755  
per bed. 84756

(5) For facilities with dates of licensure after December 31, 84757  
1978, but prior to January 1, 1980, not exceeding: 84758

(a) Six dollars per patient day if the cost of construction 84759  
was seven thousand six hundred twenty-five dollars or more per 84760  
bed; 84761

(b) Five dollars and fifty cents per patient day if the cost 84762  
of construction was less than seven thousand six hundred 84763  
twenty-five dollars per bed but exceeds six thousand eight hundred 84764  
dollars per bed; 84765

(c) Four dollars and fifty cents per patient day if the cost 84766  
of construction was six thousand eight hundred dollars or less per 84767  
bed but exceeds five thousand one hundred fifty dollars per bed; 84768

(d) Three dollars and fifty cents per patient day if the cost 84769  
of construction was five thousand one hundred fifty dollars or 84770  
less but exceeds three thousand five hundred dollars per bed; 84771

(e) Two dollars and fifty cents per patient day if the cost 84772  
of construction was three thousand five hundred dollars or less 84773  
per bed. 84774

(6) For facilities with dates of licensure after December 31, 84775  
1979, but prior to January 1, 1981, not exceeding: 84776

(a) Twelve dollars per patient day if the beds were 84777  
originally licensed as residential facility beds by the department 84778  
of developmental disabilities; 84779

(b) Six dollars per patient day if the beds were originally 84780  
licensed as nursing home beds by the department of health. 84781

(7) For facilities with dates of licensure after December 31, 84782

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| 1980, but prior to January 1, 1982, not exceeding:                 | 84783 |
| (a) Twelve dollars per patient day if the beds were                | 84784 |
| originally licensed as residential facility beds by the department | 84785 |
| of developmental disabilities;                                     | 84786 |
| (b) Six dollars and forty-five cents per patient day if the        | 84787 |
| beds were originally licensed as nursing home beds by the          | 84788 |
| department of health.                                              | 84789 |
| (8) For facilities with dates of licensure after December 31,      | 84790 |
| 1981, but prior to January 1, 1983, not exceeding:                 | 84791 |
| (a) Twelve dollars per patient day if the beds were                | 84792 |
| originally licensed as residential facility beds by the department | 84793 |
| of developmental disabilities;                                     | 84794 |
| (b) Six dollars and seventy-nine cents per patient day if the      | 84795 |
| beds were originally licensed as nursing home beds by the          | 84796 |
| department of health.                                              | 84797 |
| (9) For facilities with dates of licensure after December 31,      | 84798 |
| 1982, but prior to January 1, 1984, not exceeding:                 | 84799 |
| (a) Twelve dollars per patient day if the beds were                | 84800 |
| originally licensed as residential facility beds by the department | 84801 |
| of developmental disabilities;                                     | 84802 |
| (b) Seven dollars and nine cents per patient day if the beds       | 84803 |
| were originally licensed as nursing home beds by the department of | 84804 |
| health.                                                            | 84805 |
| (10) For facilities with dates of licensure after December         | 84806 |
| 31, 1983, but prior to January 1, 1985, not exceeding:             | 84807 |
| (a) Twelve dollars and twenty-four cents per patient day if        | 84808 |
| the beds were originally licensed as residential facility beds by  | 84809 |
| the department of developmental disabilities;                      | 84810 |
| (b) Seven dollars and twenty-three cents per patient day if        | 84811 |
| the beds were originally licensed as nursing home beds by the      | 84812 |

|                                                                                                                                                                             |                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| department of health.                                                                                                                                                       | 84813                   |
| (11) For facilities with dates of licensure after December 31, 1984, but prior to January 1, 1986, not exceeding:                                                           | 84814<br>84815          |
| (a) Twelve dollars and fifty-three cents per patient day if the beds were originally licensed as residential facility beds by the department of developmental disabilities; | 84816<br>84817<br>84818 |
| (b) Seven dollars and forty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.                                    | 84819<br>84820<br>84821 |
| (12) For facilities with dates of licensure after December 31, 1985, but prior to January 1, 1987, not exceeding:                                                           | 84822<br>84823          |
| (a) Twelve dollars and seventy cents per patient day if the beds were originally licensed as residential facility beds by the department of developmental disabilities;     | 84824<br>84825<br>84826 |
| (b) Seven dollars and fifty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.                                    | 84827<br>84828<br>84829 |
| (13) For facilities with dates of licensure after December 31, 1986, but prior to January 1, 1988, not exceeding:                                                           | 84830<br>84831          |
| (a) Twelve dollars and ninety-nine cents per patient day if the beds were originally licensed as residential facility beds by the department of developmental disabilities; | 84832<br>84833<br>84834 |
| (b) Seven dollars and sixty-seven cents per patient day if the beds were originally licensed as nursing home beds by the department of health.                              | 84835<br>84836<br>84837 |
| (14) For facilities with dates of licensure after December 31, 1987, but prior to January 1, 1989, not exceeding thirteen dollars and twenty-six cents per patient day;     | 84838<br>84839<br>84840 |
| (15) For facilities with dates of licensure after December 31, 1988, but prior to January 1, 1990, not exceeding thirteen                                                   | 84841<br>84842          |

dollars and forty-six cents per patient day; 84843

(16) For facilities with dates of licensure after December 84844  
31, 1989, but prior to January 1, 1991, not exceeding thirteen 84845  
dollars and sixty cents per patient day; 84846

(17) For facilities with dates of licensure after December 84847  
31, 1990, but prior to January 1, 1992, not exceeding thirteen 84848  
dollars and forty-nine cents per patient day; 84849

(18) For facilities with dates of licensure after December 84850  
31, 1991, but prior to January 1, 1993, not exceeding thirteen 84851  
dollars and sixty-seven cents per patient day; 84852

(19) For facilities with dates of licensure after December 84853  
31, 1992, not exceeding fourteen dollars and twenty-eight cents 84854  
per patient day. 84855

(D) Beginning January 1, 1981, regardless of the original 84856  
date of licensure, the department of job and family services shall 84857  
pay a rate for the per diem capitalized costs of renovations to 84858  
intermediate care facilities for the mentally retarded made after 84859  
January 1, 1981, not exceeding six dollars per patient day using 84860  
1980 as the base year and adjusting the amount annually until June 84861  
30, 1993, for fluctuations in construction costs calculated by the 84862  
department using the "Dodge building cost indexes, northeastern 84863  
and north central states," published by Marshall and Swift. The 84864  
payment provided for in this division is the only payment that 84865  
shall be made for the capitalized costs of a nonextensive 84866  
renovation of an intermediate care facility for the mentally 84867  
retarded. Nonextensive renovation costs shall not be included in 84868  
cost of ownership, and a nonextensive renovation shall not affect 84869  
the date of licensure for purposes of division (C) of this 84870  
section. This division applies to nonextensive renovations 84871  
regardless of whether they are made by an owner or a lessee. If 84872  
the tenancy of a lessee that has made renovations ends before the 84873

depreciation expense for the renovation costs has been fully 84874  
reported, the former lessee shall not report the undepreciated 84875  
balance as an expense. 84876

For a nonextensive renovation to qualify for payment under 84877  
this division, both of the following conditions must be met: 84878

(1) At least five years have elapsed since the date of 84879  
licensure or date of an extensive renovation of the portion of the 84880  
facility that is proposed to be renovated, except that this 84881  
condition does not apply if the renovation is necessary to meet 84882  
the requirements of federal, state, or local statutes, ordinances, 84883  
rules, or policies. 84884

(2) The provider has obtained prior approval from the 84885  
department of job and family services. The provider shall submit a 84886  
plan that describes in detail the changes in capital assets to be 84887  
accomplished by means of the renovation and the timetable for 84888  
completing the project. The time for completion of the project 84889  
shall be no more than eighteen months after the renovation begins. 84890  
The director of job and family services shall adopt rules under 84891  
section 5111.02 of the Revised Code that specify criteria and 84892  
procedures for prior approval of renovation projects. No provider 84893  
shall separate a project with the intent to evade the 84894  
characterization of the project as a renovation or as an extensive 84895  
renovation. No provider shall increase the scope of a project 84896  
after it is approved by the department of job and family services 84897  
unless the increase in scope is approved by the department. 84898

(E) The amounts specified in divisions (C) and (D) of this 84899  
section shall be adjusted beginning July 1, 1993, for the 84900  
estimated inflation for the twelve-month period beginning on the 84901  
first day of July of the calendar year preceding the calendar year 84902  
that precedes the fiscal year for which rate will be paid and 84903  
ending on the thirtieth day of the following June, using the 84904  
consumer price index for shelter costs for all urban consumers for 84905

the north central region, as published by the United States bureau of labor statistics. 84906  
84907

(F)(1) For facilities of eight or fewer beds that have dates of licensure or have been granted project authorization by the department of developmental disabilities before July 1, 1993, and for facilities of eight or fewer beds that have dates of licensure or have been granted project authorization after that date if the providers of the facilities demonstrate that they made substantial commitments of funds on or before that date, cost of ownership shall not exceed eighteen dollars and thirty cents per resident per day. The eighteen-dollar and thirty-cent amount shall be increased by the change in the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift, during the period beginning June 30, 1990, and ending July 1, 1993, and by the change in the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics, annually thereafter. 84908  
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(2) For facilities with eight or fewer beds that have dates of licensure or have been granted project authorization by the department of developmental disabilities on or after July 1, 1993, for which substantial commitments of funds were not made before that date, cost of ownership payments shall not exceed the applicable amount calculated under division (F)(1) of this section, if the department of job and family services gives prior approval for construction of the facility. If the department does not give prior approval, cost of ownership payments shall not exceed the amount specified in division (C) of this section. 84924  
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(3) Notwithstanding divisions (D) and (F)(1) and (2) of this section, the total payment for cost of ownership, cost of ownership efficiency incentive, and capitalized costs of renovations for an intermediate care facility for the mentally 84934  
84935  
84936  
84937

retarded with eight or fewer beds shall not exceed the sum of the 84938  
limitations specified in divisions (C) and (D) of this section. 84939

(G) Notwithstanding any provision of this section or section 84940  
5111.241 of the Revised Code, the director of job and family 84941  
services may adopt rules under section 5111.02 of the Revised Code 84942  
that provide for a calculation of a combined maximum payment limit 84943  
for indirect care costs and cost of ownership for intermediate 84944  
care facilities for the mentally retarded with eight or fewer 84945  
beds. 84946

~~(H) After the date on which a transaction of sale is closed, 84947  
the provider shall refund to the department the amount of excess 84948  
depreciation paid to the provider for the facility by the 84949  
department for each year the provider has operated the facility 84950  
under a provider agreement and prorated according to the number of 84951  
medicaid patient days for which the provider has received payment 84952  
for the facility. For the purposes of this division, "depreciation 84953  
paid to the provider for the facility" means the amount paid to 84954  
the provider for the intermediate care facility for the mentally 84955  
retarded for cost of ownership pursuant to this section less any 84956  
amount paid for interest costs. For the purposes of this division, 84957  
"excess depreciation" is the intermediate care facility for the 84958  
mentally retarded's depreciated basis, which is the provider's 84959  
cost less accumulated depreciation, subtracted from the purchase 84960  
price but not exceeding the amount of depreciation paid to the 84961  
provider for the facility. 84962~~

~~(I) The department of job and family services shall pay a 84963  
provider for each of the provider's eligible proprietary 84964  
intermediate care facilities for the mentally retarded a return on 84965  
the facility's net equity computed at the rate of one and one-half 84966  
times the average of interest rates on special issues of public 84967  
debt obligations issued to the federal hospital insurance trust 84968  
fund for the cost reporting period. No facility's return on net 84969~~

equity paid under this division shall exceed one dollar per 84970  
patient day. 84971

In calculating the rate for return on net equity, the 84972  
department shall use the greater of the facility's inpatient days 84973  
during the applicable cost reporting period or the number of 84974  
inpatient days the facility would have had during that period if 84975  
its occupancy rate had been ninety-five per cent. 84976

~~(J)~~(I)(1) Except as provided in division ~~(J)~~(I)(2) of this 84977  
section, if a provider leases or transfers an interest in a 84978  
facility to another provider who is a related party, the related 84979  
party's allowable cost of ownership shall include the lesser of 84980  
the following: 84981

(a) The annual lease expense or actual cost of ownership, 84982  
whichever is applicable; 84983

(b) The reasonable cost to the lessor or provider making the 84984  
transfer. 84985

(2) If a provider leases or transfers an interest in a 84986  
facility to another provider who is a related party, regardless of 84987  
the date of the lease or transfer, the related party's allowable 84988  
cost of ownership shall include the annual lease expense or actual 84989  
cost of ownership, whichever is applicable, subject to the 84990  
limitations specified in divisions (B) to ~~(I)~~(H) of this section, 84991  
if all of the following conditions are met: 84992

(a) The related party is a relative of owner; 84993

(b) In the case of a lease, if the lessor retains any 84994  
ownership interest, it is, except as provided in division 84995  
~~(J)~~(I)(2)(d)(ii) of this section, in only the real property and 84996  
any improvements on the real property; 84997

(c) In the case of a transfer, the provider making the 84998  
transfer retains, except as provided in division ~~(J)~~(I)(2)(d)(iv) 84999



of this section, no ownership interest in the facility; 85000

(d) The department of job and family services determines that 85001  
the lease or transfer is an arm's length transaction pursuant to 85002  
rules adopted under section 5111.02 of the Revised Code. The rules 85003  
shall provide that a lease or transfer is an arm's length 85004  
transaction if all of the following, as applicable, apply: 85005

(i) In the case of a lease, once the lease goes into effect, 85006  
the lessor has no direct or indirect interest in the lessee or, 85007  
except as provided in division ~~(J)~~(I)(2)(b) of this section, the 85008  
facility itself, including interest as an owner, officer, 85009  
director, employee, independent contractor, or consultant, but 85010  
excluding interest as a lessor. 85011

(ii) In the case of a lease, the lessor does not reacquire an 85012  
interest in the facility except through the exercise of a lessor's 85013  
rights in the event of a default. If the lessor reacquires an 85014  
interest in the facility in this manner, the department shall 85015  
treat the facility as if the lease never occurred when the 85016  
department calculates its reimbursement rates for capital costs. 85017

(iii) In the case of a transfer, once the transfer goes into 85018  
effect, the provider that made the transfer has no direct or 85019  
indirect interest in the provider that acquires the facility or 85020  
the facility itself, including interest as an owner, officer, 85021  
director, employee, independent contractor, or consultant, but 85022  
excluding interest as a creditor. 85023

(iv) In the case of a transfer, the provider that made the 85024  
transfer does not reacquire an interest in the facility except 85025  
through the exercise of a creditor's rights in the event of a 85026  
default. If the provider reacquires an interest in the facility in 85027  
this manner, the department shall treat the facility as if the 85028  
transfer never occurred when the department calculates its 85029  
reimbursement rates for capital costs. 85030

(v) The lease or transfer satisfies any other criteria 85031  
specified in the rules. 85032

(e) Except in the case of hardship caused by a catastrophic 85033  
event, as determined by the department, or in the case of a lessor 85034  
or provider making the transfer who is at least sixty-five years 85035  
of age, not less than twenty years have elapsed since, for the 85036  
same facility, allowable cost of ownership was determined most 85037  
recently under this division. 85038

**Sec. 5111.254.** (A) The department of job and family services 85039  
shall establish initial rates for a nursing facility with a first 85040  
date of licensure that is on or after July 1, 2006, including a 85041  
facility that replaces one or more existing facilities, or for a 85042  
nursing facility with a first date of licensure before that date 85043  
that was initially certified for the medicaid program on or after 85044  
that date, in the following manner: 85045

(1) The rate for direct care costs shall be the product of 85046  
the cost per case-mix unit determined under division (D) of 85047  
section 5111.231 of the Revised Code for the facility's peer group 85048  
and the nursing facility's case-mix score. For the purpose of 85049  
division (A)(1) of this section, the nursing facility's case-mix 85050  
score shall be the following: 85051

(a) Unless the nursing facility replaces an existing nursing 85052  
facility that participated in the medicaid program immediately 85053  
before the replacement nursing facility begins participating in 85054  
the medicaid program, the median annual average case-mix score for 85055  
the nursing facility's peer group; 85056

(b) If the nursing facility replaces an existing nursing 85057  
facility that participated in the medicaid program immediately 85058  
before the replacement nursing facility begins participating in 85059  
the medicaid program, the semiannual case-mix score most recently 85060  
determined under section 5111.232 of the Revised Code for the 85061

replaced nursing facility as adjusted, if necessary, to reflect 85062  
any difference in the number of beds in the replaced and 85063  
replacement nursing facilities. 85064

(2) The rate for ancillary and support costs shall be the 85065  
rate for the facility's peer group determined under division (D) 85066  
of section 5111.24 of the Revised Code. 85067

(3) The rate for capital costs shall be the ~~median~~ rate for 85068  
the facility's peer group determined under division (D) of section 85069  
5111.25 of the Revised Code. 85070

(4) The rate for tax costs as defined in section 5111.242 of 85071  
the Revised Code shall be the median rate for tax costs for the 85072  
facility's peer group in which the facility is placed under 85073  
division (C) of section 5111.24 of the Revised Code. 85074

(5) The quality incentive payment, if any, shall be the mean 85075  
payment ~~specified in division (B) of~~ made to nursing facilities 85076  
under section 5111.244 of the Revised Code. 85077

(B) Subject to division (C) of this section, the department 85078  
shall adjust the rates established under division (A) of this 85079  
section effective the first day of July, to reflect new rate 85080  
calculations for all nursing facilities under sections 5111.20 to 85081  
5111.33 of the Revised Code. 85082

(C) If a rate for direct care costs is determined under this 85083  
section for a nursing facility using the median annual average 85084  
case-mix score for the nursing facility's peer group, the rate 85085  
shall be redetermined to reflect the replacement nursing 85086  
facility's actual semiannual case-mix score determined under 85087  
section 5111.232 of the Revised Code after the nursing facility 85088  
submits its first two quarterly assessment data that qualify for 85089  
use in calculating a case-mix score in accordance with rules 85090  
authorized by division (E) of section 5111.232 of the Revised 85091  
Code. If the nursing facility's quarterly submissions do not 85092

qualify for use in calculating a case-mix score, the department 85093  
shall continue to use the median annual average case-mix score for 85094  
the nursing facility's peer group in lieu of the nursing 85095  
facility's semiannual case-mix score until the nursing facility 85096  
submits two consecutive quarterly assessment data that qualify for 85097  
use in calculating a case-mix score. 85098

**Sec. 5111.258.** (A) Notwithstanding sections 5111.20 to 85099  
5111.33 of the Revised Code (except section 5111.259 of the 85100  
Revised Code), the director of job and family services shall adopt 85101  
rules under section 5111.02 of the Revised Code that establish a 85102  
methodology for calculating the prospective rates that will be 85103  
paid each fiscal year to a provider for each of the provider's 85104  
eligible nursing facilities and intermediate care facilities for 85105  
the mentally retarded, and discrete units of the provider's 85106  
nursing facilities or intermediate care facilities for the 85107  
mentally retarded, that serve residents who have diagnoses or 85108  
special care needs that require direct care resources that are not 85109  
measured adequately by the applicable assessment instrument 85110  
specified in rules authorized by section 5111.232 of the Revised 85111  
Code, or who have diagnoses or special care needs specified in the 85112  
rules as otherwise qualifying for consideration under this 85113  
section. The facilities and units of facilities whose rates are 85114  
established under this division may include, but shall not be 85115  
limited to, any of the following: 85116

(1) In the case of nursing facilities, facilities and units 85117  
of facilities that serve medically fragile pediatric residents, 85118  
residents who are dependent on ventilators, or residents who have 85119  
severe traumatic brain injury, end-stage Alzheimer's disease, or 85120  
end-stage acquired immunodeficiency syndrome; 85121

(2) In the case of intermediate care facilities for the 85122  
mentally retarded, facilities and units of facilities that serve 85123

residents who have complex medical conditions or severe behavioral 85124  
problems. 85125

The department shall use the methodology established under 85126  
this division to pay for services rendered by such facilities and 85127  
units after June 30, 1993. 85128

The rules authorized by this division shall specify the 85129  
criteria and procedures the department will apply when designating 85130  
facilities and units that qualify for calculation of rates under 85131  
this division. The criteria shall include consideration of whether 85132  
all of the allowable costs of the facility or unit would be paid 85133  
by rates established under sections 5111.20 to 5111.33 of the 85134  
Revised Code, and shall establish a minimum bed size for a 85135  
facility or unit to qualify to have its rates established under 85136  
this division. The criteria shall not be designed to require that 85137  
residents be served only in facilities located in large cities. 85138  
The methodology established by the rules shall consider the 85139  
historical costs of providing care to the residents of the 85140  
facilities or units. 85141

The rules may require that a facility designated under this 85142  
division or containing a unit designated under this division 85143  
receive authorization from the department to admit or retain a 85144  
resident to the facility or unit and shall specify the criteria 85145  
and procedures the department will apply when granting that 85146  
authorization. 85147

Notwithstanding any other provision of sections 5111.20 to 85148  
5111.33 of the Revised Code (except section 5111.259 of the 85149  
Revised Code), the costs incurred by facilities or units whose 85150  
rates are established under this division shall not be considered 85151  
in establishing payment rates for other facilities or units. 85152

(B) The director may adopt rules under section 5111.02 of the 85153  
Revised Code under which the department, notwithstanding any other 85154

provision of sections 5111.20 to 5111.33 of the Revised Code 85155  
(except section 5111.259 of the Revised Code), may adjust the 85156  
rates determined under sections 5111.20 to 5111.33 of the Revised 85157  
Code for a facility that serves a resident who has a diagnosis or 85158  
special care need that, in the rules authorized by division (A) of 85159  
this section, would qualify a facility or unit of a facility to 85160  
have its rate determined under that division, but who is not in 85161  
such a unit. The rules may require that a facility that qualifies 85162  
for a rate adjustment under this division receive authorization 85163  
from the department to admit or retain a resident who qualifies 85164  
the facility for the rate adjustment and shall specify the 85165  
criteria and procedures the department will apply when granting 85166  
that authorization. 85167

Sec. 5111.259. The director of job and family services may 85168  
submit a request to the United States secretary of health and 85169  
human services for approval to establish a centers of excellence 85170  
component of the medicaid program. The purpose of the centers of 85171  
excellence component is to increase the efficiency and quality of 85172  
nursing facility services provided to medicaid recipients with 85173  
complex nursing facility service needs. If federal approval for 85174  
the centers of excellence component is granted, the director may 85175  
adopt rules under section 5111.02 of the Revised Code governing 85176  
the component, including rules that establish a method of 85177  
determining the medicaid reimbursement rates for nursing 85178  
facilities providing nursing facility services to medicaid 85179  
recipients participating in the component. The rules may specify 85180  
the extent to which, if any, of the provisions of section 5111.258 85181  
of the Revised Code are to apply to the centers of excellence 85182  
component. If such rules are adopted, the nursing facilities that 85183  
provide nursing facility services to medicaid recipients 85184  
participating in the centers of excellence component shall be paid 85185  
for those services in accordance with the method established in 85186

the rules notwithstanding anything to the contrary in sections 85187  
5111.20 to 5111.33 of the Revised Code. 85188

Sec. 5111.261. (A) Except as provided in division (B) of this 85189  
section and not later than three years after a provider files a 85190  
cost report with the department of job and family services under 85191  
section 5111.26 of the Revised Code, the provider may amend the 85192  
cost report if the provider discovers a material error in the cost 85193  
report or additional information to be included in the cost 85194  
report. The department shall review the amended cost report for 85195  
accuracy and notify the provider of its determination. 85196

(B) A provider may not amend a cost report if the department 85197  
has notified the provider that an audit of the cost report or a 85198  
cost report of the provider for a subsequent cost reporting period 85199  
is to be conducted under section 5111.27 of the Revised Code. The 85200  
provider may, however, provide the department information that 85201  
affects the costs included in the cost report. Such information 85202  
may not be provided after the adjudication of the final settlement 85203  
of the cost report. 85204

Sec. ~~5111.261~~ 5111.263. Except as otherwise provided in 85205  
section 5111.264 of the Revised Code, the department of job and 85206  
family services, in determining whether an intermediate care 85207  
facility for the mentally retarded's direct care costs and 85208  
indirect care costs are allowable, shall place no limit on 85209  
specific categories of reasonable costs other than compensation of 85210  
owners, compensation of relatives of owners, and compensation of 85211  
administrators. 85212

Compensation cost limits for owners and relatives of owners 85213  
shall be based on compensation costs for individuals who hold 85214  
comparable positions but who are not owners or relatives of 85215  
owners, as reported on facility cost reports. As used in this 85216

section, "comparable position" means the position that is held by 85217  
the owner or the owner's relative, if that position is listed 85218  
separately on the cost report form, or if the position is not 85219  
listed separately, the group of positions that is listed on the 85220  
cost report form and that includes the position held by the owner 85221  
or the owner's relative. In the case of an owner or owner's 85222  
relative who serves the facility in a capacity such as corporate 85223  
officer, proprietor, or partner for which no comparable position 85224  
or group of positions is listed on the cost report form, the 85225  
compensation cost limit shall be based on civil service 85226  
equivalents and shall be specified in rules adopted under section 85227  
5111.02 of the Revised Code. 85228

Compensation cost limits for administrators shall be based on 85229  
compensation costs for administrators who are not owners or 85230  
relatives of owners, as reported on facility cost reports. 85231  
Compensation cost limits for administrators of four or more 85232  
intermediate care facilities for the mentally retarded shall be 85233  
the same as the limits for administrators of intermediate care 85234  
facilities for the mentally retarded with one hundred fifty or 85235  
more beds. 85236

**Sec. 5111.27.** (A) The department of job and family services 85237  
shall conduct a desk review of each cost report it receives under 85238  
section 5111.26 of the Revised Code. Based on the desk review, the 85239  
department shall make a preliminary determination of whether the 85240  
reported costs are allowable costs. The department shall notify 85241  
each provider of whether any of the reported costs are 85242  
preliminarily determined not to be allowable, the rate calculation 85243  
under sections 5111.20 to 5111.33 of the Revised Code that results 85244  
from that determination, and the reasons for the determination and 85245  
resulting rate. The department shall allow the provider to verify 85246  
the calculation and submit additional information. 85247



(B) The department may conduct an audit, as defined by rule 85248  
adopted under section 5111.02 of the Revised Code, of any cost 85249  
report ~~and shall notify the provider of its findings.~~ 85250

~~Audits shall be conducted by auditors under contract with or 85251  
employed by the department.~~ The decision whether to conduct an 85252  
audit and the scope of the audit, which may be a desk or field 85253  
audit, ~~shall~~ may be determined based on prior performance of the 85254  
provider ~~and may be based on,~~ a risk analysis, or other evidence 85255  
that gives the department reason to believe that the provider has 85256  
reported costs improperly. A desk or field audit may be performed 85257  
annually, but is required whenever a provider does not pass the 85258  
risk analysis tolerance factors. An audit shall be conducted by 85259  
auditors under contract with or employed by the department. The 85260  
department shall notify a provider of the findings of an audit by 85261  
issuing an audit report. The department shall issue the audit 85262  
report no later than three years after the cost report is filed, 85263  
or upon the completion of a desk or field audit on the report or a 85264  
report for a subsequent cost reporting period, whichever is 85265  
earlier. ~~During the time within which the department may issue an 85266  
audit report, the provider may amend the cost report upon 85267  
discovery of a material error or material additional information.~~ 85268  
~~The department shall review the amended cost report for accuracy 85269  
and notify the provider of its determination.~~ 85270

The department may establish a contract for the auditing of 85271  
facilities by outside firms. Each contract entered into by bidding 85272  
shall be effective for one to two years. The department shall 85273  
establish an audit manual and program which shall require that all 85274  
field audits, conducted either pursuant to a contract or by 85275  
department employees: 85276

(1) Comply with the applicable rules prescribed pursuant to 85277  
Titles XVIII and XIX; 85278

(2) Consider generally accepted auditing standards prescribed 85279

by the American institute of certified public accountants; 85280

(3) Include a written summary as to whether the costs 85281  
included in the report examined during the audit are allowable and 85282  
are presented ~~fairly~~ in accordance with ~~generally accepted~~ 85283  
~~accounting principles and department rules~~ state and federal laws 85284  
and regulations, and whether, in all material respects, allowable 85285  
costs are documented, reasonable, and related to patient care; 85286

(4) Are conducted by accounting firms or auditors who, during 85287  
the period of the auditors' professional engagement or employment 85288  
and during the period covered by the cost reports, do not have nor 85289  
are committed to acquire any direct or indirect financial interest 85290  
in the ownership, financing, or operation of a nursing facility or 85291  
intermediate care facility for the mentally retarded in this 85292  
state; 85293

(5) Are conducted by accounting firms or auditors who, as a 85294  
condition of the contract or employment, shall not audit any 85295  
facility that has been a client of the firm or auditor; 85296

(6) Are conducted by auditors who are otherwise independent 85297  
as determined by the standards of independence ~~established by~~ 85298  
included in the American institute of certified public accountants 85299  
government auditing standards produced by the United States 85300  
government accountability office; 85301

(7) Are completed within the time period specified by the 85302  
department; 85303

(8) Provide to the provider complete written interpretations 85304  
that explain in detail the application of all relevant contract 85305  
provisions, regulations, auditing standards, rate formulae, and 85306  
departmental policies, with explanations and examples, that are 85307  
sufficient to permit the provider to calculate with reasonable 85308  
certainty those costs that are allowable and the rate to which the 85309  
provider's facility is entitled. 85310

For the purposes of division (B)(4) of this section, 85311  
employment of a member of an auditor's family by a nursing 85312  
facility or intermediate care facility for the mentally retarded 85313  
that the auditor does not review does not constitute a direct or 85314  
indirect financial interest in the ownership, financing, or 85315  
operation of the facility. 85316

(C) The department, pursuant to rules adopted under section 85317  
5111.02 of the Revised Code, may conduct an exception review of 85318  
assessment data submitted under section 5111.232 of the Revised 85319  
Code. The department may conduct an exception review based on the 85320  
findings of a certification survey conducted by the department of 85321  
health, a risk analysis, or prior performance of the provider. 85322

Exception reviews shall be conducted at the facility by 85323  
appropriate health professionals under contract with or employed 85324  
by the department of job and family services. The professionals 85325  
may review resident assessment forms and supporting documentation, 85326  
conduct interviews, and observe residents to identify any patterns 85327  
or trends of inaccurate assessments and resulting inaccurate 85328  
case-mix scores. 85329

The rules shall establish an exception review program that 85330  
requires that exception reviews do all of the following: 85331

(1) Comply with Titles XVIII and XIX; 85332

(2) Provide a written summary that states whether the 85333  
resident assessment forms have been completed accurately; 85334

(3) Are conducted by health professionals who, during the 85335  
period of their professional engagement or employment with the 85336  
department, neither have nor are committed to acquire any direct 85337  
or indirect financial interest in the ownership, financing, or 85338  
operation of a nursing facility or intermediate care facility for 85339  
the mentally retarded in this state; 85340

(4) Are conducted by health professionals who, as a condition 85341

of their engagement or employment with the department, shall not 85342  
review any provider that has been a client of the professional. 85343

For the purposes of division (C)(3) of this section, 85344  
employment of a member of a health professional's family by a 85345  
nursing facility or intermediate care facility for the mentally 85346  
retarded that the professional does not review does not constitute 85347  
a direct or indirect financial interest in the ownership, 85348  
financing, or operation of the facility. 85349

If an exception review is conducted before the effective date 85350  
of the rate that is based on the case-mix data subject to the 85351  
review and the review results in findings that exceed tolerance 85352  
levels specified in the rules adopted under this division, the 85353  
department, in accordance with those rules, may use the findings 85354  
to recalculate individual resident case-mix scores, quarterly 85355  
average facility case-mix scores, and annual average facility 85356  
case-mix scores. The department may use the recalculated quarterly 85357  
and annual facility average case-mix scores to calculate the 85358  
facility's rate for direct care costs for the appropriate calendar 85359  
quarter or quarters. 85360

(D) The department shall prepare a written summary of any 85361  
audit disallowance or exception review finding that is made after 85362  
the effective date of the rate that is based on the cost or 85363  
case-mix data. Where the provider is pursuing judicial or 85364  
administrative remedies in good faith regarding the disallowance 85365  
or finding, the department shall not withhold from the provider's 85366  
current payments any amounts the department claims to be due from 85367  
the provider pursuant to section 5111.28 of the Revised Code. 85368

(E) The department shall not reduce rates calculated under 85369  
sections 5111.20 to 5111.33 of the Revised Code on the basis that 85370  
the provider charges a lower rate to any resident who is not 85371  
eligible for the medicaid program. 85372

(F) The department shall adjust the rates calculated under 85373  
sections 5111.20 to 5111.33 of the Revised Code to account for 85374  
reasonable additional costs that must be incurred by intermediate 85375  
care facilities for the mentally retarded to comply with 85376  
requirements of federal or state statutes, rules, or policies 85377  
enacted or amended after January 1, 1992, or with orders issued by 85378  
state or local fire authorities. 85379

**Sec. 5111.28.** (A) If a provider properly amends its cost 85380  
report under section ~~5111.27~~ 5111.261 of the Revised Code and the 85381  
amended report shows that the provider received a lower rate under 85382  
the original cost report than it was entitled to receive, the 85383  
department of job and family services shall adjust the provider's 85384  
rate prospectively to reflect the corrected information. The 85385  
department shall pay the adjusted rate beginning two months after 85386  
the first day of the month after the provider files the amended 85387  
cost report. If the department finds, from an exception review of 85388  
resident assessment information conducted after the effective date 85389  
of the rate for direct care costs that is based on the assessment 85390  
information, that inaccurate assessment information resulted in 85391  
the provider receiving a lower rate than it was entitled to 85392  
receive, the department prospectively shall adjust the provider's 85393  
rate accordingly and shall make payments using the adjusted rate 85394  
for the remainder of the calendar quarter for which the assessment 85395  
information is used to determine the rate, beginning one month 85396  
after the first day of the month after the exception review is 85397  
completed. 85398

(B) If the provider properly amends its cost report under 85399  
section ~~5111.27~~ 5111.261 of the Revised Code, the department makes 85400  
a finding based on an audit under ~~that~~ section 5111.27 of the 85401  
Revised Code, or the department makes a finding based on an 85402  
exception review of resident assessment information conducted 85403  
under ~~that~~ section 5111.27 of the Revised Code after the effective 85404

date of the rate for direct care costs that is based on the 85405  
assessment information, any of which results in a determination 85406  
that the provider has received a higher rate than it was entitled 85407  
to receive, the department shall recalculate the provider's rate 85408  
using the revised information. The department shall apply the 85409  
recalculated rate to the periods when the provider received the 85410  
incorrect rate to determine the amount of the overpayment. The 85411  
provider shall refund the amount of the overpayment. 85412

In addition to requiring a refund under this division, the 85413  
department may charge the provider interest at the applicable rate 85414  
specified in this division from the time the overpayment was made. 85415

(1) If the overpayment resulted from costs reported for 85416  
calendar year 1993, the interest shall be no greater than one and 85417  
one-half times the average bank prime rate. 85418

(2) If the overpayment resulted from costs reported for 85419  
subsequent calendar years: 85420

(a) The interest shall be no greater than two times the 85421  
average bank prime rate if the overpayment was equal to or less 85422  
than one per cent of the total medicaid payments to the provider 85423  
for the fiscal year for which the incorrect information was used 85424  
to establish a rate. 85425

(b) The interest shall be no greater than two and one-half 85426  
times the current average bank prime rate if the overpayment was 85427  
greater than one per cent of the total medicaid payments to the 85428  
provider for the fiscal year for which the incorrect information 85429  
was used to establish a rate. 85430

(C) The department also may impose the following penalties: 85431

(1) If a provider does not furnish invoices or other 85432  
documentation that the department requests during an audit within 85433  
sixty days after the request, no more than the greater of one 85434  
thousand dollars per audit or twenty-five per cent of the 85435

cumulative amount by which the costs for which documentation was 85436  
not furnished increased the total medicaid payments to the 85437  
provider during the fiscal year for which the costs were used to 85438  
establish a rate; 85439

(2) If an exiting operator or owner fails to provide notice 85440  
of a facility closure, voluntary termination, or voluntary 85441  
withdrawal of participation in the medicaid program as required by 85442  
section 5111.66 of the Revised Code, or an exiting operator or 85443  
owner and entering operator fail to provide notice of a change of 85444  
operator as required by section 5111.67 of the Revised Code, no 85445  
more than the current average bank prime rate plus four per cent 85446  
of the last two monthly payments. 85447

(D) If the provider continues to participate in the medicaid 85448  
program, the department shall deduct any amount that the provider 85449  
is required to refund under this section, and the amount of any 85450  
interest charged or penalty imposed under this section, from the 85451  
next available payment from the department to the provider. The 85452  
department and the provider may enter into an agreement under 85453  
which the amount, together with interest, is deducted in 85454  
installments from payments from the department to the provider. 85455

(E) The department shall transmit refunds and penalties to 85456  
the treasurer of state for deposit in the general revenue fund. 85457

(F) For the purpose of this section, the department shall 85458  
determine the average bank prime rate using statistical release 85459  
H.15, "selected interest rates," a weekly publication of the 85460  
federal reserve board, or any successor publication. If 85461  
statistical release H.15, or its successor, ceases to contain the 85462  
bank prime rate information or ceases to be published, the 85463  
department shall request a written statement of the average bank 85464  
prime rate from the federal reserve bank of Cleveland or the 85465  
federal reserve board. 85466

~~Sec. 5111.33. Reimbursement to a provider under sections 5111.20 to 5111.32 of the Revised Code shall include payments to the provider, at a rate equal to the percentage of the per resident per day rates that the (A) The department of job and family services has established for the provider's nursing facility or intermediate care facility for the mentally retarded may make payments to a provider under sections 5111.20 to 5111.33 of the Revised Code for the fiscal year for which the cost of services is reimbursed, to reserve a bed for a recipient during a temporary absence under conditions prescribed by the department, to include hospitalization for an acute condition, visits with relatives and friends, and participation in therapeutic programs outside the facility, when the resident's plan of care provides for such absence and federal participation in the payments is available. The~~ 85467  
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~~(B) The maximum period during for which payments may be made to reserve a bed shall not exceed the maximum period specified under federal regulations, and shall not be more than following:~~ 85482  
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~~(1) For calendar year 2011 and in the case of a bed in a nursing facility, thirty days during any calendar year for hospital stays, visits with relatives and friends, and participation in therapeutic programs;~~ 85485  
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~~(2) For calendar year 2012 and each calendar year thereafter and in the case of a bed in a nursing facility, fifteen days;~~ 85489  
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~~(3) For any calendar year and in the case of a bed in an intermediate care facility for the mentally retarded, the number of days specified in rules adopted under section 5111.02 of the Revised Code. Recipients who have been identified by the department as requiring the level of care of an intermediate care facility for the mentally retarded shall not be subject to a maximum period during which payments may be made to reserve a bed~~ 85491  
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~~if prior authorization of the department is obtained for hospital stays, visits with relatives and friends, and participation in therapeutic programs. The director of job and family services shall adopt rules under section 5111.02 of the Revised Code establishing conditions under which prior authorization may be obtained.~~

(C) The department shall establish the per diem rates to be paid to providers for reserving beds under this section. In establishing the per diem rates, the department shall do the following:

(1) In the case of a payment to reserve a bed in a nursing facility for a day during calendar year 2011, set the per diem rate at an amount not exceeding fifty per cent of the per diem rate the provider would be paid if the recipient were not absent from the nursing facility that day;

(2) In the case of a payment to reserve a bed in a nursing facility for a day during calendar year 2012 and each calendar year thereafter, set the per diem rate at an amount not exceeding twenty-five per cent of the per diem rate the provider would be paid if the recipient were not absent from the nursing facility that day;

(3) In the case of a payment to reserve a bed in an intermediate care facility for the mentally retarded for a day during any calendar year, set the per diem rate at an amount equal to a percentage specified in rules adopted under section 5111.02 of the Revised Code of the per diem rate the provider would be paid if the recipient were not absent from the facility that day.

**Sec. 5111.35.** As used in this section "a resident's rights" means the rights of a nursing facility resident under sections 3721.10 to 3721.17 of the Revised Code and subsection (c) of section 1819 or 1919 of the "Social Security Act," 49 Stat. 620

(1935), 42 U.S.C.A. 301, as amended, and regulations issued under those subsections.

As used in sections 5111.35 to 5111.62 of the Revised Code:

(A) "Certification requirements" means the requirements for nursing facilities established under sections 1819 and 1919 of the "Social Security Act."

(B) "Compliance" means substantially meeting all applicable certification requirements.

(C) "Contracting agency" means a state agency that has entered into a contract with the department of job and family services under section 5111.38 of the Revised Code.

(D)(1) "Deficiency" means a finding cited by the department of health during a survey, on the basis of one or more actions, practices, situations, or incidents occurring at a nursing facility, that constitutes a severity level three finding, severity level four finding, scope level three finding, or scope level four finding. Whenever the finding is a repeat finding, "deficiency" also includes any finding that is a severity level two and scope level one finding, a severity level two and scope level two finding, or a severity level one and scope level two finding.

(2) "Cluster of deficiencies" means deficiencies that result from noncompliance with two or more certification requirements and are causing or resulting from the same action, practice, situation, or incident.

(E) "Emergency" means either of the following:

(1) A deficiency or cluster of deficiencies that creates a condition of immediate jeopardy;

(2) An unexpected situation or sudden occurrence of a serious or urgent nature that creates a substantial likelihood that one or

more residents of a nursing facility may be seriously harmed if 85559  
allowed to remain in the facility, including the following: 85560

(a) A flood or other natural disaster, civil disaster, or 85561  
similar event; 85562

(b) A labor strike that suddenly causes the number of staff 85563  
members in a nursing facility to be below that necessary for 85564  
resident care. 85565

(F) "Finding" means a finding of noncompliance with 85566  
certification requirements determined by the department of health 85567  
under section 5111.41 of the Revised Code. 85568

(G) "Immediate jeopardy" means that one or more residents of 85569  
a nursing facility are in imminent danger of serious physical or 85570  
life-threatening harm. 85571

(H) "Medicaid eligible resident" means a person who is a 85572  
resident of a nursing facility, or is applying for admission to a 85573  
nursing facility, and is eligible to receive financial assistance 85574  
under the medical assistance program for the care the person 85575  
receives in such a facility. 85576

(I) "Noncompliance" means failure to substantially meet all 85577  
applicable certification requirements. 85578

(J) "Nursing facility" has the same meaning as in section 85579  
5111.20 of the Revised Code. 85580

(K) "Provider" means a person, institution, or entity that 85581  
furnishes nursing facility services under a medical assistance 85582  
program provider agreement. 85583

(L) "Provider agreement" means a contract between the 85584  
department of job and family services and a provider for the 85585  
provision of nursing facility services under the medicaid program. 85586

(M) "Repeat finding" or "repeat deficiency" means a finding 85587  
or deficiency cited pursuant to a survey, to which both of the 85588

following apply: 85589

(1) The finding or deficiency involves noncompliance with the 85590  
same certification requirement, and the same kind of actions, 85591  
practices, situations, or incidents caused by or resulting from 85592  
the noncompliance, as were cited in the immediately preceding 85593  
standard survey or another survey conducted subsequent to the 85594  
immediately preceding standard survey of the facility. For 85595  
purposes of this division, actions, practices, situations, or 85596  
incidents may be of the same kind even though they involve 85597  
different residents, staff, or parts of the facility. 85598

(2) The finding or deficiency is cited subsequent to a 85599  
determination by the department of health that the finding or 85600  
deficiency cited on the immediately preceding standard survey, or 85601  
another survey conducted subsequent to the immediately preceding 85602  
standard survey, had been corrected. 85603

~~(M)~~(N)(1) "Scope level one finding" means a finding of 85604  
noncompliance by a nursing facility in which the actions, 85605  
situations, practices, or incidents causing or resulting from the 85606  
noncompliance affect one or a very limited number of facility 85607  
residents and involve one or a very limited number of facility 85608  
staff members. 85609

(2) "Scope level two finding" means a finding of 85610  
noncompliance by a nursing facility in which the actions, 85611  
situations, practices, or incidents causing or resulting from the 85612  
noncompliance affect more than a limited number of facility 85613  
residents or involve more than a limited number of facility staff 85614  
members, but the number or percentage of facility residents 85615  
affected or staff members involved and the number or frequency of 85616  
the actions, situations, practices, or incidents in short 85617  
succession does not establish any reasonable degree of 85618  
predictability of similar actions, situations, practices, or 85619  
incidents occurring in the future. 85620

(3) "Scope level three finding" means a finding of 85621  
noncompliance by a nursing facility in which the actions, 85622  
situations, practices, or incidents causing or resulting from the 85623  
noncompliance affect more than a limited number of facility 85624  
residents or involve more than a limited number of facility staff 85625  
members, and the number or percentage of facility residents 85626  
affected or staff members involved or the number or frequency of 85627  
the actions, situations, practices, or incidents in short 85628  
succession establishes a reasonable degree of predictability of 85629  
similar actions, situations, practices, or incidents occurring in 85630  
the future. 85631

(4) "Scope level four finding" means a finding of 85632  
noncompliance by a nursing facility causing or resulting from 85633  
actions, situations, practices, or incidents that involve a 85634  
sufficient number or percentage of facility residents or staff 85635  
members or occur with sufficient regularity over time that the 85636  
noncompliance can be considered systemic or pervasive in the 85637  
facility. 85638

~~(N)~~(O)(1) "Severity level one finding" means a finding of 85639  
noncompliance by a nursing facility that has not caused and, if 85640  
continued, is unlikely to cause physical harm to a facility 85641  
resident, mental or emotional harm to a resident, or a violation 85642  
of a resident's rights that results in physical, mental, or 85643  
emotional harm to the resident. 85644

(2) "Severity level two finding" means a finding of 85645  
noncompliance by a nursing facility that, if continued over time, 85646  
will cause, or is likely to cause, physical harm to a facility 85647  
resident, mental or emotional harm to a resident, or a violation 85648  
of a resident's rights that results in physical, mental, or 85649  
emotional harm to the resident. 85650

(3) "Severity level three finding" means a finding of 85651  
noncompliance by a nursing facility that has caused physical harm 85652

to a facility resident, mental or emotional harm to a resident, or 85653  
a violation of a resident's rights that results in physical, 85654  
mental, or emotional harm to the resident. 85655

(4) "Severity level four finding" means a finding of 85656  
noncompliance by a nursing facility that has caused 85657  
life-threatening harm to a facility resident or caused a 85658  
resident's death. 85659

~~(O)~~(P) "State agency" has the same meaning as in section 1.60 85660  
of the Revised Code. 85661

~~(P)~~(Q) "Substandard care" means care furnished in a facility 85662  
in which the department of health has cited a deficiency or 85663  
deficiencies that constitute one of the following: 85664

(1) A severity level four finding, regardless of scope; 85665

(2) A severity level three and scope level four finding, in 85666  
the quality of care provided to residents; 85667

(3) A severity level three and scope level three finding, in 85668  
the quality of care provided to residents. 85669

~~(Q)~~(R)(1) "Survey" means a survey of a nursing facility 85670  
conducted under section 5111.39 of the Revised Code. 85671

(2) "Standard survey" means a survey conducted by the 85672  
department of health under division (A) of section 5111.39 of the 85673  
Revised Code and includes an extended survey. 85674

(3) "Follow-up survey" means a survey conducted by the 85675  
department of health to determine whether a nursing facility has 85676  
substantially corrected deficiencies cited in a previous survey. 85677

**Sec. 5111.52.** (A) As used in this section: 85678

~~(1) "Provider agreement" means a contract between the 85679  
department of job and family services and a nursing facility for 85680  
the provision of nursing facility services under the medical 85681~~

~~assistance program.~~ 85682

~~(2) "Terminating", "terminating"~~ includes not renewing. 85683

(B) A nursing facility's participation in the medical 85684  
assistance program shall be terminated under sections 5111.35 to 85685  
5111.62 of the Revised Code as follows: 85686

(1) If the department of job and family services is 85687  
terminating the facility's participation, it shall issue an order 85688  
terminating the facility's provider agreement. 85689

(2) If the department of health, acting as a contracting 85690  
agency, is terminating the facility's participation, it shall 85691  
issue an order terminating certification of the facility's 85692  
compliance with certification requirements. When the department of 85693  
health terminates certification, the department of job and family 85694  
services shall terminate the facility's provider agreement. The 85695  
department of job and family services is not required to provide 85696  
an adjudication hearing when it terminates a provider agreement 85697  
following termination of certification by the department of 85698  
health. 85699

(3) If a state agency other than the department of health, 85700  
acting as a contracting agency, is terminating the facility's 85701  
participation, it shall notify the department of job and family 85702  
services, and the department of job and family services shall 85703  
issue an order terminating the facility's provider agreement. The 85704  
contracting agency shall conduct any administrative proceedings 85705  
concerning the order. 85706

(C) If the following conditions are met, the department of 85707  
job and family services may make medical assistance payments to a 85708  
nursing facility for a period not exceeding thirty days after the 85709  
effective date of termination under sections 5111.35 to 5111.62 of 85710  
the Revised Code of the facility's participation in the medical 85711  
assistance program: 85712

(1) The payments are for medicaid eligible residents admitted to the facility prior to the effective date of the termination;

(2) The provider is making reasonable efforts to transfer medicaid eligible residents to other care settings.

The period during which payments may be made under this division begins on the later of the effective date of the termination or, if the facility has appealed a termination order, the date of issuance of the adjudication order upholding termination.

**Sec. 5111.65.** As used in sections 5111.65 to 5111.689 of the Revised Code:

(A) "Affiliated operator" means an operator affiliated with either of the following:

(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes;

(2) The entering operator involved in the change of operator with the exiting operator specified in division (A)(1) of this section.

(B) "Change of operator" means an entering operator becoming the operator of a nursing facility or intermediate care facility for the mentally retarded in the place of the exiting operator.

(1) Actions that constitute a change of operator include the following:

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;



(b) A transfer of all the exiting operator's ownership interest in the operation of the facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the facility is also transferred;

(c) A lease of the facility to the entering operator or the exiting operator's termination of the exiting operator's lease;

(d) If the exiting operator is a partnership, dissolution of the partnership;

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:

(i) The change in composition does not cause the partnership's dissolution under state law.

(ii) The partners agree that the change in composition does not constitute a change in operator.

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.

(2) The following, alone, do not constitute a change of operator:

(a) A contract for an entity to manage a nursing facility or intermediate care facility for the mentally retarded as the operator's agent, subject to the operator's approval of daily operating and management decisions;

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility or intermediate care facility for the mentally retarded if an entering operator does not become the operator in place of an exiting operator;

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

(C) "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility or intermediate care facility for the mentally retarded.

(D) "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility or intermediate care facility for the mentally retarded resides in the facility.

(E) "Effective date of an involuntary termination" means the date the department of job and family services terminates an operator's provider agreement for a nursing facility or intermediate care facility for the mentally retarded or the last day that such a provider agreement is in effect when the department refuses to renew it.

(F) "Effective date of a voluntary termination" means the day the intermediate care facility for the mentally retarded ceases to accept medicaid patients.

~~(F)~~(G) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid patients other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.

~~(G)~~(H) "Entering operator" means the person or government entity that will become the operator of a nursing facility or intermediate care facility for the mentally retarded when a change of operator occurs or following an involuntary termination.

~~(H)~~(I) "Exiting operator" means any of the following:

(1) An operator that will cease to be the operator of a 85802  
nursing facility or intermediate care facility for the mentally 85803  
retarded on the effective date of a change of operator; 85804

(2) An operator that will cease to be the operator of a 85805  
nursing facility or intermediate care facility for the mentally 85806  
retarded on the effective date of a facility closure; 85807

(3) An operator of an intermediate care facility for the 85808  
mentally retarded that is undergoing or has undergone a voluntary 85809  
termination; 85810

(4) An operator of a nursing facility that is undergoing or 85811  
has undergone a voluntary withdrawal of participation; 85812

(5) An operator of a nursing facility or intermediate care 85813  
facility for the mentally retarded that has undergone an 85814  
involuntary termination. 85815

~~(I)~~(J)(1) "Facility Subject to division (J)(2) of this 85816  
section, "facility closure" means discontinuance of the use of the 85817  
building, or part of the building, that houses the facility as a 85818  
nursing facility or intermediate care facility for the mentally 85819  
retarded that results in the relocation of all of the facility's 85820  
residents. A facility closure occurs regardless of any of the 85821  
following: 85822

(a) The operator completely or partially replacing the 85823  
facility by constructing a new facility or transferring the 85824  
facility's license to another facility; 85825

(b) The facility's residents relocating to another of the 85826  
operator's facilities; 85827

(c) Any action the department of health takes regarding the 85828  
facility's certification under Title XIX of the "Social Security 85829  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, that may 85830  
result in the transfer of part of the facility's survey findings 85831

to another of the operator's facilities; 85832

(d) Any action the department of health takes regarding the 85833  
facility's license under Chapter 3721. of the Revised Code; 85834

(e) Any action the department of developmental disabilities 85835  
takes regarding the facility's license under section 5123.19 of 85836  
the Revised Code. 85837

(2) A facility closure does not occur if ~~all~~ either of the 85838  
following applies: 85839

(a) All of the facility's residents are relocated due to an 85840  
emergency evacuation and one or more of the residents return to a 85841  
medicaid-certified bed in the facility not later than thirty days 85842  
after the evacuation occurs; 85843

(b) The building, or part of the building, that houses the 85844  
facility converts to a different use, any necessary license or 85845  
other approval needed for that use is obtained, and one or more of 85846  
the facility's residents remain in the facility to receive 85847  
services under the new use. 85848

~~(J)~~(K) "Fiscal year," "franchise permit fee," "intermediate 85849  
care facility for the mentally retarded," "nursing facility," 85850  
"operator," "owner," and "provider agreement" have the same 85851  
meanings as in section 5111.20 of the Revised Code. 85852

~~(K)~~(L) "Involuntary termination" means the department of job 85853  
and family services' termination of, or refusal to renew, an 85854  
operator's provider agreement for a nursing facility or 85855  
intermediate care facility for the mentally retarded when such 85856  
action is not taken at the operator's request. 85857

(M) "Voluntary termination" means an operator's voluntary 85858  
election to terminate the participation of an intermediate care 85859  
facility for the mentally retarded in the medicaid program but to 85860  
continue to provide service of the type provided by a residential 85861

facility as defined in section 5123.19 of the Revised Code. 85862

~~(I)~~(N) "Voluntary withdrawal of participation" means an 85863  
operator's voluntary election to terminate the participation of a 85864  
nursing facility in the medicaid program but to continue to 85865  
provide service of the type provided by a nursing facility. 85866

**Sec. 5111.66.** An exiting operator or owner of a nursing 85867  
facility or intermediate care facility for the mentally retarded 85868  
participating in the medicaid program shall provide the department 85869  
of job and family services written notice of a facility closure, 85870  
voluntary termination, or voluntary withdrawal of participation 85871  
not less than ninety days before the effective date of the 85872  
facility closure, voluntary termination, or voluntary withdrawal 85873  
of participation. The written notice shall be provided to the 85874  
department in accordance with the method specified in rules 85875  
adopted under section 5111.689 of the Revised Code. 85876

The written notice shall include all of the following: 85877

(A) The name of the exiting operator and, if any, the exiting 85878  
operator's authorized agent; 85879

(B) The name of the nursing facility or intermediate care 85880  
facility for the mentally retarded that is the subject of the 85881  
written notice; 85882

(C) The exiting operator's medicaid provider agreement number 85883  
for the facility that is the subject of the written notice; 85884

(D) The effective date of the facility closure, voluntary 85885  
termination, or voluntary withdrawal of participation; 85886

(E) The signature of the exiting operator's or owner's 85887  
representative. 85888

**Sec. 5111.67.** (A) An exiting operator or owner and entering 85889  
operator shall provide the department of job and family services 85890

written notice of a change of operator if the nursing facility or 85891  
intermediate care facility for the mentally retarded participates 85892  
in the medicaid program and the entering operator seeks to 85893  
continue the facility's participation. The written notice shall be 85894  
provided to the department in accordance with the method specified 85895  
in rules adopted under section 5111.689 of the Revised Code. The 85896  
written notice shall be provided to the department not later than 85897  
forty-five days before the effective date of the change of 85898  
operator if the change of operator does not entail the relocation 85899  
of residents. The written notice shall be provided to the 85900  
department not later than ninety days before the effective date of 85901  
the change of operator if the change of operator entails the 85902  
relocation of residents. ~~The~~ 85903

The written notice shall include all of the following: 85904

(1) The name of the exiting operator and, if any, the exiting 85905  
operator's authorized agent; 85906

(2) The name of the nursing facility or intermediate care 85907  
facility for the mentally retarded that is the subject of the 85908  
change of operator; 85909

(3) The exiting operator's ~~medicaid provider agreement~~ 85910  
seven-digit medicaid legacy number and ten-digit national provider 85911  
identifier number for the facility that is the subject of the 85912  
change of operator; 85913

(4) The name of the entering operator; 85914

(5) The effective date of the change of operator; 85915

(6) The manner in which the entering operator becomes the 85916  
facility's operator, including through sale, lease, merger, or 85917  
other action; 85918

(7) If the manner in which the entering operator becomes the 85919  
facility's operator involves more than one step, a description of 85920

each step; 85921

(8) Written authorization from the exiting operator or owner 85922  
and entering operator for the department to process a provider 85923  
agreement for the entering operator; 85924

(9) The names and addresses of the persons to whom the 85925  
department should send initial correspondence regarding the change 85926  
of operator; 85927

(10) If the nursing facility also participates in the 85928  
medicare program, notification of whether the entering operator 85929  
intends to accept assignment of the exiting operator's medicare 85930  
provider agreement; 85931

(11) The signature of the exiting operator's or owner's 85932  
representative. 85933

~~(B) The entering operator shall include a completed~~ 85934  
~~application for a provider agreement with the written notice to~~ 85935  
~~the department. The entering operator shall attach to the~~ 85936  
~~application the following:~~ 85937

~~(1) If the written notice is provided to the department~~ 85938  
~~before the date the exiting operator or owner and entering~~ 85939  
~~operator complete the transaction for the change of operator, all~~ 85940  
~~the proposed leases, management agreements, merger agreements and~~ 85941  
~~supporting documents, and sales contracts and supporting documents~~ 85942  
~~relating to the facility's change of operator;~~ 85943

~~(2) If the written notice is provided to the department on or~~ 85944  
~~after the date the exiting operator or owner and entering operator~~ 85945  
~~complete the transaction for the change of operator, copies of all~~ 85946  
~~the executed leases, management agreements, merger agreements and~~ 85947  
~~supporting documents, and sales contracts and supporting documents~~ 85948  
~~relating to the facility's change of operator. An exiting operator~~ 85949  
~~or owner and entering operator immediately shall provide the~~ 85950  
~~department written notice of any changes to information included~~ 85951

in a written notice of a change of operator that occur after that 85952  
notice is provided to the department. The notice of the changes 85953  
shall be provided to the department in accordance with the method 85954  
specified in rules adopted under section 5111.689 of the Revised 85955  
Code. 85956

**Sec. 5111.671.** The department of job and family services may 85957  
enter into a provider agreement with an entering operator that 85958  
goes into effect at 12:01 a.m. on the effective date of the change 85959  
of operator if all of the following requirements are met: 85960

(A) The department receives a properly completed written 85961  
notice required by section 5111.67 of the Revised Code on or 85962  
before the date required by that section. 85963

(B) ~~The entering operator furnishes to the department copies~~ 85964  
~~of all the fully executed leases, management agreements, merger~~ 85965  
~~agreements and supporting documents, and sales contracts and~~ 85966  
~~supporting documents relating to the change of operator not later~~ 85967  
~~than ten days after the effective date of the change of operator~~ 85968  
receives both of the following in accordance with the method 85969  
specified in rules adopted under section 5111.689 of the Revised 85970  
Code and not later than ten days after the effective date of the 85971  
change of operator: 85972

(1) From the entering operator, a completed application for a 85973  
provider agreement and all other forms and documents specified in 85974  
rules adopted under section 5111.689 of the Revised Code; 85975

(2) From the exiting operator or owner, all forms and 85976  
documents specified in rules adopted under section 5111.689 of the 85977  
Revised Code. 85978

(C) The entering operator is eligible for medicaid payments 85979  
as provided in section 5111.21 of the Revised Code. 85980

**Sec. 5111.672.** (A) The department of job and family services 85981



may enter into a provider agreement with an entering operator that 85982  
goes into effect at 12:01 a.m. on the date determined under 85983  
division (B) of this section if all of the following are the case: 85984

(1) The department receives a properly completed written 85985  
notice required by section 5111.67 of the Revised Code after the 85986  
time required by that section. 85987

(2) ~~The entering operator furnishes to the department copies~~ 85988  
~~of all the fully executed leases, management agreements, merger~~ 85989  
~~agreements and supporting documents, and sales contracts and~~ 85990  
~~supporting documents relating to the change of operator~~ receives 85991  
both of the following in accordance with the method specified in 85992  
rules adopted under section 5111.689 of the Revised Code and more 85993  
than ten days after the effective date of the change of operator: 85994

(a) From the entering operator, a completed application for a 85995  
provider agreement and all other forms and documents specified in 85996  
rules adopted under section 5111.689 of the Revised Code; 85997

(b) From the exiting operator or owner, all forms and 85998  
documents specified in rules adopted under section 5111.689 of the 85999  
Revised Code. 86000

~~(3) The requirement of division (A)(1) of this section is met~~ 86001  
~~after the time required by section 5111.67 of the Revised Code,~~ 86002  
~~the requirement of division (A)(2) of this section is met more~~ 86003  
~~than ten days after the effective date of the change of operator,~~ 86004  
~~or both.~~ 86005

~~(4)~~ The entering operator is eligible for medicaid payments 86006  
as provided in section 5111.21 of the Revised Code. 86007

(B) The department shall determine the date a provider 86008  
agreement entered into under this section is to go into effect as 86009  
follows: 86010

(1) The effective date shall give the department sufficient 86011

time to process the change of operator, assure no duplicate 86012  
payments are made, and make the withholding required by section 86013  
5111.681 of the Revised Code, ~~and withhold the final payment to~~ 86014  
~~the exiting operator until one hundred eighty days after either of~~ 86015  
~~the following:~~ 86016

~~(a) The date that the exiting operator submits to the 86017  
department a properly completed cost report under section 5111.682 86018  
of the Revised Code;~~ 86019

~~(b) The date that the department waives the cost report 86020  
requirement of section 5111.682 of the Revised Code. 86021~~

(2) The effective date shall be not earlier than the later of 86022  
the effective date of the change of operator or the date that the 86023  
exiting operator or owner and entering operator comply with 86024  
section 5111.67 of the Revised Code and division (A)(2) of this 86025  
section. 86026

(3) The effective date shall be not later than the following 86027  
after the later of the dates specified in division (B)(2) of this 86028  
section: 86029

(a) Forty-five days if the change of operator does not entail 86030  
the relocation of residents; 86031

(b) Ninety days if the change of operator entails the 86032  
relocation of residents. 86033

**Sec. 5111.68.** (A) On receipt of a written notice under 86034  
section 5111.66 of the Revised Code of a facility closure, 86035  
voluntary termination, or voluntary withdrawal of participation 86036  
~~or, on receipt of~~ a written notice under section 5111.67 of the 86037  
Revised Code of a change of operator, or on the effective date of 86038  
an involuntary termination, the department of job and family 86039  
services shall estimate the amount of any overpayments made under 86040  
the medicaid program to the exiting operator, including 86041

overpayments the exiting operator disputes, and other actual and 86042  
potential debts the exiting operator owes or may owe to the 86043  
department and United States centers for medicare and medicaid 86044  
services under the medicaid program, including a franchise permit 86045  
fee. 86046

(B) In estimating the exiting operator's other actual and 86047  
potential debts to the department and the United States centers 86048  
for medicare and medicaid services under the medicaid program, the 86049  
department shall use a debt estimation methodology the director of 86050  
job and family services shall establish in rules adopted under 86051  
section 5111.689 of the Revised Code. The methodology shall 86052  
provide for estimating all of the following that the department 86053  
determines are applicable: 86054

(1) Refunds due the department under section 5111.27 of the 86055  
Revised Code; 86056

(2) Interest owed to the department and United States centers 86057  
for medicare and medicaid services; 86058

(3) Final civil monetary and other penalties for which all 86059  
right of appeal has been exhausted; 86060

(4) Money owed the department and United States centers for 86061  
medicare and medicaid services from any outstanding final fiscal 86062  
audit, including a final fiscal audit for the last fiscal year or 86063  
portion thereof in which the exiting operator participated in the 86064  
medicaid program; 86065

(5) Other amounts the department determines are applicable. 86066

(C) The department shall provide the exiting operator written 86067  
notice of the department's estimate under division (A) of this 86068  
section not later than thirty days after the department receives 86069  
the notice under section 5111.66 of the Revised Code of the 86070  
facility closure, voluntary termination, or voluntary withdrawal 86071

of participation ~~or~~; the department receives the notice under 86072  
section 5111.67 of the Revised Code of the change of operator; or 86073  
the effective date of the involuntary termination. The 86074  
department's written notice shall include the basis for the 86075  
estimate. 86076

**Sec. 5111.681.** (A) Except as provided in divisions (B) ~~and~~, 86077  
(C), and (D) of this section, the department of job and family 86078  
services may withhold from payment due an exiting operator under 86079  
the medicaid program the total amount specified in the notice 86080  
provided under division (C) of section 5111.68 of the Revised Code 86081  
that the exiting operator owes or may owe to the department and 86082  
United States centers for medicare and medicaid services under the 86083  
medicaid program. 86084

(B) In the case of a change of operator and subject to 86085  
division ~~(D)~~(E) of this section, the following shall apply 86086  
regarding a withholding under division (A) of this section if the 86087  
exiting operator or entering operator or an affiliated operator 86088  
executes a successor liability agreement meeting the requirements 86089  
of division ~~(E)~~(F) of this section: 86090

(1) If the exiting operator, entering operator, or affiliated 86091  
operator assumes liability for the total, actual amount of debt 86092  
the exiting operator owes the department and the United States 86093  
centers for medicare and medicaid services under the medicaid 86094  
program as determined under section 5111.685 of the Revised Code, 86095  
the department shall not make the withholding. 86096

(2) If the exiting operator, entering operator, or affiliated 86097  
operator assumes liability for only the portion of the amount 86098  
specified in division (B)(1) of this section that represents the 86099  
franchise permit fee the exiting operator owes, the department 86100  
shall withhold not more than the difference between the total 86101  
amount specified in the notice provided under division (C) of 86102

section 5111.68 of the Revised Code and the amount for which the 86103  
exiting operator, entering operator, or affiliated operator 86104  
assumes liability. 86105

(C) In the case of a voluntary termination, voluntary 86106  
withdrawal of participation, or facility closure and subject to 86107  
division ~~(D)~~(E) of this section, the following shall apply 86108  
regarding a withholding under division (A) of this section if the 86109  
exiting operator or an affiliated operator executes a successor 86110  
liability agreement meeting the requirements of division ~~(E)~~(F) of 86111  
this section: 86112

(1) If the exiting operator or affiliated operator assumes 86113  
liability for the total, actual amount of debt the exiting 86114  
operator owes the department and the United States centers for 86115  
medicare and medicaid services under the medicaid program as 86116  
determined under section 5111.685 of the Revised Code, the 86117  
department shall not make the withholding. 86118

(2) If the exiting operator or affiliated operator assumes 86119  
liability for only the portion of the amount specified in division 86120  
(C)(1) of this section that represents the franchise permit fee 86121  
the exiting operator owes, the department shall withhold not more 86122  
than the difference between the total amount specified in the 86123  
notice provided under division (C) of section 5111.68 of the 86124  
Revised Code and the amount for which the exiting operator or 86125  
affiliated operator assumes liability. 86126

(D) In the case of an involuntary termination and subject to 86127  
division (E) of this section, the following shall apply regarding 86128  
a withholding under division (A) of this section if the exiting 86129  
operator, the entering operator, or an affiliated operator 86130  
executes a successor liability agreement meeting the requirements 86131  
of division (F) of this section and the department approves the 86132  
successor liability agreement: 86133

(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5111.685 of the Revised Code, the department shall not make the withholding. 86134  
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(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (D)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5111.68 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability. 86140  
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(E) For an exiting operator or affiliated operator to be eligible to enter into a successor liability agreement under division (B) ~~or~~, (C), or (D) of this section, both of the following must apply: 86149  
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(1) The exiting operator or affiliated operator must have one or more valid provider agreements, other than the provider agreement for the nursing facility or intermediate care facility for the mentally retarded that is the subject of the involuntary termination, voluntary termination, voluntary withdrawal of participation, facility closure, or change of operator; 86153  
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(2) During the twelve-month period preceding either the effective date of the involuntary termination or the month in which the department receives the notice of the voluntary termination, voluntary withdrawal of participation, or facility closure under section 5111.66 of the Revised Code or the notice of the change of operator under section 5111.67 of the Revised Code, the average monthly medicaid payment made to the exiting operator 86159  
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or affiliated operator pursuant to the exiting operator's or 86166  
affiliated operator's one or more provider agreements, other than 86167  
the provider agreement for the nursing facility or intermediate 86168  
care facility for the mentally retarded that is the subject of the 86169  
involuntary termination, voluntary termination, voluntary 86170  
withdrawal of participation, facility closure, or change of 86171  
operator, must equal at least ninety per cent of the sum of the 86172  
following: 86173

(a) The average monthly medicaid payment made to the exiting 86174  
operator pursuant to the exiting operator's provider agreement for 86175  
the nursing facility or intermediate care facility for the 86176  
mentally retarded that is the subject of the involuntary 86177  
termination, voluntary termination, voluntary withdrawal of 86178  
participation, facility closure, or change of operator; 86179

(b) Whichever of the following apply: 86180

(i) If the exiting operator or affiliated operator has 86181  
assumed liability under one or more other successor liability 86182  
agreements, the total amount for which the exiting operator or 86183  
affiliated operator has assumed liability under the other 86184  
successor liability agreements; 86185

(ii) If the exiting operator or affiliated operator has not 86186  
assumed liability under any other successor liability agreements, 86187  
zero. 86188

~~(E)~~(F) A successor liability agreement executed under this 86189  
section must comply with all of the following: 86190

(1) It must provide for the operator who executes the 86191  
successor liability agreement to assume liability for either of 86192  
the following as specified in the agreement: 86193

(a) The total, actual amount of debt the exiting operator 86194  
owes the department and the United States centers for medicare and 86195  
medicaid services under the medicaid program as determined under 86196

section 5111.685 of the Revised Code; 86197

(b) The portion of the amount specified in division 86198  
~~(E)~~(F)(1)(a) of this section that represents the franchise permit 86199  
fee the exiting operator owes. 86200

(2) It may not require the operator who executes the 86201  
successor liability agreement to furnish a surety bond. 86202

(3) It must provide that the department, after determining 86203  
under section 5111.685 of the Revised Code the actual amount of 86204  
debt the exiting operator owes the department and United States 86205  
centers for medicare and medicaid services under the medicaid 86206  
program, may deduct the lesser of the following from medicaid 86207  
payments made to the operator who executes the successor liability 86208  
agreement: 86209

(a) The total, actual amount of debt the exiting operator 86210  
owes the department and the United States centers for medicare and 86211  
medicaid services under the medicaid program as determined under 86212  
section 5111.685 of the Revised Code; 86213

(b) The amount for which the operator who executes the 86214  
successor liability agreement assumes liability under the 86215  
agreement. 86216

(4) It must provide that the deductions authorized by 86217  
division ~~(E)~~(F)(3) of this section are to be made for a number of 86218  
months, not to exceed six, agreed to by the operator who executes 86219  
the successor liability agreement and the department or, if the 86220  
operator who executes the successor liability agreement and 86221  
department cannot agree on a number of months that is less than 86222  
six, a greater number of months determined by the attorney general 86223  
pursuant to a claims collection process authorized by statute of 86224  
this state. 86225

(5) It must provide that, if the attorney general determines 86226  
the number of months for which the deductions authorized by 86227



division ~~(E)~~(F)(3) of this section are to be made, the operator 86228  
who executes the successor liability agreement shall pay, in 86229  
addition to the amount collected pursuant to the attorney 86230  
general's claims collection process, the part of the amount so 86231  
collected that, if not for division ~~(G)~~(H) of this section, would 86232  
be required by section 109.081 of the Revised Code to be paid into 86233  
the attorney general claims fund. 86234

~~(F)~~(G) Execution of a successor liability agreement does not 86235  
waive an exiting operator's right to contest the amount specified 86236  
in the notice the department provides the exiting operator under 86237  
division (C) of section 5111.68 of the Revised Code. 86238

~~(G)~~(H) Notwithstanding section 109.081 of the Revised Code, 86239  
the entire amount that the attorney general, whether by employees 86240  
or agents of the attorney general or by special counsel appointed 86241  
pursuant to section 109.08 of the Revised Code, collects under a 86242  
successor liability agreement, other than the additional amount 86243  
the operator who executes the agreement is required by division 86244  
~~(E)~~(F)(5) of this section to pay, shall be paid to the department 86245  
of job and family services for deposit into the appropriate fund. 86246  
The additional amount that the operator is required to pay shall 86247  
be paid into the state treasury to the credit of the attorney 86248  
general claims fund created under section 109.081 of the Revised 86249  
Code. 86250

**Sec. 5111.687.** The department of job and family services, at 86251  
its sole discretion, may release the amount withheld under 86252  
division (A) of section 5111.681 of the Revised Code if the 86253  
exiting operator submits to the department written notice of a 86254  
postponement of a change of operator, facility closure, voluntary 86255  
termination, or voluntary withdrawal of participation and the 86256  
transactions leading to the change of operator, facility closure, 86257  
voluntary termination, or voluntary withdrawal of participation 86258

are postponed for at least thirty days but less than ninety days 86259  
after the date originally proposed for the change of operator, 86260  
facility closure, voluntary termination, or voluntary withdrawal 86261  
of participation as reported in the written notice required by 86262  
section 5111.66 or 5111.67 of the Revised Code. The department 86263  
shall release the amount withheld if the exiting operator submits 86264  
to the department written notice of a cancellation or postponement 86265  
of a change of operator, facility closure, voluntary termination, 86266  
or voluntary withdrawal of participation and the transactions 86267  
leading to the change of operator, facility closure, voluntary 86268  
termination, or voluntary withdrawal of participation are canceled 86269  
or postponed for more than ninety days after the date originally 86270  
proposed for the change of operator, facility closure, voluntary 86271  
termination, or voluntary withdrawal of participation as reported 86272  
in the written notice required by section 5111.66 or 5111.67 of 86273  
the Revised Code. A written notice shall be provided to the 86274  
department in accordance with the method specified in rules 86275  
adopted under section 5111.689 of the Revised Code. 86276

After the department receives a written notice regarding a 86277  
cancellation or postponement of a facility closure, voluntary 86278  
termination, or voluntary withdrawal of participation, the exiting 86279  
operator or owner shall provide new written notice to the 86280  
department under section 5111.66 of the Revised Code regarding any 86281  
transactions leading to a facility closure, voluntary termination, 86282  
or voluntary withdrawal of participation at a future time. After 86283  
the department receives a written notice regarding a cancellation 86284  
or postponement of a change of operator, the exiting operator or 86285  
owner and entering operator shall provide new written notice to 86286  
the department under section 5111.67 of the Revised Code regarding 86287  
any transactions leading to a change of operator at a future time. 86288

**Sec. 5111.689.** The director of job and family services shall 86289

adopt rules under section 5111.02 of the Revised Code to implement 86290  
sections 5111.65 to 5111.689 of the Revised Code, including rules 86291  
applicable to an exiting operator that provides written 86292  
notification under section 5111.66 of the Revised Code of a 86293  
voluntary withdrawal of participation. Rules adopted under this 86294  
section shall comply with section 1919(c)(2)(F) of the "Social 86295  
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396r(c)(2)(F), 86296  
regarding restrictions on transfers or discharges of nursing 86297  
facility residents in the case of a voluntary withdrawal of 86298  
participation. The rules may prescribe a medicaid reimbursement 86299  
methodology and other procedures that are applicable after the 86300  
effective date of a voluntary withdrawal of participation that 86301  
differ from the reimbursement methodology and other procedures 86302  
that would otherwise apply. The rules shall specify all of the 86303  
following: 86304

(A) The method by which written notices to the department 86305  
required by sections 5111.65 to 5111.689 of the Revised Code are 86306  
to be provided; 86307

(B) The forms and documents that are to be provided to the 86308  
department under sections 5111.671 and 5111.672 of the Revised 86309  
Code, which shall include, in the case of such forms and documents 86310  
provided by entering operators, all the fully executed leases, 86311  
management agreements, merger agreements and supporting documents, 86312  
and fully executed sales contracts and any other supporting 86313  
documents culminating in the change of operator; 86314

(C) The method by which the forms and documents identified in 86315  
division (B) of this section are to be provided to the department. 86316

**Sec. 5111.709.** (A) There is hereby created the medicaid 86317  
buy-in advisory council. The council shall consist of all of the 86318  
following: 86319

(1) The following voting members: 86320

|                                                                                                                                                                          |                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| (a) The executive director of assistive technology of Ohio or the executive director's designee;                                                                         | 86321<br>86322          |
| (b) The director of the axis center for public awareness of people with disabilities or the director's designee;                                                         | 86323<br>86324          |
| (c) The executive director of the cerebral palsy association of Ohio or the executive director's designee;                                                               | 86325<br>86326          |
| (d) The chief executive officer of Ohio advocates for mental health or the chief executive officer's designee;                                                           | 86327<br>86328          |
| (e) The state director of the Ohio chapter of AARP or the state director's designee;                                                                                     | 86329<br>86330          |
| (f) The director of the Ohio developmental disabilities council created under section 5123.35 of the Revised Code or the director's designee;                            | 86331<br>86332<br>86333 |
| (g) The executive director of the governor's council on people with disabilities created under section 3303.41 of the Revised Code or the executive director's designee; | 86334<br>86335<br>86336 |
| <del>(h) The administrator of the legal rights service created under section 5123.60 of the Revised Code or the administrator's designee;</del>                          | 86337<br>86338<br>86339 |
| <del>(i)</del> The chairperson of the Ohio Olmstead task force or the chairperson's designee;                                                                            | 86340<br>86341          |
| <del>(j)</del> <u>(i)</u> The executive director of the Ohio statewide independent living council or the executive director's designee;                                  | 86342<br>86343          |
| <del>(k)</del> <u>(j)</u> The president of the Ohio chapter of the national multiple sclerosis society or the president's designee;                                      | 86344<br>86345          |
| <del>(l)</del> <u>(k)</u> The executive director of the arc of Ohio or the executive director's designee;                                                                | 86346<br>86347          |
| <del>(m)</del> <u>(l)</u> The executive director of the commission on minority health or the executive director's designee;                                              | 86348<br>86349          |

~~(n)~~(m) The executive director of the brain injury association 86350  
of Ohio or the executive director's designee; 86351

~~(o)~~(n) The executive officer of any other advocacy 86352  
organization who volunteers to serve on the council, or such an 86353  
executive officer's designee, if the other voting members, at a 86354  
meeting called by the chairperson elected under division (C) of 86355  
this section, determine it is appropriate for the advocacy 86356  
organization to be represented on the council; 86357

~~(p)~~(o) One or more participants who volunteer to serve on the 86358  
council and are selected by the other voting members at a meeting 86359  
the chairperson calls after the medicaid buy-in for workers with 86360  
disabilities program is implemented. 86361

(2) The following non-voting members: 86362

(a) The director of job and family services or the director's 86363  
designee; 86364

(b) The administrator of the rehabilitation services 86365  
commission or the administrator's designee; 86366

(c) The director of alcohol and drug addiction services or 86367  
the director's designee; 86368

(d) The director of developmental disabilities or the 86369  
director's designee; 86370

(e) The director of mental health or the director's designee; 86371

(f) The executive officer of any other government entity, or 86372  
the executive officer's designee, if the voting members, at a 86373  
meeting called by the chairperson, determine it is appropriate for 86374  
the government entity to be represented on the council. 86375

(B) All members of the medicaid buy-in advisory council shall 86376  
serve without compensation or reimbursement, except as serving on 86377  
the council is considered part of their usual job duties. 86378

(C) The voting members of the medicaid buy-in advisory 86379

council shall elect one of the members of the council to serve as 86380  
the council's chairperson for a two-year term. The chairperson may 86381  
be re-elected to successive terms. 86382

(D) The department of job and family services shall provide 86383  
the Ohio medicaid buy-in advisory council with accommodations for 86384  
the council to hold its meetings and shall provide the council 86385  
with other administrative assistance the council needs to perform 86386  
its duties. 86387

Sec. 5111.83. (A) Not later than January 1, 2012, the 86388  
director of job and family services shall apply to the United 86389  
States secretary of health and human services for approval to 86390  
claim federal financial participation for administrative costs 86391  
incurred by the department of health and the Arthur G. James and 86392  
Richard J. Solove research institute of the Ohio state university 86393  
in analyzing and evaluating both of the following pursuant to 86394  
sections 3701.261 to 3701.236 of the Revised Code: 86395

(1) Cancer reports under the Ohio cancer incidence 86396  
surveillance system; 86397

(2) The incidence, prevalence, costs, and medical 86398  
consequences of cancer on medicaid recipients and other low-income 86399  
populations. 86400

(B) The director of job and family services shall consult 86401  
with the director of health in seeking approval to claim federal 86402  
financial participation, as described in division (A) of this 86403  
section. The directors shall cooperate in seeking the approval to 86404  
the extent they find the approval necessary for the effective and 86405  
efficient administration of the medicaid program. 86406

Sec. 5111.85. (A) As used in this section and sections 86407  
5111.851 to 5111.856 of the Revised Code: 86408

"Home and community-based services medicaid waiver component" 86409

means a medicaid waiver component under which home and 86410  
community-based services are provided as an alternative to 86411  
hospital, nursing facility, or intermediate care facility for the 86412  
mentally retarded services. 86413

"Hospital" has the same meaning as in section 3727.01 of the 86414  
Revised Code. 86415

"Intermediate care facility for the mentally retarded" has 86416  
the same meaning as in section 5111.20 of the Revised Code. 86417

"Medicaid waiver component" means a component of the medicaid 86418  
program authorized by a waiver granted by the United States 86419  
department of health and human services under section 1115 or 1915 86420  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 86421  
1315 or 1396n. "Medicaid waiver component" does not include a care 86422  
management system established under section 5111.16 of the Revised 86423  
Code. 86424

"Nursing facility" has the same meaning as in section 5111.20 86425  
of the Revised Code. 86426

(B) The director of job and family services may adopt rules 86427  
under Chapter 119. of the Revised Code governing medicaid waiver 86428  
components that establish all of the following: 86429

(1) Eligibility requirements for the medicaid waiver 86430  
components; 86431

(2) The type, amount, duration, and scope of services the 86432  
medicaid waiver components provide; 86433

(3) The conditions under which the medicaid waiver components 86434  
cover services; 86435

(4) The amount the medicaid waiver components pay for 86436  
services or the method by which the amount is determined; 86437

(5) The manner in which the medicaid waiver components pay 86438  
for services; 86439

|                                                                                                                                                                                                                                                                                                                                     |                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (6) Safeguards for the health and welfare of medicaid recipients receiving services under a medicaid waiver component;                                                                                                                                                                                                              | 86440<br>86441                                     |
| (7) Procedures for <del>both of the following</del> :                                                                                                                                                                                                                                                                               | 86442                                              |
| <del>(a) Identifying individuals who meet all of the following requirements</del> :                                                                                                                                                                                                                                                 | 86443<br>86444                                     |
| <del>(i) Are <u>prioritizing and approving for enrollment individuals who are</u> eligible for a home and community-based services medicaid waiver component and <del>on a waiting list for the component</del>;</del>                                                                                                              | 86445<br>86446<br>86447                            |
| <del>(ii) Are receiving inpatient hospital services or residing in an intermediate care facility for the mentally retarded or nursing facility (as appropriate for the component)</del> ;                                                                                                                                           | 86448<br>86449<br>86450                            |
| <del>(iii) Choose <u>choose</u> to be enrolled in the component</del> .                                                                                                                                                                                                                                                             | 86451                                              |
| <del>(b) Approving the enrollment of individuals identified under the procedures established under division (B)(7)(a) of this section into the home and community based services medicaid waiver component.</del> ;                                                                                                                 | 86452<br>86453<br>86454<br>86455                   |
| (8) Procedures for enforcing the rules, including establishing corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules. Sanctions shall include terminating medicaid provider agreements. The procedures shall include due process protections. | 86456<br>86457<br>86458<br>86459<br>86460<br>86461 |
| (9) Other policies necessary for the efficient administration of the medicaid waiver components.                                                                                                                                                                                                                                    | 86462<br>86463                                     |
| (C) The director of job and family services may adopt different rules for the different medicaid waiver components. The rules shall be consistent with the terms of the waiver authorizing the medicaid waiver component.                                                                                                           | 86464<br>86465<br>86466<br>86467                   |
| (D) Any procedures established under division (B)(7) of this section for the <u>medicaid-funded component of the</u> PASSPORT program                                                                                                                                                                                               | 86468<br>86469                                     |



shall be consistent with section 173.401 of the Revised Code. Any 86470  
procedures established under division (B)(7) of this section for 86471  
the medicaid-funded component of the assisted living program shall 86472  
be consistent with section 5111.894 of the Revised Code. 86473

**Sec. 5111.861.** (A) As used in this section: 86474

"Medicaid waiver component" has the same meaning as in 86475  
section 5111.85 of the Revised Code. 86476

"Unified long-term services and support medicaid waiver 86477  
component" means the medicaid waiver component authorized by 86478  
section 5111.863 of the Revised Code. 86479

(B) Subject to division (C) of this section, there is hereby 86480  
created the Ohio home care program. The program shall provide home 86481  
and community-based services. The department of job and family 86482  
services shall administer the program. 86483

(C) If the unified long-term services and support medicaid 86484  
waiver component is created, the departments of aging and job and 86485  
family services shall work together to determine whether the Ohio 86486  
home care program should continue to operate as a separate 86487  
medicaid waiver component or be terminated. If the departments 86488  
determine that the Ohio home care program should be terminated, 86489  
the program shall cease to exist on a date the departments shall 86490  
specify. 86491

**Sec. 5111.862.** (A) As used in this section: 86492

"Medicaid waiver component" has the same meaning as in 86493  
section 5111.85 of the Revised Code. 86494

"Unified long-term services and support medicaid waiver 86495  
component" means the medicaid waiver component authorized by 86496  
section 5111.863 of the Revised Code. 86497

(B) Subject to division (C) of this section, there is hereby 86498

created the Ohio transitions II aging carve-out program. The 86499  
program shall provide home and community-based services. The 86500  
department of job and family services shall administer the 86501  
program. 86502

(C) If the unified long-term services and support medicaid 86503  
waiver component is created, the departments of aging and job and 86504  
family services shall work together to determine whether the Ohio 86505  
transitions II aging carve-out program should continue to operate 86506  
as a separate medicaid waiver component or be terminated. If the 86507  
departments determine that the Ohio transitions II aging carve-out 86508  
program should be terminated, the program shall cease to exist on 86509  
a date the departments shall specify. 86510

**Sec. 5111.863.** (A) As used in this section: 86511

"Medicaid waiver component" has the same meaning as in 86512  
section 5111.85 of the Revised Code. 86513

"Nursing facility" has the same meaning as in section 5111.20 86514  
of the Revised Code. 86515

(B) The director of job and family services shall submit a 86516  
request to the United States secretary of health and human 86517  
services pursuant to section 1915n of the "Social Security Act," 86518  
95 Stat. 809 (1981), 42 U.S.C. 1396n, as amended, to obtain 86519  
approval to create a unified long-term services and support 86520  
medicaid waiver component to provide home and community-based 86521  
services to eligible individuals of any age who require the level 86522  
of care provided by nursing facilities. The director of job and 86523  
family services shall work with the director of aging in seeking 86524  
approval of the unified long-term services and support medicaid 86525  
waiver component and, if the approval is obtained, in creating and 86526  
implementing the component. 86527

If the request to create the unified long-term services and 86528

support medicaid waiver component is approved, the director of job and family services, working with the director of aging, shall adopt rules under section 5111.85 of the Revised Code to implement the component. The rules may authorize the director of aging to adopt rules in accordance with Chapter 119. of the Revised Code governing aspects of the unified long-term services and support medicaid waiver component.

**Sec. 5111.871.** The department of job and family services shall enter into a contract with the department of developmental disabilities under section 5111.91 of the Revised Code with regard to one or more of the medicaid waiver components ~~of the medicaid program~~ established by the department of job and family services under ~~one or more of the medicaid waivers sought~~ under section 5111.87 of the Revised Code. Subject, if needed, to the approval of the United States secretary of health and human services, the contract shall include the medicaid waiver component known as the transitions developmental disabilities waiver. The contract shall provide for the department of developmental disabilities to administer the components in accordance with the terms of the waivers. The contract shall include a schedule for the department of developmental disabilities to begin administering the transitions developmental disabilities waiver. The directors of job and family services and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing the components.

If the department of developmental disabilities or the department of job and family services denies an individual's application for home and community-based services provided under any of these medicaid components, the department that denied the services shall give timely notice to the individual that the individual may request a hearing under section 5101.35 of the Revised Code.

The departments of developmental disabilities and job and family services may approve, reduce, deny, or terminate a service included in the individualized service plan developed for a medicaid recipient eligible for home and community-based services provided under any of these medicaid components. The departments shall consider the recommendations a county board of developmental disabilities makes under division (A)(1)(c) of section 5126.055 of the Revised Code. If either department approves, reduces, denies, or terminates a service, that department shall give timely notice to the medicaid recipient that the recipient may request a hearing under section 5101.35 of the Revised Code.

If supported living, as defined in section 5126.01 of the Revised Code, is to be provided as a service under any of these components, any person or government entity with a current, valid medicaid provider agreement and a current, valid certificate under section 5123.161 of the Revised Code may provide the service.

If a service is to be provided under any of these components by a residential facility, as defined in section 5123.19 of the Revised Code, any person or government entity with a current, valid medicaid provider agreement and a current, valid license under section 5123.19 of the Revised Code may provide the service.

**Sec. 5111.872.** ~~When~~ (A) Subject to division (B) of this section, when the department of developmental disabilities allocates enrollment numbers to a county board of developmental disabilities for home and community-based services specified in division (B)(1) of section 5111.87 of the Revised Code and provided under any of the medicaid waiver components ~~of the medicaid program~~ that the department administers under section 5111.871 of the Revised Code, the department shall consider all of the following:

~~(A)(1)~~ (1) The number of individuals with mental retardation or

other developmental disability who are on a waiting list the 86592  
county board establishes under ~~division (C) of~~ section 5126.042 of 86593  
the Revised Code for those services and are given priority on the 86594  
waiting list ~~pursuant to division (D) or (E) of that section;~~ 86595

~~(B)(2)~~ The implementation component required by division 86596  
(A)(3) of section 5126.054 of the Revised Code of the county 86597  
board's plan approved under section 5123.046 of the Revised Code; 86598

~~(C)(3)~~ Anything else the department considers necessary to 86599  
enable county boards to provide those services to individuals in 86600  
accordance with the priority requirements ~~of divisions (D) and (E)~~ 86601  
~~of~~ for waiting lists included in the rules adopted under section 86602  
5126.042 of the Revised Code. 86603

(B) Division (A) of this section applies to home and 86604  
community-based services provided under the medicaid waiver 86605  
component known as the transitions developmental disabilities 86606  
waiver only to the extent, if any, provided by the contract 86607  
required by section 5111.871 of the Revised Code regarding the 86608  
waiver. 86609

**Sec. 5111.873.** (A) ~~Not later than the effective date of the 86610~~  
~~first of any medicaid waivers the United States secretary of 86611~~  
~~health and human services grants pursuant to a request made under 86612~~  
~~section 5111.87 of the Revised Code~~ Subject to division (D) of 86613  
this section, the director of job and family services shall adopt 86614  
rules in accordance with Chapter 119. of the Revised Code 86615  
establishing ~~statewide fee schedules~~ the amount of reimbursement 86616  
or the methods by which amounts of reimbursement are to be 86617  
determined for home and community-based services specified in 86618  
division (B)(1) of section 5111.87 of the Revised Code and 86619  
provided under the components of the medicaid program that the 86620  
department of developmental disabilities administers under section 86621  
5111.871 of the Revised Code. ~~The~~ With respect to these rules 86622

~~shall provide for,~~ all of the following apply: 86623

(1) The rules shall establish procedures for the department 86624  
of developmental disabilities to follow in arranging for the 86625  
initial and ongoing collection of cost information from a 86626  
comprehensive, statistically valid sample of persons and 86627  
government entities providing the services at the time the 86628  
information is obtained~~+~~. 86629

(2) The rules shall establish procedures for the collection 86630  
of consumer-specific information through an assessment instrument 86631  
the department of developmental disabilities shall provide to the 86632  
department of job and family services~~+~~. 86633

(3) With the information collected pursuant to divisions 86634  
(A)(1) and (2) of this section, an analysis of that information, 86635  
and other information the director determines relevant, ~~methods~~ 86636  
~~and~~ the rules shall establish reimbursement standards for 86637  
~~calculating the fee schedules~~ that do all of the following: 86638

(a) Assure that ~~the fees are~~ reimbursement is consistent with 86639  
efficiency, economy, and quality of care; 86640

(b) Consider the intensity of consumer resource need; 86641

(c) Recognize variations in different geographic areas 86642  
regarding the resources necessary to assure the health and welfare 86643  
of consumers; 86644

(d) Recognize variations in environmental supports available 86645  
to consumers. 86646

(B) As part of the process of adopting rules under this 86647  
section, the director shall consult with the director of 86648  
developmental disabilities, representatives of county boards of 86649  
developmental disabilities, persons who provide the home and 86650  
community-based services, and other persons and government 86651  
entities the director identifies. 86652

(C) The directors of job and family services and 86653  
developmental disabilities shall review the rules adopted under 86654  
this section at times they determine are necessary to ensure that 86655  
the ~~methods and amount of reimbursement or the methods by which~~ 86656  
the amounts of reimbursement are to be determined continue to meet 86657  
the reimbursement standards established by the rules for 86658  
~~calculating the fee schedules continue to do everything that~~ under 86659  
division (A)(3) of this section ~~requires.~~ 86660

(D) This section applies to home and community-based services 86661  
provided under the medicaid waiver component known as the 86662  
transitions developmental disabilities waiver only to the extent, 86663  
if any, provided by the contract required by section 5111.871 of 86664  
the Revised Code regarding the waiver. 86665

**Sec. 5111.874.** (A) As used in sections 5111.874 to 5111.8710 86666  
of the Revised Code: 86667

"Home and community-based services" has the same meaning as 86668  
in section 5123.01 of the Revised Code. 86669

"ICF/MR services" means intermediate care facility for the 86670  
mentally retarded services covered by the medicaid program that an 86671  
intermediate care facility for the mentally retarded provides to a 86672  
resident of the facility who is a medicaid recipient eligible for 86673  
medicaid-covered intermediate care facility for the mentally 86674  
retarded services. 86675

"Intermediate care facility for the mentally retarded" means 86676  
an intermediate care facility for the mentally retarded that is 86677  
certified as in compliance with applicable standards for the 86678  
medicaid program by the director of health in accordance with 86679  
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 86680  
U.S.C. 1396, as amended, and licensed as a residential facility 86681  
under section 5123.19 of the Revised Code. 86682

"Residential facility" has the same meaning as in section 86683  
5123.19 of the Revised Code. 86684

(B) For the purpose of increasing the number of slots 86685  
available for home and community-based services and subject to 86686  
sections 5111.877 and 5111.878 of the Revised Code, the operator 86687  
of an intermediate care facility for the mentally retarded may 86688  
convert some or all of the beds in the facility from providing 86689  
ICF/MR services to providing home and community-based services if 86690  
all of the following requirements are met: 86691

(1) The operator provides the directors of health, job and 86692  
family services, and developmental disabilities at least ninety 86693  
days' notice of the operator's intent to ~~relinquish the facility's~~ 86694  
~~certification as an intermediate care facility for the mentally~~ 86695  
~~retarded and to begin providing home and community based services~~ 86696  
make the conversion. 86697

(2) The operator complies with the requirements of sections 86698  
5111.65 to 5111.689 of the Revised Code regarding a voluntary 86699  
termination as defined in section 5111.65 of the Revised Code if 86700  
those requirements are applicable. 86701

(3) ~~The~~ If the operator intends to convert all of the 86702  
facility's beds, the operator notifies each of the facility's 86703  
residents that the facility is to cease providing ICF/MR services 86704  
and inform each resident that the resident may do either of the 86705  
following: 86706

(a) Continue to receive ICF/MR services by transferring to 86707  
another facility that is an intermediate care facility for the 86708  
mentally retarded willing and able to accept the resident if the 86709  
resident continues to qualify for ICF/MR services; 86710

(b) Begin to receive home and community-based services 86711  
instead of ICF/MR services from any provider of home and 86712  
community-based services that is willing and able to provide the 86713



services to the resident if the resident is eligible for the 86714  
services and a slot for the services is available to the resident. 86715

(4) If the operator intends to convert some but not all of 86716  
the facility's beds, the operator notifies each of the facility's 86717  
residents that the facility is to convert some of its beds from 86718  
providing ICF/MR services to providing home and community-based 86719  
services and inform each resident that the resident may do either 86720  
of the following: 86721

(a) Continue to receive ICF/MR services from any provider of 86722  
ICF/MR services that is willing and able to provide the services 86723  
to the resident if the resident continues to qualify for ICF/MR 86724  
services; 86725

(b) Begin to receive home and community-based services 86726  
instead of ICF/MR services from any provider of home and 86727  
community-based services that is willing and able to provide the 86728  
services to the resident if the resident is eligible for the 86729  
services and a slot for the services is available to the resident. 86730

(5) The operator meets the requirements for providing home 86731  
and community-based services, including the following: 86732

(a) Such requirements applicable to a residential facility if 86733  
the operator maintains the facility's license as a residential 86734  
facility; 86735

(b) Such requirements applicable to a facility that is not 86736  
licensed as a residential facility if the operator surrenders the 86737  
facility's residential facility license under section 5123.19 of 86738  
the Revised Code. 86739

~~(5)~~(6) The ~~director~~ directors of developmental disabilities 86740  
approves and job and family services approve the conversion. 86741

(C) A decision by the directors to approve or refuse to 86742  
approve a proposed conversion of beds is final. In making a 86743

decision, the directors shall consider all of the following: 86744

(1) The fiscal impact on the facility if some but not all of 86745  
the beds are converted; 86746

(2) The fiscal impact on the medical assistance program; 86747

(3) The availability of home and community-based services. 86748

(D) The notice provided to the directors under division 86749  
(B)(1) of this section shall specify whether some or all of the 86750  
facility's beds are to be converted. If some but not all of the 86751  
beds are to be converted, the notice shall specify how many of the 86752  
facility's beds are to be converted and how many of the beds are 86753  
to continue to provide ICF/MR services. The notice to the director 86754  
of developmental disabilities ~~under division (B)(1) of this~~ 86755  
~~section~~ shall specify whether the operator wishes to surrender the 86756  
facility's license as a residential facility under section 5123.19 86757  
of the Revised Code. 86758

~~(D)~~(E)(1) If the ~~director~~ directors of developmental 86759  
disabilities ~~approves~~ and job and family services approve a 86760  
conversion under division ~~(B)~~(C) of this section, the director of 86761  
health shall ~~terminate~~ do the following: 86762

(a) Terminate the certification of the intermediate care 86763  
facility for the mentally retarded if the notice specifies that 86764  
all of the facility's beds are to be converted; 86765

(b) Reduce the facility's certified capacity by the number of 86766  
beds being converted if the notice specifies that some but not all 86767  
of the beds are to be converted. ~~The~~ 86768

(2) The director of health shall notify the director of job 86769  
and family services of the termination or reduction. On receipt of 86770  
the director of health's notice, the director of job and family 86771  
services shall ~~terminate~~ do the following: 86772

(a) Terminate the operator's medicaid provider agreement that 86773

authorizes the operator to provide ICF/MR services at the facility 86774  
if the facility's certification was terminated; 86775

(b) Amend the operator's medicaid provider agreement to 86776  
reflect the facility's reduced certified capacity if the 86777  
facility's certified capacity is reduced. The 86778

(3) In the case of action taken under division (E)(2)(a) of 86779  
this section, the operator is not entitled to notice or a hearing 86780  
under Chapter 119. of the Revised Code before the director of job 86781  
and family services terminates the medicaid provider agreement. 86782

**Sec. 5111.877.** The director of job and family services may 86783  
seek approval from the United States secretary of health and human 86784  
services for not more than a total of ~~one~~ two hundred slots for 86785  
home and community-based services for the purposes of sections 86786  
5111.874, 5111.875, and 5111.876 of the Revised Code. 86787

**Sec. 5111.88.** (A) As used in sections 5111.88 to 5111.8811 of 86788  
the Revised Code: 86789

(1) "Adult" means an individual at least eighteen years of 86790  
age. 86791

(2) "Authorized representative" means the following: 86792

(a) In the case of a consumer who is a minor, the consumer's 86793  
parent, custodian, or guardian; 86794

(b) In the case of a consumer who is an adult, an individual 86795  
selected by the consumer pursuant to section 5111.8810 of the 86796  
Revised Code to act on the consumer's behalf for purposes 86797  
regarding home care attendant services. 86798

(3) "Authorizing health care professional" means a health 86799  
care professional who, pursuant to section 5111.887 of the Revised 86800  
Code, authorizes a home care attendant to assist a consumer with 86801  
self-administration of medication, nursing tasks, or both. 86802

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| (4) "Consumer" means an individual to whom all of the              | 86803 |
| following apply:                                                   | 86804 |
| (a) The individual is enrolled in a participating medicaid         | 86805 |
| waiver component.                                                  | 86806 |
| (b) The individual has a medically determinable physical           | 86807 |
| impairment to which both of the following apply:                   | 86808 |
| (i) It is expected to last for a continuous period of not          | 86809 |
| less than twelve months.                                           | 86810 |
| (ii) It causes the individual to require assistance with           | 86811 |
| activities of daily living, self-care, and mobility, including     | 86812 |
| either assistance with self-administration of medication or the    | 86813 |
| performance of nursing tasks, or both.                             | 86814 |
| (c) In the case of an individual who is an adult, the              | 86815 |
| individual is mentally alert and is, or has an authorized          | 86816 |
| representative who is, capable of selecting, directing the actions | 86817 |
| of, and dismissing a home care attendant.                          | 86818 |
| (d) In the case of an individual who is a minor, the               | 86819 |
| individual has an authorized representative who is capable of      | 86820 |
| selecting, directing the actions of, and dismissing a home care    | 86821 |
| attendant.                                                         | 86822 |
| (5) "Controlled substance" has the same meaning as in section      | 86823 |
| 3719.01 of the Revised Code.                                       | 86824 |
| (6) "Custodian" has the same meaning as in section 2151.011        | 86825 |
| of the Revised Code.                                               | 86826 |
| (7) "Gastrostomy tube" means a percutaneously inserted             | 86827 |
| catheter that terminates in the stomach.                           | 86828 |
| (8) "Guardian" has the same meaning as in section 2111.01 of       | 86829 |
| the Revised Code.                                                  | 86830 |
| (9) "Health care professional" means a physician or                | 86831 |
| registered nurse.                                                  | 86832 |

- (10) "Home care attendant" means an individual holding a valid medicaid provider agreement in accordance with section 5111.881 of the Revised Code that authorizes the individual to provide home care attendant services to consumers. 86833  
86834  
86835  
86836
- (11) "Home care attendant services" means all of the following as provided by a home care attendant: 86837  
86838
- (a) Personal care aide services; 86839
- (b) Assistance with the self-administration of medication; 86840
- (c) Assistance with nursing tasks. 86841
- (12) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum. 86842  
86843
- (13) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code. 86844  
86845
- (14) "Medication" means a drug as defined in section 4729.01 of the Revised Code. 86846  
86847
- (15) "Minor" means an individual under eighteen years of age. 86848
- (16) "Participating medicaid waiver component" means both of the following: 86849  
86850
- (a) ~~The medicaid waiver component known as Ohio home care that the department of job and family services administers~~ program created under section 5111.861 of the Revised Code; 86851  
86852  
86853
- (b) ~~The medicaid waiver component known as Ohio transitions II aging carve-out that the department of job and family services administers~~ program created under section 5111.862 of the Revised Code. 86854  
86855  
86856  
86857
- (17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 86858  
86859  
86860
- (18) "Practice of nursing as a registered nurse," "practice 86861

of nursing as a licensed practical nurse," and "registered nurse" 86862  
have the same meanings as in section 4723.01 of the Revised Code. 86863  
"Registered nurse" includes an advanced practice nurse, as defined 86864  
in section 4723.01 of the Revised Code. 86865

(19) "Schedule II," "schedule III," "schedule IV," and 86866  
"schedule V" have the same meanings as in section 3719.01 of the 86867  
Revised Code. 86868

(B) The director of job and family services may submit 86869  
requests to the United States secretary of health and human 86870  
services to amend the federal medicaid waivers authorizing the 86871  
participating medicaid waiver components to have those components 86872  
cover home care attendant services in accordance with sections 86873  
5111.88 to 5111.8810 and rules adopted under section 5111.8811 of 86874  
the Revised Code. Notwithstanding sections 5111.881 to 5111.8811 86875  
of the Revised Code, those sections shall be implemented regarding 86876  
a participating medicaid waiver component only if the secretary 86877  
approves a waiver amendment for the component. 86878

**Sec. 5111.89.** (A) As used in sections 5111.89 to 5111.894 of 86879  
the Revised Code: 86880

"Area agency on aging" has the same meaning as in section 86881  
173.14 of the Revised Code. 86882

"Assisted living program" means the program created under 86883  
this section. 86884

"Assisted living services" means the following home and 86885  
community-based services: personal care, homemaker, chore, 86886  
attendant care, companion, medication oversight, and therapeutic 86887  
social and recreational programming. 86888

"Assisted living waiver" means the federal medicaid waiver 86889  
granted by the United States secretary of health and human 86890  
services that authorizes the medicaid-funded component of the 86891

assisted living program. 86892

"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code. 86893  
86894

"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code. 86895  
86896  
86897

"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity. 86898  
86899  
86900  
86901  
86902

"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code. 86903  
86904

"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 86905  
86906

"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 86907  
86908

~~"State administrative agency" means the department of job and family services if the department of job and family services administers the assisted living program or the department of aging if the department of aging administers the assisted living program.~~ 86909  
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"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.863 of the Revised Code. 86914  
86915  
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(B) There is hereby created the assisted living program. The program shall provide assisted living services to individuals who meet the program's applicable eligibility requirements ~~established under section 5111.891 of the Revised Code. The Subject to~~ division (C) of this section, the program may not serve more 86917  
86918  
86919  
86920  
86921

~~individuals than the number that is set by the United States  
secretary of health and human services when the medicaid waiver  
authorizing the program is approved shall have a medicaid-funded  
component and a state-funded component.~~ 86922  
86923  
86924  
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(C)(1) Unless the medicaid-funded component of the assisted  
living program is terminated under division (C)(2) of this  
section, all of the following apply: 86926  
86927  
86928

(a) The department of aging shall administer the  
medicaid-funded component through a contract entered into with the  
department of job and family services under section 5111.91 of the  
Revised Code. 86929  
86930  
86931  
86932

(b) The contract shall include an estimate of the  
medicaid-funded component's costs. The program 86933  
86934

(c) The medicaid-funded component shall be operated as a  
separate medicaid waiver component until the United States  
secretary approves the consolidated federal medicaid waiver sought  
under section 5111.861 of the Revised Code. The program shall be  
part of the consolidated federal medicaid waiver sought under that  
section if the United States secretary approves the waiver. 86935  
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~~If the director of budget and management approves the  
contract, the department of job and family services shall enter  
into a contract with the department of aging under section 5111.91  
of the Revised Code that provides for the department of aging to  
administer the assisted living program. The contract shall include  
an estimate of the program's costs.~~ 86941  
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The (d) The medicaid-funded component may not serve more  
individuals than is set by the United States secretary of health  
and human services in the assisted living waiver. 86947  
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(e) The director of job and family services may adopt rules  
under section 5111.85 of the Revised Code regarding the assisted  
living program medicaid-funded component. The 86950  
86951  
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(f) The director of aging may adopt rules under Chapter 119. of the Revised Code regarding the ~~program~~ medicaid-funded component that the rules adopted by the director of job and family services under division (C)(1)(e) of this section authorize the director of aging to adopt.

(2) If the unified long-term services and support medicaid waiver component is created, the departments of aging and job and family services shall work together to determine whether the medicaid-funded component of the assisted living program should continue to operate as a separate medicaid waiver component or be terminated. If the departments determine that the medicaid-funded component of the assisted living program should be terminated, the medicaid-funded component shall cease to exist on a date the departments shall specify.

(D) The department of aging shall administer the state-funded component of the assisted living program. The state-funded component shall not be administered as part of the medicaid program.

An individual who is eligible for the state-funded component may participate in the component for not more than three months.

The director of aging shall adopt rules in accordance with section 111.15 of the Revised Code to implement the state-funded component.

**Sec. 5111.891.** To be eligible for the medicaid-funded component of the assisted living program, an individual must meet all of the following requirements:

(A) Need an intermediate level of care as determined under rule 5101:3-3-06 of the Administrative Code;

~~(B) At the time the individual applies for the assisted living program, be one of the following:~~

~~(1) A nursing facility resident who is seeking to move to a residential care facility and would remain in a nursing facility for long-term care if not for the assisted living program;~~ 86983  
86984  
86985

~~(2) A participant of any of the following medicaid waiver components who would move to a nursing facility if not for the assisted living program;~~ 86986  
86987  
86988

~~(a) The PASSPORT program created under section 173.40 of the Revised Code;~~ 86989  
86990

~~(b) The choices program created under section 173.403 of the Revised Code;~~ 86991  
86992

~~(c) A medicaid waiver component that the department of job and family services administers.~~ 86993  
86994

~~(3) A resident of a residential care facility who has resided in a residential care facility for at least six months immediately before the date the individual applies for the assisted living program.~~ 86995  
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~~(C) At the time the individual receives While receiving assisted living services under the assisted living program medicaid-funded component, reside in a residential care facility that is authorized by a valid medicaid provider agreement to participate in the assisted living program component, including both of the following:~~ 86999  
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87001  
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87004

(1) A residential care facility that is owned or operated by a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility; 87005  
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87007  
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87009

(2) A county or district home licensed as a residential care facility. 87010  
87011

~~(D)~~(C) Meet all other eligibility requirements for the 87012

assisted living program medicaid-funded component established in 87013  
rules adopted under pursuant to division (C) of section 5111.85 87014  
5111.89 of the Revised Code. 87015

Sec. 5111.892. To be eligible for the state-funded component 87016  
of the assisted living program, an individual must meet all of the 87017  
following requirements: 87018

(A) The individual must need an intermediate level of care as 87019  
determined under rule 5101:3-3-06 of the Administrative Code; 87020

(B) The individual must have an application for the 87021  
medicaid-funded component of the assisted living program (or, if 87022  
the medicaid-funded component is terminated under division (C)(2) 87023  
of section 5111.89 of the Revised Code, the unified long-term 87024  
services and support medicaid waiver component) pending and the 87025  
department or the department's designee must have determined that 87026  
the individual meets the nonfinancial eligibility requirements of 87027  
the medicaid-funded component (or, if the medicaid-funded 87028  
component is terminated under division (C)(2) of section 5111.89 87029  
of the Revised Code, the unified long-term services and support 87030  
medicaid waiver component) and not have reason to doubt that the 87031  
individual meets the financial eligibility requirements of the 87032  
medicaid-funded component (or, if the medicaid-funded component is 87033  
terminated under division (C)(2) of section 5111.89 of the Revised 87034  
Code, the unified long-term services and support medicaid waiver 87035  
component). 87036

(C) While receiving assisted living services under 87037  
state-funded component, the individual must reside in a 87038  
residential care facility that is authorized by a valid provider 87039  
agreement to participate in the component, including both of the 87040  
following: 87041

(1) A residential care facility that is owned or operated by 87042  
a metropolitan housing authority that has a contract with the 87043

United States department of housing and urban development to 87044  
receive an operating subsidy or rental assistance for the 87045  
residents of the facility; 87046

(2) A county or district home licensed as a residential care 87047  
facility. 87048

(D) The individual must meet all other eligibility 87049  
requirements for the state-funded component established in rules 87050  
adopted under division (D) of section 5111.89 of the Revised Code. 87051

**Sec. ~~5111.892~~ 5111.893.** A residential care facility providing 87052  
services covered by the assisted living program to an individual 87053  
enrolled in the program shall have staff on-site twenty-four hours 87054  
each day who are able to do all of the following: 87055  
87056

(A) Meet the scheduled and unpredicted needs of the 87057  
individuals enrolled in the assisted living program in a manner 87058  
that promotes the individuals' dignity and independence; 87059

(B) Provide supervision services for those individuals; 87060

(C) Help keep the individuals safe and secure. 87061

**Sec. 5111.894.** (A) ~~The state administrative agency~~ Subject to 87062  
division (C)(2) of section 5111.89 of the Revised Code, the 87063  
department of aging shall establish a home first component of the 87064  
assisted living program under which eligible individuals may be 87065  
enrolled in the medicaid-funded component of the assisted living 87066  
program in accordance with this section. An individual is eligible 87067  
for the assisted living program's home first component if ~~all~~ both 87068  
of the following apply: 87069

(1) The individual ~~is~~ has been determined to be eligible for 87070  
the medicaid-funded component of the assisted living program. 87071

(2) ~~The individual is on the unified waiting list established~~ 87072

~~under section 173.404 of the Revised Code.~~ 87073

(3) At least one of the following applies: 87074

(a) The individual has been admitted to a nursing facility. 87075

(b) A physician has determined and documented in writing that 87076  
the individual has a medical condition that, unless the individual 87077  
is enrolled in home and community-based services such as the 87078  
assisted living program, will require the individual to be 87079  
admitted to a nursing facility within thirty days of the 87080  
physician's determination. 87081

(c) The individual has been hospitalized and a physician has 87082  
determined and documented in writing that, unless the individual 87083  
is enrolled in home and community-based services such as the 87084  
assisted living program, the individual is to be transported 87085  
directly from the hospital to a nursing facility and admitted. 87086

(d) Both of the following apply: 87087

(i) The individual is the subject of a report made under 87088  
section 5101.61 of the Revised Code regarding abuse, neglect, or 87089  
exploitation or such a report referred to a county department of 87090  
job and family services under section 5126.31 of the Revised Code 87091  
or has made a request to a county department for protective 87092  
services as defined in section 5101.60 of the Revised Code. 87093

(ii) A county department of job and family services and an 87094  
area agency on aging have jointly documented in writing that, 87095  
unless the individual is enrolled in home and community-based 87096  
services such as the assisted living program, the individual 87097  
should be admitted to a nursing facility. 87098

(e) The individual resided in a residential care facility for 87099  
at least six months immediately before applying for the 87100  
medicaid-funded component of the assisted living program and is at 87101  
risk of imminent admission to a nursing facility because the costs 87102

of residing in the residential care facility have depleted the 87103  
individual's resources such that the individual is unable to 87104  
continue to afford the cost of residing in the residential care 87105  
facility. 87106

(B) Each month, each area agency on aging shall identify 87107  
individuals residing in the area that the area agency on aging 87108  
serves who are eligible for the home first component of the 87109  
assisted living program. When an area agency on aging identifies 87110  
such an individual and determines that there is a vacancy in a 87111  
residential care facility participating in the medicaid-funded 87112  
component of the assisted living program that is acceptable to the 87113  
individual, the agency shall notify the long-term care 87114  
consultation program administrator serving the area in which the 87115  
individual resides. The administrator shall determine whether the 87116  
assisted living program is appropriate for the individual and 87117  
whether the individual would rather participate in the assisted 87118  
living program than continue or begin to reside in a nursing 87119  
facility. If the administrator determines that the assisted living 87120  
program is appropriate for the individual and the individual would 87121  
rather participate in the assisted living program than continue or 87122  
begin to reside in a nursing facility, the administrator shall so 87123  
notify the ~~state administrative agency~~ department of aging. On 87124  
receipt of the notice from the administrator, the ~~state~~ 87125  
~~administrative agency~~ department shall approve the individual's 87126  
enrollment in the medicaid-funded component of the assisted living 87127  
program regardless of the unified waiting list established under 87128  
section 173.404 of the Revised Code, unless the enrollment would 87129  
cause the ~~assisted living program~~ component to exceed any limit on 87130  
the number of individuals who may participate in the ~~program~~ 87131  
component as set by the United States secretary of health and 87132  
human services ~~when the medicaid waiver authorizing in the program~~ 87133  
~~is approved~~ assisted living waiver. 87134

~~(C) Each quarter, the state administrative agency shall certify to the director of budget and management the estimated increase in costs of the assisted living program resulting from enrollment of individuals in the assisted living program pursuant to this section.~~

**Sec. 5111.911.** Any contract the department of job and family services enters into with the department of mental health or department of alcohol and drug addiction services under section 5111.91 of the Revised Code is subject to the approval of the director of budget and management and shall require or specify all of the following:

(A) In the case of a contract with the department of mental health, that section 5111.912 of the Revised Code be complied with;

(B) In the case of a contract with the department of alcohol and drug addiction services, that section 5111.913 of the Revised Code be complied with;

(C) How providers will be paid for providing the services;

(D) The department of mental health's or department of alcohol and drug addiction services' responsibilities ~~for~~ reimbursing with regard to providers, including program oversight and quality assurance.

**Sec. 5111.912.** If the department of job and family services enters into a contract with the department of mental health under section 5111.91 of the Revised Code, the department of ~~mental health and boards of alcohol, drug addiction, and mental health~~ job and family services shall pay the nonfederal share of any medicaid payment to a provider for services under the component, or aspect of the component, the department of mental health administers. If necessary, the director of job and family services

shall submit a state medicaid plan amendment to the United States 87165  
secretary of health and human services regarding the department of 87166  
job and family services' duty under this section. 87167

**Sec. 5111.913.** If the department of job and family services 87168  
enters into a contract with the department of alcohol and drug 87169  
addiction services under section 5111.91 of the Revised Code, ~~the~~ 87170  
~~department of alcohol and drug addiction services and~~ boards of 87171  
alcohol, drug addiction, and mental health services shall pay the 87172  
nonfederal share of any medicaid payment to a provider for 87173  
services under the component, or aspect of the component, the 87174  
department of alcohol and drug addiction services administers. A 87175  
board shall use funds allocated to the board under section 3793.04 87176  
of the Revised Code to pay the nonfederal share. 87177

**Sec. 5111.94.** (A) As used in this section, "vendor offset" 87178  
means a reduction of a medicaid payment to a medicaid provider to 87179  
correct a previous, incorrect medicaid payment to that provider. 87180

(B) There is hereby created in the state treasury the health 87181  
care services administration fund. Except as provided in division 87182  
(C) of this section, all the following shall be deposited into the 87183  
fund: 87184

(1) Amounts deposited into the fund pursuant to sections 87185  
5111.92 and 5111.93 of the Revised Code; 87186

(2) The amount of the state share of all money the department 87187  
of job and family services, in fiscal year 2003 and each fiscal 87188  
year thereafter, recovers pursuant to a tort action under the 87189  
department's right of recovery under section 5101.58 of the 87190  
Revised Code that exceeds the state share of all money the 87191  
department, in fiscal year 2002, recovers pursuant to a tort 87192  
action under that right of recovery; 87193



(3) Subject to division (D) of this section, the amount of 87194  
the state share of all money the department of job and family 87195  
services, in fiscal year 2003 and each fiscal year thereafter, 87196  
recovers through audits of medicaid providers that exceeds the 87197  
state share of all money the department, in fiscal year 2002, 87198  
recovers through such audits; 87199

(4) Amounts from assessments on hospitals under section 87200  
5112.06 of the Revised Code and intergovernmental transfers by 87201  
governmental hospitals under section 5112.07 of the Revised Code 87202  
that are deposited into the fund in accordance with the law; 87203

(5) Amounts that the department of education pays to the 87204  
department of job and family services, if any, pursuant to an 87205  
interagency agreement entered into under section 5111.713 of the 87206  
Revised Code; 87207

(6) The application fees charged to providers under section 87208  
5111.063 of the Revised Code. 87209

(C) No funds shall be deposited into the health care services 87210  
administration fund in violation of federal statutes or 87211  
regulations. 87212

(D) In determining under division (B)(3) of this section the 87213  
amount of money the department, in a fiscal year, recovers through 87214  
audits of medicaid providers, the amount recovered in the form of 87215  
vendor offset shall be excluded. 87216

(E) The director of job and family services shall use funds 87217  
available in the health care services administration fund to pay 87218  
for costs associated with the administration of the medicaid 87219  
program. 87220

**Sec. 5111.941.** ~~(A)~~ The medicaid revenue and collections fund 87221  
is hereby created in the state treasury. Except as otherwise 87222  
provided by statute or as authorized by the controlling board, 87223

~~both of the following shall be credited to the fund:~~ 87224

~~(1) The the nonfederal share of all medicaid-related revenues, collections, and recoveries:~~ 87225  
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~~(2) The monthly premiums charged under the children's buy-in program pursuant to section 5101.5213 of the Revised Code shall be credited to the fund.~~ 87227  
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~~(B) The department of job and family services shall use money credited to the medicaid revenue and collections fund to pay for medicaid services and contracts and the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code.~~ 87230  
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**Sec. 5111.944.** (A) As used in this section: 87235

"Dual eligible individual" has the same meaning as in section 1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010), 42 U.S.C. 1396n(h)(2)(B). 87236  
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"Dual eligible integrated care demonstration project" means the demonstration project authorized by section 5111.981 of the Revised Code. 87239  
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"Medicare program" means the program created under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 87242  
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(B) There is created in the state treasury the integrated care delivery systems fund. If the terms of the federal approval for the dual eligible integrated care demonstration project provide for the state to receive a portion of the amounts that the demonstration project saves the medicare program, such amounts shall be deposited into the fund. The department of job and family services shall use the money in the fund to further develop integrated delivery systems and improved care coordination for 87245  
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dual eligible individuals. 87253

Sec. 5111.945. There is created in the state treasury the 87254  
health care special activities fund. The department of job and 87255  
family services shall deposit all funds it receives pursuant to 87256  
the administration of the medicaid program into the fund, other 87257  
than any such funds that are required by law to be deposited into 87258  
another fund. The department shall use the money in the fund to 87259  
pay for expenses related to the services provided under, and the 87260  
administration of, the medicaid program. 87261

Sec. 5111.97. (A) As used in this section ~~and in section~~ 87262  
~~5111.971 of the Revised Code,~~ "nursing facility" has the same 87263  
meaning as in section 5111.20 of the Revised Code. 87264

(B) To the extent funds are available, the director of job 87265  
and family services may establish the Ohio access success project 87266  
to help medicaid recipients make the transition from residing in a 87267  
nursing facility to residing in a community setting. The ~~program~~ 87268  
project may be established as a separate ~~non-medicaid~~ nonmedicaid 87269  
program or integrated into a new or existing program of 87270  
medicaid-funded home and community-based services authorized by a 87271  
waiver approved by the United States department of health and 87272  
human services. The director shall permit any recipient of 87273  
medicaid-funded nursing facility services to apply for 87274  
participation in the ~~program~~ project, but may limit the number of 87275  
~~program~~ project participants. ~~If an application is received before~~ 87276  
~~the applicant has been a recipient of medicaid-funded nursing~~ 87277  
~~facility services for six months, the~~ 87278

The director shall ensure that an assessment of an applicant 87279  
is conducted as soon as practicable to determine whether the 87280  
applicant is eligible for participation in the ~~program~~ project. To 87281  
the maximum extent possible, the assessment and eligibility 87282

determination shall be completed not later than the date that 87283  
occurs six months after the applicant became a recipient of 87284  
medicaid-funded nursing facility services. 87285

(C) To be eligible for benefits under the project, a medicaid 87286  
recipient must satisfy all of the following requirements: 87287

(1) ~~Be~~ The medicaid recipient must be a recipient of 87288  
medicaid-funded nursing facility services, at the time of applying 87289  
for the project benefits. 87290

~~(2) Need the level of care provided by nursing facilities;~~ 87291

~~(3) For participation in a non-medicaid~~ If the project is 87292  
established as a nonmedicaid program, ~~receive services~~ the 87293  
medicaid recipient must be able to remain in the community ~~with a~~ 87294  
as a result of receiving project benefits and the projected cost 87295  
of the benefits to the project does not exceeding ~~exceed~~ eighty 87296  
per cent of the average monthly medicaid cost of a medicaid 87297  
recipient in a nursing facility. 87298

~~(4) For participation in a program established as part of.~~ 87299

(3) If the project is integrated into a medicaid-funded home 87300  
and community-based services waiver program, the medicaid 87301  
recipient must meet waiver enrollment criteria. 87302

(D) If the director establishes the Ohio access success 87303  
project, the benefits provided under the project may include 87304  
payment of all of the following: 87305

(1) The first month's rent in a community setting; 87306

(2) Rental deposits; 87307

(3) Utility deposits; 87308

(4) Moving expenses; 87309

(5) Other expenses not covered by the medicaid program that 87310  
facilitate a medicaid recipient's move from a nursing facility to 87311

a community setting. 87312

(E) If the project is established as a ~~non-medicaid~~ 87313  
nonmedicaid program, no participant may receive more than two 87314  
thousand dollars worth of benefits under the project. 87315

(F) The director may submit a request to the United States 87316  
secretary of health and human services pursuant to section 1915 of 87317  
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396n, 87318  
as amended, to create a medicaid home and community-based services 87319  
waiver program to serve individuals who meet the criteria for 87320  
participation in the Ohio access success project. The director may 87321  
adopt rules under Chapter 119. of the Revised Code for the 87322  
administration and operation of the ~~program~~ project. 87323

**Sec. 5111.981.** (A) As used in this section: 87324

"Dual eligible individual" has the same meaning as in section 87325  
1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010), 87326  
42 U.S.C. 1396n(h)(2)(B). 87327

"Medicare program" means the program created under Title 87328  
XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 87329  
1395, as amended. 87330

(B) Subject to division (C) of this section, the director of 87331  
job and family services may implement a demonstration project to 87332  
test and evaluate the integration of the care that dual eligible 87333  
individuals receive under the medicare and medicaid programs. No 87334  
provision of Title LI of the Revised Code applies to the 87335  
demonstration project if that provision implements or incorporates 87336  
a provision of federal law governing the medicaid program and that 87337  
provision of federal law does not apply to the demonstration 87338  
project. 87339

(C) Before implementing the demonstration project under 87340  
division (B) of this section, the director shall obtain the 87341

approval of the United States secretary of health and human 87342  
services in the form of a federal medicaid waiver, medicaid state 87343  
plan amendment, or demonstration grant. The director is required 87344  
to seek the federal approval only if the director seeks to 87345  
implement the demonstration project. The director shall implement 87346  
the demonstration project in accordance with the terms of the 87347  
federal approval, including the terms regarding the duration of 87348  
the demonstration project. 87349

**Sec. 5112.30.** As used in sections 5112.30 to 5112.39 of the 87350  
Revised Code: 87351

(A) "Franchise permit fee rate" means the following: 87352

(1) ~~Until August 1, 2009, eleven dollars and ninety eight~~ 87353  
~~cents;~~ 87354

~~(2) For the period beginning August 1, 2009, and ending June~~ 87355  
~~30, 2010, fourteen dollars and seventy five cents;~~ 87356

~~(3) For fiscal year 2011 2012, thirteen seventeen dollars and~~ 87357  
~~fifty-five ninety-nine cents;~~ 87358

~~(4)(2) For fiscal year 2012 2013 and each fiscal year~~ 87359  
~~thereafter, the rate used for the immediately preceding fiscal~~ 87360  
~~year as adjusted in accordance with the composite inflation factor~~ 87361  
~~established in rules adopted under section 5112.39 of the Revised~~ 87362  
~~Code eighteen dollars and thirty-two cents.~~ 87363

(B) "Indirect guarantee percentage" means the percentage 87364  
specified in section 1903(w)(4)(C)(ii) of the "Social Security 87365  
Act," 120 Stat. 2994 (2006), 42 U.S.C. 1396b(w)(4)(C)(ii), as 87366  
amended, that is to be used in determining whether a class of 87367  
providers is indirectly held harmless for any portion of the costs 87368  
of a broad-based health-care-related tax. If the indirect 87369  
guarantee percentage changes during a fiscal year, the indirect 87370  
guarantee percentage is the following: 87371

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change; 87372  
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(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage. 87374  
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(C) "Intermediate care facility for the mentally retarded" 87376  
has the same meaning as in section 5111.20 of the Revised Code, 87377  
except that, until August 1, 2009, it does not include any such 87378  
facility operated by the department of developmental disabilities. 87379

~~(C)~~(D) "Medicaid" has the same meaning as in section 5111.01 87380  
of the Revised Code. 87381

**Sec. 5112.31.** The department of job and family services shall 87382  
do all of the following: 87383

(A) Subject to ~~division~~ divisions (B) and (C) of this section 87384  
and for the purposes specified in sections 5112.37 and 5112.371 of 87385  
the Revised Code, assess for each fiscal year each intermediate 87386  
care facility for the mentally retarded a franchise permit fee 87387  
equal to the franchise permit fee rate multiplied by the product 87388  
of the following: 87389

(1) The number of beds certified under Title XIX of the 87390  
"Social Security Act" on the first day of May of the calendar year 87391  
in which the assessment is determined pursuant to division (A) of 87392  
section 5112.33 of the Revised Code; 87393

(2) ~~The following number of days:~~ 87394

~~(a) For fiscal year 2010, the following:~~ 87395

~~(i) For the part of fiscal year 2010 during which the franchise permit fee rate is eleven dollars and ninety eight cents, the number of days during fiscal year 2010 during which the franchise permit fee rate is that amount;~~ 87396  
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~~(ii) For the part of fiscal year 2010 during which the~~ 87400

~~franchise permit fee rate is fourteen dollars and seventy five 87401  
cents, the number of days during fiscal year 2010 during which the 87402  
franchise permit fee is that amount; 87403~~

~~(iii) For fiscal year 2011 and each fiscal year thereafter, 87404  
the number of days in the fiscal year. 87405~~

(B) If the total amount of the franchise permit fee assessed 87406  
under division (A) of this section for a fiscal year exceeds ~~five 87407  
and one half per cent~~ the indirect guarantee percentage of the 87408  
actual net patient revenue for all intermediate care facilities 87409  
for the mentally retarded for that fiscal year, do both of the 87410  
following: 87411

(1) Recalculate the assessments under division (A) of this 87412  
section using a per bed per day rate equal to ~~five and one half 87413  
per cent~~ the indirect guarantee percentage of actual net patient 87414  
revenue for all intermediate care facilities for the mentally 87415  
retarded for that fiscal year; 87416

(2) Refund the difference between the amount of the franchise 87417  
permit fee assessed for that fiscal year under division (A) of 87418  
this section and the amount recalculated under division (B)(1) of 87419  
this section as a credit against the assessments imposed under 87420  
division (A) of this section for the subsequent fiscal year. 87421

(C) If the United States secretary of health and human 87422  
services determines that the franchise permit fee established by 87423  
sections 5112.30 to 5112.39 of the Revised Code would be an 87424  
impermissible health care-related tax under section 1903(w) of the 87425  
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 87426  
necessary actions to cease implementation of those sections in 87427  
accordance with rules adopted under section 5112.39 of the Revised 87428  
Code. 87429

**Sec. 5112.37.** There is hereby created in the state treasury 87430



the home and community-based services for the mentally retarded 87431  
and developmentally disabled fund. ~~Eighty-four~~ Eighty-one and ~~two~~ 87432  
~~tenths~~ seventy-seven hundredths per cent of all installment 87433  
payments and penalties paid by an intermediate care facility for 87434  
the mentally retarded under sections 5112.33 and 5112.34 of the 87435  
Revised Code for state fiscal year ~~2010~~ 2012 shall be deposited 87436  
into the fund. ~~Seventy-nine~~ Eighty-two and ~~twelve hundredths~~ two 87437  
tenths per cent of all installment payments and penalties paid by 87438  
an intermediate care facility for the mentally retarded under 87439  
sections 5112.33 and 5112.34 of the Revised Code for state fiscal 87440  
year ~~2011~~ 2013 and thereafter shall be deposited into the fund. 87441  
The department of job and family services shall distribute the 87442  
money in the fund in accordance with rules adopted under section 87443  
5112.39 of the Revised Code. The departments of job and family 87444  
services and developmental disabilities shall use the money for 87445  
the medicaid program established under Chapter 5111. of the 87446  
Revised Code and home and community-based services to mentally 87447  
retarded and developmentally disabled persons. 87448

**Sec. 5112.371.** There is hereby created in the state treasury 87449  
the department of developmental disabilities operating and 87450  
services fund. ~~Fifteen and eight tenths per cent of all~~ All 87451  
installment payments and penalties paid by an intermediate care 87452  
facility for the mentally retarded under sections 5112.33 and 87453  
5112.34 of the Revised Code ~~for state fiscal year 2010~~ that are 87454  
not deposited into the home and community-based services for the 87455  
mentally retarded and developmentally disabled fund shall be 87456  
deposited into the department of developmental disabilities 87457  
operating and services fund. ~~Twenty and eighty eight hundredths~~ 87458  
~~per cent of all installment payments and penalties paid by an~~ 87459  
~~intermediate care facility for the mentally retarded under~~ 87460  
~~sections 5112.33 and 5112.34 of the Revised Code for state fiscal~~ 87461  
~~year 2011 and thereafter shall be deposited into the fund.~~ The 87462

money in the fund shall be used for the expenses of the programs 87463  
that the department of ~~mental retardation and~~ developmental 87464  
disabilities administers and the department's administrative 87465  
expenses. 87466

**Sec. 5112.39.** The director of job and family services shall 87467  
adopt rules in accordance with Chapter 119. of the Revised Code to 87468  
do all of the following: 87469

~~(A) Establish a composite inflation factor for the purpose of~~ 87470  
~~division (A)(4) of section 5112.30 of the Revised Code;~~ 87471

~~(B)~~ Prescribe the actions the department will take to cease 87472  
implementation of sections 5112.30 to 5112.39 of the Revised Code 87473  
if the United States secretary of health and human services 87474  
determines that the franchise permit fee imposed under section 87475  
5112.31 of the Revised Code is an impermissible health 87476  
care-related tax under section 1903(w) of the "Social Security 87477  
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396b(w), as amended; 87478

~~(C)~~(B) Establish the method of distributing the money in the 87479  
home and community-based services for the mentally retarded and 87480  
developmentally disabled fund created by section 5112.37 of the 87481  
Revised Code; 87482

~~(D)~~(C) Establish any other requirements or procedures the 87483  
director considers necessary to implement sections 5112.30 to 87484  
5112.39 of the Revised Code. 87485

**Sec. 5112.40.** As used in sections 5112.40 to 5112.48 of the 87486  
Revised Code: 87487

(A) "Applicable assessment percentage" means the percentage 87488  
specified in rules adopted under section 5112.46 of the Revised 87489  
Code that is used in calculating a hospital's assessment under 87490  
section 5112.41 of the Revised Code. 87491

(B) "Assessment program year" means the twelve-month period beginning the first day of October of a calendar year and ending the last day of September of the following calendar year.

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~~(B)~~(C) "Cost reporting period" means the period of time used by a hospital in reporting costs for purposes of the medicare program.

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~~(C)~~(D) "Federal fiscal year" means the twelve-month period beginning the first day of October of a calendar year and ending the last day of September of the following calendar year.

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~~(D)~~(E)(1) Except as provided in division ~~(D)~~(E)(2) of this section, "hospital" means a hospital to which any of the following applies:

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(a) The hospital is registered under section 3701.07 of the Revised Code as a general medical and surgical hospital or a pediatric general hospital and provides inpatient hospital services, as defined in 42 C.F.R. 440.10.

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(b) The hospital is recognized under the medicare program as a cancer hospital and is exempt from the medicare prospective payment system.

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(c) The hospital is a psychiatric hospital licensed under section 5119.20 of the Revised Code.

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(2) "Hospital" does not include either of the following:

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(a) A federal hospital;

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(b) A hospital that does not charge any of its patients for its services.

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~~(E)~~(F) "Hospital care assurance program" means the program established under sections 5112.01 to 5112.21 of the Revised Code.

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~~(F)~~(G) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

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~~(G)~~(H) "Medicare" means the program established under Title 87521  
XVIII of the Social Security Act. 87522

~~(H)~~(I) "State fiscal year" means the twelve-month period 87523  
beginning the first day of July of a calendar year and ending the 87524  
last day of June of the following calendar year. 87525

~~(I)~~(J)(1) Except as provided in divisions ~~(I)~~(J)(2) and (3) 87526  
of this section, "total facility costs" means the total costs to a 87527  
hospital for all care provided to all patients, including the 87528  
direct, indirect, and overhead costs to the hospital of all 87529  
services, supplies, equipment, and capital related to the care of 87530  
patients, regardless of whether patients are enrolled in a health 87531  
insuring corporation. 87532

(2) "Total facility costs" excludes all of the following of a 87533  
hospital's costs as shown on the cost-reporting data used for 87534  
purposes of determining the hospital's assessment under section 87535  
5112.41 of the Revised Code: 87536

(a) Skilled nursing services provided in distinct-part 87537  
nursing facility units; 87538

(b) Home health services; 87539

(c) Hospice services; 87540

(d) Ambulance services; 87541

(e) Renting durable medical equipment; 87542

(f) Selling durable medical equipment. 87543

(3) "Total facility costs" excludes any costs excluded from a 87544  
hospital's total facility costs pursuant to rules, if any, adopted 87545  
under division ~~(B)~~(1) of section 5112.46 of the Revised Code. 87546

**Sec. 5112.41.** (A) For the purposes specified in section 87547  
5112.45 of the Revised Code and subject to section 5112.48 of the 87548  
Revised Code, there is hereby imposed an assessment on all 87549

hospitals each assessment program year. The amount of a hospital's 87550  
assessment for an assessment program year shall equal, ~~except as~~ 87551  
~~provided in division (D) of this section,~~ the applicable 87552  
assessment percentage specified in division (B) of this section of 87553  
the hospital's total facility costs for the period of time 87554  
specified in division ~~(C)~~(B) of this section. The amount of a 87555  
hospital's total facility costs shall be derived from 87556  
cost-reporting data for the hospital submitted to the department 87557  
of job and family services for purposes of the hospital care 87558  
assurance program. If a hospital has not submitted that 87559  
cost-reporting data to the department, the amount of a hospital's 87560  
total facility costs shall be derived from other financial 87561  
statements that the hospital shall provide to the department as 87562  
directed by the department. The cost-reporting data or financial 87563  
statements used to determine a hospital's assessment is subject to 87564  
the same type of adjustments made to the cost-reporting data under 87565  
the hospital care assurance program. 87566

(B) ~~The percentage specified in this division is the~~ 87567  
~~following:~~ 87568

~~(1) For the first assessment program year beginning after the~~ 87569  
~~effective date of this section, one and fifty two hundredths per~~ 87570  
~~cent:~~ 87571

~~(2) Subject to division (D) of this section, for the second~~ 87572  
~~assessment program year after the effective date of this section~~ 87573  
~~and each successive assessment program year, one and sixty one~~ 87574  
~~hundredths per cent.~~ 87575

~~(C)~~ The period of time specified in this division is the 87576  
hospital's cost reporting period that ends in the state fiscal 87577  
year that ends in the federal fiscal year that precedes the 87578  
federal fiscal year that precedes the assessment program year for 87579  
which the assessment is imposed. 87580

~~(D) The department of job and family services shall apply to the United States secretary of health and human services for a waiver under 42 U.S.C. 1396b(w)(3)(E) to establish, for the second assessment program year after the effective date of this section and each successive assessment program year, a tiered assessment on hospitals' total facility costs instead of applying the percentage specified in division (B)(2) of this section. If the United States secretary denies the waiver, the department shall apply the percentage specified in division (B)(2) of this section for the second assessment program year after the effective date of this section and each successive assessment program year.~~

~~(E)~~(C) The assessment imposed by this section on a hospital is in addition to the assessment imposed by section 5112.06 of the Revised Code.

**Sec. 5112.46.** (A) The director of job and family services ~~may~~ shall adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code as necessary to implement sections 5112.40 to 5112.48 of the Revised Code, including rules that specify the percentage of hospitals' total facility costs to be used in calculating hospitals' assessments under section 5112.41 of the Revised Code.

(B) The rules adopted under this section may ~~provide~~ do the following:

(1) Provide that a hospital's total facility costs for the purpose of the assessment under section 5112.41 of the Revised Code exclude any of the following:

~~(1)~~(a) A hospital's costs associated with providing care to recipients of any of the following:

~~(a)~~(i) The medicaid program;

~~(b)~~(ii) The medicare program;

~~(e)(iii)~~ The disability financial assistance program 87611  
established under Chapter 5115. of the Revised Code; 87612

~~(d)(iv)~~ The program for medically handicapped children 87613  
established under section 3701.023 of the Revised Code; 87614

~~(e)(v)~~ Services provided under the maternal and child health 87615  
services block grant established under Title V of the Social 87616  
Security Act. 87617

~~(2)(b)~~ Any other category of hospital costs the director 87618  
deems appropriate under federal law and regulations governing the 87619  
medicaid program. 87620

(2) Subject to division (C) of this section, provide for the 87621  
percentage of hospitals' total facility costs used in calculating 87622  
hospitals' assessments to vary for different hospitals; 87623

(3) To reduce hospitals' cash flow difficulties, establish a 87624  
schedule for hospitals to pay their assessments that is different 87625  
from the schedule established under section 5112.43 of the Revised 87626  
Code. 87627

(C) Before adopting rules authorized by division (B)(2) of 87628  
this section that establish varied percentages to be used in 87629  
calculating hospitals' assessments, the director shall obtain a 87630  
waiver from the United States secretary of health and human 87631  
services under section 1903(w)(3)(E) of the "Social Security Act," 87632  
105 Stat. 1796 (1991), 42 U.S.C. 1396b(w)(3)(E), as amended, if 87633  
the varied percentages would cause the assessments to not be 87634  
imposed uniformly. 87635

**Sec. 5112.99.** (A) The director of job and family services 87636  
shall impose a penalty for each day that a hospital fails to 87637  
report the information required under section 5112.04 of the 87638  
Revised Code on or before the dates specified in that section. The 87639  
amount of the penalty shall be established by the director in 87640

rules adopted under section 5112.03 of the Revised Code. 87641

(B) In addition to any other remedy available to the 87642  
department of job and family services under law to collect unpaid 87643  
assessments and transfers under sections 5112.01 to 5112.21 of the 87644  
Revised Code, the director shall impose a penalty of ten per cent 87645  
of the amount due on any hospital that fails to pay assessments or 87646  
make intergovernmental transfers by the dates required by rules 87647  
adopted under section 5112.03 of the Revised Code. 87648

(C) In addition to any other remedy available to the 87649  
department of job and family services under law to collect unpaid 87650  
assessments imposed under section 5112.41 of the Revised Code, the 87651  
director shall impose a penalty of ten per cent of the amount due 87652  
on any hospital that fails to pay the assessment by the date it is 87653  
due. 87654

(D) The director shall waive the penalties provided for in 87655  
~~divisions (A) and (B)~~ of this section for good cause shown by the 87656  
hospital. 87657

~~(D)~~(E) All penalties imposed under this section shall be 87658  
deposited into the health care administration fund created by 87659  
section 5111.94 of the Revised Code. 87660

**Sec. 5112.991.** The department of job and family services may 87661  
offset the amount of a hospital's unpaid penalty imposed under 87662  
section 5112.99 of the Revised Code from one or more payments due 87663  
the hospital under the medicaid program. The total amount that may 87664  
be offset from one or more payments shall not exceed the amount of 87665  
the unpaid penalty. 87666

**Sec. 5119.01.** The director of mental health is the chief 87667  
executive and administrative officer of the department of mental 87668  
health. The director may establish procedures for the governance 87669  
of the department, conduct of its employees and officers, 87670



performance of its business, and custody, use, and preservation of departmental records, papers, books, documents, and property. Whenever the Revised Code imposes a duty upon or requires an action of the department or any of its institutions, the director shall perform the action or duty in the name of the department, except that the medical director appointed pursuant to section 5119.07 of the Revised Code shall be responsible for decisions relating to medical diagnosis, treatment, rehabilitation, quality assurance, and the clinical aspects of the following: licensure of hospitals and residential facilities, research, community mental health plans, and delivery of mental health services.

The director shall:

(A) Adopt rules for the proper execution of the powers and duties of the department with respect to the institutions under its control, and require the performance of additional duties by the officers of the institutions as necessary to fully meet the requirements, intents, and purposes of this chapter. In case of an apparent conflict between the powers conferred upon any managing officer and those conferred by such sections upon the department, the presumption shall be conclusive in favor of the department.

(B) Adopt rules for the nonpartisan management of the institutions under the department's control. An officer or employee of the department or any officer or employee of any institution under its control who, by solicitation or otherwise, exerts influence directly or indirectly to induce any other officer or employee of the department or any of its institutions to adopt the exerting officer's or employee's political views or to favor any particular person, issue, or candidate for office shall be removed from the exerting officer's or employee's office or position, by the department in case of an officer or employee, and by the governor in case of the director.

(C) Appoint such employees, including the medical director,

as are necessary for the efficient conduct of the department, and 87703  
prescribe their titles and duties; 87704

(D) Prescribe the forms of affidavits, applications, medical 87705  
certificates, orders of hospitalization and release, and all other 87706  
forms, reports, and records that are required in the 87707  
hospitalization or admission and release of all persons to the 87708  
institutions under the control of the department, or are otherwise 87709  
required under this chapter or Chapter 5122. of the Revised Code; 87710

(E) Contract with hospitals licensed by the department under 87711  
section 5119.20 of the Revised Code for the care and treatment of 87712  
mentally ill patients, or with persons, organizations, or agencies 87713  
for the custody, evaluation, supervision, care, or treatment of 87714  
mentally ill persons receiving services elsewhere than within the 87715  
enclosure of a hospital operated under section 5119.02 of the 87716  
Revised Code; 87717

(F) Exercise the powers and perform the duties relating to 87718  
community mental health facilities and services that are assigned 87719  
to the director under this chapter and Chapter 340. of the Revised 87720  
Code; 87721

(G) Develop and implement clinical evaluation and monitoring 87722  
of services that are operated by the department; 87723

(H) ~~At the director's discretion, adopt rules establishing 87724  
standards for the adequacy of services provided by community 87725  
mental health facilities, and certify the compliance of such 87726  
facilities with the standards for the purpose of authorizing their 87727  
participation in the health care plans of health insuring 87728  
corporations under Chapter 1751. and sickness and accident 87729  
insurance policies issued under Chapter 3923. of the Revised Code. 87730  
The director shall cease to certify such compliance two years 87731  
after June 6, 2001. The director shall rescind the rules after the 87732  
date the director ceases to certify such compliance. 87733~~

~~(I)~~ Adopt rules establishing standards for the performance of evaluations by a forensic center or other psychiatric program or facility of the mental condition of defendants ordered by the court under section 2919.271, or 2945.371 of the Revised Code, and for the treatment of defendants who have been found incompetent to stand trial and ordered by the court under section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised Code to receive treatment in facilities;

~~(J)~~(I) On behalf of the department, have the authority and responsibility for entering into contracts and other agreements;

~~(K)~~(J) Prepare and publish regularly a state mental health plan that describes the department's philosophy, current activities, and long-term and short-term goals and activities;

~~(L)~~(K) Adopt rules in accordance with Chapter 119. of the Revised Code specifying the supplemental services that may be provided through a trust authorized by section 5815.28 of the Revised Code;

~~(M)~~(L) Adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for the maintenance and distribution to a beneficiary of assets of a trust authorized by section 5815.28 of the Revised Code.

Sec. 5119.012. The department of mental health has all the authority necessary to carry out its powers and duties under this chapter and Chapters 340., 2919., 2945., and 5122. of the Revised Code.

Sec. 5119.013. Pursuant to the director of mental health's authority under division (J) of section 5119.01 of the Revised Code, the director may contract with agencies, institutions, and other entities both public and private, as necessary for the department of mental health to carry out its duties under this

chapter and Chapters 340., 2919., 2945., and 5122. of the Revised 87764  
Code. Chapter 125. of the Revised Code does not apply to contracts 87765  
the director enters into under this section. 87766

**Sec. 5119.02.** (A) The department of mental health shall 87767  
maintain, operate, manage, and govern state institutions for the 87768  
care and treatment of mentally ill persons. 87769

(B) The department of mental health may designate all 87770  
institutions under its jurisdiction by appropriate respective 87771  
names, regardless of present statutory designation. 87772

(C) Subject to section 5139.08 and pursuant to Chapter 5122. 87773  
of the Revised Code and on the agreement of the departments of 87774  
mental health and youth services, the department of mental health 87775  
may receive from the department of youth services for psychiatric 87776  
observation, diagnosis, or treatment any person eighteen years of 87777  
age or older in the custody of the department of youth services. 87778  
The departments shall enter into a written agreement specifying 87779  
the procedures necessary to implement this division. 87780

(D) The department of mental health shall ~~provide and~~ 87781  
designate hospitals, facilities, and community mental health 87782  
agencies for the custody, care, and special treatment of, and 87783  
authorize payment for such custody, care, and special treatment 87784  
provided to, persons who are charged with a crime and who are 87785  
found incompetent to stand trial or not guilty by reason of 87786  
insanity. 87787

(E) The department of mental health may do all of the 87788  
following: 87789

(1) Require reports from the managing officer of any 87790  
institution under the department's jurisdiction, relating to the 87791  
admission, examination, comprehensive evaluation, diagnosis, 87792  
release, or discharge of any patient; 87793

(2) Visit each institution regularly to review its operations 87794  
and to investigate complaints made by any patient or by any person 87795  
on behalf of a patient, provided these duties may be performed by 87796  
a person designated by the director. 87797

(F) The department of mental health shall divide the state 87798  
into districts for the purpose of designating the institution in 87799  
which mentally ill persons are hospitalized, and may change the 87800  
districts. 87801

(G) In addition to the powers expressly conferred, the 87802  
department of mental health shall have all powers and authority 87803  
necessary for the full and efficient exercise of the executive, 87804  
administrative, and fiscal supervision over the state institutions 87805  
described in this section. 87806

(H) The department of mental health may provide for the 87807  
custody, supervision, control, treatment, and training of mentally 87808  
ill persons hospitalized elsewhere than within the enclosure of a 87809  
hospital, if the department so determines with respect to any 87810  
individual or group of individuals. In all such cases, the 87811  
department shall ensure adequate and proper supervision for the 87812  
protection of such persons and of the public. 87813

**Sec. 5119.06.** ~~(A)~~ The department of mental health shall: 87814

~~(1) Establish and~~ (A) To the extent the department has 87815  
available resources and in consultation with boards of alcohol, 87816  
drug addiction, and mental health services, support a ~~program at~~ 87817  
~~the state level to promote a~~ community support system in 87818  
accordance with section 340.03 of the Revised Code ~~to be available~~ 87819  
~~for every alcohol, drug addiction, and mental health service~~ 87820  
district on a district or multi-district basis. The department 87821  
shall define the essential elements of a community support system, 87822  
shall assist in identifying resources, ~~and coordinating the~~ 87823  
~~planning, evaluation, and delivery of services to facilitate the~~ 87824

~~access of mentally ill people to public services at federal, 87825  
state, and local levels, and shall operate may prioritize support 87826  
for one or more of the elements. 87827~~

~~(B) Operate inpatient and other mental health services 87828  
pursuant to the approved community mental health plan. 87829~~

~~(2); 87830~~

~~(C) Provide training, consultation, and technical assistance 87831  
regarding mental health programs and services and appropriate 87832  
prevention and mental health promotion activities, including those 87833  
that are culturally sensitive, to employees of the department, 87834  
community mental health agencies and boards, and other agencies 87835  
providing mental health services; 87836~~

~~(3) Promote (D) To the extent the department has available 87837  
resources, promote and support a full range of mental health 87838  
services that are available and accessible to all residents of 87839  
this state, especially for severely mentally disabled children, 87840  
adolescents, and adults, and other special target populations, 87841  
including racial and ethnic minorities, as determined by the 87842  
department. ~~i~~ 87843~~

~~(4)(E) Design and set criteria for the determination of 87844  
severe mental disability; 87845~~

~~(5)(F) Establish standards for evaluation of mental health 87846  
programs; 87847~~

~~(6)(G) Promote, direct, conduct, and coordinate scientific 87848  
research, taking ethnic and racial differences into consideration, 87849  
concerning the causes and prevention of mental illness, methods of 87850  
providing effective services and treatment, and means of enhancing 87851  
the mental health of all residents of this state; 87852~~

~~(7)(H) Foster the establishment and availability of 87853  
vocational rehabilitation services and the creation of employment 87854~~

opportunities for consumers of mental health services, including 87855  
members of racial and ethnic minorities; 87856

~~(8)~~(I) Establish a program to protect and promote the rights 87857  
of persons receiving mental health services, including the 87858  
issuance of guidelines on informed consent and other rights; 87859

~~(9)~~(J) Establish, in consultation with board of alcohol, drug 87860  
addiction, and mental health services representatives and after 87861  
consideration of the recommendations of the medical director, 87862  
guidelines for the development of community mental health plans 87863  
and the review and approval or disapproval of such plans submitted 87864  
pursuant to section 340.03 of the Revised Code; 87865

~~(10)~~(K) Promote the involvement of persons who are receiving 87866  
or have received mental health services, including families and 87867  
other persons having a close relationship to a person receiving 87868  
mental health services, in the planning, evaluation, delivery, and 87869  
operation of mental health services; 87870

~~(11)~~(L) Notify and consult with the relevant constituencies 87871  
that may be affected by rules, standards, and guidelines issued by 87872  
the department of mental health. These constituencies shall 87873  
include consumers of mental health services and their families, 87874  
and may include public and private providers, employee 87875  
organizations, and others when appropriate. Whenever the 87876  
department proposes the adoption, amendment, or rescission of 87877  
rules under Chapter 119. of the Revised Code, the notification and 87878  
consultation required by this division shall occur prior to the 87879  
commencement of proceedings under Chapter 119. The department 87880  
shall adopt rules under Chapter 119. of the Revised Code that 87881  
establish procedures for the notification and consultation 87882  
required by this division. 87883

~~(12)~~(M) In cooperation with board of alcohol, drug addiction, 87884  
and mental health services representatives, provide training 87885

regarding the provision of community-based mental health services 87886  
to those department employees who are utilized in state-operated, 87887  
community-based mental health services; 87888

~~(13)(N)~~ Provide consultation to the department of 87889  
rehabilitation and correction concerning the delivery of mental 87890  
health services in state correctional institutions. 87891

~~(B) The department of mental health may negotiate and enter 87892  
into agreements with other agencies and institutions, both public 87893  
and private, for the joint performance of its duties. 87894~~

**Sec. 5119.16.** As used in this section, "free clinic" has the 87895  
same meaning as in section 2305.2341 of the Revised Code. 87896

(A) The department of mental health may provide certain goods 87897  
and services for the department of mental health, the department 87898  
of developmental disabilities, the department of rehabilitation 87899  
and correction, the department of youth services, and other state, 87900  
county, or municipal agencies requesting such goods and services 87901  
when the department of mental health determines that it is in the 87902  
public interest, and considers it advisable, to provide these 87903  
goods and services. The department of mental health also may 87904  
provide goods and services to agencies operated by the United 87905  
States government and to public or private nonprofit agencies, 87906  
other than free clinics, that are funded in whole or in part by 87907  
the state if the public or private nonprofit agencies are 87908  
designated for participation in this program by the director of 87909  
mental health for community mental health agencies, the director 87910  
of developmental disabilities for community mental retardation and 87911  
developmental disabilities agencies, the director of 87912  
rehabilitation and correction for community rehabilitation and 87913  
correction agencies, or the director of youth services for 87914  
community youth services agencies. 87915

Designated community agencies shall receive goods and 87916



services through the department of mental health only in those 87917  
cases where the designating state agency certifies that providing 87918  
such goods and services to the agency will conserve public 87919  
resources to the benefit of the public and where the provision of 87920  
such goods and services is considered feasible by the department 87921  
of mental health. 87922

(B) The department of mental health may permit free clinics 87923  
to purchase certain goods and services to the extent the purchases 87924  
fall within the exemption to the Robinson-Patman Act, 15 U.S.C. 13 87925  
et seq., applicable to nonprofit institutions, in 15 U.S.C. 13c, 87926  
as amended. 87927

(C) The goods and services that may be provided by the 87928  
department of mental health under divisions (A) and (B) of this 87929  
section may include: 87930

(1) Procurement, storage, processing, and distribution of 87931  
food and professional consultation on food operations; 87932

(2) Procurement, storage, and distribution of medical and 87933  
laboratory supplies, dental supplies, medical records, forms, 87934  
optical supplies, and sundries, subject to section 5120.135 of the 87935  
Revised Code; 87936

(3) Procurement, storage, repackaging, distribution, and 87937  
dispensing of drugs, the provision of professional pharmacy 87938  
consultation, and drug information services; 87939

(4) Other goods and services. 87940

(D) The department of mental health may provide the goods and 87941  
services designated in division (C) of this section to its 87942  
institutions and to state-operated community-based mental health 87943  
services. 87944

(E) After consultation with and advice from the director of 87945  
developmental disabilities, the director of rehabilitation and 87946

correction, and the director of youth services, the department of 87947  
mental health may provide the goods and services designated in 87948  
division (C) of this section to the department of developmental 87949  
disabilities, the department of rehabilitation and correction, and 87950  
the department of youth services. 87951

(F) The cost of administration of this section shall be 87952  
determined by the department of mental health and paid by the 87953  
agencies or free clinics receiving the goods and services to the 87954  
department for deposit in the state treasury to the credit of the 87955  
mental health fund, which is hereby created. The fund shall be 87956  
used to pay the cost of administration of this section to the 87957  
department. 87958

(G) Whenever a state agency fails to make a payment for goods 87959  
and services provided under this section within thirty-one days 87960  
after the date the payment was due, the office of budget and 87961  
management may transfer moneys from the state agency to the 87962  
department of mental health. The amount transferred shall not 87963  
exceed the amount of overdue payments. Prior to making a transfer 87964  
under this division, the office of budget and management shall 87965  
apply any credits the state agency has accumulated in payments for 87966  
goods and services provided under this section. 87967

(H) ~~Purchases~~ Except as specified in section 125.024 of the 87968  
Revised Code, purchases of goods and services under this section 87969  
are not subject to section 307.86 of the Revised Code. 87970

**Sec. 5119.18.** There is hereby created in the state treasury 87971  
the department of mental health trust fund. Not later than the 87972  
first day of September of each year, the director of mental health 87973  
shall certify to the director of budget and management the amount 87974  
of all of the unexpended, unencumbered balances of general revenue 87975  
fund appropriations made to the department of mental health for 87976  
the previous fiscal year, excluding funds appropriated for rental 87977

payments to the Ohio public facilities commission. On receipt of 87978  
the certification, the director of budget and management shall 87979  
transfer cash to the trust fund in an amount up to, but not 87980  
exceeding, the total of the amounts certified by the director of 87981  
mental health. 87982

In addition, the trust fund shall receive all amounts, 87983  
subject to any provisions in bond documents, received from the 87984  
sale or lease of lands and facilities by the department. 87985

All moneys in the trust fund shall be used by the department 87986  
of mental health ~~for mental health purposes specified in division~~ 87987  
~~(A) of section 5119.06 of the Revised Code to pay for expenditures~~ 87988  
the department incurs in performing any of its duties under this 87989  
chapter. The use of moneys in the trust fund pursuant to this 87990  
section does not represent an ongoing commitment to the 87991  
continuation of the trust fund or to the use of moneys in the 87992  
trust fund. 87993

**Sec. 5119.22.** (A)(1) As used in this section and sections 87994  
5119.221 and 5119.222 of the Revised Code: 87995

(a) "Community mental health agency" means a community mental 87996  
health agency as defined in division (H) of section 5122.01 of the 87997  
Revised Code, ~~or, until two years after the effective date of this~~ 87998  
~~amendment, a community mental health facility certified by the~~ 87999  
~~department of mental health pursuant to division (H) of section~~ 88000  
~~5119.01 of the Revised Code.~~ 88001

(b) "Community mental health services" means any of the 88002  
services listed in section 340.09 of the Revised Code. 88003

(c) "Personal care services" means services including, but 88004  
not limited to, the following: 88005

(i) Assisting residents with activities of daily living; 88006

(ii) Assisting residents with self-administration of 88007

medication in accordance with rules adopted under this section; 88008

(iii) Preparing special diets, other than complex therapeutic 88009  
diets, for residents pursuant to the instructions of a physician 88010  
or a licensed dietitian, in accordance with rules adopted under 88011  
this section. 88012

"Personal care services" does not include "skilled nursing 88013  
care" as defined in section 3721.01 of the Revised Code. A 88014  
facility need not provide more than one of the services listed in 88015  
division (A)(1)(c) of this section to be considered to be 88016  
providing personal care services. 88017

(d) "Residential facility" means a publicly or privately 88018  
operated home or facility that provides one of the following: 88019

(i) Room and board, personal care services, and community 88020  
mental health services to one or more persons with mental illness 88021  
or persons with severe mental disabilities who are referred by or 88022  
are receiving community mental health services from a community 88023  
mental health agency, hospital, or practitioner; 88024

(ii) Room and board and personal care services to one or two 88025  
persons with mental illness or persons with severe mental 88026  
disabilities who are referred by or are receiving community mental 88027  
health services from a community mental health agency, hospital, 88028  
or practitioner; 88029

(iii) Room and board to five or more persons with mental 88030  
illness or persons with severe mental disabilities who are 88031  
referred by or are receiving community mental health services from 88032  
a community mental health agency, hospital, or practitioner. 88033

The following are not residential facilities: the residence 88034  
of a relative or guardian of a mentally ill individual, a hospital 88035  
subject to licensure under section 5119.20 of the Revised Code, a 88036  
residential facility as defined in section 5123.19 of the Revised 88037  
Code, a facility providing care for a child in the custody of a 88038

public children services agency or a private agency certified 88039  
under section 5103.03 of the Revised Code, a foster care facility 88040  
subject to section 5103.03 of the Revised Code, an adult care 88041  
facility subject to licensure under ~~Chapter 3722.~~ sections 5119.70 88042  
to 5119.88 of the Revised Code, and a nursing home, residential 88043  
care facility, or home for the aging subject to licensure under 88044  
section 3721.02 of the Revised Code. 88045

(2) Nothing in division (A)(1)(d) of this section shall be 88046  
construed to permit personal care services to be imposed on a 88047  
resident who is capable of performing the activity in question 88048  
without assistance. 88049

(3) Except in the case of a residential facility described in 88050  
division (A)(1)(d)(i) of this section, members of the staff of a 88051  
residential facility shall not administer medication to residents, 88052  
all medication taken by residents of a residential facility shall 88053  
be self-administered, and no person shall be admitted to or 88054  
retained by a residential facility unless the person is capable of 88055  
taking the person's own medication and biologicals, as determined 88056  
in writing by the person's personal physician. Members of the 88057  
staff of a residential facility may do any of the following: 88058

(a) Remind a resident when to take medication and watch to 88059  
ensure that the resident follows the directions on the container; 88060

(b) Assist a resident in the self-administration of 88061  
medication by taking the medication from the locked area where it 88062  
is stored, in accordance with rules adopted pursuant to this 88063  
section, and handing it to the resident. If the resident is 88064  
physically unable to open the container, a staff member may open 88065  
the container for the resident. 88066

(c) Assist a physically impaired but mentally alert resident, 88067  
such as a resident with arthritis, cerebral palsy, or Parkinson's 88068  
disease, in removing oral or topical medication from containers 88069

and in consuming or applying the medication, upon request by or 88070  
with the consent of the resident. If a resident is physically 88071  
unable to place a dose of medicine to the resident's mouth without 88072  
spilling it, a staff member may place the dose in a container and 88073  
place the container to the mouth of the resident. 88074

(B) Every person operating or desiring to operate a 88075  
residential facility shall apply for licensure of the facility to 88076  
the department of mental health and shall send a copy of the 88077  
application to the board of alcohol, drug addiction, and mental 88078  
health services whose service district includes the county in 88079  
which the person operates or desires to operate a residential 88080  
facility. The board shall review such applications and recommend 88081  
approval or disapproval to the department. Each recommendation 88082  
shall be consistent with the board's community mental health plan. 88083

(C) The department of mental health shall inspect and license 88084  
the operation of residential facilities. The department shall 88085  
consider the past record of the facility and the applicant or 88086  
licensee in arriving at its licensure decision. The department may 88087  
issue full, probationary, and interim licenses. A full license 88088  
shall expire two years after the date of issuance, a probationary 88089  
license shall expire in a shorter period of time as prescribed by 88090  
rule adopted by the director of mental health pursuant to Chapter 88091  
119. of the Revised Code, and an interim license shall expire 88092  
ninety days after the date of issuance. The department may refuse 88093  
to issue or renew and may revoke a license if it finds the 88094  
facility is not in compliance with rules adopted by the department 88095  
pursuant to division (G) of this section or if any facility 88096  
operated by the applicant or licensee has had repeated violations 88097  
of statutes or rules during the period of previous licenses. 88098  
Proceedings initiated to deny applications for full or 88099  
probationary licenses or to revoke such licenses are governed by 88100  
Chapter 119. of the Revised Code. 88101

(D) The department may issue an interim license to operate a residential facility if both of the following conditions are met:

(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available.

(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under Chapter 119. of the Revised Code.

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.

(E) The department of mental health may conduct an inspection of a residential facility:

(1) Prior to the issuance of a license to a prospective operator;

(2) Prior to the renewal of any operator's license;

(3) To determine whether a facility has completed a plan of correction required pursuant to this division and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;

(4) Upon complaint by any individual or agency;

(5) At any time the director considers an inspection to be necessary in order to determine whether a residential facility is in compliance with this section and rules adopted pursuant to this section.

In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility, its personnel, activities, and services. The department shall have

access to examine all records, accounts, and any other documents 88132  
relating to the operation of the residential facility, and shall 88133  
have access to the facility in order to conduct interviews with 88134  
the operator, staff, and residents. Following each inspection and 88135  
review, the department shall complete a report listing any 88136  
deficiencies, and including, when appropriate, a time table within 88137  
which the operator shall correct the deficiencies. The department 88138  
may require the operator to submit a plan of correction describing 88139  
how the deficiencies will be corrected. 88140

(F) No person shall do any of the following: 88141

(1) Operate a residential facility unless the facility holds 88142  
a valid license; 88143

(2) Violate any of the conditions of licensure after having 88144  
been granted a license; 88145

(3) Interfere with a state or local official's inspection or 88146  
investigation of a residential facility; 88147

(4) Violate any of the provisions of this section or any 88148  
rules adopted pursuant to this section. 88149

(G) The director shall adopt and may amend and rescind rules 88150  
pursuant to Chapter 119. of the Revised Code, prescribing minimum 88151  
standards for the health, safety, adequacy, and cultural 88152  
specificity and sensitivity of treatment of and services for 88153  
persons in residential facilities; establishing procedures for the 88154  
issuance, renewal or revocation of the licenses of such 88155  
facilities; establishing the maximum number of residents of a 88156  
facility; establishing the rights of residents and procedures to 88157  
protect such rights; and requiring an affiliation agreement 88158  
approved by the board between a residential facility and a mental 88159  
health agency. Such affiliation agreement must be consistent with 88160  
the residential portion of the community mental health plan 88161  
submitted pursuant to section 340.03 of the Revised Code. 88162



(H) The department may investigate any facility that has been reported to the department or that the department has reasonable cause to believe is operating as a residential facility without a valid license.

(I) The department may withhold the source of any complaint reported as a violation of this act when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.

(J) The director of mental health may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a real and present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a real and present danger to the health or safety of any residents of the facility.

(K) Whoever violates division (F) of this section or any rule adopted under this section is liable for a civil penalty of one hundred dollars for the first offense; for each subsequent offense, such violator is liable for a civil penalty of five hundred dollars. If the violator does not pay, the attorney general, upon the request of the director of mental health, shall bring a civil action to collect the penalty. Fines collected pursuant to this section shall be deposited into the state treasury to the credit of the mental health sale of goods and services fund.

**Sec. 5119.221.** (A) Upon petition by the director of mental health, the court of common pleas or the probate court may appoint a receiver to take possession of and operate a residential facility licensed pursuant to section 5119.22 of the Revised Code, when conditions existing at the residential facility present a substantial risk of physical or mental harm to residents and no other remedies at law are adequate to protect the health, safety, and welfare of the residents.

Petitions filed pursuant to this section shall include:

(1) A description of the specific conditions existing at the residential facility which present a substantial risk of physical or mental harm to residents;

(2) A statement of the absence of other adequate remedies at law;

(3) The number of individuals residing at the facility;

(4) A statement that the facts have been brought to the attention of the owner or licensee and that conditions have not been remedied within a reasonable period of time or that the conditions, though remedied periodically, habitually exist at the residential facility as a pattern or practice; and

(5) The name and address of the person holding the license for the residential facility.

(B) A court in which a petition is filed pursuant to this section shall notify the person holding the license for the facility of the filing. The department shall send notice of the filing to the following, as appropriate: ~~the legal rights service created pursuant to~~ Ohio protection and advocacy system as defined in section 5123.60 of the Revised Code; facility owner; facility operator; board of alcohol, drug addiction, and mental health services; board of health; department of developmental

disabilities; department of job and family services; facility 88225  
residents; and residents' families and guardians. The court shall 88226  
provide a hearing on the petition within five court days of the 88227  
time it was filed, except that the court may appoint a receiver 88228  
prior to that time if it determines that the circumstances 88229  
necessitate such action. 88230

Following a hearing on the petition, and upon a determination 88231  
that the appointment of a receiver is warranted, the court shall 88232  
appoint a receiver and notify the department of mental health and 88233  
appropriate persons of this action. 88234

In setting forth the powers of the receiver, the court may 88235  
generally authorize the receiver to do all that is prudent and 88236  
necessary to safely and efficiently operate the residential 88237  
facility within the requirements of state and federal law, but 88238  
shall require the receiver to obtain court approval prior to 88239  
making any single expenditure of more than five thousand dollars 88240  
to correct deficiencies in the structure or furnishings of a 88241  
facility. The court shall closely review the conduct of the 88242  
receiver and shall require regular and detailed reports. 88243

(C) A receivership established pursuant to this section shall 88244  
be terminated, following notification of the appropriate parties 88245  
and a hearing, if the court determines either of the following: 88246

(1) The residential facility has been closed and the former 88247  
residents have been relocated to an appropriate facility; 88248

(2) Circumstances no longer exist at the residential facility 88249  
which present a substantial risk of physical or mental harm to 88250  
residents, and there is no deficiency in the residential facility 88251  
that is likely to create a future risk of harm. 88252

Notwithstanding division (C)(2) of this section, the court 88253  
shall not terminate a receivership for a residential facility that 88254  
has previously operated under another receivership unless the 88255

responsibility for the operation of the facility is transferred to 88256  
an operator approved by the court and the department of mental 88257  
health. 88258

(D) Except for the department of mental health or appropriate 88259  
board of alcohol, drug addiction, and mental health services, no 88260  
party or person interested in an action shall be appointed a 88261  
receiver pursuant to this section. 88262

To assist the court in identifying persons qualified to be 88263  
named as receivers, the director of the department of mental 88264  
health shall maintain a list of the names of such persons. The 88265  
department of mental health, the department of job and family 88266  
services, and the department of health shall provide technical 88267  
assistance to any receiver appointed pursuant to this section. 88268

Before entering upon the duties of receiver, the receiver 88269  
must be sworn to perform the duties faithfully, and, with surety 88270  
approved by the court, judge, or clerk, execute a bond to such 88271  
person, and in such sum as the court or judge directs, to the 88272  
effect that such receiver will faithfully discharge the duties of 88273  
receiver in the action, and obey the orders of the court therein. 88274

(1) Under the control of the appointing court, a receiver may 88275  
do the following: 88276

(a) Bring and defend actions in the appointee's name as 88277  
receiver; 88278

(b) Take and keep possession of property. 88279

(2) The court shall authorize the receiver to do the 88280  
following: 88281

(a) Collect payment for all goods and services provided to 88282  
the residents or others during the period of the receivership at 88283  
the same rate as was charged by the licensee at the time the 88284  
petition for receivership was filed, unless a different rate is 88285

set by the court; 88286

(b) Honor all leases, mortgages, and secured transactions 88287  
governing all buildings, goods, and fixtures of which the receiver 88288  
has taken possession, but, in the case of a rental agreement only 88289  
to the extent of payments that are for the use of the property 88290  
during the period of the receivership, or, in the case of a 88291  
purchase agreement, only to the extent that payments come due 88292  
during the period of the receivership; 88293

(c) If transfer of residents is necessary, provide for the 88294  
orderly transfer of residents by: 88295

(i) Cooperating with all appropriate state and local agencies 88296  
in carrying out the transfer of residents to alternative community 88297  
placements; 88298

(ii) Providing for the transportation of residents' 88299  
belongings and records; 88300

(iii) Helping to locate alternative placements and develop 88301  
plans for transfer; 88302

(iv) Encouraging residents or guardians to participate in 88303  
transfer planning except when an emergency exists and immediate 88304  
transfer is necessary. 88305

(d) Make periodic reports on the status of the residential 88306  
facility to the court; the appropriate state agencies; and the 88307  
board of alcohol, drug addiction, and mental health services. Each 88308  
report shall be made available to residents, their guardians, and 88309  
families. 88310

(e) Compromise demands or claims; and 88311

(f) Generally do such acts respecting the residential 88312  
facility as the court authorizes. 88313

Notwithstanding any other provision of law, contracts which 88314  
are necessary to carry out the powers and duties of the receiver 88315

need not be competitively bid. 88316

Sec. 5119.222. No rule adopted under section 5119.22 of the 88317  
Revised Code regarding documentation that residential facilities 88318  
must submit to the department of mental health or a board of 88319  
alcohol, drug addiction, and mental health services shall be more 88320  
stringent than a comparable documentation submission requirement 88321  
that applies to residential facilities and is established by a 88322  
federal regulation promulgated by the United States department of 88323  
health and human services. 88324

**Sec. 5119.61.** Any provision in this chapter that refers to a 88325  
board of alcohol, drug addiction, and mental health services also 88326  
refers to the community mental health board in an alcohol, drug 88327  
addiction, and mental health service district that has a community 88328  
mental health board. 88329

The director of mental health with respect to all facilities 88330  
and programs established and operated under Chapter 340. of the 88331  
Revised Code for mentally ill and emotionally disturbed persons, 88332  
shall do all of the following: 88333

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 88334  
that may be necessary to carry out the purposes of Chapter 340. 88335  
and sections 5119.61 to 5119.63 of the Revised Code. 88336

(1) The rules shall include all of the following: 88337

(a) Rules governing a community mental health agency's 88338  
services under section 340.091 of the Revised Code to an 88339  
individual referred to the agency under division (C)(2) of section 88340  
~~173.35~~ 5119.69 of the Revised Code; 88341

(b) For the purpose of division (A)(16) of section 340.03 of 88342  
the Revised Code, rules governing the duties of mental health 88343  
agencies and boards of alcohol, drug addiction, and mental health 88344  
services under section ~~3722.18~~ 5119.88 of the Revised Code 88345

regarding referrals of individuals with mental illness or severe 88346  
mental disability to adult care facilities and effective 88347  
arrangements for ongoing mental health services for the 88348  
individuals. The rules shall do at least the following: 88349

(i) Provide for agencies and boards to participate fully in 88350  
the procedures owners and managers of adult care facilities must 88351  
follow under division (A) of section ~~3722.18~~ 5119.88 of the 88352  
Revised Code; 88353

(ii) Specify the manner in which boards are accountable for 88354  
ensuring that ongoing mental health services are effectively 88355  
arranged for individuals with mental illness or severe mental 88356  
disability who are referred by the board or mental health agency 88357  
under contract with the board to an adult care facility. 88358

(c) Rules governing a board of alcohol, drug addiction, and 88359  
mental health services when making a report to the director of 88360  
health under section ~~3722.17~~ 5119.87 of the Revised Code regarding 88361  
the quality of care and services provided by an adult care 88362  
facility to a person with mental illness or a severe mental 88363  
disability. 88364

(2) Rules may be adopted to govern the method of paying a 88365  
community mental health facility, as defined in section 5111.023 88366  
of the Revised Code, for providing services listed in division (B) 88367  
of that section. Such rules must be consistent with the contract 88368  
entered into between the departments of job and family services 88369  
and mental health under section 5111.91 of the Revised Code and 88370  
include requirements ensuring appropriate service utilization. 88371

(B) Review and evaluate, and, taking into account the 88372  
findings and recommendations of the board of alcohol, drug 88373  
addiction, and mental health services of the district served by 88374  
the program and the requirements and priorities of the state 88375  
mental health plan, including the needs of residents of the 88376

district now residing in state mental institutions, ~~approve and~~ 88377  
~~allocate funds to support community programs,~~ and make 88378  
recommendations for needed improvements to boards of alcohol, drug 88379  
addiction, and mental health services; 88380

(C) ~~Withhold state and federal funds for any program, in~~ 88381  
~~whole or in part, from a board of alcohol, drug addiction, and~~ 88382  
~~mental health services in the event of failure of that program to~~ 88383  
~~comply with Chapter 340. or section 5119.61, 5119.611, 5119.612,~~ 88384  
~~or 5119.62 of the Revised Code or rules of the department of~~ 88385  
~~mental health. The director shall identify the areas of~~ 88386  
~~noncompliance and the action necessary to achieve compliance. The~~ 88387  
~~director shall offer technical assistance to the board to achieve~~ 88388  
~~compliance. The director shall give the board a reasonable time~~ 88389  
~~within which to comply or to present its position that it is in~~ 88390  
~~compliance. Before withholding funds, a hearing shall be conducted~~ 88391  
~~to determine if there are continuing violations and that either~~ 88392  
~~assistance is rejected or the board is unable to achieve~~ 88393  
~~compliance. Subsequent to the hearing process, if it is determined~~ 88394  
~~that compliance has not been achieved, the director may allocate~~ 88395  
~~all or part of the withheld funds to a public or private agency to~~ 88396  
~~provide the services not in compliance until the time that there~~ 88397  
~~is compliance. The director shall establish rules pursuant to~~ 88398  
~~Chapter 119. of the Revised Code to implement this division.~~ 88399

(D) ~~Withhold state or federal funds from a board of alcohol,~~ 88400  
~~drug addiction, and mental health services that denies available~~ 88401  
~~service on the basis of religion, race, color, creed, sex,~~ 88402  
~~national origin, age, disability as defined in section 4112.01 of~~ 88403  
~~the Revised Code, developmental disability, or the inability to~~ 88404  
~~pay;~~ 88405

(E) Provide consultative services to community mental health 88406  
agencies with the knowledge and cooperation of the board of 88407  
alcohol, drug addiction, and mental health services; 88408



~~(F) Provide~~ (D) At the director's discretion, provide to 88409  
boards of alcohol, drug addiction, and mental health services 88410  
state or federal funds, in addition to those allocated under 88411  
section 5119.62 of the Revised Code, for special programs or 88412  
projects the director considers necessary but for which local 88413  
funds are not available; 88414

~~(G)(E)~~ Establish criteria by which a board of alcohol, drug 88415  
addiction, and mental health services reviews and evaluates the 88416  
quality, effectiveness, and efficiency of services provided 88417  
through its community mental health plan. The criteria shall 88418  
include requirements ensuring appropriate service utilization. The 88419  
department shall assess a board's evaluation of services and the 88420  
compliance of each board with this section, Chapter 340. or 88421  
section 5119.62 of the Revised Code, and other state or federal 88422  
law and regulations. The department, in cooperation with the 88423  
board, periodically shall review and evaluate the quality, 88424  
effectiveness, and efficiency of services provided through each 88425  
board. The department shall collect information that is necessary 88426  
to perform these functions. 88427

~~(H) Develop~~ (F) To the extent the director determines 88428  
necessary and after consulting with boards of alcohol, drug 88429  
addiction, and mental health services, develop and operate, or 88430  
contract for the operation of, a community mental health 88431  
information system or systems. 88432

Boards of alcohol, drug abuse, and mental health services 88433  
shall submit information requested by the department in the form 88434  
and manner prescribed by the department. Information collected by 88435  
the department shall include, but not be limited to, all of the 88436  
following: 88437

(1) Information regarding units of services provided in whole 88438  
or in part under contract with a board, including diagnosis and 88439  
special needs, demographic information, the number of units of 88440

service provided, past treatment, financial status, and service 88441  
dates in accordance with rules adopted by the department in 88442  
accordance with Chapter 119. of the Revised Code; 88443

(2) Financial information other than price or price-related 88444  
data regarding expenditures of boards and community mental health 88445  
agencies, including units of service provided, budgeted and actual 88446  
expenses by type, and sources of funds. 88447

Boards shall submit the information specified in division 88448  
~~(H)~~(F)(1) of this section no less frequently than annually for 88449  
each client, and each time the client's case is opened or closed. 88450  
The department shall not collect any personal information from the 88451  
boards except as required or permitted by state or federal law for 88452  
purposes related to payment, health care operations, program and 88453  
service evaluation, reporting activities, research, system 88454  
administration, and oversight. 88455

~~(I)~~(G) Review each board's community mental health plan 88456  
submitted pursuant to section 340.03 of the Revised Code and 88457  
approve or disapprove it in whole or in part. Periodically, in 88458  
consultation with representatives of boards and after considering 88459  
the recommendations of the medical director, the director shall 88460  
issue criteria for determining when a plan is complete, criteria 88461  
for plan approval or disapproval, and provisions for conditional 88462  
approval. The factors that the director considers may include, but 88463  
are not limited to, the following: 88464

(1) The mental health needs of all persons residing within 88465  
the board's service district, especially severely mentally 88466  
disabled children, adolescents, and adults; 88467

(2) The demonstrated quality, effectiveness, efficiency, and 88468  
cultural relevance of the services provided in each service 88469  
district, the extent to which any services are duplicative of 88470  
other available services, and whether the services meet the needs 88471

identified above; 88472

(3) The adequacy of the board's accounting for the 88473  
expenditure of funds. 88474

If the director disapproves all or part of any plan, the 88475  
director shall provide the board an opportunity to present its 88476  
position. The director shall inform the board of the reasons for 88477  
the disapproval and of the criteria that must be met before the 88478  
plan may be approved. The director shall give the board a 88479  
reasonable time within which to meet the criteria, and shall offer 88480  
technical assistance to the board to help it meet the criteria. 88481

If the approval of a plan remains in dispute ~~thirty days~~ 88482  
~~prior to the conclusion of the fiscal year in which the board's~~ 88483  
~~current plan is scheduled to expire~~, the board or the director may 88484  
request that the dispute be submitted to a mutually agreed upon 88485  
third-party mediator with the cost to be shared by the board and 88486  
the department. The mediator shall issue to the board and the 88487  
department recommendations for resolution of the dispute. ~~Prior to~~ 88488  
~~the conclusion of the fiscal year in which the current plan is~~ 88489  
~~scheduled to expire, the~~ The director, taking into consideration 88490  
the recommendations of the mediator, shall make a final 88491  
determination and approve or disapprove the plan, in whole or in 88492  
part. 88493

**Sec. 5119.611.** (A) A community mental health agency that 88494  
seeks certification of its community mental health services shall 88495  
submit an application to the director of mental health. On receipt 88496  
of the application, the director may visit and shall evaluate the 88497  
agency to determine whether its services satisfy the standards 88498  
established by rules adopted under division (C) of this section. 88499  
The director shall make the evaluation, and, if the director 88500  
visits the agency, shall make the visit, in cooperation with the 88501  
board of alcohol, drug addiction, and mental health services with 88502

which the agency seeks to contract under division (A)(8)(a) of 88503  
section 340.03 of the Revised Code. 88504

~~If (B)(1) Subject to division (B)(2) of this section, the 88505  
director shall determine whether the services of an applicant's 88506  
community mental health agency satisfy the standards for 88507  
certification of the services. 88508~~

If the director determines that a community mental health 88509  
agency's services satisfy the standards for certification and the 88510  
agency has paid the fee required under division ~~(B)~~(D) of this 88511  
section, the director shall certify the services. 88512

~~If (2) If an applicant submits to the director evidence of 88513  
holding national accreditation from the joint commission, the 88514  
council on accreditation of rehabilitation facilities, or the 88515  
council on accreditation, the director shall accept that 88516  
accreditation as evidence of the applicant satisfying the 88517  
standards for certification of the community mental health 88518  
agency's services. The director shall certify or recertify the 88519  
agency's services without any further evaluation of the services. 88520~~

(C) If the director determines that a community mental health 88521  
agency's services do not satisfy the standards for certification, 88522  
the director shall identify the areas of noncompliance, specify 88523  
what action is necessary to satisfy the standards, and offer 88524  
technical assistance to the board of alcohol, drug addiction, and 88525  
mental health services so that the board may assist the agency in 88526  
satisfying the standards. The director shall give the agency a 88527  
reasonable time within which to demonstrate that its services 88528  
satisfy the standards or to bring the services into compliance 88529  
with the standards. If the director concludes that the services 88530  
continue to fail to satisfy the standards, the director may 88531  
request that the board reallocate the funds for the community 88532  
mental health services the agency was to provide to another 88533  
community mental health agency whose community mental health 88534

services satisfy the standards. If the board does not reallocate 88535  
those funds in a reasonable period of time, the director may 88536  
withhold state and federal funds for the community mental health 88537  
services and allocate those funds directly to a community mental 88538  
health agency whose community mental health services satisfy the 88539  
standards. 88540

~~(B)~~(D) Each community mental health agency seeking 88541  
certification of its community mental health services under this 88542  
section shall pay a fee for the certification ~~review~~ required by 88543  
this section. Fees shall be paid into the sale of goods and 88544  
services fund created pursuant to section 5119.161 of the Revised 88545  
Code. 88546

~~(C)~~(E) The director shall adopt rules in accordance with 88547  
Chapter 119. of the Revised Code to implement this section. The 88548  
rules shall do all of the following: 88549

(1) Establish certification standards for community mental 88550  
health services, including assertive community treatment and 88551  
intensive home-based mental health services, that are consistent 88552  
with nationally recognized applicable standards and facilitate 88553  
participation in federal assistance programs. The rules shall 88554  
include as certification standards only requirements that improve 88555  
the quality of services or the health and safety of clients of 88556  
community mental health services. The standards shall address at a 88557  
minimum all of the following: 88558

(a) Reporting major unusual incidents to the director; 88559

(b) Procedures for applicants for and clients of community 88560  
mental health services to file grievances and complaints; 88561

(c) Seclusion; 88562

(d) Restraint; 88563

(e) Development of written policies addressing the rights of 88564

clients, including all of the following: 88565

(i) The right to a copy of the written policies addressing 88566  
client rights; 88567

(ii) The right at all times to be treated with consideration 88568  
and respect for the client's privacy and dignity; 88569

(iii) The right to have access to the client's own 88570  
psychiatric, medical, or other treatment records unless access is 88571  
specifically restricted in the client's treatment plan for clear 88572  
treatment reasons; 88573

(iv) The right to have a client rights officer provided by 88574  
the agency or board of alcohol, drug addiction, and mental health 88575  
services advise the client of the client's rights, including the 88576  
client's rights under Chapter 5122. of the Revised Code if the 88577  
client is committed to the agency or board. 88578

(2) Establish standards for qualifications of mental health 88579  
professionals as defined in section 340.02 of the Revised Code and 88580  
personnel who provide the community mental health services; 88581

(3) Establish the process for certification of community 88582  
mental health services; 88583

(4) Set the amount of certification review fees based on a 88584  
portion of the cost of performing the review; 88585

(5) Specify the type of notice and hearing to be provided 88586  
prior to a decision on whether to reallocate funds. 88587

Sec. 5119.612. No rule adopted under section 5119.611 of the 88588  
Revised Code regarding documentation that community mental health 88589  
agencies must submit to the department of mental health or a board 88590  
of alcohol, drug addiction, and mental health services shall be 88591  
more stringent than a comparable documentation submission 88592  
requirement that applies to community mental health agencies and 88593  
is established by a federal regulation promulgated by the United 88594

States department of health and human services. 88595

**Sec. ~~5119.612~~ 5119.613.** The director of mental health shall 88596  
require that each board of alcohol, drug addiction, and mental 88597  
health services ensure that each community mental health agency 88598  
with which it contracts under division (A)(8)(a) of section 340.03 88599  
of the Revised Code to provide community mental health services 88600  
establish grievance procedures consistent with rules adopted under 88601  
section 5119.611 of the Revised Code that are available to all 88602  
applicants for and clients of the community mental health 88603  
services. 88604

**Sec. ~~5119.613~~ 5119.614.** For purposes of ~~Chapter 3722.~~ 88605  
sections 5119.70 to 5119.88 of the Revised Code, the director of 88606  
mental health shall approve a standardized form to be used in all 88607  
areas of this state by adult care facilities and boards of 88608  
alcohol, drug addiction, and mental health services when entering 88609  
into mental health resident program participation agreements. As 88610  
part of approving the form, the director shall specify the 88611  
requirements that adult care facilities must meet in order to be 88612  
authorized to admit residents who are receiving or are eligible 88613  
for publicly funded mental health services. 88614

**Sec. 5119.62.** (A) ~~Upon approving the plan submitted pursuant~~ 88615  
~~to section 340.03 of the Revised Code, the director~~ The department 88616  
of mental health shall ~~authorize the payment of funds~~ establish a 88617  
methodology for allocating to ~~a board~~ boards of alcohol, drug 88618  
addiction, and mental health services ~~from the~~ funds appropriated 88619  
~~for such purpose~~ by the general assembly to the department for the 88620  
purpose of local mental health systems of care. The ~~director~~ 88621  
department shall ~~release all or part of such~~ establish the 88622  
methodology after notifying and consulting with relevant 88623  
constituencies as required by division (L) of section 5119.06 of 88624

the Revised Code. The methodology may provide for the funds to be 88625  
allocated to boards on a district or multi-district basis. Subject 88626  
to sections 5119.622 and 5119.623 of the Revised Code, the 88627  
department shall allocate the funds as is to the boards in a 88628  
manner consistent with the methodology, this section, other state 88629  
and federal laws, rules, and regulations, and the approved plan. 88630

~~(B)(1) The director, in consultation with relevant~~ 88631  
~~constituencies as required by division (A)(11) of section 5119.06~~ 88632  
~~of the Revised Code, shall establish a formula for allocating to~~ 88633  
~~boards of alcohol, drug addiction, and mental health services~~ 88634  
~~appropriations from the general revenue fund for the purpose of~~ 88635  
~~local management of mental health services as this purpose is~~ 88636  
~~identified in appropriations to the department of mental health in~~ 88637  
~~appropriation acts. The formula shall include as a factor the~~ 88638  
~~number of severely mentally disabled persons residing in each~~ 88639  
~~alcohol, drug addiction, and mental health service district and~~ 88640  
~~may include other factors, including, but not limited to, the~~ 88641  
~~historical utilization of public hospitals by persons in each~~ 88642  
~~service district. The appropriations shall be allocated to each~~ 88643  
~~board in accordance with the formula but shall be distributed only~~ 88644  
~~to those boards that elect the option provided under division~~ 88645  
~~(B)(3)(a) of this section.~~ 88646

~~(2) The director shall allocate each fiscal year to boards of~~ 88647  
~~alcohol, drug addiction, and mental health services for services~~ 88648  
~~to severely mentally disabled persons a percentage of the~~ 88649  
~~appropriations to the department from the general revenue fund for~~ 88650  
~~the purposes of hospital personal services, hospital maintenance,~~ 88651  
~~and hospital equipment as those purposes are identified in~~ 88652  
~~appropriations to the department in appropriation acts. After~~ 88653  
~~excluding funds for providing services to persons committed to the~~ 88654  
~~department pursuant to section 2945.38, 2945.39, 2945.40,~~ 88655  
~~2945.401, 2945.402, or 5139.08 of the Revised Code, the percentage~~ 88656



~~of those appropriations so allocated each year shall equal ten per cent in fiscal year 1990, twenty per cent in fiscal year 1991, forty per cent in fiscal year 1992, sixty per cent in fiscal year 1993, eighty per cent in fiscal year 1994, and one hundred per cent in fiscal year 1995 and thereafter. The amounts so allocated shall be transferred from the appropriations for the purposes of hospital personal services, hospital maintenance, and hospital equipment and credited to appropriations for the purpose of local management of mental health services. Appropriations for the purpose of local management of mental health services may be used by the department and by the boards. The department may allocate to boards a portion of the funds appropriated by the general assembly to the department for the operation of state hospital services. If the department allocates the funds, the department shall do all of the following:~~

(1) In consultation with the boards:

(a) Annually determine the unit costs of providing state hospital services; and

(b) Establish the methodology for allocating the funds to the boards.

(2) Determine the type of unit costs of providing state hospital services to be included as a factor in the methodology and include that unit cost as a factor in the methodology;

(3) Subject to sections 5119.622 and 5119.623 of the Revised Code, allocate the funds to the boards in a manner consistent with the methodology, this section, other state and federal laws, rules, and regulations.

~~(3) No(c) Not later than the first day of April of each year, the department of mental health shall notify each board of alcohol, drug addiction, and mental health services of the department's estimate of the amount of general revenue funds to be~~

allocated to the board under ~~division (D)~~ of this section during 88688  
the fiscal year beginning on the next July first. ~~No~~ If the 88689  
department makes an allocation under division (B) of this section, 88690  
the department shall also notify each board of the unit costs of 88691  
providing state hospital services for the upcoming fiscal year as 88692  
determined under that division. Not later than the first day of 88693  
May of each year, each board shall notify the ~~director~~ department 88694  
as to which of the following options it has elected for ~~that~~ the 88695  
upcoming fiscal year: 88696

~~(a)(1)~~ The board elects to accept distribution of the amount 88697  
allocated to it under ~~division (B)(1)~~ of this section. Any board 88698  
that makes such an election shall agree to make payments into the 88699  
risk fund established in ~~division (E)~~ of this section, to make any 88700  
payments for utilization of state hospitals that are required 88701  
under ~~division (E)(3)~~ of this section, to use the funds 88702  
distributed to it within the limitations set forth in ~~division~~ 88703  
~~(B)(2)~~ of this section, and to provide the department with a 88704  
statement of projected utilization of state hospitals and other 88705  
state operated services by residents of its service district 88706  
during the fiscal year. 88707

~~The department shall retain and expend the funds projected to~~ 88708  
~~be utilized for state hospitals and other state operated services~~ 88709  
section. Funds distributed to each board shall be used to 88710  
supplement and not to supplant other state, local, or federal 88711  
funds that are being used to support community-based programs for 88712  
severely mentally disabled children, adolescents, and adults, 88713  
unless the funds have been specifically designated for the 88714  
initiation of programs in accordance with the community mental 88715  
health plan developed and submitted under section 340.03 and 88716  
approved under section 5119.61 of the Revised Code. 88717  
Notwithstanding section 131.33 of the Revised Code, any board may 88718  
expend unexpended funds distributed to the board from 88719

appropriations for the purpose of local management of mental 88720  
health services in the fiscal year following the fiscal year ~~in~~ 88721  
for which the appropriations are made, in accordance with the 88722  
approved community mental health plan. 88723

~~(b) The (2) Subject to division (D) of this section, the~~ 88724  
board elects not to accept the amount allocated to it under 88725  
~~division (B)(1) of this section,~~ authorizes the department to 88726  
determine the use of its allocation, and agrees to provide the 88727  
department with a statement of projected utilization of state 88728  
hospitals and other state-operated services by residents of its 88729  
service district during the fiscal year. 88730

~~(4) Beginning with the notification required to be made by~~ 88731  
~~May 1, 1995, under division (B)(3) of this section, no (D) No~~ 88732  
board of alcohol, drug addiction, and mental health services shall 88733  
elect the option in division ~~(B)(3)(b)(C)(2)~~ of this section 88734  
unless ~~one~~ all of the following ~~applies~~ apply: 88735

~~(a) The (1) Either the~~ total general revenue funds estimated 88736  
by the department to be allocated to the board under this section 88737  
for the next fiscal year ~~is~~ are reduced by a substantial amount, 88738  
as defined in guidelines adopted by the director of mental health 88739  
under division ~~(B)(4)(E)~~ of this section, in comparison to the 88740  
amount allocated for the current fiscal year, for reasons not 88741  
related to performance. 88742

~~(b) The amount of estimated general revenue funds to be~~ 88743  
~~allocated to the board is not reduced by a substantial amount but~~ 88744  
or the board has experienced other circumstances specified in the 88745  
guidelines ~~adopted by the director under division (B)(4) of this~~ 88746  
~~section.~~ 88747

~~The director shall consult with boards of alcohol, drug~~ 88748  
~~addiction, and mental health services and other relevant~~ 88749  
~~constituencies to develop guidelines for determining what~~ 88750

~~constitutes a substantial reduction of general revenue funds for~~ 88751  
~~the purpose of electing the option under division (B)(3)(b) of~~ 88752  
~~this section, and what other circumstances qualify a board to~~ 88753  
~~elect that option.~~ 88754

~~Beginning with the notification required to be made by May 1,~~ 88755  
~~1995, under division (B)(3) of this section, no board shall notify~~ 88756  
~~the director that it elects the option under division (B)(3)(b) of~~ 88757  
~~this section unless it has conducted~~ (2) The board provides the 88758  
department written confirmation that the board has received input 88759  
about the impact that the board's election will have on the mental 88760  
health system in the board's district from all of the following: 88761

(a) Individuals who receive mental health services and such 88762  
individuals' families; 88763

(b) Boards of county commissioners; 88764

(c) Judges of juvenile and probate courts; 88765

(d) County sheriffs, jail administrators, and other local law 88766  
enforcement officials. 88767

(3) Not later than seven days before notifying the department 88768  
of its election and after providing the department the written 88769  
confirmation required by division (D)(2) of this section, the 88770  
board conducts a public hearing on the issue ~~no later than seven~~ 88771  
~~days before making the notification.~~ 88772

~~(C) Boards of alcohol, drug addiction, and mental health~~ 88773  
~~services and community mental health agencies~~ (E) For the purpose 88774  
of division (D)(1) of this section, the director of mental health 88775  
shall consult with the boards and other relevant constituencies to 88776  
develop guidelines for determining what constitutes a substantial 88777  
reduction of funds and what other circumstances qualify a board to 88778  
elect the option in division (C)(2) of this section. 88779

(F) No board shall not use state funds for the purpose of 88780

~~influencing employees with respect to unionization. As used in 88781  
this division, "influencing" means discouraging employees from 88782  
seeking collective bargaining representation or encouraging 88783  
employees to decertify a recognized collective bargaining agent. 88784~~

~~(D) The director shall develop, and review at least annually, 88785  
a methodology, including the formula developed under division 88786  
(B)(1) of this section, for distributing and allocating funds to 88787  
boards. The methodology shall be consistent with state and federal 88788  
law and regulations. A portion of the funds shall be distributed 88789  
based on the ratio of the population of the district served by the 88790  
board to the total population of the state as determined from the 88791  
federal census or the most recent estimates produced by the United 88792  
States census bureau's federal state cooperative program for 88793  
population program series P-26 or the population estimates and 88794  
projections program series P-25, whichever is most recent. 88795~~

~~(E)(1) There is hereby created in the state treasury the 88796  
department of mental health risk fund, which shall receive 88797  
payments from boards that have elected the option provided in 88798  
division (B)(3)(a) of this section. All investment earnings of the 88799  
fund shall be credited to the fund. Moneys in the fund shall be 88800  
used for the following purposes: 88801~~

~~(a) To assist boards that elect the option provided in 88802  
division (B)(3)(a) of this section and that serve service 88803  
districts in which the costs of utilization of state hospitals by 88804  
residents in a fiscal year exceed the amount allocated to the 88805  
district under the formula developed under division (B)(1) of this 88806  
section. The department shall define such costs by unit and 88807  
establish them annually after consultation with representatives of 88808  
such boards. 88809~~

~~(b) To make payments to boards that elect the option provided 88810  
in division (B)(3)(a) of this section and that experience 88811  
conditions of financial hardship, as determined by the director. 88812~~

~~The director of mental health, in consultation with  
representatives of the boards, shall develop guidelines for the  
use of moneys in the risk fund.~~

~~(2) On or before the first day of April of each year, the  
department shall specify the percentage of the amount of money  
allocated under division (B)(1) of this section for distribution  
to boards subject to division (E) of this section that each such  
board is to transmit to the director of mental health for deposit  
in the risk fund for the following fiscal year. On or before the  
first day of August of each year, each such board shall transmit  
to the director for deposit to the credit of the risk fund the  
amount obtained by multiplying that percentage by the amount  
allocated for distribution to such boards.~~

~~(3) Whenever the costs of utilization of state hospitals by  
residents in a district served by a board subject to division (E)  
of this section exceed the amount allocated to the district under  
the formula, responsibility for payment of the excess costs shall  
be borne by the board of that district and the risk fund as  
follows:~~

~~(a) The board and the risk fund each are responsible for  
payment of one half of any costs that exceed one hundred per cent  
of the amount allocated under the formula but do not exceed one  
hundred five per cent of that amount.~~

~~(b) The board is responsible for payment of one fourth, and  
the risk fund responsible for three fourths, of any costs that  
exceed one hundred five per cent of the amount allocated under the  
formula but do not exceed one hundred ten per cent of that amount.~~

~~(c) The risk fund is responsible for payment of any costs  
that exceed one hundred ten per cent of the amount allocated under  
the formula but do not exceed one hundred fifteen per cent of that  
amount.~~

~~(d) The board is responsible for payment of all costs that exceed one hundred fifteen per cent of the amount allocated under the formula.~~ 88844  
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~~(F)(G) The department shall charge against the allocation made to a board under division (B)(1) of this section, if any, any unreimbursed costs for services provided by the department. This requirement is not affected by any election a board makes under division (B)(3) of this section.~~ 88847  
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(H) A board's use of funds allocated under this section is subject to audit by county, state, and federal authorities. 88852  
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**Sec. 5119.621.** (A) As used in this section, "administrative function" means a function related to one or more of the following: 88854  
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(1) Continuous quality improvement; 88857

(2) Utilization review; 88858

(3) Resource development; 88859

(4) Fiscal administration; 88860

(5) General administration; 88861

(6) Any other function related to administration that is required by Chapter 340. of the Revised Code. 88862  
88863

(B) Each board of alcohol, drug addiction, and mental health services shall submit an annual report to the department of mental health specifying how the board used ~~state and federal funds allocated to the board, according to the formula the director of mental health establishes~~ under section 5119.62 of the Revised Code, for administrative functions in the year preceding the report's submission. The director of mental health shall establish the date by which the report must be submitted each year. 88864  
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Sec. 5119.622. The director of mental health, in whole or in part, may withhold funds otherwise to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.62 of the Revised Code if the board fails to comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, or 5119.621 of the Revised Code or rules of the department of mental health regarding a community mental health service. The director shall identify the areas of noncompliance and the action necessary to achieve compliance. The director shall offer technical assistance to the board to achieve compliance. The director shall give the board a reasonable time within which to comply or to present its position that it is in compliance. Before withholding funds, a hearing shall be conducted to determine if there are continuing violations and that either assistance is rejected or the board is unable to achieve compliance. Subsequent to the hearing process, if it is determined that compliance has not been achieved, the director may allocate all or part of the withheld funds to a public or private agency to provide the community mental health service for which the board is not in compliance until the time that there is compliance. The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

Sec. 5119.623. The director of mental health may withhold funds otherwise to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.62 of the Revised Code if the board denies available service on the basis of religion, race, color, creed, sex, national origin, age, disability as defined in section 4112.01 of the Revised Code, or developmental disability.

~~Sec. 173.35~~ 5119.69. (A) As used in this section, "PASSPORT



~~administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program created under section 173.40 of the Revised Code.~~

(B) The department of ~~aging~~ mental health shall ~~administer~~ implement the residential state supplement program under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state supplement payments shall be used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients who the department determines are at risk of needing institutional care.

(B) In implementing the program, the department shall designate one or more entities to be responsible for providing administrative services regarding the program. The department may designate an entity to be a residential state supplement administrative agency under this division either by entering into a contract with the entity to serve in that capacity or by otherwise delegating to the entity the responsibility to serve in that capacity.

(C) For an individual to be eligible for residential state supplement payments, all of the following must be the case:

(1) Except as provided by division (G) of this section, the individual must reside in one of the following:

(a) An adult foster home certified under section ~~173.36~~ 5119.692 of the Revised Code;

(b) A home or facility, other than a nursing home or nursing home unit of a home for the aging, licensed by the department of health under Chapter 3721. ~~or 3722.~~ of the Revised Code ~~and certified in accordance with standards established by the director~~

~~of aging under division (D)(2) of this section or the department  
of mental health under sections 5119.70 to 5119.88 of the Revised  
Code;~~ 88933  
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88935

(c) A residential facility as defined in division 88936  
(A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by 88937  
the department of mental health ~~and certified in accordance with~~ 88938  
~~standards established by the director of aging under division~~ 88939  
~~(D)(2) of this section;~~ 88940

(d) An apartment or room used to provide community mental 88941  
health housing services certified by the department of mental 88942  
health under section 5119.611 of the Revised Code and approved by 88943  
a board of alcohol, drug addiction, and mental health services 88944  
under division (A)(14) of section 340.03 of the Revised Code ~~and~~ 88945  
~~certified in accordance with standards established by the director~~ 88946  
~~of aging under division (D)(2) of this section.~~ 88947

(2) ~~Effective July 1, 2000, a PASSPORT~~ A residential state 88948  
supplement administrative agency must have determined that the 88949  
environment in which the individual will be living while receiving 88950  
the payments is appropriate for the individual's needs. If the 88951  
individual is eligible for supplemental security income payments 88952  
or social security disability insurance benefits because of a 88953  
mental disability, the ~~PASSPORT~~ residential state supplement 88954  
administrative agency shall refer the individual to a community 88955  
mental health agency for the community mental health agency to 88956  
issue in accordance with section 340.091 of the Revised Code a 88957  
recommendation on whether the ~~PASSPORT~~ residential state 88958  
supplement administrative agency should determine that the 88959  
environment in which the individual will be living while receiving 88960  
the payments is appropriate for the individual's needs. ~~Division~~ 88961  
~~(C)(2) of this section does not apply to an individual receiving~~ 88962  
~~residential state supplement payments on June 30, 2000, until the~~ 88963  
~~individual's first eligibility redetermination after that date.~~ 88964

(3) The individual satisfies all eligibility requirements 88965  
established by rules adopted under division (D) of this section. 88966

(D)~~(1)~~ The directors of ~~aging~~ mental health and job and 88967  
family services shall adopt rules in accordance with section 88968  
111.15 of the Revised Code as necessary to implement the 88969  
residential state supplement program. 88970

To the extent permitted by Title XVI of the "Social Security 88971  
Act," and any other provision of federal law, the director of job 88972  
and family services ~~shall~~ may adopt rules establishing standards 88973  
for adjusting the eligibility requirements concerning the level of 88974  
impairment a person must have so that the amount appropriated for 88975  
the program by the general assembly is adequate for the number of 88976  
eligible individuals. The rules shall not limit the eligibility of 88977  
disabled persons solely on a basis classifying disabilities as 88978  
physical or mental. The director of job and family services also 88979  
~~shall~~ may adopt rules that establish eligibility standards for 88980  
aged, blind, or disabled individuals who reside in one of the 88981  
homes or facilities specified in division (C)(1) of this section 88982  
but who, because of their income, do not receive supplemental 88983  
security income payments. The rules may provide that these 88984  
individuals may include individuals who receive other types of 88985  
benefits, including, social security disability insurance benefits 88986  
provided under Title II of the "Social Security Act," 49 Stat. 620 88987  
(1935), 42 U.S.C.A. 401, as amended. Notwithstanding division 88988  
~~(B)~~(A) of this section, such payments may be made if funds are 88989  
available for them. 88990

The director of ~~aging~~ ~~shall~~ mental health may adopt rules 88991  
establishing the method to be used to determine the amount an 88992  
eligible individual will receive under the program. The amount the 88993  
general assembly appropriates for the program ~~shall~~ may be a 88994  
factor included in the method that ~~department~~ director 88995  
establishes. 88996

~~(2) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for certification of living facilities described in division (C)(1) of this section.~~

~~The directors of aging and mental health shall enter into an agreement to certify facilities that apply for certification and meet the standards established by the director of aging under this division.~~

(E) The county department of job and family services of the county in which an applicant for the residential state supplement program resides shall determine whether the applicant meets income and resource requirements for the program.

(F) The department of ~~aging~~ mental health shall maintain a waiting list of any individuals eligible for payments under this section but not receiving them because moneys appropriated to the department for the purposes of this section are insufficient to make payments to all eligible individuals. An individual may apply to be placed on the waiting list even though the individual does not reside in one of the homes or facilities specified in division (C)(1) of this section at the time of application. The director of ~~aging~~ mental health, by rules adopted in accordance with Chapter 119. of the Revised Code, ~~shall~~ may specify procedures and requirements for placing an individual on the waiting list and priorities for the order in which individuals placed on the waiting list are to begin to receive residential state supplement payments. The rules specifying priorities may give priority to individuals placed on the waiting list on or after July 1, 2006, who receive supplemental security income benefits under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as amended. The rules shall not affect the place on the waiting list of any person who was on the list on July 1, 2006. The rules specifying priorities may also set additional priorities

based on living arrangement, such as whether an individual resides 89029  
in a facility listed in division (C)(1) of this section or has 89030  
been admitted to a nursing facility. 89031

(G) An individual in a licensed or certified living 89032  
arrangement receiving state supplementation on November 15, 1990, 89033  
under former section 5101.531 of the Revised Code shall not become 89034  
ineligible for payments under this section solely by reason of the 89035  
individual's living arrangement as long as the individual remains 89036  
in the living arrangement in which the individual resided on 89037  
November 15, 1990. 89038

(H) The department of ~~aging~~ mental health shall notify each 89039  
person denied approval for payments under this section of the 89040  
person's right to a hearing. On request, the hearing shall be 89041  
provided ~~by the department of job and family services~~ in 89042  
accordance with ~~section 5101.35~~ Chapter 119. of the Revised Code. 89043

**Sec. ~~173.351~~ 5119.691.** (A) As used in this section: 89044

~~"Area agency on aging" has the same meaning as in section 89045  
173.14 of the Revised Code.~~ 89046

"Long-term care consultation program" means the program the 89047  
department of aging is required to develop under section 173.42 of 89048  
the Revised Code. 89049

"Long-term care consultation program administrator" or 89050  
"administrator" means the department of aging or, if the 89051  
department contracts with an area agency on aging or other entity 89052  
to administer the long-term care consultation program for a 89053  
particular area, that agency or entity. 89054

"Nursing facility" has the same meaning as in section 5111.20 89055  
of the Revised Code. 89056

"Residential state supplement administrative agency" means an 89057  
entity designated as such by the department of mental health under 89058

section 5119.69 of the Revised Code. 89059

"Residential state supplement program" means the program 89060  
administered pursuant to section ~~173.35~~ 5119.69 of the Revised 89061  
Code. 89062

(B) ~~Each month, each area agency on aging~~ On a periodic 89063  
schedule determined by the department of mental health, each 89064  
residential state supplement administrative agency shall determine 89065  
whether individuals who reside in the area that the ~~area agency on~~ 89066  
~~aging~~ serves and are on a waiting list for the residential state 89067  
supplement program have been admitted to a nursing facility. If ~~an~~ 89068  
~~area~~ a residential state supplement administrative agency on aging 89069  
determines that such an individual has been admitted to a nursing 89070  
facility, the agency shall notify the long-term care consultation 89071  
program administrator serving the area in which the individual 89072  
resides about the determination. The administrator shall determine 89073  
whether the residential state supplement program is appropriate 89074  
for the individual and whether the individual would rather 89075  
participate in the program than continue residing in the nursing 89076  
facility. If the administrator determines that the residential 89077  
state supplement program is appropriate for the individual and the 89078  
individual would rather participate in the program than continue 89079  
residing in the nursing facility, the administrator shall so 89080  
notify the department of ~~aging~~ mental health. On receipt of the 89081  
notice from the administrator, the department of ~~aging~~ mental 89082  
health shall approve the individual's enrollment in the 89083  
residential state supplement program in accordance with the 89084  
priorities specified in rules adopted under division (F) of 89085  
section ~~173.35~~ 5119.69 of the Revised Code. Each quarter, the 89086  
department of ~~aging~~ mental health shall certify to the director of 89087  
budget and management the estimated increase in costs of the 89088  
residential state supplement program resulting from enrollment of 89089  
individuals in the program pursuant to this section. 89090

~~(C) Not later than the last day of each calendar year, the director of aging shall submit to the general assembly a report regarding the number of individuals enrolled in the residential state supplement program pursuant to this section and the costs incurred and savings achieved as a result of the enrollments.~~

**Sec. ~~173.36~~ 5119.692.** As used in this section, "adult foster home" means a residence, other than a ~~residence certified or residential facility licensed by the department of mental health under section 5119.22 of the Revised Code,~~ in which accommodations and personal care services, as defined in section ~~3722.01~~ 5119.70 of the Revised Code, are provided to one or two adults who are unrelated to the owners of the residence.

The department of ~~aging~~ mental health shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for the certification of adult foster homes. The department or its designee shall certify adult foster homes that apply for certification and meet the standards established by the department.

**Sec. ~~3722.01~~ 5119.70.** (A) As used in ~~this chapter~~ sections 5119.70 to 5119.88:

(1) "Owner" means the person who owns the business of and who ultimately controls the operation of an adult care facility and to whom the manager, if different from the owner, is responsible.

(2) "Manager" means the person responsible for the daily operation of an adult care facility. The manager and the owner of a facility may be the same person.

(3) "Adult" means an individual eighteen years of age or older.

(4) "Unrelated" means that an adult resident is not related to the owner or manager of an adult care facility or to the

owner's or manager's spouse as a parent, grandparent, child, 89121  
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 89122  
uncle, or as the child of an aunt or uncle. 89123

(5) "Skilled nursing care" means skilled nursing care as 89124  
defined in section 3721.01 of the Revised Code. 89125

(6)(a) "Personal care services" means services including, but 89126  
not limited to, the following: 89127

(i) Assistance with activities of daily living; 89128

(ii) Assistance with self-administration of medication, in 89129  
accordance with rules adopted ~~by the public health council~~ 89130  
~~pursuant to this chapter under section 5119.79 of the Revised~~ 89131  
Code; 89132

(iii) Preparation of special diets, other than complex 89133  
therapeutic diets, for residents pursuant to the instructions of a 89134  
physician or a licensed dietitian, in accordance with rules 89135  
adopted ~~by the public health council pursuant to this chapter~~ 89136  
under section 5119.79 of the Revised Code. 89137

(b) "Personal care services" does not include "skilled 89138  
nursing care" as defined in section 3721.01 of the Revised Code. A 89139  
facility need not provide more than one of the services listed in 89140  
division (A)(6)(a) of this section for the facility to be 89141  
considered to be providing personal care services. 89142

(7) "Adult family home" means a residence or facility that 89143  
provides accommodations and supervision to three to five unrelated 89144  
adults, at least three of whom require personal care services. 89145

(8) "Adult group home" means a residence or facility that 89146  
provides accommodations and supervision to six to sixteen 89147  
unrelated adults, at least three of whom require personal care 89148  
services. 89149

(9) "Adult care facility" means an adult family home or an 89150



adult group home. For the purposes of ~~this chapter~~ sections 89151  
5119.70 to 5119.88 of the Revised Code, any residence, facility, 89152  
institution, hotel, congregate housing project, or similar 89153  
facility that provides accommodations and supervision to three to 89154  
sixteen unrelated adults, at least three of whom require personal 89155  
care services, is an adult care facility regardless of how the 89156  
facility holds itself out to the public. "Adult care facility" 89157  
does not include: 89158

(a) A facility operated by a hospice care program licensed 89159  
under section 3712.04 of the Revised Code that is used exclusively 89160  
for care of hospice patients; 89161

(b) A nursing home, residential care facility, or home for 89162  
the aging as defined in section 3721.01 of the Revised Code; 89163

(c) An alcohol and drug addiction program as defined in 89164  
section 3793.01 of the Revised Code; 89165

(d) A residential facility for the mentally ill licensed by 89166  
the department of mental health under section 5119.22 of the 89167  
Revised Code; 89168

(e) A facility licensed to provide methadone treatment under 89169  
section 3793.11 of the Revised Code; 89170

(f) A residential facility licensed under section 5123.19 of 89171  
the Revised Code or otherwise regulated by the department of 89172  
developmental disabilities; 89173

(g) Any residence, institution, hotel, congregate housing 89174  
project, or similar facility that provides personal care services 89175  
to fewer than three residents or that provides, for any number of 89176  
residents, only housing, housekeeping, laundry, meal preparation, 89177  
social or recreational activities, maintenance, security, 89178  
transportation, and similar services that are not personal care 89179  
services or skilled nursing care; 89180

(h) Any facility that receives funding for operating costs 89181  
from the department of development under any program established 89182  
to provide emergency shelter housing or transitional housing for 89183  
the homeless; 89184

(i) A terminal care facility for the homeless that has 89185  
entered into an agreement with a hospice care program under 89186  
section 3712.07 of the Revised Code; 89187

(j) A facility approved by the veterans administration under 89188  
section 104(a) of the "Veterans Health Care Amendments of 1983," 89189  
97 Stat. 993, 38 U.S.C.A. 630, as amended, and used exclusively 89190  
for the placement and care of veterans. 89191

(10) ~~"Residents' rights advocate" means:~~ 89192

~~(a) An employee or representative of any state or local 89193  
government entity that has a responsibility for residents of adult 89194  
care facilities and has registered with the department of health 89195  
under section 3701.07 of the Revised Code; 89196~~

~~(b) An employee or representative, other than a manager or 89197  
employee of an adult care facility or nursing home, of any private 89198  
nonprofit corporation or association that qualifies for tax exempt 89199  
status under section 501(a) of the "Internal Revenue Code of 89200  
1986," 100 Stat. 2085, 26 U.S.C.A. 501(a), as amended, that has 89201  
registered with the department of health under section 3701.07 of 89202  
the Revised Code, and whose purposes include educating and 89203  
counseling residents, assisting residents in resolving problems 89204  
and complaints concerning their care and treatment, and assisting 89205  
them in securing adequate services. 89206~~

~~(11)~~ "Sponsor" means an adult relative, friend, or guardian 89207  
of a resident of an adult care facility who has an interest in or 89208  
responsibility for the resident's welfare. 89209

~~(12)~~(11) "Ombudsperson" means a "representative of the office 89210  
of the state long-term care ombudsperson program" as defined in 89211

section 173.14 of the Revised Code. 89212

~~(13)~~(12) "Mental health agency" means a community mental 89213  
health agency, as defined in section ~~5119.22~~ 340.01 of the Revised 89214  
Code, under contract with an ADAMHS board pursuant to division 89215  
(A)(8)(a) of section 340.03 of the Revised Code. 89216

~~(14)~~(13) "ADAMHS board" means a board of alcohol, drug 89217  
addiction, and mental health services; 89218

~~(15)~~(14) "Mental health resident program participation 89219  
agreement" means a written agreement between an adult care 89220  
facility and the ADAMHS board serving the alcohol, drug addiction, 89221  
and mental health service district in which the facility is 89222  
located, under which the facility is authorized to admit residents 89223  
who are receiving or are eligible for publicly funded mental 89224  
health services. 89225

~~(16)~~(15) "~~PASSPORT~~ RSS administrative agency" means an entity 89226  
~~under contract with the department of aging to provide that~~ 89227  
provides administrative services regarding the ~~PASSPORT~~ 89228  
residential state supplement program ~~created under section 173.40~~ 89229  
~~of the Revised Code on behalf of the department of mental health,~~ 89230  
either by having entered into a contract with the department to 89231  
serve in that capacity or by having the department otherwise 89232  
delegate to it the responsibility to serve in that capacity. 89233

(B) For purposes of ~~this chapter~~ sections 5119.70 to 5119.88 89234  
of the Revised Code, personal care services or skilled nursing 89235  
care shall be considered to be provided by a facility if they are 89236  
provided by a person employed by or associated with the facility 89237  
or by another person pursuant to an agreement to which neither the 89238  
resident who receives the services nor the resident's sponsor is a 89239  
party. 89240

(C) Nothing in division (A)(6) of this section shall be 89241  
construed to permit personal care services to be imposed upon a 89242

resident who is capable of performing the activity in question 89243  
without assistance. 89244

**Sec. ~~3722.011~~ 5119.701.** (A) All medication taken by residents 89245  
of an adult care facility shall be self-administered, except that 89246  
medication may be administered to a resident as part of the 89247  
skilled nursing care provided in accordance with division (B) of 89248  
section ~~3722.16~~ 5119.86 of the Revised Code. No person shall be 89249  
admitted to or retained by an adult care facility unless the 89250  
person is capable of self-administering the person's medication, 89251  
as determined in writing by a physician, except that a person may 89252  
be admitted to or retained by such a facility if the person's 89253  
medication is administered as part of the skilled nursing care 89254  
provided in accordance with division (B) of section ~~3722.16~~ 89255  
5119.86 of the Revised Code. 89256

(B) Members of the staff of an adult care facility shall not 89257  
administer medication to residents but may do any of the 89258  
following: 89259

Remind a resident when to take medication and watch to ensure 89260  
that the resident follows the directions on the container; 89261

Assist a resident in the self-administration of medication by 89262  
taking the medication from the locked area where it is stored, in 89263  
accordance with rules adopted ~~by the public health council~~ 89264  
~~pursuant to this chapter~~ under section 5119.79 of the Revised 89265  
Code, and handing it to the resident. If the resident is 89266  
physically unable to open the container, a staff member may open 89267  
the container for the resident. 89268

Assist a physically impaired but mentally alert resident, 89269  
such as a resident with arthritis, cerebral palsy, or Parkinson's 89270  
disease, in removing oral or topical medication from containers 89271  
and in consuming or applying the medication, upon request by or 89272  
with the consent of the resident. If a resident is physically 89273

unable to place a dose of medicine to the resident's mouth without 89274  
spilling it, a staff member may place the dose in a container and 89275  
place the container to the mouth of the resident. 89276

**Sec. ~~3722.02~~ 5119.71.** A person seeking a license to operate 89277  
an adult care facility shall submit to the director of mental 89278  
health an application on a form prescribed by the director and the 89279  
following: 89280

(A) In the case of an adult group home seeking licensure as 89281  
an adult care facility, evidence that the home has been inspected 89282  
and approved by a local certified building department or by the 89283  
division of labor in the department of commerce as meeting the 89284  
applicable requirements of sections 3781.06 to 3781.18 and 3791.04 89285  
of the Revised Code and any rules adopted under those sections and 89286  
evidence that the home has been inspected by the state fire 89287  
marshal or fire prevention officer of a municipal, township, or 89288  
other legally constituted fire department approved by the state 89289  
fire marshal and found to be in compliance with rules adopted 89290  
under section 3737.83 of the Revised Code regarding fire 89291  
prevention and safety in adult group homes; 89292

(B) Valid approvals of the facility's water and sewage 89293  
systems issued by the responsible governmental entity, if 89294  
applicable; 89295

(C) A statement of ownership containing the following 89296  
information: 89297

(1) If the owner is an individual, the owner's name, address, 89298  
telephone number, business address, business telephone number, and 89299  
occupation. If the owner is an association, corporation, or 89300  
partnership, the business activity, address, and telephone number 89301  
of the entity and the name of every person who has an ownership 89302  
interest of five per cent or more in the entity. 89303

(2) If the owner does not own the building or if the owner owns only part of the building in which the facility is housed, the name of each person who has an ownership interest of five per cent or more in the building;

(3) The address of any adult care facility and any facility described in divisions (A)(9)(a) to (j) of section ~~3722.01~~ 5119.70 of the Revised Code in which the owner has an ownership interest of five per cent or more;

(4) The identity of the manager of the adult care facility, if different from the owner;

(5) The name and address of any adult care facility and any facility described in divisions (A)(9)(a) to (j) of section ~~3722.01~~ 5119.70 of the Revised Code with which either the owner or manager has been affiliated through ownership or employment in the five years prior to the date of the application;

(6) The names and addresses of three persons not employed by or associated in business with the owner who will provide information about the character, reputation, and competence of the owner and the manager and the financial responsibility of the owner;

(7) Information about any arrest of the owner or manager for, or adjudication or conviction of, a criminal offense related to the provision of care in an adult care facility or any facility described in divisions (A)(9)(a) to (j) of section ~~3722.01~~ 5119.70 of the Revised Code or the ability to operate a facility;

(8) Any other information the director may require regarding the owner's ability to operate the facility.

(D) If the facility is an adult group home, a balance sheet showing the assets and liabilities of the owner and a statement projecting revenues and expenses for the first twelve months of the facility's operation;

(E) A statement containing the following information 89335  
regarding admissions to the facility: 89336

(1) The intended bed capacity of the facility; 89337

(2) If the facility will admit persons referred by or 89338  
receiving services from an ADAMHS board or a mental health agency, 89339  
the total number of beds anticipated to be occupied as a result of 89340  
those admissions. 89341

(F) A nonrefundable license application fee in an amount 89342  
established in rules adopted ~~by the public health council pursuant~~ 89343  
~~to this chapter~~ under section 5119.79 of the Revised Code. 89344

**Sec. ~~3722.021~~ 5119.711.** In determining the number of 89345  
residents in a facility for the purpose of licensure ~~under this~~ 89346  
~~chapter as an adult care facility~~, the director of mental health 89347  
shall consider all the individuals for whom the facility provides 89348  
accommodations as one group unless either of the following is the 89349  
case: 89350

(A) In addition to being an adult care facility, the facility 89351  
is a nursing home licensed under Chapter 3721. of the Revised 89352  
Code, a residential facility licensed under that chapter, or both. 89353  
In that case, all the individuals in the part or unit licensed as 89354  
a nursing home, residential care facility, or both, shall be 89355  
considered as one group and all the individuals in the part or 89356  
unit licensed as an adult care facility shall be considered as 89357  
another group. 89358

(B) The facility maintains, in addition to an adult care 89359  
facility, a separate and discrete part or unit that provides 89360  
accommodations to individuals who do not receive supervision or 89361  
personal care services from the adult care facility, in which case 89362  
the individuals in the separate and discrete part or unit shall 89363  
not be considered in determining the number of residents in the 89364

adult care facility if the separate and discrete part or unit is 89365  
in compliance with the Ohio basic building code established by the 89366  
board of building standards under Chapters 3781. and 3791. of the 89367  
Revised Code and the adult care facility, to the extent of its 89368  
authority, permits the director, on request, to inspect the 89369  
separate and discrete part or unit and speak with the individuals 89370  
residing there, if they consent, to determine whether the separate 89371  
and discrete part or unit meets the requirements of this division. 89372

**Sec. ~~3722.022~~ 5119.712.** A person may not apply for a license 89373  
to operate an adult care facility if the person is or has been the 89374  
owner or manager of an adult care facility for which a license to 89375  
operate was revoked or for which renewal of a license was refused 89376  
for any reason other than nonpayment of the license renewal fee, 89377  
unless both of the following conditions are met: 89378

(A) A period of not less than two years has elapsed since the 89379  
date the director of mental health issued the order revoking or 89380  
refusing to renew the facility's license. 89381

(B) The director's revocation or refusal to renew the license 89382  
was not based on an act or omission at the facility that violated 89383  
a resident's right to be free from abuse, neglect, or 89384  
exploitation. 89385

**Sec. ~~3722.03~~ 5119.72.** (A) Any person may operate an adult 89386  
family home licensed as an adult care facility as a permitted use 89387  
in any residential district or zone, including any single-family 89388  
residential district or zone of any political subdivision. Such 89389  
adult family homes may be required to comply with area, height, 89390  
yard, and architectural compatibility requirements that are 89391  
uniformly imposed upon all single-family residences within the 89392  
district or zone. 89393

(B) Any person may operate an adult group home licensed as an 89394



adult care facility as a permitted use in any multiple-family residential district or zone of any political subdivision, except that a political subdivision that has enacted a zoning ordinance or resolution establishing planned-unit development districts as defined in section 519.021 of the Revised Code may exclude adult group homes from such districts, and a political subdivision that has enacted a zoning ordinance or resolution may regulate adult group homes in multiple-family residential districts or zones as a conditionally permitted use or special exception, in either case, under reasonable and specific standards and conditions set out in the zoning ordinance or resolution to:

(1) Require the architectural design and site layout of the home and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;

(2) Require compliance with yard, parking, and sign regulation.

(C) This section does not affect any right of a political subdivision to permit a person to operate an adult group home licensed under this chapter in a single-family residential district or zone under conditions established by the political subdivision.

(D)(1) Notwithstanding divisions (A) and (B) of this section and except as otherwise provided in division (D)(2) of this section, a political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of adult family homes and adult group homes required to be licensed as adult care facilities.

(2) Nothing in division (D)(1) of this section authorizes a political subdivision to prevent or limit the continued existence and operation of adult family homes and adult group homes existing

and operating on the effective date of this section and required 89426  
to be licensed as adult care facilities. A political subdivision 89427  
may consider the existence of such homes for the purpose of 89428  
limiting the excessive concentration of adult family homes or 89429  
adult group homes required to be licensed as adult care facilities 89430  
that are not existing and operating on the effective date of this 89431  
section. 89432

**Sec. ~~3722.04~~ 5119.73.** (A) The director of mental health shall 89433  
inspect, license, and regulate adult care facilities. Except as 89434  
otherwise provided in division (D) of this section, the director 89435  
shall issue a license to an adult care facility that meets the 89436  
requirements of section ~~3722.02~~ 5119.71 of the Revised Code and 89437  
that the director determines to be in substantial compliance with 89438  
the rules adopted ~~by the public health council~~ pursuant to ~~this~~ 89439  
~~chapter~~ sections 5119.70 to 5119.88 of the Revised Code. The 89440  
director shall consider the past record of the owner and manager 89441  
and any individuals who are principal participants in an entity 89442  
that is the owner or manager in operating facilities providing 89443  
care to adults. The director may, in accordance with Chapter 119. 89444  
of the Revised Code, deny a license if the past record indicates 89445  
that the owner or manager is not suitable to own or manage an 89446  
adult care facility. 89447

The license shall contain the name and address of the 89448  
facility for which it was issued, the date of expiration of the 89449  
license, and the maximum number of residents that may be 89450  
accommodated by the facility. A license for an adult care facility 89451  
shall be valid for a period of two years after the date of 89452  
issuance. No single facility may be licensed to operate as more 89453  
than one adult care facility. 89454

(B) The director shall renew a license for a two-year period 89455  
if the facility continues to be in compliance with the 89456

requirements of this chapter and in substantial compliance with 89457  
the rules adopted ~~under this chapter~~ pursuant to sections 5119.70 89458  
to 5119.88 of the Revised Code. The owner shall submit a 89459  
nonrefundable license renewal application fee in an amount 89460  
established in rules adopted ~~by the public health council pursuant~~ 89461  
~~to this chapter~~ under section 5119.79 of the Revised Code. Before 89462  
the license of an adult group home is renewed, if any alterations 89463  
have been made to the buildings, a certificate of occupancy for 89464  
the facility shall have been issued by the division of labor in 89465  
the department of commerce or a local certified building 89466  
department. The facility shall have water and sewage system 89467  
approvals, if required by law, and, in the case of an adult group 89468  
home, documentation of continued compliance with the rules adopted 89469  
by the state fire marshal under division (F) of section 3737.83 of 89470  
the Revised Code. 89471

(C)(1) During each licensure period, the director shall make 89472  
at least one unannounced inspection of an adult care facility in 89473  
addition to inspecting the facility to determine whether a license 89474  
should be issued or renewed, and may make additional unannounced 89475  
inspections as the director considers necessary. Other inspections 89476  
may be made at any time that the director considers appropriate. 89477  
Inspections may be conducted as desk audits or on-site 89478  
inspections. 89479

The director shall take all reasonable actions to avoid 89480  
giving notice of an inspection by the manner in which the 89481  
inspection is scheduled or performed. 89482

If an inspection is conducted to investigate an alleged 89483  
violation of the requirements of ~~this chapter~~ sections 5119.70 to 89484  
5119.88 of the Revised Code in a facility with residents referred 89485  
by or receiving services from a mental health agency or ADAMHS 89486  
board or a facility with residents receiving assistance under the 89487  
residential state supplement program administered by the 89488

department of ~~aging~~ mental health pursuant to section ~~173.35~~ 89489  
5119.69 of the Revised Code, the director ~~shall~~ may coordinate the 89490  
inspection with the appropriate mental health agency, ADAMHS 89491  
board, or ~~PASSPORT~~ residential state supplement administrative 89492  
agency designated under section 5119.69 of the Revised Code. ~~As~~ 89493  
~~the director considers appropriate, the~~ The director ~~shall~~ may 89494  
conduct the inspection jointly with the mental health agency, 89495  
ADAMHS board, or ~~PASSPORT~~ residential state supplement 89496  
administrative agency. 89497

Not later than sixty days after the date of an inspection of 89498  
a facility, the director shall send a report of the inspection to 89499  
the regional long-term care ombudsperson in whose region 89500  
representing the program in the area in which the facility is 89501  
located. 89502

(2) The state fire marshal or fire prevention officer of a 89503  
municipal, township, or other legally constituted fire department 89504  
approved by the state fire marshal shall inspect an adult group 89505  
home seeking a license or renewal ~~under this chapter~~ as an adult 89506  
care facility prior to issuance of a license or renewal, at least 89507  
once annually thereafter, and at any other time at the request of 89508  
the director, to determine compliance with the rules adopted under 89509  
division (F) of section 3737.83 of the Revised Code. 89510

(D) The director may waive any of the licensing requirements 89511  
established by rule ~~adopted by the public health council~~ pursuant 89512  
to ~~this chapter~~ sections 5119.70 to 5119.88 of the Revised Code 89513  
upon written request of the facility. The director may grant a 89514  
waiver if the director determines that the strict application of 89515  
the licensing requirement would cause undue hardship to the 89516  
facility and that granting the waiver would not jeopardize the 89517  
health or safety of any resident. The director may provide a 89518  
facility with an informal hearing concerning the denial of a 89519  
waiver request, but the facility shall not be entitled to a 89520

hearing under Chapter 119. of the Revised Code unless the director 89521  
takes an action that requires a hearing to be held under section 89522  
~~3722.05~~ 5119.74 of the Revised Code. 89523

(E)(1) Not later than thirty days after each of the 89524  
following, the owner of an adult care facility shall submit an 89525  
inspection fee of twenty dollars for each bed for which the 89526  
facility is licensed: 89527

(a) Issuance or renewal of a license; 89528

(b) The unannounced inspection required by division (C)(1) of 89529  
this section that is in addition to the inspection conducted to 89530  
determine whether a license should be issued or renewed; 89531

(c) If, during an inspection conducted in addition to the two 89532  
inspections required by division (C)(1) of this section, the 89533  
facility was found to be in violation of ~~this chapter~~ sections 89534  
5119.70 to 5119.88 of the Revised Code or the rules adopted under 89535  
~~it~~ those sections, receipt by the facility of the report of that 89536  
investigation. 89537

(2) The director may revoke the license of any adult care 89538  
facility that fails to submit the fee within the thirty-day 89539  
period. 89540

(3) All inspection fees received by the director, all civil 89541  
penalties assessed under section ~~3722.08~~ 5119.77 of the Revised 89542  
Code, all fines imposed under section ~~3722.99~~ 5119.99 of the 89543  
Revised Code, and all license application and renewal application 89544  
fees received under division (F) of section ~~3722.02~~ 5119.71 of the 89545  
Revised Code or under division (B) of this section ~~shall be~~ 89546  
~~deposited into the general operations fund created in section~~ 89547  
~~3701.83 of the Revised Code and~~ shall be used only to pay the 89548  
costs of administering and enforcing the requirements of ~~this~~ 89549  
~~chapter~~ sections 5119.70 to 5119.88 of the Revised Code and rules 89550  
adopted under ~~it~~ those sections. 89551

(F)(1) An owner shall inform the director in writing of any 89552  
changes in the information contained in the statement of ownership 89553  
made pursuant to division (C) of section ~~3722.02~~ 5119.71 of the 89554  
Revised Code or in the identity of the manager, not later than ten 89555  
days after the change occurs. 89556

(2) An owner who sells or transfers an adult care facility 89557  
shall be responsible and liable for the following: 89558

(a) Any civil penalties imposed against the facility under 89559  
section ~~3722.08~~ 5119.77 of the Revised Code for violations that 89560  
occur before the date of transfer of ownership or during any 89561  
period in which the seller or the seller's agent operates the 89562  
facility; 89563

(b) Any outstanding liability to the state, unless the buyer 89564  
or transferee has agreed, as a condition of the sale or transfer, 89565  
to accept the outstanding liabilities and to guarantee their 89566  
payment, except that if the buyer or transferee fails to meet 89567  
these obligations the seller or transferor shall remain 89568  
responsible for the outstanding liability. 89569

(G) The director shall annually publish a list of licensed 89570  
adult care facilities, facilities for which licenses have been 89571  
revoked, facilities for which license renewal has been refused, 89572  
any facilities under an order suspending admissions pursuant to 89573  
section ~~3722.07~~ 5119.76 of the Revised Code, and any facilities 89574  
that have been assessed a civil penalty pursuant to section 89575  
~~3722.08~~ 5119.77 of the Revised Code. The director shall furnish 89576  
information concerning the status of licensure of any facility to 89577  
any person upon request. The director shall annually send a copy 89578  
of the list to the department of job and family services, ~~to the~~ 89579  
~~department of mental health,~~ and to the department of aging. 89580

**Sec. ~~3722.041~~ 5119.731.** (A) Sections 3781.06 to 3781.18 and 89581  
3791.04 of the Revised Code do not apply to an adult family home 89582

for which application is made to the director of mental health for 89583  
licensure as an adult care facility ~~under this chapter~~. Adult 89584  
family homes shall not be required to submit evidence to the 89585  
director ~~of health~~ that the home has been inspected by a local 89586  
certified building department or the division of labor in the 89587  
department of commerce or by the state fire marshal or a fire 89588  
prevention officer under section ~~3722.02~~ 5119.71 of the Revised 89589  
Code, but shall be inspected by the director ~~of health~~ to 89590  
determine compliance with this section. An inspection made under 89591  
this section may be made at the same time as an inspection made 89592  
under section ~~3722.04~~ 5119.73 of the Revised Code. 89593

(B) The director shall not license or renew the license of an 89594  
adult family home unless it meets the fire protection standards 89595  
established by rules adopted ~~by the public health council pursuant~~ 89596  
~~to this chapter~~ under section 5119.79 of the Revised Code. 89597

**Sec. ~~3722.05~~ 5119.74.** If an adult care facility fails to 89598  
comply with any requirement of ~~this chapter~~ sections 5119.70 to 89599  
5119.88 of the Revised Code or with any rule adopted ~~pursuant to~~ 89600  
~~this chapter~~ under those sections, the director of mental health 89601  
may do any one or all of the following: 89602

(A) In accordance with Chapter 119. of the Revised Code, 89603  
deny, revoke, or refuse to renew the license of the facility; 89604

(B) Give the facility an opportunity to correct the 89605  
violation, in accordance with section ~~3722.06~~ 5119.75 of the 89606  
Revised Code; 89607

(C) Issue an order suspending the admission of residents to 89608  
the facility, in accordance with section ~~3722.07~~ 5119.76 of the 89609  
Revised Code; 89610

(D) Impose a civil penalty in accordance with section ~~3722.08~~ 89611  
5119.77 of the Revised Code; 89612

(E) Petition the court of common pleas for injunctive relief 89613  
in accordance with section ~~3722.09~~ 5119.78 of the Revised Code. 89614

**Sec. ~~3722.06~~ 5119.75.** Except as otherwise provided in 89615  
sections ~~3722.07~~ 5119.76 to ~~3722.09~~ 5119.78 of the Revised Code 89616  
and except in cases of violations that jeopardize the health and 89617  
safety of any of the residents, if the director of mental health 89618  
determines that a licensed adult care facility is in violation of 89619  
~~this chapter~~ sections 5119.70 to 5119.88 of the Revised Code or of 89620  
rules adopted ~~pursuant to this chapter~~ under those sections, the 89621  
director shall give the facility an opportunity to correct the 89622  
violation. The director shall notify the facility of the violation 89623  
and specify a reasonable time for making the corrections. Notice 89624  
of the violation shall be in writing and shall include a citation 89625  
to the statute or rule violated. The director shall state the 89626  
action that the director will take if the corrections are not made 89627  
within the specified period of time. 89628

The facility shall submit to the director a plan of 89629  
correction stating the actions that will be taken to correct the 89630  
violation. The director shall conduct an inspection to determine 89631  
whether the facility has corrected the violation in accordance 89632  
with the plan of correction. 89633

If the director determines that the facility has failed to 89634  
correct the violation in accordance with the plan of correction, 89635  
the director may impose a penalty under section ~~3722.08~~ 5119.77 of 89636  
the Revised Code. If the director determines that the license of 89637  
the facility should be revoked or should not be renewed because 89638  
the facility has failed to correct the violation within the time 89639  
specified or because the violation jeopardizes the health or 89640  
safety of any of the residents, the director shall revoke or 89641  
refuse to renew the license in accordance with Chapter 119. of the 89642  
Revised Code. 89643



**Sec. ~~3722.07~~ 5119.76.** (A) If the director of mental health 89644  
determines that an adult care facility is in violation of ~~this~~ 89645  
~~chapter sections 5119.70 to 5119.88 of the Revised Code~~ or of 89646  
rules adopted ~~pursuant to it~~ under those sections, the director 89647  
may immediately issue an order suspending the admission of 89648  
residents to the facility. This order shall be effective 89649  
immediately without prior hearing, and no resident shall be 89650  
admitted to the facility until termination of the order. The 89651  
director shall send a copy of the order to each organization known 89652  
by the director to have placed residents in the facility and upon 89653  
termination of the order shall send written notice of the 89654  
termination to each of these organizations. Upon inquiry by any 89655  
person about the licensure status of the facility, the director 89656  
shall disclose the existence of an order of suspension. If the 89657  
director discloses the existence of such an order to any person 89658  
pursuant to this division, ~~he~~ the director shall also notify that 89659  
person, and any other person upon inquiry, of any subsequent 89660  
termination of the order of suspension. The facility shall post 89661  
the notice provided for in division (B) of this section 89662  
prominently and shall inform any person who inquires about 89663  
residence or placement in the facility of the order. 89664

(B) The director shall give written notice of the order of 89665  
suspension to the facility by certified mail, return receipt 89666  
requested, or shall provide for delivery of the notice in person. 89667  
If requested by the facility in a letter mailed or delivered not 89668  
later than two working days after it has received the notice, the 89669  
director shall hold a conference with representatives of the 89670  
facility concerning the suspension. The conference shall be held 89671  
not later than seven days after the director receives the request. 89672

The notice sent by the director shall contain all of the 89673  
following: 89674

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| (1) A description of the violation;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 89675                                                                                                                      |
| (2) A citation to the statute or rule violated;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 89676                                                                                                                      |
| (3) A description of the corrections required for termination of the order of suspension;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 89677<br>89678                                                                                                             |
| (4) Procedures for the facility to follow to request a conference on the order of suspension.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 89679<br>89680                                                                                                             |
| (C) At the conference the director shall discuss with the representatives of the facility the violation cited in the notice provided for in division (B) of this section and shall advise the representatives in regard to correcting the violations. Not later than five days after the conference, the director shall issue another order either upholding or terminating the suspension. If the director issues an order upholding the suspension, the facility may request an adjudication hearing pursuant to Chapter 119. of the Revised Code, but the notice and hearing under that chapter shall be provided after the order is issued, and the suspension shall remain in effect during the hearing process unless terminated by the director or until ninety days have elapsed after a timely request for an adjudication hearing is received by the director, whichever is sooner. | 89681<br>89682<br>89683<br>89684<br>89685<br>89686<br>89687<br>89688<br>89689<br>89690<br>89691<br>89692<br>89693<br>89694 |
| <b>Sec. <del>3722.08</del> <u>5119.77</u>.</b> (A) If the director of <u>mental</u> health determines that an adult care facility is in violation of <del>this chapter</del> <u>sections 5119.70 to 5119.88 of the Revised Code</u> or rules adopted under <del>it</del> <u>those sections</u> , the director may impose a civil penalty on the owner of the facility, pursuant to rules adopted <del>by the public health council</del> under <del>this chapter</del> <u>sections 5119.79 and 5119.80 of the Revised Code</u> . The director shall determine the classification and amount of the penalty by considering the following factors:                                                                                                                                                                                                                                              | 89695<br>89696<br>89697<br>89698<br>89699<br>89700<br>89701<br>89702<br>89703                                              |
| (1) The gravity of the violation, the severity of the actual                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 89704                                                                                                                      |

or potential harm, and the extent to which the provisions of this chapter or rules adopted under it were violated;

(2) Actions taken by the owner or manager to correct the violation;

(3) The number, if any, of previous violations by the adult care facility.

(B) The director shall give written notice of the order imposing a civil penalty to the adult care facility by certified mail, return receipt requested, or shall provide for delivery of the notice in person. The notice shall specify the classification of the violation as determined by rules adopted ~~by the public health council pursuant to this chapter~~ under section 5119.80 of the Revised Code, the amount of the penalty and the rate of interest, the action that is required to be taken to correct the violation, the time within which it is to be corrected as specified in division (C) of this section, and the procedures for the facility to follow to request a conference on the order imposing a civil penalty. If the facility requests a conference in a letter mailed or delivered not later than two working days after it has received the notice, the director shall hold a conference with representatives of the facility concerning the civil penalty. The conference shall be held not later than seven days after the director receives the request. The conference shall be conducted as prescribed in division (C) of section ~~3722.07~~ 5119.76 of the Revised Code. If the director issues an order upholding the civil penalty, the facility may request an adjudication hearing pursuant to Chapter 119. of the Revised Code, but the order of the director shall be in effect during proceedings instituted pursuant to that chapter until a final adjudication is made.

(C) The director shall order that the condition or practice constituting a class I violation be abated or eliminated within twenty-four hours or any longer period that the director considers

reasonable. The notice for a class II or a class III violation 89737  
shall specify a time within which the violation is required to be 89738  
corrected. 89739

(D) If the facility does not request a conference or if, 89740  
after a conference, it fails to take action to correct a violation 89741  
in the time prescribed by the director, the director shall issue 89742  
an order upholding the penalty, plus interest at the rate 89743  
specified in section 1343.03 of the Revised Code for each day 89744  
beyond the date set for payment of the penalty. The director may 89745  
waive the interest payment for the period prior to the conference 89746  
if the director concludes that the conference was necessitated by 89747  
a legitimate dispute. 89748

(E) The director may cancel or reduce the penalty for a class 89749  
I violation if the facility corrects the violation within the time 89750  
specified in the notice, except that the director shall impose the 89751  
penalty even though the facility has corrected the violation if a 89752  
resident suffers physical harm because of the violation or the 89753  
facility has been cited previously for the same violation. The 89754  
director may cancel the penalty for a class II or class III 89755  
violation if the facility corrects the violation within the time 89756  
specified in the notice and the facility has not been cited 89757  
previously for the same violation. Each day of a violation of any 89758  
class, after the date the director sets for abatement or 89759  
elimination, constitutes a separate and additional violation. 89760

(F) If an adult care facility fails to pay a penalty imposed 89761  
under this section, the director may commence a civil action to 89762  
collect the penalty. The license of an adult care facility that 89763  
has failed to pay a penalty imposed under this section shall not 89764  
be renewed until the penalty has been paid. 89765

(G) If a penalty is imposed under this section, a fine shall 89766  
not be imposed under section ~~3722.99~~ 5119.99 of the Revised Code 89767  
for the same violation. 89768

**Sec. ~~3722.09~~ 5119.78.** (A) If the director of mental health 89769  
determines that the operation of an adult care facility 89770  
jeopardizes the health or safety of any of the residents of the 89771  
facility or if the director determines that an adult care facility 89772  
is operating without a license, the director may petition the 89773  
court of common pleas in the county in which the facility is 89774  
located for appropriate injunctive relief against the facility. If 89775  
injunctive relief is granted against a facility for operating 89776  
without a license and the facility continues to operate without a 89777  
license, the director shall refer the case to the attorney general 89778  
for further action. 89779

(B) The court petitioned under division (A) of this section 89780  
shall grant injunctive relief upon a showing that the operation of 89781  
the facility jeopardizes the health or safety of any of the 89782  
residents of the facility or that the facility is operating 89783  
without a license. When the court grants injunctive relief in the 89784  
case of a facility operating without a license, the court shall 89785  
issue, at a minimum, an order enjoining the facility from 89786  
admitting new residents to the facility and an order requiring the 89787  
facility to assist ~~resident rights advocates~~ with the safe and 89788  
orderly relocation of the facility's residents. 89789

**Sec. ~~3722.10~~ 5119.79.** (A) The ~~public health council shall~~ 89790  
~~have the exclusive authority to adopt, and the council department~~ 89791  
~~of mental health shall adopt,~~ rules governing the licensing and 89792  
operation of adult care facilities. The rules shall be adopted in 89793  
accordance with Chapter 119. of the Revised Code ~~and shall.~~ 89794  
Subject to any provision of sections 5119.70 to 5119.88 of the 89795  
Revised Code for which rules are required to be adopted, the rules 89796  
may specify ~~all~~ any of the following: 89797

(1) Procedures for the issuance, renewal, and revocation of 89798  
licenses, for the granting and denial of waivers, and for the 89799

issuance and termination of orders of suspension of admission 89800  
pursuant to section ~~3722.07~~ 5119.76 of the Revised Code; 89801

(2) The qualifications required for owners, managers, and 89802  
employees of adult care facilities, including character, training, 89803  
education, experience, and financial resources and the number of 89804  
staff members required in a facility; 89805

(3) Adequate space, equipment, safety, and sanitation 89806  
standards for the premises of adult care facilities, and fire 89807  
protection standards for adult family homes as required by section 89808  
~~3722.041~~ 5119.731 of the Revised Code; 89809

(4) The personal, social, dietary, and recreational services 89810  
to be provided to each resident of adult care facilities; 89811

(5) Rights of residents of adult care facilities, in addition 89812  
to the rights enumerated under section ~~3722.12~~ 5119.81 of the 89813  
Revised Code, and procedures to protect and enforce the rights of 89814  
these residents; 89815

(6) Provisions for keeping records of residents and for 89816  
maintaining the confidentiality of the records as required by 89817  
division (B) of section ~~3722.12~~ 5119.81 of the Revised Code. The 89818  
provisions for maintaining the confidentiality of records shall, 89819  
at the minimum, meet the requirements for maintaining the 89820  
confidentiality of records under Title XIX of the "Social Security 89821  
Act," 49 Stat. 620, 42 U.S.C. 301, as amended, and regulations 89822  
promulgated thereunder. 89823

(7) Measures to be taken by adult care facilities relative to 89824  
residents' medication, including policies and procedures 89825  
concerning medication, storage of medication in a locked area, and 89826  
disposal of medication and assistance with self-administration of 89827  
medication, if the facility provides assistance; 89828

(8) Requirements for initial and periodic health assessments 89829  
of prospective and current adult care facility residents by 89830

physicians or other health professionals to ensure that they do 89831  
not require a level of care beyond that which is provided by the 89832  
adult care facility, including assessment of their capacity to 89833  
self-administer the medications prescribed for them; 89834

(9) Requirements relating to preparation of special diets; 89835

(10) The amount of the fees for new and renewal license 89836  
applications made pursuant to sections ~~3722.02~~ 5119.71 and ~~3722.04~~ 89837  
5119.73 of the Revised Code; 89838

(11) Measures to be taken by any employee of the state or any 89839  
political subdivision of the state authorized by this chapter to 89840  
enter an adult care facility to inspect the facility or for any 89841  
other purpose, to ensure that the employee respects the privacy 89842  
and dignity of residents of the facility, cooperates with 89843  
residents of the facility and behaves in a congenial manner toward 89844  
them, and protects the rights of residents; 89845

(12) How an owner or manager of an adult care facility is to 89846  
comply with section ~~3722.18~~ 5119.88 of the Revised Code. ~~At a~~ 89847  
~~minimum, the~~ The rules ~~shall~~ may establish the procedures an owner 89848  
or manager is to follow under division (A) of section ~~3722.18~~ 89849  
5119.88 of the Revised Code regarding referrals to the facility of 89850  
prospective residents with mental illness or severe mental 89851  
disability and effective arrangements for ongoing mental health 89852  
services for such prospective residents. The procedures may 89853  
provide for any of the following: 89854

(a) That the owner or manager and the ADAMHS board serving 89855  
the alcohol, drug addiction, and mental health service district in 89856  
which the facility is located sign a mental health resident 89857  
program participation agreement, as developed by the director of 89858  
mental health under section ~~5119.613~~ 5119.614 of the Revised Code; 89859

(b) That the owner or manager comply with the requirements of 89860  
its mental health resident program participation agreement; 89861

(c) That the owner or manager and the mental health agencies and ADAMHS boards that refer such prospective residents to the facility develop and sign a mental health plan for ongoing mental health services for each such prospective resident;

(d) Any other process established by the ~~public health council in consultation with the director of health and~~ director of mental health regarding referrals and effective arrangements for ongoing mental health services for prospective residents with mental illness.

(13) Any other rules necessary for the administration and enforcement of ~~this chapter sections 5119.70 to 5119.88 of the Revised Code.~~

~~(B) After consulting with relevant constituencies, the director of mental health shall prepare and submit to the director of health recommendations for the content of rules to be adopted under division (A)(12) of this section.~~

~~(C)~~ The director of mental health shall advise adult care facilities regarding compliance with the requirements of ~~this chapter sections 5119.70 to 5119.88 of the Revised Code~~ and with the rules adopted pursuant to ~~this chapter those sections.~~

~~(D)~~(C) Any duty or responsibility imposed upon the director of mental health by this chapter may be carried out by ~~an employee of the department of health~~ persons designated by the director.

~~(E)~~(D) Employees of the department of mental health may enter, for the purposes of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as an adult care facility without a valid license.

~~Sec. 3722.11~~ 5119.80. The ~~public health council~~ department of



~~mental health shall, not later than twelve months after the~~ 89892  
~~effective date of this section,~~ adopt rules under Chapter 119. of 89893  
the Revised Code that set guidelines for classifying violations of 89894  
~~this chapter~~ sections 5119.70 to 5119.88 of the Revised Code or 89895  
rules adopted under ~~it~~ those sections for the purpose of imposing 89896  
civil penalties. The rules shall establish the following 89897  
classifications: 89898

(A) Class I violations are conditions or occurrences that 89899  
present an immediate and serious threat to the physical or 89900  
emotional health, safety, or security of residents of an adult 89901  
care facility. Whoever is determined to have committed a class I 89902  
violation is subject to a civil penalty of not less than seven 89903  
hundred dollars nor more than one thousand dollars for each 89904  
violation. 89905

(B) Class II violations are conditions or occurrences, other 89906  
than class I violations, that directly threaten the physical or 89907  
emotional health, safety, or security of residents of an adult 89908  
care facility. Whoever is determined to have committed a class II 89909  
violation is subject to a civil penalty of not less than five 89910  
hundred dollars nor more than seven hundred dollars for each 89911  
violation. 89912

(C) Class III violations are conditions or occurrences, other 89913  
than class I or class II violations, that indirectly or 89914  
potentially threaten the physical or emotional health, safety, or 89915  
security of residents of a facility. Whoever is determined to have 89916  
committed a class III violation is subject to a civil penalty of 89917  
not less than one hundred dollars nor more than five hundred 89918  
dollars for each violation. 89919

**Sec. ~~3722.12~~ 5119.81.** (A) As used in this section: 89920

(1) "Abuse" means the unreasonable confinement or 89921  
intimidation of a resident, or the infliction of injury or cruel 89922

punishment upon a resident, resulting in physical harm, pain, or 89923  
mental anguish. 89924

(2) "Exploitation" means the unlawful or improper utilization 89925  
of an adult resident or ~~his~~ the resident's resources for personal 89926  
or monetary benefit, profit, or gain. 89927

(3) "Mechanical restraint" means any method of restricting a 89928  
resident's freedom of movement, physical activity, or normal use 89929  
of the resident's body, using an appliance or device manufactured 89930  
for this purpose. 89931

(4) "Neglect" means failure to provide a resident with the 89932  
goods or services necessary to prevent physical harm, mental 89933  
anguish, or mental illness. 89934

~~(4)(5) "Physical restraint," includes, but is not limited to,~~ 89935  
~~the locked door of a room or any article, device, or garment that 89936  
interferes with the free movement of the resident and that he is 89937  
unable to remove easily~~ also known as "manual restraint," means 89938  
any method of physically restricting a resident's freedom of 89939  
movement, physical activity, or normal use of the resident's body 89940  
without the use of a mechanical restraint. 89941

(6) "Seclusion" means the involuntary confinement of a 89942  
resident alone in a room in which the resident is physically 89943  
prevented from leaving. 89944

(B) The rights of a resident of an adult care facility 89945  
include all of the following: 89946

(1) The right to a safe, healthy, clean, and decent living 89947  
environment; 89948

(2) The right to be treated at all times with courtesy and 89949  
respect, and with full recognition of personal dignity and 89950  
individuality; 89951

(3) The right to practice a religion of ~~his~~ the resident's 89952

|                                                                                                                                                                                                                                           |                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| choice or to abstain from the practice of religion;                                                                                                                                                                                       | 89953                            |
| (4) The right to manage personal financial affairs;                                                                                                                                                                                       | 89954                            |
| (5) The right to retain and use personal clothing;                                                                                                                                                                                        | 89955                            |
| (6) The right to ownership and reasonable use of personal property so as to maintain personal dignity and individuality;                                                                                                                  | 89956<br>89957                   |
| (7) The right to participate in activities within the facility and to use the common areas of the facility;                                                                                                                               | 89958<br>89959                   |
| (8) The right to engage in or refrain from engaging in activities of <del>his</del> <u>the resident's</u> own choosing within reason;                                                                                                     | 89960<br>89961                   |
| (9) The right to private and unrestricted communications, including:                                                                                                                                                                      | 89962<br>89963                   |
| (a) The right to receive, send, and mail sealed, unopened correspondence;                                                                                                                                                                 | 89964<br>89965                   |
| (b) The right to reasonable access to a telephone for private communications;                                                                                                                                                             | 89966<br>89967                   |
| (c) The right to private visits at any reasonable hour.                                                                                                                                                                                   | 89968                            |
| (10) The right to initiate and maintain contact with the community, including the right to participate in the activities of community groups at <del>his</del> <u>the resident's</u> initiative or at the initiative of community groups; | 89969<br>89970<br>89971<br>89972 |
| (11) The right to state grievances to the owner or the manager of the facility, to any governmental agency, or to any other person without reprisal;                                                                                      | 89973<br>89974<br>89975          |
| (12) Prior to becoming a resident, the right to visit the facility alone or with <del>his</del> <u>the prospective resident's</u> sponsor;                                                                                                | 89976<br>89977                   |
| (13) The right to retain the services of any health or social services practitioner at <del>his</del> <u>the resident's</u> own expense;                                                                                                  | 89978<br>89979                   |
| (14) The right to refuse medical treatment or services, or if the resident has been adjudicated incompetent pursuant to Chapter                                                                                                           | 89980<br>89981                   |

2111. of the Revised Code and has not been restored to legal 89982  
capacity, the right to have ~~his~~ the resident's legal guardian make 89983  
decisions about medical treatment and services for ~~him~~ the 89984  
resident; 89985

(15) The right to be free from abuse, neglect, or 89986  
exploitation; 89987

(16) The right to be free from seclusion and mechanical and 89988  
physical restraints; 89989

(17) The right not to be deprived of any legal rights solely 89990  
by reason of residence in an adult care facility; 89991

(18) The right to examine records maintained by the adult 89992  
care facility concerning ~~him~~ the resident, upon request; 89993

(19) The right to confidential treatment of ~~his~~ the 89994  
resident's personal records, and the right to approve or refuse 89995  
the release of these records to any individual outside the 89996  
facility, except upon transfer to another adult care facility or a 89997  
nursing home, residential care facility, home for the aging, 89998  
hospital, or other health care facility or provider, and except as 89999  
required by law or rule or as required by a third-party payment 90000  
contract; 90001

(20) The right to be informed in writing of the rates charged 90002  
by the facility as well as any additional charges, and to receive 90003  
thirty days notice in writing of any change in the rates and 90004  
charges; 90005

(21) The right to have any significant change in ~~his~~ the 90006  
resident's health reported to ~~his~~ the resident's sponsor; 90007

(22) The right to share a room with a spouse if both are 90008  
residents of the facility. 90009

(C) A sponsor, the director of mental health, or the director 90010  
of aging, ~~or a residents' rights advocate registered under section~~ 90011

~~3701.07 of the Revised Code~~ may assert on behalf of a resident any 90012  
of the rights enumerated under this section, section ~~3722.14~~ 90013  
5119.83 of the Revised Code, or rules adopted ~~by the public health~~ 90014  
~~council pursuant to this chapter~~ sections 5119.70 to 5119.88 of 90015  
the Revised Code. Any attempted waiver of these rights is void. No 90016  
adult care facility or person associated with an adult care 90017  
facility shall deny a resident any of these rights. 90018

(D) Any resident whose rights under this section or section 90019  
~~3722.13~~ 5119.82 or ~~3722.14~~ 5119.83 of the Revised Code are 90020  
violated has a cause of action against any person or facility 90021  
committing the violation. ~~The action may be commenced by the~~ 90022  
~~resident or by his sponsor on his behalf.~~ The court may award 90023  
actual and punitive damages for violation of the rights. The court 90024  
may award to the prevailing party reasonable attorney's fees 90025  
limited to the work reasonably performed. 90026

**Sec. ~~3722.13~~ 5119.82.** (A) Each adult care facility shall 90027  
establish a written residents' rights policy containing the text 90028  
of sections ~~3722.12~~ 5119.81 and ~~3722.14~~ 5119.83 of the Revised 90029  
Code and rules adopted by the ~~public health council~~ pursuant to 90030  
~~this chapter~~ sections 5119.70 to 5119.88 of the Revised Code, a 90031  
discussion of the rights and responsibilities of residents under 90032  
~~that section~~ sections 5119.81 to 5119.83 of the Revised Code, and 90033  
the text of any additional rule for residents promulgated by the 90034  
facility. At the time of admission the manager shall give a copy 90035  
of the residents' rights policy to the resident and the resident's 90036  
sponsor, if any, and explain the contents of the policy to them. 90037  
The facility shall establish procedures for facilitating the 90038  
residents' exercise of their rights. 90039

(B) Each adult care facility shall post prominently within 90040  
the facility a copy of the residents' rights listed in division 90041  
(B) of section ~~3722.12~~ 5119.81 of the Revised Code and any 90042

additional residents' rights established by rules adopted by the 90043  
~~public health council pursuant to this chapter sections 5119.70 to~~ 90044  
5119.88 of the Revised Code, the addresses and telephone numbers 90045  
of the state long-term care ombudsperson and the regional 90046  
long-term care ombudsperson program for the area in which the 90047  
facility is located, and the telephone number maintained by the 90048  
department ~~of health~~ for accepting complaints. 90049

**Sec. ~~3722.14~~ 5119.83.** (A)(1) Except as provided in division 90050  
(A)(2) of this section, an adult care facility may transfer or 90051  
discharge a resident, in the absence of a request from the 90052  
resident, only for the following reasons: 90053

(a) Charges for the resident's accommodations and services 90054  
have not been paid within thirty days after the date on which they 90055  
became due; 90056

(b) The mental, emotional, or physical condition of the 90057  
resident requires a level of care that the facility is unable to 90058  
provide; 90059

(c) The health, safety, or welfare of the resident or of 90060  
another resident requires a transfer or discharge; 90061

(d) The facility's license has been revoked or renewal has 90062  
been denied ~~pursuant to this chapter by the director of mental~~ 90063  
health; 90064

(e) The owner closes the facility; 90065

(f) The resident is relocated as the result of a court's 90066  
order issued under section ~~3722.09~~ 5119.78 of the Revised Code as 90067  
part of the injunctive relief granted against a facility that is 90068  
operating without a license; 90069

(g) The resident is receiving publicly funded mental health 90070  
services and the facility's mental health resident program 90071  
participation agreement is terminated by the facility or ADAMHS 90072

board. 90073

(2) An adult family home may transfer or discharge a resident 90074  
if transfer or discharge is required for the health, safety, or 90075  
welfare of an individual who resides in the home but is not a 90076  
resident for whom supervision or personal services are provided. 90077

(B)(1) The facility shall give a resident thirty days' 90078  
advance notice, in writing, of a proposed transfer or discharge, 90079  
except that if the transfer or discharge is for a reason given in 90080  
divisions (A)(1)(b) to (g) or (A)(2) of this section and an 90081  
emergency exists, the notice need not be given thirty days in 90082  
advance. The facility shall state in the written notice the 90083  
reasons for the proposed transfer or discharge. If the resident is 90084  
entitled to a hearing as specified in division (B)(2) of this 90085  
section, the written notice shall outline the procedure for the 90086  
resident to follow in requesting a hearing. 90087

(2) A resident may request a hearing if a proposed transfer 90088  
or discharge is based on reason given in ~~division~~ divisions 90089  
(A)(1)(a) to (c) or (A)(2) of this section. If the resident seeks 90090  
a hearing, the resident shall submit a request to the director of 90091  
mental health not later than ten days after receiving the written 90092  
notice. The director shall hold the hearing not later than ten 90093  
days after receiving the request. A representative of the director 90094  
shall preside over the hearing and shall issue a written 90095  
recommendation of action to be taken by the director not later 90096  
than three days after the hearing. The director shall issue an 90097  
order regarding the transfer or discharge not later than two days 90098  
after receipt of the recommendation. The order may prohibit or 90099  
place conditions on the discharge or transfer. In the case of a 90100  
transfer, the order may require that the transfer be to an 90101  
institution or facility specified by the director. The hearing is 90102  
not subject to section 121.22 of the Revised Code. The ~~public~~ 90103  
~~health council~~ department of mental health shall adopt rules 90104

governing any additional procedures necessary for conducting the hearing. 90105  
90106

(C)(1) The owner of an adult care facility who is closing the facility shall inform the director ~~of health~~ in writing at least thirty days prior to the proposed date of closing. At the same time, the owner or manager shall inform each resident, the resident's guardian, the resident's sponsor, or any organization or agency acting on behalf of the resident, of the closing of the facility and the date of the closing. 90107  
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(2) Immediately upon receiving notice that a facility is to be closed, the director shall monitor the transfer of residents to other facilities and ensure that residents' rights are protected. The director shall notify the ombudsperson in the region in which the facility is located of the closing. 90114  
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(3) All charges shall be prorated as of the date on which the facility closes. If payments have been made in advance, the payments for services not rendered shall be refunded to the resident or the resident's guardian not later than seven days after the closing of the facility. 90119  
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90123

(4) Immediately upon the closing of a facility, the owner shall surrender the license to the director, and the license shall be canceled. 90124  
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90126

**Sec. ~~3722.15~~ 5119.84.** (A) The following may enter an adult care facility at any time: 90127  
90128

(1) Employees designated by the director of mental health; 90129

(2) Employees designated by the director of aging; 90130

(3) Employees designated by the attorney general; 90131

(4) Employees designated by a county department of job and family services to implement sections 5101.60 to 5101.71 of the Revised Code; 90132  
90133  
90134



(5) Persons employed pursuant to division (M) of section 173.01 of the Revised Code in the long-term care ombudsperson program; 90135  
90136  
90137

(6) ~~Employees of the department of mental health designated by the director of mental health;~~ 90138  
90139

~~(7)~~ Employees of a mental health agency under any of the following circumstances: 90140  
90141

(a) When the agency has a client residing in the facility; 90142

(b) When the agency is acting as an agent of an ADAMHS board other than the board with which it is under contract; 90143  
90144

(c) When there is a mental health resident program participation agreement between the facility and the ADAMHS board with which the agency is under contract. 90145  
90146  
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~~(8)~~(7) Employees of an ADAMHS board under any of the following circumstances: 90148  
90149

(a) When authorized by section 340.05 of the Revised Code; 90150

(b) When a resident of the facility is receiving mental health services provided by that ADAMHS board or another ADAMHS board pursuant to division (A)(8)(b) of section 340.03 of the Revised Code; 90151  
90152  
90153  
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(c) When a resident of the facility is receiving services from a mental health agency under contract with that ADAMHS board or another ADAMHS board; 90155  
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90157

(d) When there is a mental health resident program participation agreement between the facility and that ADAMHS board. 90158  
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The employees specified in divisions (A)(1) to ~~(8)~~(7) of this section shall be afforded access to all records of the facility, including records pertaining to residents, and may copy the records. Neither these employees nor the director of mental health 90161  
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shall release, without consent, any information obtained from the 90165  
records of an adult care facility that reasonably would tend to 90166  
identify a specific resident of the facility, except as ordered by 90167  
a court of competent jurisdiction or when the release is otherwise 90168  
authorized by law. 90169

(B) The following persons may enter any adult care facility 90170  
during reasonable hours: 90171

(1) ~~A resident's sponsor;~~ 90172

~~(2) Residents' rights advocates;~~ 90173

~~(3) A resident's attorney;~~ 90174

~~(4)~~(2) A minister, priest, rabbi, or other person ministering 90175  
to a resident's religious needs; 90176

~~(5)~~(3) A physician or other person providing health care 90177  
services to a resident; 90178

~~(6)~~(4) Employees authorized by county departments of job and 90179  
family services and local boards of health or health departments 90180  
to enter adult care facilities; 90181

~~(7)~~(5) A prospective resident ~~and prospective resident's~~ 90182  
~~sponsor.~~ 90183

(C) The manager of an adult care facility may require a 90184  
person seeking to enter the facility to present identification 90185  
sufficient to identify the person as an authorized person under 90186  
this section. 90187

**Sec. ~~3722.151~~ 5119.85.** (A) As used in this section: 90188

(1) ~~"Adult care facility" has the same meaning as in section~~ 90189  
~~3722.01 of the Revised Code.~~ 90190

~~(2)~~ "Applicant" means a person who is under final 90191  
consideration for employment with an adult care facility in a 90192  
full-time, part-time, or temporary position that involves 90193

providing direct care to an older adult. "Applicant" does not 90194  
include a person who provides direct care as a volunteer without 90195  
receiving or expecting to receive any form of remuneration other 90196  
than reimbursement for actual expenses. 90197

~~(3)~~(2) "Criminal records check" and "older adult" have the 90198  
same meanings as in section 109.572 of the Revised Code. 90199

(B)(1) Except as provided in division (I) of this section, 90200  
the chief administrator of an adult care facility shall request 90201  
that the superintendent of the bureau of criminal identification 90202  
and investigation conduct a criminal records check with respect to 90203  
each applicant. If an applicant for whom a criminal records check 90204  
request is required under this division does not present proof of 90205  
having been a resident of this state for the five-year period 90206  
immediately prior to the date the criminal records check is 90207  
requested or provide evidence that within that five-year period 90208  
the superintendent has requested information about the applicant 90209  
from the federal bureau of investigation in a criminal records 90210  
check, the chief administrator shall request that the 90211  
superintendent obtain information from the federal bureau of 90212  
investigation as part of the criminal records check of the 90213  
applicant. Even if an applicant for whom a criminal records check 90214  
request is required under this division presents proof of having 90215  
been a resident of this state for the five-year period, the chief 90216  
administrator may request that the superintendent include 90217  
information from the federal bureau of investigation in the 90218  
criminal records check. 90219

(2) A person required by division (B)(1) of this section to 90220  
request a criminal records check shall do both of the following: 90221

(a) Provide to each applicant for whom a criminal records 90222  
check request is required under that division a copy of the form 90223  
prescribed pursuant to division (C)(1) of section 109.572 of the 90224  
Revised Code and a standard fingerprint impression sheet 90225

prescribed pursuant to division (C)(2) of that section, and obtain 90226  
the completed form and impression sheet from the applicant; 90227

(b) Forward the completed form and impression sheet to the 90228  
superintendent of the bureau of criminal identification and 90229  
investigation. 90230

(3) An applicant provided the form and fingerprint impression 90231  
sheet under division (B)(2)(a) of this section who fails to 90232  
complete the form or provide fingerprint impressions shall not be 90233  
employed in any position for which a criminal records check is 90234  
required by this section. 90235

(C)(1) Except as provided in rules adopted by the ~~public~~ 90236  
~~health council~~ department of mental health in accordance with 90237  
division (F) of this section and subject to division (C)(2) of 90238  
this section, no adult care facility shall employ a person in a 90239  
position that involves providing direct care to an older adult if 90240  
the person has been convicted of or pleaded guilty to any of the 90241  
following: 90242

(a) A violation of section 2903.01, 2903.02, 2903.03, 90243  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 90244  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 90245  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 90246  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 90247  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 90248  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 90249  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 90250  
2925.22, 2925.23, or 3716.11 of the Revised Code. 90251

(b) A violation of an existing or former law of this state, 90252  
any other state, or the United States that is substantially 90253  
equivalent to any of the offenses listed in division (C)(1)(a) of 90254  
this section. 90255

(2)(a) An adult care facility may employ conditionally an 90256

applicant for whom a criminal records check request is required 90257  
under division (B) of this section prior to obtaining the results 90258  
of a criminal records check regarding the individual, provided 90259  
that the facility shall request a criminal records check regarding 90260  
the individual in accordance with division (B)(1) of this section 90261  
not later than five business days after the individual begins 90262  
conditional employment. In the circumstances described in division 90263  
(I)(2) of this section, an adult care facility may employ 90264  
conditionally an applicant who has been referred to the adult care 90265  
facility by an employment service that supplies full-time, 90266  
part-time, or temporary staff for positions involving the direct 90267  
care of older adults and for whom, pursuant to that division, a 90268  
criminal records check is not required under division (B) of this 90269  
section. 90270

(b) An adult care facility that employs an individual 90271  
conditionally under authority of division (C)(2)(a) of this 90272  
section shall terminate the individual's employment if the results 90273  
of the criminal records check requested under division (B) of this 90274  
section or described in division (I)(2) of this section, other 90275  
than the results of any request for information from the federal 90276  
bureau of investigation, are not obtained within the period ending 90277  
thirty days after the date the request is made. Regardless of when 90278  
the results of the criminal records check are obtained, if the 90279  
results indicate that the individual has been convicted of or 90280  
pleaded guilty to any of the offenses listed or described in 90281  
division (C)(1) of this section, the facility shall terminate the 90282  
individual's employment unless the facility chooses to employ the 90283  
individual pursuant to division (F) of this section. Termination 90284  
of employment under this division shall be considered just cause 90285  
for discharge for purposes of division (D)(2) of section 4141.29 90286  
of the Revised Code if the individual makes any attempt to deceive 90287  
the facility about the individual's criminal record. 90288

(D)(1) Each adult care facility shall pay to the bureau of 90289  
criminal identification and investigation the fee prescribed 90290  
pursuant to division (C)(3) of section 109.572 of the Revised Code 90291  
for each criminal records check conducted pursuant to a request 90292  
made under division (B) of this section. 90293

(2) An adult care facility may charge an applicant a fee not 90294  
exceeding the amount the facility pays under division (D)(1) of 90295  
this section. A facility may collect a fee only if it notifies the 90296  
person at the time of initial application for employment of the 90297  
amount of the fee and that, unless the fee is paid, the person 90298  
will not be considered for employment. 90299

(E) The report of any criminal records check conducted 90300  
pursuant to a request made under this section is not a public 90301  
record for the purposes of section 149.43 of the Revised Code and 90302  
shall not be made available to any person other than the 90303  
following: 90304

(1) The individual who is the subject of the criminal records 90305  
check or the individual's representative; 90306

(2) The chief administrator of the facility requesting the 90307  
criminal records check or the administrator's representative; 90308

(3) The administrator of any other facility, agency, or 90309  
program that provides direct care to older adults that is owned or 90310  
operated by the same entity that owns or operates the adult care 90311  
facility; 90312

(4) A court, hearing officer, or other necessary individual 90313  
involved in a case dealing with a denial of employment of the 90314  
applicant or dealing with employment or unemployment benefits of 90315  
the applicant; 90316

(5) Any person to whom the report is provided pursuant to, 90317  
and in accordance with, division (I)(1) or (2) of this section. 90318

(F) The ~~public health council~~ department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which an adult care facility may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the council.

(G) The chief administrator of an adult care facility shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who an adult care facility employs in a position that involves providing direct care to older adults, all of the following shall apply:

(1) If the facility employed the individual in good faith and reasonable reliance on the report of a criminal records check requested under this section, the facility shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate;

(2) If the facility employed the individual in good faith on a conditional basis pursuant to division (C)(2) of this section, the facility shall not be found negligent solely because it employed the individual prior to receiving the report of a criminal records check requested under this section;

(3) If the facility in good faith employed the individual

according to the personal character standards established in rules 90350  
adopted under division (F) of this section, the facility shall not 90351  
be found negligent solely because the individual prior to being 90352  
employed had been convicted of or pleaded guilty to an offense 90353  
listed or described in division (C)(1) of this section. 90354

(I)(1) The chief administrator of an adult care facility is 90355  
not required to request that the superintendent of the bureau of 90356  
criminal identification and investigation conduct a criminal 90357  
records check of an applicant if the applicant has been referred 90358  
to the facility by an employment service that supplies full-time, 90359  
part-time, or temporary staff for positions involving the direct 90360  
care of older adults and both of the following apply: 90361

(a) The chief administrator receives from the employment 90362  
service or the applicant a report of the results of a criminal 90363  
records check regarding the applicant that has been conducted by 90364  
the superintendent within the one-year period immediately 90365  
preceding the applicant's referral; 90366

(b) The report of the criminal records check demonstrates 90367  
that the person has not been convicted of or pleaded guilty to an 90368  
offense listed or described in division (C)(1) of this section, or 90369  
the report demonstrates that the person has been convicted of or 90370  
pleaded guilty to one or more of those offenses, but the adult 90371  
care facility chooses to employ the individual pursuant to 90372  
division (F) of this section. 90373

(2) The chief administrator of an adult care facility is not 90374  
required to request that the superintendent of the bureau of 90375  
criminal identification and investigation conduct a criminal 90376  
records check of an applicant and may employ the applicant 90377  
conditionally as described in this division, if the applicant has 90378  
been referred to the facility by an employment service that 90379  
supplies full-time, part-time, or temporary staff for positions 90380  
involving the direct care of older adults and if the chief 90381



administrator receives from the employment service or the 90382  
applicant a letter from the employment service that is on the 90383  
letterhead of the employment service, dated, and signed by a 90384  
supervisor or another designated official of the employment 90385  
service and that states that the employment service has requested 90386  
the superintendent to conduct a criminal records check regarding 90387  
the applicant, that the requested criminal records check will 90388  
include a determination of whether the applicant has been 90389  
convicted of or pleaded guilty to any offense listed or described 90390  
in division (C)(1) of this section, that, as of the date set forth 90391  
on the letter, the employment service had not received the results 90392  
of the criminal records check, and that, when the employment 90393  
service receives the results of the criminal records check, it 90394  
promptly will send a copy of the results to the adult care 90395  
facility. If an adult care facility employs an applicant 90396  
conditionally in accordance with this division, the employment 90397  
service, upon its receipt of the results of the criminal records 90398  
check, promptly shall send a copy of the results to the adult care 90399  
facility, and division (C)(2)(b) of this section applies regarding 90400  
the conditional employment. 90401

**Sec. ~~3722.16~~ 5119.86.** (A) No person shall: 90402

(1) Operate an adult care facility unless the facility is 90403  
validly licensed by the director of mental health under section 90404  
~~3722.04~~ 5119.73 of the Revised Code; 90405

(2) Admit to an adult care facility more residents than the 90406  
number authorized in the facility's license; 90407

(3) Admit a resident to an adult care facility after the 90408  
director has issued an order pursuant to section ~~3722.07~~ 5119.76 90409  
of the Revised Code suspending admissions to the facility. 90410  
Violation of division (A)(3) of this section is cause for 90411  
revocation of the facility's license. 90412

(4) Interfere with any authorized inspection of an adult care facility conducted pursuant to section ~~3722.02~~ 5119.71 or ~~3722.04~~ 5119.73 of the Revised Code; 90413  
90414  
90415

(5) Admit to an adult care facility a resident requiring publicly funded mental health services, unless both of the following conditions are met: 90416  
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90418

(a) The ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the facility is located is notified; 90419  
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90421

(b) The facility and ADAMHS board have entered into a mental health resident program participation agreement by using the standardized form approved by the director of mental health under section ~~5119.613~~ 5119.614 of the Revised Code. 90422  
90423  
90424  
90425

(6) Violate any of the provisions of ~~this chapter~~ sections 5119.70 to 5119.88 of the Revised Code or any of the rules adopted pursuant to ~~it~~ those sections. 90426  
90427  
90428

(B) No adult care facility shall provide, or admit or retain any resident in need of, skilled nursing care unless all of the following conditions are met: 90429  
90430  
90431

(1) The care will be provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any twelve-month period. 90432  
90433  
90434

(2) The care will be provided by one or more of the following: 90435  
90436

(a) A home health agency certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended; 90437  
90438  
90439

(b) A hospice care program licensed under Chapter 3712. of the Revised Code; 90440  
90441

(c) A nursing home licensed under Chapter 3721. of the 90442

Revised Code and owned and operated by the same person and located 90443  
on the same site as the adult care facility; 90444

(d) A mental health agency or, pursuant to division (A)(8)(b) 90445  
of section 340.03 of the Revised Code, an ADAMHS board. 90446

(3) Each individual employed by, under contract with, or 90447  
otherwise used by any of the entities specified in division (B)(2) 90448  
of this section to perform the skilled nursing care is authorized 90449  
under the laws of this state to perform the care by being 90450  
appropriately licensed, as specified in rules adopted under 90451  
division (G) of this section. 90452

(4) The staff of the one or more entities providing the 90453  
skilled nursing care does not train the adult care facility staff 90454  
to provide the skilled nursing care; 90455

(5) The individual to whom the skilled nursing care is 90456  
provided is suffering from a short-term illness; 90457

(6) If the skilled nursing care is to be provided by the 90458  
nursing staff of a nursing home, all of the following are the 90459  
case: 90460

(a) The adult care facility evaluates the individual 90461  
receiving the skilled nursing care at least once every seven days 90462  
to determine whether the individual should be transferred to a 90463  
nursing home; 90464

(b) The adult care facility meets at all times staffing 90465  
requirements established by rules adopted under section ~~3722.10~~ 90466  
5119.79 of the Revised Code; 90467

(c) The nursing home does not include the cost of providing 90468  
skilled nursing care to the adult care facility residents in a 90469  
cost report filed under section 5111.26 of the Revised Code; 90470

(d) The nursing home meets at all times the nursing home 90471  
licensure staffing ratios established by rules adopted under 90472

section 3721.04 of the Revised Code; 90473

(e) The nursing home staff providing skilled nursing care to 90474  
adult care facility residents are registered nurses or licensed 90475  
practical nurses licensed under Chapter 4723. of the Revised Code 90476  
and meet the personnel qualifications for nursing home staff 90477  
established by rules adopted under section 3721.04 of the Revised 90478  
Code; 90479

(f) The skilled nursing care is provided in accordance with 90480  
rules established for nursing homes under section 3721.04 of the 90481  
Revised Code; 90482

(g) The nursing home meets the skilled nursing care needs of 90483  
the adult care facility residents; 90484

(h) Using the nursing home's nursing staff does not prevent 90485  
the nursing home or adult care facility from meeting the needs of 90486  
the nursing home and adult care facility residents in a quality 90487  
and timely manner. 90488

(7) No adult care facility staff shall provide skilled 90489  
nursing care. 90490

Notwithstanding section 3721.01 of the Revised Code, an adult 90491  
care facility in which residents receive skilled nursing care as 90492  
described in division (B) of this section is not a nursing home. 90493

(C) A home health agency or hospice care program that 90494  
provides skilled nursing care pursuant to division (B) of this 90495  
section may not be associated with the adult care facility unless 90496  
the facility is part of a home for the aged as defined in section 90497  
5701.13 of the Revised Code or the adult care facility is owned 90498  
and operated by the same person and located on the same site as a 90499  
nursing home licensed under Chapter 3721. of the Revised Code that 90500  
is associated with the home health agency or hospice care program. 90501  
In addition, the following requirements shall be met: 90502

(1) The adult care facility shall evaluate the individual receiving the skilled nursing care not less than once every seven days to determine whether the individual should be transferred to a nursing home;

(2) If the costs of providing the skilled nursing care are included in a cost report filed pursuant to section 5111.26 of the Revised Code by the nursing home that is part of the same home for the aged, the home health agency or hospice care program shall not seek reimbursement for the care under the medical assistance program established under Chapter 5111. of the Revised Code.

(D) No person knowingly shall place or recommend placement of any person in an adult care facility that is operating without a license.

(E) No employee of a unit of local or state government, ADAMHS board, mental health agency, or ~~PASSPORT~~ RSS administrative agency shall place or recommend placement of any person in an adult care facility if the employee knows any of the following:

(1) That the facility cannot meet the needs of the potential resident;

(2) That placement of the resident would cause the facility to exceed its licensed capacity;

(3) That an enforcement action initiated by the director of mental health is pending and may result in the revocation of or refusal to renew the facility's license;

(4) That the potential resident is receiving or is eligible for publicly funded mental health services and the facility has not entered into a mental health resident program participation agreement.

(F) No person who has reason to believe that an adult care facility is operating without a license shall fail to report this

information to the director of mental health. 90533

(G) In accordance with Chapter 119. of the Revised Code, the 90534  
~~public health council~~ department of mental health shall adopt 90535  
rules for purposes of division (B) of this section that do all of 90536  
the following: 90537

(1) Define a short-term illness for purposes of division 90538  
(B)(5) of this section; 90539

(2) Specify, consistent with rules pertaining to home health 90540  
care adopted by the director of job and family services under the 90541  
medical assistance program established under Chapter 5111. of the 90542  
Revised Code and Title XIX of the "Social Security Act," 49 Stat. 90543  
620 (1935), 42 U.S.C. 301, as amended, what constitutes a 90544  
part-time, intermittent basis for purposes of division (B)(1) of 90545  
this section; 90546

(3) Specify what constitutes being appropriately licensed for 90547  
purposes of division (B)(3) of this section. 90548

**Sec. ~~3722.17~~ 5119.87.** (A) Any person who believes that an 90549  
adult care facility is in violation of ~~this chapter sections~~ 90550  
5119.70 to 5119.88 of the Revised Code or of any of the rules 90551  
~~promulgated~~ adopted pursuant to ~~it those sections~~ may report the 90552  
information to the director of mental health. The director shall 90553  
investigate each report made under this section or section ~~3722.16~~ 90554  
5119.86 of the Revised Code and shall inform the facility of the 90555  
results of the investigation. When investigating a report made 90556  
pursuant to section 340.05 of the Revised Code, the director shall 90557  
consult with the ADAMHS board that made the report. The director 90558  
shall keep a record of the investigation and the action taken as a 90559  
result of the investigation. 90560

The director shall not reveal, without consent, the identity 90561  
of a person who makes a report under this section or division (G) 90562

of section ~~3722.16~~ 5119.86 of the Revised Code, the identity of a 90563  
specific resident or residents referred to in such a report, or 90564  
any other information that could reasonably be expected to reveal 90565  
the identity of the person making the report or the resident or 90566  
residents referred to in the report, except that the director may 90567  
provide this information to a government agency responsible for 90568  
enforcing laws applying to adult care facilities. 90569

(B) Any person who believes that a resident's rights under 90570  
sections ~~3722.12~~ 5119.81 to ~~3722.15~~ 5119.84 of the Revised Code 90571  
have been violated may report the information to the state 90572  
long-term care ombudsperson, the regional long-term care 90573  
ombudsperson program for the area in which the facility is 90574  
located, or the director of mental health. If the person believes 90575  
that the resident has mental illness or severe mental disability 90576  
and is suffering abuse or neglect, the person may report the 90577  
information to the ADAMHS board serving the alcohol, drug 90578  
addiction, and mental health service district in which the adult 90579  
care facility is located or a mental health agency under contract 90580  
with the board in addition to or instead of the ombudsperson, 90581  
regional program, or director. 90582

(C) Any person who makes a report pursuant to division (A) or 90583  
(B) of this section or division (G) of section ~~3722.16~~ 5119.86 of 90584  
the Revised Code or any person who participates in an 90585  
administrative or judicial proceeding resulting from such a report 90586  
is immune from any civil liability or criminal liability, other 90587  
than perjury, that might otherwise be incurred or imposed as a 90588  
result of these actions, unless the person has acted in bad faith 90589  
or with malicious purpose. 90590

**Sec. ~~3722.18~~ 5119.88.** Before an adult care facility admits a 90591  
prospective resident who the owner or manager of the facility 90592  
knows has been assessed as having a mental illness or severe 90593

mental disability, the owner or manager is subject to both of the 90594  
following: 90595

(A) If the prospective resident is referred to the facility 90596  
by a mental health agency or ADAMHS board, the owner or manager 90597  
shall follow procedures established in rules adopted under 90598  
division (A)(12) of section ~~3722.10~~ 5119.79 of the Revised Code 90599  
regarding referrals and effective arrangements for ongoing mental 90600  
health services. 90601

(B) If the prospective resident is not referred to the 90602  
facility by a mental health agency or ADAMHS board, the owner or 90603  
manager shall offer to assist the prospective resident in 90604  
obtaining appropriate mental health services and document the 90605  
offer of assistance in accordance with rules adopted under 90606  
division (A)(12) of section ~~3722.10~~ 5119.79 of the Revised Code. 90607

**Sec. 5119.99.** (A) Whoever violates section 5119.21 of the 90608  
Revised Code is guilty of a misdemeanor of the first degree. 90609

(B) Whoever violates division (A)(1) of section 5119.86 of 90610  
the Revised Code shall be fined two thousand dollars for a first 90611  
offense; for each subsequent offense, such person shall be fined 90612  
five thousand dollars. 90613

(C) Whoever violates division (C) of section 5119.81 or 90614  
division (A)(2), (3), (4), (5), or (6), (B), (C), (D), (E), or (F) 90615  
of section 5119.86 of the Revised Code shall be fined five hundred 90616  
dollars for a first offense; for each subsequent offense, such 90617  
person shall be fined one thousand dollars. 90618

**Sec. 5120.092.** There is hereby created in the state treasury 90619  
the adult and juvenile correctional facilities bond retirement 90620  
fund. The fund shall receive proceeds derived from the sale of 90621  
state adult or juvenile correctional facilities. Investment income 90622  
with respect to moneys on deposit in the fund shall be retained by 90623



the fund. No investment of moneys in, or transfer of moneys from, 90624  
the fund shall be made if the effect of the investment or transfer 90625  
would be to adversely affect the exclusion from gross income of 90626  
the interest payable on state bonds issued for state adult or 90627  
juvenile correctional facilities that have been sold under 90628  
authority of Section 753.10 or 753.30 of the act in which this 90629  
section was enacted. To the extent necessary to maintain the 90630  
exclusion from gross income of the interest payable on those 90631  
bonds, moneys in the fund shall first be used to redeem or defease 90632  
the outstanding portion of such bonds. To accomplish the 90633  
redemption or defeasance, the director of budget and management, 90634  
at the request of the Ohio building authority, may direct that 90635  
moneys in the fund be transferred to the appropriate trustees 90636  
under the applicable bond trust agreements. Upon receipt of both 90637  
(i) one or more opinions of a nationally recognized bond counsel 90638  
firm appointed by the Ohio building authority stating that the 90639  
aforementioned bonds have been redeemed or defeased and that the 90640  
transfer of such moneys will not adversely affect the exclusion 90641  
from gross income of the interest payable on such bonds, and (ii) 90642  
a certification by both the director of administrative services 90643  
and the director of rehabilitation and correction stating either 90644  
that all sales of state adult and juvenile correctional facilities 90645  
contemplated by Section 753.10 or 753.30 of the act in which this 90646  
section was enacted have been completed or that no further sales 90647  
of any such facilities will be undertaken, the director of budget 90648  
and management may direct that any moneys remaining in the fund 90649  
after the redemption or defeasance of the aforementioned bonds 90650  
shall be transferred to the general revenue fund. Upon completion 90651  
of that transfer, the adult and juvenile correctional facilities 90652  
bond retirement fund shall be abolished. 90653

**Sec. 5120.135.** (A) As used in this section, "laboratory" 90654

services" includes the performance of medical laboratory analysis; 90655  
professional laboratory and pathologist consultation; the 90656  
procurement, storage, and distribution of laboratory supplies; and 90657  
the performance of phlebotomy services. 90658

(B) The department of rehabilitation and correction ~~shall~~ may 90659  
provide laboratory services to the departments of mental health, 90660  
developmental disabilities, youth services, and rehabilitation and 90661  
correction. The department of rehabilitation and correction may 90662  
also provide laboratory services to other state, county, or 90663  
municipal agencies and to private persons that request laboratory 90664  
services if the department of rehabilitation and correction 90665  
determines that the provision of laboratory services is in the 90666  
public interest and considers it advisable to provide such 90667  
services. The department of rehabilitation and correction may also 90668  
provide laboratory services to agencies operated by the United 90669  
States government and to public and private entities funded in 90670  
whole or in part by the state if the director of rehabilitation 90671  
and correction designates them as eligible to receive such 90672  
services. 90673

The department of rehabilitation and correction shall provide 90674  
laboratory services from a laboratory that complies with the 90675  
standards for certification set by the United States department of 90676  
health and human services under the "Clinical Laboratory 90677  
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 90678  
In addition, the laboratory shall maintain accreditation or 90679  
certification with an appropriate accrediting or certifying 90680  
organization as considered necessary by the recipients of its 90681  
laboratory services and as authorized by the director of 90682  
rehabilitation and correction. 90683

(C) The cost of administering this section shall be 90684  
determined by the department of rehabilitation and correction and 90685  
shall be paid by entities that receive laboratory services to the 90686

department for deposit in the state treasury to the credit of the 90687  
laboratory services fund, which is hereby created. The fund shall 90688  
be used to pay the costs the department incurs in administering 90689  
this section. 90690

~~(D) If the department of rehabilitation and correction does 90691  
not provide laboratory services under this section in a 90692  
satisfactory manner to the department of developmental 90693  
disabilities, youth services, or mental health, the director of 90694  
developmental disabilities, youth services, or mental health shall 90695  
attempt to resolve the matter of the unsatisfactory provision of 90696  
services with the director of rehabilitation and correction. If, 90697  
after this attempt, the provision of laboratory services continues 90698  
to be unsatisfactory, the director of developmental disabilities, 90699  
youth services, or mental health shall notify the director of 90700  
rehabilitation and correction regarding the continued 90701  
unsatisfactory provision of laboratory services. If, within thirty 90702  
days after the director receives this notice, the department of 90703  
rehabilitation and correction does not provide the specified 90704  
laboratory services in a satisfactory manner, the director of 90705  
developmental disabilities, youth services, or mental health shall 90706  
notify the director of rehabilitation and correction of the 90707  
notifying director's intent to cease obtaining laboratory services 90708  
from the department of rehabilitation and correction. Following 90709  
the end of a cancellation period of sixty days that begins on the 90710  
date of the notice, the department that sent the notice may obtain 90711  
laboratory services from a provider other than the department of 90712  
rehabilitation and correction, if the department that sent the 90713  
notice certifies to the department of administrative services that 90714  
the requirements of this division have been met. 90715~~

~~(E) Whenever a state agency fails to make a payment for 90716  
laboratory services provided to it by the department of 90717  
rehabilitation and correction under this section within thirty-one 90718~~

days after the date the payment was due, the office of budget and 90719  
management may transfer moneys from that state agency to the 90720  
department of rehabilitation and correction for deposit to the 90721  
credit of the laboratory services fund. The amount transferred 90722  
shall not exceed the amount of the overdue payments. Prior to 90723  
making a transfer under this division, the office shall apply any 90724  
credits the state agency has accumulated in payment for laboratory 90725  
services provided under this section. 90726

**Sec. 5120.17.** (A) As used in this section: 90727

(1) "Mental illness" means a substantial disorder of thought, 90728  
mood, perception, orientation, or memory that grossly impairs 90729  
judgment, behavior, capacity to recognize reality, or ability to 90730  
meet the ordinary demands of life. 90731

(2) "Mentally ill person subject to hospitalization" means a 90732  
mentally ill person to whom any of the following applies because 90733  
of the person's mental illness: 90734

(a) The person represents a substantial risk of physical harm 90735  
to the person as manifested by evidence of threats of, or attempts 90736  
at, suicide or serious self-inflicted bodily harm. 90737

(b) The person represents a substantial risk of physical harm 90738  
to others as manifested by evidence of recent homicidal or other 90739  
violent behavior, evidence of recent threats that place another in 90740  
reasonable fear of violent behavior and serious physical harm, or 90741  
other evidence of present dangerousness. 90742

(c) The person represents a substantial and immediate risk of 90743  
serious physical impairment or injury to the person as manifested 90744  
by evidence that the person is unable to provide for and is not 90745  
providing for the person's basic physical needs because of the 90746  
person's mental illness and that appropriate provision for those 90747  
needs cannot be made immediately available in the correctional 90748

institution in which the inmate is currently housed. 90749

(d) The person would benefit from treatment in a hospital for 90750  
the person's mental illness and is in need of treatment in a 90751  
hospital as manifested by evidence of behavior that creates a 90752  
grave and imminent risk to substantial rights of others or the 90753  
person. 90754

(3) "Psychiatric hospital" means all or part of a facility 90755  
that is operated and managed by the department of ~~rehabilitation~~ 90756  
~~and correction, is designated as a psychiatric hospital~~ mental 90757  
health to provide psychiatric hospitalization services in 90758  
accordance with the requirements of this section pursuant to an 90759  
agreement between the directors of rehabilitation and correction 90760  
and mental health or, is licensed by the department of mental 90761  
health pursuant to section 5119.20 of the Revised Code, as a 90762  
psychiatric hospital and is ~~in substantial compliance with the~~ 90763  
~~standards set by the joint commission on accreditation of~~ 90764  
~~healthcare organizations~~ accredited by a healthcare accrediting 90765  
organization approved by the department of mental health and the 90766  
psychiatric hospital is any of the following: 90767

(a) Operated and managed by the department of rehabilitation 90768  
and correction within a facility that is operated by the 90769  
department of rehabilitation and correction; 90770

(b) Operated and managed by a contractor for the department 90771  
of rehabilitation and correction within a facility that is 90772  
operated by the department of rehabilitation and correction; 90773

(c) Operated and managed in the community by an entity that 90774  
has contracted with the department of rehabilitation and 90775  
correction to provide psychiatric hospitalization services in 90776  
accordance with the requirements of this section. 90777

(4) "Inmate patient" means an inmate who is admitted to a 90778  
psychiatric hospital. 90779

- (5) "Admitted" to a psychiatric hospital means being accepted for and staying at least one night at the psychiatric hospital.
- (6) "Treatment plan" means a written statement of reasonable objectives and goals for an inmate patient that is based on the needs of the inmate patient and that is established by the treatment team, with the active participation of the inmate patient and with documentation of that participation. "Treatment plan" includes all of the following:
- (a) The specific criteria to be used in evaluating progress toward achieving the objectives and goals;
  - (b) The services to be provided to the inmate patient during the inmate patient's hospitalization;
  - (c) The services to be provided to the inmate patient after discharge from the hospital, including, but not limited to, housing and mental health services provided at the state correctional institution to which the inmate patient returns after discharge or community mental health services.
- (7) "Mentally retarded person subject to institutionalization by court order" has the same meaning as in section 5123.01 of the Revised Code.
- (8) "Emergency transfer" means the transfer of a mentally ill inmate to a psychiatric hospital when the inmate presents an immediate danger to self or others and requires hospital-level care.
- (9) "Uncontested transfer" means the transfer of a mentally ill inmate to a psychiatric hospital when the inmate has the mental capacity to, and has waived, the hearing required by division (B) of this section.
- (10)(a) "Independent decision-maker" means a person who is employed or retained by the department of rehabilitation and

correction and is appointed by the chief or chief clinical officer 90810  
of mental health services as a hospitalization hearing officer to 90811  
conduct due process hearings. 90812

(b) An independent decision-maker who presides over any 90813  
hearing or issues any order pursuant to this section shall be a 90814  
psychiatrist, psychologist, or attorney, shall not be specifically 90815  
associated with the institution in which the inmate who is the 90816  
subject of the hearing or order resides at the time of the hearing 90817  
or order, and previously shall not have had any treatment 90818  
relationship with nor have represented in any legal proceeding the 90819  
inmate who is the subject of the order. 90820

(B)(1) Except as provided in division (C) of this section, if 90821  
the warden of a state correctional institution or the warden's 90822  
designee believes that an inmate should be transferred from the 90823  
institution to a psychiatric hospital, the department shall hold a 90824  
hearing to determine whether the inmate is a mentally ill person 90825  
subject to hospitalization. The department shall conduct the 90826  
hearing at the state correctional institution in which the inmate 90827  
is confined, and the department shall provide qualified 90828  
independent assistance to the inmate for the hearing. An 90829  
independent decision-maker provided by the department shall 90830  
preside at the hearing and determine whether the inmate is a 90831  
mentally ill person subject to hospitalization. 90832

(2) Except as provided in division (C) of this section, prior 90833  
to the hearing held pursuant to division (B)(1) of this section, 90834  
the warden or the warden's designee shall give written notice to 90835  
the inmate that the department is considering transferring the 90836  
inmate to a psychiatric hospital, that it will hold a hearing on 90837  
the proposed transfer at which the inmate may be present, that at 90838  
the hearing the inmate has the rights described in division (B)(3) 90839  
of this section, and that the department will provide qualified 90840  
independent assistance to the inmate with respect to the hearing. 90841

The department shall not hold the hearing until the inmate has 90842  
received written notice of the proposed transfer and has had 90843  
sufficient time to consult with the person appointed by the 90844  
department to provide assistance to the inmate and to prepare for 90845  
a presentation at the hearing. 90846

(3) At the hearing held pursuant to division (B)(1) of this 90847  
section, the department shall disclose to the inmate the evidence 90848  
that it relies upon for the transfer and shall give the inmate an 90849  
opportunity to be heard. Unless the independent decision-maker 90850  
finds good cause for not permitting it, the inmate may present 90851  
documentary evidence and the testimony of witnesses at the hearing 90852  
and may confront and cross-examine witnesses called by the 90853  
department. 90854

(4) If the independent decision-maker does not find clear and 90855  
convincing evidence that the inmate is a mentally ill person 90856  
subject to hospitalization, the department shall not transfer the 90857  
inmate to a psychiatric hospital but shall continue to confine the 90858  
inmate in the same state correctional institution or in another 90859  
state correctional institution that the department considers 90860  
appropriate. If the independent decision-maker finds clear and 90861  
convincing evidence that the inmate is a mentally ill person 90862  
subject to hospitalization, the decision-maker shall order that 90863  
the inmate be transported to a psychiatric hospital for 90864  
observation and treatment for a period of not longer than thirty 90865  
days. After the hearing, the independent decision-maker shall 90866  
submit to the department a written decision that states one of the 90867  
findings described in division (B)(4) of this section, the 90868  
evidence that the decision-maker relied on in reaching that 90869  
conclusion, and, if the decision is that the inmate should be 90870  
transferred, the reasons for the transfer. 90871

(C)(1) The department may transfer an inmate to a psychiatric 90872  
hospital under an emergency transfer order if the chief clinical 90873



officer of mental health services of the department or that 90874  
officer's designee and either a psychiatrist employed or retained 90875  
by the department or, in the absence of a psychiatrist, a 90876  
psychologist employed or retained by the department determines 90877  
that the inmate is mentally ill, presents an immediate danger to 90878  
self or others, and requires hospital-level care. 90879

(2) The department may transfer an inmate to a psychiatric 90880  
hospital under an uncontested transfer order if both of the 90881  
following apply: 90882

(a) A psychiatrist employed or retained by the department 90883  
determines all of the following apply: 90884

(i) The inmate has a mental illness or is a mentally ill 90885  
person subject to hospitalization. 90886

(ii) The inmate requires hospital care to address the mental 90887  
illness. 90888

(iii) The inmate has the mental capacity to make a reasoned 90889  
choice regarding the inmate's transfer to a hospital. 90890

(b) The inmate agrees to a transfer to a hospital. 90891

(3) The written notice and the hearing required under 90892  
divisions (B)(1) and (2) of this section are not required for an 90893  
emergency transfer or uncontested transfer under division (C)(1) 90894  
or (2) of this section. 90895

(4) After an emergency transfer under division (C)(1) of this 90896  
section, the department shall hold a hearing for continued 90897  
hospitalization within five working days after admission of the 90898  
transferred inmate to the psychiatric hospital. The department 90899  
shall hold subsequent hearings pursuant to division (F) of this 90900  
section at the same intervals as required for inmate patients who 90901  
are transported to a psychiatric hospital under division (B)(4) of 90902  
this section. 90903

(5) After an uncontested transfer under division (C)(2) of this section, the inmate may withdraw consent to the transfer in writing at any time. Upon the inmate's withdrawal of consent, the hospital shall discharge the inmate, or, within five working days, the department shall hold a hearing for continued hospitalization. The department shall hold subsequent hearings pursuant to division (F) of this section at the same time intervals as required for inmate patients who are transported to a psychiatric hospital under division (B)(4) of this section.

(D)(1) If an independent decision-maker, pursuant to division (B)(4) of this section, orders an inmate transported to a psychiatric hospital or if an inmate is transferred pursuant to division (C)(1) or (2) of this section, the staff of the psychiatric hospital shall examine the inmate patient when admitted to the psychiatric hospital as soon as practicable after the inmate patient arrives at the hospital and no later than twenty-four hours after the time of arrival. The attending physician responsible for the inmate patient's care shall give the inmate patient all information necessary to enable the patient to give a fully informed, intelligent, and knowing consent to the treatment the inmate patient will receive in the hospital. The attending physician shall tell the inmate patient the expected physical and medical consequences of any proposed treatment and shall give the inmate patient the opportunity to consult with another psychiatrist at the hospital and with the inmate advisor.

(2) No inmate patient who is transported or transferred pursuant to division (B)(4) or (C)(1) or (2) of this section to a psychiatric hospital ~~pursuant to division (B)(4) or (C)(1) or (2)~~ of this section and who is in the physical custody of within a facility that is operated by the department of rehabilitation and correction shall be subjected to any of the following procedures:

(a) Convulsive therapy;

|                                                                                     |       |
|-------------------------------------------------------------------------------------|-------|
| (b) Major aversive interventions;                                                   | 90936 |
| (c) Any unusually hazardous treatment procedures;                                   | 90937 |
| (d) Psychosurgery.                                                                  | 90938 |
| (E) The <del>warden of the psychiatric hospital or the warden's</del>               | 90939 |
| <del>designee</del> <u>department of rehabilitation and correction</u> shall ensure | 90940 |
| that an inmate patient hospitalized pursuant to this section                        | 90941 |
| receives or has all of the following:                                               | 90942 |
| (1) Receives sufficient professional care within twenty days                        | 90943 |
| of admission to ensure that an evaluation of the inmate patient's                   | 90944 |
| current status, differential diagnosis, probable prognosis, and                     | 90945 |
| description of the current treatment plan have been formulated and                  | 90946 |
| are stated on the inmate patient's official chart;                                  | 90947 |
| (2) Has a written treatment plan consistent with the                                | 90948 |
| evaluation, diagnosis, prognosis, and goals of treatment;                           | 90949 |
| (3) Receives treatment consistent with the treatment plan;                          | 90950 |
| (4) Receives periodic reevaluations of the treatment plan by                        | 90951 |
| the professional staff at intervals not to exceed thirty days;                      | 90952 |
| (5) Is provided with adequate medical treatment for physical                        | 90953 |
| disease or injury;                                                                  | 90954 |
| (6) Receives humane care and treatment, including, without                          | 90955 |
| being limited to, the following:                                                    | 90956 |
| (a) Access to the facilities and personnel required by the                          | 90957 |
| treatment plan;                                                                     | 90958 |
| (b) A humane psychological and physical environment;                                | 90959 |
| (c) The right to obtain current information concerning the                          | 90960 |
| treatment program, the expected outcomes of treatment, and the                      | 90961 |
| expectations for the inmate patient's participation in the                          | 90962 |
| treatment program in terms that the inmate patient reasonably can                   | 90963 |
| understand;                                                                         | 90964 |

(d) Opportunity for participation in programs designed to help the inmate patient acquire the skills needed to work toward discharge from the psychiatric hospital;

(e) The right to be free from unnecessary or excessive medication and from unnecessary restraints or isolation;

(f) All other rights afforded inmates in the custody of the department consistent with rules, policy, and procedure of the department.

(F) The department shall hold a hearing for the continued hospitalization of an inmate patient who is transported or transferred to a psychiatric hospital pursuant to division (B)(4) or (C)(1) of this section prior to the expiration of the initial thirty-day period of hospitalization. The department shall hold any subsequent hearings, if necessary, not later than ninety days after the first thirty-day hearing and then not later than each one hundred and eighty days after the immediately prior hearing. An independent decision-maker shall conduct the hearings at the psychiatric hospital in which the inmate patient is confined. The inmate patient shall be afforded all of the rights set forth in this section for the hearing prior to transfer to the psychiatric hospital. The department may not waive a hearing for continued commitment. A hearing for continued commitment is mandatory for an inmate patient transported or transferred to a psychiatric hospital pursuant to division (B)(4) or (C)(1) of this section unless the inmate patient has the capacity to make a reasoned choice to execute a waiver and waives the hearing in writing. An inmate patient who is transferred to a psychiatric hospital pursuant to an uncontested transfer under division (C)(2) of this section and who has scheduled hearings after withdrawal of consent for hospitalization may waive any of the scheduled hearings if the inmate has the capacity to make a reasoned choice and executes a written waiver of the hearing.

If upon completion of the hearing the independent decision-maker does not find by clear and convincing evidence that the inmate patient is a mentally ill person subject to hospitalization, the independent decision-maker shall order the inmate patient's discharge from the psychiatric hospital. If the independent decision-maker finds by clear and convincing evidence that the inmate patient is a mentally ill person subject to hospitalization, the independent decision-maker shall order that the inmate patient remain at the psychiatric hospital for continued hospitalization until the next required hearing.

If at any time prior to the next required hearing for continued hospitalization, the medical director of the hospital or the attending physician determines that the treatment needs of the inmate patient could be met equally well in an available and appropriate less restrictive state correctional institution or unit, the medical director or attending physician may discharge the inmate to that facility.

(G) An inmate patient is entitled to the credits toward the reduction of the inmate patient's stated prison term pursuant to Chapters 2967. and 5120. of the Revised Code under the same terms and conditions as if the inmate patient were in any other institution of the department of rehabilitation and correction.

(H) The adult parole authority may place an inmate patient on parole or under post-release control directly from a psychiatric hospital.

(I) If an inmate patient who is a mentally ill person subject to hospitalization is to be released from a psychiatric hospital because of the expiration of the inmate patient's stated prison term, the ~~warden of the psychiatric hospital~~ director of rehabilitation and correction or the director's designee, at least fourteen days before the expiration date, may file an affidavit under section 5122.11 or 5123.71 of the Revised Code with the

probate court in the county where the psychiatric hospital is 91029  
located or the probate court in the county where the inmate will 91030  
reside, alleging that the inmate patient is a mentally ill person 91031  
subject to hospitalization by court order or a mentally retarded 91032  
person subject to institutionalization by court order, whichever 91033  
is applicable. The proceedings in the probate court shall be 91034  
conducted pursuant to Chapter 5122. or 5123. of the Revised Code 91035  
except as modified by this division. 91036

Upon the request of the inmate patient, the probate court 91037  
shall grant the inmate patient an initial hearing under section 91038  
5122.141 of the Revised Code or a probable cause hearing under 91039  
section 5123.75 of the Revised Code before the expiration of the 91040  
stated prison term. After holding a full hearing, the probate 91041  
court shall make a disposition authorized by section 5122.15 or 91042  
5123.76 of the Revised Code before the date of the expiration of 91043  
the stated prison term. No inmate patient shall be held in the 91044  
custody of the department of rehabilitation and correction past 91045  
the date of the expiration of the inmate patient's stated prison 91046  
term. 91047

(J) The department of rehabilitation and correction shall set 91048  
standards for treatment provided to inmate patients, ~~consistent~~ 91049  
~~where applicable with the standards set by the joint commission on~~ 91050  
~~accreditation of healthcare organizations.~~ 91051

(K) A certificate, application, record, or report that is 91052  
made in compliance with this section and that directly or 91053  
indirectly identifies an inmate or former inmate whose 91054  
hospitalization has been sought under this section is 91055  
confidential. No person shall disclose the contents of any 91056  
certificate, application, record, or report of that nature or any 91057  
other psychiatric or medical record or report regarding a mentally 91058  
ill inmate unless one of the following applies: 91059

(1) The person identified, or the person's legal guardian, if 91060

any, consents to disclosure, and the chief clinical officer or 91061  
designee of mental health services of the department of 91062  
rehabilitation and correction determines that disclosure is in the 91063  
best interests of the person. 91064

(2) Disclosure is required by a court order signed by a 91065  
judge. 91066

(3) An inmate patient seeks access to the inmate patient's 91067  
own psychiatric and medical records, unless access is specifically 91068  
restricted in the treatment plan for clear treatment reasons. 91069

(4) Hospitals and other institutions and facilities within 91070  
the department of rehabilitation and correction may exchange 91071  
psychiatric records and other pertinent information with other 91072  
hospitals, institutions, and facilities of the department, but the 91073  
information that may be released about an inmate patient is 91074  
limited to medication history, physical health status and history, 91075  
summary of course of treatment in the hospital, summary of 91076  
treatment needs, and a discharge summary, if any. 91077

(5) An inmate patient's family member who is involved in 91078  
planning, providing, and monitoring services to the inmate patient 91079  
may receive medication information, a summary of the inmate 91080  
patient's diagnosis and prognosis, and a list of the services and 91081  
personnel available to assist the inmate patient and family if the 91082  
attending physician determines that disclosure would be in the 91083  
best interest of the inmate patient. No disclosure shall be made 91084  
under this division unless the inmate patient is notified of the 91085  
possible disclosure, receives the information to be disclosed, and 91086  
does not object to the disclosure. 91087

(6) The department of rehabilitation and correction may 91088  
exchange psychiatric hospitalization records, other mental health 91089  
treatment records, and other pertinent information with county 91090  
sheriffs' offices, hospitals, institutions, and facilities of the 91091

department of mental health and with community mental health 91092  
agencies and boards of alcohol, drug addiction, and mental health 91093  
services with which the department of mental health has a current 91094  
agreement for patient care or services to ensure continuity of 91095  
care. Disclosure under this division is limited to records 91096  
regarding a mentally ill inmate's medication history, physical 91097  
health status and history, summary of course of treatment, summary 91098  
of treatment needs, and a discharge summary, if any. No office, 91099  
department, agency, or board shall disclose the records and other 91100  
information unless one of the following applies: 91101

(a) The mentally ill inmate is notified of the possible 91102  
disclosure and consents to the disclosure. 91103

(b) The mentally ill inmate is notified of the possible 91104  
disclosure, an attempt to gain the consent of the inmate is made, 91105  
and the office, department, agency, or board documents the attempt 91106  
to gain consent, the inmate's objections, if any, and the reasons 91107  
for disclosure in spite of the inmate's objections. 91108

(7) Information may be disclosed to staff members designated 91109  
by the director of rehabilitation and correction for the purpose 91110  
of evaluating the quality, effectiveness, and efficiency of 91111  
services and determining if the services meet minimum standards. 91112

The name of an inmate patient shall not be retained with the 91113  
information obtained during the evaluations. 91114

(L) The director of rehabilitation and correction may adopt 91115  
rules setting forth guidelines for the procedures required under 91116  
divisions (B), (C)(1), and (C)(2) of this section. 91117

**Sec. 5120.28.** (A) The department of rehabilitation and 91118  
correction, subject to the approval of the office of budget and 91119  
management, shall fix the prices at which all labor and services 91120  
performed, all agricultural products produced, and all articles 91121



manufactured in correctional and penal institutions shall be 91122  
furnished to the state, the political subdivisions of the state, 91123  
and the public institutions of the state and the political 91124  
subdivisions, and to private persons. The prices shall be uniform 91125  
to all and not higher than the usual market price for like labor, 91126  
products, services, and articles. 91127

(B) Any money received by the department of rehabilitation 91128  
and correction for labor and services performed ~~and~~, agricultural 91129  
products produced, and articles manufactured in penal and 91130  
correctional institutions shall be deposited into the 91131  
institutional services and agricultural fund created pursuant to 91132  
division (A) of section 5120.29 of the Revised Code and shall be 91133  
used and accounted for as provided in that section and division 91134  
(B) of section 5145.03 of the Revised Code. 91135

~~(C) Any money received by the department of rehabilitation 91136  
and correction for articles manufactured in penal and correctional 91137  
institutions shall be deposited into the Ohio penal industries 91138  
manufacturing fund created pursuant to division (B) of section 91139  
5120.29 of the Revised Code and shall be used and accounted for as 91140  
provided in that section and division (B) of section 5145.03 of 91141  
the Revised Code. 91142~~

**Sec. 5120.29.** (A) There is hereby created, in the state 91143  
treasury, the institutional services and agricultural fund, which 91144  
shall be used for the: 91145

(1) Purchase of material, supplies, and equipment and the 91146  
erection and extension of buildings used in ~~service industries and~~ 91147  
agriculture services provided between institutions of the 91148  
department of rehabilitation and correction; 91149

(2) ~~Purchase of lands and buildings necessary to carry on or~~ 91150  
~~extend the service industries and agriculture, upon the approval~~ 91151  
~~of the governor;~~ 91152

~~(3)~~ Payment of compensation to employees necessary to carry 91153  
on ~~the service industries and agriculture~~ institutional services; 91154

~~(4)~~(3) Payment of prisoners confined in state correctional 91155  
institutions a portion of their earnings in accordance with rules 91156  
adopted pursuant to section 5145.03 of the Revised Code. 91157

(B) There is hereby created, in the state treasury, the Ohio 91158  
penal industries manufacturing fund, which shall be used for the: 91159

(1) Purchase of material, supplies, and equipment and the 91160  
erection and extension of buildings used in manufacturing 91161  
industries and agriculture; 91162

(2) Purchase of lands and buildings necessary to carry on or 91163  
extend the manufacturing industries and agriculture upon the 91164  
approval of the governor; 91165

(3) Payment of compensation to employees necessary to carry 91166  
on the manufacturing industries and agriculture; 91167

(4) Payment of prisoners confined in state correctional 91168  
institutions a portion of their earnings in accordance with rules 91169  
adopted pursuant to section 5145.03 of the Revised Code. 91170

(C) The department of rehabilitation and correction shall, in 91171  
accordance with rules adopted pursuant to section 5145.03 of the 91172  
Revised Code and subject to any pledge made as provided in 91173  
division (D) of this section, place to the credit of each prisoner 91174  
~~his~~ the prisoner's earnings and pay the earnings so credited to 91175  
the prisoner or ~~his~~ the prisoner's family. 91176

(D) Receipts credited to the funds created in divisions (A) 91177  
and (B) of this section constitute available receipts as defined 91178  
in section 152.09 of the Revised Code, and may be pledged to the 91179  
payment of bond service charges on obligations issued by the Ohio 91180  
building authority pursuant to Chapter 152. of the Revised Code to 91181  
construct, reconstruct, or otherwise improve capital facilities 91182

useful to the department. The authority may, with the consent of 91183  
the department, provide in the bond proceedings for a pledge of 91184  
all or such portion of receipts credited to the funds as the 91185  
authority determines. The authority may provide in the bond 91186  
proceedings for the transfer of receipts credited to the funds to 91187  
the appropriate bond service fund or bond service reserve fund as 91188  
required to pay the bond service charges when due, and any such 91189  
provision for the transfer of receipts shall be controlling 91190  
notwithstanding any other provision of law pertaining to such 91191  
receipts. 91192

All receipts received by the treasurer of state on account of 91193  
the department and required by the applicable bond proceedings to 91194  
be deposited, transferred, or credited to the bond service fund or 91195  
bond service reserve fund established by such bond proceedings 91196  
shall be transferred by the treasurer of state to such fund, 91197  
whether or not such fund is in the custody of the treasurer of 91198  
state, without necessity for further appropriation, upon receipt 91199  
of notice from the Ohio building authority as prescribed in the 91200  
bond proceedings. The authority may covenant in the bond 91201  
proceedings that so long as any obligations are outstanding to 91202  
which receipts credited to the fund are pledged, the state and the 91203  
department shall neither reduce the prices charged pursuant to 91204  
section 5120.28 of the Revised Code nor the level of manpower 91205  
collectively devoted to the production of goods and services for 91206  
which prices are set pursuant to section 5120.28 of the Revised 91207  
Code, which covenant shall be controlling notwithstanding any 91208  
other provision of law; provided, that no covenant shall require 91209  
the general assembly to appropriate money derived from the levying 91210  
of excises or taxes to purchase such goods and services or to pay 91211  
rent or bond service charges. 91212

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of 91213  
the Revised Code: 91214

(A) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(B) "Mentally ill person subject to hospitalization by court order" means a mentally ill person who, because of the person's illness:

(1) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;

(2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;

(3) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community; or

(4) Would benefit from treatment in a hospital for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person.

(C)(1) "Patient" means, subject to division (C)(2) of this section, a person who is admitted either voluntarily or involuntarily to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter, who is under observation or

receiving treatment in such place. 91246

(2) "Patient" does not include a person admitted to a 91247  
hospital or other place under section 2945.39, 2945.40, 2945.401, 91248  
or 2945.402 of the Revised Code to the extent that the reference 91249  
in this chapter to patient, or the context in which the reference 91250  
occurs, is in conflict with any provision of sections 2945.37 to 91251  
2945.402 of the Revised Code. 91252

(D) "Licensed physician" means a person licensed under the 91253  
laws of this state to practice medicine or a medical officer of 91254  
the government of the United States while in this state in the 91255  
performance of the person's official duties. 91256

(E) "Psychiatrist" means a licensed physician who has 91257  
satisfactorily completed a residency training program in 91258  
psychiatry, as approved by the residency review committee of the 91259  
American medical association, the committee on post-graduate 91260  
education of the American osteopathic association, or the American 91261  
osteopathic board of neurology and psychiatry, or who on July 1, 91262  
1989, has been recognized as a psychiatrist by the Ohio state 91263  
medical association or the Ohio osteopathic association on the 91264  
basis of formal training and five or more years of medical 91265  
practice limited to psychiatry. 91266

(F) "Hospital" means a hospital or inpatient unit licensed by 91267  
the department of mental health under section 5119.20 of the 91268  
Revised Code, and any institution, hospital, or other place 91269  
established, controlled, or supervised by the department under 91270  
Chapter 5119. of the Revised Code. 91271

(G) "Public hospital" means a facility that is tax-supported 91272  
and under the jurisdiction of the department of mental health. 91273

(H) "Community mental health agency" means ~~any an~~ agency~~7~~ 91274  
~~program, or facility with which a board of alcohol, drug~~ 91275  
~~addiction, and mental health services contracts to provide the~~ 91276

that provides community mental health services listed in that are 91277  
certified by the director of mental health under section 340.09 91278  
5119.611 of the Revised Code. 91279

(I) "Licensed clinical psychologist" means a person who holds 91280  
a current valid psychologist license issued under section 4732.12 91281  
or 4732.15 of the Revised Code, and in addition, meets either of 91282  
the following criteria: 91283

(1) Meets the educational requirements set forth in division 91284  
(B) of section 4732.10 of the Revised Code and has a minimum of 91285  
two years' full-time professional experience, or the equivalent as 91286  
determined by rule of the state board of psychology, at least one 91287  
year of which shall be a predoctoral internship, in clinical 91288  
psychological work in a public or private hospital or clinic or in 91289  
private practice, diagnosing and treating problems of mental 91290  
illness or mental retardation under the supervision of a 91291  
psychologist who is licensed or who holds a diploma issued by the 91292  
American board of professional psychology, or whose qualifications 91293  
are substantially similar to those required for licensure by the 91294  
state board of psychology when the supervision has occurred prior 91295  
to enactment of laws governing the practice of psychology; 91296

(2) Meets the educational requirements set forth in division 91297  
(B) of section 4732.15 of the Revised Code and has a minimum of 91298  
four years' full-time professional experience, or the equivalent 91299  
as determined by rule of the state board of psychology, in 91300  
clinical psychological work in a public or private hospital or 91301  
clinic or in private practice, diagnosing and treating problems of 91302  
mental illness or mental retardation under supervision, as set 91303  
forth in division (I)(1) of this section. 91304

(J) "Health officer" means any public health physician; 91305  
public health nurse; or other person authorized by or designated 91306  
by a city health district; a general health district; or a board 91307  
of alcohol, drug addiction, and mental health services to perform 91308

the duties of a health officer under this chapter. 91309

(K) "Chief clinical officer" means the medical director of a 91310  
hospital, or a community mental health agency, or a board of 91311  
alcohol, drug addiction, and mental health services, or, if there 91312  
is no medical director, the licensed physician responsible for the 91313  
treatment a hospital or community mental health agency provides. 91314  
The chief clinical officer may delegate to the attending physician 91315  
responsible for a patient's care the duties imposed on the chief 91316  
clinical officer by this chapter. Within a community mental health 91317  
agency, the chief clinical officer shall be designated by the 91318  
governing body of the agency and shall be a licensed physician or 91319  
licensed clinical psychologist who supervises diagnostic and 91320  
treatment services. A licensed physician or licensed clinical 91321  
psychologist designated by the chief clinical officer may perform 91322  
the duties and accept the responsibilities of the chief clinical 91323  
officer in the chief clinical officer's absence. 91324

(L) "Working day" or "court day" means Monday, Tuesday, 91325  
Wednesday, Thursday, and Friday, except when such day is a 91326  
holiday. 91327

(M) "Indigent" means unable without deprivation of 91328  
satisfaction of basic needs to provide for the payment of an 91329  
attorney and other necessary expenses of legal representation, 91330  
including expert testimony. 91331

(N) "Respondent" means the person whose detention, 91332  
commitment, hospitalization, continued hospitalization or 91333  
commitment, or discharge is being sought in any proceeding under 91334  
this chapter. 91335

(O) ~~"Legal rights service" means the service established~~ 91336  
~~under "Ohio protection and advocacy system" has the same meaning~~ 91337  
as in section 5123.60 of the Revised Code. 91338

(P) "Independent expert evaluation" means an evaluation 91339

conducted by a licensed clinical psychologist, psychiatrist, or 91340  
licensed physician who has been selected by the respondent or the 91341  
respondent's counsel and who consents to conducting the 91342  
evaluation. 91343

(Q) "Court" means the probate division of the court of common 91344  
pleas. 91345

(R) "Expunge" means: 91346

(1) The removal and destruction of court files and records, 91347  
originals and copies, and the deletion of all index references; 91348

(2) The reporting to the person of the nature and extent of 91349  
any information about the person transmitted to any other person 91350  
by the court; 91351

(3) Otherwise insuring that any examination of court files 91352  
and records in question shall show no record whatever with respect 91353  
to the person; 91354

(4) That all rights and privileges are restored, and that the 91355  
person, the court, and any other person may properly reply that no 91356  
such record exists, as to any matter expunged. 91357

(S) "Residence" means a person's physical presence in a 91358  
county with intent to remain there, except that: 91359

(1) If a person is receiving a mental health service at a 91360  
facility that includes nighttime sleeping accommodations, 91361  
residence means that county in which the person maintained the 91362  
person's primary place of residence at the time the person entered 91363  
the facility; 91364

(2) If a person is committed pursuant to section 2945.38, 91365  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 91366  
residence means the county where the criminal charges were filed. 91367

When the residence of a person is disputed, the matter of 91368  
residence shall be referred to the department of mental health for 91369



investigation and determination. Residence shall not be a basis 91370  
for a board's denying services to any person present in the 91371  
board's service district, and the board shall provide services for 91372  
a person whose residence is in dispute while residence is being 91373  
determined and for a person in an emergency situation. 91374

(T) "Admission" to a hospital or other place means that a 91375  
patient is accepted for and stays at least one night at the 91376  
hospital or other place. 91377

(U) "Prosecutor" means the prosecuting attorney, village 91378  
solicitor, city director of law, or similar chief legal officer 91379  
who prosecuted a criminal case in which a person was found not 91380  
guilty by reason of insanity, who would have had the authority to 91381  
prosecute a criminal case against a person if the person had not 91382  
been found incompetent to stand trial, or who prosecuted a case in 91383  
which a person was found guilty. 91384

(V) "Treatment plan" means a written statement of reasonable 91385  
objectives and goals for an individual established by the 91386  
treatment team, with specific criteria to evaluate progress 91387  
towards achieving those objectives. The active participation of 91388  
the patient in establishing the objectives and goals shall be 91389  
documented. The treatment plan shall be based on patient needs and 91390  
include services to be provided to the patient while the patient 91391  
is hospitalized and after the patient is discharged. The treatment 91392  
plan shall address services to be provided upon discharge, 91393  
including but not limited to housing, financial, and vocational 91394  
services. 91395

(W) "Community control sanction" has the same meaning as in 91396  
section 2929.01 of the Revised Code. 91397

(X) "Post-release control sanction" has the same meaning as 91398  
in section 2967.01 of the Revised Code. 91399

Sec. 5122.02. (A) Except as provided in division (D) of this 91400  
section, any person who is eighteen years of age or older and who 91401  
is, appears to be, or believes self to be mentally ill may make 91402  
written application for voluntary admission to the chief medical 91403  
officer of a hospital. 91404

(B) Except as provided in division (D) of this section, the 91405  
application also may be made on behalf of a minor by a parent, a 91406  
guardian of the person, or the person with custody of the minor, 91407  
and on behalf of an adult incompetent person by the guardian or 91408  
the person with custody of the incompetent person. 91409

Any person whose admission is applied for under division (A) 91410  
or (B) of this section may be admitted for observation, diagnosis, 91411  
care, or treatment, in any hospital unless the chief clinical 91412  
officer finds that hospitalization is inappropriate, and except 91413  
that, in the case of a public hospital, no person shall be 91414  
admitted without the authorization of the board of the person's 91415  
county of residence. 91416

(C) If a minor or person adjudicated incompetent due to 91417  
mental illness whose voluntary admission is applied for under 91418  
division (B) of this section is admitted, the court shall 91419  
determine, upon petition by ~~the legal rights service~~, private or 91420  
otherwise appointed counsel, a relative, or one acting as next 91421  
friend, whether the admission or continued hospitalization is in 91422  
the best interest of the minor or incompetent. 91423

The chief clinical officer shall discharge any voluntary 91424  
patient who has recovered or whose hospitalization the officer 91425  
determines to be no longer advisable and may discharge any 91426  
voluntary patient who refuses to accept treatment consistent with 91427  
the written treatment plan required by section 5122.27 of the 91428  
Revised Code. 91429

(D) A person who is found incompetent to stand trial or not 91430

guilty by reason of insanity and who is committed pursuant to 91431  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 91432  
Code shall not voluntarily admit ~~himself or herself~~ the person or 91433  
be voluntarily admitted to a hospital pursuant to this section 91434  
until after the final termination of the commitment, as described 91435  
in division (J) of section 2945.401 of the Revised Code. 91436

**Sec. 5122.15.** (A) Full hearings shall be conducted in a 91437  
manner consistent with this chapter and with due process of law. 91438  
The hearings shall be conducted by a judge of the probate court or 91439  
a referee designated by a judge of the probate court and may be 91440  
conducted in or out of the county in which the respondent is held. 91441  
Any referee designated under this division shall be an attorney. 91442

(1) With the consent of the respondent, the following shall 91443  
be made available to counsel for the respondent: 91444

(a) All relevant documents, information, and evidence in the 91445  
custody or control of the state or prosecutor; 91446

(b) All relevant documents, information, and evidence in the 91447  
custody or control of the hospital in which the respondent 91448  
currently is held, or in which the respondent has been held 91449  
pursuant to this chapter; 91450

(c) All relevant documents, information, and evidence in the 91451  
custody or control of any hospital, facility, or person not 91452  
included in division (A)(1)(a) or (b) of this section. 91453

(2) The respondent has the right to attend the hearing and to 91454  
be represented by counsel of the respondent's choice. The right to 91455  
attend the hearing may be waived only by the respondent or counsel 91456  
for the respondent after consultation with the respondent. 91457

(3) If the respondent is not represented by counsel, is 91458  
absent from the hearing, and has not validly waived the right to 91459  
counsel, the court shall appoint counsel immediately to represent 91460

the respondent at the hearing, reserving the right to tax costs of 91461  
appointed counsel to the respondent, unless it is shown that the 91462  
respondent is indigent. If the court appoints counsel, or if the 91463  
court determines that the evidence relevant to the respondent's 91464  
absence does not justify the absence, the court shall continue the 91465  
case. 91466

(4) The respondent shall be informed that the respondent may 91467  
retain counsel and have independent expert evaluation. If the 91468  
respondent is unable to obtain an attorney, the respondent shall 91469  
be represented by court-appointed counsel. If the respondent is 91470  
indigent, court-appointed counsel and independent expert 91471  
evaluation shall be provided as an expense under section 5122.43 91472  
of the Revised Code. 91473

(5) The hearing shall be closed to the public, unless counsel 91474  
for the respondent, with the permission of the respondent, 91475  
requests that the hearing be open to the public. 91476

(6) If the hearing is closed to the public, the court, for 91477  
good cause shown, may admit persons who have a legitimate interest 91478  
in the proceedings. If the respondent, the respondent's counsel, 91479  
the designee of the director or of the chief clinical officer 91480  
objects to the admission of any person, the court shall hear the 91481  
objection and any opposing argument and shall rule upon the 91482  
admission of the person to the hearing. 91483

(7) The affiant under section 5122.11 of the Revised Code 91484  
shall be subject to subpoena by either party. 91485

(8) The court shall examine the sufficiency of all documents 91486  
filed and shall inform the respondent, if present, and the 91487  
respondent's counsel of the nature and content of the documents 91488  
and the reason for which the respondent is being detained, or for 91489  
which the respondent's placement is being sought. 91490

(9) The court shall receive only reliable, competent, and 91491

material evidence. 91492

(10) Unless proceedings are initiated pursuant to section 91493  
5120.17 or 5139.08 of the Revised Code or proceedings are 91494  
initiated regarding a resident of the service district of a board 91495  
of alcohol, drug addiction, and mental health services that elects 91496  
under division ~~(B)(3)(b)~~ (C)(2) of section 5119.62 of the Revised 91497  
Code not to accept the amount allocated to it under ~~division~~ 91498  
~~(B)(1)~~ of that section, an attorney that the board designates 91499  
shall present the case demonstrating that the respondent is a 91500  
mentally ill person subject to hospitalization by court order. The 91501  
attorney shall offer evidence of the diagnosis, prognosis, record 91502  
of treatment, if any, and less restrictive treatment plans, if 91503  
any. In proceedings pursuant to section 5120.17 or 5139.08 of the 91504  
Revised Code and in proceedings in which the respondent is a 91505  
resident of a service district of a board that elects under 91506  
division ~~(B)(3)(b)~~ (C)(2) of section 5119.62 of the Revised Code 91507  
not to accept the amount allocated to it under ~~division (B)(1)~~ of 91508  
that section, the attorney general shall designate an attorney who 91509  
shall present the case demonstrating that the respondent is a 91510  
mentally ill person subject to hospitalization by court order. The 91511  
attorney shall offer evidence of the diagnosis, prognosis, record 91512  
of treatment, if any, and less restrictive treatment plans, if 91513  
any. 91514

(11) The respondent or the respondent's counsel has the right 91515  
to subpoena witnesses and documents and to examine and 91516  
cross-examine witnesses. 91517

(12) The respondent has the right, but shall not be 91518  
compelled, to testify, and shall be so advised by the court. 91519

(13) On motion of the respondent or the respondent's counsel 91520  
for good cause shown, or on the court's own motion, the court may 91521  
order a continuance of the hearing. 91522

(14) If the respondent is represented by counsel and the respondent's counsel requests a transcript and record, or if the respondent is not represented by counsel, the court shall make and maintain a full transcript and record of the proceeding. If the respondent is indigent and the transcript and record is made, a copy shall be provided to the respondent upon request and be treated as an expense under section 5122.43 of the Revised Code.

(15) To the extent not inconsistent with this chapter, the Rules of Civil Procedure are applicable.

(B) Unless, upon completion of the hearing the court finds by clear and convincing evidence that the respondent is a mentally ill person subject to hospitalization by court order, it shall order the respondent's discharge immediately.

(C) If, upon completion of the hearing, the court finds by clear and convincing evidence that the respondent is a mentally ill person subject to hospitalization by court order, the court shall order the respondent for a period not to exceed ninety days to any of the following:

(1) A hospital operated by the department of mental health if the respondent is committed pursuant to section 5139.08 of the Revised Code;

(2) A nonpublic hospital;

(3) The veterans' administration or other agency of the United States government;

(4) A board of alcohol, drug addiction, and mental health services or agency the board designates;

(5) Receive private psychiatric or psychological care and treatment;

(6) Any other suitable facility or person consistent with the diagnosis, prognosis, and treatment needs of the respondent.

(D) Any order made pursuant to division (C)(2), (3), (5), or 91553  
(6) of this section shall be conditioned upon the receipt by the 91554  
court of consent by the hospital, facility, agency, or person to 91555  
accept the respondent. 91556

(E) In determining the place to which, or the person with 91557  
whom, the respondent is to be committed, the court shall consider 91558  
the diagnosis, prognosis, preferences of the respondent and the 91559  
projected treatment plan for the respondent and shall order the 91560  
implementation of the least restrictive alternative available and 91561  
consistent with treatment goals. If the court determines that the 91562  
least restrictive alternative available that is consistent with 91563  
treatment goals is inpatient hospitalization, the court's order 91564  
shall so state. 91565

(F) During such ninety-day period the hospital; facility; 91566  
board of alcohol, drug addiction, and mental health services; 91567  
agency the board designates; or person shall examine and treat the 91568  
individual. If, at any time prior to the expiration of the 91569  
ninety-day period, it is determined by the hospital, facility, 91570  
board, agency, or person that the respondent's treatment needs 91571  
could be equally well met in an available and appropriate less 91572  
restrictive environment, both of the following apply: 91573

(1) The respondent shall be released from the care of the 91574  
hospital, agency, facility, or person immediately and shall be 91575  
referred to the court together with a report of the findings and 91576  
recommendations of the hospital, agency, facility, or person; and 91577

(2) The hospital, agency, facility, or person shall notify 91578  
the respondent's counsel or the attorney designated by a board of 91579  
alcohol, drug addiction, and mental health services or, if the 91580  
respondent was committed to a board or an agency designated by the 91581  
board, it shall place the respondent in the least restrictive 91582  
environment available consistent with treatment goals and notify 91583  
the court and the respondent's counsel of the placement. 91584

The court shall dismiss the case or order placement in the 91585  
least restrictive environment. 91586

(G)(1) Except as provided in divisions (G)(2) and (3) of this 91587  
section, any person who has been committed under this section, or 91588  
for whom proceedings for hospitalization have been commenced 91589  
pursuant to section 5122.11 of the Revised Code, may apply at any 91590  
time for voluntary admission to the hospital, facility, agency 91591  
that the board designates, or person to which the person was 91592  
committed. Upon admission as a voluntary patient the chief 91593  
clinical officer of the hospital, agency, or other facility, or 91594  
the person immediately shall notify the court, the patient's 91595  
counsel, and the attorney designated by the board, if the attorney 91596  
has entered the proceedings, in writing of that fact, and, upon 91597  
receipt of the notice, the court shall dismiss the case. 91598

(2) A person who is found incompetent to stand trial or not 91599  
guilty by reason of insanity and who is committed pursuant to 91600  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 91601  
Code shall not voluntarily commit the person pursuant to this 91602  
section until after the final termination of the commitment, as 91603  
described in division (J) of section 2945.401 of the Revised Code. 91604

(H) If, at the end of the first ninety-day period or any 91605  
subsequent period of continued commitment, there has been no 91606  
disposition of the case, either by discharge or voluntary 91607  
admission, the hospital, facility, board, agency, or person shall 91608  
discharge the patient immediately, unless at least ten days before 91609  
the expiration of the period the attorney the board designates or 91610  
the prosecutor files with the court an application for continued 91611  
commitment. The application of the attorney or the prosecutor 91612  
shall include a written report containing the diagnosis, 91613  
prognosis, past treatment, a list of alternative treatment 91614  
settings and plans, and identification of the treatment setting 91615  
that is the least restrictive consistent with treatment needs. The 91616



attorney the board designates or the prosecutor shall file the 91617  
written report at least three days prior to the full hearing. A 91618  
copy of the application and written report shall be provided to 91619  
the respondent's counsel immediately. 91620

The court shall hold a full hearing on applications for 91621  
continued commitment at the expiration of the first ninety-day 91622  
period and at least every two years after the expiration of the 91623  
first ninety-day period. 91624

Hearings following any application for continued commitment 91625  
are mandatory and may not be waived. 91626

Upon request of a person who is involuntarily committed under 91627  
this section, or the person's counsel, that is made more than one 91628  
hundred eighty days after the person's last full hearing, 91629  
mandatory or requested, the court shall hold a full hearing on the 91630  
person's continued commitment. Upon the application of a person 91631  
involuntarily committed under this section, supported by an 91632  
affidavit of a psychiatrist or licensed clinical psychologist, 91633  
alleging that the person no longer is a mentally ill person 91634  
subject to hospitalization by court order, the court for good 91635  
cause shown may hold a full hearing on the person's continued 91636  
commitment prior to the expiration of one hundred eighty days 91637  
after the person's last full hearing. Section 5122.12 of the 91638  
Revised Code applies to all hearings on continued commitment. 91639

If the court, after a hearing for continued commitment finds 91640  
by clear and convincing evidence that the respondent is a mentally 91641  
ill person subject to hospitalization by court order, the court 91642  
may order continued commitment at places specified in division (C) 91643  
of this section. 91644

(I) Unless the admission is pursuant to section 5120.17 or 91645  
5139.08 of the Revised Code, the chief clinical officer of the 91646  
hospital or agency admitting a respondent pursuant to a judicial 91647

proceeding, within ten working days of the admission, shall make a report of the admission to the board of alcohol, drug addiction, and mental health services serving the respondent's county of residence.

(J) A referee appointed by the court may make all orders that a judge may make under this section and sections 5122.11 and 5122.141 of the Revised Code, except an order of contempt of court. The orders of a referee take effect immediately. Within fourteen days of the making of an order by a referee, a party may file written objections to the order with the court. The filed objections shall be considered a motion, shall be specific, and shall state their grounds with particularity. Within ten days of the filing of the objections, a judge of the court shall hold a hearing on the objections and may hear and consider any testimony or other evidence relating to the respondent's mental condition. At the conclusion of the hearing, the judge may ratify, rescind, or modify the referee's order.

(K) An order of the court under division (C), (H), or (J) of this section is a final order.

(L) Before a board, or an agency the board designates, may place an unconsenting respondent in an inpatient setting from a less restrictive placement, the board or agency shall do all of the following:

(1) Determine that the respondent is in immediate need of treatment in an inpatient setting because the respondent represents a substantial risk of physical harm to the respondent or others if allowed to remain in a less restrictive setting;

(2) On the day of placement in the inpatient setting or on the next court day, file with the court a motion for transfer to an inpatient setting or communicate to the court by telephone that the required motion has been mailed;

(3) Ensure that every reasonable and appropriate effort is made to take the respondent to the inpatient setting in the least conspicuous manner possible;

(4) Immediately notify the board's designated attorney and the respondent's attorney.

At the respondent's request, the court shall hold a hearing on the motion and make a determination pursuant to division (E) of this section within five days of the placement.

(M) Before a board, or an agency the board designates, may move a respondent from one residential placement to another, the board or agency shall consult with the respondent about the placement. If the respondent objects to the placement, the proposed placement and the need for it shall be reviewed by a qualified mental health professional who otherwise is not involved in the treatment of the respondent.

**Sec. 5122.21.** (A) The chief clinical officer shall as frequently as practicable, and at least once every thirty days, examine or cause to be examined every patient, and, whenever the chief clinical officer determines that the conditions justifying involuntary hospitalization or commitment no longer obtain, shall, ~~except as provided in division (C) of this section,~~ discharge the patient not under indictment or conviction for crime and immediately make a report of the discharge to the department of mental health. The chief clinical officer may discharge a patient who is under an indictment, a sentence of imprisonment, a community control sanction, or a post-release control sanction or on parole ten days after written notice of intent to discharge the patient has been given by personal service or certified mail, return receipt requested, to the court having criminal jurisdiction over the patient. Except when the patient was found not guilty by reason of insanity and the defendant's commitment is

pursuant to section 2945.40 of the Revised Code, the chief 91710  
clinical officer has final authority to discharge a patient who is 91711  
under an indictment, a sentence of imprisonment, a community 91712  
control sanction, or a post-release control sanction or on parole. 91713

(B) After a finding pursuant to section 5122.15 of the 91714  
Revised Code that a person is a mentally ill person subject to 91715  
hospitalization by court order, the chief clinical officer of the 91716  
hospital or agency to which the person is ordered or to which the 91717  
person is transferred under section 5122.20 of the Revised Code, 91718  
~~may, except as provided in division (C) of this section,~~ grant a 91719  
discharge without the consent or authorization of any court. 91720

Upon discharge, the chief clinical officer shall notify the 91721  
court that caused the judicial hospitalization of the discharge 91722  
from the hospital. 91723

**Sec. 5122.27.** The chief clinical officer of the hospital or 91724  
~~his~~ the chief clinical officer's designee shall assure that all 91725  
patients hospitalized or committed pursuant to this chapter shall: 91726

(A) Receive, within twenty days of their admission sufficient 91727  
professional care to assure that an evaluation of current status, 91728  
differential diagnosis, probable prognosis, and description of the 91729  
current treatment plan is stated on the official chart; 91730

(B) Have a written treatment plan consistent with the 91731  
evaluation, diagnosis, prognosis, and goals which shall be 91732  
provided, upon request of the patient or patient's counsel, to the 91733  
patient's counsel and to any private physician or licensed 91734  
clinical psychologist designated by the patient or ~~his~~ the 91735  
patient's counsel or to the ~~legal rights service~~ Ohio protection 91736  
and advocacy system; 91737

(C) Receive treatment consistent with the treatment plan. The 91738  
department of mental health shall set standards for treatment 91739

provided to such patients, consistent wherever possible with 91740  
standards set by the joint commission on accreditation of 91741  
healthcare organizations. 91742

(D) Receive periodic reevaluations of the treatment plan by 91743  
the professional staff at intervals not to exceed ninety days; 91744

(E) Be provided with adequate medical treatment for physical 91745  
disease or injury; 91746

(F) Receive humane care and treatment, including without 91747  
limitation, the following: 91748

(1) The least restrictive environment consistent with the 91749  
treatment plan; 91750

(2) The necessary facilities and personnel required by the 91751  
treatment plan; 91752

(3) A humane psychological and physical environment; 91753

(4) The right to obtain current information concerning ~~his~~ 91754  
the patient's treatment program and expectations in terms that ~~he~~ 91755  
the patient can reasonably understand; 91756

(5) Participation in programs designed to afford ~~him~~ the 91757  
patient substantial opportunity to acquire skills to facilitate 91758  
~~his~~ return to the community or to terminate an involuntary 91759  
commitment; 91760

(6) The right to be free from unnecessary or excessive 91761  
medication; 91762

(7) Freedom from restraints or isolation unless it is stated 91763  
in a written order by the chief clinical officer or ~~his~~ the chief 91764  
clinical officer's designee, or the patient's individual physician 91765  
or psychologist in a private or general hospital. 91766

~~(G) Be notified of their rights under the law within 91767  
twenty four hours of admission, according to rules established by 91768  
the legal rights service. 91769~~

If the chief clinical officer of the hospital is unable to provide the treatment required by divisions (C), (E), and (F) of this section for any patient hospitalized pursuant to Chapter 5122. of the Revised Code, ~~he~~ the chief clinical officer shall immediately notify the patient, the court, the ~~legal rights service~~ Ohio protection and advocacy system, the director of mental health, and the patient's counsel and legal guardian, if known. If within ten days after receipt of such notification by the director, ~~he~~ the director is unable to effect a transfer of the patient, pursuant to section 5122.20 of the Revised Code, to a hospital, community mental health agency, or other medical facility where treatment is available, or has not received an order of the court to the contrary, the involuntary commitment of any patient hospitalized pursuant to Chapter 5122. of the Revised Code and defined as a mentally ill person subject to hospitalization by court order under division (B)(4) of section 5122.01 of the Revised Code shall automatically be terminated.

**Sec. 5122.271.** (A) Except as provided in divisions (C), (D), and (E) of this section, the chief clinical officer or, in a nonpublic hospital, the attending physician responsible for a patient's care shall provide all information, including expected physical and medical consequences, necessary to enable any patient of a hospital for the mentally ill to give a fully informed, intelligent, and knowing consent, the opportunity to consult with independent specialists and counsel, and the right to refuse consent for any of the following:

- (1) Surgery;
- (2) Convulsive therapy;
- (3) Major aversive interventions;
- (4) Sterilizations;

(5) Any unusually hazardous treatment procedures; 91800

(6) Psycho-surgery. 91801

(B) No patient shall be subjected to any of the procedures 91802  
listed in divisions (A)(4) to (6) of this section until both the 91803  
patient's informed, intelligent, and knowing consent and the 91804  
approval of the court have been obtained, except that court 91805  
approval is not required for a legally competent and voluntary 91806  
patient in a nonpublic hospital. 91807

(C) If, after providing the information required under 91808  
division (A) of this section to the patient, the chief clinical 91809  
officer or attending physician concludes that a patient is 91810  
physically or mentally unable to receive the information required 91811  
for surgery under division (A)(1) of this section, or has been 91812  
adjudicated incompetent, the information may be provided to the 91813  
patient's natural or court-appointed guardian, who may give an 91814  
informed, intelligent, and knowing written consent. 91815

If a patient is physically or mentally unable to receive the 91816  
information required for surgery under division (A)(1) of this 91817  
section and has no guardian, the information, the recommendation 91818  
of the chief clinical officer, and the concurring judgment of a 91819  
licensed physician who is not a full-time employee of the state 91820  
may be provided to the court in the county in which the hospital 91821  
is located, which may approve the surgery. Before approving the 91822  
surgery, the court shall notify the ~~legal rights service~~ Ohio 91823  
protection and advocacy system created by section 5123.60 of the 91824  
Revised Code, and shall notify the patient of the rights to 91825  
consult with counsel, to have counsel appointed by the court if 91826  
the patient is indigent, and to contest the recommendation of the 91827  
chief clinical officer. 91828

(D) If, in a medical emergency, and after providing the 91829  
information required under division (A) of this section to the 91830

patient, it is the judgment of one licensed physician that delay 91831  
in obtaining surgery would create a grave danger to the health of 91832  
the patient, it may be administered without the consent of the 91833  
patient or the patient's guardian if the necessary information is 91834  
provided to the patient's spouse or next of kin to enable that 91835  
person to give informed, intelligent, and knowing written consent. 91836  
If no spouse or next of kin can reasonably be contacted, or if the 91837  
spouse or next of kin is contacted, but refuses to consent, the 91838  
surgery may be performed upon the written authorization of the 91839  
chief clinical officer or, in a nonpublic hospital, upon the 91840  
written authorization of the attending physician responsible for 91841  
the patient's care, and after the approval of the court has been 91842  
obtained. However, if delay in obtaining court approval would 91843  
create a grave danger to the life of the patient, the chief 91844  
clinical officer or, in a nonpublic hospital, the attending 91845  
physician responsible for the patient's care may authorize 91846  
surgery, in writing, without court approval. If the surgery is 91847  
authorized without court approval, the chief clinical officer or 91848  
the attending physician who made the authorization and the 91849  
physician who performed the surgery shall each execute an 91850  
affidavit describing the circumstances constituting the emergency 91851  
and warranting the surgery and the circumstances warranting their 91852  
not obtaining prior court approval. The affidavit shall be filed 91853  
with the court with which the request for prior approval would 91854  
have been filed within five court days after the surgery, and a 91855  
copy of the affidavit shall be placed in the patient's file and be 91856  
given to the guardian, spouse, or next of kin of the patient, to 91857  
the hospital at which the surgery was performed, and to the ~~legal~~ 91858  
~~rights service created by~~ Ohio protection and advocacy system as 91859  
defined in section 5123.60 of the Revised Code. 91860

(E) Major aversive interventions shall not be used unless a 91861  
patient continues to engage in behavior destructive to self or 91862  
others after other forms of therapy have been attempted. Major 91863



aversive interventions may be applied if approved by the director 91864  
of mental health. ~~The director of the legal rights service created~~ 91865  
~~by section 5123.60 of the Revised Code shall be notified of any~~ 91866  
~~proposed major aversive intervention prior to review by the~~ 91867  
~~director of mental health.~~ Major aversive interventions shall not 91868  
be applied to a voluntary patient without the informed, 91869  
intelligent, and knowing written consent of the patient or the 91870  
patient's guardian. 91871

(F) Unless there is substantial risk of physical harm to self 91872  
or others, or other than under division (D) of this section, this 91873  
chapter does not authorize any form of compulsory medical, 91874  
psychological, or psychiatric treatment of any patient who is 91875  
being treated by spiritual means through prayer alone in 91876  
accordance with a recognized religious method of healing without 91877  
specific court authorization. 91878

(G) For purposes of this section, "convulsive therapy" does 91879  
not include defibrillation. 91880

**Sec. 5122.29.** All patients hospitalized or committed pursuant 91881  
to this chapter have the following rights: 91882

(A) The right to a written list of all rights enumerated in 91883  
this chapter, to that person, ~~his~~ that person's legal guardian, 91884  
and ~~his~~ that person's counsel. If the person is unable to read, 91885  
the list shall be read and explained to ~~him~~ the person. 91886

(B) The right at all times to be treated with consideration 91887  
and respect for ~~his~~ the patient's privacy and dignity, including 91888  
without limitation, the following: 91889

(1) At the time a person is taken into custody for diagnosis, 91890  
detention, or treatment under Chapter 5122. of the Revised Code, 91891  
the person taking ~~him~~ that person into custody shall take 91892  
reasonable precautions to preserve and safeguard the personal 91893

property in the possession of or on the premises occupied by that person; 91894  
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(2) A person who is committed, voluntarily or involuntarily, shall be given reasonable protection from assault or battery by any other person. 91896  
91897  
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(C) The right to communicate freely with and be visited at reasonable times by ~~his~~ the patient's private counsel or personnel of the ~~legal rights service~~ Ohio protection and advocacy system and, unless prior court restriction has been obtained, to communicate freely with and be visited at reasonable times by ~~his~~ the patient's personal physician or psychologist. 91899  
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(D) The right to communicate freely with others, unless specifically restricted in the patient's treatment plan for clear treatment reasons, including without limitation the following: 91905  
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(1) To receive visitors at reasonable times; 91908

(2) To have reasonable access to telephones to make and receive confidential calls, including a reasonable number of free calls if unable to pay for them and assistance in calling if requested and needed. 91909  
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(E) The right to have ready access to letter writing materials, including a reasonable number of stamps without cost if unable to pay for them, and to mail and receive unopened correspondence and assistance in writing if requested and needed. 91913  
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(F) The right to the following personal privileges consistent with health and safety: 91917  
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(1) To wear ~~his~~ the patient's own clothes and maintain ~~his~~ the patient's own personal effects; 91919  
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(2) To be provided an adequate allowance for or allotment of neat, clean, and seasonable clothing if unable to provide ~~his~~ the patient's own; 91921  
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91923

|                                                                                     |       |
|-------------------------------------------------------------------------------------|-------|
| (3) To maintain <del>his</del> <u>the patient's</u> personal appearance             | 91924 |
| according to <del>his</del> <u>the patient's</u> own personal taste, including head | 91925 |
| and body hair;                                                                      | 91926 |
| (4) To keep and use personal possessions, including toilet                          | 91927 |
| articles;                                                                           | 91928 |
| (5) To have access to individual storage space for <del>his</del> <u>the</u>        | 91929 |
| <u>patient's</u> private use;                                                       | 91930 |
| (6) To keep and spend a reasonable sum of <del>his</del> <u>the patient's</u>       | 91931 |
| own money for expenses and small purchases;                                         | 91932 |
| (7) To receive and possess reading materials without                                | 91933 |
| censorship, except when the materials create a clear and present                    | 91934 |
| danger to the safety of persons in the facility.                                    | 91935 |
| (G) The right to reasonable privacy, including both periods                         | 91936 |
| of privacy and places of privacy.                                                   | 91937 |
| (H) The right to free exercise of religious worship within                          | 91938 |
| the facility, including a right to services and sacred texts that                   | 91939 |
| are within the reasonable capacity of the facility to supply,                       | 91940 |
| provided that no patient shall be coerced into engaging in any                      | 91941 |
| religious activities.                                                               | 91942 |
| (I) The right to social interaction with members of either                          | 91943 |
| sex, subject to adequate supervision, unless such social                            | 91944 |
| interaction is specifically withheld under a patient's written                      | 91945 |
| treatment plan for clear treatment reasons.                                         | 91946 |
| As used in this section, "clear treatment reasons" means that                       | 91947 |
| permitting the patient to communicate freely with others will                       | 91948 |
| present a substantial risk of physical harm to the patient or                       | 91949 |
| others or will substantially preclude effective treatment of the                    | 91950 |
| patient. If a right provided under this section is restricted or                    | 91951 |
| withheld for clear treatment reasons, the patient's written                         | 91952 |
| treatment plan shall specify the treatment designed to eliminate                    | 91953 |

the restriction or withholding of the right at the earliest possible time. 91954  
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**Sec. 5122.31.** (A) All certificates, applications, records, and reports made for the purpose of this chapter and sections 2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised Code, other than court journal entries or court docket entries, and directly or indirectly identifying a patient or former patient or person whose hospitalization has been sought under this chapter, shall be kept confidential and shall not be disclosed by any person except: 91956  
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(1) If the person identified, or the person's legal guardian, if any, or if the person is a minor, the person's parent or legal guardian, consents, and if the disclosure is in the best interests of the person, as may be determined by the court for judicial records and by the chief clinical officer for medical records; 91964  
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(2) When disclosure is provided for in this chapter or section ~~5123.60~~ 5123.601 of the Revised Code; 91969  
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(3) That hospitals, boards of alcohol, drug addiction, and mental health services, and community mental health agencies may release necessary medical information to insurers and other third-party payers, including government entities responsible for processing and authorizing payment, to obtain payment for goods and services furnished to the patient; 91971  
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(4) Pursuant to a court order signed by a judge; 91977

(5) That a patient shall be granted access to the patient's own psychiatric and medical records, unless access specifically is restricted in a patient's treatment plan for clear treatment reasons; 91978  
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(6) That hospitals and other institutions and facilities within the department of mental health may exchange psychiatric 91982  
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records and other pertinent information with other hospitals, 91984  
institutions, and facilities of the department, and with community 91985  
mental health agencies and boards of alcohol, drug addiction, and 91986  
mental health services with which the department has a current 91987  
agreement for patient care or services. Records and information 91988  
that may be released pursuant to this division shall be limited to 91989  
medication history, physical health status and history, financial 91990  
status, summary of course of treatment in the hospital, summary of 91991  
treatment needs, and a discharge summary, if any. 91992

(7) That hospitals within the department, other institutions 91993  
and facilities within the department, hospitals licensed by the 91994  
department under section 5119.20 of the Revised Code, and 91995  
community mental health agencies may exchange psychiatric records 91996  
and other pertinent information with payers and other providers of 91997  
treatment and health services if the purpose of the exchange is to 91998  
facilitate continuity of care for a patient; 91999

(8) That a patient's family member who is involved in the 92000  
provision, planning, and monitoring of services to the patient may 92001  
receive medication information, a summary of the patient's 92002  
diagnosis and prognosis, and a list of the services and personnel 92003  
available to assist the patient and the patient's family, if the 92004  
patient's treating physician determines that the disclosure would 92005  
be in the best interests of the patient. No such disclosure shall 92006  
be made unless the patient is notified first and receives the 92007  
information and does not object to the disclosure. 92008

(9) That community mental health agencies may exchange 92009  
psychiatric records and certain other information with the board 92010  
of alcohol, drug addiction, and mental health services and other 92011  
agencies in order to provide services to a person involuntarily 92012  
committed to a board. Release of records under this division shall 92013  
be limited to medication history, physical health status and 92014  
history, financial status, summary of course of treatment, summary 92015

of treatment needs, and discharge summary, if any. 92016

(10) That information may be disclosed to the executor or the 92017  
administrator of an estate of a deceased patient when the 92018  
information is necessary to administer the estate; 92019

(11) That records in the possession of the Ohio historical 92020  
society may be released to the closest living relative of a 92021  
deceased patient upon request of that relative; 92022

(12) That information may be disclosed to staff members of 92023  
the appropriate board or to staff members designated by the 92024  
director of mental health for the purpose of evaluating the 92025  
quality, effectiveness, and efficiency of services and determining 92026  
if the services meet minimum standards. Information obtained 92027  
during such evaluations shall not be retained with the name of any 92028  
patient. 92029

(13) That records pertaining to the patient's diagnosis, 92030  
course of treatment, treatment needs, and prognosis shall be 92031  
disclosed and released to the appropriate prosecuting attorney if 92032  
the patient was committed pursuant to section 2945.38, 2945.39, 92033  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 92034  
attorney designated by the board for proceedings pursuant to 92035  
involuntary commitment under this chapter. 92036

(14) That the department of mental health may exchange 92037  
psychiatric hospitalization records, other mental health treatment 92038  
records, and other pertinent information with the department of 92039  
rehabilitation and correction to ensure continuity of care for 92040  
inmates who are receiving mental health services in an institution 92041  
of the department of rehabilitation and correction. The department 92042  
shall not disclose those records unless the inmate is notified, 92043  
receives the information, and does not object to the disclosure. 92044  
The release of records under this division is limited to records 92045  
regarding an inmate's medication history, physical health status 92046

and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

(15) That a community mental health agency that ceases to operate may transfer to either a community mental health agency that assumes its caseload or to the board of alcohol, drug addiction, and mental health services of the service district in which the patient resided at the time services were most recently provided any treatment records that have not been transferred elsewhere at the patient's request.

(B) Before records are disclosed pursuant to divisions (A)(3), (6), (7), and (9) of this section, the custodian of the records shall attempt to obtain the patient's consent for the disclosure. No person shall reveal the contents of a medical record of a patient except as authorized by law.

(C) The managing officer of a hospital who releases necessary medical information under division (A)(3) of this section to allow an insurance carrier or other third party payor to comply with section 5121.43 of the Revised Code shall neither be subject to criminal nor civil liability.

**Sec. 5122.32.** (A) As used in this section:

(1) "Quality assurance committee" means a committee that is appointed in the central office of the department of mental health by the director of mental health, a committee of a hospital or community setting program, a committee established pursuant to section 5119.47 of the Revised Code of the department of mental health appointed by the managing officer of the hospital or program, or a duly authorized subcommittee of a committee of that nature and that is designated to carry out quality assurance program activities.

(2) "Quality assurance program" means a comprehensive program

within the department of mental health to systematically review 92077  
and improve the quality of medical and mental health services 92078  
within the department and its hospitals and community setting 92079  
programs, the safety and security of persons receiving medical and 92080  
mental health services within the department and its hospitals and 92081  
community setting programs, and the efficiency and effectiveness 92082  
of the utilization of staff and resources in the delivery of 92083  
medical and mental health services within the department and its 92084  
hospitals and community setting programs. "Quality assurance 92085  
program" includes the central office quality assurance committees, 92086  
morbidity and mortality review committees, quality assurance 92087  
programs of community setting programs, quality assurance 92088  
committees of hospitals operated by the department of mental 92089  
health, and the office of licensure and certification of the 92090  
department. 92091

(3) "Quality assurance program activities" include collecting 92092  
or compiling information and reports required by a quality 92093  
assurance committee, receiving, reviewing, or implementing the 92094  
recommendations made by a quality assurance committee, and 92095  
credentialing, privileging, infection control, tissue review, peer 92096  
review, utilization review including access to patient care 92097  
records, patient care assessment records, and medical and mental 92098  
health records, medical and mental health resource management, 92099  
mortality and morbidity review, and identification and prevention 92100  
of medical or mental health incidents and risks, whether performed 92101  
by a quality assurance committee or by persons who are directed by 92102  
a quality assurance committee. 92103

(4) "Quality assurance records" means the proceedings, 92104  
discussion, records, findings, recommendations, evaluations, 92105  
opinions, minutes, reports, and other documents or actions that 92106  
emanate from quality assurance committees, quality assurance 92107  
programs, or quality assurance program activities. "Quality 92108



assurance records" does not include aggregate statistical 92109  
information that does not disclose the identity of persons 92110  
receiving or providing medical or mental health services in 92111  
department of mental health institutions. 92112

(B)(1) Except as provided in division (E) of this section, 92113  
quality assurance records are confidential and are not public 92114  
records under section 149.43 of the Revised Code, and shall be 92115  
used only in the course of the proper functions of a quality 92116  
assurance program. 92117

(2) Except as provided in division (E) of this section, no 92118  
person who possesses or has access to quality assurance records 92119  
and who knows that the records are quality assurance records shall 92120  
willfully disclose the contents of the records to any person or 92121  
entity. 92122

(C)(1) Except as provided in division (E) of this section, no 92123  
quality assurance record shall be subject to discovery in, and is 92124  
not admissible in evidence, in any judicial or administrative 92125  
proceeding. 92126

(2) Except as provided in division (E) of this section, no 92127  
member of a quality assurance committee or a person who is 92128  
performing a function that is part of a quality assurance program 92129  
shall be permitted or required to testify in a judicial or 92130  
administrative proceeding with respect to quality assurance 92131  
records or with respect to any finding, recommendation, 92132  
evaluation, opinion, or other action taken by the committee, 92133  
member, or person. 92134

(3) Information, documents, or records otherwise available 92135  
from original sources are not to be construed as being unavailable 92136  
for discovery or admission in evidence in a judicial or 92137  
administrative proceeding merely because they were presented to a 92138  
quality assurance committee. No person testifying before a quality 92139

assurance committee or person who is a member of a quality 92140  
assurance committee shall be prevented from testifying as to 92141  
matters within the person's knowledge, but the witness cannot be 92142  
asked about the witness' testimony before the quality assurance 92143  
committee or about an opinion formed by the person as a result of 92144  
the quality assurance committee proceedings. 92145

(D)(1) A person who, without malice and in the reasonable 92146  
belief that the information is warranted by the facts known to the 92147  
person, provides information to a person engaged in quality 92148  
assurance program activities is not liable for damages in a civil 92149  
action for injury, death, or loss to person or property to any 92150  
person as a result of providing the information. 92151

(2) A member of a quality assurance committee, a person 92152  
engaged in quality assurance program activities, and an employee 92153  
of the department of mental health shall not be liable in damages 92154  
in a civil action for injury, death, or loss to person or property 92155  
to any person for any acts, omissions, decisions, or other conduct 92156  
within the scope of the functions of the quality assurance 92157  
program. 92158

(3) Nothing in this section shall relieve any institution or 92159  
individual from liability arising from the treatment of a patient. 92160

(E) Quality assurance records may be disclosed, and testimony 92161  
may be provided concerning quality assurance records, only to the 92162  
following persons or entities: 92163

(1) Persons who are employed or retained by the department of 92164  
mental health and who have authority to evaluate or implement the 92165  
recommendations of a state-operated hospital, community setting 92166  
program, or central office quality assurance committee; 92167

(2) Public or private agencies or organizations if needed to 92168  
perform a licensing or accreditation function related to 92169  
department of mental health hospitals or community setting 92170

programs, or to perform monitoring of a hospital or program of that nature as required by law. 92171  
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(F) A disclosure of quality assurance records pursuant to division (E) of this section does not otherwise waive the confidential and privileged status of the disclosed quality assurance records. 92173  
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(G) Nothing in this section shall limit the access of the ~~legal rights service~~ Ohio protection and advocacy system to records or personnel as ~~set forth in sections 5123.60 to 5123.604~~ required under section 5123.601 of the Revised Code. Nothing in this section shall limit the admissibility of documentary or testimonial evidence in an action brought by the ~~legal rights service~~ Ohio protection and advocacy system in its own name or on behalf of a client. 92177  
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**Sec. 5122.341.** (A) As used in this section: 92185

(1) "Facility or agency" means, in the context of a person committed to the department of mental health under sections 2945.37 to 2945.402 of the Revised Code, any entity in which the department of mental health places such a person. 92186  
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(2) "Person committed to the department" means a person committed to the department of mental health under sections 2945.37 to 2945.402 of the Revised Code. 92190  
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(B) No member of a board of directors, or employee, of a facility or agency in which the department of mental health places a person committed to the department is liable for injury or damages caused by any action or inaction taken within the scope of the board member's official duties or employee's employment relating to the commitment of, and services provided to, the person committed to the department, unless the action or inaction constitutes willful or wanton misconduct. A board member's or 92193  
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employee's action or inaction does not constitute willful or 92201  
wanton misconduct if the board member or employee acted in good 92202  
faith and reasonably under the circumstances and with the 92203  
knowledge reasonably attributable to the board member or employee. 92204

The immunity from liability conferred by this section is in 92205  
addition to and not in limitation of any immunity conferred by any 92206  
other section of the Revised Code or by judicial precedent. 92207

**Sec. 5123.01.** As used in this chapter: 92208

(A) "Chief medical officer" means the licensed physician 92209  
appointed by the managing officer of an institution for the 92210  
mentally retarded with the approval of the director of 92211  
developmental disabilities to provide medical treatment for 92212  
residents of the institution. 92213

(B) "Chief program director" means a person with special 92214  
training and experience in the diagnosis and management of the 92215  
mentally retarded, certified according to division (C) of this 92216  
section in at least one of the designated fields, and appointed by 92217  
the managing officer of an institution for the mentally retarded 92218  
with the approval of the director to provide habilitation and care 92219  
for residents of the institution. 92220

(C) "Comprehensive evaluation" means a study, including a 92221  
sequence of observations and examinations, of a person leading to 92222  
conclusions and recommendations formulated jointly, with 92223  
dissenting opinions if any, by a group of persons with special 92224  
training and experience in the diagnosis and management of persons 92225  
with mental retardation or a developmental disability, which group 92226  
shall include individuals who are professionally qualified in the 92227  
fields of medicine, psychology, and social work, together with 92228  
such other specialists as the individual case may require. 92229

(D) "Education" means the process of formal training and 92230

instruction to facilitate the intellectual and emotional 92231  
development of residents. 92232

(E) "Habilitation" means the process by which the staff of 92233  
the institution assists the resident in acquiring and maintaining 92234  
those life skills that enable the resident to cope more 92235  
effectively with the demands of the resident's own person and of 92236  
the resident's environment and in raising the level of the 92237  
resident's physical, mental, social, and vocational efficiency. 92238  
Habilitation includes but is not limited to programs of formal, 92239  
structured education and training. 92240

(F) "Health officer" means any public health physician, 92241  
public health nurse, or other person authorized or designated by a 92242  
city or general health district. 92243

(G) "Home and community-based services" means medicaid-funded 92244  
home and community-based services specified in division (B)(1) of 92245  
section 5111.87 of the Revised Code provided under the medicaid 92246  
waiver components the department of developmental disabilities 92247  
administers pursuant to section 5111.871 of the Revised Code. 92248  
However, home and community-based services provided under the 92249  
medicaid waiver component known as the transitions developmental 92250  
disabilities waiver are to be considered to be home and 92251  
community-based services for the purposes of this chapter only to 92252  
the extent, if any, provided by the contract required by section 92253  
5111.871 of the Revised Code regarding the waiver. 92254

(H) "Indigent person" means a person who is unable, without 92255  
substantial financial hardship, to provide for the payment of an 92256  
attorney and for other necessary expenses of legal representation, 92257  
including expert testimony. 92258

(I) "Institution" means a public or private facility, or a 92259  
part of a public or private facility, that is licensed by the 92260  
appropriate state department and is equipped to provide 92261

residential habilitation, care, and treatment for the mentally 92262  
retarded. 92263

(J) "Licensed physician" means a person who holds a valid 92264  
certificate issued under Chapter 4731. of the Revised Code 92265  
authorizing the person to practice medicine and surgery or 92266  
osteopathic medicine and surgery, or a medical officer of the 92267  
government of the United States while in the performance of the 92268  
officer's official duties. 92269

(K) "Managing officer" means a person who is appointed by the 92270  
director of developmental disabilities to be in executive control 92271  
of an institution for the mentally retarded under the jurisdiction 92272  
of the department. 92273

(L) "Medicaid" has the same meaning as in section 5111.01 of 92274  
the Revised Code. 92275

(M) "Medicaid case management services" means case management 92276  
services provided to an individual with mental retardation or 92277  
other developmental disability that the state medicaid plan 92278  
requires. 92279

(N) "Mentally retarded person" means a person having 92280  
significantly subaverage general intellectual functioning existing 92281  
concurrently with deficiencies in adaptive behavior, manifested 92282  
during the developmental period. 92283

(O) "Mentally retarded person subject to institutionalization 92284  
by court order" means a person eighteen years of age or older who 92285  
is at least moderately mentally retarded and in relation to whom, 92286  
because of the person's retardation, either of the following 92287  
conditions exist: 92288

(1) The person represents a very substantial risk of physical 92289  
impairment or injury to self as manifested by evidence that the 92290  
person is unable to provide for and is not providing for the 92291  
person's most basic physical needs and that provision for those 92292

needs is not available in the community; 92293

(2) The person needs and is susceptible to significant 92294  
habilitation in an institution. 92295

(P) "A person who is at least moderately mentally retarded" 92296  
means a person who is found, following a comprehensive evaluation, 92297  
to be impaired in adaptive behavior to a moderate degree and to be 92298  
functioning at the moderate level of intellectual functioning in 92299  
accordance with standard measurements as recorded in the most 92300  
current revision of the manual of terminology and classification 92301  
in mental retardation published by the American association on 92302  
mental retardation. 92303

(Q) As used in this division, "substantial functional 92304  
limitation," "developmental delay," and "established risk" have 92305  
the meanings established pursuant to section 5123.011 of the 92306  
Revised Code. 92307

"Developmental disability" means a severe, chronic disability 92308  
that is characterized by all of the following: 92309

(1) It is attributable to a mental or physical impairment or 92310  
a combination of mental and physical impairments, other than a 92311  
mental or physical impairment solely caused by mental illness as 92312  
defined in division (A) of section 5122.01 of the Revised Code. 92313

(2) It is manifested before age twenty-two. 92314

(3) It is likely to continue indefinitely. 92315

(4) It results in one of the following: 92316

(a) In the case of a person under three years of age, at 92317  
least one developmental delay or an established risk; 92318

(b) In the case of a person at least three years of age but 92319  
under six years of age, at least two developmental delays or an 92320  
established risk; 92321

(c) In the case of a person six years of age or older, a 92322

substantial functional limitation in at least three of the 92323  
following areas of major life activity, as appropriate for the 92324  
person's age: self-care, receptive and expressive language, 92325  
learning, mobility, self-direction, capacity for independent 92326  
living, and, if the person is at least sixteen years of age, 92327  
capacity for economic self-sufficiency. 92328

(5) It causes the person to need a combination and sequence 92329  
of special, interdisciplinary, or other type of care, treatment, 92330  
or provision of services for an extended period of time that is 92331  
individually planned and coordinated for the person. 92332

(R) "Developmentally disabled person" means a person with a 92333  
developmental disability. 92334

(S) "State institution" means an institution that is 92335  
tax-supported and under the jurisdiction of the department. 92336

(T) "Residence" and "legal residence" have the same meaning 92337  
as "legal settlement," which is acquired by residing in Ohio for a 92338  
period of one year without receiving general assistance prior to 92339  
July 17, 1995, under former Chapter 5113. of the Revised Code, 92340  
financial assistance under Chapter 5115. of the Revised Code, or 92341  
assistance from a private agency that maintains records of 92342  
assistance given. A person having a legal settlement in the state 92343  
shall be considered as having legal settlement in the assistance 92344  
area in which the person resides. No adult person coming into this 92345  
state and having a spouse or minor children residing in another 92346  
state shall obtain a legal settlement in this state as long as the 92347  
spouse or minor children are receiving public assistance, care, or 92348  
support at the expense of the other state or its subdivisions. For 92349  
the purpose of determining the legal settlement of a person who is 92350  
living in a public or private institution or in a home subject to 92351  
licensing by the department of job and family services, the 92352  
department of mental health, or the department of developmental 92353  
disabilities, the residence of the person shall be considered as 92354



though the person were residing in the county in which the person 92355  
was living prior to the person's entrance into the institution or 92356  
home. Settlement once acquired shall continue until a person has 92357  
been continuously absent from Ohio for a period of one year or has 92358  
acquired a legal residence in another state. A woman who marries a 92359  
man with legal settlement in any county immediately acquires the 92360  
settlement of her husband. The legal settlement of a minor is that 92361  
of the parents, surviving parent, sole parent, parent who is 92362  
designated the residential parent and legal custodian by a court, 92363  
other adult having permanent custody awarded by a court, or 92364  
guardian of the person of the minor, provided that: 92365

(1) A minor female who marries shall be considered to have 92366  
the legal settlement of her husband and, in the case of death of 92367  
her husband or divorce, she shall not thereby lose her legal 92368  
settlement obtained by the marriage. 92369

(2) A minor male who marries, establishes a home, and who has 92370  
resided in this state for one year without receiving general 92371  
assistance prior to July 17, 1995, under former Chapter 5113. of 92372  
the Revised Code, financial assistance under Chapter 5115. of the 92373  
Revised Code, or assistance from a private agency that maintains 92374  
records of assistance given shall be considered to have obtained a 92375  
legal settlement in this state. 92376

(3) The legal settlement of a child under eighteen years of 92377  
age who is in the care or custody of a public or private child 92378  
caring agency shall not change if the legal settlement of the 92379  
parent changes until after the child has been in the home of the 92380  
parent for a period of one year. 92381

No person, adult or minor, may establish a legal settlement 92382  
in this state for the purpose of gaining admission to any state 92383  
institution. 92384

(U)(1) "Resident" means, subject to division (R)(2) of this 92385

section, a person who is admitted either voluntarily or 92386  
involuntarily to an institution or other facility pursuant to 92387  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 92388  
Code subsequent to a finding of not guilty by reason of insanity 92389  
or incompetence to stand trial or under this chapter who is under 92390  
observation or receiving habilitation and care in an institution. 92391

(2) "Resident" does not include a person admitted to an 92392  
institution or other facility under section 2945.39, 2945.40, 92393  
2945.401, or 2945.402 of the Revised Code to the extent that the 92394  
reference in this chapter to resident, or the context in which the 92395  
reference occurs, is in conflict with any provision of sections 92396  
2945.37 to 2945.402 of the Revised Code. 92397

(V) "Respondent" means the person whose detention, 92398  
commitment, or continued commitment is being sought in any 92399  
proceeding under this chapter. 92400

(W) "Working day" and "court day" mean Monday, Tuesday, 92401  
Wednesday, Thursday, and Friday, except when such day is a legal 92402  
holiday. 92403

(X) "Prosecutor" means the prosecuting attorney, village 92404  
solicitor, city director of law, or similar chief legal officer 92405  
who prosecuted a criminal case in which a person was found not 92406  
guilty by reason of insanity, who would have had the authority to 92407  
prosecute a criminal case against a person if the person had not 92408  
been found incompetent to stand trial, or who prosecuted a case in 92409  
which a person was found guilty. 92410

(Y) "Court" means the probate division of the court of common 92411  
pleas. 92412

(Z) "Supported living" ~~has~~ and "residential services" have 92413  
the same ~~meaning~~ meanings as in section 5126.01 of the Revised 92414  
Code. 92415

**Sec. 5123.0413.** The department of developmental disabilities, 92416  
in consultation with the department of job and family services, 92417  
office of budget and management, and county boards of 92418  
developmental disabilities, shall adopt rules in accordance with 92419  
Chapter 119. of the Revised Code to establish both of the 92420  
following in the event a county property tax levy for services for 92421  
individuals with mental retardation or other developmental 92422  
disability fails: 92423

(A) A method of paying for home and community-based services; 92424

(B) A method of reducing the number of individuals a county 92425  
board would otherwise be required by section 5126.0512 of the 92426  
Revised Code to ensure are enrolled in a ~~medicaid waiver component~~ 92427  
~~under which~~ home and community-based services are provided. 92428

**Sec. 5123.0417.** (A) The director of developmental 92429  
disabilities shall establish one or more programs for individuals 92430  
under ~~twenty-one~~ twenty-two years of age who have intensive 92431  
behavioral needs, including such individuals with a primary 92432  
diagnosis of autism spectrum disorder. The programs may include 92433  
one or more medicaid waiver components that the director 92434  
administers pursuant to section 5111.871 of the Revised Code. The 92435  
programs may do one or more of the following: 92436

(1) Establish models that incorporate elements common to 92437  
effective intervention programs and evidence-based practices in 92438  
services for children with intensive behavioral needs; 92439

(2) Design a template for individualized education plans and 92440  
individual service plans that provide consistent intervention 92441  
programs and evidence-based practices for the care and treatment 92442  
of children with intensive behavioral needs; 92443

(3) Disseminate best practice guidelines for use by families 92444  
of children with intensive behavioral needs and professionals 92445

working with such families; 92446

(4) Develop a transition planning model for effectively 92447  
mainstreaming school-age children with intensive behavioral needs 92448  
to their public school district; 92449

(5) Contribute to the field of early and effective 92450  
identification and intervention programs for children with 92451  
intensive behavioral needs by providing financial support for 92452  
scholarly research and publication of clinical findings. 92453

(B) The director of developmental disabilities shall 92454  
collaborate with the director of job and family services and 92455  
consult with the executive director of the Ohio center for autism 92456  
and low incidence and university-based programs that specialize in 92457  
services for individuals with developmental disabilities when 92458  
establishing programs under this section. 92459

Sec. 5123.0418. (A) In addition to other authority granted 92460  
the director of developmental disabilities for use of funds 92461  
appropriated to the department of developmental disabilities, the 92462  
director may use such funds for the following purposes: 92463

(1) All of the following to assist persons with mental 92464  
retardation or a developmental disability remain in the community 92465  
and avoid institutionalization: 92466

(a) Behavioral and short-term interventions; 92467

(b) Residential services; 92468

(c) Supported living. 92469

(2) Respite care services; 92470

(3) Staff training to help the following personnel serve 92471  
persons with mental retardation or a developmental disability in 92472  
the community: 92473

(a) Employees of, and personnel under contract with, county 92474

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>boards of developmental disabilities;</u>                              | 92475 |
| <u>(b) Employees of providers of supported living;</u>                    | 92476 |
| <u>(c) Employees of providers of residential services;</u>                | 92477 |
| <u>(d) Other personnel the director identifies.</u>                       | 92478 |
| <u>(B) The director may establish priorities for using funds for</u>      | 92479 |
| <u>the purposes specified in division (A) of this section. The</u>        | 92480 |
| <u>director shall use the funds in a manner consistent with the</u>       | 92481 |
| <u>appropriations that authorize the director to use the funds and</u>    | 92482 |
| <u>all other state and federal laws governing the use of the funds.</u>   | 92483 |
| <br>                                                                      |       |
| <u>Sec. 5123.0419. (A) The director of developmental</u>                  | 92484 |
| <u>disabilities may establish an interagency workgroup on autism. The</u> | 92485 |
| <u>purpose of the workgroup shall be to improve the coordination of</u>   | 92486 |
| <u>the state's efforts to address the service needs of individuals</u>    | 92487 |
| <u>with autism spectrum disorders and the families of those</u>           | 92488 |
| <u>individuals. In fulfilling this purpose, the director may enter</u>    | 92489 |
| <u>into interagency agreements with the government entities</u>           | 92490 |
| <u>represented by the members of the workgroup. The agreements may</u>    | 92491 |
| <u>specify any or all of the following:</u>                               | 92492 |
| <u>(1) The roles and responsibilities of government entities</u>          | 92493 |
| <u>that enter into the agreements;</u>                                    | 92494 |
| <u>(2) Procedures regarding the receipt, transfer, and</u>                | 92495 |
| <u>expenditure of funds necessary to achieve the goals of the</u>         | 92496 |
| <u>workgroup;</u>                                                         | 92497 |
| <u>(3) The projects to be undertaken and activities to be</u>             | 92498 |
| <u>performed by the government entities that enter into the</u>           | 92499 |
| <u>agreements.</u>                                                        | 92500 |
| <u>(B) Money received from government entities represented by</u>         | 92501 |
| <u>the members of the workgroup shall be deposited into the state</u>     | 92502 |
| <u>treasury to the credit of the interagency workgroup on autism</u>      | 92503 |
| <u>fund, which is hereby created in the state treasury. Money</u>         | 92504 |

credited to the fund shall be used by the department of 92505  
developmental disabilities solely to support the activities of the 92506  
workgroup. 92507

**Sec. 5123.0420.** (A) The director of developmental 92508  
disabilities may authorize the implementation of one or more 92509  
innovative pilot projects that, in the judgment of the director, 92510  
are likely to assist in promoting the objectives of this chapter 92511  
or Chapter 5126. of the Revised Code. Subject to division (B) of 92512  
this section and notwithstanding any provision of this chapter and 92513  
Chapter 5126. of the Revised Code, the director's authorization 92514  
may permit a pilot project to be implemented in a manner 92515  
inconsistent with one or more provisions of this chapter, Chapter 92516  
5126. of the Revised Code, or a rule adopted under either chapter. 92517  
The director shall specify the period of time for which a pilot 92518  
project is to be implemented. This period shall include a 92519  
reasonable period of time for an evaluation of the pilot project's 92520  
effectiveness. 92521

(B) The director may not authorize a pilot project to be 92522  
implemented in a manner that would cause the state to be out of 92523  
compliance with any requirements for a program funded in whole or 92524  
in part with federal funds. 92525

**Sec. 5123.051.** (A) If the department of developmental 92526  
disabilities determines pursuant to an audit conducted under 92527  
section 5123.05 of the Revised Code ~~or a reconciliation conducted~~ 92528  
~~under section 5123.18 of the Revised Code~~ that money is owed the 92529  
state by a provider of a service or program, the department may 92530  
enter into a payment agreement with the provider. The agreement 92531  
shall include the following: 92532

(1) A schedule of installment payments whereby the money owed 92533  
the state is to be paid in full within a period not to exceed one 92534

year; 92535

(2) A provision that the provider may pay the entire balance 92536  
owed at any time during the term of the agreement; 92537

(3) A provision that if any installment is not paid in full 92538  
within forty-five days after it is due, the entire balance owed is 92539  
immediately due and payable; 92540

(4) Any other terms and conditions that are agreed to by the 92541  
department and the provider. 92542

(B) The department may include a provision in a payment 92543  
agreement that requires the provider to pay interest on the money 92544  
owed the state. The department, in its discretion, shall determine 92545  
whether to require the payment of interest and, if it so requires, 92546  
the rate of interest. Neither the obligation to pay interest nor 92547  
the rate of interest is subject to negotiation between the 92548  
department and the provider. 92549

(C) If the provider fails to pay any installment in full 92550  
within forty-five days after its due date, the department shall 92551  
certify the entire balance owed to the attorney general for 92552  
collection under section 131.02 of the Revised Code. The 92553  
department may withhold funds from payments made to a provider 92554  
under section 5123.18 of the Revised Code to satisfy a judgment 92555  
secured by the attorney general. 92556

~~(D) The purchase of service fund is hereby created. Money 92557  
credited to the fund shall be used solely for purposes of section 92558  
5123.05 of the Revised Code. 92559~~

**Sec. 5123.092.** (A) There is hereby established at each 92560  
institution and branch institution under the control of the 92561  
department of developmental disabilities a citizen's advisory 92562  
council consisting of thirteen members. At least seven of the 92563  
members shall be persons who are not providers of mental 92564

retardation services. Each council shall include parents or other 92565  
relatives of residents of institutions under the control of the 92566  
department, community leaders, professional persons in relevant 92567  
fields, and persons who have an interest in or knowledge of mental 92568  
retardation. The managing officer of the institution shall be a 92569  
nonvoting member of the council. 92570

(B) The director of developmental disabilities shall be the 92571  
appointing authority for the voting members of each citizen's 92572  
advisory council. Each time the term of a voting member expires, 92573  
the remaining members of the council shall recommend to the 92574  
director one or more persons to serve on the council. The director 92575  
may accept a nominee of the council or reject the nominee or 92576  
nominees. If the director rejects the nominee or nominees, the 92577  
remaining members of the advisory council shall further recommend 92578  
to the director one or more other persons to serve on the advisory 92579  
council. This procedure shall continue until a member is appointed 92580  
to the advisory council. 92581

Each advisory council shall elect from its appointed members 92582  
a chairperson, vice-chairperson, and a secretary to serve for 92583  
terms of one year. Advisory council officers shall not serve for 92584  
more than two consecutive terms in the same office. A majority of 92585  
the advisory council members constitutes a quorum. 92586

(C) Terms of office shall be for three years, each term 92587  
ending on the same day of the same month of the year as did the 92588  
term which it succeeds. No member shall serve more than two 92589  
consecutive terms, except that any former member may be appointed 92590  
if one year or longer has elapsed since the member served two 92591  
consecutive terms. Each member shall hold office from the date of 92592  
appointment until the end of the term for which the member was 92593  
appointed. Any vacancy shall be filled in the same manner in which 92594  
the original appointment was made, and the appointee to a vacancy 92595  
in an unexpired term shall serve the balance of the term of the 92596



original appointee. Any member shall continue in office subsequent 92597  
to the expiration date of the member's term until the member's 92598  
successor takes office, or until a period of sixty days has 92599  
elapsed, whichever occurs first. 92600

(D) Members shall be expected to attend all meetings of the 92601  
advisory council. Unexcused absence from two successive regularly 92602  
scheduled meetings shall be considered prima-facie evidence of 92603  
intent not to continue as a member. The chairperson of the board 92604  
shall, after a member has been absent for two successive regularly 92605  
scheduled meetings, direct a letter to the member asking if the 92606  
member wishes to remain in membership. If an affirmative reply is 92607  
received, the member shall be retained as a member except that, 92608  
if, after having expressed a desire to remain a member, the member 92609  
then misses a third successive regularly scheduled meeting without 92610  
being excused, the chairperson shall terminate the member's 92611  
membership. 92612

(E) A citizen's advisory council shall meet six times 92613  
annually, or more frequently if three council members request the 92614  
chairperson to call a meeting. The council shall keep minutes of 92615  
each meeting and shall submit them to the managing officer of the 92616  
institution with which the council is associated, and the 92617  
department of developmental disabilities, ~~and the legal rights~~ 92618  
~~service.~~ 92619

(F) Members of citizen's advisory councils shall receive no 92620  
compensation for their services, except that they shall be 92621  
reimbursed for their actual and necessary expenses incurred in the 92622  
performance of their official duties by the institution with which 92623  
they are associated from funds allocated to it, provided that 92624  
reimbursement for those expenses shall not exceed limits imposed 92625  
upon the department of developmental disabilities by 92626  
administrative rules regulating travel within this state. 92627

(G) The councils shall have reasonable access to all patient 92628

treatment and living areas and records of the institution, except 92629  
those records of a strictly personal or confidential nature. The 92630  
councils shall have access to a patient's personal records with 92631  
the consent of the patient or the patient's legal guardian or, if 92632  
the patient is a minor, with the consent of the parent or legal 92633  
guardian of the patient. 92634

(H) As used in this section, "branch institution" means a 92635  
facility that is located apart from an institution and is under 92636  
the control of the managing officer of the institution. 92637

**Sec. 5123.171.** As used in this section, "respite care" means 92638  
appropriate, short-term, temporary care provided to a mentally 92639  
retarded or developmentally disabled person to sustain the family 92640  
structure or to meet planned or emergency needs of the family. 92641

The department of developmental disabilities shall provide 92642  
respite care services to persons with mental retardation or a 92643  
developmental disability for the purpose of promoting 92644  
self-sufficiency and normalization, preventing or reducing 92645  
inappropriate institutional care, and furthering the unity of the 92646  
family by enabling the family to meet the special needs of a 92647  
mentally retarded or developmentally disabled person. 92648

In order to be eligible for respite care services under this 92649  
section, the mentally retarded or developmentally disabled person 92650  
must be in need of habilitation services as defined in section 92651  
5126.01 of the Revised Code. 92652

Respite care may be provided in a facility licensed under 92653  
section 5123.19 of the Revised Code or certified as an 92654  
intermediate care facility for the mentally retarded under Title 92655  
XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 92656  
301, as amended, or certified as a respite care home under section 92657  
5126.05 of the Revised Code. 92658

The department shall develop a system for locating vacant 92659  
beds that are available for respite care and for making 92660  
information on vacant beds available to users of respite care 92661  
services. Facilities certified as intermediate care facilities for 92662  
the mentally retarded ~~and facilities holding contracts with the~~ 92663  
~~department for the provision of residential services under section~~ 92664  
~~5123.18 of the Revised Code~~ shall report vacant beds to the 92665  
department but shall not be required to accept respite care 92666  
clients. 92667

The director of developmental disabilities shall adopt, and 92668  
may amend or rescind, rules in accordance with Chapter 119. of the 92669  
Revised Code for both of the following: 92670

(A) Certification by county boards of developmental 92671  
disabilities of respite care homes; 92672

(B) Provision of respite care services authorized by this 92673  
section. Rules adopted under this division shall establish all of 92674  
the following: 92675

(1) A formula for distributing funds appropriated for respite 92676  
care services; 92677

(2) Standards for supervision, training and quality control 92678  
in the provision of respite care services; 92679

(3) Eligibility criteria for emergency respite care services. 92680

**Sec. 5123.18.** (A) ~~As used in this section:~~ 92681

~~(1) "Contractor" means a person or government agency that 92682  
enters into a contract with the department of developmental 92683  
disabilities under this section. 92684~~

~~(2) "Government agency" means a state agency as defined in 92685  
section 117.01 of the Revised Code or a similar agency of a 92686  
political subdivision of the state. 92687~~

~~(3) "Residential services" means the services necessary for an individual with mental retardation or a developmental disability to live in the community, including room and board, clothing, transportation, personal care, habilitation, supervision, and any other services the department considers necessary for the individual to live in the community.~~

~~(B)(1) The department of developmental disabilities may enter into a contract with a person or government agency to provide residential services to individuals with mental retardation or developmental disabilities in need of residential services. Contracts for residential services shall be of the following types:~~

~~(a) Companion home contracts — contracts under which the contractor is an individual, the individual is the primary caregiver, and the individual owns or leases and resides in the home in which the services are provided.~~

~~(b) Agency operated companion home contracts — contracts under which the contractor subcontracts, for purposes of coordinating the provision of residential services, with one or more individuals who are primary caregivers and own or lease and reside in the homes in which the services are provided.~~

~~(c) Community home contracts — contracts for residential services under which the contractor owns or operates a home that is used solely to provide residential services.~~

~~(d) Combined agency operated companion home and community home contracts.~~

~~(2) A companion home contract shall cover not more than one home. An agency operated companion home contract or a community home contract may cover more than one home.~~

~~(C) Contracts shall be in writing and shall provide for payment to be made to the contractor at the times agreed to by the~~

~~department and the contractor. Each contract shall specify the period during which it is valid, the amount to be paid for residential services, and the number of individuals for whom payment will be made. Contracts may be renewed.~~

~~(D) services. To be eligible to enter into a contract with the department under this section, the a person or government agency entity and the home in which the residential services are provided must meet all applicable standards for licensing or certification by the appropriate government agency entity. In addition, if the residential facility is operated as a nonprofit entity, the members of the board of trustees or board of directors of the facility must not have a financial interest in or receive financial benefit from the facility, other than reimbursement for actual expenses incurred in attending board meetings.~~

~~(E)(1) The department shall determine the payment amount assigned to an initial contract. To the extent that the department determines sufficient funds are available, the payment amount assigned to an initial contract shall be equal to the average amount assigned to contracts for other homes that are of the same type and size and serve individuals with similar needs, except that if an initial contract is the result of a change of contractor or ownership, the payment amount assigned to the contract shall be the lesser of the amount assigned to the previous contract or the contract's total adjusted predicted funding need calculated under division (I) of this section.~~

~~(2) A renewed contract shall be assigned a payment amount in accordance with division (K) of this section.~~

~~(3) When a contractor relocates a home to another site at which residential services are provided to the same individuals, the payment amount assigned to the contract for the new home shall be the payment amount assigned to the contract at the previous location.~~

~~(F)(1) Annually, a contractor shall complete an assessment of each individual to whom the contractor provides residential services to predict the individual's need for routine direct services staff. The department shall establish by rule adopted in accordance with Chapter 119. of the Revised Code the assessment instrument to be used by contractors to make assessments. Assessments shall be submitted to the department not later than the thirty first day of January of each year.~~

~~A contractor shall submit a revised assessment for an individual if there is a substantial, long term change in the nature of the individual's needs. A contractor shall submit revised assessments for all individuals receiving residential services if there is a change in the composition of the home's residents.~~

~~(2) Annually, a contractor shall submit a cost report to the department specifying the costs incurred in providing residential services during the immediately preceding calendar year. Only costs actually incurred by a contractor shall be reported on a cost report. Cost reports shall be prepared according to a uniform chart of accounts approved by the department and shall be submitted on forms prescribed by the department.~~

~~(3) The department shall not renew the contract held by a contractor who fails to submit the assessments or cost reports required under this division.~~

~~(4) The department shall adopt rules as necessary regarding the submission of assessments and cost reports under this division. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.~~

~~(G) Prior to renewing a contract entered into under this section, the department shall compute the contract's total predicted funding need and total adjusted predicted funding need.~~

~~The department shall also compute the contract's unmet funding need if the payment amount assigned to the contract is less than the total adjusted predicted funding need. The results of these calculations shall be used to determine the payment amount assigned to the renewed contract.~~

~~(H)(1) A contract's total predicted funding need is an amount equal to the sum of the predicted funding needs for the following cost categories:~~

~~(a) Routine direct services staff;~~

~~(b) Dietary, program supplies, and specialized staff;~~

~~(c) Facility and general services;~~

~~(d) Administration.~~

~~(2) Based on the assessments submitted by the contractor, the department shall compute the contract's predicted funding need for the routine direct services staff cost category by multiplying the number of direct services staff predicted to be necessary for the home by the sum of the following:~~

~~(a) Entry level wages paid during the immediately preceding cost reporting period to comparable staff employed by the county board of developmental disabilities of the county in which the home is located;~~

~~(b) Fringe benefits and payroll taxes as determined by the department using state civil service statistics from the same period as the cost reporting period.~~

~~(3) The department shall establish by rule adopted in accordance with Chapter 119. of the Revised Code the method to be used to compute the predicted funding need for the dietary, program supplies, and specialized staff cost category; the facility and general services cost category; and the administration cost category. The rules shall not establish a~~

~~maximum amount that may be attributed to the dietary, program  
supplies, and specialized staff cost category. The rules shall  
establish a process for determining the combined maximum amount  
that may be attributed to the facility and general services cost  
category and the administration cost category.~~

~~(I)(1) A contract's total adjusted predicted funding need is  
the contract's total predicted funding need with adjustments made  
for the following:~~

~~(a) Inflation, as provided under division (I)(2) of this  
section;~~

~~(b) The predicted cost of complying with new requirements  
established under federal or state law that were not taken into  
consideration when the total predicted funding need was computed;~~

~~(c) Changes in needs based on revised assessments submitted  
by the contractor.~~

~~(2) In adjusting the total predicted funding need for  
inflation, the department shall use either the consumer price  
index compound annual inflation rate calculated by the United  
States department of labor for all items or another index or  
measurement of inflation designated in rules that the department  
shall adopt in accordance with Chapter 119. of the Revised Code.~~

~~When a contract is being renewed for the first time, and the  
contract is to begin on the first day of July, the inflation  
adjustment applied to the contract's total predicted funding need  
shall be the estimated rate of inflation for the calendar year in  
which the contract is renewed. If the consumer price index is  
being used, the department shall base its estimate on the rate of  
inflation calculated for the three month period ending the  
thirty first day of March of that calendar year. If another index  
or measurement is being used, the department shall base its  
estimate on the most recent calculations of the rate of inflation~~



~~available under the index or measurement. Each year thereafter, 92843  
the inflation adjustment shall be estimated in the same manner, 92844  
except that if the estimated rate of inflation for a year is 92845  
different from the actual rate of inflation for that year, the 92846  
difference shall be added to or subtracted from the rate of 92847  
inflation estimated for the next succeeding year. 92848~~

~~If a contract begins at any time other than July first, the 92849  
inflation adjustment applied to the contract's total predicted 92850  
funding need shall be determined by a method comparable to that 92851  
used for contracts beginning July first. The department shall 92852  
adopt rules in accordance with Chapter 119. of the Revised Code 92853  
establishing the method to be used. 92854~~

~~(J) A contract's unmet funding need is the difference between 92855  
the payment amount assigned to the contract and the total adjusted 92856  
predicted funding need, if the payment amount assigned is less 92857  
than the total adjusted predicted funding need. 92858~~

~~(K) The payment amount to be assigned to a contract being 92859  
renewed shall be determined by comparing the total adjusted 92860  
predicted funding need with the payment amount assigned to the 92861  
current contract. 92862~~

~~(1) If the payment amount assigned to the current contract 92863  
equals or exceeds the total adjusted predicted funding need, the 92864  
payment amount assigned to the renewed contract shall be the same 92865  
as that assigned to the current contract, unless a reduction is 92866  
made pursuant to division (L) of this section. 92867~~

~~(2) If the payment amount assigned to the current contract is 92868  
less than the total adjusted predicted funding need, the payment 92869  
amount assigned to the renewed contract shall be increased if the 92870  
department determines that funds are available for such increases. 92871  
The amount of a contract's increase shall be the same percentage 92872  
of the available funds that the contract's unmet funding need is 92873~~

~~of the total of the unmet funding need for all contracts.~~ 92874

~~(L) When renewing a contract provided for in division (B) of this section other than a companion home contract, the department may reduce the payment amount assigned to a renewed contract if the sum of the contractor's allowable reported costs and the maximum efficiency incentive is less than ninety one and one half per cent of the amount received pursuant to this section during the immediately preceding contract year.~~ 92875  
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~~The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a formula to be used in computing the maximum efficiency incentive, which shall be at least four per cent of the weighted average payment amount to be made to all contractors during the contract year. The maximum efficiency incentive shall be computed annually.~~ 92882  
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~~(M) The department may increase the payment amount assigned to a contract based on the contract's unmet funding need at times other than when the contract is renewed. The department may develop policies for determining priorities in making such increases.~~ 92888  
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~~(N)(1) In addition to the contracts provided for in division (B) of this section, the department may enter into the following contracts:~~ 92893  
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~~(a) A contract to pay the cost of beginning operation of a new home that is to be funded under a companion home contract, agency operated companion home contract, community home contract, or combined agency operated companion home and community home contract.~~ 92896  
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~~(b) A contract to pay the cost associated with increasing the number of individuals served by a home funded under a companion home contract, agency operated companion home contract, community home contract, or combined agency operated companion home and~~ 92901  
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~~community home contract.~~ 92905

~~(2) The department shall adopt rules as necessary regarding contracts entered into under this division. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.~~ 92906  
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~~(O) Except for companion home contracts, the department shall conduct a reconciliation of the amount earned under a contract and the actual costs incurred by the contractor. An amount is considered to have been earned for delivering a service at the time the service is delivered. The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures for conducting reconciliations.~~ 92909  
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~~A reconciliation shall be based on the annual cost report submitted by the contractor. If a reconciliation reveals that a contractor owes money to the state, the amount owed shall be collected in accordance with section 5123.051 of the Revised Code.~~ 92916  
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~~When conducting reconciliations, the department shall review all reported costs that may be affected by transactions required to be reported under division (B)(3) of section 5123.172 of the Revised Code. If the department determines that such transactions have increased the cost reported by a contractor, the department may disallow or adjust the cost allowable for payment. The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for disallowances or adjustments.~~ 92920  
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~~(P) The department may audit the contracts it enters into under this section. Audits may be conducted by the department or an entity with which the department contracts to perform the audits. The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures for conducting audits.~~ 92929  
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~~An audit may include the examination of a contractor's~~ 92935

~~financial books and records, the costs incurred by a contractor in providing residential services, and any other relevant information specified by the department. An audit shall not be commenced more than four years after the expiration of the contract to be audited, except in cases where the department has reasonable cause to believe that a contractor has committed fraud.~~

~~If an audit reveals that a contractor owes money to the state, the amount owed, subject to an adjudication hearing under this division, shall be collected in accordance with section 5123.051 of the Revised Code. If an audit reveals that a reconciliation conducted under this section resulted in the contractor erroneously paying money to the state, the department shall refund the money to the contractor, or, in lieu of making a refund, the department may offset the erroneous payment against any money determined as a result of the audit to be owed by the contractor to the state. The department is not required to pay interest on any money refunded under this division.~~

~~In conducting audits or making determinations of amounts owed by a contractor and amounts to be refunded or offset, the department shall not be bound by the results of reconciliations conducted under this section, except with regard to cases involving claims that have been certified pursuant to section 5123.051 of the Revised Code to the attorney general for collection for which a full and final settlement has been reached or a final judgment has been made from which all rights of appeal have expired or been exhausted.~~

~~Not later than ninety days after an audit's completion, the department shall provide the contractor a copy of a report of the audit. The report shall state the findings of the audit, including the amount of any money the contractor is determined to owe the state.~~

~~(Q) The department shall adopt rules specifying the amount~~

~~that will be allowed under a reconciliation or audit for the cost 92968  
incurred by a contractor for compensation of owners, 92969  
administrators, and other personnel. The rules shall be adopted in 92970  
accordance with Chapter 119. of the Revised Code. 92971~~

~~(R) Each contractor shall, for at least seven years, maintain 92972  
fiscal records related to payments received pursuant to this 92973  
section. 92974~~

~~(S) The department may enter into shared funding agreements 92975  
with other government agencies to fund contracts entered into 92976  
under this section. The amount of each agency's share of the cost 92977  
shall be determined through negotiations with the department. The 92978  
department's share shall not exceed the amount it would have paid 92979  
without entering into the shared funding agreement, nor shall it 92980  
be reduced by any amounts contributed by the other parties to the 92981  
agreement. 92982~~

~~(T) Except as provided in section 5123.194 of the Revised 92983  
Code, an individual who receives residential services pursuant to 92984  
divisions (A) through (U) of this section and the individual's 92985  
liable relatives or guardians shall pay support charges in 92986  
accordance with Chapter 5121. of the Revised Code. 92987~~

~~(U) The department may make reimbursements or payments for 92988  
any of the following pursuant to rules adopted under this 92989  
division: 92990~~

~~(1) Unanticipated, nonrecurring costs associated with the 92991  
health or habilitation of a person who resides in a home funded 92992  
under a contract provided for in division (B) of this section; 92993~~

~~(2) The cost of staff development training for contractors if 92994  
the director of developmental disabilities has given prior 92995  
approval for the training; 92996~~

~~(3) Fixed costs that the department, pursuant to the rules, 92997  
determines relate to the continued operation of a home funded 92998~~

~~under a contract provided for in division (B) of this section when 92999  
a short term vacancy occurs and the contractor has diligently 93000  
attempted to fill the vacancy. 93001~~

~~The department shall adopt rules in accordance with Chapter 93002  
119. of the Revised Code establishing standards for use in 93003  
determining which costs it may make payment or reimbursements for 93004  
under this division. 93005~~

~~(V) In addition to the rules required or authorized to be 93006  
adopted under this section, the department may adopt any other 93007  
rules necessary to implement divisions (A) through (U) of this 93008  
section. The rules shall be adopted in accordance with Chapter 93009  
119. of the Revised Code. 93010~~

~~(W) The department may delegate to county boards of 93011  
developmental disabilities its authority under this section to 93012  
negotiate and enter into contracts or subcontracts for residential 93013  
services. In the event that it elects to delegate its authority, 93014  
the department shall adopt rules in accordance with Chapter 119. 93015  
of the Revised Code for the boards' administration of the 93016  
contracts or subcontracts. In administering the contracts or 93017  
subcontracts, the boards shall be subject to all applicable 93018  
provisions of Chapter 5126. of the Revised Code and shall not be 93019  
subject to the provisions of divisions (A) to (V) of this section. 93020~~

~~Subject to the department's rules, a board may require the 93021  
following to contribute to the cost of the residential services an 93022  
individual receives pursuant to this division: the individual or 93023  
the individual's estate, the individual's spouse, the individual's 93024  
guardian, and, if the individual is under age eighteen, either or 93025  
both of the individual's parents. Chapter 5121. of the Revised 93026  
Code shall not apply to individuals or entities that are subject 93027  
to making contributions under this division. In calculating 93028  
contributions to be made under this division, a board, subject to 93029  
the department's rules, may allow an amount to be kept for meeting 93030~~

~~the personal needs of the individual who receives residential~~ 93031  
~~services.~~ 93032

**Sec. 5123.19.** (A) As used in this section and in sections 93033  
5123.191, ~~5123.193~~, 5123.194, 5123.196, 5123.197, 5123.198, and 93034  
5123.20 of the Revised Code: 93035

(1)(a) "Residential facility" means a home or facility in 93036  
which a mentally retarded or developmentally disabled person 93037  
resides, except the home of a relative or legal guardian in which 93038  
a mentally retarded or developmentally disabled person resides, a 93039  
respite care home certified under section 5126.05 of the Revised 93040  
Code, a county home or district home operated pursuant to Chapter 93041  
5155. of the Revised Code, or a dwelling in which the only 93042  
mentally retarded or developmentally disabled residents are in an 93043  
independent living arrangement or are being provided supported 93044  
living. 93045

(b) "Intermediate care facility for the mentally retarded" 93046  
means a residential facility that is considered an intermediate 93047  
care facility for the mentally retarded for the purposes of 93048  
Chapter 5111. of the Revised Code. 93049

(2) "Political subdivision" means a municipal corporation, 93050  
county, or township. 93051

(3) "Independent living arrangement" means an arrangement in 93052  
which a mentally retarded or developmentally disabled person 93053  
resides in an individualized setting chosen by the person or the 93054  
person's guardian, which is not dedicated principally to the 93055  
provision of residential services for mentally retarded or 93056  
developmentally disabled persons, and for which no financial 93057  
support is received for rendering such service from any 93058  
governmental agency by a provider of residential services. 93059

(4) "Licensee" means the person or government agency that has 93060

applied for a license to operate a residential facility and to 93061  
which the license was issued under this section. 93062

(5) "Related party" has the same meaning as in section 93063  
5123.16 of the Revised Code except that "provider" as used in the 93064  
definition of "related party" means a person or government entity 93065  
that held or applied for a license to operate a residential 93066  
facility, rather than a person or government entity certified to 93067  
provide supported living. 93068

(B) Every person or government agency desiring to operate a 93069  
residential facility shall apply for licensure of the facility to 93070  
the director of developmental disabilities unless the residential 93071  
facility is subject to section 3721.02, ~~3722.04~~ 5119.73, 5103.03, 93072  
or 5119.20 of the Revised Code. Notwithstanding Chapter 3721. of 93073  
the Revised Code, a nursing home that is certified as an 93074  
intermediate care facility for the mentally retarded under Title 93075  
XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 93076  
1396, as amended, shall apply for licensure of the portion of the 93077  
home that is certified as an intermediate care facility for the 93078  
mentally retarded. 93079

(C) Subject to section 5123.196 of the Revised Code, the 93080  
director of developmental disabilities shall license the operation 93081  
of residential facilities. An initial license shall be issued for 93082  
a period that does not exceed one year, unless the director denies 93083  
the license under division (D) of this section. A license shall be 93084  
renewed for a period that does not exceed three years, unless the 93085  
director refuses to renew the license under division (D) of this 93086  
section. The director, when issuing or renewing a license, shall 93087  
specify the period for which the license is being issued or 93088  
renewed. A license remains valid for the length of the licensing 93089  
period specified by the director, unless the license is 93090  
terminated, revoked, or voluntarily surrendered. 93091

(D) If it is determined that an applicant or licensee is not 93092



in compliance with a provision of this chapter that applies to 93093  
residential facilities or the rules adopted under such a 93094  
provision, the director may deny issuance of a license, refuse to 93095  
renew a license, terminate a license, revoke a license, issue an 93096  
order for the suspension of admissions to a facility, issue an 93097  
order for the placement of a monitor at a facility, issue an order 93098  
for the immediate removal of residents, or take any other action 93099  
the director considers necessary consistent with the director's 93100  
authority under this chapter regarding residential facilities. In 93101  
the director's selection and administration of the sanction to be 93102  
imposed, all of the following apply: 93103

(1) The director may deny, refuse to renew, or revoke a 93104  
license, if the director determines that the applicant or licensee 93105  
has demonstrated a pattern of serious noncompliance or that a 93106  
violation creates a substantial risk to the health and safety of 93107  
residents of a residential facility. 93108

(2) The director may terminate a license if more than twelve 93109  
consecutive months have elapsed since the residential facility was 93110  
last occupied by a resident or a notice required by division (K) 93111  
of this section is not given. 93112

(3) The director may issue an order for the suspension of 93113  
admissions to a facility for any violation that may result in 93114  
sanctions under division (D)(1) of this section and for any other 93115  
violation specified in rules adopted under division (H)(2) of this 93116  
section. If the suspension of admissions is imposed for a 93117  
violation that may result in sanctions under division (D)(1) of 93118  
this section, the director may impose the suspension before 93119  
providing an opportunity for an adjudication under Chapter 119. of 93120  
the Revised Code. The director shall lift an order for the 93121  
suspension of admissions when the director determines that the 93122  
violation that formed the basis for the order has been corrected. 93123

(4) The director may order the placement of a monitor at a 93124

residential facility for any violation specified in rules adopted 93125  
under division (H)(2) of this section. The director shall lift the 93126  
order when the director determines that the violation that formed 93127  
the basis for the order has been corrected. 93128

(5) If the director determines that two or more residential 93129  
facilities owned or operated by the same person or government 93130  
entity are not being operated in compliance with a provision of 93131  
this chapter that applies to residential facilities or the rules 93132  
adopted under such a provision, and the director's findings are 93133  
based on the same or a substantially similar action, practice, 93134  
circumstance, or incident that creates a substantial risk to the 93135  
health and safety of the residents, the director shall conduct a 93136  
survey as soon as practicable at each residential facility owned 93137  
or operated by that person or government entity. The director may 93138  
take any action authorized by this section with respect to any 93139  
facility found to be operating in violation of a provision of this 93140  
chapter that applies to residential facilities or the rules 93141  
adopted under such a provision. 93142

(6) When the director initiates license revocation 93143  
proceedings, no opportunity for submitting a plan of correction 93144  
shall be given. The director shall notify the licensee by letter 93145  
of the initiation of the proceedings. The letter shall list the 93146  
deficiencies of the residential facility and inform the licensee 93147  
that no plan of correction will be accepted. The director shall 93148  
also send a copy of the letter to the county board of 93149  
developmental disabilities. The county board shall send a copy of 93150  
the letter to each of the following: 93151

(a) Each resident who receives services from the licensee; 93152

(b) The guardian of each resident who receives services from 93153  
the licensee if the resident has a guardian; 93154

(c) The parent or guardian of each resident who receives 93155

services from the licensee if the resident is a minor. 93156

(7) Pursuant to rules which shall be adopted in accordance 93157  
with Chapter 119. of the Revised Code, the director may order the 93158  
immediate removal of residents from a residential facility 93159  
whenever conditions at the facility present an immediate danger of 93160  
physical or psychological harm to the residents. 93161

(8) In determining whether a residential facility is being 93162  
operated in compliance with a provision of this chapter that 93163  
applies to residential facilities or the rules adopted under such 93164  
a provision, or whether conditions at a residential facility 93165  
present an immediate danger of physical or psychological harm to 93166  
the residents, the director may rely on information obtained by a 93167  
county board of developmental disabilities or other governmental 93168  
agencies. 93169

(9) In proceedings initiated to deny, refuse to renew, or 93170  
revoke licenses, the director may deny, refuse to renew, or revoke 93171  
a license regardless of whether some or all of the deficiencies 93172  
that prompted the proceedings have been corrected at the time of 93173  
the hearing. 93174

(E) The director shall establish a program under which public 93175  
notification may be made when the director has initiated license 93176  
revocation proceedings or has issued an order for the suspension 93177  
of admissions, placement of a monitor, or removal of residents. 93178  
The director shall adopt rules in accordance with Chapter 119. of 93179  
the Revised Code to implement this division. The rules shall 93180  
establish the procedures by which the public notification will be 93181  
made and specify the circumstances for which the notification must 93182  
be made. The rules shall require that public notification be made 93183  
if the director has taken action against the facility in the 93184  
eighteen-month period immediately preceding the director's latest 93185  
action against the facility and the latest action is being taken 93186  
for the same or a substantially similar violation of a provision 93187

of this chapter that applies to residential facilities or the 93188  
rules adopted under such a provision. The rules shall specify a 93189  
method for removing or amending the public notification if the 93190  
director's action is found to have been unjustified or the 93191  
violation at the residential facility has been corrected. 93192

(F)(1) Except as provided in division (F)(2) of this section, 93193  
appeals from proceedings initiated to impose a sanction under 93194  
division (D) of this section shall be conducted in accordance with 93195  
Chapter 119. of the Revised Code. 93196

(2) Appeals from proceedings initiated to order the 93197  
suspension of admissions to a facility shall be conducted in 93198  
accordance with Chapter 119. of the Revised Code, unless the order 93199  
was issued before providing an opportunity for an adjudication, in 93200  
which case all of the following apply: 93201

(a) The licensee may request a hearing not later than ten 93202  
days after receiving the notice specified in section 119.07 of the 93203  
Revised Code. 93204

(b) If a timely request for a hearing that includes the 93205  
licensee's current address is made, the hearing shall commence not 93206  
later than thirty days after the department receives the request. 93207

(c) After commencing, the hearing shall continue 93208  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 93209  
unless other interruptions are agreed to by the licensee and the 93210  
director. 93211

(d) If the hearing is conducted by a hearing examiner, the 93212  
hearing examiner shall file a report and recommendations not later 93213  
than ten days after the last of the following: 93214

(i) The close of the hearing; 93215

(ii) If a transcript of the proceedings is ordered, the 93216  
hearing examiner receives the transcript; 93217

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 93218  
93219

(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed. 93220  
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(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations. 93224  
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations. 93227  
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(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected. 93231  
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(G) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation. 93235  
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(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities, including intermediate care facilities for the mentally retarded. The rules for intermediate care facilities for the mentally retarded may differ from those for other residential facilities. The rules 93243  
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|                                                                                                                                                                                                                                                           |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| shall establish and specify the following:                                                                                                                                                                                                                | 93249                            |
| (1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;                         | 93250<br>93251<br>93252<br>93253 |
| (2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility; | 93254<br>93255<br>93256<br>93257 |
| (3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;                                                                                                        | 93258<br>93259<br>93260          |
| (4) Procedures for surveying residential facilities;                                                                                                                                                                                                      | 93261                            |
| (5) Requirements for the training of residential facility personnel;                                                                                                                                                                                      | 93262<br>93263                   |
| (6) Classifications for the various types of residential facilities;                                                                                                                                                                                      | 93264<br>93265                   |
| (7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;                             | 93266<br>93267<br>93268<br>93269 |
| (8) The maximum number of persons who may be served in a particular type of residential facility;                                                                                                                                                         | 93270<br>93271                   |
| (9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;                                                                                                                                   | 93272<br>93273                   |
| (10) Other standards for the operation of residential facilities and the services provided at residential facilities;                                                                                                                                     | 93274<br>93275                   |
| (11) Procedures for waiving any provision of any rule adopted under this section.                                                                                                                                                                         | 93276<br>93277                   |

(I) Before issuing a license, the director of the department 93278  
or the director's designee shall conduct a survey of the 93279  
residential facility for which application is made. The director 93280  
or the director's designee shall conduct a survey of each licensed 93281  
residential facility at least once during the period the license 93282  
is valid and may conduct additional inspections as needed. A 93283  
survey includes but is not limited to an on-site examination and 93284  
evaluation of the residential facility, its personnel, and the 93285  
services provided there. 93286

In conducting surveys, the director or the director's 93287  
designee shall be given access to the residential facility; all 93288  
records, accounts, and any other documents related to the 93289  
operation of the facility; the licensee; the residents of the 93290  
facility; and all persons acting on behalf of, under the control 93291  
of, or in connection with the licensee. The licensee and all 93292  
persons on behalf of, under the control of, or in connection with 93293  
the licensee shall cooperate with the director or the director's 93294  
designee in conducting the survey. 93295

Following each survey, unless the director initiates a 93296  
license revocation proceeding, the director or the director's 93297  
designee shall provide the licensee with a report listing any 93298  
deficiencies, specifying a timetable within which the licensee 93299  
shall submit a plan of correction describing how the deficiencies 93300  
will be corrected, and, when appropriate, specifying a timetable 93301  
within which the licensee must correct the deficiencies. After a 93302  
plan of correction is submitted, the director or the director's 93303  
designee shall approve or disapprove the plan. A copy of the 93304  
report and any approved plan of correction shall be provided to 93305  
any person who requests it. 93306

The director shall initiate disciplinary action against any 93307  
department employee who notifies or causes the notification to any 93308  
unauthorized person of an unannounced survey of a residential 93309

facility by an authorized representative of the department. 93310

(J) In addition to any other information which may be 93311  
required of applicants for a license pursuant to this section, the 93312  
director shall require each applicant to provide a copy of an 93313  
approved plan for a proposed residential facility pursuant to 93314  
section 5123.042 of the Revised Code. This division does not apply 93315  
to renewal of a license or to an applicant for an initial or 93316  
modified license who meets the requirements of section 5123.193 or 93317  
5123.197 of the Revised Code. 93318

(K) A licensee shall notify the owner of the building in 93319  
which the licensee's residential facility is located of any 93320  
significant change in the identity of the licensee or management 93321  
contractor before the effective date of the change if the licensee 93322  
is not the owner of the building. 93323

Pursuant to rules which shall be adopted in accordance with 93324  
Chapter 119. of the Revised Code, the director may require 93325  
notification to the department of any significant change in the 93326  
ownership of a residential facility or in the identity of the 93327  
licensee or management contractor. If the director determines that 93328  
a significant change of ownership is proposed, the director shall 93329  
consider the proposed change to be an application for development 93330  
by a new operator pursuant to section 5123.042 of the Revised Code 93331  
and shall advise the applicant within sixty days of the 93332  
notification that the current license shall continue in effect or 93333  
a new license will be required pursuant to this section. If the 93334  
director requires a new license, the director shall permit the 93335  
facility to continue to operate under the current license until 93336  
the new license is issued, unless the current license is revoked, 93337  
refused to be renewed, or terminated in accordance with Chapter 93338  
119. of the Revised Code. 93339

(L) A county board of developmental disabilities, ~~the legal~~ 93340  
~~rights service,~~ and any interested person may file complaints 93341



alleging violations of statute or department rule relating to 93342  
residential facilities with the department. All complaints shall 93343  
be in writing and shall state the facts constituting the basis of 93344  
the allegation. The department shall not reveal the source of any 93345  
complaint unless the complainant agrees in writing to waive the 93346  
right to confidentiality or until so ordered by a court of 93347  
competent jurisdiction. 93348

The department shall adopt rules in accordance with Chapter 93349  
119. of the Revised Code establishing procedures for the receipt, 93350  
referral, investigation, and disposition of complaints filed with 93351  
the department under this division. 93352

(M) The department shall establish procedures for the 93353  
notification of interested parties of the transfer or interim care 93354  
of residents from residential facilities that are closing or are 93355  
losing their license. 93356

(N) Before issuing a license under this section to a 93357  
residential facility that will accommodate at any time more than 93358  
one mentally retarded or developmentally disabled individual, the 93359  
director shall, by first class mail, notify the following: 93360

(1) If the facility will be located in a municipal 93361  
corporation, the clerk of the legislative authority of the 93362  
municipal corporation; 93363

(2) If the facility will be located in unincorporated 93364  
territory, the clerk of the appropriate board of county 93365  
commissioners and the fiscal officer of the appropriate board of 93366  
township trustees. 93367

The director shall not issue the license for ten days after 93368  
mailing the notice, excluding Saturdays, Sundays, and legal 93369  
holidays, in order to give the notified local officials time in 93370  
which to comment on the proposed issuance. 93371

Any legislative authority of a municipal corporation, board 93372

of county commissioners, or board of township trustees that 93373  
receives notice under this division of the proposed issuance of a 93374  
license for a residential facility may comment on it in writing to 93375  
the director within ten days after the director mailed the notice, 93376  
excluding Saturdays, Sundays, and legal holidays. If the director 93377  
receives written comments from any notified officials within the 93378  
specified time, the director shall make written findings 93379  
concerning the comments and the director's decision on the 93380  
issuance of the license. If the director does not receive written 93381  
comments from any notified local officials within the specified 93382  
time, the director shall continue the process for issuance of the 93383  
license. 93384

(O) Any person may operate a licensed residential facility 93385  
that provides room and board, personal care, habilitation 93386  
services, and supervision in a family setting for at least six but 93387  
not more than eight persons with mental retardation or a 93388  
developmental disability as a permitted use in any residential 93389  
district or zone, including any single-family residential district 93390  
or zone, of any political subdivision. These residential 93391  
facilities may be required to comply with area, height, yard, and 93392  
architectural compatibility requirements that are uniformly 93393  
imposed upon all single-family residences within the district or 93394  
zone. 93395

(P) Any person may operate a licensed residential facility 93396  
that provides room and board, personal care, habilitation 93397  
services, and supervision in a family setting for at least nine 93398  
but not more than sixteen persons with mental retardation or a 93399  
developmental disability as a permitted use in any multiple-family 93400  
residential district or zone of any political subdivision, except 93401  
that a political subdivision that has enacted a zoning ordinance 93402  
or resolution establishing planned unit development districts may 93403  
exclude these residential facilities from those districts, and a 93404

political subdivision that has enacted a zoning ordinance or 93405  
resolution may regulate these residential facilities in 93406  
multiple-family residential districts or zones as a conditionally 93407  
permitted use or special exception, in either case, under 93408  
reasonable and specific standards and conditions set out in the 93409  
zoning ordinance or resolution to: 93410

(1) Require the architectural design and site layout of the 93411  
residential facility and the location, nature, and height of any 93412  
walls, screens, and fences to be compatible with adjoining land 93413  
uses and the residential character of the neighborhood; 93414

(2) Require compliance with yard, parking, and sign 93415  
regulation; 93416

(3) Limit excessive concentration of these residential 93417  
facilities. 93418

(Q) This section does not prohibit a political subdivision 93419  
from applying to residential facilities nondiscriminatory 93420  
regulations requiring compliance with health, fire, and safety 93421  
regulations and building standards and regulations. 93422

(R) Divisions (O) and (P) of this section are not applicable 93423  
to municipal corporations that had in effect on June 15, 1977, an 93424  
ordinance specifically permitting in residential zones licensed 93425  
residential facilities by means of permitted uses, conditional 93426  
uses, or special exception, so long as such ordinance remains in 93427  
effect without any substantive modification. 93428

(S)(1) The director may issue an interim license to operate a 93429  
residential facility to an applicant for a license under this 93430  
section if either of the following is the case: 93431

(a) The director determines that an emergency exists 93432  
requiring immediate placement of persons in a residential 93433  
facility, that insufficient licensed beds are available, and that 93434  
the residential facility is likely to receive a permanent license 93435

under this section within thirty days after issuance of the 93436  
interim license. 93437

(b) The director determines that the issuance of an interim 93438  
license is necessary to meet a temporary need for a residential 93439  
facility. 93440

(2) To be eligible to receive an interim license, an 93441  
applicant must meet the same criteria that must be met to receive 93442  
a permanent license under this section, except for any differing 93443  
procedures and time frames that may apply to issuance of a 93444  
permanent license. 93445

(3) An interim license shall be valid for thirty days and may 93446  
be renewed by the director for a period not to exceed one hundred 93447  
fifty days. 93448

(4) The director shall adopt rules in accordance with Chapter 93449  
119. of the Revised Code as the director considers necessary to 93450  
administer the issuance of interim licenses. 93451

(T) Notwithstanding rules adopted pursuant to this section 93452  
establishing the maximum number of persons who may be served in a 93453  
particular type of residential facility, a residential facility 93454  
shall be permitted to serve the same number of persons being 93455  
served by the facility on the effective date of the rules or the 93456  
number of persons for which the facility is authorized pursuant to 93457  
a current application for a certificate of need with a letter of 93458  
support from the department of developmental disabilities and 93459  
which is in the review process prior to April 4, 1986. 93460

(U) The director or the director's designee may enter at any 93461  
time, for purposes of investigation, any home, facility, or other 93462  
structure that has been reported to the director or that the 93463  
director has reasonable cause to believe is being operated as a 93464  
residential facility without a license issued under this section. 93465

The director may petition the court of common pleas of the 93466

county in which an unlicensed residential facility is located for 93467  
an order enjoining the person or governmental agency operating the 93468  
facility from continuing to operate without a license. The court 93469  
may grant the injunction on a showing that the person or 93470  
governmental agency named in the petition is operating a 93471  
residential facility without a license. The court may grant the 93472  
injunction, regardless of whether the residential facility meets 93473  
the requirements for receiving a license under this section. 93474

**Sec. 5123.191.** (A) The court of common pleas or a judge 93475  
thereof in the judge's county, or the probate court, may appoint a 93476  
receiver to take possession of and operate a residential facility 93477  
licensed by the department of developmental disabilities, in 93478  
causes pending in such courts respectively, when conditions 93479  
existing at the facility present a substantial risk of physical or 93480  
mental harm to residents and no other remedies at law are adequate 93481  
to protect the health, safety, and welfare of the residents. 93482  
Conditions at the facility that may present such risk of harm 93483  
include, but are not limited to, instances when any of the 93484  
following occur: 93485

(1) The residential facility is in violation of state or 93486  
federal law or regulations. 93487

(2) The facility has had its license revoked or procedures 93488  
for revocation have been initiated, or the facility is closing or 93489  
intends to cease operations. 93490

(3) Arrangements for relocating residents need to be made. 93491

(4) Insolvency of the operator, licensee, or landowner 93492  
threatens the operation of the facility. 93493

(5) The facility or operator has demonstrated a pattern and 93494  
practice of repeated violations of state or federal laws or 93495  
regulations. 93496

(B) A court in which a petition is filed pursuant to this section shall notify the person holding the license for the facility and the department of developmental disabilities of the filing. The court shall order the department to notify the ~~legal rights service~~, facility owner, facility operator, county board of developmental disabilities, facility residents, and residents' parents and guardians of the filing of the petition.

The court shall provide a hearing on the petition within five court days of the time it was filed, except that the court may appoint a receiver prior to that time if it determines that the circumstances necessitate such action. Following a hearing on the petition, and upon a determination that the appointment of a receiver is warranted, the court shall appoint a receiver and notify the department of developmental disabilities and appropriate persons of this action.

(C) A residential facility for which a receiver has been named is deemed to be in compliance with section 5123.19 and Chapter 3721. of the Revised Code for the duration of the receivership.

(D) When the operating revenue of a residential facility in receivership is insufficient to meet its operating expenses, including the cost of bringing the facility into compliance with state or federal laws or regulations, the court may order the state to provide necessary funding, except as provided in division (K) of this section. The state shall provide such funding, subject to the approval of the controlling board. The court may also order the appropriate authorities to expedite all inspections necessary for the issuance of licenses or the certification of a facility, and order a facility to be closed if it determines that reasonable efforts cannot bring the facility into substantial compliance with the law.

(E) In establishing a receivership, the court shall set forth

the powers and duties of the receiver. The court may generally 93529  
authorize the receiver to do all that is prudent and necessary to 93530  
safely and efficiently operate the residential facility within the 93531  
requirements of state and federal law, but shall require the 93532  
receiver to obtain court approval prior to making any single 93533  
expenditure of more than five thousand dollars to correct 93534  
deficiencies in the structure or furnishings of a facility. The 93535  
court shall closely review the conduct of the receiver it has 93536  
appointed and shall require regular and detailed reports. The 93537  
receivership shall be reviewed at least every sixty days. 93538

(F) A receivership established pursuant to this section shall 93539  
be terminated, following notification of the appropriate parties 93540  
and a hearing, if the court determines either of the following: 93541

(1) The residential facility has been closed and the former 93542  
residents have been relocated to an appropriate facility. 93543

(2) Circumstances no longer exist at the facility that 93544  
present a substantial risk of physical or mental harm to 93545  
residents, and there is no deficiency in the facility that is 93546  
likely to create a future risk of harm. 93547

Notwithstanding division (F)(2) of this section, the court 93548  
shall not terminate a receivership for a residential facility that 93549  
has previously operated under another receivership unless the 93550  
responsibility for the operation of the facility is transferred to 93551  
an operator approved by the court and the department of 93552  
developmental disabilities. 93553

(G) The department of developmental disabilities may, upon 93554  
its own initiative or at the request of an owner, operator, or 93555  
resident of a residential facility, or at the request of a 93556  
resident's guardian or relative, or a county board of 93557  
developmental disabilities, ~~or the legal rights service~~, petition 93558  
the court to appoint a receiver to take possession of and operate 93559

a residential facility. When the department has been requested to 93560  
file a petition by any of the parties listed above, it shall, 93561  
within forty-eight hours of such request, either file such a 93562  
petition or notify the requesting party of its decision not to 93563  
file. If the department refuses to file, the requesting party may 93564  
file a petition with the court requesting the appointment of a 93565  
receiver to take possession of and operate a residential facility. 93566

Petitions filed pursuant to this division shall include the 93567  
following: 93568

(1) A description of the specific conditions existing at the 93569  
facility which present a substantial risk of physical or mental 93570  
harm to residents; 93571

(2) A statement of the absence of other adequate remedies at 93572  
law; 93573

(3) The number of individuals residing at the facility; 93574

(4) A statement that the facts have been brought to the 93575  
attention of the owner or licensee and that conditions have not 93576  
been remedied within a reasonable period of time or that the 93577  
conditions, though remedied periodically, habitually exist at the 93578  
facility as a pattern or practice; 93579

(5) The name and address of the person holding the license 93580  
for the facility and the address of the department of 93581  
developmental disabilities. 93582

The court may award to an operator appropriate costs and 93583  
expenses, including reasonable attorney's fees, if it determines 93584  
that a petitioner has initiated a proceeding in bad faith or 93585  
merely for the purpose of harassing or embarrassing the operator. 93586

(H) Except for the department of developmental disabilities 93587  
or a county board of developmental disabilities, no party or 93588  
person interested in an action shall be appointed a receiver 93589



pursuant to this section. 93590

To assist the court in identifying persons qualified to be 93591  
named as receivers, the director of developmental disabilities or 93592  
the director's designee shall maintain a list of the names of such 93593  
persons. The director shall, in accordance with Chapter 119. of 93594  
the Revised Code, establish standards for evaluating persons 93595  
desiring to be included on such a list. 93596

(I) Before a receiver enters upon the duties of that person, 93597  
the receiver must be sworn to perform the duties of receiver 93598  
faithfully, and, with surety approved by the court, judge, or 93599  
clerk, execute a bond to such person, and in such sum as the court 93600  
or judge directs, to the effect that such receiver will faithfully 93601  
discharge the duties of receiver in the action, and obey the 93602  
orders of the court therein. 93603

(J) Under the control of the appointing court, a receiver may 93604  
bring and defend actions in the receiver's own name as receiver 93605  
and take and keep possession of property. 93606

The court shall authorize the receiver to do the following: 93607

(1) Collect payment for all goods and services provided to 93608  
the residents or others during the period of the receivership at 93609  
the same rate as was charged by the licensee at the time the 93610  
petition for receivership was filed, unless a different rate is 93611  
set by the court; 93612

(2) Honor all leases, mortgages, and secured transactions 93613  
governing all buildings, goods, and fixtures of which the receiver 93614  
has taken possession and continues to use, subject to the 93615  
following conditions: 93616

(a) In the case of a rental agreement, only to the extent of 93617  
payments that are for the use of the property during the period of 93618  
the receivership; 93619

(b) In the case of a purchase agreement only to the extent of payments that come due during the period of the receivership+  
~~(c) If the court determines that the cost of the lease, mortgage, or secured transaction was increased by a transaction required to be reported under division (B)(3) of section 5123.172 of the Revised Code, only to the extent determined by the court to be the fair market value for use of the property during the period of the receivership.~~  
(3) If transfer of residents is necessary, provide for the orderly transfer of residents by doing the following:  
(a) Cooperating with all appropriate state and local agencies in carrying out the transfer of residents to alternative community placements;  
(b) Providing for the transportation of residents' belongings and records;  
(c) Helping to locate alternative placements and develop discharge plans;  
(d) Preparing residents for the trauma of discharge;  
(e) Permitting residents or guardians to participate in transfer or discharge planning except when an emergency exists and immediate transfer is necessary.  
(4) Make periodic reports on the status of the residential program to the appropriate state agency, county board of developmental disabilities, parents, guardians, and residents;  
(5) Compromise demands or claims;  
(6) Generally do such acts respecting the residential facility as the court authorizes.  
(K) Neither the receiver nor the department of developmental disabilities is liable for debts incurred by the owner or operator of a residential facility for which a receiver has been appointed.

(L) The department of developmental disabilities may contract 93650  
for the operation of a residential facility in receivership. The 93651  
department shall establish the conditions of a contract. A 93652  
~~condition may be the same as, similar to, or different from a~~ 93653  
~~condition established by section 5123.18 of the Revised Code and~~ 93654  
~~the rules adopted under that section for a contract entered into~~ 93655  
~~under that section.~~ Notwithstanding any other provision of law, 93656  
contracts that are necessary to carry out the powers and duties of 93657  
the receiver need not be competitively bid. 93658

(M) The department of developmental disabilities, the 93659  
department of job and family services, and the department of 93660  
health shall provide technical assistance to any receiver 93661  
appointed pursuant to this section. 93662

**Sec. 5123.194.** In the case of an individual who resides in a 93663  
residential facility and is preparing to move into an independent 93664  
living arrangement and the individual's liable relative, the 93665  
department of developmental disabilities may waive the support 93666  
collection requirements of sections 5121.04, and 5123.122, ~~and~~ 93667  
~~5123.18~~ of the Revised Code for the purpose of allowing income or 93668  
resources to be used to acquire items necessary for independent 93669  
living. The department shall adopt rules in accordance with 93670  
section 111.15 of the Revised Code to implement this section, 93671  
including rules that establish the method the department shall use 93672  
to determine when an individual is preparing to move into an 93673  
independent living arrangement. 93674

**Sec. 5123.35.** (A) There is hereby created the Ohio 93675  
developmental disabilities council, which shall serve as an 93676  
advocate for all persons with developmental disabilities. The 93677  
council shall act in accordance with the "Developmental 93678  
Disabilities Assistance and Bill of Rights Act," 98 Stat. 2662 93679  
(1984), 42 U.S.C. 6001, as amended. The governor shall appoint the 93680

members of the council in accordance with 42 U.S.C. 6024. 93681

(B) The Ohio developmental disabilities council shall develop 93682  
the state plan required by federal law as a condition of receiving 93683  
federal assistance under 42 U.S.C. 6021 to 6030. The department of 93684  
developmental disabilities, as the state agency selected by the 93685  
governor for purposes of receiving the federal assistance, shall 93686  
receive, account for, and disburse funds based on the state plan 93687  
and shall provide assurances and other administrative support 93688  
services required as a condition of receiving the federal 93689  
assistance. 93690

(C) The federal funds may be disbursed through grants to or 93691  
contracts with persons and government agencies for the provision 93692  
of necessary or useful goods and services for developmentally 93693  
disabled persons. The Ohio developmental disabilities council may 93694  
award the grants or enter into the contracts. 93695

(D) The Ohio developmental disabilities council may award 93696  
grants to or enter into contracts with a member of the council or 93697  
an entity that the member represents if all of the following 93698  
apply: 93699

(1) The member serves on the council as a representative of 93700  
one of the principal state agencies concerned with services for 93701  
persons with developmental disabilities as specified in 42 U.S.C. 93702  
6024(b)(3), a representative of a university affiliated program as 93703  
defined in 42 U.S.C. 6001(18), or a representative of the ~~legal~~ 93704  
~~rights service created under~~ Ohio protection and advocacy system, 93705  
as defined in section 5123.60 of the Revised Code. 93706

(2) The council determines that the member or the entity the 93707  
member represents is capable of providing the goods or services 93708  
specified under the terms of the grant or contract. 93709

(3) The member has not taken part in any discussion or vote 93710  
of the council related to awarding the grant or entering into the 93711

contract, including service as a member of a review panel 93712  
established by the council to award grants or enter into contracts 93713  
or to make recommendations with regard to awarding grants or 93714  
entering into contracts. 93715

(E) A member of the Ohio developmental disabilities council 93716  
is not in violation of Chapter 102. or section 2921.42 of the 93717  
Revised Code with regard to receiving a grant or entering into a 93718  
contract under this section if the requirements of division (D) of 93719  
this section have been met. 93720

**Sec. 5123.352.** There is hereby created in the state treasury 93721  
the community developmental disabilities trust fund. The director 93722  
of developmental disabilities, not later than sixty days after the 93723  
end of each fiscal year, shall certify to the director of budget 93724  
and management the amount of all the unexpended, unencumbered 93725  
balances of general revenue fund appropriations made to the 93726  
department of developmental disabilities for the fiscal year, 93727  
excluding appropriations for rental payments to the Ohio public 93728  
facilities commission, and the amount of any other funds held by 93729  
the department in excess of amounts necessary to meet the 93730  
department's operating costs and obligations pursuant to this 93731  
chapter and Chapter 5126. of the Revised Code. On receipt of the 93732  
certification, the director of budget and management shall 93733  
transfer cash to the trust fund in an amount up to, but not 93734  
exceeding, the total of the amounts certified by the director of 93735  
developmental disabilities, except in cases in which the transfer 93736  
will involve more than twenty million dollars. In such cases, the 93737  
director of budget and management shall notify the controlling 93738  
board and must receive the board's approval of the transfer prior 93739  
to making the transfer. 93740

All moneys in the trust fund shall be ~~distributed~~ used for 93741  
purposes specified in ~~accordance with section 5126.19~~ 5123.0418 of 93742

the Revised Code. 93743

**Sec. 5123.45.** (A) The department of developmental 93744  
disabilities shall establish a program under which the department 93745  
issues certificates to the following: 93746

(1) MR/DD personnel, for purposes of meeting the requirement 93747  
of division (C)(1) of section 5123.42 of the Revised Code to 93748  
obtain a certificate or certificates to administer prescribed 93749  
medications, perform health-related activities, and perform tube 93750  
feedings; 93751

(2) Registered nurses, for purposes of meeting the 93752  
requirement of division (B)(1) of section 5123.441 of the Revised 93753  
Code to obtain a certificate or certificates to provide the MR/DD 93754  
personnel training courses developed under section 5123.43 of the 93755  
Revised Code. 93756

(B)(1) Except as provided in division (B)(2) of this section, 93757  
to receive a certificate issued under this section, MR/DD 93758  
personnel and registered nurses shall successfully complete the 93759  
applicable training course or courses and meet all other 93760  
applicable requirements established in rules adopted pursuant to 93761  
this section. The department shall issue the appropriate 93762  
certificate or certificates to MR/DD personnel and registered 93763  
nurses who meet the requirements for the certificate or 93764  
certificates. 93765

(2) The department shall include provisions in the program 93766  
for issuing certificates to ~~the following:~~ 93767

~~(a) MR/DD personnel and registered nurses who, ~~on March 31,~~ 93768  
~~2003, are authorized to provide care to individuals with mental~~ 93769  
~~retardation and developmental disabilities pursuant to section~~ 93770  
~~5123.193 or sections 5126.351 to 5126.354 of the Revised Code were~~ 93771  
required to be included in the certificate program pursuant to 93772~~

division (B)(2) of this section as that division existed 93773  
immediately before the effective date of this amendment. A person 93774  
MR/DD personnel who ~~receives~~ receive a certificate under division 93775  
(B)(2)~~(a)~~ of this section shall not administer insulin until ~~the~~ 93776  
~~person has~~ they have been trained by a registered nurse who has 93777  
received a certificate under this section that allows the 93778  
registered nurse to provide training courses to MR/DD personnel in 93779  
the administration of insulin- 93780

~~(b) Registered nurses who, on March 31, 2003, are authorized~~ 93781  
~~to train MR/DD personnel to provide care to individuals with~~ 93782  
~~mental retardation and developmental disabilities pursuant to~~ 93783  
~~section 5123.193 or sections 5126.351 to 5126.354 of the Revised~~ 93784  
Code. A registered nurse who receives a certificate under division 93785  
(B)(2)~~(b)~~ of this section shall not provide training courses to 93786  
MR/DD personnel in the administration of insulin unless the 93787  
registered nurse completes a course developed under section 93788  
5123.44 of the Revised Code that enables the registered nurse to 93789  
receive a certificate to provide training courses to MR/DD 93790  
personnel in the administration of insulin. 93791

(C) Certificates issued to MR/DD personnel are valid for one 93792  
year and may be renewed. Certificates issued to registered nurses 93793  
are valid for two years and may be renewed. 93794

To be eligible for renewal, MR/DD personnel and registered 93795  
nurses shall meet the applicable continued competency requirements 93796  
and continuing education requirements specified in rules adopted 93797  
under division (D) of this section. In the case of registered 93798  
nurses, continuing nursing education completed in compliance with 93799  
the license renewal requirements established under Chapter 4723. 93800  
of the Revised Code may be counted toward meeting the continuing 93801  
education requirements established in the rules adopted under 93802  
division (D) of this section. 93803

(D) In accordance with section 5123.46 of the Revised Code, 93804

the department shall adopt rules that establish all of the 93805  
following: 93806

(1) Requirements that MR/DD personnel and registered nurses 93807  
must meet to be eligible to take a training course; 93808

(2) Standards that must be met to receive a certificate, 93809  
including requirements pertaining to an applicant's criminal 93810  
background; 93811

(3) Procedures to be followed in applying for a certificate 93812  
and issuing a certificate; 93813

(4) Standards and procedures for renewing a certificate, 93814  
including requirements for continuing education and, in the case 93815  
of MR/DD personnel who administer prescribed medications, 93816  
standards that require successful demonstration of proficiency in 93817  
administering prescribed medications; 93818

(5) Standards and procedures for suspending or revoking a 93819  
certificate; 93820

(6) Standards and procedures for suspending a certificate 93821  
without a hearing pending the outcome of an investigation; 93822

(7) Any other standards or procedures the department 93823  
considers necessary to administer the certification program. 93824

Sec. 5123.60. (A) As used in this section and section 93825  
5123.601 of the Revised Code, "Ohio protection and advocacy 93826  
system" means the nonprofit entity designated by the governor in 93827  
accordance with H.B. 153 of the 129th general assembly to serve as 93828  
the state's protection and advocacy system and client assistance 93829  
program. 93830

(B) The Ohio protection and advocacy system shall provide 93831  
both of the following: 93832

(1) Advocacy services for people with disabilities, as 93833



provided under section 101 of the "Developmental Disabilities Assistance and Bill of Rights Act of 2000," 114 Stat. 1678 (2000), 42 U.S.C. 15001; 93834  
93835  
93836

(2) A client assistance program, as provided under section 112 of the "Workforce Investment Act of 1998," 112 Stat. 1163 (1998), 29 U.S.C. 732, as amended. 93837  
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(C) The Ohio protection and advocacy system may establish any guidelines necessary for its operation. 93840  
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**Sec. ~~5123.60~~ 5123.601.** (A) ~~A legal rights service is hereby created and established to protect and advocate the rights of mentally ill persons, mentally retarded persons, developmentally disabled persons, and other disabled persons who may be represented by the service pursuant to division (L) of this section; to receive and act upon complaints concerning institutional and hospital practices and conditions of institutions for mentally retarded or developmentally disabled persons and hospitals for the mentally ill; and to assure that all persons detained, hospitalized, discharged, or institutionalized, and all persons whose detention, hospitalization, discharge, or institutionalization is sought or has been sought under this chapter or Chapter 5122. of the Revised Code are fully informed of their rights and adequately represented by counsel in proceedings under this chapter or Chapter 5122. of the Revised Code and in any proceedings to secure the rights of those persons. Notwithstanding the definitions of "mentally retarded person" and "developmentally disabled person" in section 5123.01 of the Revised Code, the legal rights service shall determine who is a mentally retarded or developmentally disabled person for purposes of this section and sections 5123.601 to 5123.604 of the Revised Code.~~ 93842  
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~~(B)(1) In regard to those persons detained, hospitalized, or institutionalized under Chapter 5122. of the Revised Code, the~~ 93863  
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~~legal rights service shall undertake formal representation only of those persons who are involuntarily detained, hospitalized, or institutionalized pursuant to sections 5122.10 to 5122.15 of the Revised Code, and those voluntarily detained, hospitalized, or institutionalized who are minors, who have been adjudicated incompetent, who have been detained, hospitalized, or institutionalized in a public hospital, or who have requested representation by the legal rights service.~~

~~(2) If a person referred to in division (A) of this section voluntarily requests in writing that the legal rights service terminate participation in the person's case, such involvement shall cease.~~

~~(3) Persons described in divisions (A) and (B)(1) of this section who are represented by the legal rights service are clients of the legal rights service.~~

~~(C) Any person voluntarily hospitalized or institutionalized in a public hospital under division (A) of section 5122.02 of the Revised Code, after being fully informed of the person's rights under division (A) of this section, may, by written request, waive assistance by the legal rights service if the waiver is knowingly and intelligently made, without duress or coercion.~~

~~The waiver may be rescinded at any time by the voluntary patient or resident, or by the voluntary patient's or resident's legal guardian.~~

~~(D)(1) The legal rights service commission is hereby created for the purposes of appointing an administrator of the legal rights service, advising the administrator, assisting the administrator in developing a budget, advising the administrator in establishing and annually reviewing a strategic plan, creating a procedure for filing and determination of grievances against the legal rights service, and establishing general policy guidelines,~~

~~including guidelines for the commencement of litigation, for the 93896  
legal rights service. The commission may adopt rules to carry 93897  
these purposes into effect and may receive and act upon appeals of 93898  
personnel decisions by the administrator. 93899~~

~~(2) The commission shall consist of seven members. One 93900  
member, who shall serve as chairperson, shall be appointed by the 93901  
chief justice of the supreme court, three members shall be 93902  
appointed by the speaker of the house of representatives, and 93903  
three members shall be appointed by the president of the senate. 93904  
At least two members shall have experience in the field of 93905  
developmental disabilities, and at least two members shall have 93906  
experience in the field of mental health. No member shall be a 93907  
provider or related to a provider of services to mentally 93908  
retarded, developmentally disabled, or mentally ill persons. 93909~~

~~(3) Terms of office of the members of the commission shall be 93910  
for three years, each term ending on the same day of the month of 93911  
the year as did the term which it succeeds. Each member shall 93912  
serve subsequent to the expiration of the member's term until a 93913  
successor is appointed and qualifies, or until sixty days has 93914  
elapsed, whichever occurs first. No member shall serve more than 93915  
two consecutive terms. 93916~~

~~All vacancies in the membership of the commission shall be 93917  
filled in the manner prescribed for regular appointments to the 93918  
commission and shall be limited to the unexpired terms. 93919~~

~~(4) The commission shall meet at least four times each year. 93920  
Members shall be reimbursed for their necessary and actual 93921  
expenses incurred in the performance of their official duties. 93922~~

~~(5) The administrator of the legal rights service shall serve 93923  
at the pleasure of the commission. 93924~~

~~The administrator shall be an attorney admitted to practice 93925  
law in this state. The salary of the administrator shall be 93926~~

~~established in accordance with section 124.14 of the Revised Code.~~ 93927

~~(E) The legal rights service shall be completely independent~~ 93928  
~~of the department of mental health and the department of~~ 93929  
~~developmental disabilities and, notwithstanding section 109.02 of~~ 93930  
~~the Revised Code, shall also be independent of the office of the~~ 93931  
~~attorney general. The administrator of the legal rights service~~ 93932  
Ohio protection and advocacy system, staff, and attorneys 93933  
designated by the administrator system to represent persons 93934  
detained, hospitalized, or institutionalized under this chapter or 93935  
Chapter 5122. of the Revised Code shall have ready access to all 93936  
of the following: 93937

(1) During normal business hours and at other reasonable 93938  
times, all records, except records of community residential 93939  
facilities and records of contract agencies of county boards of 93940  
developmental disabilities and boards of alcohol, drug addiction, 93941  
and mental health services, relating to expenditures of state and 93942  
federal funds or to the commitment, care, treatment, and 93943  
habilitation of all persons represented by the ~~legal rights~~ 93944  
~~service~~ Ohio protection and advocacy system, including those who 93945  
may be represented pursuant to division ~~(L)~~(D) of this section, or 93946  
persons detained, hospitalized, institutionalized, or receiving 93947  
services under this chapter or Chapter 340., 5119., 5122., or 93948  
5126. of the Revised Code that are records maintained by the 93949  
following entities providing services for those persons: 93950  
departments; institutions; hospitals; boards of alcohol, drug 93951  
addiction, and mental health services; county boards of 93952  
developmental disabilities; and any other entity providing 93953  
services to persons who may be represented by the ~~service~~ Ohio 93954  
protection and advocacy system pursuant to division ~~(L)~~(D) of this 93955  
section; 93956

(2) Any records maintained in computerized data banks of the 93957  
departments or boards or, in the case of persons who may be 93958

represented by the ~~service~~ Ohio protection and advocacy system 93959  
pursuant to division ~~(H)~~(D) of this section, any other entity that 93960  
provides services to those persons; 93961

(3) During their normal working hours, personnel of the 93962  
departments, facilities, boards, agencies, institutions, 93963  
hospitals, and other service-providing entities; 93964

(4) At any time, all persons detained, hospitalized, or 93965  
institutionalized; persons receiving services under this chapter 93966  
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 93967  
persons who may be represented by the ~~service~~ Ohio protection and 93968  
advocacy system pursuant to division ~~(H)~~(D) of this section. 93969

(5) Records of a community residential facility, a contract 93970  
agency of a board of alcohol, drug addiction, and mental health 93971  
services, or a contract agency of a county board of developmental 93972  
disabilities with one of the following consents: 93973

(a) The consent of the person, including when the person is a 93974  
minor or has been adjudicated incompetent; 93975

(b) The consent of the person's guardian of the person, if 93976  
any, or the parent if the person is a minor; 93977

(c) No consent, if the person is unable to consent for any 93978  
reason, and the guardian of the person, if any, or the parent of 93979  
the minor, has refused to consent or has not responded to a 93980  
request for consent and either of the following has occurred: 93981

(i) A complaint regarding the person has been received by the 93982  
~~legal rights service~~ Ohio protection and advocacy system; 93983

(ii) The ~~legal rights service~~ Ohio protection and advocacy 93984  
system has determined that there is probable cause to believe that 93985  
such person has been subjected to abuse or neglect. 93986

~~(F) The administrator of the legal rights service shall do~~ 93987  
~~the following:~~ 93988

- ~~(1) Administer and organize the work of the legal rights service and establish administrative or geographic divisions as the administrator considers necessary, proper, and expedient;~~ 93989  
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- ~~(2) Adopt and promulgate rules that are not in conflict with rules adopted by the commission and prescribe duties for the efficient conduct of the business and general administration of the legal rights service;~~ 93992  
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- ~~(3) Appoint and discharge employees, and hire experts, consultants, advisors, or other professionally qualified persons as the administrator considers necessary to carry out the duties of the legal rights service;~~ 93996  
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- ~~(4) Apply for and accept grants of funds, and accept charitable gifts and bequests;~~ 94000  
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- ~~(5) Prepare and submit a budget to the general assembly for the operation of the legal rights service. At least thirty days prior to submitting the budget to the general assembly, the administrator shall provide a copy of the budget to the commission for review and comment. When submitting the budget to the general assembly, the administrator shall include a copy of any written comments returned by the commission to the administrator.~~ 94002  
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- ~~(6) Enter into contracts and make expenditures necessary for the efficient operation of the legal rights service;~~ 94009  
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- ~~(7) Annually prepare a report of activities and submit copies of the report to the governor, the chief justice of the supreme court, the president of the senate, the speaker of the house of representatives, the director of mental health, and the director of developmental disabilities, and make the report available to the public;~~ 94011  
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- ~~(8) Upon request of the commission or of the chairperson of the commission, report to the commission on specific litigation issues or activities.~~ 94017  
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~~(G)(1) The legal rights service may act directly or contract with other organizations or individuals for the provision of the services envisioned under this section.~~ 94020  
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~~(2) Whenever possible, the administrator shall attempt to facilitate the resolution of complaints through administrative channels. Subject to division (G)(3) of this section, if attempts at administrative resolution prove unsatisfactory, the administrator may pursue any legal, administrative, and other appropriate remedies or approaches that may be necessary to accomplish the purposes of this section.~~ 94023  
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~~(3) The administrator may not pursue a class action lawsuit under division (G)(2) of this section when attempts at administrative resolution of a complaint prove unsatisfactory under that division unless both of the following have first occurred:~~ 94030  
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~~(a) At least four members of the commission, by their affirmative vote, have consented to the pursuit of the class action lawsuit;~~ 94035  
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~~(b) At least five members of the commission are present at the meeting of the commission at which that consent is obtained.~~ 94038  
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~~(4)(B) All records received or maintained by the legal rights service Ohio protection and advocacy system in connection with any investigation, representation, or other activity under this section shall be confidential and shall not be disclosed except as authorized by the person represented by the legal rights service Ohio protection and advocacy system or, subject to any privilege, a guardian of the person or parent of the minor. Subject to division (G)(5) of this section, relationships Relationships between personnel and the agents of the legal rights service Ohio protection and advocacy system and its clients shall be fiduciary relationships, and all communications shall be privileged as if~~ 94040  
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between attorney and client. 94051

~~(5) Any person who has been represented by the legal rights service or who has applied for and been denied representation and who files a grievance with the service concerning the representation or application may appeal the decision of the service on the grievance to the commission. The person may appeal notwithstanding any objections of the person's legal guardian. The commission may examine any records relevant to the appeal and shall maintain the confidentiality of any records that are required to be kept confidential.~~ 94052  
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~~(H)(C) The legal rights service, on the order of the administrator, with the approval by an affirmative vote of at least four members of the commission, Ohio protection and advocacy system may compel by subpoena the appearance and sworn testimony of any person the administrator Ohio protection and advocacy system reasonably believes may be able to provide information or to produce any documents, books, records, papers, or other information necessary to carry out its duties. On the refusal of any person to produce or authenticate any requested documents, the legal rights service Ohio protection and advocacy system may apply to the Franklin county court of common pleas to compel the production or authentication of requested documents. If the court finds that failure to produce or authenticate any requested documents was improper, the court may hold the person in contempt as in the case of disobedience of the requirements of a subpoena issued from the court, or a refusal to testify in the court.~~ 94061  
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~~(I) The legal rights service may conduct public hearings.~~ 94077

~~(J) The legal rights service may request from any governmental agency any cooperation, assistance, services, or data that will enable it to perform its duties.~~ 94078  
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~~(K) In any malpractice action filed against the administrator~~ 94081



~~of the legal rights service, a member of the staff of the legal 94082  
rights service, or an attorney designated by the administrator to 94083  
perform legal services under division (E) of this section, the 94084  
state shall, when the administrator, member, or attorney has acted 94085  
in good faith and in the scope of employment, indemnify the 94086  
administrator, member, or attorney for any judgment awarded or 94087  
amount negotiated in settlement, and for any court costs or legal 94088  
fees incurred in defense of the claim. 94089~~

~~This division does not limit or waive, and shall not be 94090  
construed to limit or waive, any defense that is available to the 94091  
legal rights service, its administrator or employees, persons 94092  
under a personal services contract with it, or persons designated 94093  
under division (E) of this section, including, but not limited to, 94094  
any defense available under section 9.86 of the Revised Code. 94095~~

~~(L)(D) In addition to providing services to mentally ill, 94096  
mentally retarded, or developmentally disabled persons, when a 94097  
grant authorizing the provision of services to other individuals 94098  
is accepted pursuant to division (F)(4) of this section by the 94099  
Ohio protection and advocacy system, the legal rights service and 94100  
its ombudsperson section Ohio protection and advocacy system may 94101  
provide advocacy or ombudsperson services to those other 94102  
individuals and exercise any other authority granted by this 94103  
section or sections 5123.601 to 5123.604 of the Revised Code on 94104  
behalf of those individuals. Determinations of whether an 94105  
individual is eligible for services under this division shall be 94106  
made by the legal rights service Ohio protection and advocacy 94107  
system. 94108~~

**Sec. 5123.61.** (A) As used in this section: 94109

(1) "Law enforcement agency" means the state highway patrol, 94110  
the police department of a municipal corporation, or a county 94111  
sheriff. 94112

(2) "Abuse" has the same meaning as in section 5123.50 of the Revised Code, except that it includes a misappropriation, as defined in that section.

(3) "Neglect" has the same meaning as in section 5123.50 of the Revised Code.

(B) The department of developmental disabilities shall establish a registry office for the purpose of maintaining reports of abuse, neglect, and other major unusual incidents made to the department under this section and reports received from county boards of developmental disabilities under section 5126.31 of the Revised Code. The department shall establish committees to review reports of abuse, neglect, and other major unusual incidents.

(C)(1) Any person listed in division (C)(2) of this section, having reason to believe that a person with mental retardation or a developmental disability has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of such a nature as to reasonably indicate abuse or neglect of that person, shall immediately report or cause reports to be made of such information to the entity specified in this division. Except as provided in section 5120.173 of the Revised Code or as otherwise provided in this division, the person making the report shall make it to a law enforcement agency or to the county board of developmental disabilities. If the report concerns a resident of a facility operated by the department of developmental disabilities the report shall be made either to a law enforcement agency or to the department. If the report concerns any act or omission of an employee of a county board of developmental disabilities, the report immediately shall be made to the department and to the county board.

(2) All of the following persons are required to make a report under division (C)(1) of this section:

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|--------------------------------------------------------------------|-------|
| (a) Any physician, including a hospital intern or resident,        | 94144 |
| any dentist, podiatrist, chiropractor, practitioner of a limited   | 94145 |
| branch of medicine as specified in section 4731.15 of the Revised  | 94146 |
| Code, hospital administrator or employee of a hospital, nurse      | 94147 |
| licensed under Chapter 4723. of the Revised Code, employee of an   | 94148 |
| ambulatory health facility as defined in section 5101.61 of the    | 94149 |
| Revised Code, employee of a home health agency, employee of an     | 94150 |
| adult care facility licensed under Chapter 3722. of the Revised    | 94151 |
| Code, or employee of a community mental health facility;           | 94152 |
| (b) Any school teacher or school authority, social worker,         | 94153 |
| psychologist, attorney, peace officer, coroner, or residents'      | 94154 |
| rights advocate as defined in section 3721.10 of the Revised Code; | 94155 |
| (c) A superintendent, board member, or employee of a county        | 94156 |
| board of developmental disabilities; an administrator, board       | 94157 |
| member, or employee of a residential facility licensed under       | 94158 |
| section 5123.19 of the Revised Code; an administrator, board       | 94159 |
| member, or employee of any other public or private provider of     | 94160 |
| services to a person with mental retardation or a developmental    | 94161 |
| disability, or any MR/DD employee, as defined in section 5123.50   | 94162 |
| of the Revised Code;                                               | 94163 |
| (d) A member of a citizen's advisory council established at        | 94164 |
| an institution or branch institution of the department of          | 94165 |
| developmental disabilities under section 5123.092 of the Revised   | 94166 |
| Code;                                                              | 94167 |
| (e) A clergyman who is employed in a position that includes        | 94168 |
| providing specialized services to an individual with mental        | 94169 |
| retardation or another developmental disability, while acting in   | 94170 |
| an official or professional capacity in that position, or a person | 94171 |
| who is employed in a position that includes providing specialized  | 94172 |
| services to an individual with mental retardation or another       | 94173 |
| developmental disability and who, while acting in an official or   | 94174 |
| professional capacity, renders spiritual treatment through prayer  | 94175 |

in accordance with the tenets of an organized religion. 94176

(3)(a) The reporting requirements of this division do not 94177  
apply to ~~members of the legal rights service commission or to~~ 94178  
employees of the ~~legal rights service~~ Ohio protection and advocacy 94179  
system. 94180

(b) An attorney or physician is not required to make a report 94181  
pursuant to division (C)(1) of this section concerning any 94182  
communication the attorney or physician receives from a client or 94183  
patient in an attorney-client or physician-patient relationship, 94184  
if, in accordance with division (A) or (B) of section 2317.02 of 94185  
the Revised Code, the attorney or physician could not testify with 94186  
respect to that communication in a civil or criminal proceeding, 94187  
except that the client or patient is deemed to have waived any 94188  
testimonial privilege under division (A) or (B) of section 2317.02 94189  
of the Revised Code with respect to that communication and the 94190  
attorney or physician shall make a report pursuant to division 94191  
(C)(1) of this section, if both of the following apply: 94192

(i) The client or patient, at the time of the communication, 94193  
is a person with mental retardation or a developmental disability. 94194

(ii) The attorney or physician knows or suspects, as a result 94195  
of the communication or any observations made during that 94196  
communication, that the client or patient has suffered or faces a 94197  
substantial risk of suffering any wound, injury, disability, or 94198  
condition of a nature that reasonably indicates abuse or neglect 94199  
of the client or patient. 94200

(4) Any person who fails to make a report required under 94201  
division (C) of this section and who is an MR/DD employee, as 94202  
defined in section 5123.50 of the Revised Code, shall be eligible 94203  
to be included in the registry regarding misappropriation, abuse, 94204  
neglect, or other specified misconduct by MR/DD employees 94205  
established under section 5123.52 of the Revised Code. 94206

(D) The reports required under division (C) of this section shall be made forthwith by telephone or in person and shall be followed by a written report. The reports shall contain the following:

(1) The names and addresses of the person with mental retardation or a developmental disability and the person's custodian, if known;

(2) The age of the person with mental retardation or a developmental disability;

(3) Any other information that would assist in the investigation of the report.

(E) When a physician performing services as a member of the staff of a hospital or similar institution has reason to believe that a person with mental retardation or a developmental disability has suffered injury, abuse, or physical neglect, the physician shall notify the person in charge of the institution or that person's designated delegate, who shall make the necessary reports.

(F) Any person having reasonable cause to believe that a person with mental retardation or a developmental disability has suffered or faces a substantial risk of suffering abuse or neglect may report or cause a report to be made of that belief to the entity specified in this division. Except as provided in section 5120.173 of the Revised Code or as otherwise provided in this division, the person making the report shall make it to a law enforcement agency or the county board of developmental disabilities. If the person is a resident of a facility operated by the department of developmental disabilities, the report shall be made to a law enforcement agency or to the department. If the report concerns any act or omission of an employee of a county board of developmental disabilities, the report immediately shall

be made to the department and to the county board. 94238

(G)(1) Upon the receipt of a report concerning the possible 94239  
abuse or neglect of a person with mental retardation or a 94240  
developmental disability, the law enforcement agency shall inform 94241  
the county board of developmental disabilities or, if the person 94242  
is a resident of a facility operated by the department of 94243  
developmental disabilities, the director of the department or the 94244  
director's designee. 94245

(2) On receipt of a report under this section that includes 94246  
an allegation of action or inaction that may constitute a crime 94247  
under federal law or the law of this state, the department of 94248  
developmental disabilities shall notify the law enforcement 94249  
agency. 94250

(3) When a county board of developmental disabilities 94251  
receives a report under this section that includes an allegation 94252  
of action or inaction that may constitute a crime under federal 94253  
law or the law of this state, the superintendent of the board or 94254  
an individual the superintendent designates under division (H) of 94255  
this section shall notify the law enforcement agency. The 94256  
superintendent or individual shall notify the department of 94257  
developmental disabilities when it receives any report under this 94258  
section. 94259

(4) When a county board of developmental disabilities 94260  
receives a report under this section and believes that the degree 94261  
of risk to the person is such that the report is an emergency, the 94262  
superintendent of the board or an employee of the board the 94263  
superintendent designates shall attempt a face-to-face contact 94264  
with the person with mental retardation or a developmental 94265  
disability who allegedly is the victim within one hour of the 94266  
board's receipt of the report. 94267

(H) The superintendent of the board may designate an 94268

individual to be responsible for notifying the law enforcement 94269  
agency and the department when the county board receives a report 94270  
under this section. 94271

(I) An adult with mental retardation or a developmental 94272  
disability about whom a report is made may be removed from the 94273  
adult's place of residence only by law enforcement officers who 94274  
consider that the adult's immediate removal is essential to 94275  
protect the adult from further injury or abuse or in accordance 94276  
with the order of a court made pursuant to section 5126.33 of the 94277  
Revised Code. 94278

(J) A law enforcement agency shall investigate each report of 94279  
abuse or neglect it receives under this section. In addition, the 94280  
department, in cooperation with law enforcement officials, shall 94281  
investigate each report regarding a resident of a facility 94282  
operated by the department to determine the circumstances 94283  
surrounding the injury, the cause of the injury, and the person 94284  
responsible. The investigation shall be in accordance with the 94285  
memorandum of understanding prepared under section 5126.058 of the 94286  
Revised Code. The department shall determine, with the registry 94287  
office which shall be maintained by the department, whether prior 94288  
reports have been made concerning an adult with mental retardation 94289  
or a developmental disability or other principals in the case. If 94290  
the department finds that the report involves action or inaction 94291  
that may constitute a crime under federal law or the law of this 94292  
state, it shall submit a report of its investigation, in writing, 94293  
to the law enforcement agency. If the person with mental 94294  
retardation or a developmental disability is an adult, with the 94295  
consent of the adult, the department shall provide such protective 94296  
services as are necessary to protect the adult. The law 94297  
enforcement agency shall make a written report of its findings to 94298  
the department. 94299

If the person is an adult and is not a resident of a facility 94300

operated by the department, the county board of developmental 94301  
disabilities shall review the report of abuse or neglect in 94302  
accordance with sections 5126.30 to 5126.33 of the Revised Code 94303  
and the law enforcement agency shall make the written report of 94304  
its findings to the county board. 94305

(K) Any person or any hospital, institution, school, health 94306  
department, or agency participating in the making of reports 94307  
pursuant to this section, any person participating as a witness in 94308  
an administrative or judicial proceeding resulting from the 94309  
reports, or any person or governmental entity that discharges 94310  
responsibilities under sections 5126.31 to 5126.33 of the Revised 94311  
Code shall be immune from any civil or criminal liability that 94312  
might otherwise be incurred or imposed as a result of such actions 94313  
except liability for perjury, unless the person or governmental 94314  
entity has acted in bad faith or with malicious purpose. 94315

(L) No employer or any person with the authority to do so 94316  
shall discharge, demote, transfer, prepare a negative work 94317  
performance evaluation, reduce pay or benefits, terminate work 94318  
privileges, or take any other action detrimental to an employee or 94319  
retaliate against an employee as a result of the employee's having 94320  
made a report under this section. This division does not preclude 94321  
an employer or person with authority from taking action with 94322  
regard to an employee who has made a report under this section if 94323  
there is another reasonable basis for the action. 94324

(M) Reports made under this section are not public records as 94325  
defined in section 149.43 of the Revised Code. Information 94326  
contained in the reports on request shall be made available to the 94327  
person who is the subject of the report, to the person's legal 94328  
counsel, and to agencies authorized to receive information in the 94329  
report by the department or by a county board of developmental 94330  
disabilities. 94331

(N) Notwithstanding section 4731.22 of the Revised Code, the 94332



physician-patient privilege shall not be a ground for excluding 94333  
evidence regarding the injuries or physical neglect of a person 94334  
with mental retardation or a developmental disability or the cause 94335  
thereof in any judicial proceeding resulting from a report 94336  
submitted pursuant to this section. 94337

**Sec. 5123.63.** Every state agency, county board of 94338  
developmental disabilities, or political subdivision that provides 94339  
services, either directly or through a contract, to persons with 94340  
mental retardation or a developmental disability shall give each 94341  
provider a copy of the list of rights contained in section 5123.62 94342  
of the Revised Code. Each public and private provider of services 94343  
shall carry out the requirements of this section in addition to 94344  
any other posting or notification requirements imposed by local, 94345  
state, or federal law or rules. 94346

The provider shall make copies of the list of rights and 94347  
shall be responsible for an initial distribution of the list to 94348  
each individual receiving services from the provider. If the 94349  
individual is unable to read the list, the provider shall 94350  
communicate the contents of the list to the individual to the 94351  
extent practicable in a manner that the individual understands. 94352  
The individual receiving services or the parent, guardian, or 94353  
advocate of the individual shall sign an acknowledgement of 94354  
receipt of a copy of the list of rights, and a copy of the signed 94355  
acknowledgement shall be placed in the individual's file. The 94356  
provider shall also be responsible for answering any questions and 94357  
giving any explanations necessary to assist the individual to 94358  
understand the rights enumerated. Instruction in these rights 94359  
shall be documented. 94360

Each provider shall make available to all persons receiving 94361  
services and all employees and visitors a copy of the list of 94362  
rights and the addresses and telephone numbers of the ~~legal rights~~ 94363

~~service~~ Ohio protection and advocacy system, the department of 94364  
developmental disabilities, and the county board of developmental 94365  
disabilities of the county in which the provider provides 94366  
services. 94367

**Sec. 5123.64.** (A) Every provider of services to persons with 94368  
mental retardation or a developmental disability shall establish 94369  
policies and programs to ensure that all staff members are 94370  
familiar with the rights enumerated in section 5123.62 of the 94371  
Revised Code and observe those rights in their contacts with 94372  
persons receiving services. Any policy, procedure, or rule of the 94373  
provider that conflicts with any of the rights enumerated shall be 94374  
null and void. Every provider shall establish written procedures 94375  
for resolving complaints of violations of those rights. A copy of 94376  
the procedures shall be provided to any person receiving services 94377  
or to any parent, guardian, or advocate of a person receiving 94378  
services. 94379

(B) Any person with mental retardation or a developmental 94380  
disability who believes that the person's rights as enumerated in 94381  
section 5123.62 of the Revised Code have been violated may: 94382

(1) Bring the violation to the attention of the provider for 94383  
resolution; 94384

(2) Report the violation to the department of developmental 94385  
disabilities, the ~~ombuds~~~~person~~ ~~section of the legal rights service~~ 94386  
Ohio protection and advocacy system, or the appropriate county 94387  
board of developmental disabilities; 94388

(3) Take any other appropriate action to ensure compliance 94389  
with sections ~~5123.60~~ 5123.61 to 5123.64 of the Revised Code, 94390  
including the filing of a legal action to enforce rights or to 94391  
recover damages for violation of rights. 94392

**Sec. 5123.69.** (A) Except as provided in division ~~(E)~~(D) of 94393

this section, any person who is eighteen years of age or older and who is or believes self to be mentally retarded may make written application to the managing officer of any institution for voluntary admission. Except as provided in division ~~(E)~~(D) of this section, the application may be made on behalf of a minor by a parent or guardian, and on behalf of an adult adjudicated mentally incompetent by a guardian.

(B) The managing officer of an institution, with the concurrence of the chief program director, may admit a person applying pursuant to this section only after a comprehensive evaluation has been made of the person and only if the comprehensive evaluation concludes that the person is mentally retarded and would benefit significantly from admission.

~~(C) If application for voluntary admission of a minor or of a person adjudicated mentally incompetent is made by the parent or guardian of the minor or by the guardian of an incompetent and the minor or incompetent is admitted, the probate division of the court of common pleas shall determine, upon petition by the legal rights service, whether the voluntary admission or continued institutionalization is in the best interest of the minor or incompetent.~~

~~(D)~~ The managing officer shall discharge any voluntary resident if, in the judgment of the chief program director, the results of a comprehensive examination indicate that institutionalization no longer is advisable. In light of the results of the comprehensive evaluation, the managing officer also may discharge any voluntary resident if, in the judgment of the chief program director, the discharge would contribute to the most effective use of the institution in the habilitation and care of the mentally retarded.

~~(E)~~(D) A person who is found incompetent to stand trial or not guilty by reason of insanity and who is committed pursuant to

section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code shall not voluntarily commit self pursuant to this section until after the final termination of the commitment, as described in division (J) of section 2945.401 of the Revised Code.

**Sec. 5123.701.** (A) Except as provided in division ~~(E)~~(D) of this section, any person in the community who is eighteen years of age or older and who is or believes self to be mentally retarded may make written application to the managing officer of any institution for temporary admission for short-term care. The application may be made on behalf of a minor by a parent or guardian, and on behalf of an adult adjudicated mentally incompetent by a guardian.

(B) For purposes of this section, short-term care shall be defined to mean appropriate services provided to a person with mental retardation for no more than fourteen consecutive days and for no more than forty-two days in a fiscal year. When circumstances warrant, the fourteen-day period may be extended at the discretion of the managing officer. Short-term care is provided in a developmental center to meet the family's or caretaker's needs for separation from the person with mental retardation.

(C) The managing officer of an institution, with the concurrence of the chief program director, may admit a person for short-term care only after a medical examination has been made of the person and only if the managing officer concludes that the person is mentally retarded.

~~(D) If application for admission for short term care of a minor or of a person adjudicated mentally incompetent is made by the minor's parent or guardian or by the incompetent's guardian and the minor or incompetent is admitted, the probate division of the court of common pleas shall determine, upon petition by the~~

~~legal rights service, whether the admission for short-term care is~~ 94457  
~~in the best interest of the minor or the incompetent.~~ 94458

~~(E)~~ A person who is found not guilty by reason of insanity 94459  
shall not admit self to an institution for short-term care unless 94460  
a hearing was held regarding the person pursuant to division (A) 94461  
of section 2945.40 of the Revised Code and either of the following 94462  
applies: 94463

(1) The person was found at the hearing not to be a mentally 94464  
retarded person subject to institutionalization by court order; 94465

(2) The person was found at the hearing to be a mentally 94466  
retarded person subject to institutionalization by court order, 94467  
was involuntarily committed, and was finally discharged. 94468

~~(F)~~(E) The mentally retarded person, liable relatives, and 94469  
guardians of mentally retarded persons admitted for respite care 94470  
shall pay support charges in accordance with sections 5121.01 to 94471  
5121.21 of the Revised Code. 94472

~~(G)~~(F) At the conclusion of each period of short-term care, 94473  
the person shall return to the person's family or caretaker. Under 94474  
no circumstances shall a person admitted for short-term care 94475  
according to this section remain in the institution after the 94476  
period of short-term care unless the person is admitted according 94477  
to section 5123.70, sections 5123.71 to 5123.76, or section 94478  
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 94479  
Code. 94480

**Sec. 5123.86.** (A) Except as provided in divisions (C), (D), 94481  
(E), and (F) of this section, the chief medical officer shall 94482  
provide all information, including expected physical and medical 94483  
consequences, necessary to enable any resident of an institution 94484  
for the mentally retarded to give a fully informed, intelligent, 94485  
and knowing consent if any of the following procedures are 94486

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| proposed:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 94487                                                                                           |
| (1) Surgery;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 94488                                                                                           |
| (2) Convulsive therapy;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 94489                                                                                           |
| (3) Major aversive interventions;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 94490                                                                                           |
| (4) Sterilization;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 94491                                                                                           |
| (5) Experimental procedures;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 94492                                                                                           |
| (6) Any unusual or hazardous treatment procedures.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 94493                                                                                           |
| (B) No resident shall be subjected to any of the procedures listed in division (A)(4), (5), or (6) of this section without the resident's informed consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 94494<br>94495<br>94496                                                                         |
| (C) If a resident is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section, or has been adjudicated incompetent, the information may be provided to the resident's natural or court-appointed guardian, including an agency providing guardianship services under contract with the department of developmental disabilities under sections 5123.55 to 5123.59 of the Revised Code, who may give the informed, intelligent, and knowing written consent for surgery. Consent for surgery shall not be provided by a guardian who is an officer or employee of the department of mental health or the department of developmental disabilities. | 94497<br>94498<br>94499<br>94500<br>94501<br>94502<br>94503<br>94504<br>94505<br>94506<br>94507 |
| If a resident is physically or mentally unable to receive the information required for surgery under division (A)(1) of this section and has no guardian, then the information, the recommendation of the chief medical officer, and the concurring judgment of a licensed physician who is not a full-time employee of the state may be provided to the court in the county in which the institution is located, which may approve the surgery. Before approving the surgery, the court shall notify the <del>legal rights service</del> <u>Ohio protection and advocacy system</u> created by section                                                                                                      | 94508<br>94509<br>94510<br>94511<br>94512<br>94513<br>94514<br>94515<br>94516                   |

5123.60 of the Revised Code, and shall notify the resident of the 94517  
resident's rights to consult with counsel, to have counsel 94518  
appointed by the court if the resident is indigent, and to contest 94519  
the recommendation of the chief medical officer. 94520

(D) If, in the judgment of two licensed physicians, delay in 94521  
obtaining consent for surgery would create a grave danger to the 94522  
health of a resident, emergency surgery may be performed without 94523  
the consent of the resident if the necessary information is 94524  
provided to the resident's guardian, including an agency providing 94525  
guardianship services under contract with the department of 94526  
developmental disabilities under sections 5123.55 to 5123.59 of 94527  
the Revised Code, or to the resident's spouse or next of kin to 94528  
enable that person or agency to give an informed, intelligent, and 94529  
knowing written consent. 94530

If the guardian, spouse, or next of kin cannot be contacted 94531  
through exercise of reasonable diligence, or if the guardian, 94532  
spouse, or next of kin is contacted, but refuses to consent, then 94533  
the emergency surgery may be performed upon the written 94534  
authorization of the chief medical officer and after court 94535  
approval has been obtained. However, if delay in obtaining court 94536  
approval would create a grave danger to the life of the resident, 94537  
the chief medical officer may authorize surgery, in writing, 94538  
without court approval. If the surgery is authorized without court 94539  
approval, the chief medical officer who made the authorization and 94540  
the physician who performed the surgery shall each execute an 94541  
affidavit describing the circumstances constituting the emergency 94542  
and warranting the surgery and the circumstances warranting their 94543  
not obtaining prior court approval. The affidavit shall be filed 94544  
with the court with which the request for prior approval would 94545  
have been filed within five court days after the surgery, and a 94546  
copy of the affidavit shall be placed in the resident's file and 94547  
shall be given to the guardian, spouse, or next of kin of the 94548

resident, to the hospital at which the surgery was performed, and 94549  
to the ~~legal rights service~~ Ohio protection and advocacy system 94550  
created by section 5123.60 of the Revised Code. 94551

(E)(1) If it is the judgment of two licensed physicians, as 94552  
described in division (E)(2) of this section, that a medical 94553  
emergency exists and delay in obtaining convulsive therapy creates 94554  
a grave danger to the life of a resident who is both mentally 94555  
retarded and mentally ill, convulsive therapy may be administered 94556  
without the consent of the resident if the resident is physically 94557  
or mentally unable to receive the information required for 94558  
convulsive therapy and if the necessary information is provided to 94559  
the resident's natural or court-appointed guardian, including an 94560  
agency providing guardianship services under contract with the 94561  
department of developmental disabilities under sections 5123.55 to 94562  
5123.59 of the Revised Code, or to the resident's spouse or next 94563  
of kin to enable that person or agency to give an informed, 94564  
intelligent, and knowing written consent. If neither the 94565  
resident's guardian, spouse, nor next of kin can be contacted 94566  
through exercise of reasonable diligence, or if the guardian, 94567  
spouse, or next of kin is contacted, but refuses to consent, then 94568  
convulsive therapy may be performed upon the written authorization 94569  
of the chief medical officer and after court approval has been 94570  
obtained. 94571

(2) The two licensed physicians referred to in division 94572  
(E)(1) of this section shall not be associated with each other in 94573  
the practice of medicine or surgery by means of a partnership or 94574  
corporate arrangement, other business arrangement, or employment. 94575  
At least one of the physicians shall be a psychiatrist as defined 94576  
in division (E) of section 5122.01 of the Revised Code. 94577

(F) Major aversive interventions shall not be used unless a 94578  
resident continues to engage in behavior destructive to self or 94579  
others after other forms of therapy have been attempted. ~~The~~ 94580



~~director of the legal rights service created by section 5123.60 of~~ 94581  
~~the Revised Code shall be notified of any proposed major aversive~~ 94582  
~~intervention.~~ Major aversive interventions shall not be applied to 94583  
a voluntary resident without the informed, intelligent, and 94584  
knowing written consent of the resident or the resident's 94585  
guardian, including an agency providing guardianship services 94586  
under contract with the department of developmental disabilities 94587  
under sections 5123.55 to 5123.59 of the Revised Code. 94588

(G)(1) This chapter does not authorize any form of compulsory 94589  
medical or psychiatric treatment of any resident who is being 94590  
treated by spiritual means through prayer alone in accordance with 94591  
a recognized religious method of healing. 94592

(2) For purposes of this section, "convulsive therapy" does 94593  
not include defibrillation. 94594

**Sec. 5123.99.** (A) Whoever violates section 5123.16 or 5123.20 94595  
of the Revised Code is guilty of a misdemeanor of the first 94596  
degree. 94597

(B) Whoever violates division (C), (E), or (G)(3) of section 94598  
5123.61 of the Revised Code is guilty of a misdemeanor of the 94599  
fourth degree or, if the abuse or neglect constitutes a felony, a 94600  
misdemeanor of the second degree. In addition to any other 94601  
sanction or penalty authorized or required by law, if a person who 94602  
is convicted of or pleads guilty to a violation of division (C), 94603  
(E), or (G)(3) of section 5123.61 of the Revised Code is an MR/DD 94604  
employee, as defined in section 5123.50 of the Revised Code, the 94605  
offender shall be eligible to be included in the registry 94606  
regarding misappropriation, abuse, neglect, or other specified 94607  
misconduct by MR/DD employees established under section 5123.52 of 94608  
the Revised Code. 94609

~~(C) Whoever violates division (A) of section 5123.604 of the~~ 94610  
~~Revised Code is guilty of a misdemeanor of the second degree.~~ 94611

~~(D) Whoever violates division (B) of section 5123.604 of the Revised Code shall be fined not more than one thousand dollars. Each violation constitutes a separate offense.~~

**Sec. 5126.01.** As used in this chapter: 94615

(A) As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or service under Chapter 3323. of the Revised Code and an individual sixteen or seventeen years of age who is eligible for adult services under rules adopted by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code.

(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills.

(2) "Adult services" includes all of the following: 94629

(a) Adult day habilitation services; 94630

(b) Adult day care; 94631

(c) Prevocational services; 94632

(d) Sheltered employment; 94633

(e) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports; 94634  
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(f) Community employment services and supported employment services. 94641  
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(B)(1) "Adult day habilitation services" means adult services that do the following: 94643  
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(a) Provide access to and participation in typical activities and functions of community life that are desired and chosen by the general population, including such activities and functions as opportunities to experience and participate in community exploration, companionship with friends and peers, leisure activities, hobbies, maintaining family contacts, community events, and activities where individuals without disabilities are involved; 94645  
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(b) Provide supports or a combination of training and supports that afford an individual a wide variety of opportunities to facilitate and build relationships and social supports in the community. 94653  
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94655  
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(2) "Adult day habilitation services" includes all of the following: 94657  
94658

(a) Personal care services needed to ensure an individual's ability to experience and participate in vocational services, educational services, community activities, and any other adult day habilitation services; 94659  
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(b) Skilled services provided while receiving adult day habilitation services, including such skilled services as behavior management intervention, occupational therapy, speech and language therapy, physical therapy, and nursing services; 94663  
94664  
94665  
94666

(c) Training and education in self-determination designed to help the individual do one or more of the following: develop self-advocacy skills, exercise the individual's civil rights, acquire skills that enable the individual to exercise control and responsibility over the services received, and acquire skills that 94667  
94668  
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enable the individual to become more independent, integrated, or 94672  
productive in the community; 94673

(d) Recreational and leisure activities identified in the 94674  
individual's service plan as therapeutic in nature or assistive in 94675  
developing or maintaining social supports; 94676

(e) Counseling and assistance provided to obtain housing, 94677  
including such counseling as identifying options for either rental 94678  
or purchase, identifying financial resources, assessing needs for 94679  
environmental modifications, locating housing, and planning for 94680  
ongoing management and maintenance of the housing selected; 94681

(f) Transportation necessary to access adult day habilitation 94682  
services; 94683

(g) Habilitation management, as described in section 5126.14 94684  
of the Revised Code. 94685

(3) "Adult day habilitation services" does not include 94686  
activities that are components of the provision of residential 94687  
services, family support services, or supported living services. 94688

(C) "Appointing authority" means the following: 94689

(1) In the case of a member of a county board of 94690  
developmental disabilities appointed by, or to be appointed by, a 94691  
board of county commissioners, the board of county commissioners; 94692

(2) In the case of a member of a county board appointed by, 94693  
or to be appointed by, a senior probate judge, the senior probate 94694  
judge. 94695

(D) "Community employment services" or "supported employment 94696  
services" means job training and other services related to 94697  
employment outside a sheltered workshop. "Community employment 94698  
services" or "supported employment services" include all of the 94699  
following: 94700

(1) Job training resulting in the attainment of competitive 94701

work, supported work in a typical work environment, or 94702  
self-employment; 94703

(2) Supervised work experience through an employer paid to 94704  
provide the supervised work experience; 94705

(3) Ongoing work in a competitive work environment at a wage 94706  
commensurate with workers without disabilities; 94707

(4) Ongoing supervision by an employer paid to provide the 94708  
supervision. 94709

(E) As used in this division, "substantial functional 94710  
limitation," "developmental delay," and "established risk" have 94711  
the meanings established pursuant to section 5123.011 of the 94712  
Revised Code. 94713

"Developmental disability" means a severe, chronic disability 94714  
that is characterized by all of the following: 94715

(1) It is attributable to a mental or physical impairment or 94716  
a combination of mental and physical impairments, other than a 94717  
mental or physical impairment solely caused by mental illness as 94718  
defined in division (A) of section 5122.01 of the Revised Code; 94719

(2) It is manifested before age twenty-two; 94720

(3) It is likely to continue indefinitely; 94721

(4) It results in one of the following: 94722

(a) In the case of a person under age three, at least one 94723  
developmental delay or an established risk; 94724

(b) In the case of a person at least age three but under age 94725  
six, at least two developmental delays or an established risk; 94726

(c) In the case of a person age six or older, a substantial 94727  
functional limitation in at least three of the following areas of 94728  
major life activity, as appropriate for the person's age: 94729  
self-care, receptive and expressive language, learning, mobility, 94730

self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency.

(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

(F) "Early childhood services" means a planned program of habilitation designed to meet the needs of individuals with mental retardation or other developmental disabilities who have not attained compulsory school age.

(G)(1) "Environmental modifications" means the physical adaptations to an individual's home, specified in the individual's service plan, that are necessary to ensure the individual's health, safety, and welfare or that enable the individual to function with greater independence in the home, and without which the individual would require institutionalization.

(2) "Environmental modifications" includes such adaptations as installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, and installation of specialized electric and plumbing systems necessary to accommodate the individual's medical equipment and supplies.

(3) "Environmental modifications" does not include physical adaptations or improvements to the home that are of general utility or not of direct medical or remedial benefit to the individual, including such adaptations or improvements as carpeting, roof repair, and central air conditioning.

(H) "Family support services" means the services provided under a family support services program operated under section 5126.11 of the Revised Code.

(I) "Habilitation" means the process by which the staff of

the facility or agency assists an individual with mental 94762  
retardation or other developmental disability in acquiring and 94763  
maintaining those life skills that enable the individual to cope 94764  
more effectively with the demands of the individual's own person 94765  
and environment, and in raising the level of the individual's 94766  
personal, physical, mental, social, and vocational efficiency. 94767  
Habilitation includes, but is not limited to, programs of formal, 94768  
structured education and training. 94769

(J) "Home and community-based services" means medicaid-funded 94770  
home and community-based services specified in division (B)(1) of 94771  
section 5111.87 of the Revised Code and provided under the 94772  
medicaid waiver components the department of developmental 94773  
disabilities administers pursuant to section 5111.871 of the 94774  
Revised Code. However, home and community-based services provided 94775  
under the medicaid waiver component known as the transitions 94776  
developmental disabilities waiver are to be considered to be home 94777  
and community-based services for the purposes of this chapter only 94778  
to the extent, if any, provided by the contract required by 94779  
section 5111.871 of the Revised Code regarding the waiver. 94780

(K) "Immediate family" means parents, grandparents, brothers, 94781  
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 94782  
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 94783  
daughters-in-law. 94784

(L) "Medicaid" has the same meaning as in section 5111.01 of 94785  
the Revised Code. 94786

(M) "Medicaid case management services" means case management 94787  
services provided to an individual with mental retardation or 94788  
other developmental disability that the state medicaid plan 94789  
requires. 94790

(N) "Mental retardation" means a mental impairment manifested 94791  
during the developmental period characterized by significantly 94792

subaverage general intellectual functioning existing concurrently 94793  
with deficiencies in the effectiveness or degree with which an 94794  
individual meets the standards of personal independence and social 94795  
responsibility expected of the individual's age and cultural 94796  
group. 94797

(O) "Residential services" means services to individuals with 94798  
mental retardation or other developmental disabilities to provide 94799  
housing, food, clothing, habilitation, staff support, and related 94800  
support services necessary for the health, safety, and welfare of 94801  
the individuals and the advancement of their quality of life. 94802  
"Residential services" includes program management, as described 94803  
in section 5126.14 of the Revised Code. 94804

(P) "Resources" means available capital and other assets, 94805  
including moneys received from the federal, state, and local 94806  
governments, private grants, and donations; appropriately 94807  
qualified personnel; and appropriate capital facilities and 94808  
equipment. 94809

(Q) "Senior probate judge" means the current probate judge of 94810  
a county who has served as probate judge of that county longer 94811  
than any of the other current probate judges of that county. If a 94812  
county has only one probate judge, "senior probate judge" means 94813  
that probate judge. 94814

(R) "Service and support administration" means the duties 94815  
performed by a service and support administrator pursuant to 94816  
section 5126.15 of the Revised Code. 94817

(S)(1) "Specialized medical, adaptive, and assistive 94818  
equipment, supplies, and supports" means equipment, supplies, and 94819  
supports that enable an individual to increase the ability to 94820  
perform activities of daily living or to perceive, control, or 94821  
communicate within the environment. 94822

(2) "Specialized medical, adaptive, and assistive equipment, 94823



supplies, and supports" includes the following: 94824

(a) Eating utensils, adaptive feeding dishes, plate guards, 94825  
mylatex straps, hand splints, reaches, feeder seats, adjustable 94826  
pointer sticks, interpreter services, telecommunication devices 94827  
for the deaf, computerized communications boards, other 94828  
communication devices, support animals, veterinary care for 94829  
support animals, adaptive beds, supine boards, prone boards, 94830  
wedges, sand bags, sidelayers, bolsters, adaptive electrical 94831  
switches, hand-held shower heads, air conditioners, humidifiers, 94832  
emergency response systems, folding shopping carts, vehicle lifts, 94833  
vehicle hand controls, other adaptations of vehicles for 94834  
accessibility, and repair of the equipment received. 94835

(b) Nondisposable items not covered by medicaid that are 94836  
intended to assist an individual in activities of daily living or 94837  
instrumental activities of daily living. 94838

(T) "Supportive home services" means a range of services to 94839  
families of individuals with mental retardation or other 94840  
developmental disabilities to develop and maintain increased 94841  
acceptance and understanding of such persons, increased ability of 94842  
family members to teach the person, better coordination between 94843  
school and home, skills in performing specific therapeutic and 94844  
management techniques, and ability to cope with specific 94845  
situations. 94846

(U)(1) "Supported living" means services provided for as long 94847  
as twenty-four hours a day to an individual with mental 94848  
retardation or other developmental disability through any public 94849  
or private resources, including moneys from the individual, that 94850  
enhance the individual's reputation in community life and advance 94851  
the individual's quality of life by doing the following: 94852

(a) Providing the support necessary to enable an individual 94853  
to live in a residence of the individual's choice, with any number 94854

of individuals who are not disabled, or with not more than three 94855  
individuals with mental retardation and developmental disabilities 94856  
unless the individuals are related by blood or marriage; 94857

(b) Encouraging the individual's participation in the 94858  
community; 94859

(c) Promoting the individual's rights and autonomy; 94860

(d) Assisting the individual in acquiring, retaining, and 94861  
improving the skills and competence necessary to live successfully 94862  
in the individual's residence. 94863

(2) "Supported living" includes the provision of all of the 94864  
following: 94865

(a) Housing, food, clothing, habilitation, staff support, 94866  
professional services, and any related support services necessary 94867  
to ensure the health, safety, and welfare of the individual 94868  
receiving the services; 94869

(b) A combination of lifelong or extended-duration 94870  
supervision, training, and other services essential to daily 94871  
living, including assessment and evaluation and assistance with 94872  
the cost of training materials, transportation, fees, and 94873  
supplies; 94874

(c) Personal care services and homemaker services; 94875

(d) Household maintenance that does not include modifications 94876  
to the physical structure of the residence; 94877

(e) Respite care services; 94878

(f) Program management, as described in section 5126.14 of 94879  
the Revised Code. 94880

**Sec. 5126.029. (A)** Each county board of developmental 94881  
disabilities shall hold an organizational meeting no later than 94882  
the thirty-first day of January of each year and shall elect its 94883

officers, which shall include a president, vice-president, and 94884  
recording secretary. After its annual organizational meeting, the 94885  
board shall meet in such manner and at such times as prescribed by 94886  
rules adopted by the board, but the board shall meet at least ~~ten~~ 94887  
the following number of times annually in regularly scheduled 94888  
sessions in accordance with section 121.22 of the Revised Code, 94889  
not including in-service training sessions: 94890

(1) Unless division (A)(2) of this section applies to the 94891  
board, ten; 94892

(2) If the board shares a superintendent or other 94893  
administrative staff with one or more other boards of 94894  
developmental disabilities, eight. A 94895

(B) A majority of the board constitutes a quorum. The board 94896  
shall adopt rules for the conduct of its business and a record 94897  
shall be kept of board proceedings, which shall be open for public 94898  
inspection. 94899

**Sec. 5126.04.** (A) Each county board of developmental 94900  
disabilities shall plan and set priorities based on available 94901  
resources for the provision of facilities, programs, and other 94902  
services to meet the needs of county residents who are individuals 94903  
with mental retardation and other developmental disabilities, 94904  
former residents of the county residing in state institutions or, 94905  
before the effective date of this amendment, placed under purchase 94906  
of service agreements under section 5123.18 of the Revised Code, 94907  
and children subject to a determination made pursuant to section 94908  
121.38 of the Revised Code. 94909

Each county board shall assess the facility and service needs 94910  
of the individuals with mental retardation and other developmental 94911  
disabilities who are residents of the county or former residents 94912  
of the county residing in state institutions or, before the 94913  
effective date of this amendment, placed under purchase of service 94914

agreements under section 5123.18 of the Revised Code. 94915

Each county board shall require individual habilitation or 94916  
service plans for individuals with mental retardation and other 94917  
developmental disabilities who are being served or who have been 94918  
determined eligible for services and are awaiting the provision of 94919  
services. Each board shall ensure that methods of having their 94920  
service needs evaluated are available. 94921

(B)(1) If a foster child is in need of assessment for 94922  
eligible services or is receiving services from a county board of 94923  
developmental disabilities and that child is placed in a different 94924  
county, the agency that placed the child, immediately upon 94925  
placement, shall inform the county board in the new county all of 94926  
the following: 94927

(a) That a foster child has been placed in that county; 94928

(b) The name and other identifying information of the foster 94929  
child; 94930

(c) The name of the foster child's previous county of 94931  
residence; 94932

(d) That the foster child was in need of assessment for 94933  
eligible services or was receiving services from the county board 94934  
of developmental disabilities in the previous county. 94935

(2) Upon receiving the notice described in division (B)(1) of 94936  
this section or otherwise learning that the child was in need of 94937  
assessment for eligible services or was receiving services from a 94938  
county board of developmental disabilities in the previous county, 94939  
the county board in the new county shall communicate with the 94940  
county board of the previous county to determine how services for 94941  
the foster child shall be provided in accordance with each board's 94942  
plan and priorities as described in division (A) of this section. 94943

If the two county boards are unable to reach an agreement 94944

within ten days of the child's placement, the county board in the 94945  
new county shall send notice to the Ohio department of 94946  
developmental disabilities of the failure to agree. The department 94947  
shall decide how services shall be provided for the foster child 94948  
within ten days of receiving notice that the county boards could 94949  
not reach an agreement. The department may decide that one, or 94950  
both, of the county boards shall provide services. The services 94951  
shall be provided in accordance with the board's plan and 94952  
priorities as described in division (A) of this section. 94953

(C) The department of developmental disabilities may adopt 94954  
rules in accordance with Chapter 119. of the Revised Code as 94955  
necessary to implement this section. To the extent that rules 94956  
adopted under this section apply to the identification and 94957  
placement of children with disabilities under Chapter 3323. of the 94958  
Revised Code, the rules shall be consistent with the standards and 94959  
procedures established under sections 3323.03 to 3323.05 of the 94960  
Revised Code. 94961

(D) The responsibility or authority of a county board to 94962  
provide services under this chapter does not affect the 94963  
responsibility of any other entity of state or local government to 94964  
provide services to individuals with mental retardation and 94965  
developmental disabilities. 94966

(E) On or before the first day of February prior to a school 94967  
year, a county board of developmental disabilities may elect not 94968  
to participate during that school year in the provision of or 94969  
contracting for educational services for children ages six through 94970  
twenty-one years of age, provided that on or before that date the 94971  
board gives notice of this election to the superintendent of 94972  
public instruction, each school district in the county, and the 94973  
educational service center serving the county. If a board makes 94974  
this election, it shall not have any responsibility for or 94975  
authority to provide educational services that school year for 94976

children ages six through twenty-one years of age. If a board does not make an election for a school year in accordance with this division, the board shall be deemed to have elected to participate during that school year in the provision of or contracting for educational services for children ages six through twenty-one years of age.

(F) If a county board of developmental disabilities elects to provide educational services during a school year to individuals six through twenty-one years of age who have multiple disabilities, the board may provide these services to individuals who are appropriately identified and determined eligible pursuant to Chapter 3323. of the Revised Code, and in accordance with applicable rules of the state board of education. The county board may also provide related services to individuals six through twenty-one years of age who have one or more disabling conditions, in accordance with section 3317.20 and Chapter 3323. of the Revised Code and applicable rules of the state board of education.

**Sec. 5126.042.** ~~(A) As used in this section:~~

~~(1) "Emergency" means any situation that creates for an individual with mental retardation or developmental disabilities a risk of substantial self-harm or substantial harm to others if action is not taken within thirty days. An "emergency" may include one or more of the following situations:~~

~~(a) Loss of present residence for any reason, including legal action;~~

~~(b) Loss of present caretaker for any reason, including serious illness of the caretaker, change in the caretaker's status, or inability of the caretaker to perform effectively for the individual;~~

~~(c) Abuse, neglect, or exploitation of the individual;~~

~~(d) Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death;~~ 95007  
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~~(e) Change in the emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker.~~ 95009  
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~~(2) "Service substitution list" means a service substitution list established by a county board of developmental disabilities before September 1, 2008, pursuant to division (B) of this section as this section existed on the day immediately before September 1, 2008.~~ 95012  
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~~(B) If a Each county board of developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request programs and services and may be offered the programs and services, it shall establish waiting lists for services in accordance with rules the director of developmental disabilities shall adopt in accordance with Chapter 119. of the Revised Code. The board may establish priorities for making placements on its waiting lists according to an individual's emergency status and shall establish priorities in accordance with divisions (D) and (E) of this section All of the following apply to the rules adopted under this section:~~ 95017  
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~~(A) The rules may include standards for determining which individuals on a waiting list should have priority for a service for which the waiting list is established.~~ 95028  
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~~(B) The rules shall include procedures to be followed to ensure that the due process rights of individuals on a waiting list are not violated.~~ 95031  
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~~(C) The following take precedence over the rules:~~ 95034

~~(1) Medicaid rules and regulations;~~ 95035

~~(2) Any specific requirements that may be contained within a~~ 95036

~~medicaid state plan amendment or waiver program that a county board has authority to administer or with respect to which it has authority to provide services.~~ 95037  
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~~The individuals who may be placed on a waiting list include individuals with a need for services on an emergency basis and individuals who have requested services for which resources are not available.~~ 95040  
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~~An individual placed on a county board's service substitution list before September 1, 2008, for the purpose of obtaining home and community based services shall be deemed to have been placed on the county board's waiting list for home and community based services on the date the individual made a request to the county board that the individual receive home and community based services instead of the services the individual received at the time the request for home and community based services was made to the county board.~~ 95044  
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~~(C) A county board shall establish a separate waiting list for each of the following categories of services, and may establish separate waiting lists within the waiting lists:~~ 95053  
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~~(1) Early childhood services;~~ 95056

~~(2) Educational programs for preschool and school age children;~~ 95057  
95058

~~(3) Adult services;~~ 95059

~~(4) Service and support administration;~~ 95060

~~(5) Residential services and supported living;~~ 95061

~~(6) Transportation services;~~ 95062

~~(7) Other services determined necessary and appropriate for persons with mental retardation or a developmental disability according to their individual habilitation or service plans;~~ 95063  
95064  
95065

~~(8) Family support services provided under section 5126.11 of~~ 95066



~~the Revised Code. 95067~~

~~(D) Except as provided in division (C) of this section, a 95068  
county board shall do, as priorities, all of the following in 95069  
accordance with the assessment component, approved under section 95070  
5123.046 of the Revised Code, of the county board's plan developed 95071  
under section 5126.054 of the Revised Code: 95072~~

~~(1) For the purpose of obtaining additional federal medicaid 95073  
funds for home and community based services and medicaid case 95074  
management services, do both of the following: 95075~~

~~(a) Give an individual who is eligible for home and 95076  
community based services and meets both of the following 95077  
requirements priority over any other individual on a waiting list 95078  
established under division (C) of this section for home and 95079  
community based services that include supported living, 95080  
residential services, or family support services: 95081~~

~~(i) Is twenty two years of age or older; 95082~~

~~(ii) Receives supported living or family support services. 95083~~

~~(b) Give an individual who is eligible for home and 95084  
community based services and meets both of the following 95085  
requirements priority over any other individual on a waiting list 95086  
established under division (C) of this section for home and 95087  
community based services that include adult services: 95088~~

~~(i) Resides in the individual's own home or the home of the 95089  
individual's family and will continue to reside in that home after 95090  
enrollment in home and community based services: 95091~~

~~(ii) Receives adult services from the county board. 95092~~

~~(2) As federal medicaid funds become available pursuant to 95093  
division (D)(1) of this section, give an individual who is 95094  
eligible for home and community based services and meets any of 95095  
the following requirements priority for such services over any 95096~~

~~other individual on a waiting list established under division (C) 95097  
of this section: 95098~~

~~(a) Does not receive residential services or supported 95099  
living, either needs services in the individual's current living 95100  
arrangement or will need services in a new living arrangement, and 95101  
has a primary caregiver who is sixty years of age or older; 95102~~

~~(b) Is less than twenty two years of age and has at least one 95103  
of the following service needs that are unusual in scope or 95104  
intensity: 95105~~

~~(i) Severe behavior problems for which a behavior support 95106  
plan is needed; 95107~~

~~(ii) An emotional disorder for which anti psychotic 95108  
medication is needed; 95109~~

~~(iii) A medical condition that leaves the individual 95110  
dependent on life support medical technology; 95111~~

~~(iv) A condition affecting multiple body systems for which a 95112  
combination of specialized medical, psychological, educational, or 95113  
habilitation services are needed; 95114~~

~~(v) A condition the county board determines to be comparable 95115  
in severity to any condition described in divisions (D)(2)(b)(i) 95116  
to (iv) of this section and places the individual at significant 95117  
risk of institutionalization. 95118~~

~~(c) Is twenty two years of age or older, does not receive 95119  
residential services or supported living, and is determined by the 95120  
county board to have intensive needs for home and community based 95121  
services on an in home or out of home basis. 95122~~

~~(E) Except as provided in division (C) of this section and 95123  
for a number of years and beginning on a date specified in rules 95124  
adopted under division (K) of this section, a county board shall 95125  
give an individual who is eligible for home and community based 95126~~

~~services, resides in a nursing facility, and chooses to move to 95127  
another setting with the help of home and community based 95128  
services, priority over any other individual on a waiting list 95129  
established under division (C) of this section for home and 95130  
community based services who does not meet these criteria. 95131~~

~~(F) If two or more individuals on a waiting list established 95132  
under division (C) of this section for home and community based 95133  
services have priority for the services pursuant to division 95134  
(D)(1) or (2) or (E) of this section, a county board may use 95135  
criteria specified in rules adopted under division (K)(2) of this 95136  
section in determining the order in which the individuals with 95137  
priority will be offered the services. Otherwise, the county board 95138  
shall offer the home and community based services to such 95139  
individuals in the order they are placed on the waiting list. 95140~~

~~(G) No individual may receive priority for services pursuant 95141  
to division (D) or (E) of this section over an individual placed 95142  
on a waiting list established under division (C) of this section 95143  
on an emergency status. 95144~~

~~(H) Prior to establishing any waiting list under this 95145  
section, a county board shall develop and implement a policy for 95146  
waiting lists that complies with this section and rules adopted 95147  
under division (K) of this section. 95148~~

~~Prior to placing an individual on a waiting list, the county 95149  
board shall assess the service needs of the individual in 95150  
accordance with all applicable state and federal laws. The county 95151  
board shall place the individual on the appropriate waiting list 95152  
and may place the individual on more than one waiting list. The 95153  
county board shall notify the individual of the individual's 95154  
placement and position on each waiting list on which the 95155  
individual is placed. 95156~~

~~At least annually, the county board shall reassess the 95157~~

~~service needs of each individual on a waiting list. If it 95158  
determines that an individual no longer needs a program or 95159  
service, the county board shall remove the individual from the 95160  
waiting list. If it determines that an individual needs a program 95161  
or service other than the one for which the individual is on the 95162  
waiting list, the county board shall provide the program or 95163  
service to the individual or place the individual on a waiting 95164  
list for the program or service in accordance with the board's 95165  
policy for waiting lists. 95166~~

~~When a program or service for which there is a waiting list 95167  
becomes available, the county board shall reassess the service 95168  
needs of the individual next scheduled on the waiting list to 95169  
receive that program or service. If the reassessment demonstrates 95170  
that the individual continues to need the program or service, the 95171  
board shall offer the program or service to the individual. If it 95172  
determines that an individual no longer needs a program or 95173  
service, the county board shall remove the individual from the 95174  
waiting list. If it determines that an individual needs a program 95175  
or service other than the one for which the individual is on the 95176  
waiting list, the county board shall provide the program or 95177  
service to the individual or place the individual on a waiting 95178  
list for the program or service in accordance with the board's 95179  
policy for waiting lists. The county board shall notify the 95180  
individual of the individual's placement and position on the 95181  
waiting list on which the individual is placed. 95182~~

~~(I) A child subject to a determination made pursuant to 95183  
section 121.38 of the Revised Code who requires the home and 95184  
community based services provided through a medicaid component 95185  
that the department of developmental disabilities administers 95186  
under section 5111.871 of the Revised Code shall receive services 95187  
through that medicaid component. For all other services, a child 95188  
subject to a determination made pursuant to section 121.38 of the 95189~~

~~Revised Code shall be treated as an emergency by the county boards and shall not be subject to a waiting list.~~ 95190  
95191

~~(J) Not later than the fifteenth day of March of each even numbered year, each county board shall prepare and submit to the director of developmental disabilities its recommendations for the funding of services for individuals with mental retardation and developmental disabilities and its proposals for reducing the waiting lists for services.~~ 95192  
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~~(K)(1) The department of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing waiting lists established under this section. The rules shall include procedures to be followed to ensure that the due process rights of individuals placed on waiting lists are not violated.~~ 95198  
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~~(2) As part of the rules adopted under this division, the department shall adopt rules establishing criteria a county board may use under division (F) of this section in determining the order in which individuals with priority for home and community based services will be offered the services. The rules shall also specify conditions under which a county board, when there is no individual with priority for home and community based services pursuant to division (D)(1) or (2) or (E) of this section available and appropriate for the services, may offer the services to an individual on a waiting list for the services but not given such priority for the services.~~ 95204  
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~~(3) As part of the rules adopted under this division, the department shall adopt rules specifying both of the following for the priority category established under division (E) of this section:~~ 95215  
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~~(a) The number of years, which shall not exceed five, that the priority category will be in effect;~~ 95219  
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <del>(b) The date that the priority category is to go into effect.</del>                                                                                                                                                                                                                                                                                                                                                                                                  | 95221 |
| <del>(L) The following shall take precedence over the applicable provisions of this section:</del>                                                                                                                                                                                                                                                                                                                                                                        | 95222 |
| <del>(1) Medicaid rules and regulations;</del>                                                                                                                                                                                                                                                                                                                                                                                                                            | 95223 |
| <del>(2) Any specific requirements that may be contained within a medicaid state plan amendment or waiver program that a county board has authority to administer or with respect to which it has authority to provide services, programs, or supports.</del>                                                                                                                                                                                                             | 95224 |
| <del>(2) Any specific requirements that may be contained within a medicaid state plan amendment or waiver program that a county board has authority to administer or with respect to which it has authority to provide services, programs, or supports.</del>                                                                                                                                                                                                             | 95225 |
| <del>(2) Any specific requirements that may be contained within a medicaid state plan amendment or waiver program that a county board has authority to administer or with respect to which it has authority to provide services, programs, or supports.</del>                                                                                                                                                                                                             | 95226 |
| <del>(2) Any specific requirements that may be contained within a medicaid state plan amendment or waiver program that a county board has authority to administer or with respect to which it has authority to provide services, programs, or supports.</del>                                                                                                                                                                                                             | 95227 |
| <del>(2) Any specific requirements that may be contained within a medicaid state plan amendment or waiver program that a county board has authority to administer or with respect to which it has authority to provide services, programs, or supports.</del>                                                                                                                                                                                                             | 95228 |
| <b>Sec. 5126.05.</b> (A) Subject to the rules established by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to this chapter, and subject to the rules established by the state board of education pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to Chapter 3323. of the Revised Code, the county board of developmental disabilities shall: | 95229 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 95230 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 95235 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 95236 |
| (1) Administer and operate facilities, programs, and services as provided by this chapter and Chapter 3323. of the Revised Code and establish policies for their administration and operation;                                                                                                                                                                                                                                                                            | 95237 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 95238 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 95239 |
| (2) Coordinate, monitor, and evaluate existing services and facilities available to individuals with mental retardation and developmental disabilities;                                                                                                                                                                                                                                                                                                                   | 95240 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 95241 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 95242 |
| (3) Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code;                                                                                                                                                                                                                                                                                             | 95243 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 95244 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 95245 |
| (4) Provide or contract for special education services pursuant to Chapters <del>3306.</del> , 3317. and 3323. of the Revised Code and ensure that related services, as defined in section 3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code;                                                                                                                                           | 95246 |
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(5) Adopt a budget, authorize expenditures for the purposes 95251  
specified in this chapter and do so in accordance with section 95252  
319.16 of the Revised Code, approve attendance of board members 95253  
and employees at professional meetings and approve expenditures 95254  
for attendance, and exercise such powers and duties as are 95255  
prescribed by the director; 95256

(6) Submit annual reports of its work and expenditures, 95257  
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to 95258  
the director, the superintendent of public instruction, and the 95259  
board of county commissioners at the close of the fiscal year and 95260  
at such other times as may reasonably be requested; 95261

(7) Authorize all positions of employment, establish 95262  
compensation, including but not limited to salary schedules and 95263  
fringe benefits for all board employees, approve contracts of 95264  
employment for management employees that are for a term of more 95265  
than one year, employ legal counsel under section 309.10 of the 95266  
Revised Code, and contract for employee benefits; 95267

(8) Provide service and support administration in accordance 95268  
with section 5126.15 of the Revised Code; 95269

(9) Certify respite care homes pursuant to rules adopted 95270  
under section 5123.171 of the Revised Code by the director of 95271  
developmental disabilities. 95272

(B) To the extent that rules adopted under this section apply 95273  
to the identification and placement of children with disabilities 95274  
under Chapter 3323. of the Revised Code, they shall be consistent 95275  
with the standards and procedures established under sections 95276  
3323.03 to 3323.05 of the Revised Code. 95277

(C) Any county board may enter into contracts with other such 95278  
boards and with public or private, nonprofit, or profit-making 95279  
agencies or organizations of the same or another county, to 95280  
provide the facilities, programs, and services authorized or 95281

required, upon such terms as may be agreeable, and in accordance 95282  
with this chapter and Chapter 3323. of the Revised Code and rules 95283  
adopted thereunder and in accordance with sections 307.86 and 95284  
5126.071 of the Revised Code. 95285

(D) A county board may combine transportation for children 95286  
and adults enrolled in programs and services offered under ~~section~~ 95287  
~~5126.12~~ Chapter 5126. of the Revised Code with transportation for 95288  
children enrolled in classes funded under section 3317.20 or units 95289  
approved under section 3317.05 of the Revised Code. 95290

(E) A county board may purchase all necessary insurance 95291  
policies, may purchase equipment and supplies through the 95292  
department of administrative services or from other sources, and 95293  
may enter into agreements with public agencies or nonprofit 95294  
organizations for cooperative purchasing arrangements. 95295

(F) A county board may receive by gift, grant, devise, or 95296  
bequest any moneys, lands, or property for the benefit of the 95297  
purposes for which the board is established and hold, apply, and 95298  
dispose of the moneys, lands, and property according to the terms 95299  
of the gift, grant, devise, or bequest. All money received by 95300  
gift, grant, bequest, or disposition of lands or property received 95301  
by gift, grant, devise, or bequest shall be deposited in the 95302  
county treasury to the credit of such board and shall be available 95303  
for use by the board for purposes determined or stated by the 95304  
donor or grantor, but may not be used for personal expenses of the 95305  
board members. Any interest or earnings accruing from such gift, 95306  
grant, devise, or bequest shall be treated in the same manner and 95307  
subject to the same provisions as such gift, grant, devise, or 95308  
bequest. 95309

(G) The board of county commissioners shall levy taxes and 95310  
make appropriations sufficient to enable the county board of 95311  
developmental disabilities to perform its functions and duties, 95312  
and may utilize any available local, state, and federal funds for 95313



such purpose. 95314

**Sec. 5126.054.** (A) Each county board of developmental 95315  
disabilities shall, by resolution, develop a three-calendar year 95316  
plan that includes the following three components: 95317

(1) An assessment component that includes all of the 95318  
following: 95319

(a) The number of individuals with mental retardation or 95320  
other developmental disability residing in the county who need the 95321  
level of care provided by an intermediate care facility for the 95322  
mentally retarded, may seek home and community-based services, and 95323  
are given priority on a waiting list established for the services 95324  
pursuant to ~~division (D) of~~ section 5126.042 of the Revised Code; 95325  
the service needs of those individuals; and the projected 95326  
annualized cost for services; 95327

(b) The source of funds available to the county board to pay 95328  
the nonfederal share of medicaid expenditures that the county 95329  
board is required by sections 5126.059 and 5126.0510 of the 95330  
Revised Code to pay; 95331

(c) Any other applicable information or conditions that the 95332  
department of developmental disabilities requires as a condition 95333  
of approving the component under section 5123.046 of the Revised 95334  
Code. 95335

(2) A preliminary implementation component that specifies the 95336  
number of individuals to be provided, during the first year that 95337  
the plan is in effect, home and community-based services pursuant 95338  
to the priority on a waiting list established under section 95339  
5126.042 of the Revised Code given to them ~~under divisions (D)(1)~~ 95340  
~~and (2) of~~ pursuant to rules adopted under that section ~~5126.042~~ 95341  
~~of the Revised Code~~ and the types of home and community-based 95342  
services the individuals are to receive; 95343

(3) A component that provides for the implementation of 95344  
medicaid case management services and home and community-based 95345  
services for individuals who begin to receive the services on or 95346  
after the date the plan is approved under section 5123.046 of the 95347  
Revised Code. A county board shall include all of the following in 95348  
the component: 95349

(a) If the department of developmental disabilities or 95350  
department of job and family services requires, an agreement to 95351  
pay the nonfederal share of medicaid expenditures that the county 95352  
board is required by sections 5126.059 and 5126.0510 of the 95353  
Revised Code to pay; 95354

(b) How the services are to be phased in over the period the 95355  
plan covers, including how the county board will serve individuals 95356  
who have priority on a waiting list established under ~~division (C)~~ 95357  
~~of section 5126.042 who are given priority status under division~~ 95358  
~~(D)(1) of that section~~ of the Revised Code; 95359

(c) Any agreement or commitment regarding the county board's 95360  
funding of home and community-based services that the county board 95361  
has with the department at the time the county board develops the 95362  
component; 95363

(d) Assurances adequate to the department that the county 95364  
board will comply with all of the following requirements: 95365

(i) To provide the types of home and community-based services 95366  
specified in the preliminary implementation component required by 95367  
division (A)(2) of this section to at least the number of 95368  
individuals specified in that component; 95369

(ii) To use any additional funds the county board receives 95370  
for the services to improve the county board's resource 95371  
capabilities for supporting such services available in the county 95372  
at the time the component is developed and to expand the services 95373  
to accommodate the unmet need for those services in the county; 95374

(iii) To employ or contract with a business manager or enter into an agreement with another county board of developmental disabilities that employs or contracts with a business manager to have the business manager serve both county boards. No superintendent of a county board may serve as the county board's business manager.

(iv) To employ or contract with a medicaid services manager or enter into an agreement with another county board of developmental disabilities that employs or contracts with a medicaid services manager to have the medicaid services manager serve both county boards. No superintendent of a county board may serve as the county board's medicaid services manager.

(e) Programmatic and financial accountability measures and projected outcomes expected from the implementation of the plan;

(f) Any other applicable information or conditions that the department requires as a condition of approving the component under section 5123.046 of the Revised Code.

(B) A county board whose plan developed under division (A) of this section is approved by the department under section 5123.046 of the Revised Code shall update and renew the plan in accordance with a schedule the department shall develop.

**Sec. 5126.0510.** (A) Except as otherwise provided in an agreement entered into under section 5123.048 of the Revised Code and subject to divisions (B), (C), and (D) of this section, a county board of developmental disabilities shall pay the nonfederal share of medicaid expenditures for the following home and community-based services provided to an individual with mental retardation or other developmental disability who the county board determines under section 5126.041 of the Revised Code is eligible for county board services:

(1) Home and community-based services provided by the county board to such an individual; 95405  
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(2) Home and community-based services provided by a provider other than the county board to such an individual who is enrolled as of June 30, 2007, in the medicaid waiver component under which the services are provided; 95407  
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(3) Home and community-based services provided by a provider other than the county board to such an individual who, pursuant to a request the county board makes, enrolls in the medicaid waiver component under which the services are provided after June 30, 2007; 95411  
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(4) Home and community-based services provided by a provider other than the county board to such an individual for whom there is in effect an agreement entered into under division (E) of this section between the county board and director of developmental disabilities. 95416  
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(B) In the case of medicaid expenditures for home and community-based services for which division (A)(2) of this section requires a county board to pay the nonfederal share, the following shall apply to such services provided during fiscal year 2008 under the individual options medicaid waiver component: 95421  
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(1) The county board shall pay no less than the total amount the county board paid as the nonfederal share for home and community-based services provided in fiscal year 2007 under the individual options medicaid waiver component; 95426  
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(2) The county board shall pay no more than the sum of the following: 95430  
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(a) The total amount the county board paid as the nonfederal share for home and community-based services provided in fiscal year 2007 under the individual options medicaid waiver component; 95432  
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(b) An amount equal to one per cent of the total amount the department of developmental disabilities and county board paid as the nonfederal share for home and community-based services provided in fiscal year 2007 under the individual options medicaid waiver component to individuals the county board determined under section 5126.041 of the Revised Code are eligible for county board services.

(C) A county board is not required to pay the nonfederal share of home and community-based services provided after June 30, 2008, that the county board is otherwise required by division (A)(2) of this section to pay if the department of developmental disabilities fails to comply with division (A) of section 5123.0416 of the Revised Code.

(D) A county board is not required to pay the nonfederal share of home and community-based services that the county board is otherwise required by division (A)(3) of this section to pay if both of the following apply:

(1) The services are provided to an individual who enrolls in the medicaid waiver component under which the services are provided as the result of an order issued following a state hearing, administrative appeal, or appeal to a court of common pleas made under section 5101.35 of the Revised Code;

(2) There are more individuals who are eligible for services from the county board enrolled in ~~the medicaid waiver component~~ home and community-based services than is required by section 5126.0512 of the Revised Code.

(E) A county board may enter into an agreement with the director of developmental disabilities under which the county board agrees to pay the nonfederal share of medicaid expenditures for one or more home and community-based services that the county board is not otherwise required by division (A)(1), (2), or (3) of

this section to pay and that are provided to an individual the 95466  
county board determines under section 5126.041 of the Revised Code 95467  
is eligible for county board services. The agreement shall specify 95468  
which home and community-based services the agreement covers. The 95469  
county board shall pay the nonfederal share of medicaid 95470  
expenditures for the home and community-based services that the 95471  
agreement covers as long as the agreement is in effect. 95472

**Sec. 5126.0511.** (A) A county board of developmental 95473  
disabilities may use the following funds to pay the nonfederal 95474  
share of the medicaid expenditures that the county board is 95475  
required by sections 5126.059 and 5126.0510 of the Revised Code to 95476  
pay: 95477

(1) To the extent consistent with the levy that generated the 95478  
taxes, the following taxes: 95479

(a) Taxes levied pursuant to division (L) of section 5705.19 95480  
of the Revised Code and section 5705.222 of the Revised Code; 95481

(b) Taxes levied under section 5705.191 of the Revised Code 95482  
that the board of county commissioners allocates to the county 95483  
board. 95484

(2) Funds that the department of developmental disabilities 95485  
distributes to the county board under ~~sections 5126.11 and section~~ 95486  
5126.18 of the Revised Code and for purposes of the family support 95487  
services program established under section 5126.11 of the Revised 95488  
Code; 95489

(3) Earned federal revenue funds the county board receives 95490  
for medicaid services the county board provides pursuant to the 95491  
county board's valid medicaid provider agreement; 95492

(4) Funds that the department of developmental disabilities 95493  
distributes to the county board as subsidy payments; 95494

(5) In the case of medicaid expenditures for home and 95495

community-based services, funds allocated to or otherwise made 95496  
available for the county board under section 5123.0416 of the 95497  
Revised Code to pay the nonfederal share of such medicaid 95498  
expenditures. 95499

(B) Each year, each county board shall adopt a resolution 95500  
specifying the amount of funds it will use in the next year to pay 95501  
the nonfederal share of the medicaid expenditures that the county 95502  
board is required by sections 5126.059 and 5126.0510 of the 95503  
Revised Code to pay. The amount specified shall be adequate to 95504  
assure that the services for which the medicaid expenditures are 95505  
made will be available in the county in a manner that conforms to 95506  
all applicable state and federal laws. A county board shall state 95507  
in its resolution that the payment of the nonfederal share 95508  
represents an ongoing financial commitment of the county board. A 95509  
county board shall adopt the resolution in time for the county 95510  
auditor to make the determination required by division (C) of this 95511  
section. 95512

(C) Each year, a county auditor shall determine whether the 95513  
amount of funds a county board specifies in the resolution it 95514  
adopts under division (B) of this section will be available in the 95515  
following year for the county board to pay the nonfederal share of 95516  
the medicaid expenditures that the county board is required by 95517  
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 95518  
county auditor shall make the determination not later than the 95519  
last day of the year before the year in which the funds are to be 95520  
used. 95521

**Sec. 5126.0512.** ~~(A) As used in this section, "medicaid waiver~~ 95522  
~~component" means a medicaid waiver component as defined in section~~ 95523  
~~5111.85 of the Revised Code under which home and community based~~ 95524  
~~services are provided.~~ 95525

~~(B) Effective July 1, 2007, and except~~ Except as provided in 95526

rules adopted under section 5123.0413 of the Revised Code, each 95527  
county board of developmental disabilities shall ensure, ~~for each~~ 95528  
~~medicaid waiver component~~, that the number of individuals eligible 95529  
under section 5126.041 of the Revised Code for services from the 95530  
county board who are enrolled in ~~a medicaid waiver component~~ home 95531  
and community-based services is no less than the sum of the 95532  
following: 95533

(1) The number of individuals eligible for services from the 95534  
county board who are enrolled in ~~the medicaid waiver component~~ 95535  
home and community-based services on June 30, 2007; 95536

(2) The number of ~~medicaid waiver component~~ home and 95537  
community-based services slots the county board requested before 95538  
July 1, 2007, that were assigned to the county board before that 95539  
date but in which no individual was enrolled before that date. 95540

~~(C)~~(B) An individual enrolled in ~~a medicaid waiver component~~ 95541  
home and community-based services after March 1, 2007, due to an 95542  
emergency reserve capacity waiver assignment shall not be counted 95543  
in determining the number of individuals a county board must 95544  
ensure under division ~~(B)~~(A) of this section are enrolled in a 95545  
~~medicaid waiver component~~ home and community-based services. 95546

~~(D)~~(C) An individual who is enrolled in ~~a medicaid waiver~~ 95547  
~~component~~ home and community-based services to comply with the 95548  
terms of the consent order filed March 5, 2007, in *Martin v.* 95549  
*Strickland*, Case No. 89-CV-00362, in the United States district 95550  
court for the southern district of Ohio, eastern division, shall 95551  
be excluded in determining whether a county board has complied 95552  
with division ~~(B)~~(A) of this section. 95553

~~(E)~~(D) A county board shall make as many requests for 95554  
individuals to be enrolled in ~~a medicaid waiver component~~ home and 95555  
community-based services as necessary for the county board to 95556  
comply with division ~~(B)~~(A) of this section. 95557



Sec. 5126.08. (A) The director of developmental disabilities 95558  
shall adopt rules in accordance with Chapter 119. of the Revised 95559  
Code for all programs and services offered by a county board of 95560  
developmental disabilities. Such rules shall include, but are not 95561  
limited to, the following: 95562

(1) Determination of what constitutes a program or service; 95563

(2) Standards to be followed by a board in administering, 95564  
providing, arranging, or operating programs and services; 95565

(3) Standards for determining the nature and degree of mental 95566  
retardation, including mild mental retardation, or developmental 95567  
disability; 95568

(4) Standards for determining eligibility for programs and 95569  
services under ~~sections 5126.042 and~~ section 5126.15 of the 95570  
Revised Code; 95571

(5) Procedures for obtaining consent for the arrangement of 95572  
services under section 5126.31 of the Revised Code and for 95573  
obtaining signatures on individual service plans under that 95574  
section; 95575

(6) Specification of the service and support administration 95576  
to be provided by a county board and standards for resolving 95577  
grievances in connection with service and support administration; 95578

~~(7) Standards for the provision of environmental 95579  
modifications, including standards that require adherence to all 95580  
applicable state and local building codes; 95581~~

~~(8) Standards for the provision of specialized medical, 95582  
adaptive, and assistive equipment, supplies, and supports. 95583~~

(B) The director shall be the final authority in determining 95584  
the nature and degree of mental retardation or developmental 95585  
disability. 95586

Sec. 5126.11. (A) As used in this section, "respite care" 95587  
means appropriate, short-term, temporary care that is provided to 95588  
a mentally retarded or developmentally disabled person to sustain 95589  
the family structure or to meet planned or emergency needs of the 95590  
family. 95591

(B) Subject to rules adopted by the director of developmental 95592  
disabilities, and subject to the availability of money from state 95593  
and federal sources, the county board of developmental 95594  
disabilities shall establish a family support services program. 95595  
Under such a program, the board shall make payments to an 95596  
individual with mental retardation or other developmental 95597  
disability or the family of an individual with mental retardation 95598  
or other developmental disability who desires to remain in and be 95599  
supported in the family home. Payments shall be made for all or 95600  
part of costs incurred or estimated to be incurred for services 95601  
that would promote self-sufficiency and normalization, prevent or 95602  
reduce inappropriate institutional care, and further the unity of 95603  
the family by enabling the family to meet the special needs of the 95604  
individual and to live as much like other families as possible. 95605  
Payments may be made in the form of reimbursement for expenditures 95606  
or in the form of vouchers to be used to purchase services. 95607

(C) Payment shall not be made under this section to an 95608  
individual or the individual's family if the individual is living 95609  
in a residential facility that is providing residential services 95610  
under contract with the department of developmental disabilities 95611  
or a county board. 95612

(D) Payments may be made for the following services: 95613

(1) Respite care, in or out of the home; 95614

(2) Counseling, supervision, training, and education of the 95615  
individual, the individual's caregivers, and members of the 95616  
individual's family that aid the family in providing proper care 95617

for the individual, provide for the special needs of the family, 95618  
and assist in all aspects of the individual's daily living; 95619

(3) Special diets, purchase or lease of special equipment, or 95620  
modifications of the home, if such diets, equipment, or 95621  
modifications are necessary to improve or facilitate the care and 95622  
living environment of the individual; 95623

(4) Providing support necessary for the individual's 95624  
continued skill development, including such services as 95625  
development of interventions to cope with unique problems that may 95626  
occur within the complexity of the family, enrollment of the 95627  
individual in special summer programs, provision of appropriate 95628  
leisure activities, and other social skills development 95629  
activities; 95630

(5) Any other services that are consistent with the purposes 95631  
specified in division (B) of this section and specified in the 95632  
individual's service plan. 95633

(E) In order to be eligible for payments under a family 95634  
support services program, the individual or the individual's 95635  
family must reside in the county served by the county board, and 95636  
the individual must be in need of habilitation. Payments shall be 95637  
adjusted for income in accordance with the payment schedule 95638  
established in rules adopted under this section. Payments shall be 95639  
made only after the county board has taken into account all other 95640  
available assistance for which the individual or family is 95641  
eligible. 95642

(F) Before incurring expenses for a service for which payment 95643  
will be sought under a family support services program, the 95644  
individual or family shall apply to the county board for a 95645  
determination of eligibility and approval of the service. The 95646  
service need not be provided in the county served by the county 95647  
board. After being determined eligible and receiving approval for 95648

the service, the individual or family may incur expenses for the 95649  
service or use the vouchers received from the county board for the 95650  
purchase of the service. 95651

If the county board refuses to approve a service, an appeal 95652  
may be made in accordance with rules adopted by the department 95653  
under this section. 95654

(G) To be reimbursed for expenses incurred for approved 95655  
services, the individual or family shall submit to the county 95656  
board a statement of the expenses incurred accompanied by any 95657  
evidence required by the board. To redeem vouchers used to 95658  
purchase approved services, the entity that provided the service 95659  
shall submit to the county board evidence that the service was 95660  
provided and a statement of the charges. The county board shall 95661  
make reimbursements and redeem vouchers no later than forty-five 95662  
days after it receives the statements and evidence required by 95663  
this division. 95664

(H) A county board shall consider the following objectives in 95665  
carrying out a family support services program: 95666

(1) Enabling individuals to return to their families from an 95667  
institution under the jurisdiction of the department of 95668  
developmental disabilities; 95669

(2) Enabling individuals found to be subject to 95670  
institutionalization by court order under section 5123.76 of the 95671  
Revised Code to remain with their families with the aid of 95672  
payments provided under this section; 95673

(3) Providing services to eligible children and adults 95674  
currently residing in the community; 95675

(4) Providing services to individuals with developmental 95676  
disabilities who are not receiving other services from the board. 95677

(I) The director shall adopt, and may amend and rescind, 95678

rules for the implementation of family support services programs 95679  
by county boards. Such rules shall include the following: 95680

(1) A payment schedule adjusted for income; 95681

(2) ~~A formula for distributing to county boards the money~~ 95682  
~~appropriated for family support services;~~ 95683

~~(3)~~ Standards for supervision, training, and quality control 95684  
in the provision of respite care services; 95685

~~(4)~~(3) Eligibility standards and procedures for providing 95686  
temporary emergency respite care; 95687

~~(5)~~(4) Procedures for hearing and deciding appeals made under 95688  
division (F) of this section; 95689

~~(6) Requirements to be followed by county boards regarding~~ 95690  
~~reports submitted under division (K) of this section.~~ 95691

Rules adopted under ~~divisions~~ division (I)(1) ~~and (2)~~ of this 95692  
section shall be adopted in accordance with section 111.15 of the 95693  
Revised Code. Rules adopted under divisions (I)~~(3)~~(2) to ~~(6)~~(4) of 95694  
this section shall be adopted in accordance with Chapter 119. of 95695  
the Revised Code. 95696

(J) All individuals certified by the superintendent of the 95697  
county board as eligible for temporary emergency respite care in 95698  
accordance with rules adopted under this section shall be 95699  
considered eligible for temporary emergency respite care for not 95700  
more than five days to permit the determination of eligibility for 95701  
family support services. The requirements of divisions (E) and (F) 95702  
of this section do not apply to temporary emergency respite care. 95703

(K) ~~The department of developmental disabilities shall~~ 95704  
~~distribute to county boards money appropriated for family support~~ 95705  
~~services in quarterly installments of equal amounts. The~~ 95706  
~~installments shall be made not later than the thirtieth day of~~ 95707  
~~September, the thirty first day of December, the thirty first day~~ 95708

~~of March, and the thirtieth day of June. A county board shall use 95709  
no more than seven per cent of the funds for administrative costs. 95710  
Each county board shall submit reports to the department on 95711  
payments made under this section. The reports shall be submitted 95712  
at those times and in the manner specified in rules adopted under 95713  
this section. 95714~~

~~(L) The county board shall not be required to make payments 95715  
for family support services at a level that exceeds available 95716  
state and federal funds for such payments. 95717~~

~~Sec. 5126.12. (A) As used in this section: 95718~~

~~(1) "Approved school age class" means a class operated by a 95719  
county board of developmental disabilities and funded by the 95720  
department of education under section 3317.20 of the Revised Code. 95721~~

~~(2) "Approved preschool unit" means a class or unit operated 95722  
by a county board of developmental disabilities and approved under 95723  
division (B) of section 3317.05 of the Revised Code. 95724~~

~~(3) "Active treatment" means a continuous treatment program, 95725  
which includes aggressive, consistent implementation of a program 95726  
of specialized and generic training, treatment, health services, 95727  
and related services, that is directed toward the acquisition of 95728  
behaviors necessary for an individual with mental retardation or 95729  
other developmental disability to function with as much 95730  
self-determination and independence as possible and toward the 95731  
prevention of deceleration, regression, or loss of current optimal 95732  
functional status. 95733~~

~~(4) "Eligible for active treatment" means that an individual 95734  
with mental retardation or other developmental disability resides 95735  
in an intermediate care facility for the mentally retarded 95736  
certified under Title XIX of the "Social Security Act," 79 Stat. 95737  
286 (1965), 42 U.S.C. 1396, as amended; resides in a state 95738~~

~~institution operated by the department of developmental disabilities; or is enrolled in home and community based services.~~ 95739  
95740

~~(5) "Traditional adult services" means vocational and nonvocational activities conducted within a sheltered workshop or adult activity center or supportive home services.~~ 95741  
95742  
95743

~~(B) Each On or before the last day of each April, each county board of developmental disabilities shall certify to the director of developmental disabilities all of the following:~~ 95744  
95745  
95746

~~(1) On or before the fifteenth day of October, the average daily membership for the first full week of programs and services during October receiving:~~ 95747  
95748  
95749

~~(a) Early childhood services provided pursuant to section 5126.05 of the Revised Code for children who are less than three years of age on the thirtieth day of September of the academic year;~~ 95750  
95751  
95752  
95753

~~(b) Special education for children with disabilities in approved school age classes;~~ 95754  
95755

~~(c) Adult services for persons sixteen years of age and older operated pursuant to section 5126.05 and division (B) of section 5126.051 of the Revised Code. Separate counts shall be made for the following:~~ 95756  
95757  
95758  
95759

~~(i) Persons enrolled in traditional adult services who are eligible for but not enrolled in active treatment;~~ 95760  
95761

~~(ii) Persons enrolled in traditional adult services who are eligible for and enrolled in active treatment;~~ 95762  
95763

~~(iii) Persons enrolled in traditional adult services but who are not eligible for active treatment;~~ 95764  
95765

~~(iv) Persons participating in community employment services. To be counted as participating in community employment services, a person must have spent an average of no less than ten hours per~~ 95766  
95767  
95768

~~week in that employment during the preceding six months.~~ 95769

~~(d) Other programs in the county for individuals with mental 95770  
retardation and developmental disabilities that have been approved 95771  
for payment of subsidy by the department of developmental 95772  
disabilities.~~ 95773

~~The membership in each such program and service in the county 95774  
shall be reported on forms prescribed by the department of 95775  
developmental disabilities.~~ 95776

~~The department of developmental disabilities shall adopt 95777  
rules defining full time equivalent enrollees and for determining 95778  
the average daily membership therefrom, except that certification 95779  
of average daily membership in approved school age classes shall 95780  
be in accordance with rules adopted by the state board of 95781  
education. The average daily membership figure shall be determined 95782  
by dividing the amount representing the sum of the number of 95783  
enrollees in each program or service in the week for which the 95784  
certification is made by the number of days the program or service 95785  
was offered in that week. No enrollee may be counted in average 95786  
daily membership for more than one program or service.~~ 95787

~~(2) By the fifteenth day of December, the number of children 95788  
enrolled in approved preschool units on the first day of December;~~ 95789

~~(3) On or before the thirtieth day of April, an itemized 95790  
report of all of the county board's income and operating 95791  
expenditures for the immediately preceding calendar year<sub>7</sub>. The 95792  
certification shall be provided in an itemized report prepared and 95793  
submitted in the a format specified by the department of 95794  
developmental disabilities;~~ 95795

~~(4) That each required certification and report is in 95796  
accordance with rules established by the department of 95797  
developmental disabilities and the state board of education for 95798  
the operation and subsidization of the programs and services.~~ 95799



Sec. 5126.18. (A) As used in this section: 95800

(1) "Taxable value" means the taxable value of a county certified under division (B) of this section. 95801  
95802

(2) "Per-mill yield" means the quotient obtained by dividing the taxable value of a county by one thousand. 95803  
95804

(3) "Population" of a county means that shown by the federal census for a census year or, for a noncensus year, the population as estimated by the department of development. 95805  
95806  
95807

(4) "Six-year moving average" means the average of the per-mill yields of a county for the most recent six years. 95808  
95809

(5) "Yield per person" means the quotient obtained by dividing the six-year moving average of a county by the population of that county. 95810  
95811  
95812

(6) "Tax equity payments" means payments to county boards of developmental disabilities under this section or a prior version of this section from money appropriated by the general assembly to the department of developmental disabilities for that purpose. 95813  
95814  
95815  
95816

(7) "Eligible county" means a county determined under division (C) of this section to be eligible for tax equity payments for the two-year period for which that determination is made. 95817  
95818  
95819  
95820

(8) "Threshold county" means the county with the lowest yield per person that is determined not to be eligible to receive tax equity payments. 95821  
95822  
95823

(B) At the request of the director of developmental disabilities, the tax commissioner shall certify to the director the taxable value of property on each county's most recent tax list of real and public utility property. The director may request any other tax information necessary for the purposes of this section. 95824  
95825  
95826  
95827  
95828  
95829

(C) Beginning in 2011, on or before the thirty-first day of 95830  
May of that year and of every second year thereafter, the director 95831  
of developmental disabilities shall determine whether a county is 95832  
eligible to receive tax equity payments for the ensuing two fiscal 95833  
years as follows: 95834

(1) The director shall determine the six-year moving average, 95835  
population, and yield per person of each county in the state, 95836  
based on the most recent information available. 95837

(2) The director shall calculate a tax equity funding 95838  
threshold by adding the population of the county with the lowest 95839  
yield per person and the populations of individual counties in 95840  
order from lowest yield per person to highest yield per person 95841  
until the addition of the population of another county would 95842  
increase the aggregate sum to over thirty per cent of the total 95843  
state population. A county is eligible to receive tax equity 95844  
payments for the two-year period if its population is included in 95845  
the calculation of the threshold and the addition of its 95846  
population does not increase such sum to over thirty per cent of 95847  
the total state population. 95848

(D)(1) Except as provided in divisions (D)(2) and (3) of this 95849  
section, beginning in fiscal year 2012 and for each fiscal year 95850  
thereafter, the director shall make tax equity payments to each 95851  
eligible county equal to the population of the county multiplied 95852  
by the difference between the yield per person of the threshold 95853  
county and the yield per person of the eligible county. For 95854  
purposes of this division, the population and yield per person of 95855  
a county equal the population and yield per person most recently 95856  
determined for that county under division (C)(1) of this section. 95857  
The payments shall be made in quarterly installments of equal 95858  
amounts not later than the thirtieth day of September, the 95859  
thirty-first day of December, the thirty-first day of March, and 95860  
the thirtieth day of June of each fiscal year. 95861

(2) In fiscal year 2012, if the amount determined under 95862  
division (D)(1) of this section for an eligible county is at least 95863  
twenty thousand dollars greater than or twenty thousand dollars 95864  
less than the amount of tax equity payments the county received in 95865  
fiscal year 2011, the county's tax equity payments for fiscal 95866  
years 2012 through 2014 shall equal the following: 95867

(a) For fiscal year 2012, one-fourth of the amount calculated 95868  
for the eligible county under division (D)(1) of this section plus 95869  
three-fourths of the amount of tax equity payments the county 95870  
received in fiscal year 2011; 95871

(b) For fiscal year 2013, one-half of the amount calculated 95872  
for the eligible county under division (D)(1) of this section plus 95873  
one-half of the amount of tax equity payments the county received 95874  
in fiscal year 2011; 95875

(c) For fiscal year 2014, three-fourths of the amount 95876  
calculated for the eligible county under division (D)(1) of this 95877  
section plus one-fourth of the amount of tax equity payments the 95878  
county received in fiscal year 2011. 95879

(3) In any fiscal year, if the total amount of tax equity 95880  
payments for all eligible counties as determined under divisions 95881  
(D)(1) and (2) of this section is greater than the amount 95882  
appropriated to the department of developmental disabilities for 95883  
the purpose of making such payments in that fiscal year, the 95884  
director shall reduce the payments to each eligible county board 95885  
in equal proportion. If the total amount of tax equity payments as 95886  
determined under that division is less than the amount 95887  
appropriated to the department for that purpose, the director 95888  
shall determine how to allocate the excess money after 95889  
consultation with the Ohio association of county boards serving 95890  
people with developmental disabilities. 95891

(4) Tax equity payments shall be paid only to an eligible 95892

county board of developmental disabilities and not to a regional 95893  
council established under section 5126.13 of the Revised Code or 95894  
any other entity. 95895

(E)(1) Except as provided in division (E)(2) of this section, 95896  
a county board of developmental disabilities shall use tax equity 95897  
payments solely to pay the nonfederal share of medicaid 95898  
expenditures it is required to pay under sections 5126.059 and 95899  
5126.0510 of the Revised Code. Tax equity payments shall not be 95900  
used to pay any salary or other compensation to county board 95901  
personnel. 95902

(2) Upon the written request of a county board, the director 95903  
of developmental disabilities may authorize a county board to use 95904  
tax equity payments for infrastructure improvements necessary to 95905  
support medicaid waiver administration. 95906

(3) The director may audit any county board receiving tax 95907  
equity payments to ensure appropriate use of the payments in 95908  
accordance with this section. If the director determines that a 95909  
county board is using payments inappropriately, the director shall 95910  
notify the county board in writing of the determination. Within 95911  
thirty days after receiving the director's notification, the 95912  
county board shall submit a written plan of correction to the 95913  
director. The director may accept or reject the plan. If the 95914  
director rejects the plan, the director may require the county 95915  
board to repay all or a portion of the amount of tax equity 95916  
payments used inappropriately. The director shall distribute any 95917  
tax equity payments returned under this division to other eligible 95918  
county boards in accordance with a plan developed by the director 95919  
after consultation with the Ohio association of county boards 95920  
serving people with developmental disabilities. 95921

**Sec. 5126.23.** (A) As used in this section, "employee" means a 95922  
management employee or superintendent of a county board of 95923

developmental disabilities. 95924

(B) An employee may be removed, suspended, or demoted in 95925  
accordance with this section for violation of written rules set 95926  
forth by the board or for incompetency, inefficiency, dishonesty, 95927  
drunkenness, immoral conduct, insubordination, discourteous 95928  
treatment of the public, neglect of duty, or other acts of 95929  
misfeasance, malfeasance, or nonfeasance. 95930

(C) Prior to the removal, suspension, or demotion of an 95931  
employee pursuant to this section, the employee shall be notified 95932  
in writing of the charges against the employee. Except as 95933  
otherwise provided in division (H) of this section, not later than 95934  
thirty days after receiving such notification, a predisciplinary 95935  
conference shall be held to provide the employee an opportunity to 95936  
refute the charges against the employee. At least seventy-two 95937  
hours prior to the conference, the employee shall be given a copy 95938  
of the charges against the employee. 95939

If the removal, suspension, or demotion action is directed 95940  
against a management employee, the conference shall be held by the 95941  
superintendent or a person the superintendent designates, and the 95942  
superintendent shall notify the management employee within fifteen 95943  
days after the conference of the decision made with respect to the 95944  
charges. If the removal, suspension, or demotion action is 95945  
directed against a superintendent, the conference shall be held by 95946  
the members of the board or their designees, and the board shall 95947  
notify the superintendent within fifteen days after the conference 95948  
of its decision with respect to the charges. 95949

(D) Within fifteen days after receiving notification of the 95950  
results of the predisciplinary conference, an employee may file 95951  
with the board a written demand for a hearing before the board or 95952  
before a referee, and the board shall set a time for the hearing 95953  
which shall be within thirty days from the date of receipt of the 95954  
written demand, and the board shall give the employee at least 95955

twenty days notice in writing of the time and place of the hearing. 95956  
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(E) If a referee is demanded by an employee or a county board, the hearing shall be conducted by a referee selected in accordance with division (F) of this section; otherwise, it shall be conducted by a majority of the members of the board and shall be confined to the charges enumerated at the predisciplinary conference. 95958  
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(F) Referees for the hearings required by this section shall be selected from ~~the~~ a list of resident electors compiled from names compiled by the superintendent of public instruction pursuant to section 3319.161 of the Revised Code that the director of developmental disabilities shall solicit annually from the state bar association. Upon receipt of notice that a referee has been demanded by an employee or a county board, the ~~superintendent of public instruction~~ director shall immediately designate three persons from such list, from whom the referee for the hearing shall be chosen, and the ~~superintendent of public instruction~~ director shall immediately notify the designees, the county board, and the employee. If within five days of receipt of the notice, the county board and employee are unable to agree upon one of the designees to serve as referee, the ~~superintendent of public instruction~~ director shall appoint one of the designees to serve as referee. The appointment of the referee shall be entered in the minutes of the county board. The referee appointed shall be paid the referee's usual and customary fee for attending the hearing which shall be paid from the general fund of the county board of developmental disabilities. 95964  
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(G) The board shall provide for a complete stenographic record of the proceedings, and a copy of the record shall be furnished to the employee. 95984  
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Both parties may be present at the hearing, be represented by 95987

counsel, require witnesses to be under oath, cross-examine 95988  
witnesses, take a record of the proceedings, and require the 95989  
presence of witnesses in their behalf upon subpoena to be issued 95990  
by the county board. If any person fails to comply with a 95991  
subpoena, a judge of the court of common pleas of the county in 95992  
which the person resides, upon application of any interested 95993  
party, shall compel attendance of the person by attachment 95994  
proceedings as for contempt. Any member of the board or the 95995  
referee may administer oaths to witnesses. After a hearing by a 95996  
referee, the referee shall file a report within ten days after the 95997  
termination of the hearing. After consideration of the referee's 95998  
report, the board, by a majority vote, may accept or reject the 95999  
referee's recommendation. After a hearing by the board, the board, 96000  
by majority vote, may enter its determination upon its minutes. If 96001  
the decision, after hearing, is in favor of the employee, the 96002  
charges and the record of the hearing shall be physically expunged 96003  
from the minutes and, if the employee has suffered any loss of 96004  
salary by reason of being suspended, the employee shall be paid 96005  
the employee's full salary for the period of such suspension. 96006

Any employee affected by a determination of the board under 96007  
this division may appeal to the court of common pleas of the 96008  
county in which the board is located within thirty days after 96009  
receipt of notice of the entry of such determination. The appeal 96010  
shall be an original action in the court and shall be commenced by 96011  
the filing of a complaint against the board, in which complaint 96012  
the facts shall be alleged upon which the employee relies for a 96013  
reversal or modification of such determination. Upon service or 96014  
waiver of summons in that appeal, the board immediately shall 96015  
transmit to the clerk of the court for filing a transcript of the 96016  
original papers filed with the board, a certified copy of the 96017  
minutes of the board into which the determination was entered, and 96018  
a certified transcript of all evidence adduced at the hearing or 96019  
hearings before the board or a certified transcript of all 96020

evidence adduced at the hearing or hearings before the referee, 96021  
whereupon the cause shall be at issue without further pleading and 96022  
shall be advanced and heard without delay. The court shall examine 96023  
the transcript and record of the hearing and shall hold such 96024  
additional hearings as it considers advisable, at which it may 96025  
consider other evidence in addition to the transcript and record. 96026

Upon final hearing, the court shall grant or deny the relief 96027  
prayed for in the complaint as may be proper in accordance with 96028  
the evidence adduced in the hearing. Such an action is a special 96029  
proceeding, and either the employee or the board may appeal from 96030  
the decision of the court of common pleas pursuant to the Rules of 96031  
Appellate Procedure and, to the extent not in conflict with those 96032  
rules, Chapter 2505. of the Revised Code. 96033

(H) Notwithstanding divisions (C) to (G) of this section, a 96034  
county board and an employee may agree to submit issues regarding 96035  
the employee's removal, suspension, or demotion to binding 96036  
arbitration. The terms of the submission, including the method of 96037  
selecting the arbitrator or arbitrators and the responsibility for 96038  
compensating the arbitrator, shall be provided for in the 96039  
arbitration agreement. The arbitrator shall be selected within 96040  
fifteen days of the execution of the agreement. Chapter 2711. of 96041  
the Revised Code governs the arbitration proceedings. 96042

**Sec. 5126.24.** (A) As used in this section: 96043

(1) "License" means an educator license issued by the state 96044  
board of education under section 3319.22 of the Revised Code or a 96045  
certificate issued by the department of developmental 96046  
disabilities. 96047

(2) "Teacher" means a person employed by a county board of 96048  
developmental disabilities in a position that requires a license. 96049

(3) "Nonteaching employee" means a person employed by a 96050



county board of developmental disabilities in a position that does 96051  
not require a license. 96052

~~(4) "Years of service" includes all service described in 96053  
division (A) of section 3317.13 of the Revised Code. 96054~~

(B) Subject to rules established by the director of 96055  
developmental disabilities pursuant to Chapter 119. of the Revised 96056  
Code, each county board of developmental disabilities shall 96057  
annually adopt separate salary schedules for teachers and 96058  
nonteaching employees. 96059

(C) ~~The In adopting the teachers' salary schedule shall 96060  
provide for increments based on training and years of service. The 96061  
board may establish its own service requirements provided no 96062  
teacher receives less than the salary the teacher would be paid 96063  
under section 3317.13 of the Revised Code if the teacher were 96064  
employed by a school district board of education and provided full 96065  
credit for a minimum of five years of actual teaching and military 96066  
experience as defined in division (A) of such section is given to 96067  
each teacher. 96068~~

~~Each teacher who has completed training that would qualify 96069  
the teacher for a higher salary bracket pursuant to this section 96070  
shall file by the fifteenth day of September with the fiscal 96071  
officer of the board, satisfactory evidence of the completion of 96072  
such additional training. The fiscal officer shall then 96073  
immediately place the teacher, pursuant to this section, in the 96074  
proper salary bracket in accordance with training and years of 96075  
service. No teacher shall be paid less than the salary to which 96076  
the teacher would be entitled under section 3317.13 of the Revised 96077  
Code if the teacher were employed by a school district board of 96078  
education, the board shall comply with sections 3317.14 and 96079  
3317.141 of the Revised Code in the same manner as a school 96080  
district. 96081~~

The superintendent of each county board, on or before the  
fifteenth day of October of each year, shall certify to the state  
board of education the name of each teacher employed, on an annual  
salary, in each special education program operated pursuant to  
section 3323.09 of the Revised Code during the first full school  
week of October. The superintendent further shall certify, for  
each teacher, the number of years of training completed at a  
recognized college, the degrees earned from a college recognized  
by the state board, the type of license held, the number of months  
employed by the board, the annual salary, and other information  
that the state board may request.

(D) The nonteaching employees' salary schedule established by  
the board shall be based on training, experience, and  
qualifications with initial salaries no less than salaries in  
effect on July 1, 1985. Each board shall prepare and may amend  
from time to time, specifications descriptive of duties,  
responsibilities, requirements, and desirable qualifications of  
the classifications of employees required to perform the duties  
specified in the salary schedule. All nonteaching employees shall  
be notified of the position classification to which they are  
assigned and the salary for the classification. The compensation  
of all nonteaching employees working for a particular board shall  
be uniform for like positions except as compensation would be  
affected by salary increments based upon length of service.

On the fifteenth day of October of each year the nonteaching  
employees' salary schedule and list of job classifications and  
salaries in effect on that date shall be filed by each board with  
the superintendent of public instruction. If such salary schedule  
and classification plan is not filed, the superintendent of public  
instruction shall order the board to file such schedule and list  
forthwith. If this condition is not corrected within ten days  
after receipt of the order from the superintendent, no money shall

be distributed to the ~~district~~ board under Chapter ~~3306.~~ or 3317. 96114  
of the Revised Code until the superintendent has satisfactory 96115  
evidence of the board's full compliance with such order. 96116

**Sec. 5126.33.** (A) A county board of developmental 96117  
disabilities may file a complaint with the probate court of the 96118  
county in which an adult with mental retardation or a 96119  
developmental disability resides for an order authorizing the 96120  
board to arrange services described in division (C) of section 96121  
5126.31 of the Revised Code for that adult if the adult is 96122  
eligible to receive services or support under section 5126.041 of 96123  
the Revised Code and the board has been unable to secure consent. 96124  
The complaint shall include: 96125

(1) The name, age, and address of the adult; 96126

(2) Facts describing the nature of the abuse, neglect, or 96127  
exploitation and supporting the board's belief that services are 96128  
needed; 96129

(3) The types of services proposed by the board, as set forth 96130  
in the protective service plan described in division (J) of 96131  
section 5126.30 of the Revised Code and filed with the complaint; 96132

(4) Facts showing the board's attempts to obtain the consent 96133  
of the adult or the adult's guardian to the services. 96134

(B) The board shall give the adult notice of the filing of 96135  
the complaint and in simple and clear language shall inform the 96136  
adult of the adult's rights in the hearing under division (C) of 96137  
this section and explain the consequences of a court order. This 96138  
notice shall be personally served upon all parties, and also shall 96139  
be given to the adult's legal counsel, if any, ~~and the legal~~ 96140  
~~rights service~~. The notice shall be given at least twenty-four 96141  
hours prior to the hearing, although the court may waive this 96142  
requirement upon a showing that there is a substantial risk that 96143

the adult will suffer immediate physical harm in the twenty-four 96144  
hour period and that the board has made reasonable attempts to 96145  
give the notice required by this division. 96146

(C) Upon the filing of a complaint for an order under this 96147  
section, the court shall hold a hearing at least twenty-four hours 96148  
and no later than seventy-two hours after the notice under 96149  
division (B) of this section has been given unless the court has 96150  
waived the notice. All parties shall have the right to be present 96151  
at the hearing, present evidence, and examine and cross-examine 96152  
witnesses. The Ohio Rules of Evidence shall apply to a hearing 96153  
conducted pursuant to this division. The adult shall be 96154  
represented by counsel unless the court finds that the adult has 96155  
made a voluntary, informed, and knowing waiver of the right to 96156  
counsel. If the adult is indigent, the court shall appoint counsel 96157  
to represent the adult. The board shall be represented by the 96158  
county prosecutor or an attorney designated by the board. 96159

(D)(1) The court shall issue an order authorizing the board 96160  
to arrange the protective services if it finds, on the basis of 96161  
clear and convincing evidence, all of the following: 96162

(a) The adult has been abused, neglected, or exploited; 96163

(b) The adult is incapacitated; 96164

(c) There is a substantial risk to the adult of immediate 96165  
physical harm or death; 96166

(d) The adult is in need of the services; 96167

(e) No person authorized by law or court order to give 96168  
consent for the adult is available or willing to consent to the 96169  
services. 96170

(2) The board shall develop a detailed protective service 96171  
plan describing the services that the board will provide, or 96172  
arrange for the provision of, to the adult to prevent further 96173

abuse, neglect, or exploitation. The board shall submit the plan 96174  
to the court for approval. The protective service plan may be 96175  
changed only by court order. 96176

(3) In formulating the order, the court shall consider the 96177  
individual protective service plan and shall specifically 96178  
designate the services that are necessary to deal with the abuse, 96179  
neglect, or exploitation or condition resulting from abuse, 96180  
neglect, or exploitation and that are available locally, and 96181  
authorize the board to arrange for these services only. The court 96182  
shall limit the provision of these services to a period not 96183  
exceeding six months, renewable for an additional six-month period 96184  
on a showing by the board that continuation of the order is 96185  
necessary. 96186

(E) If the court finds that all other options for meeting the 96187  
adult's needs have been exhausted, it may order that the adult be 96188  
removed from the adult's place of residence and placed in another 96189  
residential setting. Before issuing that order, the court shall 96190  
consider the adult's choice of residence and shall determine that 96191  
the new residential setting is the least restrictive alternative 96192  
available for meeting the adult's needs and is a place where the 96193  
adult can obtain the necessary requirements for daily living in 96194  
safety. The court shall not order an adult to a hospital or public 96195  
hospital as defined in section 5122.01 or a state institution as 96196  
defined in section 5123.01 of the Revised Code. 96197

(F) The court shall not authorize a change in an adult's 96198  
placement ordered under division (E) of this section unless it 96199  
finds compelling reasons to justify a change. The parties to whom 96200  
notice was given in division (B) of this section shall be given 96201  
notice of a proposed change at least five working days prior to 96202  
the change. 96203

(G) The adult, the board, or any other person who received 96204  
notice of the petition may file a motion for modification of the 96205

court order at any time. 96206

(H) The county board shall pay court costs incurred in 96207  
proceedings brought pursuant to this section. The adult shall not 96208  
be required to pay for court-ordered services. 96209

(I)(1) After the filing of a complaint for an order under 96210  
this section, the court, prior to the final disposition, may enter 96211  
any temporary order that the court finds necessary to protect the 96212  
adult with mental retardation or a developmental disability from 96213  
abuse, neglect, or exploitation including, but not limited to, the 96214  
following: 96215

(a) A temporary protection order; 96216

(b) An order requiring the evaluation of the adult; 96217

(c) An order requiring a party to vacate the adult's place of 96218  
residence or legal settlement, provided that, subject to division 96219  
(K)(1)(d) of this section, no operator of a residential facility 96220  
licensed by the department may be removed under this division; 96221

(d) In the circumstances described in, and in accordance with 96222  
the procedures set forth in, section 5123.191 of the Revised Code, 96223  
an order of the type described in that section that appoints a 96224  
receiver to take possession of and operate a residential facility 96225  
licensed by the department. 96226

(2) The court may grant an ex parte order pursuant to this 96227  
division on its own motion or if a party files a written motion or 96228  
makes an oral motion requesting the issuance of the order and 96229  
stating the reasons for it if it appears to the court that the 96230  
best interest and the welfare of the adult require that the court 96231  
issue the order immediately. The court, if acting on its own 96232  
motion, or the person requesting the granting of an ex parte 96233  
order, to the extent possible, shall give notice of its intent or 96234  
of the request to all parties, the adult's legal counsel, if any, ~~and~~ 96235  
~~and the legal rights service.~~ If the court issues an ex parte 96236

order, the court shall hold a hearing to review the order within 96237  
seventy-two hours after it is issued or before the end of the next 96238  
day after the day on which it is issued, whichever occurs first. 96239  
The court shall give written notice of the hearing to all parties 96240  
to the action. 96241

**Sec. 5126.41.** The county board of developmental disabilities 96242  
shall identify residents of the county for whom supported living 96243  
is to be provided. Identification of the residents shall be made 96244  
in accordance with the priorities set under section 5126.04 of the 96245  
Revised Code and the waiting ~~list~~ ~~policies~~ ~~developed~~ lists 96246  
established under section 5126.042 of the Revised Code. The board 96247  
shall assist the residents in identifying their individual service 96248  
needs. 96249

To arrange supported living for an individual, the board 96250  
shall assist the individual in developing an individual service 96251  
plan. In developing the plan, the individual shall choose a 96252  
residence that is appropriate according to local standards; the 96253  
individuals, if any, with whom the individual will live in the 96254  
residence; the services the individual needs to live in the 96255  
individual's residence of choice; and the providers from which the 96256  
services will be received. The choices available to an individual 96257  
shall be based on available resources. 96258

The board shall obtain the consent of the individual or the 96259  
individual's guardian and the signature of the individual or 96260  
guardian on the individual service plan. The county board shall 96261  
ensure that the individual receives from the provider the services 96262  
contracted for under section 5126.45 of the Revised Code. 96263

An individual service plan for supported living shall be 96264  
effective for a period of time agreed to by the county board and 96265  
the individual. In determinating that period, the county board and 96266  
the individual shall consider the nature of the services to be 96267

provided and the manner in which they are customarily provided. 96268

**Sec. 5126.42.** (A) A county board of developmental 96269  
disabilities shall establish an advisory council composed of board 96270  
members or employees of the board, providers, individuals 96271  
receiving supported living, and advocates for individuals 96272  
receiving supported living to provide on-going communication among 96273  
all persons concerned with supported living. 96274

(B) The board shall develop procedures for the resolution of 96275  
grievances between the board and providers or between the board 96276  
and an entity with which it has a shared funding agreement. 96277

(C) The board shall develop and implement a provider 96278  
selection system. Each system shall enable an individual to choose 96279  
to continue receiving supported living from the same providers, to 96280  
select additional providers, or to choose alternative providers. 96281  
Annually, the board shall review its provider selection system to 96282  
determine whether it has been implemented in a manner that allows 96283  
individuals fair and equitable access to providers. 96284

In developing a provider selection system, the county board 96285  
shall create a pool of providers for individuals to use in 96286  
choosing their providers of supported living. The pool shall be 96287  
created by placing in the pool all providers on record with the 96288  
board or by placing in the pool all providers approved by the 96289  
board through soliciting requests for proposals for supported 96290  
living contracts. In either case, only providers that are 96291  
certified by the director of developmental disabilities may be 96292  
placed in the pool. 96293

If the board places all providers on record in the pool, the 96294  
board shall review the pool at least annually to determine whether 96295  
each provider has continued interest in being a provider and has 96296  
maintained its certification by the department. At any time, an 96297  
interested and certified provider may make a request to the board 96298



that it be added to the pool, and the board shall add the provider 96299  
to the pool not later than seven days after receiving the request. 96300

If the board solicits requests for proposals for inclusion of 96301  
providers in the pool, the board shall develop standards for 96302  
selecting the providers to be included. Requests for proposals 96303  
shall be solicited at least annually. When requests are solicited, 96304  
the board shall cause legal notices to be published ~~at least~~ once 96305  
each week for two consecutive weeks in a newspaper ~~with~~ of general 96306  
circulation within the county or as provided in section 7.16 of 96307  
the Revised Code. The board's formal request for proposals shall 96308  
include a description of any applicable contract terms, the 96309  
standards that are used to select providers for inclusion in the 96310  
pool, and the process the board uses to resolve disputes arising 96311  
from the selection process. The board shall accept requests from 96312  
any entity interested in being a provider of supported living for 96313  
individuals served by the board. Requests shall be approved or 96314  
denied according to the standards developed by the board. 96315  
Providers that previously have been placed in the pool are not 96316  
required to resubmit a request for proposal to be included in the 96317  
pool, unless the board's standards have been changed. 96318

In assisting an individual in choosing a provider, the county 96319  
board shall provide the individual with uniform and consistent 96320  
information pertaining to each provider in the pool. An individual 96321  
may choose to receive supported living from a provider that is not 96322  
included in the pool, if the provider is certified by the director 96323  
of developmental disabilities. 96324

**Sec. 5139.11.** The department of youth services shall do all 96325  
of the following: 96326

(A) Through a program of education, promotion, and 96327  
organization, form groups of local citizens and assist these 96328  
groups in conducting activities aimed at the prevention and 96329

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| control of juvenile delinquency, making use of local people and    | 96330 |
| resources for the following purposes:                              | 96331 |
| (1) Combatting local conditions known to contribute to             | 96332 |
| juvenile delinquency;                                              | 96333 |
| (2) Developing recreational and other programs for youth           | 96334 |
| work;                                                              | 96335 |
| (3) Providing adult sponsors for delinquent children cases;        | 96336 |
| (4) Dealing with other related problems of the locality.           | 96337 |
| (B) Advise local, state, and federal officials, public and         | 96338 |
| private agencies, and lay groups on the needs for and possible     | 96339 |
| methods of the reduction and prevention of juvenile delinquency    | 96340 |
| and the treatment of delinquent children;                          | 96341 |
| (C) Consult with the schools and courts of this state on the       | 96342 |
| development of programs for the reduction and prevention of        | 96343 |
| delinquency and the treatment of delinquents;                      | 96344 |
| (D) Cooperate with other agencies whose services deal with         | 96345 |
| the care and treatment of delinquent children to the end that      | 96346 |
| delinquent children who are state wards may be assisted whenever   | 96347 |
| possible to a successful adjustment outside of institutional care; | 96348 |
| (E) Cooperate with other agencies in surveying, developing,        | 96349 |
| and utilizing the recreational resources of a community as a means | 96350 |
| of combatting the problem of juvenile delinquency and effectuating | 96351 |
| rehabilitation;                                                    | 96352 |
| (F) Hold district and state conferences from time to time in       | 96353 |
| order to acquaint the public with current problems of juvenile     | 96354 |
| delinquency and develop a sense of civic responsibility toward the | 96355 |
| prevention of juvenile delinquency;                                | 96356 |
| (G) Assemble and distribute information relating to juvenile       | 96357 |
| delinquency and report on studies relating to community conditions | 96358 |
| that affect the problem of juvenile delinquency;                   | 96359 |

(H) Assist any community within the state by conducting a comprehensive survey of the community's available public and private resources, and recommend methods of establishing a community program for combatting juvenile delinquency and crime, but no survey of that type shall be conducted unless local individuals and groups request it through their local authorities, and no request of that type shall be interpreted as binding the community to following the recommendations made as a result of the request;

(I) Evaluate the rehabilitation of children committed to the department and prepare and submit periodic reports to the committing court for the following purposes:

(1) Evaluating the effectiveness of institutional treatment;

(2) Making recommendations for judicial release under section 2152.22 of the Revised Code if appropriate and recommending conditions for judicial release;

(3) Reviewing the placement of children and recommending alternative placements where appropriate.

(J) Coordinate dates for hearings to be conducted under section 2152.22 of the Revised Code and assist in the transfer and release of children from institutionalization to the custody of the committing court;

(K)(1) Coordinate and assist juvenile justice systems by doing the following:

(a) Performing juvenile justice system planning in the state, including any planning that is required by any federal law;

(b) Collecting, analyzing, and correlating information and data concerning the juvenile justice system in the state;

(c) Cooperating with and providing technical assistance to state departments, administrative planning districts, metropolitan

county criminal justice services agencies, criminal justice 96390  
coordinating councils, and agencies, offices, and departments of 96391  
the juvenile justice system in the state, and other appropriate 96392  
organizations and persons; 96393

(d) Encouraging and assisting agencies, offices, and 96394  
departments of the juvenile justice system in the state and other 96395  
appropriate organizations and persons to solve problems that 96396  
relate to the duties of the department; 96397

(e) Administering within the state any juvenile justice acts 96398  
and programs that the governor requires the department to 96399  
administer; 96400

(f) Implementing the state comprehensive plans; 96401

(g) Visiting and inspecting jails, detention facilities, 96402  
correctional facilities, facilities that may hold juveniles 96403  
involuntarily, or any other facility that may temporarily house 96404  
juveniles on a voluntary or involuntary basis for the purpose of 96405  
compliance pursuant to the "Juvenile Justice and Delinquency 96406  
Prevention Act of 1974," 88 Stat. 1109, as amended; 96407

(h) Auditing grant activities of agencies, offices, 96408  
organizations, and persons that are financed in whole or in part 96409  
by funds granted through the department; 96410

~~(h)~~(i) Monitoring or evaluating the performance of juvenile 96411  
justice system projects and programs in the state that are 96412  
financed in whole or in part by funds granted through the 96413  
department; 96414

~~(i)~~(j) Applying for, allocating, disbursing, and accounting 96415  
for grants that are made available pursuant to federal juvenile 96416  
justice acts, or made available from other federal, state, or 96417  
private sources, to improve the criminal and juvenile justice 96418  
systems in the state. All money from federal juvenile justice act 96419  
grants shall, if the terms under which the money is received 96420

require that the money be deposited into an interest bearing fund 96421  
or account, be deposited in the state treasury to the credit of 96422  
the federal juvenile justice program purposes fund, which is 96423  
hereby created. All investment earnings shall be credited to the 96424  
fund. 96425

~~(j)~~(k) Contracting with federal, state, and local agencies, 96426  
foundations, corporations, businesses, and persons when necessary 96427  
to carry out the duties of the department; 96428

~~(k)~~(l) Overseeing the activities of metropolitan county 96429  
criminal justice services agencies, administrative planning 96430  
districts, and juvenile justice coordinating councils in the 96431  
state; 96432

~~(l)~~(m) Advising the general assembly and governor on 96433  
legislation and other significant matters that pertain to the 96434  
improvement and reform of the juvenile justice system in the 96435  
state; 96436

~~(m)~~(n) Preparing and recommending legislation to the general 96437  
assembly and governor for the improvement of the juvenile justice 96438  
system in the state; 96439

~~(n)~~(o) Assisting, advising, and making any reports that are 96440  
required by the governor, attorney general, or general assembly; 96441

~~(o)~~(p) Adopting rules pursuant to Chapter 119. of the Revised 96442  
Code. 96443

(2) Division (K)(1) of this section does not limit the 96444  
discretion or authority of the attorney general with respect to 96445  
crime victim assistance and criminal and juvenile justice 96446  
programs. 96447

(3) Nothing in division (K)(1) of this section is intended to 96448  
diminish or alter the status of the office of the attorney general 96449  
as a criminal justice services agency. 96450

(4) The governor may appoint any advisory committees to 96451  
assist the department that the governor considers appropriate or 96452  
that are required under any state or federal law. 96453

**Sec. 5139.43.** (A) The department of youth services shall 96454  
operate a felony delinquent care and custody program that shall be 96455  
operated in accordance with the formula developed pursuant to 96456  
section 5139.41 of the Revised Code, subject to the conditions 96457  
specified in this section. 96458

(B)(1) Each juvenile court shall use the moneys disbursed to 96459  
it by the department of youth services pursuant to division (B) of 96460  
section 5139.41 of the Revised Code in accordance with the 96461  
applicable provisions of division (B)(2) of this section and shall 96462  
transmit the moneys to the county treasurer for deposit in 96463  
accordance with this division. The county treasurer shall create 96464  
in the county treasury a fund that shall be known as the felony 96465  
delinquent care and custody fund and shall deposit in that fund 96466  
the moneys disbursed to the juvenile court pursuant to division 96467  
(B) of section 5139.41 of the Revised Code. The county treasurer 96468  
also shall deposit into that fund the state subsidy funds granted 96469  
to the county pursuant to section 5139.34 of the Revised Code. The 96470  
moneys disbursed to the juvenile court pursuant to division (B) of 96471  
section 5139.41 of the Revised Code and deposited pursuant to this 96472  
division in the felony delinquent care and custody fund shall not 96473  
be commingled with any other county funds except state subsidy 96474  
funds granted to the county pursuant to section 5139.34 of the 96475  
Revised Code; shall not be used for any capital construction 96476  
projects; upon an order of the juvenile court and subject to 96477  
appropriation by the board of county commissioners, shall be 96478  
disbursed to the juvenile court for use in accordance with the 96479  
applicable provisions of division (B)(2) of this section; shall 96480  
not revert to the county general fund at the end of any fiscal 96481  
year; and shall carry over in the felony delinquent care and 96482

custody fund from the end of any fiscal year to the next fiscal 96483  
year. The maximum balance carry-over at the end of each respective 96484  
fiscal year in the felony delinquent care and custody fund in any 96485  
county from funds allocated to the county pursuant to sections 96486  
5139.34 and 5139.41 of the Revised Code in the previous fiscal 96487  
year shall not exceed an amount to be calculated as provided in 96488  
the formula set forth in this division, unless that county has 96489  
applied for and been granted an exemption by the director of youth 96490  
services. Beginning June 30, 2008, the maximum balance carry-over 96491  
at the end of each respective fiscal year shall be determined by 96492  
the following formula: for fiscal year 2008, the maximum balance 96493  
carry-over shall be one hundred per cent of the allocation for 96494  
fiscal year 2007, to be applied in determining the fiscal year 96495  
2009 allocation; for fiscal year 2009, it shall be fifty per cent 96496  
of the allocation for fiscal year 2008, to be applied in 96497  
determining the fiscal year 2010 allocation; for fiscal year 2010, 96498  
it shall be twenty-five per cent of the allocation for fiscal year 96499  
2009, to be applied in determining the fiscal year 2011 96500  
allocation; and for each fiscal year subsequent to fiscal year 96501  
2010, it shall be twenty-five per cent of the allocation for the 96502  
immediately preceding fiscal year, to be applied in determining 96503  
the allocation for the next immediate fiscal year. The department 96504  
shall withhold from future payments to a county an amount equal to 96505  
any moneys in the felony delinquent care and custody fund of the 96506  
county that exceed the total maximum balance carry-over that 96507  
applies for that county for the fiscal year in which the payments 96508  
are being made and shall reallocate the withheld amount. The 96509  
department shall adopt rules for the withholding and reallocation 96510  
of moneys disbursed under sections 5139.34 and 5139.41 of the 96511  
Revised Code and for the criteria and process for a county to 96512  
obtain an exemption from the withholding requirement. The moneys 96513  
disbursed to the juvenile court pursuant to division (B) of 96514  
section 5139.41 of the Revised Code and deposited pursuant to this 96515

division in the felony delinquent care and custody fund shall be 96516  
in addition to, and shall not be used to reduce, any usual annual 96517  
increase in county funding that the juvenile court is eligible to 96518  
receive or the current level of county funding of the juvenile 96519  
court and of any programs or services for delinquent children, 96520  
unruly children, or juvenile traffic offenders. 96521

(2)(a) A county and the juvenile court that serves the county 96522  
shall use the moneys in its felony delinquent care and custody 96523  
fund in accordance with rules that the department of youth 96524  
services adopts pursuant to division (D) of section 5139.04 of the 96525  
Revised Code and as follows: 96526

(i) The moneys in the fund that represent state subsidy funds 96527  
granted to the county pursuant to section 5139.34 of the Revised 96528  
Code shall be used to aid in the support of prevention, early 96529  
intervention, diversion, treatment, and rehabilitation programs 96530  
that are provided for alleged or adjudicated unruly children or 96531  
delinquent children or for children who are at risk of becoming 96532  
unruly children or delinquent children. The county shall not use 96533  
for capital improvements more than fifteen per cent of the moneys 96534  
in the fund that represent the applicable annual grant of those 96535  
state subsidy funds. 96536

(ii) The moneys in the fund that were disbursed to the 96537  
juvenile court pursuant to division (B) of section 5139.41 of the 96538  
Revised Code and deposited pursuant to division (B)(1) of this 96539  
section in the fund shall be used to provide programs and services 96540  
for the training, treatment, or rehabilitation of felony 96541  
delinquents that are alternatives to their commitment to the 96542  
department, including, but not limited to, community residential 96543  
programs, day treatment centers, services within the home, and 96544  
electronic monitoring, and shall be used in connection with 96545  
training, treatment, rehabilitation, early intervention, or other 96546  
programs or services for any delinquent child, unruly child, or 96547



juvenile traffic offender who is under the jurisdiction of the 96548  
juvenile court. 96549

The fund also may be used for prevention, early intervention, 96550  
diversion, treatment, and rehabilitation programs that are 96551  
provided for alleged or adjudicated unruly children, delinquent 96552  
children, or juvenile traffic offenders or for children who are at 96553  
risk of becoming unruly children, delinquent children, or juvenile 96554  
traffic offenders. Consistent with division (B)(1) of this 96555  
section, a county and the juvenile court of a county shall not use 96556  
any of those moneys for capital construction projects. 96557

(iii) Moneys in the fund shall not be used to support 96558  
programs or services that do not comply with federal juvenile 96559  
justice and delinquency prevention core requirements or to support 96560  
programs or services that research has shown to be ineffective. 96561  
Moneys in the fund shall be prioritized to research-supported, 96562  
outcome-based programs and services. 96563

(iv) The county and the juvenile court that serves the county 96564  
may use moneys in the fund to provide out-of-home placement of 96565  
children only in detention centers, community rehabilitation 96566  
centers, or community corrections facilities approved by the 96567  
department pursuant to standards adopted by the department, 96568  
licensed by an authorized state agency, or accredited by the 96569  
American correctional association or another national organization 96570  
recognized by the department. 96571

(b) Each juvenile court shall comply with division (B)(3)(d) 96572  
of this section as implemented by the department. If a juvenile 96573  
court fails to comply with division (B)(3)(d) of this section, the 96574  
department shall not be required to make any disbursements in 96575  
accordance with division (C) or (D) of section 5139.41 or division 96576  
(C)(2) of section 5139.34 of the Revised Code. 96577

(3) In accordance with rules adopted by the department 96578

pursuant to division (D) of section 5139.04 of the Revised Code, 96579  
each juvenile court and the county served by that juvenile court 96580  
shall do all of the following that apply: 96581

(a) The juvenile court shall prepare an annual grant 96582  
agreement and application for funding that satisfies the 96583  
requirements of this section and section 5139.34 of the Revised 96584  
Code and that pertains to the use, upon an order of the juvenile 96585  
court and subject to appropriation by the board of county 96586  
commissioners, of the moneys in its felony delinquent care and 96587  
custody fund for specified programs, care, and services as 96588  
described in division (B)(2)(a) of this section, shall submit that 96589  
agreement and application to the county family and children first 96590  
council, the regional family and children first council, or the 96591  
local intersystem services to children cluster as described in 96592  
sections 121.37 and 121.38 of the Revised Code, whichever is 96593  
applicable, and shall file that agreement and application with the 96594  
department for its approval. The annual grant agreement and 96595  
application for funding shall include a method of ensuring equal 96596  
access for minority youth to the programs, care, and services 96597  
specified in it. 96598

The department may approve an annual grant agreement and 96599  
application for funding only if the juvenile court involved has 96600  
complied with the preparation, submission, and filing requirements 96601  
described in division (B)(3)(a) of this section. If the juvenile 96602  
court complies with those requirements and the department approves 96603  
that agreement and application, the juvenile court and the county 96604  
served by the juvenile court may expend the state subsidy funds 96605  
granted to the county pursuant to section 5139.34 of the Revised 96606  
Code only in accordance with division (B)(2)(a) of this section, 96607  
the rules pertaining to state subsidy funds that the department 96608  
adopts pursuant to division (D) of section 5139.04 of the Revised 96609  
Code, and the approved agreement and application. 96610

(b) By the thirty-first day of August of each year, the juvenile court shall file with the department a report that contains all of the statistical and other information for each month of the prior state fiscal year. If the juvenile court fails to file the report required by division (B)(3)(b) of this section by the thirty-first day of August of any year, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B) of section 5139.41 of the Revised Code the applicable allocation until the juvenile court fully complies with division (B)(3)(b) of this section.

(c) If the department requires the juvenile court to prepare monthly statistical reports and to submit the reports on forms provided by the department, the juvenile court shall file those reports with the department on the forms so provided. If the juvenile court fails to prepare and submit those monthly statistical reports within the department's timelines, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B) of section 5139.41 of the Revised Code the applicable allocation until the juvenile court fully complies with division (B)(3)(c) of this section. If the juvenile court fails to prepare and submit those monthly statistical reports within one hundred eighty days of the date the department establishes for their submission, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B) of section 5139.41 of the Revised Code the applicable allocation, and the state subsidy funds and the remainder of the applicable allocation shall revert to the department. If a juvenile court states in a monthly statistical

report that the juvenile court adjudicated within a state fiscal year five hundred or more children to be delinquent children for committing acts that would be felonies if committed by adults and if the department determines that the data in the report may be inaccurate, the juvenile court shall have an independent auditor or other qualified entity certify the accuracy of the data on a date determined by the department.

(d) If the department requires the juvenile court and the county to participate in a fiscal monitoring program or another monitoring program that is conducted by the department to ensure compliance by the juvenile court and the county with division (B) of this section, the juvenile court and the county shall participate in the program and fully comply with any guidelines for the performance of audits adopted by the department pursuant to that program and all requests made by the department pursuant to that program for information necessary to reconcile fiscal accounting. If an audit that is performed pursuant to a fiscal monitoring program or another monitoring program described in this division determines that the juvenile court or the county used moneys in the county's felony delinquent care and custody fund for expenses that are not authorized under division (B) of this section, within forty-five days after the department notifies the county of the unauthorized expenditures, the county either shall repay the amount of the unauthorized expenditures from the county general revenue fund to the state's general revenue fund or shall file a written appeal with the department. If an appeal is timely filed, the director of the department shall render a decision on the appeal and shall notify the appellant county or its juvenile court of that decision within forty-five days after the date that the appeal is filed. If the director denies an appeal, the county's fiscal agent shall repay the amount of the unauthorized expenditures from the county general revenue fund to the state's general revenue fund within thirty days after receiving the

director's notification of the appeal decision. 96677

(C) The determination of which county a reduction of the care 96678  
and custody allocation will be charged against for a particular 96679  
youth shall be made as outlined below for all youths who do not 96680  
qualify as public safety beds. The determination of which county a 96681  
reduction of the care and custody allocation will be charged 96682  
against shall be made as follows until each youth is released: 96683

(1) In the event of a commitment, the reduction shall be 96684  
charged against the committing county. 96685

(2) In the event of a recommitment, the reduction shall be 96686  
charged against the original committing county until the 96687  
expiration of the minimum period of institutionalization under the 96688  
original order of commitment or until the date on which the youth 96689  
is admitted to the department of youth services pursuant to the 96690  
order of recommitment, whichever is later. Reductions of the 96691  
allocation shall be charged against the county that recommitted 96692  
the youth after the minimum expiration date of the original 96693  
commitment. 96694

(3) In the event of a revocation of a release on parole, the 96695  
reduction shall be charged against the county that revokes the 96696  
youth's parole. 96697

(D) A juvenile court is not precluded by its allocation 96698  
amount for the care and custody of felony delinquents from 96699  
committing a felony delinquent to the department of youth services 96700  
for care and custody in an institution or a community corrections 96701  
facility when the juvenile court determines that the commitment is 96702  
appropriate. 96703

**Sec. 5310.35.** The board of county commissioners shall conduct 96704  
the public hearing required by section 5310.33 of the Revised Code 96705  
in accordance with this section. 96706

(A)(1) The board shall prepare a notice of the hearing that includes each of the following:

(a) A statement that the board is considering abolishing land registration in the county, that abolition would require the deregistration of all registered land in the county, and that after abolition all land in the county would have to be dealt with as nonregistered land;

(b) A statement that the board seeks evidence with regard to the matters listed in section 5310.34 of the Revised Code;

(c) The date, time, and place of the hearing, which shall be not earlier than two nor later than three months after the resolution to consider the merits of abolishing land registration was adopted by the board;

(d) A statement that any person affected by the proposed abolition of land registration may appear at the hearing and present evidence as provided in division (B) of this section.

(2) The board shall serve the notice by both of the following means:

(a) Ordinary mail, evidenced by a certificate of mailing, addressed to each person from whom a receipt or signature card, giving residence and post-office address, has been taken by the county recorder under section 5309.30 or 5309.50 of the Revised Code, and to each person who has filed an affidavit with the county recorder under section 5309.72 of the Revised Code. The county recorder, within one month after the adoption of a resolution to consider the merits of abolishing land registration in the county, shall provide the board with the names and respective addresses of the persons who are entitled to notice under this division.

If a notice is returned with an endorsement showing failure of delivery, the board is under no further obligation to directly

serve the notice upon the addressee. The board shall preserve the 96738  
returned notice in the records pertaining to its consideration of 96739  
the merits of abolishing land registration in the county. 96740

(b) Publication twice a week for two consecutive weeks in a 96741  
newspaper of general circulation in the county or as provided in 96742  
section 7.16 of the Revised Code. Publication of the notice shall 96743  
be completed at least one month prior to the date set for the 96744  
hearing. 96745

(B) At the date, time, and place specified in the notice, the 96746  
board shall conduct a hearing, which may be adjourned from day to 96747  
day until complete, at which any person affected by the proposed 96748  
abolition of land registration may appear in person, by ~~his~~ 96749  
attorney, or both, and present evidence, orally or in writing, 96750  
with regard to the costs and benefits of maintaining land 96751  
registration in the county. Any person who presents evidence may 96752  
also present evidence refuting any evidence offered in opposition 96753  
to ~~his~~ the person's evidence. 96754

The board shall cause a stenographic record to be made of the 96755  
hearing. The president of the board, or a member ~~he~~ the president 96756  
designates, shall preside at the hearing. 96757

**Sec. 5501.84.** (A) There is hereby created the transportation 96758  
public-private partnership legislative oversight committee 96759  
consisting of six members as follows: 96760

(1) Three members of the senate, no more than two of whom 96761  
shall be members of the same political party, one of whom shall be 96762  
the chairperson of the committee dealing primarily with highway 96763  
matters, one of whom shall be appointed by the president of the 96764  
senate, and one of whom shall be appointed by the minority leader 96765  
of the senate. 96766

The president of the senate shall make the president of the 96767

senate's appointment to the committee first, followed by the 96768  
minority leader of the senate, and they shall make their 96769  
appointments in such a manner that their two appointees represent 96770  
districts that are located in different areas of the state. 96771

(2) Three members of the house of representatives, no more 96772  
than two of whom shall be members of the same political party, one 96773  
of whom shall be the chairperson of the house of representatives 96774  
committee dealing primarily with highway matters, one of whom 96775  
shall be appointed by the speaker of the house of representatives, 96776  
and one of whom shall be appointed by the minority leader of the 96777  
house of representatives. 96778

The speaker of the house of representatives shall make the 96779  
speaker of the house of representatives' appointment to the 96780  
committee first, followed by the minority leader of the house of 96781  
representatives, and they shall make their appointments in such a 96782  
manner that their two appointees represent districts that are 96783  
located in different areas of the state. 96784

The chairperson of the house of representatives committee 96785  
shall serve as the chairperson of the committee for the year 2012. 96786  
Thereafter, the chair annually shall alternate between, first, the 96787  
chairperson of the senate committee and then the chairperson of 96788  
the house of representatives committee. 96789

(B) Each member of the committee who is a member of the 96790  
general assembly shall serve a term of the remainder of the 96791  
general assembly during which the member is appointed or is 96792  
serving as chairperson of the specified senate or house committee. 96793  
In the event of the death or resignation of a committee member who 96794  
is a member of the general assembly, or in the event that a member 96795  
ceases to be a senator or representative, or in the event that the 96796  
chairperson of the senate committee dealing primarily with highway 96797  
matters or the chairperson of the house of representatives 96798  
committee dealing primarily with highway matters ceases to hold 96799



that position, the vacancy shall be filled through an appointment 96800  
by the president of the senate or the speaker of the house of 96801  
representatives or minority leader of the senate or house of 96802  
representatives, as applicable. Any member appointed to fill a 96803  
vacancy occurring prior to the end of the term for which the 96804  
member's predecessor was appointed shall hold office for the 96805  
remainder of the term or for a shorter period of time as 96806  
determined by the president of the senate or the speaker of the 96807  
house of representatives. A member of the committee is eligible 96808  
for reappointment. 96809

(C) The committee shall meet at least quarterly and may meet 96810  
at the call of its chairperson, or upon the written request to the 96811  
chairperson of not fewer than four members of the committee. 96812  
Meetings shall be held at sites that are determined solely by the 96813  
chairperson of the committee. At each meeting, the Ohio department 96814  
of transportation shall make a report to the committee on 96815  
public-private partnership matters, including but not limited to 96816  
financial and budgetary matters and proposed and ongoing bids, 96817  
maintenance, repair, and operational projects. 96818

The committee, by the affirmative vote of at least four of 96819  
its members, may submit written recommendations to the director of 96820  
transportation, the president of the senate, the speaker of the 96821  
house of representatives, and the minority leader of each house 96822  
describing public-private partnership matters subject to further 96823  
legislative review. 96824

(D) The members of the committee who are members of the 96825  
general assembly shall serve without compensation, but shall be 96826  
reimbursed by the department for their actual and necessary 96827  
expenses incurred in the discharge of their official duties as 96828  
committee members. Serving as a member of the committee does not 96829  
constitute grounds for resignation from the senate or house of 96830  
representatives under section 101.26 of the Revised Code. 96831

**Sec. 5505.04.** (A)(1) The general administration and 96832  
management of the state highway patrol retirement system and the 96833  
making effective of this chapter are hereby vested in the state 96834  
highway patrol retirement board. The board may sue and be sued, 96835  
plead and be impleaded, contract and be contracted with, and do 96836  
all things necessary to carry out this chapter. 96837

The board shall consist of the following members: 96838

(a) The superintendent of the state highway patrol; 96839

(b) Two retirant members who reside in this state; 96840

(c) Five employee-members; 96841

(d) One member, known as the treasurer of state's investment 96842  
designee, who shall be appointed by the treasurer of state for a 96843  
term of four years and who shall have the following 96844  
qualifications: 96845

(i) The member is a resident of this state. 96846

(ii) Within the three years immediately preceding the 96847  
appointment, the member has not been employed by the public 96848  
employees retirement system, police and fire pension fund, state 96849  
teachers retirement system, school employees retirement system, or 96850  
state highway patrol retirement system or by any person, 96851  
partnership, or corporation that has provided to one of those 96852  
retirement systems services of a financial or investment nature, 96853  
including the management, analysis, supervision, or investment of 96854  
assets. 96855

(iii) The member has direct experience in the management, 96856  
analysis, supervision, or investment of assets. 96857

(iv) The member is not currently employed by the state or a 96858  
political subdivision of the state. 96859

(e) Two investment expert members, who shall be appointed to 96860

four-year terms. One investment expert member shall be appointed 96861  
by the governor, and one investment expert member shall be jointly 96862  
appointed by the speaker of the house of representatives and the 96863  
president of the senate. Each investment expert member shall have 96864  
the following qualifications: 96865

(i) Each investment expert member shall be a resident of this 96866  
state. 96867

(ii) Within the three years immediately preceding the 96868  
appointment, each investment expert member shall not have been 96869  
employed by the public employees retirement system, police and 96870  
fire pension fund, state teachers retirement system, school 96871  
employees retirement system, or state highway patrol retirement 96872  
system or by any person, partnership, or corporation that has 96873  
provided to one of those retirement systems services of a 96874  
financial or investment nature, including the management, 96875  
analysis, supervision, or investment of assets. 96876

(iii) Each investment expert member shall have direct 96877  
experience in the management, analysis, supervision, or investment 96878  
of assets. 96879

(2) The board shall annually elect a chairperson and 96880  
vice-chairperson from among its members. The vice-chairperson 96881  
shall act as chairperson in the absence of the chairperson. A 96882  
majority of the members of the board shall constitute a quorum and 96883  
any action taken shall be approved by a majority of the members of 96884  
the board. The board shall meet not less than once each year, upon 96885  
sufficient notice to the members. All meetings of the board shall 96886  
be open to the public except executive sessions as set forth in 96887  
division (G) of section 121.22 of the Revised Code, and any 96888  
portions of any sessions discussing medical records or the degree 96889  
of disability of a member excluded from public inspection by this 96890  
section. 96891

(3) Any investment expert member appointed to fill a vacancy 96892  
occurring prior to the expiration of the term for which the 96893  
member's predecessor was appointed holds office until the end of 96894  
such term. The member continues in office subsequent to the 96895  
expiration date of the member's term until the member's successor 96896  
takes office, or until a period of sixty days has elapsed, 96897  
whichever occurs first. 96898

(B) The attorney general shall prescribe procedures for the 96899  
adoption of rules authorized under this chapter, consistent with 96900  
the provision of section 111.15 of the Revised Code under which 96901  
all rules shall be filed in order to be effective. Such procedures 96902  
shall establish methods by which notice of proposed rules are 96903  
given to interested parties and rules adopted by the board 96904  
published and otherwise made available. When it files a rule with 96905  
the joint committee on agency rule review pursuant to section 96906  
111.15 of the Revised Code, the board shall submit to the Ohio 96907  
retirement study council a copy of the full text of the rule, and 96908  
if applicable, a copy of the rule summary and fiscal analysis 96909  
required by division (B) of section 127.18 of the Revised Code. 96910

(C)(1) As used in this division, "personal history record" 96911  
means information maintained by the board on an individual who is 96912  
a member, former member, retirant, or beneficiary that includes 96913  
the address, telephone number, social security number, record of 96914  
contributions, correspondence with the system, and other 96915  
information the board determines to be confidential. 96916

(2) The records of the board shall be open to public 96917  
inspection, except for the following which shall be excluded: the 96918  
member's, former member's, retirant's, or beneficiary's personal 96919  
history record and the amount of a monthly allowance or benefit 96920  
paid to a retirant, beneficiary, or survivor, except with the 96921  
written authorization of the individual concerned. All medical 96922  
reports and recommendations are privileged except that copies of 96923

such medical reports or recommendations shall be made available to 96924  
the individual's personal physician, attorney, or authorized agent 96925  
upon written release received from such individual or such 96926  
individual's agent, or when necessary for the proper 96927  
administration of the fund to the board-assigned physician. 96928

(D) Notwithstanding the exceptions to public inspection in 96929  
division (C)(2) of this section, the board may furnish the 96930  
following information: 96931

(1) If a member, former member, or retirant is subject to an 96932  
order issued under section 2907.15 of the Revised Code or an order 96933  
issued under division (A) or (B) of section 2929.192 of the 96934  
Revised Code or is convicted of or pleads guilty to a violation of 96935  
section 2921.41 of the Revised Code, on written request of a 96936  
prosecutor as defined in section 2935.01 of the Revised Code, the 96937  
board shall furnish to the prosecutor the information requested 96938  
from the individual's personal history record. 96939

(2) Pursuant to a court order issued under Chapters 3119., 96940  
3121., and 3123. of the Revised Code, the board shall furnish to a 96941  
court or child support enforcement agency the information required 96942  
under those chapters. 96943

(3) At the written request of any nonprofit organization or 96944  
association providing services to retirement system members, 96945  
retirants, or beneficiaries, the board shall provide to the 96946  
organization or association a list of the names and addresses of 96947  
members, former members, retirants, or beneficiaries if the 96948  
organization or association agrees to use such information solely 96949  
in accordance with its stated purpose of providing services to 96950  
such individuals and not for the benefit of other persons, 96951  
organizations, or associations. The costs of compiling, copying, 96952  
and mailing the list shall be paid by such entity. 96953

(4) Within fourteen days after receiving from the director of 96954

job and family services a list of the names and social security 96955  
numbers of recipients of public assistance pursuant to section 96956  
5101.181 of the Revised Code, the board shall inform the auditor 96957  
of state of the name, current or most recent employer address, and 96958  
social security number of each member whose name and social 96959  
security number are the same as those of a person whose name or 96960  
social security number was submitted by the director. The board 96961  
and its employees, except for purposes of furnishing the auditor 96962  
of state with information required by this section, shall preserve 96963  
the confidentiality of recipients of public assistance in 96964  
compliance with ~~division (A)~~ of section 5101.181 of the Revised 96965  
Code. 96966

(5) The system shall comply with orders issued under section 96967  
3105.87 of the Revised Code. 96968

On the written request of an alternate payee, as defined in 96969  
section 3105.80 of the Revised Code, the system shall furnish to 96970  
the alternate payee information on the amount and status of any 96971  
amounts payable to the alternate payee under an order issued under 96972  
section 3105.171 or 3105.65 of the Revised Code. 96973

(6) At the request of any person, the board shall make 96974  
available to the person copies of all documents, including 96975  
resumes, in the board's possession regarding filling a vacancy of 96976  
an employee member or retirant member of the board. The person who 96977  
made the request shall pay the cost of compiling, copying, and 96978  
mailing the documents. The information described in this division 96979  
is a public record. 96980

(E) A statement that contains information obtained from the 96981  
system's records that is certified and signed by an officer of the 96982  
retirement system and to which the system's official seal is 96983  
affixed, or copies of the system's records to which the signature 96984  
and seal are attached, shall be received as true copies of the 96985  
system's records in any court or before any officer of this state. 96986

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <b>Sec. 5540.03.</b> (A) A transportation improvement district may:                                                                                                                                                                                                                                                                                                                                                                                                                     | 96987                                                                |
| (1) Adopt bylaws for the regulation of its affairs and the conduct of its business;                                                                                                                                                                                                                                                                                                                                                                                                     | 96988<br>96989                                                       |
| (2) Adopt an official seal;                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 96990                                                                |
| (3) Sue and be sued in its own name, plead and be impleaded, provided any actions against the district shall be brought in the court of common pleas of the county in which the principal office of the district is located, or in the court of common pleas of the county in which the cause of action arose, and all summonses, exceptions, and notices of every kind shall be served on the district by leaving a copy thereof at its principal office with the secretary-treasurer; | 96991<br>96992<br>96993<br>96994<br>96995<br>96996<br>96997<br>96998 |
| (4) Purchase, construct, maintain, repair, sell, exchange, police, operate, or lease projects;                                                                                                                                                                                                                                                                                                                                                                                          | 96999<br>97000                                                       |
| (5) Issue either or both of the following for the purpose of providing funds to pay the costs of any project or part thereof:                                                                                                                                                                                                                                                                                                                                                           | 97001<br>97002                                                       |
| (a) Transportation improvement district revenue bonds;                                                                                                                                                                                                                                                                                                                                                                                                                                  | 97003                                                                |
| (b) Bonds pursuant to Section 13 of Article VIII, Ohio Constitution;                                                                                                                                                                                                                                                                                                                                                                                                                    | 97004<br>97005                                                       |
| (6) Maintain such funds as it considers necessary;                                                                                                                                                                                                                                                                                                                                                                                                                                      | 97006                                                                |
| (7) Direct its agents or employees, when properly identified in writing and after at least five days' written notice, to enter upon lands within its jurisdiction to make surveys and examinations preliminary to the location and construction of projects for the district, without liability of the district or its agents or employees except for actual damage done;                                                                                                               | 97007<br>97008<br>97009<br>97010<br>97011<br>97012                   |
| (8) Make and enter into all contracts and agreements necessary or incidental to the performance of its functions and the execution of its powers under this chapter;                                                                                                                                                                                                                                                                                                                    | 97013<br>97014<br>97015                                              |

(9) Employ or retain or contract for the services of 97016  
consulting engineers, superintendents, managers, and such other 97017  
engineers, construction and accounting experts, financial 97018  
advisers, trustees, marketing, remarketing, and administrative 97019  
agents, attorneys, and other employees, independent contractors, 97020  
or agents as are necessary in its judgment and fix their 97021  
compensation, provided all such expenses shall be payable solely 97022  
from the proceeds of bonds or from revenues; 97023

(10) Receive and accept from the federal or any state or 97024  
local government, including, but not limited to, any agency, 97025  
entity, or instrumentality of any of the foregoing, loans and 97026  
grants for or in aid of the construction, maintenance, or repair 97027  
of any project, and receive and accept aid or contributions from 97028  
any source or person of money, property, labor, or other things of 97029  
value, to be held, used, and applied only for the purposes for 97030  
which such loans, grants, and contributions are made. Nothing in 97031  
division (A)(10) of this section shall be construed as imposing 97032  
any liability on this state for any loan received by a 97033  
transportation improvement district from a third party unless this 97034  
state has entered into an agreement to accept such liability. 97035

(11) Acquire, hold, and dispose of property in the exercise 97036  
of its powers and the performance of its duties under this 97037  
chapter; 97038

(12) Establish and collect tolls or user charges for its 97039  
projects; 97040

(13) Do all acts necessary and proper to carry out the powers 97041  
expressly granted in this chapter. 97042

(B) Chapters 123., 124., 125., 153., and 4115., and sections 97043  
9.331, ~~9.332~~, ~~9.333~~, to 9.335 and 307.86 of the Revised Code do 97044  
not apply to contracts or projects of a transportation improvement 97045  
district. 97046



Sec. 5540.031. (A) The board of trustees of a transportation 97047  
improvement district may provide for the construction, 97048  
reconstruction, improvement, alteration, or repair of any road, 97049  
highway, public place, building, or other infrastructure and levy 97050  
special assessments, if the board determines that the public 97051  
improvement will benefit the area where it will be constructed, 97052  
reconstructed, improved, altered, or repaired. However, if the 97053  
improvement is proposed for territory in a political subdivision 97054  
located outside the district's territory, the legislative 97055  
authority of that political subdivision shall approve the 97056  
undertaking of the improvement within the political subdivision. 97057

(B) If any improvements are made under this section, 97058  
contracts for the improvement may provide that the improvement may 97059  
be owned by the district or by the person or corporation supplying 97060  
it to the district under a lease. 97061

(C) If the board of trustees of a district proposes an 97062  
improvement described in division (A) of this section, the board 97063  
shall conduct a hearing on the proposed improvement. The board 97064  
shall indicate by metes and bounds the area in which the public 97065  
improvement will be made and the area that will benefit from the 97066  
improvement. 97067

(D) The board of trustees shall fix a day for a hearing on 97068  
the proposed improvement. The secretary-treasurer of the board 97069  
shall deliver, to each owner of a parcel of land or a lot that the 97070  
board identifies as benefiting from the proposed improvement, a 97071  
notice that sets forth the substance of the proposed improvement 97072  
and the time and place of the hearing on it. At least fifteen days 97073  
before the date set for the hearing, a copy of the notice shall be 97074  
served upon the owner or left at ~~his~~ the owner's usual place of 97075  
residence, or, if the owner is a corporation, upon an officer or 97076  
agent of the corporation. On or before the day of the hearing, the 97077

person serving notice of the hearing shall make return thereon, 97078  
under oath, of the time and manner of service, and shall file the 97079  
notice with the secretary-treasurer of the board. 97080

At least fifteen days before the day set for the hearing on 97081  
the proposed improvement, the secretary-treasurer shall give 97082  
notice to each nonresident owner of a lot or parcel of land in the 97083  
area to be benefited by the improvement, by publication once in a 97084  
newspaper ~~published and~~ of general circulation in the one or more 97085  
counties in which this area is located. The publication of the 97086  
notice shall be verified by affidavit of the printer or other 97087  
person having knowledge of the publication and shall be filed with 97088  
the secretary-treasurer of the district on or before the date of 97089  
the hearing. 97090

(E) At the time and place specified in the notice for a 97091  
hearing on the proposed improvement, the board of trustees of the 97092  
district shall meet and hear any and all testimony provided by any 97093  
of the parties affected by the proposed improvement and by any 97094  
other persons competent to testify. The board or its 97095  
representatives shall inspect, by an actual viewing, the area to 97096  
be benefited by the proposed improvement. The board shall 97097  
determine the necessity of the proposed improvement and may find 97098  
that the proposed improvement will result in general as well as 97099  
special benefits. The board may adjourn from time to time and to 97100  
such places as it considers necessary. 97101

(F)(1) The board may award contracts or enter into a lease 97102  
agreement for the construction, reconstruction, improvement, 97103  
alteration, or repair of any improvement described in division (A) 97104  
of this section and may issue notes, bonds, revenue anticipatory 97105  
instruments, or other obligations, as authorized by this chapter, 97106  
to finance the improvements. 97107

(2) All or a part of the costs and expenses of providing for 97108  
the construction, reconstruction, improvement, alteration, or 97109

repair of any improvement described in division (F)(1) of this 97110  
section may be paid from a fund into which may be paid special 97111  
assessments levied under this section against the lots and parcels 97112  
of land in the area to be benefited by the improvement, if the 97113  
board finds that the improvement will result in general or special 97114  
benefits to the benefited area. These special assessments shall be 97115  
levied not more than one time on the same lot or parcel of land. 97116  
Such costs and expenses may also be paid from the treasury of the 97117  
district or from other available sources in amounts the board 97118  
finds appropriate. 97119

(3) The board shall levy special assessments at an amount not 97120  
to exceed ten per cent of the assessable value of the lot or 97121  
parcel of land being assessed. The board shall determine the 97122  
assessable value of a lot or parcel of land in the following 97123  
manner: the board shall first determine the fair market value of 97124  
the lot or parcel being assessed in the calendar year in which the 97125  
area to be benefited by the public improvement is first designated 97126  
and then multiply this amount by the average rate of appreciation 97127  
in value of the lot or parcel since that calendar year. The 97128  
assessable value of the lot or parcel is the current fair market 97129  
value of the lot or parcel minus the amount calculated in the 97130  
manner described in the immediately preceding sentence. The board 97131  
may adjust the assessable value of a lot or parcel of land to 97132  
reflect a sale of the lot or parcel that indicates an appreciation 97133  
in its value that exceeds its average rate of appreciation in 97134  
value. 97135

(4) Special assessments levied by the board may be paid in 97136  
full in a lump sum or may be paid and collected in equal 97137  
semiannual installments, equal in number to twice the number of 97138  
years for which the lease of the improvement is made or twice the 97139  
number of years that the note, bond, instrument, or obligation 97140  
that the assessments are pledged to pay requires. The assessments 97141

shall be paid and collected in the same manner and at the same 97142  
time as real property taxes are paid and collected, and 97143  
assessments in the amount of fifty dollars or less shall be paid 97144  
in full, and not in installments, at the time the first or next 97145  
installment would otherwise become due and payable. Complaints 97146  
regarding assessments may be made to the county board of revision 97147  
in the same manner as complaints relating to the valuation and 97148  
assessment of real property. 97149

Credits against assessments shall be granted equal to the 97150  
value of any construction, reconstruction, improvement, 97151  
alteration, or repair that an owner of a parcel of land or lot 97152  
makes to an improvement pursuant to an agreement between the owner 97153  
and the district. 97154

(5) After the levy of a special assessment, the board, at any 97155  
time during any year in which an installment of the assessment 97156  
becomes due, may pay out of other available funds of the district, 97157  
including any state or federal funds available to the district, 97158  
the full amount of the price of the contract that the special 97159  
assessments are pledged to pay for that year or any other portion 97160  
of the remaining obligation. The board shall be the sole 97161  
determiner of the definition, extent, and allocation of the 97162  
benefit resulting from an improvement that the board authorizes 97163  
under this section. 97164

(G)(1) The board shall certify to the appropriate county 97165  
auditor the boundaries of the area that is benefited by any public 97166  
improvement the board authorizes under this section and, when the 97167  
board so requests, the auditor shall apportion the valuation of 97168  
any lot or parcel of land lying partly within and partly outside 97169  
the area so benefited. 97170

(2) The board by resolution shall assess against the lots and 97171  
parcels of land located in the area that is benefited by a public 97172  
improvement such portion of the costs of completing the public 97173

improvement as the board determines, for the period that may be 97174  
necessary to pay the note, bond, instrument, or obligation issued 97175  
to pay for the improvement and the proceedings in relation to it, 97176  
and shall certify these costs to the appropriate county auditor. 97177

(3) Except for assessments that have been paid in full in a 97178  
lump sum, the county auditor shall annually place upon the tax 97179  
duplicate, for collection in semiannual installments, the two 97180  
installments of the assessment for that year, which shall be paid 97181  
and collected at the same time and in the same manner as real 97182  
property taxes. The collected assessments shall be paid to the 97183  
treasury of the district and the board of the district shall use 97184  
the assessments for any purpose authorized by this chapter. 97185

**Sec. 5540.05.** The board of trustees of a district may acquire 97186  
real property in fee simple in the name of the district in 97187  
connection with, but in excess of that needed for, a project by 97188  
any method other than appropriation and hold the property for such 97189  
period of time as the board determines. All right, title, and 97190  
interest of the district in the property may be sold at public 97191  
auction or otherwise, as the board considers in the best interests 97192  
of the district; but in no event shall the property be sold for 97193  
less than two-thirds of its appraised value. Sale at public 97194  
auction shall be undertaken only after the board advertises the 97195  
sale in a newspaper of general circulation in the district for ~~at~~ 97196  
~~least~~ two weeks or as provided in section 7.16 of the Revised 97197  
Code, prior to the date set for the sale. 97198

**Sec. 5543.10.** (A) The county engineer, upon the order of the 97199  
board of county commissioners or board of township trustees, shall 97200  
construct sidewalks, curbs, or gutters of suitable materials, 97201  
along or connecting the public highways, outside any municipal 97202  
corporation, upon the petition of a majority of the abutting 97203  
property owners. The expense of the construction of these 97204

improvements may be paid by the county or township, or by the 97205  
county or township and abutting property owners in such proportion 97206  
as determined by the board of county commissioners or board of 97207  
township trustees. The board of county commissioners or board of 97208  
township trustees may assess part or all of the cost of these 97209  
improvements against the abutting property owners, in proportion 97210  
to benefits accruing to their property. 97211

The board of county commissioners or board of township 97212  
trustees, by unanimous vote, may order the construction, repair, 97213  
or maintenance of sidewalks, curbs, and gutters along or 97214  
connecting the public highways, outside a municipal corporation, 97215  
without a petition for that construction, repair, or maintenance, 97216  
and may assess none, all, or any part of the cost against abutting 97217  
property owners, provided that notice is given by publication for 97218  
three successive weeks in a newspaper of general circulation 97219  
within the county or as provided in section 7.16 of the Revised 97220  
Code, stating the intention of the board of county commissioners 97221  
or board of township trustees to construct, repair, or maintain 97222  
the specified improvements and fixing a date for a hearing on 97223  
them. As part of a sidewalk improvement, the board may include the 97224  
repair or reconstruction of a driveway within the sidewalk 97225  
easement. As part of a curb improvement, the board may include 97226  
construction or repair of a driveway apron. 97227

Notice to all abutting property owners shall be given by two 97228  
publications in a newspaper of general circulation in the county 97229  
or as provided in section 7.16 of the Revised Code, at least ten 97230  
days prior to the date fixed in the notice for the making of 97231  
assessments. The notice shall state the time and place when 97232  
abutting property owners will be given an opportunity to be heard 97233  
with reference to assessments. The board of county commissioners 97234  
or board of township trustees shall determine whether assessments 97235  
shall be paid in one or more installments. 97236

(B) The county engineer may trim or remove any and all trees, shrubs, and other vegetation growing in or encroaching onto the right-of-way of the easement of a public sidewalk along or connecting the public highways and maintained by the county, and the board of township trustees may trim or remove any and all trees, shrubs, and other vegetation growing in or encroaching onto the right-of-way of the easement of a public sidewalk along or connecting the public highways and maintained by the township, as is necessary in the engineer's or board's judgment to facilitate the right of the public to improvement and maintenance of, and uninterrupted travel on, public sidewalks in the county or township.

**Sec. 5552.06.** (A) A board of county commissioners or a board of township trustees may adopt access management regulations or any amendments to those regulations after holding at least two public hearings at regular or special sessions of the board. The board shall consider the county engineer's proposed regulations prepared under division (B) of section 5552.04 or 5552.05 of the Revised Code and all comments on those regulations. The board, in its discretion, may, but need not, adopt any or all of those proposed regulations. After the public hearings, the board may decide not to adopt any access management regulations.

The board shall publish notice of the public hearings in a newspaper of general circulation in the county or township, as applicable, once a week for ~~at least~~ two weeks or as provided in section 7.16 of the Revised Code, immediately preceding the hearings. The notice shall include the time, date, and place of each hearing. Copies of any proposed regulations or amendments shall be made available to the public at the board's office and, if the county engineer administers or is proposed to administer a point of access permit, in the engineer's office.

(B) In addition to the notice required by division (A) of this section, not less than thirty days before holding a public hearing, a board of county commissioners shall send a copy of the county engineer's proposed regulations, a copy of the advisory committee's recommendations, and a request for written comments to the board of township trustees of each township in the county, the department of transportation district deputy director for the district in which the county is located, a representative of the metropolitan planning organization, where applicable, and at least the local professional associations representing the following professions:

- (1) Homebuilders;
- (2) Realtors;
- (3) Professional surveyors;
- (4) Attorneys;
- (5) Professional engineers.

(C) In addition to the notice required by division (A) of this section, a board of township trustees shall send a copy of the county engineer's proposed regulations, a copy of the advisory committee's recommendations, and a request for written comments, not less than thirty days before holding a public hearing, to the department of transportation district deputy director for the district in which the township is located, a representative of the metropolitan planning organization, where applicable, and at least the local professional associations representing the professions listed in division (B) of this section.

**Sec. 5553.05.** (A) In the resolution required by section 5553.04 of the Revised Code, the board of county commissioners shall fix a date when it will view the proposed improvement, and also a date for a final hearing thereon.



The board shall give notice of the time and place for both 97298  
such view and hearing by publication once a week for two 97299  
consecutive weeks in a newspaper ~~published and having~~ of general 97300  
circulation in the county where such improvement is located, ~~but~~ 97301  
~~if there is no such newspaper published in said county, then in a~~ 97302  
~~newspaper having general circulation in said county~~ or as provided 97303  
in section 7.16 of the Revised Code. Such notice, in addition to 97304  
the date and place of such view and place and time of the final 97305  
hearing, shall state briefly the character of such improvement. 97306

(B) If the board adopts a resolution to vacate a public road 97307  
as provided in section 5553.04 of the Revised Code, or if a 97308  
petition to vacate a public road is filed, the board shall, in 97309  
addition to the notice of the time and place for hearing 97310  
prescribed in division (A) of this section, send written notice of 97311  
the hearing by first class mail at least twenty days before the 97312  
date of the public hearing to owners of property abutting upon 97313  
that portion of the road to be vacated, and to the director of 97314  
natural resources. Such notice shall be mailed to the addresses of 97315  
such owners appearing on the county auditor's current tax list or 97316  
the treasurer's mailing list, and such other list or lists that 97317  
may be specified by the board. The failure of the delivery of such 97318  
notice does not invalidate any such vacating of the road 97319  
authorized in the resolution. 97320

**Sec. 5553.19.** The county engineer shall view and survey the 97321  
road as provided in section 5553.18 of the Revised Code, and shall 97322  
make a return of the survey and plat of the road to the board of 97323  
county commissioners. Upon the filing of the report of the 97324  
engineer, the board shall give notice of the filing of such report 97325  
by publication as provided in section 7.16 of the Revised Code or 97326  
once each week for three consecutive weeks in a newspaper 97327  
~~published and having~~ of general circulation in the county in which 97328  
such road is situated, ~~but if there is no such newspaper published~~ 97329

~~in said county, then in a newspaper having general circulation in~~ 97330  
~~said county.~~ Such notice shall state the date and time of the 97331  
hearing upon the report of the engineer. If exceptions or 97332  
objections are made, the board shall hear them, and it may approve 97333  
or reject said report. If the report of the engineer is approved, 97334  
the board shall cause such report to be recorded together with the 97335  
survey and plat of such road. 97336

**Sec. 5553.23.** If a person through whose land a public road 97337  
has been established, which is under the jurisdiction of the board 97338  
of county commissioners, desires to turn or change or relocate 97339  
such road or any part thereof through any part of ~~his~~ the person's 97340  
land, ~~he~~ the person may file a petition with the board of county 97341  
commissioners setting forth briefly the particular change ~~he~~ 97342  
~~desires~~ desired. Upon the receipt of such petition, the board 97343  
shall give notice by publication once not later than two weeks 97344  
prior to the date for the hearing on such petition in ~~some a~~ 97345  
newspaper ~~published and~~ of general circulation in said county, ~~but~~ 97346  
~~if there is no such newspaper published in said county, then in a~~ 97347  
~~newspaper having general circulation in said county,~~ stating that 97348  
such petition has been filed and setting forth the change desired 97349  
in such road and the date and place for the hearing on said 97350  
petition. If a public road was once established for public 97351  
convenience through private lands, but has not been improved by 97352  
public funds and for more than twenty-one years has not been used, 97353  
the owner of such land may petition the board to vacate the road 97354  
in accordance with proceedings under sections 5553.04 to 5553.11 97355  
of the Revised Code. 97356

A person through whose land a trail right of way has been 97357  
preserved under section 5553.044 of the Revised Code may file a 97358  
petition to turn or change the route of the trail right of way in 97359  
the manner provided in this section, and such petition shall be 97360  
acted upon in the manner set forth in sections 5553.23 to 5553.31 97361

of the Revised Code. Notice of the hearing in such case shall also 97362  
be made by first class mail to the director of natural resources. 97363  
If the board turns or changes the route of the trail right of way, 97364  
it shall furnish the director with a full and accurate description 97365  
or map of the change. 97366

**Sec. 5553.42.** The board of county commissioners shall give 97367  
notice to the owners of lands through which the proposed road will 97368  
pass of the filing of the petition provided for in section 5553.41 97369  
of the Revised Code and the date and place of the hearing thereon. 97370  
Such notice shall be served on such owners personally, or by 97371  
leaving a copy of such notice at the usual place of residence of 97372  
such owners at least five days before the date of the hearing on 97373  
said petition. Proof of service of such notice shall be made by 97374  
affidavit of the person serving such notice. If any of such owners 97375  
are nonresidents of the county, the board shall give notice to 97376  
such nonresidents by publication once each week for two 97377  
consecutive weeks in a newspaper ~~published and having~~ of general 97378  
circulation ~~within in~~ the county, ~~but if there is no such~~ 97379  
~~newspaper published in said county, then in a newspaper having~~ 97380  
~~general circulation in said county~~ or as provided in section 7.16 97381  
of the Revised Code. A copy of the newspaper containing such 97382  
notice shall be mailed by the county auditor to each nonresident 97383  
whose post-office address is known to such auditor. Such notice 97384  
shall state the time and place of the hearing on claims for 97385  
compensation and damages. 97386

**Sec. 5555.07.** The county engineer shall prepare and file with 97387  
the board of county commissioners, by the time fixed therefor by 97388  
the board, copies of the surveys, plans, profiles, cross sections, 97389  
estimates of costs, and specifications for the improvement and 97390  
estimated assessments upon lands benefited thereby. Thereupon such 97391  
board shall file such copies in its office for the inspection and 97392

examination of all persons interested. Except in a case involving 97393  
the improvement of a public road in which no land or property is 97394  
taken or assessed, the board shall publish in a newspaper 97395  
~~published and~~ of general circulation in the county, ~~or if no~~ 97396  
~~newspaper is published in the county then in a newspaper having~~ 97397  
~~general circulation in the county,~~ for the period of two weeks or 97398  
as provided in section 7.16 of the Revised Code, notice that a 97399  
resolution has been adopted providing for said improvement, and 97400  
that copies of the surveys, plans, profiles, cross sections, 97401  
estimates, and specifications, together with estimated assessments 97402  
upon the lands benefited by such improvement for the proportion of 97403  
the cost thereof to be assessed therefor, are on file in the 97404  
office of the board for the inspection of persons interested 97405  
therein. Such notice shall state the time and place for hearing 97406  
objections to said improvement and to such estimated assessments. 97407  
In a case involving the improvement of a public road in which no 97408  
land or property is taken or assessed, the board shall publish the 97409  
notice required by this section once a week for two consecutive 97410  
weeks or as provided in section 7.16 of the Revised Code. 97411

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At such hearing the board may order said surveys, plans, 97413  
profiles, cross sections, estimates, and specifications to be 97414  
changed or modified and shall make such adjustments of the 97415  
estimated assessments as seem just to it. Thereupon the board may 97416  
approve such surveys, plans, profiles, cross sections, 97417  
specifications, and estimates and approve and confirm estimated 97418  
assessments as made by the engineer or as modified and changed by 97419  
the board. Such assessments when so approved and confirmed shall 97420  
be certified to the county auditor of the county and shall 97421  
thereupon become a lien upon the land charged therewith. The board 97422  
may declare against said improvement. 97423

**Sec. 5555.27.** As soon as the county engineer has transmitted 97424

to the several boards of county commissioners copies of ~~his~~ the 97425  
engineer's surveys, plans, profiles, cross sections, estimates, 97426  
and specifications for the improvement, the joint board of county 97427  
commissioners shall, except in cases of reconstruction or repair 97428  
of roads where no lands or property are taken, fix a time and 97429  
place for hearing objections to said improvement. The joint board 97430  
shall thereupon, except in cases of reconstruction or repair of 97431  
roads where no lands or property are taken, publish in a newspaper 97432  
~~published and~~ of general circulation within each interested 97433  
county, ~~or if there is no such newspaper published in such county~~ 97434  
~~then in a newspaper having general circulation in such county,~~ 97435  
once a week for two consecutive weeks or as provided in section 97436  
7.16 of the Revised Code, a notice that such improvement is to be 97437  
made and that copies of the surveys, plans, profiles, cross 97438  
sections, estimates, and specifications therefor are on file in 97439  
the office of the board of each interested county for the 97440  
inspection and examination of all persons interested therein. Such 97441  
notice shall also state the time and place for hearing objections 97442  
to said improvement. Proceedings for the appropriation of land 97443  
needed for such improvement shall be maintained in accordance with 97444  
sections 163.01 to 163.22, ~~inclusive,~~ of the Revised Code. 97445

**Sec. 5555.42.** A board of county commissioners desiring to 97446  
construct a county road improvement, and finding that no equitable 97447  
method of apportioning the compensation, damages, and expenses 97448  
thereof is provided by section 5555.41 of the Revised Code, or 97449  
finding that an equitable assessment cannot be made by the use of 97450  
any of the several assessment areas authorized by said section, 97451  
may order the county engineer to make a tentative plan for such 97452  
improvement and an approximate estimate of the cost. Such board 97453  
may thereupon file an application in the court of common pleas 97454  
describing the improvement in question, and a copy of the 97455  
tentative plan and approximate estimate of cost shall be attached 97456

to such application. The board shall set forth in such application 97457  
that the compensation, damages, and expenses of the improvement 97458  
cannot be equitably apportioned under any of the several plans 97459  
provided by said section or that such compensation, damages, and 97460  
expenses cannot be equitably assessed by the use of any one of the 97461  
several assessment areas authorized by said section, or that both 97462  
such conditions exist, and it shall set forth a method of 97463  
apportioning the compensation, damages, and expenses and a 97464  
definite description of the area against which it desires to 97465  
assess any part of such compensation, damages, and expenses. The 97466  
application shall contain a prayer requesting authority from such 97467  
court to construct the improvement and apportion the compensation, 97468  
damages, and expenses according to the plan suggested by such 97469  
board and to assess the designated portion of the cost against the 97470  
real estate within the area described in the petition. 97471

Notice of the filing and pendency of such application shall 97472  
be given once a week for four consecutive weeks by publication in 97473  
~~two newspapers published and of general circulation in the county,~~ 97474  
~~or if there are no such newspapers then in two newspapers a~~ 97475  
newspaper of general circulation in such county or as provided in 97476  
section 7.16 of the Revised Code. Such notice shall describe the 97477  
route and termini of the improvement and set forth the estimated 97478  
cost and the proposed method of apportionment and assessment area. 97479  
After such notice has been given, the court or a judge thereof 97480  
shall fix a time for a hearing on such application, and, at the 97481  
time fixed, the court or a judge thereof shall hear such 97482  
application and all evidence offered by the board or any taxpayer 97483  
of the county for or against the proposed plan of apportionment 97484  
and for or against the use of the suggested assessment area. If 97485  
the court finds that the suggested plan of apportionment and the 97486  
area against which special assessments are to be made are fair and 97487  
just, that the cost of the improvement will not be excessive in 97488  
view of the benefits conferred, and that all the real estate 97489

within the suggested assessment area will be benefited by the 97490  
construction of the improvement upon the plan suggested and by the 97491  
use of the method of apportionment set forth in said application, 97492  
such court may authorize the board to proceed upon the suggested 97493  
plan and to apportion the compensation, damages, and expenses in 97494  
the manner set forth in the application and to assess against the 97495  
real estate within the assessment area designated in the 97496  
application, according to the benefits, that portion of the cost 97497  
to be specially assessed; otherwise the court shall dismiss the 97498  
application and the board may not proceed with the improvement. 97499  
The court may modify the suggested plan of apportionment or the 97500  
suggested assessment area and grant the prayer of the application 97501  
subject to such modifications as it determines are just and 97502  
proper. The board in its application may set up any division of 97503  
cost which it thinks proper among the county, the owners of lands 97504  
to be specially assessed, and any municipal corporation within 97505  
which such projected improvement is situated in whole or in part, 97506  
but no portion of the cost may be apportioned to a municipal 97507  
corporation without the consent of such municipal corporation 97508  
evidenced by an ordinance or resolution of its legislative 97509  
authority. 97510

When the prayer of any such application is granted by the 97511  
court or a judge thereof and the plan of apportionment and area of 97512  
assessment is approved by such court, either as set forth in the 97513  
application or as modified by the court, the board may proceed 97514  
with the construction of the improvement and use the method of 97515  
apportionment and the assessment area authorized by the court. In 97516  
such event, the board may levy taxes and issue bonds in the manner 97517  
provided by law with respect to improvements, the compensation, 97518  
damages, and expenses of which are apportioned and paid as 97519  
provided in section 5555.41 of the Revised Code, and all 97520  
proceedings in connection with such improvement shall be conducted 97521  
in accordance with sections 5555.01 to 5555.83 of the Revised 97522

Code, except as provided in this section. The special assessments 97523  
shall be made by the board against the real estate within the 97524  
assessment area authorized by the court, but no assessment against 97525  
any lot or parcel of real estate shall exceed the actual benefits 97526  
conferred thereon by the construction of the improvement. This 97527  
section also applies to improvements of sections of a state 97528  
highway within counties having a tax duplicate of real and 97529  
personal property in excess of three hundred million dollars, and 97530  
with respect to which the board desires to co-operate with the 97531  
department of transportation. 97532

**Sec. 5559.06.** Upon the completion of the surveys, plans, 97533  
profiles, cross sections, estimates, and specifications for an 97534  
improvement under section 5559.02 of the Revised Code by the 97535  
county engineer, ~~he~~ the engineer shall transmit to the board of 97536  
county commissioners copies of such surveys, plans, profiles, 97537  
cross sections, estimates, and specifications. The board shall 97538  
then publish, in a newspaper ~~published and~~ of general circulation 97539  
within the county, ~~and if there is no such newspaper published in~~ 97540  
~~the county then in one having general circulation in such county,~~ 97541  
once a week for two consecutive weeks or as provided in section 97542  
7.16 of the Revised Code, a notice that such improvement is to be 97543  
made and that copies of the surveys, plans, profiles, cross 97544  
sections, estimates, and specifications for it are on file in the 97545  
office of the board for the inspection and examination of all 97546  
persons interested. Such notice shall also state the time and 97547  
place for hearing objections to the improvement. 97548

In the event that land or property is to be taken for such 97549  
improvement, such taking shall be in accordance with sections 97550  
163.01 to 163.22, ~~inclusive,~~ of the Revised Code. 97551

**Sec. 5559.10.** As soon as all questions of compensation and 97552  
damages have been determined in a road improvement case, the 97553



county engineer shall make, upon actual view, an estimated 97554  
assessment upon the real estate to be charged therewith, of the 97555  
compensation, damages, and costs of an improvement as provided by 97556  
section 5559.02 of the Revised Code. Such estimated assessment 97557  
shall be according to the benefit which will result to the real 97558  
estate. In making such assessment the engineer may take into 97559  
consideration any previous special assessments made upon the real 97560  
estate for road improvements. The schedule of such assessments 97561  
shall be filed in the office of the board of county commissioners 97562  
for the inspection of the persons interested. Before adopting the 97563  
assessment, the board shall publish, once each week for two 97564  
consecutive weeks, in ~~some a newspaper published and~~ of general 97565  
circulation in the county or as provided in section 7.16 of the 97566  
Revised Code, ~~but if there is no such newspaper then in one having~~ 97567  
~~general circulation in the county~~, notice that such assessment has 97568  
been made, is on file in the office of the board, and the date 97569  
when objections will be heard to such assessment. If any owner of 97570  
property affected thereby desires, ~~he~~ the owner may file ~~his~~ 97571  
objections to said assessments, in writing, with the board before 97572  
the time for hearing. If any objections are filed the board shall 97573  
hear them and act as an equalizing board. It may change such 97574  
assessments if, in its opinion, any change is necessary to make 97575  
them just and equitable, and the board shall approve and confirm 97576  
such assessments as reported by the engineer or modified by it. 97577  
Such assessments, when so approved and confirmed, shall be a lien 97578  
on the land chargeable therewith. 97579

**Sec. 5559.12.** After the board of county commissioners has 97580  
decided to proceed with an improvement as provided by section 97581  
5559.02 of the Revised Code, it shall advertise for bids once, not 97582  
later than two weeks prior to the date fixed for the letting of 97583  
the contract, in a newspaper ~~published and~~ of general circulation 97584  
in the county, ~~but if there is no such newspaper then in one~~ 97585

~~having general circulation in such county.~~ Such notice shall state 97586  
that copies of the surveys, plans, profiles, cross sections, 97587  
estimates, and specifications for such improvement are on file in 97588  
the office of the board, and the time within which bids will be 97589  
received. The board shall award the contract to the lowest 97590  
responsible bidder. 97591

The contract shall be let upon the basis of lump sum bids, 97592  
unless the board orders that it be let upon the basis of unit 97593  
price bids, in which event it shall be let upon such basis. The 97594  
bids received shall be opened at the time stated in the notice. 97595  
The board may reject all bids. 97596

**Sec. 5561.04.** The board of county commissioners, desiring to 97597  
proceed under sections 4957.06 and 5561.01 to 5561.15 of the 97598  
Revised Code, shall, after receipt of the certificate of necessity 97599  
and expediency from the director of transportation, as provided in 97600  
section 5561.03 of the Revised Code, hold a public hearing as to 97601  
the expediency of constructing such improvement, notice of which 97602  
shall be given by publication in ~~two newspapers published and a~~ 97603  
newspaper of general circulation in the county, ~~if such there be,~~ 97604  
~~otherwise in two newspapers of general circulation in such county,~~ 97605  
for two weeks prior to the date set for such hearing or as 97606  
provided in section 7.16 of the Revised Code, and shall be served 97607  
upon the railroad or interurban railway companies in the manner 97608  
for the service of summons in civil actions, not less than twenty 97609  
days prior to the date of such hearing. 97610

The board, after such hearing and for the purpose of making 97611  
or causing such an improvement to be made, may, by resolution 97612  
adopted by unanimous vote, require the railroad company, in 97613  
co-operation with the county engineer or any engineer designated 97614  
by the board, to prepare and submit to the board within six 97615  
months, unless longer time is mutually agreed upon in writing, 97616

plans and specifications for such improvements, specifying the 97617  
number, character, and location of all piers and supports which 97618  
are to be permanently placed in any road or highway, specifying 97619  
the grades to be established for the roads and the height, 97620  
character, and estimated cost of any viaduct or way above or below 97621  
any railroad track, and the change of grade required to be made of 97622  
such tracks including side tracks and switches. But in changing 97623  
the grade of any railroad, no grade shall be required in excess of 97624  
that adopted by the railroad company for its construction work on 97625  
that division or part of the railroad on which the improvement is 97626  
to be made, without the consent of the railroad company, nor shall 97627  
the railroad company's tracks be required to be placed below 97628  
high-water mark. 97629

Such resolution shall be published in the same manner as 97630  
resolutions of the legislative authority of a municipal 97631  
corporation declaring the necessity of a contemplated public 97632  
improvement, and shall be served by the sheriff upon the railroad 97633  
or interurban railway companies in the manner provided for the 97634  
service of summons in civil actions. If the proposed public 97635  
improvement is to be made within a municipal corporation, notice 97636  
of the passage of the same shall be served upon the municipal 97637  
corporation by delivering to the clerk of the village or 97638  
legislative authority of a city a true copy thereof. 97639

If, at the expiration of six months from the passage of such 97640  
resolution, the railroad company has refused or failed to 97641  
co-operate in the preparation of such plans and specifications, or 97642  
if the county engineer or engineer designated by the board and the 97643  
railroad company fail to agree upon the plans and specification of 97644  
such improvement, then either the railroad company or the county 97645  
may submit the matter of determining the method by which the 97646  
improvement shall be made to the court of common pleas of such 97647  
county. Either the county or company, after the expiration of six 97648

months from the passage of the resolution, may apply to such court 97649  
by petition, accompanied by the necessary plans prepared by the 97650  
county or railroad company, covering the grade crossing proposed 97651  
to be abolished. Such plans must show the grades to be established 97652  
for such roads or highways, the changes to be made in the location 97653  
of roads or highways, the height, character, and estimated cost of 97654  
any viaduct or way above or below the railroad tracks, the number, 97655  
character, and location of piers, abutments, or supports to be 97656  
permanently located in the roads or highways, and the change of 97657  
grade to be made in any railroad tracks, including sidetracks and 97658  
switches. 97659

**Sec. 5561.08.** Notice of the passage of a resolution for a 97660  
grade crossing improvement shall be served by the sheriff of the 97661  
county, upon the owner of each piece of property which will be 97662  
affected by any change of grade, in the manner provided for the 97663  
service of summons in civil actions. If any of such owners are 97664  
nonresidents of the county, or if it appears from the return that 97665  
they cannot be found, the notice shall be published for at least 97666  
two weeks in ~~an English language~~ a newspaper published of general 97667  
circulation in such the county or as provided in section 7.16 of 97668  
the Revised Code. Notice shall be completed at least twenty days 97669  
before any work is done on such improvement, and the sheriff's 97670  
return shall be prima-facie evidence of the facts recited therein. 97671

Section 727.18 of the Revised Code shall apply to the notice 97672  
provided for in this section, and to all claims for damages by 97673  
reason of such improvement. Such claims shall be filed with the 97674  
county auditor within the time, and rights thereunder shall pass 97675  
to vendees, as provided in such section. After the expiration of 97676  
the time provided for the filing of claims, the board of county 97677  
commissioners, when claims have been filed within the time 97678  
limited, shall determine, by resolution, whether such claims are 97679  
to be judicially inquired into before commencing or after the 97680

completion of the proposed improvement. Thereupon, the county 97681  
prosecutor shall make application for a jury, to the court of 97682  
common pleas, or probate court of the county, before commencing or 97683  
after the completion of the improvement, as the board determines, 97684  
and all proceedings upon such application shall be governed by the 97685  
laws relating to similar applications provided for in cases of 97686  
city improvements. 97687

**Sec. 5571.011.** If a person through whose land a public road 97688  
has been established which is under the jurisdiction of a board of 97689  
township trustees, desires to turn or change or relocate such road 97690  
or any part thereof through any part of ~~his~~ the person's land, ~~he~~ 97691  
the person may file a petition with such board of township 97692  
trustees setting forth briefly the particular change ~~he desires~~ 97693  
desired. Upon receipt of such petition, the board of township 97694  
trustees shall give notice by publication once, not later than two 97695  
weeks prior to the date which such board shall fix for a hearing 97696  
on such petition, in a newspaper ~~published or~~ of general 97697  
circulation in said township, stating that such petition has been 97698  
filed and setting forth the change desired in such road and the 97699  
date and place of such hearing. 97700

Upon receipt of such a petition the board of township 97701  
trustees shall cause a competent engineer to make a survey of the 97702  
ground over which the road is proposed to be changed, and to make 97703  
a report in writing, together with a plat and survey of the 97704  
proposed change and ~~his~~ the engineer's opinion as to its advantage 97705  
or disadvantage. The report of such engineer shall be filed with 97706  
the board prior to the hearing of such petition. 97707

At the hearing had on the petition the board of township 97708  
trustees may hear evidence for or against changing the road, and 97709  
if the board is satisfied that the proposed change will not cause 97710  
serious injury or disadvantage to the public, it may make a 97711

finding of such fact in its journal and authorize the petitioner 97712  
to change such road in conformity with the prayer of the petition. 97713  
The board may grant the change as prayed for in the petition, or 97714  
it may order such change of the route of such road as will, in its 97715  
judgment, be for the best interest of the public. 97716

Upon receiving satisfactory evidence that the road has been 97717  
changed as authorized by it, and opened to the legal width and 97718  
improved as required by it, the board of township trustees shall 97719  
declare such new road a public highway and cause a record thereof 97720  
to be made and at the same time vacate so much of the old road as 97721  
is rendered unnecessary by the new road. The person petitioning 97722  
for such change shall in all cases pay all costs and expenses in 97723  
connection with the proceeding, as found and determined by the 97724  
board, and the expense of making such change, including the cost 97725  
of relocation of any conduits, cables, wires, towers, poles or 97726  
other equipment or appliances of any public utility, located on, 97727  
over or under such road. The petitioner shall, on the filing of 97728  
the petition for such change, give bond to the satisfaction of the 97729  
board in such amount as it determines to secure payment of the 97730  
costs of the proceeding and to cover the expense of making the 97731  
change asked for by the petition. 97732

**Sec. 5573.02.** Upon the completion of the surveys, plans, 97733  
profiles, cross sections, estimates, and specifications for a road 97734  
improvement by the county engineer, ~~he~~ the engineer shall transmit 97735  
to the board of township trustees copies of the same. Except in 97736  
cases of reconstruction or repair of roads, where no land or 97737  
property is taken, the board shall then cause to be published in a 97738  
newspaper, ~~published in the county and~~ of general circulation 97739  
within the township, ~~but if no such paper is published in the~~ 97740  
~~county then in one having general circulation in such township,~~ 97741  
once a week for two consecutive weeks or as provided in section 97742  
7.16 of the Revised Code, a notice that such improvement is to be 97743

made and that copies of the surveys, plans, profiles, cross sections, estimates, and specifications for it are on file with the board for the inspection and examination of all persons interested. 97744  
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In the event that land or property is to be taken for such improvement, proceedings shall be had in accordance with sections 163.01 to 163.22, ~~inclusive,~~ of the Revised Code. 97748  
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**Sec. 5573.10.** As soon as all questions of compensation and damages have been determined for any road improvement, the county engineer shall make, upon actual view, an estimated assessment, upon the real estate to be charged, of such part of the compensation, damages, and costs of such improvement as is to be specially assessed. Such assessment shall be according to the benefits which will result to the real estate. In making such assessment the engineer may take into consideration any previous special assessment made upon such real estate for road improvements. 97751  
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The schedule for such assessments shall be filed with the board of township trustees for the inspection of the persons interested. Before adopting the estimated assessment, the board shall publish once each week for two consecutive weeks, in ~~some a~~ a newspaper ~~published in the county and~~ of general circulation within such township, ~~but if there is no such paper published in said county then in one having general circulation in such township or as provided in section 7.16 of the Revised Code,~~ notice that such assessment has been made and is on file with the board, and the date when objections will be heard to such assessment. 97761  
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If any owner of property affected desires to make objections, ~~he~~ the owner may file ~~his~~ objections to such assessments, in writing, with the board, before the time of such hearing. If any 97772  
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objections are filed the board shall hear them and act as an 97775  
equalizing board, and may change assessments if, in its opinion, 97776  
any changes are necessary to make them just and equitable. The 97777  
board shall approve and confirm assessments as reported by the 97778  
engineer or modified by the board. Such assessments, when approved 97779  
and confirmed, shall be a lien on the land chargeable therewith. 97780

**Sec. 5575.01.** (A) In the maintenance and repair of roads, the 97781  
board of township trustees may proceed either by contract or force 97782  
account, but, unless the exemption specified in division (C) of 97783  
this section applies, if the board wishes to proceed by force 97784  
account, it first shall cause the county engineer to complete the 97785  
force account assessment form developed by the auditor of state 97786  
under section 117.16 of the Revised Code. Except as otherwise 97787  
provided in sections 505.08 and 505.101 of the Revised Code, when 97788  
the board proceeds by contract, the contract shall, if the amount 97789  
involved exceeds forty-five thousand dollars, be let by the board 97790  
to the lowest responsible bidder after advertisement for bids 97791  
once, not later than two weeks, prior to the date fixed for the 97792  
letting of the contract, in a newspaper ~~published in the county~~ 97793  
~~and~~ of general circulation within the township ~~or, if no newspaper~~ 97794  
~~is published in the county, in a newspaper having general~~ 97795  
~~circulation in the township.~~ If the amount involved is forty-five 97796  
thousand dollars or less, a contract may be let without 97797  
competitive bidding, or the work may be done by force account. 97798  
Such a contract shall be performed under the supervision of a 97799  
member of the board or the township road superintendent. 97800

(B) Before undertaking the construction or reconstruction of 97801  
a township road, the board shall cause to be made by the county 97802  
engineer an estimate of the cost of the work, which estimate shall 97803  
include labor, material, freight, fuel, hauling, use of machinery 97804  
and equipment, and all other items of cost. If the board finds it 97805  
in the best interest of the public, it may, in lieu of 97806



constructing the road by contract, proceed to construct the road 97807  
by force account. Except as otherwise provided under sections 97808  
505.08 and 505.101 of the Revised Code, where the total ~~estimate~~ 97809  
estimated cost of the work exceeds fifteen thousand dollars per 97810  
mile, the board shall invite and receive competitive bids for 97811  
furnishing all the labor, materials, and equipment and doing the 97812  
work, as provided in section 5575.02 of the Revised Code, and 97813  
shall consider and reject them before ordering the work done by 97814  
force account. When such bids are received, considered, and 97815  
rejected, and the work is done by force account, the work shall be 97816  
performed in compliance with the plans and specifications upon 97817  
which the bids were based. 97818

(C) Force account assessment forms are not required under 97819  
division (A) of this section for road maintenance or repair 97820  
projects of less than fifteen thousand dollars, or under division 97821  
(B) of this section for road construction or reconstruction 97822  
projects of less than five thousand dollars per mile. 97823

(D) All force account work under this section shall be done 97824  
under the direction of a member of the board or the township road 97825  
superintendent. 97826

**Sec. 5575.02.** After the board of township trustees has 97827  
decided to proceed with a road improvement, it shall advertise for 97828  
bids once, not later than two weeks prior to the date fixed for 97829  
the letting of contracts, in a newspaper ~~published in the county~~ 97830  
~~and~~ of general circulation within ~~such the~~ township, ~~but if there~~ 97831  
~~is no such paper published in the county then in one having~~ 97832  
~~general circulation in the township.~~ Such notice shall state that 97833  
copies of the surveys, plans, profiles, cross sections, estimates, 97834  
and specifications for such improvement are on file with the 97835  
board, and the time within which bids will be received. The board 97836  
may let the work as a whole or in convenient sections, as it 97837

determines. The contract shall be awarded to the lowest and best bidder who meets the requirements of section 153.54 of the Revised Code, and shall be let upon the basis of lump sum bids, unless the board orders that it be let upon the basis of unit price bids, in which event it shall be let upon such basis.

**Sec. 5591.15.** All resolutions and notices provided for in sections 5591.03 to 5591.17 of the Revised Code, shall be published in a newspaper ~~published in and~~ of general circulation in the county where the improvement provided in such sections is to be made, and such publication shall be complete when published once a week, on the same day of the week, for two consecutive weeks or as provided in section 7.16 of the Revised Code.

**Sec. 5593.08.** The bridge commission of any county or city may:

(A) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(B) Adopt an official seal, which shall not be the seal of Ohio;

(C) Maintain a principal office and suboffices at such places within the county or city as it designates;

(D) Sue and be sued in its own name, and plead and be impleaded. Any actions against a bridge commission shall be brought in the court of common pleas of the county in which the principal office of the commission is located, or in the court of common pleas of the county in which the cause of action arose, when such county is located within this state. All summonses, exceptions, and notices of every kind shall be served on the commission by leaving a copy thereof at the principal office with the secretary-treasurer or the person in charge.

(E) Construct, acquire by purchase or condemnation, improve,

maintain, repair, police, and operate any bridge, and establish 97868  
rules for the use of any such bridge; 97869

(F) Issue bridge revenue bonds of the county or city, payable 97870  
solely from revenues, as provided in sections 5593.10 and 5593.16 97871  
of the Revised Code, for the purpose of paying any part of the 97872  
cost of any bridge or bridges; 97873

(G) Fix and revise from time to time and charge and collect 97874  
tolls for transit over each bridge constructed or acquired by it; 97875

(H) Acquire, hold, and dispose of real and personal property 97876  
in the exercise of its powers and the performance of its duties 97877  
under this chapter; 97878

(I) Acquire, in the name of the county or city, as the case 97879  
may be, by purchase or otherwise, on such terms and in such manner 97880  
as it determines proper, or by the exercise of the right of 97881  
condemnation in the manner provided by sections 163.01 to 163.22 97882  
of the Revised Code, any bridge, land, rights, easements, 97883  
franchises, and other property necessary or convenient for the 97884  
construction of a bridge or the improvement or efficient operation 97885  
of any property acquired or constructed under this chapter, or for 97886  
securing right-of-way leading to any such bridge or its approach 97887  
facilities; 97888

(J) Make and enter into all contracts and agreements 97889  
necessary or incidental to the performance of its duties and the 97890  
execution of its powers under this chapter: 97891

(1) When the cost under any such contract or agreement, other 97892  
than compensation for personal services, involves an expenditure 97893  
of more than ten thousand dollars, the commission shall make a 97894  
written contract with the lowest and best bidder after 97895  
advertisement for not less than two consecutive weeks, or as 97896  
provided in section 7.16 of the Revised Code, in a newspaper of 97897  
general circulation in Franklin county, and in such other 97898

publications as the commission determines, which notice shall 97899  
state the general character of the work and the general character 97900  
of the materials to be furnished, the place where plans and 97901  
specifications therefor may be examined, and the time and place of 97902  
receiving bids. 97903

(2) Each bid for a contract for the construction, demolition, 97904  
alteration, repair, or reconstruction of an improvement shall 97905  
contain the full name of every person interested in it and meets 97906  
the requirements of section 153.54 of the Revised Code. 97907

(3) Each bid for a contract except as provided in division 97908  
(J)(2) of this section shall contain the full name of every person 97909  
or company interested in it and shall be accompanied by a bond or 97910  
certified check on a solvent bank, in such amount as the 97911  
commission determines sufficient, that if the bid is accepted a 97912  
contract will be entered into and the performance of its proposal 97913  
secured. 97914

(4) The commission may reject any and all bids. 97915

(5) A bond with good and sufficient surety, approved by the 97916  
commission, shall be required of every contractor awarded a 97917  
contract except as provided in division (J)(2) of this section, in 97918  
an amount equal to at least fifty per cent of the contract price, 97919  
conditioned upon the faithful performance of the contract. 97920

(K) Employ consulting engineers, superintendents, managers, 97921  
engineers, construction and accounting experts, attorneys, and 97922  
other employees and agents as are necessary in its judgment, and 97923  
fix their compensation. All such expenses are payable solely from 97924  
the proceeds of bridge revenue bonds issued under this chapter, or 97925  
from revenues. 97926

(L) Receive and accept from any federal agency, subject to 97927  
the approval of the board of county commissioners or the 97928  
legislative authority of the city, as the case may be, grants for 97929

or in aid of the construction, acquisition, improvement, or 97930  
operation of any bridge, and receive and accept aid or 97931  
contributions from any source of money, property, labor, or other 97932  
things of value, to be held, used, and applied only for the 97933  
purposes for which such grants and contributions are made; 97934

(M) Provide coverage for its employees under sections 4123.01 97935  
to 4123.94 and 4141.01 to 4141.46 of the Revised Code; 97936

(N) Do all acts necessary or proper to carry out the powers 97937  
expressly granted in this chapter. 97938

**Sec. 5701.13.** (A) As used in this section: 97939

(1) "Nursing home" means a nursing home or a home for the 97940  
aging, as those terms are defined in section 3721.01 of the 97941  
Revised Code, that is issued a license pursuant to section 3721.02 97942  
of the Revised Code. 97943

(2) "Residential care facility" means a residential care 97944  
facility, as defined in section 3721.01 of the Revised Code, that 97945  
is issued a license pursuant to section 3721.02 of the Revised 97946  
Code. 97947

(3) "Adult care facility" means an adult care facility as 97948  
defined in section ~~3722.01~~ 5119.70 of the Revised Code that is 97949  
issued a license pursuant to section ~~3722.04~~ 5119.73 of the 97950  
Revised Code. 97951

(B) As used in Title LVII of the Revised Code, and for the 97952  
purpose of other sections of the Revised Code that refer 97953  
specifically to Chapter 5701. or section 5701.13 of the Revised 97954  
Code, a "home for the aged" means either of the following: 97955

(1) A place of residence for aged and infirm persons that 97956  
satisfies divisions (B)(1)(a) to (e) of this section: 97957

(a) It is a nursing home, residential care facility, or adult 97958  
care facility. 97959

(b) It is owned by a corporation, unincorporated association, 97960  
or trust of a charitable, religious, or fraternal nature, which is 97961  
organized and operated not for profit, which is not formed for the 97962  
pecuniary gain or profit of, and whose net earnings or any part of 97963  
whose net earnings is not distributable to, its members, trustees, 97964  
officers, or other private persons, and which is exempt from 97965  
federal income taxation under section 501 of the "Internal Revenue 97966  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1. 97967

(c) It is open to the public without regard to race, color, 97968  
or national origin. 97969

(d) It does not pay, directly or indirectly, compensation for 97970  
services rendered, interest on debts incurred, or purchase price 97971  
for land, building, equipment, supplies, or other goods or 97972  
chattels, which compensation, interest, or purchase price is 97973  
unreasonably high. 97974

(e) It provides services for the life of each resident 97975  
without regard to the resident's ability to continue payment for 97976  
the full cost of the services. 97977

(2) A place of residence that satisfies divisions (B)(1)(b), 97978  
(d), and (e) of this section; that satisfies the definition of 97979  
"nursing home," or "residential care facility," ~~or "adult care~~ 97980  
~~facility"~~ under section 3721.01 of the Revised Code or 3722.01 the 97981  
definition of "adult care facility" under section 5119.70 of the 97982  
Revised Code regardless of whether it is licensed as such a home 97983  
or facility; and that is provided at no charge to individuals on 97984  
account of their service without compensation to a charitable, 97985  
religious, fraternal, or educational institution, which 97986  
individuals are aged or infirm and are members of the corporation, 97987  
association, or trust that owns the place of residence. For the 97988  
purposes of division (B)(2) of this section, "compensation" does 97989  
not include furnishing room and board, clothing, health care, or 97990  
other necessities, or stipends or other de minimis payments to 97991

defray the cost thereof. 97992

Exemption from taxation shall be accorded, on proper 97993  
application, only to those homes or parts of homes which meet the 97994  
standards and provide the services specified in this section. 97995

Nothing in this section shall be construed as preventing a 97996  
home from requiring a resident with financial need to apply for 97997  
any applicable financial assistance or requiring a home to retain 97998  
a resident who willfully refuses to pay for services for which the 97999  
resident has contracted even though the resident has sufficient 98000  
resources to do so. 98001

(C)(1) If a corporation, unincorporated association, or trust 98002  
described in division (B)(1)(b) of this section is granted a 98003  
certificate of need pursuant to section 3702.52 of the Revised 98004  
Code to construct, add to, or otherwise modify a nursing home, or 98005  
is given approval pursuant to section 3791.04 of the Revised Code 98006  
to construct, add to, or otherwise modify a residential care 98007  
facility or adult care facility and if the corporation, 98008  
association, or trust submits an affidavit to the tax commissioner 98009  
stating that, commencing on the date of licensure and continuing 98010  
thereafter, the home or facility will be operated in accordance 98011  
with the requirements of divisions (B)(1)(a) to (e) of this 98012  
section, the corporation, association, or trust shall be 98013  
considered to be operating a "home for the aged" within the 98014  
meaning of division (B)(1) of this section, beginning on the first 98015  
day of January of the year in which such certificate is granted or 98016  
approval is given. 98017

(2) If a corporation, association, or trust is considered to 98018  
be operating a "home for the aged" pursuant to division (C)(1) of 98019  
this section, the corporation, association, or trust shall notify 98020  
the tax commissioner in writing upon the occurrence of any of the 98021  
following events: 98022

(a) The corporation, association, or trust no longer intends 98023  
to complete the construction of, addition to, or modification of 98024  
the home or facility, to obtain the appropriate license for the 98025  
home or facility, or to commence operation of the home or facility 98026  
in accordance with the requirements of divisions (B)(1)(a) to (e) 98027  
of this section; 98028

(b) The certificate of approval referred to in division 98029  
(C)(1) of this section expires, is revoked, or is otherwise 98030  
terminated prior to the completion of the construction of, 98031  
addition to, or modification of the home or facility; 98032

(c) The license to operate the home or facility is not 98033  
granted by the director of health within one year following 98034  
completion of the construction of, addition to, or modification of 98035  
the home or facility; 98036

(d) The license to operate the home or facility is not 98037  
granted by the director of health within four years following the 98038  
date upon which the certificate or approval referred to in 98039  
division (C)(1) of this section was granted or given; 98040

(e) The home or facility is granted a license to operate as a 98041  
nursing home, residential care facility, or adult care facility. 98042

(3) Upon the occurrence of any of the events referred to in 98043  
divisions (C)(2)(a), (b), (c), (d), and (e) of this section, the 98044  
corporation, association, or trust shall no longer be considered 98045  
to be operating a "home for the aged" pursuant to division (C)(1) 98046  
of this section, except that the tax commissioner, for good cause 98047  
shown and to the extent the commissioner considers appropriate, 98048  
may extend the time period specified in division (C)(2)(c) or (d) 98049  
of this section, or both. Nothing in division (C)(3) of this 98050  
section shall be construed to prevent a nursing home, residential 98051  
care facility, or adult care facility from qualifying as a "home 98052  
for the aged" if, upon proper application made pursuant to 98053



division (B) of this section, it is found to meet the requirements 98054  
of divisions (A) and (B) of this section. 98055

**Sec. 5703.05.** All powers, duties, and functions of the 98056  
department of taxation are vested in and shall be performed by the 98057  
tax commissioner, which powers, duties, and functions shall 98058  
include, but shall not be limited to, the following: 98059

(A) Prescribing all blank forms which the department is 98060  
authorized to prescribe, and to provide such forms and distribute 98061  
the same as required by law and the rules of the department. ~~The~~ 98062  
~~tax commissioner shall include a mail in registration form~~ 98063  
~~prescribed in section 3503.14 of the Revised Code within the~~ 98064  
~~return and instructions for the tax levied in odd numbered years~~ 98065  
~~under section 5747.02 of the Revised Code, beginning with the tax~~ 98066  
~~levied for 1995. The secretary of state shall bear all costs for~~ 98067  
~~the inclusion of the mail in registration form. That form shall be~~ 98068  
~~addressed for return to the office of the secretary of state.~~ 98069

(B) Exercising the authority provided by law, including 98070  
orders from bankruptcy courts, relative to remitting or refunding 98071  
taxes or assessments, including penalties and interest thereon, 98072  
illegally or erroneously assessed or collected, or for any other 98073  
reason overpaid, and in addition, the commissioner may on written 98074  
application of any person, firm, or corporation claiming to have 98075  
overpaid to the treasurer of state at any time within five years 98076  
prior to the making of such application any tax payable under any 98077  
law which the department of taxation is required to administer 98078  
which does not contain any provision for refund, or on the 98079  
commissioner's own motion investigate the facts and make in 98080  
triplicate a written statement of the commissioner's findings, 98081  
and, if the commissioner finds that there has been an overpayment, 98082  
issue in triplicate a certificate of abatement payable to the 98083  
taxpayer, the taxpayer's assigns, or legal representative which 98084

shows the amount of the overpayment and the kind of tax overpaid. 98085  
One copy of such statement shall be entered on the journal of the 98086  
commissioner, one shall be certified to the attorney general, and 98087  
one certified copy shall be delivered to the taxpayer. All copies 98088  
of the certificate of abatement shall be transmitted to the 98089  
attorney general, and if the attorney general finds it to be 98090  
correct the attorney general shall so certify on each copy, and 98091  
deliver one copy to the taxpayer, one copy to the commissioner, 98092  
and the third copy to the treasurer of state. Except as provided 98093  
in sections 5725.08 and 5725.16 of the Revised Code the taxpayer's 98094  
copy of any certificates of abatement may be tendered by the payee 98095  
or transferee thereof to the treasurer of state as payment, to the 98096  
extent of the amount thereof, of any tax payable to the treasurer 98097  
of state. 98098

(C) Exercising the authority provided by law relative to 98099  
consenting to the compromise and settlement of tax claims; 98100

(D) Exercising the authority provided by law relative to the 98101  
use of alternative tax bases by taxpayers in the making of 98102  
personal property tax returns; 98103

(E) Exercising the authority provided by law relative to 98104  
authorizing the prepayment of taxes on retail sales of tangible 98105  
personal property or on the storage, use, or consumption of 98106  
personal property, and waiving the collection of such taxes from 98107  
the consumers; 98108

(F) Exercising the authority provided by law to revoke 98109  
licenses; 98110

(G) Maintaining a continuous study of the practical operation 98111  
of all taxation and revenue laws of the state, the manner in which 98112  
and extent to which such laws provide revenues for the support of 98113  
the state and its political subdivisions, the probable effect upon 98114  
such revenue of possible changes in existing laws, and the 98115

possible enactment of measures providing for other forms of 98116  
taxation. For this purpose the commissioner may establish and 98117  
maintain a division of research and statistics, and may appoint 98118  
necessary employees who shall be in the unclassified civil 98119  
service; the results of such study shall be available to the 98120  
members of the general assembly and the public. 98121

(H) Making all tax assessments, valuations, findings, 98122  
determinations, computations, and orders the department of 98123  
taxation is by law authorized and required to make and, pursuant 98124  
to time limitations provided by law, on the commissioner's own 98125  
motion, reviewing, redetermining, or correcting any tax 98126  
assessments, valuations, findings, determinations, computations, 98127  
or orders the commissioner has made, but the commissioner shall 98128  
not review, redetermine, or correct any tax assessment, valuation, 98129  
finding, determination, computation, or order which the 98130  
commissioner has made as to which an appeal or application for 98131  
rehearing, review, redetermination, or correction has been filed 98132  
with the board of tax appeals, unless such appeal or application 98133  
is withdrawn by the appellant or applicant or dismissed; 98134

(I) Appointing not more than five deputy tax commissioners, 98135  
who, under such regulations as the rules of the department of 98136  
taxation prescribe, may act for the commissioner in the 98137  
performance of such duties as the commissioner prescribes in the 98138  
administration of the laws which the commissioner is authorized 98139  
and required to administer, and who shall serve in the 98140  
unclassified civil service at the pleasure of the commissioner, 98141  
but if a person who holds a position in the classified service is 98142  
appointed, it shall not affect the civil service status of such 98143  
person. The commissioner may designate not more than two of the 98144  
deputy commissioners to act as commissioner in case of the 98145  
absence, disability, or recusal of the commissioner or vacancy in 98146  
the office of commissioner. The commissioner may adopt rules 98147

relating to the order of precedence of such designated deputy 98148  
commissioners and to their assumption and administration of the 98149  
office of commissioner. 98150

(J) Appointing and prescribing the duties of all other 98151  
employees of the department of taxation necessary in the 98152  
performance of the work of the department which the tax 98153  
commissioner is by law authorized and required to perform, and 98154  
creating such divisions or sections of employees as, in the 98155  
commissioner's judgment, is proper; 98156

(K) Organizing the work of the department, which the 98157  
commissioner is by law authorized and required to perform, so 98158  
that, in the commissioner's judgment, an efficient and economical 98159  
administration of the laws will result; 98160

(L) Maintaining a journal, which is open to public 98161  
inspection, in which the tax commissioner shall keep a record of 98162  
all final determinations of the commissioner; 98163

(M) Adopting and promulgating, in the manner provided by 98164  
section 5703.14 of the Revised Code, all rules of the department, 98165  
including rules for the administration of sections 3517.16, 98166  
3517.17, and 5747.081 of the Revised Code; 98167

(N) Destroying any or all returns or assessment certificates 98168  
in the manner authorized by law; 98169

(O) Adopting rules, in accordance with division (B) of 98170  
section 325.31 of the Revised Code, governing the expenditure of 98171  
moneys from the real estate assessment fund under that division. 98172

Sec. 5703.059. (A) The tax commissioner may adopt rules 98173  
requiring returns, including any accompanying schedule or 98174  
statement, for any of the following taxes to be filed 98175  
electronically using the Ohio business gateway as defined in 98176  
section 718.051 of the Revised Code, filed telephonically using 98177

the system known as the Ohio telefile system, or filed by any 98178  
other electronic means prescribed by the commissioner: 98179

(1) Employer income tax withholding under Chapter 5747. of 98180  
the Revised Code; 98181

(2) Motor fuel tax under Chapter 5735. of the Revised Code; 98182

(3) Cigarette and tobacco product tax under Chapter 5743. of 98183  
the Revised Code; 98184

(4) Severance tax under Chapter 5749. of the Revised Code. 98185

(B) The tax commissioner may adopt rules requiring any 98186  
payment of tax shown on such a return to be due to be made 98187  
electronically in a manner approved by the commissioner. 98188

(C) A rule adopted under this section does not apply to 98189  
returns or reports filed or payments made before six months after 98190  
the effective date of the rule. The commissioner shall publicize 98191  
any new electronic filing requirement on the department's web 98192  
site. The commissioner shall educate the public of the requirement 98193  
through seminars, workshops, conferences, or other outreach 98194  
activities. 98195

(D) Any person required to file returns and make payments 98196  
electronically under rules adopted under this section may apply to 98197  
the commissioner, on a form prescribed by the commissioner, to be 98198  
excused from that requirement. For good cause shown, the 98199  
commissioner may excuse the applicant from the requirement and 98200  
permit the applicant to file the returns or reports or make the 98201  
payments required under this section by nonelectronic means. 98202

**Sec. 5703.37.** (A)(1) Except as provided in division (B) of 98203  
this section, whenever service of a notice or order is required in 98204  
the manner provided in this section, a copy of the notice or order 98205  
shall be served upon the person affected thereby either by 98206

personal service ~~or~~, by certified mail, or by a delivery service 98207  
authorized under section 5703.056 of the Revised Code that 98208  
notifies the tax commissioner of the date of delivery. 98209

(2) With the permission of the person affected by the notice 98210  
or order, the commissioner may enter into a written agreement to 98211  
deliver a notice or order by alternative means as provided in this 98212  
section, including, but not limited to, delivery by secure 98213  
electronic mail. Delivery by such means satisfies the requirements 98214  
for delivery under this section. 98215

(B)(1)(a) If certified mail is returned because of an 98216  
undeliverable address, the commissioner shall first utilize 98217  
reasonable means to ascertain a new last known address, including 98218  
the use of a change of address service offered by the United 98219  
States postal service. If, after using reasonable means, the 98220  
commissioner is unable to ascertain a new last known address, the 98221  
assessment is final for purposes of section 131.02 of the Revised 98222  
Code sixty days after the notice or order sent by certified mail 98223  
is first returned to the commissioner, and the commissioner shall 98224  
certify the notice or order, if applicable, to the attorney 98225  
general for collection under section 131.02 of the Revised Code. 98226

(b) Notwithstanding certification to the attorney general 98227  
under division (B)(1)(a) of this section, once the commissioner or 98228  
attorney general, or the designee of either, makes an initial 98229  
contact with the person to whom the notice or order is directed, 98230  
the person may protest an assessment by filing a petition for 98231  
reassessment within sixty days after the initial contact. The 98232  
certification of an assessment under division (B)(1)(a) of this 98233  
section is prima-facie evidence that delivery is complete and that 98234  
the notice or order is served. 98235

(2) If mailing of a notice or order by certified mail is 98236  
returned for some cause other than an undeliverable address, the 98237  
tax commissioner shall resend the notice or order by ordinary 98238

mail. The notice or order shall show the date the commissioner 98239  
sends the notice or order and include the following statement: 98240

"This notice or order is deemed to be served on the addressee 98241  
under applicable law ten days from the date this notice or order 98242  
was mailed by the commissioner as shown on the notice or order, 98243  
and all periods within which an appeal may be filed apply from and 98244  
after that date." 98245

Unless the mailing is returned because of an undeliverable 98246  
address, the mailing of that information is prima-facie evidence 98247  
that delivery of the notice or order was completed ten days after 98248  
the commissioner sent the notice or order by ordinary mail and 98249  
that the notice or order was served. 98250

If the ordinary mail is subsequently returned because of an 98251  
undeliverable address, the commissioner shall proceed under 98252  
division (B)(1)(a) of this section. A person may challenge the 98253  
presumption of delivery and service under this division in 98254  
accordance with division (C) of this section. 98255

(C)(1) A person disputing the presumption of delivery and 98256  
service under division (B) of this section bears the burden of 98257  
proving by a preponderance of the evidence that the address to 98258  
which the notice or order was sent was not an address with which 98259  
the person was associated at the time the commissioner originally 98260  
mailed the notice or order by certified mail. For the purposes of 98261  
this section, a person is associated with an address at the time 98262  
the commissioner originally mailed the notice or order if, at that 98263  
time, the person was residing, receiving legal documents, or 98264  
conducting business at the address; or if, before that time, the 98265  
person had conducted business at the address and, when the notice 98266  
or order was mailed, the person's agent or the person's affiliate 98267  
was conducting business at the address. For the purposes of this 98268  
section, a person's affiliate is any other person that, at the 98269  
time the notice or order was mailed, owned or controlled at least 98270

twenty per cent, as determined by voting rights, of the 98271  
addressee's business. 98272

(2) If the person elects to protest an assessment certified 98273  
to the attorney general for collection, the person must do so 98274  
within sixty days after the attorney general's initial contact 98275  
with the person. The attorney general may enter into a compromise 98276  
with the person under sections 131.02 and 5703.06 of the Revised 98277  
Code if the person does not file a petition for reassessment with 98278  
the tax commissioner. 98279

(D) Nothing in this section prohibits the tax commissioner or 98280  
the commissioner's designee from delivering a notice or order by 98281  
personal service. 98282

(E) Collection actions taken pursuant to section 131.02 of 98283  
the Revised Code upon any assessment being challenged under 98284  
division (B)(1)(b) of this section shall be stayed upon the 98285  
pendency of an appeal under this section. If a petition for 98286  
reassessment is filed pursuant to this section on a claim that has 98287  
been certified to the attorney general for collection, the claim 98288  
shall be uncertified. 98289

(F) As used in this section: 98290

(1) "Last known address" means the address the department has 98291  
at the time the document is originally sent by certified mail, or 98292  
any address the department can ascertain using reasonable means 98293  
such as the use of a change of address service offered by the 98294  
United States postal service. 98295

(2) "Undeliverable address" means an address to which the 98296  
United States postal service is not able to deliver a notice or 98297  
order, except when the reason for nondelivery is because the 98298  
addressee fails to acknowledge or accept the notice or order. 98299

**Sec. 5705.14.** No transfer shall be made from one fund of a 98300



subdivision to any other fund, by order of the court or otherwise, 98301  
except as follows: 98302

(A) The unexpended balance in a bond fund that is no longer 98303  
needed for the purpose for which such fund was created shall be 98304  
transferred to the sinking fund or bond retirement fund from which 98305  
such bonds are payable. 98306

(B) The unexpended balance in any specific permanent 98307  
improvement fund, other than a bond fund, after the payment of all 98308  
obligations incurred in the acquisition of such improvement, shall 98309  
be transferred to the sinking fund or bond retirement fund of the 98310  
subdivision; provided that if such money is not required to meet 98311  
the obligations payable from such funds, it may be transferred to 98312  
a special fund for the acquisition of permanent improvements, or, 98313  
with the approval of the court of common pleas of the county in 98314  
which such subdivision is located, to the general fund of the 98315  
subdivision. 98316

(C) The (1) Except as provided in division (C)(2) of this 98317  
section, the unexpended balance in the sinking fund or bond 98318  
retirement fund of a subdivision, after all indebtedness, 98319  
interest, and other obligations for the payment of which such fund 98320  
exists have been paid and retired, shall be transferred, in the 98321  
case of the sinking fund, to the bond retirement fund, and in the 98322  
case of the bond retirement fund, to the sinking fund; provided 98323  
that if such transfer is impossible by reason of the nonexistence 98324  
of the fund to receive the transfer, such unexpended balance, with 98325  
the approval of the court of common pleas of the county in which 98326  
such division is located, may be transferred to any other fund of 98327  
the subdivision. 98328

(2) Money in a bond fund or bond retirement fund of a city, 98329  
local, exempted village, cooperative education, or joint 98330  
vocational school district may be transferred to a specific 98331  
permanent improvement fund provided that the county budget 98332

commission of the county in which the school district is located 98333  
approves the transfer upon its determination that the money 98334  
transferred will not be required to meet the obligations payable 98335  
from the bond fund or bond retirement fund. In arriving at such a 98336  
determination, the county budget commission shall consider the 98337  
balance of the bond fund or bond retirement fund, the outstanding 98338  
obligations payable from the fund, and the sources and timing of 98339  
the fund's revenue. 98340

(D) The unexpended balance in any special fund, other than an 98341  
improvement fund, existing in accordance with division (D), (F), 98342  
or (G) of section 5705.09 or section 5705.12 of the Revised Code, 98343  
may be transferred to the general fund or to the sinking fund or 98344  
bond retirement fund after the termination of the activity, 98345  
service, or other undertaking for which such special fund existed, 98346  
but only after the payment of all obligations incurred and payable 98347  
from such special fund. 98348

(E) Money may be transferred from the general fund to any 98349  
other fund of the subdivision. 98350

(F) Moneys retained or received by a county under section 98351  
4501.04 or division (A)(3) of section 5735.27 of the Revised Code 98352  
may be transferred from the fund into which they were deposited to 98353  
the sinking fund or bond retirement fund from which any principal, 98354  
interest, or charges for which such moneys may be used is payable. 98355

(G) Moneys retained or received by a municipal corporation 98356  
under section 4501.04 or division (A)(1) or (2) of section 5735.27 98357  
of the Revised Code may be transferred from the fund into which 98358  
they were deposited to the sinking fund or bond retirement fund 98359  
from which any principal, interest, or charges for which such 98360  
moneys may be used is payable. 98361

(H)(1) Money may be transferred from the county developmental 98362  
disabilities general fund to the county developmental disabilities 98363

capital fund established under section 5705.091 of the Revised Code or to any other fund created for the purposes of the county board of developmental disabilities, so long as money in the fund to which the money is transferred can be spent for the particular purpose of the transferred money. The county board of developmental disabilities may request, by resolution, that the board of county commissioners make the transfer. The county board of developmental disabilities shall transmit a certified copy of the resolution to the board of county commissioners. Upon receiving the resolution, the board of county commissioners may make the transfer. Money transferred to a fund shall be credited to an account appropriate to its particular purpose.

(2) An unexpended balance in an account in the county developmental disabilities capital fund or any other fund created for the purposes of the county board of developmental disabilities may be transferred back to the county developmental disabilities general fund. The transfer may be made if the unexpended balance is no longer needed for its particular purpose and all outstanding obligations have been paid. Money transferred back to the county developmental disabilities general fund shall be credited to an account for current expenses within that fund. The county board of developmental disabilities may request, by resolution, that the board of county commissioners make the transfer. The county board of developmental disabilities shall transmit a certified copy of the resolution to the board of county commissioners. Upon receiving the resolution, the board of county commissioners may make the transfer.

(I) Money may be transferred from the public assistance fund established under section 5101.161 of the Revised Code to the children services fund established under section 5101.144 of the Revised Code, so long as the money to be transferred from the public assistance fund may be spent for the purposes for which

money in the children services fund may be used. 98396

Except in the case of transfer pursuant to division (E) of 98397  
this section, transfers authorized by this section shall only be 98398  
made by resolution of the taxing authority passed with the 98399  
affirmative vote of two-thirds of the members. 98400

**Sec. 5705.16.** A resolution of the taxing authority of any 98401  
political subdivision shall be passed by a majority of all the 98402  
members thereof, declaring the necessity for the transfer of funds 98403  
authorized by section 5705.15 of the Revised Code, and such taxing 98404  
authority shall prepare a petition addressed to the court of 98405  
common pleas of the county in which the funds are held. The 98406  
petition shall set forth the name and amount of the fund, the fund 98407  
to which it is desired to be transferred, a copy of such 98408  
resolution with a full statement of the proceedings pertaining to 98409  
its passage, and the reason or necessity for the transfer. A 98410  
duplicate copy of said petition shall be forwarded to the tax 98411  
commissioner for ~~his~~ the commissioner's examination and approval. 98412

If the petition is disapproved by the commissioner, it shall 98413  
be returned within ten days of its receipt to the officers who 98414  
submitted it, with a memorandum of the commissioner's objections. 98415  
This disapproval shall not prejudice a later application for 98416  
approval. If the petition is approved by the commissioner, it 98417  
shall be forwarded within ten days of its receipt to the clerk of 98418  
the court of common pleas of the county to whose court of common 98419  
pleas the petition is addressed, marked with the approval of the 98420  
commissioner. If the commissioner approves the petition, ~~he~~ the 98421  
commissioner shall notify immediately the officers who submitted 98422  
the petition, who then may file the petition in the court to which 98423  
it is addressed. 98424

The petitioner shall give notice of the filing, object, and 98425  
prayer of the petition, and of the time when it will be heard. The 98426

notice shall be given by one publication in ~~two newspapers having~~ 98427  
a newspaper of general circulation in the territory to be affected 98428  
by such transfer of funds, ~~preference being given to newspapers~~ 98429  
~~published within the territory~~. If there ~~are~~ is no such ~~newspapers~~ 98430  
newspaper, the notice shall be posted in ten conspicuous places 98431  
within the territory for ~~the~~ a period of four weeks. 98432

The petition may be heard at the time stated in the notice, 98433  
or as soon thereafter as convenient for the court. Any person who 98434  
objects to the prayer of such petition shall file ~~his~~ the person's 98435  
objections in such cause on or before the time fixed in the notice 98436  
for hearing, and ~~he~~ that person shall be entitled to be heard. 98437

If, upon hearing, the court finds that the notice has been 98438  
given as required by this section, that the petition states 98439  
sufficient facts, that there are good reasons, or that a necessity 98440  
exists, for the transfer, and that no injury will result 98441  
therefrom, it shall grant the prayer of the petition and order the 98442  
petitioners to make such transfer. 98443

A copy of the findings, orders, and judgments of the court 98444  
shall be certified by the clerk and entered on the records of the 98445  
petitioning officers or board, and thereupon the petitioners may 98446  
make the transfer of funds as directed by the court. All costs of 98447  
such proceedings shall be paid by the petitioners, except that if 98448  
objections are filed the court may order such objectors to pay all 98449  
or a portion of the costs. 98450

**Sec. 5705.191.** The taxing authority of any subdivision, other 98451  
than the board of education of a school district or the taxing 98452  
authority of a county school financing district, by a vote of 98453  
two-thirds of all its members, may declare by resolution that the 98454  
amount of taxes that may be raised within the ten-mill limitation 98455  
by levies on the current tax duplicate will be insufficient to 98456  
provide an adequate amount for the necessary requirements of the 98457

subdivision, and that it is necessary to levy a tax in excess of 98458  
such limitation for any of the purposes in section 5705.19 of the 98459  
Revised Code, or to supplement the general fund for the purpose of 98460  
making appropriations for one or more of the following purposes: 98461  
public assistance, human or social services, relief, welfare, 98462  
hospitalization, health, and support of general hospitals, and 98463  
that the question of such additional tax levy shall be submitted 98464  
to the electors of the subdivision at a general, primary, or 98465  
special election to be held at a time therein specified. Such 98466  
resolution shall not include a levy on the current tax list and 98467  
duplicate unless such election is to be held at or prior to the 98468  
general election day of the current tax year. Such resolution 98469  
shall conform to the requirements of section 5705.19 of the 98470  
Revised Code, except that a levy to supplement the general fund 98471  
for the purposes of public assistance, human or social services, 98472  
relief, welfare, hospitalization, health, or the support of 98473  
general or tuberculosis hospitals may not be for a longer period 98474  
than ten years. All other levies under this section may not be for 98475  
a longer period than five years unless a longer period is 98476  
permitted by section 5705.19 of the Revised Code, and the 98477  
resolution shall specify the date of holding such election, which 98478  
shall not be earlier than ninety days after the adoption and 98479  
certification of such resolution. The resolution shall go into 98480  
immediate effect upon its passage and no publication of the same 98481  
is necessary other than that provided for in the notice of 98482  
election. A copy of such resolution, immediately after its 98483  
passage, shall be certified to the board of elections of the 98484  
proper county or counties in the manner provided by section 98485  
5705.25 of the Revised Code, and such section shall govern the 98486  
arrangements for the submission of such question and other matters 98487  
with respect to such election, to which section 5705.25 of the 98488  
Revised Code refers, excepting that such election shall be held on 98489  
the date specified in the resolution, which shall be consistent 98490

with the requirements of section 3501.01 of the Revised Code, 98491  
provided that only one special election for the submission of such 98492  
question may be held in any one calendar year and provided that a 98493  
special election may be held upon the same day a primary election 98494  
is held. Publication of notice of that election shall be made in 98495  
~~one or more newspapers~~ a newspaper of general circulation in the 98496  
county once a week for two consecutive weeks, or as provided in 98497  
section 7.16 of the Revised Code, prior to the election, ~~and, if,~~ 98498  
If the board of elections operates and maintains a web site, the 98499  
board of elections shall post notice of the election on its web 98500  
site for thirty days prior to the election. 98501

If a majority of the electors voting on the question vote in 98502  
favor thereof, the taxing authority of the subdivision may make 98503  
the necessary levy within such subdivision at the additional rate 98504  
or at any lesser rate outside the ten-mill limitation on the tax 98505  
list and duplicate for the purpose stated in the resolution. Such 98506  
tax levy shall be included in the next annual tax budget that is 98507  
certified to the county budget commission. 98508

After the approval of such a levy by the electors, the taxing 98509  
authority of the subdivision may anticipate a fraction of the 98510  
proceeds of such levy and issue anticipation notes. In the case of 98511  
a continuing levy that is not levied for the purpose of current 98512  
expenses, notes may be issued at any time after approval of the 98513  
levy in an amount not more than fifty per cent of the total 98514  
estimated proceeds of the levy for the succeeding ten years, less 98515  
an amount equal to the fraction of the proceeds of the levy 98516  
previously anticipated by the issuance of anticipation notes. In 98517  
the case of a levy for a fixed period that is not for the purpose 98518  
of current expenses, notes may be issued at any time after 98519  
approval of the levy in an amount not more than fifty per cent of 98520  
the total estimated proceeds of the levy throughout the remaining 98521  
life of the levy, less an amount equal to the fraction of the 98522

proceeds of the levy previously anticipated by the issuance of 98523  
anticipation notes. In the case of a levy for current expenses, 98524  
notes may be issued after the approval of the levy by the electors 98525  
and prior to the time when the first tax collection from the levy 98526  
can be made. Such notes may be issued in an amount not more than 98527  
fifty per cent of the total estimated proceeds of the levy 98528  
throughout the term of the levy in the case of a levy for a fixed 98529  
period, or fifty per cent of the total estimated proceeds for the 98530  
first ten years of the levy in the case of a continuing levy. 98531

No anticipation notes that increase the net indebtedness of a 98532  
county may be issued without the prior consent of the board of 98533  
county commissioners of that county. The notes shall be issued as 98534  
provided in section 133.24 of the Revised Code, shall have 98535  
principal payments during each year after the year of their 98536  
issuance over a period not exceeding the life of the levy 98537  
anticipated, and may have a principal payment in the year of their 98538  
issuance. 98539

"Taxing authority" and "subdivision" have the same meanings 98540  
as in section 5705.01 of the Revised Code. 98541

This section is supplemental to and not in derogation of 98542  
sections 5705.20, 5705.21, and 5705.22 of the Revised Code. 98543

**Sec. 5705.194.** The board of education of any city, local, 98544  
exempted village, cooperative education, or joint vocational 98545  
school district at any time may declare by resolution that the 98546  
revenue that will be raised by all tax levies which the district 98547  
is authorized to impose, when combined with state and federal 98548  
revenues, will be insufficient to provide for the emergency 98549  
requirements of the school district or to avoid an operating 98550  
deficit, and that it is therefore necessary to levy an additional 98551  
tax in excess of the ten-mill limitation. The resolution shall be 98552  
confined to a single purpose and shall specify that purpose. If 98553



the levy is proposed to renew all or a portion of the proceeds 98554  
derived from one or more existing levies imposed pursuant to this 98555  
section, it shall be called a renewal levy and shall be so 98556  
designated on the ballot. If two or more existing levies are to be 98557  
included in a single renewal levy but are not scheduled to expire 98558  
in the same year, the resolution shall specify that the existing 98559  
levies to be renewed shall not be levied after the year preceding 98560  
the year in which the renewal levy is first imposed. 98561  
Notwithstanding the original purpose of any one or more existing 98562  
levies that are to be in any single renewal levy, the purpose of 98563  
the renewal levy may be either to avoid an operating deficit or to 98564  
provide for the emergency requirements of the school district. The 98565  
resolution shall further specify the amount of money it is 98566  
necessary to raise for the specified purpose for each calendar 98567  
year the millage is to be imposed; if a renewal levy, whether the 98568  
levy is to renew all, or a portion of, the proceeds derived from 98569  
one or more existing levies; and the number of years in which the 98570  
millage is to be in effect, which may include a levy upon the 98571  
current year's tax list. The number of years may be any number not 98572  
exceeding ten. 98573

The question shall be submitted at a special election on a 98574  
date specified in the resolution. The date shall not be earlier 98575  
than eighty days after the adoption and certification of the 98576  
resolution to the county auditor and shall be consistent with the 98577  
requirements of section 3501.01 of the Revised Code. A resolution 98578  
for a renewal levy shall not be placed on the ballot unless the 98579  
question is submitted on a date on which a special election may be 98580  
held under division (D) of section 3501.01 of the Revised Code, 98581  
except for the first Tuesday after the first Monday in February 98582  
and August, during the last year the levy to be renewed may be 98583  
extended on the real and public utility property tax list and 98584  
duplicate, or at any election held in the ensuing year, except 98585  
that if the resolution proposes renewing two or more existing 98586

levies, the question shall be submitted on the date of the general 98587  
or primary election held during the last year at least one of the 98588  
levies to be renewed may be extended on that list and duplicate, 98589  
or at any election held during the ensuing year. For purposes of 98590  
this section, a levy shall be considered to be an "existing levy" 98591  
through the year following the last year it can be placed on the 98592  
real and public utility property tax list and duplicate. 98593

The submission of questions to the electors under this 98594  
section is subject to the limitation on the number of election 98595  
dates established by section 5705.214 of the Revised Code. 98596

The resolution shall go into immediate effect upon its 98597  
passage, and no publication of the resolution shall be necessary 98598  
other than that provided for in the notice of election. A copy of 98599  
the resolution shall immediately after its passing be certified to 98600  
the county auditor of the proper county. Section 5705.195 of the 98601  
Revised Code shall govern the arrangements for the submission of 98602  
questions to the electors under this section and other matters 98603  
concerning the election. Publication of notice of the election 98604  
shall be made in one ~~or more newspapers~~ newspaper of general 98605  
circulation in the county once a week for two consecutive weeks, 98606  
or as provided in section 7.16 of the Revised Code, prior to the 98607  
election, ~~and, if.~~ If the board of elections operates and 98608  
maintains a web site, the board of elections shall post notice of 98609  
the election on its web site for thirty days prior to the 98610  
election. If a majority of the electors voting on the question 98611  
submitted in an election vote in favor of the levy, the board of 98612  
education of the school district may make the additional levy 98613  
necessary to raise the amount specified in the resolution for the 98614  
purpose stated in the resolution. The tax levy shall be included 98615  
in the next tax budget that is certified to the county budget 98616  
commission. 98617

After the approval of the levy and prior to the time when the 98618

first tax collection from the levy can be made, the board of 98619  
education may anticipate a fraction of the proceeds of the levy 98620  
and issue anticipation notes in an amount not exceeding the total 98621  
estimated proceeds of the levy to be collected during the first 98622  
year of the levy. 98623

The notes shall be issued as provided in section 133.24 of 98624  
the Revised Code, shall have principal payments during each year 98625  
after the year of their issuance over a period not to exceed five 98626  
years, and may have principal payment in the year of their 98627  
issuance. 98628

**Sec. 5705.196.** The election provided for in section 5705.194 98629  
of the Revised Code shall be held at the regular places for voting 98630  
in the district, and shall be conducted, canvassed, and certified 98631  
in the same manner as regular elections in the district for the 98632  
election of county officers, provided that in any such election in 98633  
which only part of the electors of a precinct are qualified to 98634  
vote, the board of elections may assign voters in such part to an 98635  
adjoining precinct. Such an assignment may be made to an adjoining 98636  
precinct in another county with the consent and approval of the 98637  
board of elections of such other county. Notice of the election 98638  
shall be published in one ~~or more newspapers~~ newspaper of general 98639  
circulation in the district once a week for two consecutive weeks 98640  
or as provided in section 7.16 of the Revised Code, prior to the 98641  
election, ~~and, if.~~ If the board of elections operates and 98642  
maintains a web site, the board of elections shall post notice of 98643  
the election on its web site for thirty days prior to the 98644  
election. Such notice shall state the annual proceeds of the 98645  
proposed levy, the purpose for which such proceeds are to be used, 98646  
the number of years during which the levy shall run, and the 98647  
estimated average additional tax rate expressed in dollars and 98648  
cents for each one hundred dollars of valuation as well as in 98649  
mills for each one dollar of valuation, outside the limitation 98650

imposed by Section 2 of Article XII, Ohio Constitution, as 98651  
certified by the county auditor. 98652

**Sec. 5705.21.** (A) At any time, the board of education of any 98653  
city, local, exempted village, cooperative education, or joint 98654  
vocational school district, by a vote of two-thirds of all its 98655  
members, may declare by resolution that the amount of taxes which 98656  
may be raised within the ten-mill limitation by levies on the 98657  
current tax duplicate will be insufficient to provide an adequate 98658  
amount for the necessary requirements of the school district, that 98659  
it is necessary to levy a tax in excess of such limitation for one 98660  
of the purposes specified in division (A), (D), (F), (H), or (DD) 98661  
of section 5705.19 of the Revised Code, for general permanent 98662  
improvements, for the purpose of operating a cultural center, or 98663  
for the purpose of providing education technology, and that the 98664  
question of such additional tax levy shall be submitted to the 98665  
electors of the school district at a special election on a day to 98666  
be specified in the resolution. 98667

As used in this section, "cultural center" means a 98668  
freestanding building, separate from a public school building, 98669  
that is open to the public for educational, musical, artistic, and 98670  
cultural purposes; "education technology" means, but is not 98671  
limited to, computer hardware, equipment, materials, and 98672  
accessories, equipment used for two-way audio or video, and 98673  
software; and "general permanent improvements" means permanent 98674  
improvements without regard to the limitation of division (F) of 98675  
section 5705.19 of the Revised Code that the improvements be a 98676  
specific improvement or a class of improvements that may be 98677  
included in a single bond issue. 98678

The submission of questions to the electors under this 98679  
section is subject to the limitation on the number of election 98680  
dates established by section 5705.214 of the Revised Code. 98681

(B) Such resolution shall be confined to a single purpose and shall specify the amount of the increase in rate that it is necessary to levy, the purpose of the levy, and the number of years during which the increase in rate shall be in effect. The number of years may be any number not exceeding five or, if the levy is for current expenses of the district or for general permanent improvements, for a continuing period of time. The resolution shall specify the date of holding such election, which shall not be earlier than ninety days after the adoption and certification of the resolution and which shall be consistent with the requirements of section 3501.01 of the Revised Code.

The resolution may propose to renew one or more existing levies imposed under this section or to increase or decrease a single levy imposed under this section. If the board of education imposes one or more existing levies for the purpose specified in division (F) of section 5705.19 of the Revised Code, the resolution may propose to renew one or more of those existing levies, or to increase or decrease a single such existing levy, for the purpose of general permanent improvements. If the resolution proposes to renew two or more existing levies, the levies shall be levied for the same purpose. The resolution shall identify those levies and the rates at which they are levied. The resolution also shall specify that the existing levies shall not be extended on the tax lists after the year preceding the year in which the renewal levy is first imposed, regardless of the years for which those levies originally were authorized to be levied.

The resolution shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. A copy of the resolution shall immediately after its passing be certified to the board of elections of the proper county in the manner provided by section 5705.25 of the Revised Code, and that section shall

govern the arrangements for the submission of such question and 98714  
other matters concerning such election, to which that section 98715  
refers, except that such election shall be held on the date 98716  
specified in the resolution. Publication of notice of that 98717  
election shall be made in ~~one or more newspapers~~ a newspaper of 98718  
general circulation in the county once a week for two consecutive 98719  
weeks, or as provided in section 7.16 of the Revised Code, prior 98720  
to the election, ~~and, if.~~ If the board of elections operates and 98721  
maintains a web site, the board of elections shall post notice of 98722  
the election on its web site for thirty days prior to the 98723  
election. If a majority of the electors voting on the question so 98724  
submitted in an election vote in favor of the levy, the board of 98725  
education may make the necessary levy within the school district 98726  
at the additional rate, or at any lesser rate in excess of the 98727  
ten-mill limitation on the tax list, for the purpose stated in the 98728  
resolution. A levy for a continuing period of time may be reduced 98729  
pursuant to section 5705.261 of the Revised Code. The tax levy 98730  
shall be included in the next tax budget that is certified to the 98731  
county budget commission. 98732

(C)(1) After the approval of a levy on the current tax list 98733  
and duplicate for current expenses, for recreational purposes, for 98734  
community centers provided for in section 755.16 of the Revised 98735  
Code, or for a public library of the district and prior to the 98736  
time when the first tax collection from the levy can be made, the 98737  
board of education may anticipate a fraction of the proceeds of 98738  
the levy and issue anticipation notes in a principal amount not 98739  
exceeding fifty per cent of the total estimated proceeds of the 98740  
levy to be collected during the first year of the levy. 98741

(2) After the approval of a levy for general permanent 98742  
improvements for a specified number of years, or for permanent 98743  
improvements having the purpose specified in division (F) of 98744  
section 5705.19 of the Revised Code, the board of education may 98745

anticipate a fraction of the proceeds of the levy and issue 98746  
anticipation notes in a principal amount not exceeding fifty per 98747  
cent of the total estimated proceeds of the levy remaining to be 98748  
collected in each year over a period of five years after the 98749  
issuance of the notes. 98750

The notes shall be issued as provided in section 133.24 of 98751  
the Revised Code, shall have principal payments during each year 98752  
after the year of their issuance over a period not to exceed five 98753  
years, and may have a principal payment in the year of their 98754  
issuance. 98755

(3) After approval of a levy for general permanent 98756  
improvements for a continuing period of time, the board of 98757  
education may anticipate a fraction of the proceeds of the levy 98758  
and issue anticipation notes in a principal amount not exceeding 98759  
fifty per cent of the total estimated proceeds of the levy to be 98760  
collected in each year over a specified period of years, not 98761  
exceeding ten, after the issuance of the notes. 98762

The notes shall be issued as provided in section 133.24 of 98763  
the Revised Code, shall have principal payments during each year 98764  
after the year of their issuance over a period not to exceed ten 98765  
years, and may have a principal payment in the year of their 98766  
issuance. 98767

**Sec. 5705.211.** (A) As used in this section: 98768

(1) "Adjusted charge-off increase" for a tax year means two 98769  
and two-tenths per cent of the cumulative carryover property value 98770  
increase. ~~If the cumulative carryover property value increase is~~ 98771  
~~computed on the basis of a school district's recognized valuation~~ 98772  
~~for a fiscal year before fiscal year 2014, the adjusted charge-off~~ 98773  
~~increase shall be adjusted to account for the greater charge-off~~ 98774  
~~rates prescribed for such fiscal years under sections 3317.022 and~~ 98775  
~~3306.13 of the Revised Code.~~ 98776

(2) "Cumulative carryover property value increase" means the sum of the increases in carryover value certified under division (B)(2) of section 3317.015 of the Revised Code and included in a school district's total taxable value in the computation of recognized valuation under division (B) of that section for all fiscal years from the fiscal year that ends in the first tax year a levy under this section is extended on the tax list of real and public utility property until and including the fiscal year that ends in the current tax year.

(3) "Taxes charged and payable" means the taxes charged and payable from a tax levy extended on the real and public utility property tax list and the general list of personal property before any reduction under section 319.302, 323.152, or 323.158 of the Revised Code.

(B) The board of education of a city, local, or exempted village school district may adopt a resolution proposing the levy of a tax in excess of the ten-mill limitation for the purpose of paying the current operating expenses of the district. If the resolution is approved as provided in division (D) of this section, the tax may be levied at such a rate each tax year that the total taxes charged and payable from the levy equals the adjusted charge-off increase for the tax year or equals a lesser amount as prescribed under division (C) of this section. The tax may be levied for a continuing period of time or for a specific number of years, but not fewer than five years, as provided in the resolution. The tax may not be placed on the tax list for a tax year beginning before the first day of January following adoption of the resolution. A board of education may not adopt a resolution under this section proposing to levy a tax under this section concurrently with any other tax levied by the board under this section.

(C) After the first year a tax is levied under this section,



the rate of the tax in any year shall not exceed the rate, 98809  
estimated by the county auditor, that would cause the sums levied 98810  
from the tax against carryover property to exceed one hundred four 98811  
per cent of the sums levied from the tax against carryover 98812  
property in the preceding year. A board of education imposing a 98813  
tax under this section may specify in the resolution imposing the 98814  
tax that the percentage shall be less than one hundred four per 98815  
cent, but the percentage shall not be less than one hundred per 98816  
cent. At any time after a resolution adopted under this section is 98817  
approved by a majority of electors as provided in division (D) of 98818  
this section, the board of education, by resolution, may decrease 98819  
the percentage specified in the resolution levying the tax. 98820

(D) A resolution adopted under this section shall state that 98821  
the purpose of the tax is to pay current operating expenses of the 98822  
district, and shall specify the first year in which the tax is to 98823  
be levied, the number of years the tax will be levied or that it 98824  
will be levied for a continuing period of time, and the election 98825  
at which the question of the tax is to appear on the ballot, which 98826  
shall be a general or special election consistent with the 98827  
requirements of section 3501.01 of the Revised Code. If the board 98828  
of education specifies a percentage less than one hundred four per 98829  
cent pursuant to division (C) of this section, the percentage 98830  
shall be specified in the resolution. 98831

Upon adoption of the resolution, the board of education may 98832  
certify a copy of the resolution to the proper county board of 98833  
elections. The copy of the resolution shall be certified to the 98834  
board of elections not later than ninety days before the day of 98835  
the election at which the question of the tax is to appear on the 98836  
ballot. Upon receiving a timely certified copy of such a 98837  
resolution, the board of elections shall make the necessary 98838  
arrangements for the submission of the question to the electors of 98839  
the school district, and the election shall be conducted, 98840

canvassed, and certified in the same manner as regular elections 98841  
in the school district for the election of members of the board of 98842  
education. Notice of the election shall be published in ~~one or~~ 98843  
~~more newspapers~~ a newspaper of general circulation in the school 98844  
district once per week for four consecutive weeks or as provided 98845  
in section 7.16 of the Revised Code. The notice shall state that 98846  
the purpose of the tax is for the current operating expenses of 98847  
the school district, the first year the tax is to be levied, the 98848  
number of years the tax is to be levied or that it is to be levied 98849  
for a continuing period of time, that the tax is to be levied each 98850  
year in an amount estimated to offset decreases in state base cost 98851  
funding caused by appreciation in real estate values, and that the 98852  
estimated additional tax in any year shall not exceed the previous 98853  
year's by more than four per cent, or a lesser percentage 98854  
specified in the resolution levying the tax, except for increases 98855  
caused by the addition of new taxable property. 98856

The question shall be submitted as a separate proposition but 98857  
may be printed on the same ballot with any other proposition 98858  
submitted at the same election other than the election of 98859  
officers. 98860

The form of the ballot shall be substantially as follows: 98861

"An additional tax for the benefit of (name of school 98862  
district) for the purpose of paying the current operating expenses 98863  
of the district, for ..... (number of years or for continuing 98864  
period of time), at a rate sufficient to offset any reduction in 98865  
basic state funding caused by appreciation in real estate values? 98866  
This levy will permit variable annual growth in revenue up to 98867  
..... (amount specified by school district) per cent for the 98868  
duration of the levy. 98869

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|  | For the tax levy |
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|  | Against the tax levy | " |
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If a majority of the electors of the school district voting on the question vote in favor of the question, the board of elections shall certify the results of the election to the board of education and to the tax commissioner immediately after the canvass.

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(E) When preparing any estimate of the contemplated receipts from a tax levied pursuant to this section for the purposes of sections 5705.28 to 5705.40 of the Revised Code, and in preparing to certify the tax under section 5705.34 of the Revised Code, a board of education authorized to levy such a tax shall use information supplied by the department of education to determine the adjusted charge-off increase for the tax year for which that certification is made. If the board levied a tax under this section in the preceding tax year, the sum to be certified for collection from the tax shall not exceed the sum that would exceed the limitation imposed under division (C) of this section. At the request of the board of education or the treasurer of the school district, the county auditor shall assist the board of education in determining the rate or sum that may be levied under this section.

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The board of education shall certify the sum authorized to be levied to the county auditor, and, for the purpose of the county auditor determining the rate at which the tax is to be levied in the tax year, the sum so certified shall be the sum to be raised by the tax unless the sum exceeds the limitation imposed by division (C) of this section. A tax levied pursuant to this section shall not be levied at a rate in excess of the rate estimated by the county auditor to produce the sum certified by the board of education before the reductions under sections 319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding

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section 5705.34 of the Revised Code, a board of education 98904  
authorized to levy a tax under this section shall certify the tax 98905  
to the county auditor before the first day of October of the tax 98906  
year in which the tax is to be levied, or at a later date as 98907  
approved by the tax commissioner. 98908

**Sec. 5705.218.** (A) The board of education of a city, local, 98909  
or exempted village school district, at any time by a vote of 98910  
two-thirds of all its members, may declare by resolution that it 98911  
may be necessary for the school district to issue general 98912  
obligation bonds for permanent improvements. The resolution shall 98913  
state all of the following: 98914

(1) The necessity and purpose of the bond issue; 98915

(2) The date of the special election at which the question 98916  
shall be submitted to the electors; 98917

(3) The amount, approximate date, estimated rate of interest, 98918  
and maximum number of years over which the principal of the bonds 98919  
may be paid; 98920

(4) The necessity of levying a tax outside the ten-mill 98921  
limitation to pay debt charges on the bonds and any anticipatory 98922  
securities. 98923

On adoption of the resolution, the board shall certify a copy 98924  
of it to the county auditor. The county auditor promptly shall 98925  
estimate and certify to the board the average annual property tax 98926  
rate required throughout the stated maturity of the bonds to pay 98927  
debt charges on the bonds, in the same manner as under division 98928  
(C) of section 133.18 of the Revised Code. 98929

(B) After receiving the county auditor's certification under 98930  
division (A) of this section, the board of education of the city, 98931  
local, or exempted village school district, by a vote of 98932  
two-thirds of all its members, may declare by resolution that the 98933

amount of taxes that can be raised within the ten-mill limitation 98934  
will be insufficient to provide an adequate amount for the present 98935  
and future requirements of the school district; that it is 98936  
necessary to issue general obligation bonds of the school district 98937  
for permanent improvements and to levy an additional tax in excess 98938  
of the ten-mill limitation to pay debt charges on the bonds and 98939  
any anticipatory securities; that it is necessary for a specified 98940  
number of years or for a continuing period of time to levy 98941  
additional taxes in excess of the ten-mill limitation to provide 98942  
funds for the acquisition, construction, enlargement, renovation, 98943  
and financing of permanent improvements or to pay for current 98944  
operating expenses, or both; and that the question of the bonds 98945  
and taxes shall be submitted to the electors of the school 98946  
district at a special election, which shall not be earlier than 98947  
ninety days after certification of the resolution to the board of 98948  
elections, and the date of which shall be consistent with section 98949  
3501.01 of the Revised Code. The resolution shall specify all of 98950  
the following: 98951

(1) The county auditor's estimate of the average annual 98952  
property tax rate required throughout the stated maturity of the 98953  
bonds to pay debt charges on the bonds; 98954

(2) The proposed rate of the tax, if any, for current 98955  
operating expenses, the first year the tax will be levied, and the 98956  
number of years it will be levied, or that it will be levied for a 98957  
continuing period of time; 98958

(3) The proposed rate of the tax, if any, for permanent 98959  
improvements, the first year the tax will be levied, and the 98960  
number of years it will be levied, or that it will be levied for a 98961  
continuing period of time. 98962

The resolution shall apportion the annual rate of the tax 98963  
between current operating expenses and permanent improvements, if 98964  
both taxes are proposed. The apportionment may but need not be the 98965

same for each year of the tax, but the respective portions of the 98966  
rate actually levied each year for current operating expenses and 98967  
permanent improvements shall be limited by the apportionment. The 98968  
resolution shall go into immediate effect upon its passage, and no 98969  
publication of it is necessary other than that provided in the 98970  
notice of election. The board of education shall certify a copy of 98971  
the resolution, along with copies of the auditor's estimate and 98972  
its resolution under division (A) of this section, to the board of 98973  
elections immediately after its adoption. 98974

(C) The board of elections shall make the arrangements for 98975  
the submission of the question to the electors of the school 98976  
district, and the election shall be conducted, canvassed, and 98977  
certified in the same manner as regular elections in the district 98978  
for the election of county officers. The resolution shall be put 98979  
before the electors as one ballot question, with a favorable vote 98980  
indicating approval of the bond issue, the levy to pay debt 98981  
charges on the bonds and any anticipatory securities, the current 98982  
operating expenses levy, and the permanent improvements levy, if 98983  
either or both levies are proposed. The board of elections shall 98984  
publish notice of the election in ~~one or more newspapers~~ a 98985  
newspaper of general circulation in the school district once a 98986  
week for two consecutive weeks, or as provided in section 7.16 of 98987  
the Revised Code, prior to the election, ~~and, if~~. If a board of 98988  
elections operates and maintains a web site, that board also shall 98989  
post notice of the election on its web site for thirty days prior 98990  
to the election. The notice of election shall state all of the 98991  
following: 98992

(1) The principal amount of the proposed bond issue; 98993

(2) The permanent improvements for which the bonds are to be 98994  
issued; 98995

(3) The maximum number of years over which the principal of 98996  
the bonds may be paid; 98997

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| (4) The estimated additional average annual property tax rate        | 98998 |
| to pay the debt charges on the bonds, as certified by the county     | 98999 |
| auditor;                                                             | 99000 |
| (5) The proposed rate of the additional tax, if any, for             | 99001 |
| current operating expenses;                                          | 99002 |
| (6) The number of years the current operating expenses tax           | 99003 |
| will be in effect, or that it will be in effect for a continuing     | 99004 |
| period of time;                                                      | 99005 |
| (7) The proposed rate of the additional tax, if any, for             | 99006 |
| permanent improvements;                                              | 99007 |
| (8) The number of years the permanent improvements tax will          | 99008 |
| be in effect, or that it will be in effect for a continuing period   | 99009 |
| of time;                                                             | 99010 |
| (9) The time and place of the special election.                      | 99011 |
| (D) The form of the ballot for an election under this section        | 99012 |
| is as follows:                                                       | 99013 |
| "Shall the ..... school district be authorized to do the             | 99014 |
| following:                                                           | 99015 |
| (1) Issue bonds for the purpose of ..... in the                      | 99016 |
| principal amount of \$....., to be repaid annually over a maximum    | 99017 |
| period of ..... years, and levy a property tax outside the           | 99018 |
| ten-mill limitation, estimated by the county auditor to average      | 99019 |
| over the bond repayment period ..... mills for each one dollar of    | 99020 |
| tax valuation, which amounts to ..... (rate expressed in cents or    | 99021 |
| dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of | 99022 |
| tax valuation, to pay the annual debt charges on the bonds, and to   | 99023 |
| pay debt charges on any notes issued in anticipation of those        | 99024 |
| bonds?"                                                              | 99025 |
| If either a levy for permanent improvements or a levy for            | 99026 |
| current operating expenses is proposed, or both are proposed, the    | 99027 |

ballot also shall contain the following language, as appropriate: 99028

"(2) Levy an additional property tax to provide funds for the 99029  
acquisition, construction, enlargement, renovation, and financing 99030  
of permanent improvements at a rate not exceeding ..... mills 99031  
for each one dollar of tax valuation, which amounts to ..... 99032  
(rate expressed in cents or dollars and cents) for each \$100 of 99033  
tax valuation, for ..... (number of years of the levy, or a 99034  
continuing period of time)? 99035

(3) Levy an additional property tax to pay current operating 99036  
expenses at a rate not exceeding ..... mills for each one dollar 99037  
of tax valuation, which amounts to ..... (rate expressed in 99038  
cents or dollars and cents) for each \$100 of tax valuation, for 99039  
..... (number of years of the levy, or a continuing period of 99040  
time)? 99041

|  |                                             |
|--|---------------------------------------------|
|  | FOR THE BOND ISSUE AND LEVY (OR LEVIES)     |
|  | AGAINST THE BOND ISSUE AND LEVY (OR LEVIES) |

"

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(E) The board of elections promptly shall certify the results 99046  
of the election to the tax commissioner and the county auditor of 99047  
the county in which the school district is located. If a majority 99048  
of the electors voting on the question vote for it, the board of 99049  
education may proceed with issuance of the bonds and with the levy 99050  
and collection of the property tax or taxes at the additional rate 99051  
or any lesser rate in excess of the ten-mill limitation. Any 99052  
securities issued by the board of education under this section are 99053  
Chapter 133. securities, as that term is defined in section 133.01 99054  
of the Revised Code. 99055

(F)(1) After the approval of a tax for current operating 99056  
expenses under this section and prior to the time the first 99057  
collection and distribution from the levy can be made, the board 99058



of education may anticipate a fraction of the proceeds of such 99059  
levy and issue anticipation notes in a principal amount not 99060  
exceeding fifty per cent of the total estimated proceeds of the 99061  
tax to be collected during the first year of the levy. 99062

(2) After the approval of a tax under this section for 99063  
permanent improvements having a specific purpose, the board of 99064  
education may anticipate a fraction of the proceeds of such tax 99065  
and issue anticipation notes in a principal amount not exceeding 99066  
fifty per cent of the total estimated proceeds of the tax 99067  
remaining to be collected in each year over a period of five years 99068  
after issuance of the notes. 99069

(3) After the approval of a tax for general, on-going 99070  
permanent improvements under this section, the board of education 99071  
may anticipate a fraction of the proceeds of such tax and issue 99072  
anticipation notes in a principal amount not exceeding fifty per 99073  
cent of the total estimated proceeds of the tax to be collected in 99074  
each year over a specified period of years, not exceeding ten, 99075  
after issuance of the notes. 99076

Anticipation notes under this section shall be issued as 99077  
provided in section 133.24 of the Revised Code. Notes issued under 99078  
division (F)(1) or (2) of this section shall have principal 99079  
payments during each year after the year of their issuance over a 99080  
period not to exceed five years, and may have a principal payment 99081  
in the year of their issuance. Notes issued under division (F)(3) 99082  
of this section shall have principal payments during each year 99083  
after the year of their issuance over a period not to exceed ten 99084  
years, and may have a principal payment in the year of their 99085  
issuance. 99086

(G) A tax for current operating expenses or for permanent 99087  
improvements levied under this section for a specified number of 99088  
years may be renewed or replaced in the same manner as a tax for 99089  
current operating expenses or for permanent improvements levied 99090

under section 5705.21 of the Revised Code. A tax for current 99091  
operating expenses or for permanent improvements levied under this 99092  
section for a continuing period of time may be decreased in 99093  
accordance with section 5705.261 of the Revised Code. 99094

(H) The submission of a question to the electors under this 99095  
section is subject to the limitation on the number of elections 99096  
that can be held in a year under section 5705.214 of the Revised 99097  
Code. 99098

(I) A school district board of education proposing a ballot 99099  
measure under this section to generate local resources for a 99100  
project under the school building assistance expedited local 99101  
partnership program under section 3318.36 of the Revised Code may 99102  
combine the questions under division (D) of this section with a 99103  
question for the levy of a property tax to generate moneys for 99104  
maintenance of the classroom facilities acquired under that 99105  
project as prescribed in section 3318.361 of the Revised Code. 99106

**Sec. 5705.25.** (A) A copy of any resolution adopted as 99107  
provided in section 5705.19 or 5705.2111 of the Revised Code shall 99108  
be certified by the taxing authority to the board of elections of 99109  
the proper county not less than ninety days before the general 99110  
election in any year, and the board shall submit the proposal to 99111  
the electors of the subdivision at the succeeding November 99112  
election. Except as otherwise provided in this division, a 99113  
resolution to renew an existing levy, regardless of the section of 99114  
the Revised Code under which the tax was imposed, shall not be 99115  
placed on the ballot unless the question is submitted at the 99116  
general election held during the last year the tax to be renewed 99117  
or replaced may be extended on the real and public utility 99118  
property tax list and duplicate, or at any election held in the 99119  
ensuing year. The limitation of the foregoing sentence does not 99120  
apply to a resolution to renew and increase or to renew part of an 99121

existing levy that was imposed under section 5705.191 of the 99122  
Revised Code to supplement the general fund for the purpose of 99123  
making appropriations for one or more of the following purposes: 99124  
for public assistance, human or social services, relief, welfare, 99125  
hospitalization, health, and support of general hospitals. The 99126  
limitation of the second preceding sentence also does not apply to 99127  
a resolution that proposes to renew two or more existing levies 99128  
imposed under section 5705.21 of the Revised Code, in which case 99129  
the question shall be submitted on the date of the general or 99130  
primary election held during the last year at least one of the 99131  
levies to be renewed may be extended on the real and public 99132  
utility property tax list and duplicate, or at any election held 99133  
during the ensuing year. For purposes of this section, a levy 99134  
shall be considered to be an "existing levy" through the year 99135  
following the last year it can be placed on that tax list and 99136  
duplicate. 99137

The board shall make the necessary arrangements for the 99138  
submission of such questions to the electors of such subdivision, 99139  
and the election shall be conducted, canvassed, and certified in 99140  
the same manner as regular elections in such subdivision for the 99141  
election of county officers. Notice of the election shall be 99142  
published in a newspaper of general circulation in the subdivision 99143  
once a week for two consecutive weeks, or as provided in section 99144  
7.16 of the Revised Code, prior to the election, ~~and, if.~~ If the 99145  
board of elections operates and maintains a web site, the board of 99146  
elections shall post notice of the election on its web site for 99147  
thirty days prior to the election. The notice shall state the 99148  
purpose, the proposed increase in rate expressed in dollars and 99149  
cents for each one hundred dollars of valuation as well as in 99150  
mills for each one dollar of valuation, the number of years during 99151  
which the increase will be in effect, the first month and year in 99152  
which the tax will be levied, and the time and place of the 99153  
election. 99154

(B) The form of the ballots cast at an election held pursuant to division (A) of this section shall be as follows:

"An additional tax for the benefit of (name of subdivision or public library) ..... for the purpose of (purpose stated in the resolution) ..... at a rate not exceeding ..... mills for each one dollar of valuation, which amounts to (rate expressed in dollars and cents) ..... for each one hundred dollars of valuation, for ..... (life of indebtedness or number of years the levy is to run).

|  |                      |
|--|----------------------|
|  | For the Tax Levy     |
|  | Against the Tax Levy |

"

(C) If the levy is to be in effect for a continuing period of time, the notice of election and the form of ballot shall so state instead of setting forth a specified number of years for the levy.

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase ", commencing in ..... (first year the tax is to be levied), first due in calendar year ..... (first calendar year in which the tax shall be due)."

If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in division (B) of this section may be changed by substituting for the words "An additional" at the beginning of the form, the words "A renewal of a" in case of a proposal to renew an existing levy in the same amount; the words "A renewal of ..... mills and an increase of ..... mills to constitute a" in the case of an increase; or the words "A renewal of part of an existing levy, being a reduction of ..... mills, to constitute a" in the case of

a decrease in the proposed levy. 99186

If the levy submitted is a proposal to renew two or more 99187  
existing levies imposed under section 5705.21 of the Revised Code, 99188  
the form of the ballot specified in division (B) of this section 99189  
shall be modified by substituting for the words "an additional 99190  
tax" the words "a renewal of ....(insert the number of levies to 99191  
be renewed) existing taxes." 99192

The question covered by such resolution shall be submitted as 99193  
a separate proposition but may be printed on the same ballot with 99194  
any other proposition submitted at the same election, other than 99195  
the election of officers. More than one such question may be 99196  
submitted at the same election. 99197

(D) A levy voted in excess of the ten-mill limitation under 99198  
this section shall be certified to the tax commissioner. In the 99199  
first year of the levy, it shall be extended on the tax lists 99200  
after the February settlement succeeding the election. If the 99201  
additional tax is to be placed upon the tax list of the current 99202  
year, as specified in the resolution providing for its submission, 99203  
the result of the election shall be certified immediately after 99204  
the canvass by the board of elections to the taxing authority, who 99205  
shall make the necessary levy and certify it to the county 99206  
auditor, who shall extend it on the tax lists for collection. 99207  
After the first year, the tax levy shall be included in the annual 99208  
tax budget that is certified to the county budget commission. 99209

**Sec. 5705.251.** (A) A copy of a resolution adopted under 99210  
section 5705.212 or 5705.213 of the Revised Code shall be 99211  
certified by the board of education to the board of elections of 99212  
the proper county not less than ninety days before the date of the 99213  
election specified in the resolution, and the board of elections 99214  
shall submit the proposal to the electors of the school district 99215  
at a special election to be held on that date. The board of 99216

elections shall make the necessary arrangements for the submission 99217  
of the question or questions to the electors of the school 99218  
district, and the election shall be conducted, canvassed, and 99219  
certified in the same manner as regular elections in the school 99220  
district for the election of county officers. Notice of the 99221  
election shall be published in a newspaper of general circulation 99222  
in the subdivision once a week for two consecutive weeks, or as 99223  
provided in section 7.16 of the Revised Code, prior to the 99224  
election, ~~and, if.~~ If the board of elections operates and 99225  
maintains a web site, the board of elections shall post notice of 99226  
the election on its web site for thirty days prior to the 99227  
election. 99228

(1) In the case of a resolution adopted under section 99229  
5705.212 of the Revised Code, the notice shall state separately, 99230  
for each tax being proposed, the purpose; the proposed increase in 99231  
rate, expressed in dollars and cents for each one hundred dollars 99232  
of valuation as well as in mills for each one dollar of valuation; 99233  
the number of years during which the increase will be in effect; 99234  
and the first calendar year in which the tax will be due. For an 99235  
election on the question of a renewal levy, the notice shall state 99236  
the purpose; the proposed rate, expressed in dollars and cents for 99237  
each one hundred dollars of valuation as well as in mills for each 99238  
one dollar of valuation; and the number of years the tax will be 99239  
in effect. 99240

(2) In the case of a resolution adopted under section 99241  
5705.213 of the Revised Code, the notice shall state the purpose; 99242  
the amount proposed to be raised by the tax in the first year it 99243  
is levied; the estimated average additional tax rate for the first 99244  
year it is proposed to be levied, expressed in mills for each one 99245  
dollar of valuation and in dollars and cents for each one hundred 99246  
dollars of valuation; the number of years during which the 99247  
increase will be in effect; and the first calendar year in which 99248

the tax will be due. The notice also shall state the amount by 99249  
which the amount to be raised by the tax may be increased in each 99250  
year after the first year. The amount of the allowable increase 99251  
may be expressed in terms of a dollar increase over, or a 99252  
percentage of, the amount raised by the tax in the immediately 99253  
preceding year. For an election on the question of a renewal levy, 99254  
the notice shall state the purpose; the amount proposed to be 99255  
raised by the tax; the estimated tax rate, expressed in mills for 99256  
each one dollar of valuation and in dollars and cents for each one 99257  
hundred dollars of valuation; and the number of years the tax will 99258  
be in effect. 99259

In any case, the notice also shall state the time and place 99260  
of the election. 99261

(B) The form of the ballot in an election on taxes proposed 99262  
under section 5705.212 of the Revised Code shall be as follows: 99263

"Shall the ..... school district be authorized to levy 99264  
taxes for current expenses, the aggregate rate of which may 99265  
increase in ..... (number) increment(s) of not more than ..... 99266  
mill(s) for each dollar of valuation, from an original rate of 99267  
..... mill(s) for each dollar of valuation, which amounts to 99268  
..... (rate expressed in dollars and cents) for each one hundred 99269  
dollars of valuation, to a maximum rate of ..... mill(s) for each 99270  
dollar of valuation, which amounts to ..... (rate expressed in 99271  
dollars and cents) for each one hundred dollars of valuation? The 99272  
original tax is first proposed to be levied in ..... (the first 99273  
year of the tax), and the incremental tax in ..... (the first 99274  
year of the increment) (if more than one incremental tax is 99275  
proposed in the resolution, the first year that each incremental 99276  
tax is proposed to be levied shall be stated in the preceding 99277  
format, and the increments shall be referred to as the first, 99278  
second, third, or fourth increment, depending on their number). 99279  
The aggregate rate of tax so authorized will ..... (insert 99280

either, "expire with the original rate of tax which shall be in effect for ..... years" or "be in effect for a continuing period of time").

|  |                        |
|--|------------------------|
|  | FOR THE TAX LEVIES     |
|  | AGAINST THE TAX LEVIES |

"

The form of the ballot in an election on the question of a renewal levy under section 5705.212 of the Revised Code shall be as follows:

"Shall the ..... school district be authorized to renew a tax for current expenses at a rate not exceeding ..... mills for each dollar of valuation, which amounts to ..... (rate expressed in dollars and cents) for each one hundred dollars of valuation, for ..... (number of years the levy shall be in effect, or a continuing period of time)?

|  |                      |
|--|----------------------|
|  | FOR THE TAX LEVY     |
|  | AGAINST THE TAX LEVY |

"

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to be in effect, the phrase ", commencing in ..... (first year the tax is to be levied), first due in calendar year ..... (first calendar year in which the tax shall be due)."

(C) The form of the ballot in an election on a tax proposed under section 5705.213 of the Revised Code shall be as follows:

"Shall the ..... school district be authorized to levy the following tax for current expenses? The tax will first be levied



in ..... (year) to raise ..... (dollars). In the ..... (number 99311  
of years) following years, the tax will increase by not more than 99312  
..... (per cent or dollar amount of increase) each year, so that, 99313  
during ..... (last year of the tax), the tax will raise 99314  
approximately ..... (dollars). The county auditor estimates that 99315  
the rate of the tax per dollar of valuation will be ..... 99316  
mill(s), which amounts to \$. .... per one hundred dollars of 99317  
valuation, both during ..... (first year of the tax) and ..... 99318  
mill(s), which amounts to \$. .... per one hundred dollars of 99319  
valuation, during ..... (last year of the tax). The tax will not 99320  
be levied after ..... (year). 99321

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|  | FOR THE TAX LEVY     | " |
|  | AGAINST THE TAX LEVY |   |

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The form of the ballot in an election on the question of a 99326  
renewal levy under section 5705.213 of the Revised Code shall be 99327  
as follows: 99328

"Shall the ..... school district be authorized to renew a 99329  
tax for current expenses which will raise ..... (dollars), 99330  
estimated by the county auditor to be ..... mills for each 99331  
dollar of valuation, which amounts to ..... (rate expressed in 99332  
dollars and cents) for each one hundred dollars of valuation? The 99333  
tax shall be in effect for ..... (the number of years the levy 99334  
shall be in effect, or a continuing period of time). 99335

|  |                      |   |
|--|----------------------|---|
|  | FOR THE TAX LEVY     | " |
|  | AGAINST THE TAX LEVY |   |

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If the tax is to be placed on the current tax list, the form 99340  
of the ballot shall be modified by adding, after the statement of 99341

the number of years the levy is to be in effect, the phrase ", 99342  
commencing in ..... (first year the tax is to be levied), 99343  
first due in calendar year ..... (first calendar year in 99344  
which the tax shall be due)." 99345

(D) The question covered by a resolution adopted under 99346  
section 5705.212 or 5705.213 of the Revised Code shall be 99347  
submitted as a separate question, but may be printed on the same 99348  
ballot with any other question submitted at the same election, 99349  
other than the election of officers. More than one question may be 99350  
submitted at the same election. 99351

(E) Taxes voted in excess of the ten-mill limitation under 99352  
division (B) or (C) of this section shall be certified to the tax 99353  
commissioner. If an additional tax is to be placed upon the tax 99354  
list of the current year, as specified in the resolution providing 99355  
for its submission, the result of the election shall be certified 99356  
immediately after the canvass by the board of elections to the 99357  
board of education. The board of education immediately shall make 99358  
the necessary levy and certify it to the county auditor, who shall 99359  
extend it on the tax list for collection. After the first year, 99360  
the levy shall be included in the annual tax budget that is 99361  
certified to the county budget commission. 99362

**Sec. 5705.261.** The question of decrease of an increased rate 99363  
of levy approved for a continuing period of time by the voters of 99364  
a subdivision may be initiated by the filing of a petition with 99365  
the board of elections of the proper county not less than ninety 99366  
days before the general election in any year requesting that an 99367  
election be held on such question. Such petition shall state the 99368  
amount of the proposed decrease in the rate of levy and shall be 99369  
signed by qualified electors residing in the subdivision equal in 99370  
number to at least ten per cent of the total number of votes cast 99371  
in the subdivision for the office of governor at the most recent 99372

general election for that office. Only one such petition may be 99373  
filed during each five-year period following the election at which 99374  
the voters approved the increased rate for a continuing period of 99375  
time. 99376

After determination by it that such petition is valid, the 99377  
board of elections shall submit the question to the electors of 99378  
the district at the succeeding general election. The election 99379  
shall be conducted, canvassed, and certified in the same manner as 99380  
regular elections in such subdivision for county offices. Notice 99381  
of the election shall be published in a newspaper of general 99382  
circulation in the district once a week for two consecutive weeks, 99383  
or as provided in section 7.16 of the Revised Code, prior to the 99384  
election, ~~and, if.~~ If the board of elections operates and 99385  
maintains a web site, the board of elections shall post notice of 99386  
the election on its web site for thirty days prior to the 99387  
election. The notice shall state the purpose, the amount of the 99388  
proposed decrease in rate, and the time and place of the election. 99389  
The form of the ballot cast at such election shall be prescribed 99390  
by the secretary of state. The question covered by such petition 99391  
shall be submitted as a separate proposition but it may be printed 99392  
on the same ballot with any other propositions submitted at the 99393  
same election other than the election of officers. If a majority 99394  
of the qualified electors voting on the question of a decrease at 99395  
such election approve the proposed decrease in rate, the result of 99396  
the election shall be certified immediately after the canvass by 99397  
the board of elections to the subdivision's taxing authority, 99398  
which shall thereupon, after the current year, cease to levy such 99399  
increased rate or levy such tax at such reduced rate upon the 99400  
duplicate of the subdivision. If notes have been issued in 99401  
anticipation of the collection of such levy, the taxing authority 99402  
shall continue to levy and collect under authority of the election 99403  
authorizing the original levy such amounts as will be sufficient 99404  
to pay the principal of and interest on such anticipation notes as 99405

the same fall due. 99406

**Sec. 5705.314.** If the board of education of a city, local, or 99407  
exempted village school district proposes to change its levy 99408  
within the ten-mill limitation in a manner that will result in an 99409  
increase in the amount of real property taxes levied by the board 99410  
in the tax year the change takes effect, the board shall hold a 99411  
public hearing solely on the proposal before adopting a resolution 99412  
to implement the proposal. The board shall publish notice of the 99413  
hearing in a newspaper of general circulation in the school 99414  
district once a week for two consecutive weeks or as provided in 99415  
section 7.16 of the Revised Code. The second publication shall be 99416  
not less than ten nor more than thirty days before the date of the 99417  
hearing. ~~The, and the~~ notice shall include the date, time, place, 99418  
and subject of the hearing, and a statement that the change 99419  
proposed by the board may result in an increase in the amount of 99420  
real property taxes levied by the board. At the time the board 99421  
submits the notice for publication, the board shall send a copy of 99422  
the notice to the auditor of the county where the school district 99423  
is located or, if the school district is located in more than one 99424  
county, to the auditor of each of those counties. 99425

**Sec. 5705.392.** (A) A board of county commissioners may adopt 99426  
as a part of its annual appropriation measure a spending plan, or 99427  
in the case of an amended appropriation measure, an amended 99428  
spending plan, setting forth a quarterly schedule of expenses and 99429  
expenditures of all appropriations for the fiscal year from the 99430  
county general fund. The spending plan shall be classified to set 99431  
forth separately a quarterly schedule of expenses and expenditures 99432  
for each office, department, and division, and within each, the 99433  
amount appropriated for personal services. Each office, 99434  
department, and division shall be limited in its expenses and 99435  
expenditures of moneys appropriated from the general fund during 99436

any quarter by the schedule established in the spending plan. The 99437  
schedule established in the spending plan shall serve as a 99438  
limitation during a quarter on the making of contracts and giving 99439  
of orders involving the expenditure of money during that quarter 99440  
for purposes of division (D) of section 5705.41 of the Revised 99441  
Code. 99442

(B)(1) A board of county commissioners, by resolution, may 99443  
adopt a spending plan or an amended spending plan setting forth 99444  
separately a quarterly schedule of expenses and expenditures of 99445  
appropriations from any county fund, for the second half of a 99446  
fiscal year and any subsequent fiscal year, for any county office, 99447  
department, or division that has spent or encumbered more than 99448  
six-tenths of the amount appropriated for personal services and 99449  
payrolls during the first half of any fiscal year. 99450

(2) During any fiscal year, a board of county commissioners, 99451  
by resolution, may adopt a spending plan or an amended spending 99452  
plan setting forth separately a quarterly schedule of expenses and 99453  
expenditures of appropriations from any county fund, for any 99454  
county office, department, or division that, during the previous 99455  
fiscal year, spent one hundred five per cent or more of the total 99456  
amount appropriated by the board in its annual appropriation 99457  
measure required by section 5705.38 of the Revised Code. The 99458  
spending plan or amended spending plan shall remain in effect 99459  
three fiscal years, or until the county officer of the office for 99460  
which the plan was adopted is no longer in office, including terms 99461  
of office to which the county officer is re-elected, whichever is 99462  
later. 99463

(3) At least thirty days before adopting a resolution under 99464  
division (B)(1) or (2) of this section, the board of county 99465  
commissioners shall provide written notice to each county office, 99466  
department, or division for which it intends to adopt a spending 99467  
plan or an amended spending plan. The notice shall be sent by 99468

regular first class mail or provided by personal service, and 99469  
shall include a copy of the proposed spending plan or proposed 99470  
amended spending plan. The county office, department, or division 99471  
may meet with the board at any regular session of the board to 99472  
comment on the notice, or to express concerns or ask questions 99473  
about the proposed spending plan or proposed amended spending 99474  
plan. 99475

**Sec. 5705.412.** (A) As used in this section, "qualifying 99476  
contract" means any agreement for the expenditure of money under 99477  
which aggregate payments from the funds included in the school 99478  
district's five-year forecast under section 5705.391 of the 99479  
Revised Code will exceed the lesser of the following amounts: 99480

(1) Five hundred thousand dollars; 99481

(2) One per cent of the total revenue to be credited in the 99482  
current fiscal year to the district's general fund, as specified 99483  
in the district's most recent certificate of estimated resources 99484  
certified under section 5705.36 of the Revised Code. 99485

(B)(1) Notwithstanding section 5705.41 of the Revised Code, 99486  
no school district shall adopt any appropriation measure, make any 99487  
qualifying contract, or increase during any school year any wage 99488  
or salary schedule unless there is attached thereto a certificate, 99489  
signed as required by this section, that the school district has 99490  
in effect the authorization to levy taxes including the renewal or 99491  
replacement of existing levies which, when combined with the 99492  
estimated revenue from all other sources available to the district 99493  
at the time of certification, are sufficient to provide the 99494  
operating revenues necessary to enable the district to maintain 99495  
all personnel and programs for all the days set forth in its 99496  
adopted school calendars for the current fiscal year and for a 99497  
number of days in succeeding fiscal years equal to the number of 99498  
days instruction was held or is scheduled for the current fiscal 99499

year, as follows: 99500

~~(1)~~(a) A certificate attached to an appropriation measure 99501  
under this section shall cover only the fiscal year in which the 99502  
appropriation measure is effective and shall not consider the 99503  
renewal or replacement of an existing levy as the authority to 99504  
levy taxes that are subject to appropriation in the current fiscal 99505  
year unless the renewal or replacement levy has been approved by 99506  
the electors and is subject to appropriation in the current fiscal 99507  
year. 99508

~~(2)~~(b) A certificate attached, in accordance with this 99509  
section, to any qualifying contract shall cover the term of the 99510  
contract. 99511

~~(3)~~(c) A certificate attached under this section to a wage or 99512  
salary schedule shall cover the term of the schedule. 99513

If the board of education has not adopted a school calendar 99514  
for the school year beginning on the first day of the fiscal year 99515  
in which a certificate is required, the certificate attached to an 99516  
appropriation measure shall include the number of days on which 99517  
instruction was held in the preceding fiscal year and other 99518  
certificates required under this section shall include that number 99519  
of days for the fiscal year in which the certificate is required 99520  
and any succeeding fiscal years that the certificate must cover. 99521

The certificate shall be signed by the treasurer and 99522  
president of the board of education and the superintendent of the 99523  
school district, unless the district is in a state of fiscal 99524  
emergency declared under Chapter 3316. of the Revised Code. In 99525  
that case, the certificate shall be signed by a member of the 99526  
district's financial planning and supervision commission who is 99527  
designated by the commission for this purpose. 99528

(2) In lieu of the certificate required under division (B) of 99529  
this section, an alternative certificate stating the following may 99530

be attached: 99531

(a) The contract is a multi-year contract for materials, equipment, or nonpayroll services essential to the education program of the district; 99532  
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99534

(b) The multi-year contract demonstrates savings over the duration of the contract as compared to costs that otherwise would have been demonstrated in a single year contract, and the terms will allow the district to reduce the deficit it is currently facing in future years as demonstrated in its five-year forecast adopted in accordance with section 5705.391 of the Revised Code. 99535  
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The certificate shall be signed by the treasurer and president of the board of education and the superintendent of the school district, unless the district is in a state of fiscal emergency declared under Chapter 3316. of the Revised Code. In that case, the certificate shall be signed by a member of the district's financial planning and supervision commission who is designated by the commission for this purpose. 99541  
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(C) Every qualifying contract made or wage or salary schedule adopted or put into effect without such a certificate shall be void, and no payment of any amount due thereon shall be made. 99548  
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(D) The department of education and the auditor of state jointly shall adopt rules governing the methods by which treasurers, presidents of boards of education, superintendents, and members of financial planning and supervision commissions shall estimate revenue and determine whether such revenue is sufficient to provide necessary operating revenue for the purpose of making certifications required by this section. 99551  
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(E) The auditor of state shall be responsible for determining whether school districts are in compliance with this section. At the time a school district is audited pursuant to section 117.11 of the Revised Code, the auditor of state shall review each 99558  
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certificate issued under this section since the district's last 99562  
audit, and the appropriation measure, contract, or wage and salary 99563  
schedule to which such certificate was attached. If the auditor of 99564  
state determines that a school district has not complied with this 99565  
section with respect to any qualifying contract or wage or salary 99566  
schedule, the auditor of state shall notify the prosecuting 99567  
attorney for the county, the city director of law, or other chief 99568  
law officer of the school district. That officer may file a civil 99569  
action in any court of appropriate jurisdiction to seek a 99570  
declaration that the contract or wage or salary schedule is void, 99571  
to recover for the school district from the payee the amount of 99572  
payments already made under it, or both, except that the officer 99573  
shall not seek to recover payments made under any collective 99574  
bargaining agreement entered into under Chapter 4117. of the 99575  
Revised Code. If the officer does not file such an action within 99576  
one hundred twenty days after receiving notice of noncompliance 99577  
from the auditor of state, any taxpayer may institute the action 99578  
in the taxpayer's own name on behalf of the school district. 99579

(F) This section does not apply to any contract or increase 99580  
in any wage or salary schedule that is necessary in order to 99581  
enable a board of education to comply with division (B) of section 99582  
3317.13 of the Revised Code, provided the contract or increase 99583  
does not exceed the amount required to be paid to be in compliance 99584  
with such division. 99585

(G) Any officer, employee, or other person who expends or 99586  
authorizes the expenditure of any public funds or authorizes or 99587  
executes any contract or schedule contrary to this section, 99588  
expends or authorizes the expenditure of any public funds on the 99589  
void contract or schedule, or issues a certificate under this 99590  
section which contains any false statements is liable to the 99591  
school district for the full amount paid from the district's funds 99592  
on the contract or schedule. The officer, employee, or other 99593

person is jointly and severally liable in person and upon any 99594  
official bond that the officer, employee, or other person has 99595  
given to the school district to the extent of any payments on the 99596  
void claim, not to exceed ten thousand dollars. However, no 99597  
officer, employee, or other person shall be liable for a mistaken 99598  
estimate of available resources made in good faith and based upon 99599  
reasonable grounds. If an officer, employee, or other person is 99600  
found to have complied with rules jointly adopted by the 99601  
department of education and the auditor of state under this 99602  
section governing methods by which revenue shall be estimated and 99603  
determined sufficient to provide necessary operating revenue for 99604  
the purpose of making certifications required by this section, the 99605  
officer, employee, or other person shall not be liable under this 99606  
section if the estimates and determinations made according to 99607  
those rules do not, in fact, conform with actual revenue. The 99608  
prosecuting attorney of the county, the city director of law, or 99609  
other chief law officer of the district shall enforce this 99610  
liability by civil action brought in any court of appropriate 99611  
jurisdiction in the name of and on behalf of the school district. 99612  
If the prosecuting attorney, city director of law, or other chief 99613  
law officer of the district fails, upon the written request of any 99614  
taxpayer, to institute action for the enforcement of the 99615  
liability, the attorney general, or the taxpayer in the taxpayer's 99616  
own name, may institute the action on behalf of the subdivision. 99617

(H) This section does not require the attachment of an 99618  
additional certificate beyond that required by section 5705.41 of 99619  
the Revised Code for current payrolls of, or contracts of 99620  
employment with, any employees or officers of the school district. 99621

This section does not require the attachment of a certificate 99622  
to a temporary appropriation measure if all of the following 99623  
apply: 99624

(1) The amount appropriated does not exceed twenty-five per 99625

cent of the total amount from all sources available for 99626  
expenditure from any fund during the preceding fiscal year; 99627

(2) The measure will not be in effect on or after the 99628  
thirtieth day following the earliest date on which the district 99629  
may pass an annual appropriation measure; 99630

(3) An amended official certificate of estimated resources 99631  
for the current year, if required, has not been certified to the 99632  
board of education under division (B) of section 5705.36 of the 99633  
Revised Code. 99634

**Sec. 5705.71.** (A) The electors of a county may initiate the 99635  
question of a tax levy for support of senior citizens services or 99636  
facilities by the filing of a petition with the board of elections 99637  
of that county not less than ninety days before the date of any 99638  
primary or general election requesting that an election be held on 99639  
such question. The petition shall be signed by at least ten per 99640  
cent of the qualified electors residing in the county and voting 99641  
for the office of governor at the last general election. 99642

(B) The petition shall state the purpose for which the senior 99643  
citizens tax levy is being proposed, shall specify the amount of 99644  
the proposed increase in rate, the period of time during which the 99645  
increase is to be in effect, and whether the levy is to be imposed 99646  
in the current year. The number of years may be any number not 99647  
exceeding five, except that when the additional rate is for the 99648  
payment of debt charges the increased rate shall be for the life 99649  
of the indebtedness. 99650

(C) After determination by it that such petition is valid, 99651  
the board of elections shall submit the question to the electors 99652  
of the county at the succeeding primary or general election. 99653

(D) The election shall be conducted, canvassed, and certified 99654  
in the same manner as regular elections in such county for county 99655

offices. Notice of the election shall be published in a newspaper 99656  
of general circulation in the county once a week for two 99657  
consecutive weeks, or as provided in section 7.16 of the Revised 99658  
Code, prior to the election, ~~and, if.~~ If the board of elections 99659  
operates and maintains a web site, the board of elections shall 99660  
post notice of the election on its web site for thirty days prior 99661  
to the election. The notice shall state the purpose, the amount of 99662  
the proposed increase in rate, and the time and place of the 99663  
election. 99664

(E) The form of the ballot cast at such election shall be 99665  
prescribed by the secretary of state. If the tax is to be placed 99666  
on the tax list of the current tax year, the form of the ballot 99667  
shall include a statement to that effect and shall indicate the 99668  
first calendar year the tax will be due. The question covered by 99669  
such petition shall be submitted as a separate proposition but it 99670  
may be printed on the same ballot with any other propositions 99671  
submitted at the same election other than the election of 99672  
officers. 99673

(F) If a majority of electors voting on the question vote in 99674  
favor of the levy, the board of county commissioners shall levy a 99675  
tax, for the period and the purpose stated within the petition. If 99676  
the tax is to be placed upon the tax list of the current year, as 99677  
specified in the petition, the result of the election shall be 99678  
certified immediately after the canvass by the board of elections 99679  
to the board of county commissioners, which shall forthwith make 99680  
the necessary levy and certify it to the county auditor, who shall 99681  
extend it on the tax list for collection. After the first year, 99682  
the tax levy shall be included in the annual tax budget that is 99683  
certified to the county budget commission. 99684

**Sec. 5707.031.** As used in this section, "qualifying dealer in 99685  
intangibles" ~~has the same meaning as "qualifying dealer" in~~ 99686

~~section 5725.24 of the Revised Code means a dealer in intangibles~~ 99687  
~~that is a qualifying dealer in intangibles as defined in section~~ 99688  
~~5733.45 of the Revised Code or a member of a qualifying controlled~~ 99689  
~~group, as defined in section 5733.04 of the Revised Code, of which~~ 99690  
~~an insurance company also is a member on the first day of January~~ 99691  
~~of the year in and for which the tax imposed by section 5707.03 of~~ 99692  
~~the Revised Code is required to be paid by the dealer.~~ 99693

Upon the issuance of a tax credit certificate by the Ohio 99694  
venture capital authority under section 150.07 of the Revised 99695  
Code, a refundable credit may be claimed against the tax imposed 99696  
on a qualifying dealer in intangibles under section 5707.03 and 99697  
Chapter 5725. of the Revised Code. The credit shall be claimed on 99698  
a return due under section 5725.14 of the Revised Code after the 99699  
certificate is issued by the authority. 99700

**Sec. 5709.07.** (A) The following property shall be exempt from 99701  
taxation: 99702

(1) Public schoolhouses, the books and furniture in them, and 99703  
the ground attached to them necessary for the proper occupancy, 99704  
use, and enjoyment of the schoolhouses, ~~and not leased or~~ 99705  
~~otherwise used with a view to profit;~~ 99706

(2) Houses used exclusively for public worship, the books and 99707  
furniture in them, and the ground attached to them that is not 99708  
leased or otherwise used with a view to profit and that is 99709  
necessary for their proper occupancy, use, and enjoyment; 99710

(3) Real property owned and operated by a church that is used 99711  
primarily for church retreats or church camping, and that is not 99712  
used as a permanent residence. Real property exempted under 99713  
division (A)(3) of this section may be made available by the 99714  
church on a limited basis to charitable and educational 99715  
institutions if the property is not leased or otherwise made 99716  
available with a view to profit. 99717

(4) Public colleges and academies and all buildings connected 99718  
with them, and all lands connected with public institutions of 99719  
learning, not used with a view to profit, including those 99720  
buildings and lands that satisfy all of the following: 99721

(a) The buildings are used for housing for full-time students 99722  
or housing-related facilities for students, faculty, or employees 99723  
of a state university, or for other purposes related to the state 99724  
university's educational purpose, and the lands are underneath the 99725  
buildings or are used for common space, walkways, and green spaces 99726  
for the state university's students, faculty, or employees. As 99727  
used in this division, "housing-related facilities" includes both 99728  
parking facilities related to the buildings and common buildings 99729  
made available to students, faculty, or employees of a state 99730  
university. The leasing of space in housing-related facilities 99731  
shall not be considered an activity with a view to profit for 99732  
purposes of division (A)(4) of this section. 99733

(b) The buildings and lands are supervised or otherwise under 99734  
the control, directly or indirectly, of an organization that is 99735  
exempt from federal income taxation under section 501(c)(3) of the 99736  
Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as 99737  
amended, and the state university has entered into a qualifying 99738  
joint use agreement with the organization that entitles the 99739  
students, faculty, or employees of the state university to use the 99740  
lands or buildings; 99741

(c) The state university has agreed, under the terms of the 99742  
qualifying joint use agreement with the organization described in 99743  
division (A)(4)(b) of this section, that the state university, to 99744  
the extent applicable under the agreement, will make payments to 99745  
the organization in amounts sufficient to maintain agreed-upon 99746  
debt service coverage ratios on bonds related to the lands or 99747  
buildings. 99748

(B) This section shall not extend to leasehold estates or 99749

real property held under the authority of a college or university 99750  
of learning in this state; but leaseholds, or other estates or 99751  
property, real or personal, the rents, issues, profits, and income 99752  
of which is given to a municipal corporation, school district, or 99753  
subdistrict in this state exclusively for the use, endowment, or 99754  
support of schools for the free education of youth without charge 99755  
shall be exempt from taxation as long as such property, or the 99756  
rents, issues, profits, or income of the property is used and 99757  
exclusively applied for the support of free education by such 99758  
municipal corporation, district, or subdistrict. Division (B) of 99759  
this section shall not apply with respect to buildings and lands 99760  
that satisfy all of the requirements specified in divisions 99761  
(A)(4)(a) to (c) of this section. 99762

(C) For purposes of this section, if the requirements 99763  
specified in divisions (A)(4)(a) to (c) of this section are 99764  
satisfied, the buildings and lands with respect to which exemption 99765  
is claimed under division (A)(4) of this section shall be deemed 99766  
to be used with reasonable certainty in furthering or carrying out 99767  
the necessary objects and purposes of a state university. 99768

(D) As used in this section: 99769

(1) "Church" means a fellowship of believers, congregation, 99770  
society, corporation, convention, or association that is formed 99771  
primarily or exclusively for religious purposes and that is not 99772  
formed for the private profit of any person. 99773

(2) "State university" has the same meaning as in section 99774  
3345.011 of the Revised Code. 99775

(3) "Qualifying joint use agreement" means an agreement that 99776  
satisfies all of the following: 99777

(a) The agreement was entered into before June 30, 2004; 99778

(b) The agreement is between a state university and an 99779  
organization that is exempt from federal income taxation under 99780

section 501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 99781  
2085, 26 U.S.C. 1, as amended; and 99782

(c) The state university that is a party to the agreement 99783  
reported to the Ohio board of regents that the university 99784  
maintained a headcount of at least twenty-five thousand students 99785  
on its main campus during the academic school year that began in 99786  
calendar year 2003 and ended in calendar year 2004. 99787

**Sec. 5709.62.** (A) In any municipal corporation that is 99788  
defined by the United States office of management and budget as a 99789  
principal city of a metropolitan statistical area, the legislative 99790  
authority of the municipal corporation may designate one or more 99791  
areas within its municipal corporation as proposed enterprise 99792  
zones. Upon designating an area, the legislative authority shall 99793  
petition the director of development for certification of the area 99794  
as having the characteristics set forth in division (A)(1) of 99795  
section 5709.61 of the Revised Code as amended by Substitute 99796  
Senate Bill No. 19 of the 120th general assembly. Except as 99797  
otherwise provided in division (E) of this section, on and after 99798  
July 1, 1994, legislative authorities shall not enter into 99799  
agreements under this section unless the legislative authority has 99800  
petitioned the director and the director has certified the zone 99801  
under this section as amended by that act; however, all agreements 99802  
entered into under this section as it existed prior to July 1, 99803  
1994, and the incentives granted under those agreements shall 99804  
remain in effect for the period agreed to under those agreements. 99805  
Within sixty days after receiving such a petition, the director 99806  
shall determine whether the area has the characteristics set forth 99807  
in division (A)(1) of section 5709.61 of the Revised Code, and 99808  
shall forward the findings to the legislative authority of the 99809  
municipal corporation. If the director certifies the area as 99810  
having those characteristics, and thereby certifies it as a zone, 99811  
the legislative authority may enter into an agreement with an 99812



enterprise under division (C) of this section. 99813

(B) Any enterprise that wishes to enter into an agreement 99814  
with a municipal corporation under division (C) of this section 99815  
shall submit a proposal to the legislative authority of the 99816  
municipal corporation on a form prescribed by the director of 99817  
development, together with the application fee established under 99818  
section 5709.68 of the Revised Code. The form shall require the 99819  
following information: 99820

(1) An estimate of the number of new employees whom the 99821  
enterprise intends to hire, or of the number of employees whom the 99822  
enterprise intends to retain, within the zone at a facility that 99823  
is a project site, and an estimate of the amount of payroll of the 99824  
enterprise attributable to these employees; 99825

(2) An estimate of the amount to be invested by the 99826  
enterprise to establish, expand, renovate, or occupy a facility, 99827  
including investment in new buildings, additions or improvements 99828  
to existing buildings, machinery, equipment, furniture, fixtures, 99829  
and inventory; 99830

(3) A listing of the enterprise's current investment, if any, 99831  
in a facility as of the date of the proposal's submission. 99832

The enterprise shall review and update the listings required 99833  
under this division to reflect material changes, and any agreement 99834  
entered into under division (C) of this section shall set forth 99835  
final estimates and listings as of the time the agreement is 99836  
entered into. The legislative authority may, on a separate form 99837  
and at any time, require any additional information necessary to 99838  
determine whether an enterprise is in compliance with an agreement 99839  
and to collect the information required to be reported under 99840  
section 5709.68 of the Revised Code. 99841

(C) Upon receipt and investigation of a proposal under 99842  
division (B) of this section, if the legislative authority finds 99843

that the enterprise submitting the proposal is qualified by 99844  
financial responsibility and business experience to create and 99845  
preserve employment opportunities in the zone and improve the 99846  
economic climate of the municipal corporation, the legislative 99847  
authority, on or before October 15, ~~2011~~ 2012, may do one of the 99848  
following: 99849

(1) Enter into an agreement with the enterprise under which 99850  
the enterprise agrees to establish, expand, renovate, or occupy a 99851  
facility and hire new employees, or preserve employment 99852  
opportunities for existing employees, in return for one or more of 99853  
the following incentives: 99854

(a) Exemption for a specified number of years, not to exceed 99855  
fifteen, of a specified portion, up to seventy-five per cent, of 99856  
the assessed value of tangible personal property first used in 99857  
business at the project site as a result of the agreement. If an 99858  
exemption for inventory is specifically granted in the agreement 99859  
pursuant to this division, the exemption applies to inventory 99860  
required to be listed pursuant to sections 5711.15 and 5711.16 of 99861  
the Revised Code, except that, in the instance of an expansion or 99862  
other situations in which an enterprise was in business at the 99863  
facility prior to the establishment of the zone, the inventory 99864  
that is exempt is that amount or value of inventory in excess of 99865  
the amount or value of inventory required to be listed in the 99866  
personal property tax return of the enterprise in the return for 99867  
the tax year in which the agreement is entered into. 99868

(b) Exemption for a specified number of years, not to exceed 99869  
fifteen, of a specified portion, up to seventy-five per cent, of 99870  
the increase in the assessed valuation of real property 99871  
constituting the project site subsequent to formal approval of the 99872  
agreement by the legislative authority; 99873

(c) Provision for a specified number of years, not to exceed 99874  
fifteen, of any optional services or assistance that the municipal 99875

corporation is authorized to provide with regard to the project 99876  
site. 99877

(2) Enter into an agreement under which the enterprise agrees 99878  
to remediate an environmentally contaminated facility, to spend an 99879  
amount equal to at least two hundred fifty per cent of the true 99880  
value in money of the real property of the facility prior to 99881  
remediation as determined for the purposes of property taxation to 99882  
establish, expand, renovate, or occupy the remediated facility, 99883  
and to hire new employees or preserve employment opportunities for 99884  
existing employees at the remediated facility, in return for one 99885  
or more of the following incentives: 99886

(a) Exemption for a specified number of years, not to exceed 99887  
fifteen, of a specified portion, not to exceed fifty per cent, of 99888  
the assessed valuation of the real property of the facility prior 99889  
to remediation; 99890

(b) Exemption for a specified number of years, not to exceed 99891  
fifteen, of a specified portion, not to exceed one hundred per 99892  
cent, of the increase in the assessed valuation of the real 99893  
property of the facility during or after remediation; 99894

(c) The incentive under division (C)(1)(a) of this section, 99895  
except that the percentage of the assessed value of such property 99896  
exempted from taxation shall not exceed one hundred per cent; 99897

(d) The incentive under division (C)(1)(c) of this section. 99898

(3) Enter into an agreement with an enterprise that plans to 99899  
purchase and operate a large manufacturing facility that has 99900  
ceased operation or announced its intention to cease operation, in 99901  
return for exemption for a specified number of years, not to 99902  
exceed fifteen, of a specified portion, up to one hundred per 99903  
cent, of the assessed value of tangible personal property used in 99904  
business at the project site as a result of the agreement, or of 99905  
the assessed valuation of real property constituting the project 99906

site, or both. 99907

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 99908  
section, the portion of the assessed value of tangible personal 99909  
property or of the increase in the assessed valuation of real 99910  
property exempted from taxation under those divisions may exceed 99911  
seventy-five per cent in any year for which that portion is 99912  
exempted if the average percentage exempted for all years in which 99913  
the agreement is in effect does not exceed sixty per cent, or if 99914  
the board of education of the city, local, or exempted village 99915  
school district within the territory of which the property is or 99916  
will be located approves a percentage in excess of seventy-five 99917  
per cent. 99918

(2) Notwithstanding any provision of the Revised Code to the 99919  
contrary, the exemptions described in divisions (C)(1)(a), (b), 99920  
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 99921  
be for up to fifteen years if the board of education of the city, 99922  
local, or exempted village school district within the territory of 99923  
which the property is or will be located approves a number of 99924  
years in excess of ten. 99925

(3) For the purpose of obtaining the approval of a city, 99926  
local, or exempted village school district under division (D)(1) 99927  
or (2) of this section, the legislative authority shall deliver to 99928  
the board of education a notice not later than forty-five days 99929  
prior to approving the agreement, excluding Saturdays, Sundays, 99930  
and legal holidays as defined in section 1.14 of the Revised Code. 99931  
The notice shall state the percentage to be exempted, an estimate 99932  
of the true value of the property to be exempted, and the number 99933  
of years the property is to be exempted. The board of education, 99934  
by resolution adopted by a majority of the board, shall approve or 99935  
disapprove the agreement and certify a copy of the resolution to 99936  
the legislative authority not later than fourteen days prior to 99937  
the date stipulated by the legislative authority as the date upon 99938

which approval of the agreement is to be formally considered by 99939  
the legislative authority. The board of education may include in 99940  
the resolution conditions under which the board would approve the 99941  
agreement, including the execution of an agreement to compensate 99942  
the school district under division (B) of section 5709.82 of the 99943  
Revised Code. The legislative authority may approve the agreement 99944  
at any time after the board of education certifies its resolution 99945  
approving the agreement to the legislative authority, or, if the 99946  
board approves the agreement conditionally, at any time after the 99947  
conditions are agreed to by the board and the legislative 99948  
authority. 99949

If a board of education has adopted a resolution waiving its 99950  
right to approve agreements and the resolution remains in effect, 99951  
approval of an agreement by the board is not required under this 99952  
division. If a board of education has adopted a resolution 99953  
allowing a legislative authority to deliver the notice required 99954  
under this division fewer than forty-five business days prior to 99955  
the legislative authority's approval of the agreement, the 99956  
legislative authority shall deliver the notice to the board not 99957  
later than the number of days prior to such approval as prescribed 99958  
by the board in its resolution. If a board of education adopts a 99959  
resolution waiving its right to approve agreements or shortening 99960  
the notification period, the board shall certify a copy of the 99961  
resolution to the legislative authority. If the board of education 99962  
rescinds such a resolution, it shall certify notice of the 99963  
rescission to the legislative authority. 99964

(4) The legislative authority shall comply with section 99965  
5709.83 of the Revised Code unless the board of education has 99966  
adopted a resolution under that section waiving its right to 99967  
receive such notice. 99968

(E) This division applies to zones certified by the director 99969  
of development under this section prior to July 22, 1994. 99970

On or before October 15, ~~2011~~ 2012, the legislative authority 99971  
that designated a zone to which this division applies may enter 99972  
into an agreement with an enterprise if the legislative authority 99973  
finds that the enterprise satisfies one of the criteria described 99974  
in divisions (E)(1) to (5) of this section: 99975

(1) The enterprise currently has no operations in this state 99976  
and, subject to approval of the agreement, intends to establish 99977  
operations in the zone; 99978

(2) The enterprise currently has operations in this state 99979  
and, subject to approval of the agreement, intends to establish 99980  
operations at a new location in the zone that would not result in 99981  
a reduction in the number of employee positions at any of the 99982  
enterprise's other locations in this state; 99983

(3) The enterprise, subject to approval of the agreement, 99984  
intends to relocate operations, currently located in another 99985  
state, to the zone; 99986

(4) The enterprise, subject to approval of the agreement, 99987  
intends to expand operations at an existing site in the zone that 99988  
the enterprise currently operates; 99989

(5) The enterprise, subject to approval of the agreement, 99990  
intends to relocate operations, currently located in this state, 99991  
to the zone, and the director of development has issued a waiver 99992  
for the enterprise under division (B) of section 5709.633 of the 99993  
Revised Code. 99994

The agreement shall require the enterprise to agree to 99995  
establish, expand, renovate, or occupy a facility in the zone and 99996  
hire new employees, or preserve employment opportunities for 99997  
existing employees, in return for one or more of the incentives 99998  
described in division (C) of this section. 99999

(F) All agreements entered into under this section shall be 100000  
in the form prescribed under section 5709.631 of the Revised Code. 100001

After an agreement is entered into under this section, if the legislative authority revokes its designation of a zone, or if the director of development revokes a zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(G) Except as otherwise provided in this division, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority may waive or reduce the amount of the fee charged against an enterprise, but such a waiver or reduction does not affect the obligations of the legislative authority or the tax incentive review council to comply with section 5709.68 or 5709.85 of the Revised Code.

(H) When an agreement is entered into pursuant to this section, the legislative authority authorizing the agreement shall forward a copy of the agreement to the director of development and to the tax commissioner within fifteen days after the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a

city, local, or exempted village school district or causing 100034  
revenue to be forgone by the district, including any compensation 100035  
to be paid to the school district pursuant to section 5709.82 of 100036  
the Revised Code, those terms also shall be forwarded in writing 100037  
to the director of development along with the copy of the 100038  
agreement forwarded under this division. 100039

(I) After an agreement is entered into, the enterprise shall 100040  
file with each personal property tax return required to be filed, 100041  
or annual report required to be filed under section 5727.08 of the 100042  
Revised Code, while the agreement is in effect, an informational 100043  
return, on a form prescribed by the tax commissioner for that 100044  
purpose, setting forth separately the property, and related costs 100045  
and values, exempted from taxation under the agreement. 100046

(J) Enterprises may agree to give preference to residents of 100047  
the zone within which the agreement applies relative to residents 100048  
of this state who do not reside in the zone when hiring new 100049  
employees under the agreement. 100050

(K) An agreement entered into under this section may include 100051  
a provision requiring the enterprise to create one or more 100052  
temporary internship positions for students enrolled in a course 100053  
of study at a school or other educational institution in the 100054  
vicinity, and to create a scholarship or provide another form of 100055  
educational financial assistance for students holding such a 100056  
position in exchange for the student's commitment to work for the 100057  
enterprise at the completion of the internship. 100058

(L) The tax commissioner's authority in determining the 100059  
accuracy of any exemption granted by an agreement entered into 100060  
under this section is limited to divisions (C)(1)(a) and (b), 100061  
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 100062  
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 100063  
and, as authorized by law, to enforcing any modification to, or 100064  
revocation of, that agreement by the legislative authority of a 100065



municipal corporation or the director of development. 100066

**Sec. 5709.63.** (A) With the consent of the legislative 100067  
authority of each affected municipal corporation or of a board of 100068  
township trustees, a board of county commissioners may, in the 100069  
manner set forth in section 5709.62 of the Revised Code, designate 100070  
one or more areas in one or more municipal corporations or in 100071  
unincorporated areas of the county as proposed enterprise zones. A 100072  
board of county commissioners may designate no more than one area 100073  
within a township, or within adjacent townships, as a proposed 100074  
enterprise zone. The board shall petition the director of 100075  
development for certification of the area as having the 100076  
characteristics set forth in division (A)(1) or (2) of section 100077  
5709.61 of the Revised Code as amended by Substitute Senate Bill 100078  
No. 19 of the 120th general assembly. Except as otherwise provided 100079  
in division (D) of this section, on and after July 1, 1994, boards 100080  
of county commissioners shall not enter into agreements under this 100081  
section unless the board has petitioned the director and the 100082  
director has certified the zone under this section as amended by 100083  
that act; however, all agreements entered into under this section 100084  
as it existed prior to July 1, 1994, and the incentives granted 100085  
under those agreements shall remain in effect for the period 100086  
agreed to under those agreements. The director shall make the 100087  
determination in the manner provided under section 5709.62 of the 100088  
Revised Code. 100089

Any enterprise wishing to enter into an agreement with the 100090  
board under division (B) or (D) of this section shall submit a 100091  
proposal to the board on the form and accompanied by the 100092  
application fee prescribed under division (B) of section 5709.62 100093  
of the Revised Code. The enterprise shall review and update the 100094  
estimates and listings required by the form in the manner required 100095  
under that division. The board may, on a separate form and at any 100096  
time, require any additional information necessary to determine 100097

whether an enterprise is in compliance with an agreement and to 100098  
collect the information required to be reported under section 100099  
5709.68 of the Revised Code. 100100

(B) If the board of county commissioners finds that an 100101  
enterprise submitting a proposal is qualified by financial 100102  
responsibility and business experience to create and preserve 100103  
employment opportunities in the zone and to improve the economic 100104  
climate of the municipal corporation or municipal corporations or 100105  
the unincorporated areas in which the zone is located and to which 100106  
the proposal applies, the board, on or before October 15, ~~2011~~ 100107  
2012, and with the consent of the legislative authority of each 100108  
affected municipal corporation or of the board of township 100109  
trustees may do either of the following: 100110

(1) Enter into an agreement with the enterprise under which 100111  
the enterprise agrees to establish, expand, renovate, or occupy a 100112  
facility in the zone and hire new employees, or preserve 100113  
employment opportunities for existing employees, in return for the 100114  
following incentives: 100115

(a) When the facility is located in a municipal corporation, 100116  
the board may enter into an agreement for one or more of the 100117  
incentives provided in division (C) of section 5709.62 of the 100118  
Revised Code, subject to division (D) of that section; 100119

(b) When the facility is located in an unincorporated area, 100120  
the board may enter into an agreement for one or more of the 100121  
following incentives: 100122

(i) Exemption for a specified number of years, not to exceed 100123  
fifteen, of a specified portion, up to sixty per cent, of the 100124  
assessed value of tangible personal property first used in 100125  
business at a project site as a result of the agreement. If an 100126  
exemption for inventory is specifically granted in the agreement 100127  
pursuant to this division, the exemption applies to inventory 100128

required to be listed pursuant to sections 5711.15 and 5711.16 of 100129  
the Revised Code, except, in the instance of an expansion or other 100130  
situations in which an enterprise was in business at the facility 100131  
prior to the establishment of the zone, the inventory that is 100132  
exempt is that amount or value of inventory in excess of the 100133  
amount or value of inventory required to be listed in the personal 100134  
property tax return of the enterprise in the return for the tax 100135  
year in which the agreement is entered into. 100136

(ii) Exemption for a specified number of years, not to exceed 100137  
fifteen, of a specified portion, up to sixty per cent, of the 100138  
increase in the assessed valuation of real property constituting 100139  
the project site subsequent to formal approval of the agreement by 100140  
the board; 100141

(iii) Provision for a specified number of years, not to 100142  
exceed fifteen, of any optional services or assistance the board 100143  
is authorized to provide with regard to the project site; 100144

(iv) The incentive described in division (C)(2) of section 100145  
5709.62 of the Revised Code. 100146

(2) Enter into an agreement with an enterprise that plans to 100147  
purchase and operate a large manufacturing facility that has 100148  
ceased operation or has announced its intention to cease 100149  
operation, in return for exemption for a specified number of 100150  
years, not to exceed fifteen, of a specified portion, up to one 100151  
hundred per cent, of tangible personal property used in business 100152  
at the project site as a result of the agreement, or of real 100153  
property constituting the project site, or both. 100154

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 100155  
this section, the portion of the assessed value of tangible 100156  
personal property or of the increase in the assessed valuation of 100157  
real property exempted from taxation under those divisions may 100158  
exceed sixty per cent in any year for which that portion is 100159

exempted if the average percentage exempted for all years in which 100160  
the agreement is in effect does not exceed fifty per cent, or if 100161  
the board of education of the city, local, or exempted village 100162  
school district within the territory of which the property is or 100163  
will be located approves a percentage in excess of sixty per cent. 100164

(b) Notwithstanding any provision of the Revised Code to the 100165  
contrary, the exemptions described in divisions (B)(1)(b)(i), 100166  
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 100167  
fifteen years if the board of education of the city, local, or 100168  
exempted village school district within the territory of which the 100169  
property is or will be located approves a number of years in 100170  
excess of ten. 100171

(c) For the purpose of obtaining the approval of a city, 100172  
local, or exempted village school district under division 100173  
(C)(1)(a) or (b) of this section, the board of county 100174  
commissioners shall deliver to the board of education a notice not 100175  
later than forty-five days prior to approving the agreement, 100176  
excluding Saturdays, Sundays, and legal holidays as defined in 100177  
section 1.14 of the Revised Code. The notice shall state the 100178  
percentage to be exempted, an estimate of the true value of the 100179  
property to be exempted, and the number of years the property is 100180  
to be exempted. The board of education, by resolution adopted by a 100181  
majority of the board, shall approve or disapprove the agreement 100182  
and certify a copy of the resolution to the board of county 100183  
commissioners not later than fourteen days prior to the date 100184  
stipulated by the board of county commissioners as the date upon 100185  
which approval of the agreement is to be formally considered by 100186  
the board of county commissioners. The board of education may 100187  
include in the resolution conditions under which the board would 100188  
approve the agreement, including the execution of an agreement to 100189  
compensate the school district under division (B) of section 100190  
5709.82 of the Revised Code. The board of county commissioners may 100191

approve the agreement at any time after the board of education 100192  
certifies its resolution approving the agreement to the board of 100193  
county commissioners, or, if the board of education approves the 100194  
agreement conditionally, at any time after the conditions are 100195  
agreed to by the board of education and the board of county 100196  
commissioners. 100197

If a board of education has adopted a resolution waiving its 100198  
right to approve agreements and the resolution remains in effect, 100199  
approval of an agreement by the board of education is not required 100200  
under division (C) of this section. If a board of education has 100201  
adopted a resolution allowing a board of county commissioners to 100202  
deliver the notice required under this division fewer than 100203  
forty-five business days prior to approval of the agreement by the 100204  
board of county commissioners, the board of county commissioners 100205  
shall deliver the notice to the board of education not later than 100206  
the number of days prior to such approval as prescribed by the 100207  
board of education in its resolution. If a board of education 100208  
adopts a resolution waiving its right to approve agreements or 100209  
shortening the notification period, the board of education shall 100210  
certify a copy of the resolution to the board of county 100211  
commissioners. If the board of education rescinds such a 100212  
resolution, it shall certify notice of the rescission to the board 100213  
of county commissioners. 100214

(2) The board of county commissioners shall comply with 100215  
section 5709.83 of the Revised Code unless the board of education 100216  
has adopted a resolution under that section waiving its right to 100217  
receive such notice. 100218

(D) This division applies to zones certified by the director 100219  
of development under this section prior to July 22, 1994. 100220

On or before October 15, ~~2011~~ 2012, and with the consent of 100221  
the legislative authority of each affected municipal corporation 100222  
or board of township trustees of each affected township, the board 100223

of county commissioners that designated a zone to which this 100224  
division applies may enter into an agreement with an enterprise if 100225  
the board finds that the enterprise satisfies one of the criteria 100226  
described in divisions (D)(1) to (5) of this section: 100227

(1) The enterprise currently has no operations in this state 100228  
and, subject to approval of the agreement, intends to establish 100229  
operations in the zone; 100230

(2) The enterprise currently has operations in this state 100231  
and, subject to approval of the agreement, intends to establish 100232  
operations at a new location in the zone that would not result in 100233  
a reduction in the number of employee positions at any of the 100234  
enterprise's other locations in this state; 100235

(3) The enterprise, subject to approval of the agreement, 100236  
intends to relocate operations, currently located in another 100237  
state, to the zone; 100238

(4) The enterprise, subject to approval of the agreement, 100239  
intends to expand operations at an existing site in the zone that 100240  
the enterprise currently operates; 100241

(5) The enterprise, subject to approval of the agreement, 100242  
intends to relocate operations, currently located in this state, 100243  
to the zone, and the director of development has issued a waiver 100244  
for the enterprise under division (B) of section 5709.633 of the 100245  
Revised Code. 100246

The agreement shall require the enterprise to agree to 100247  
establish, expand, renovate, or occupy a facility in the zone and 100248  
hire new employees, or preserve employment opportunities for 100249  
existing employees, in return for one or more of the incentives 100250  
described in division (B) of this section. 100251

(E) All agreements entered into under this section shall be 100252  
in the form prescribed under section 5709.631 of the Revised Code. 100253  
After an agreement under this section is entered into, if the 100254

board of county commissioners revokes its designation of a zone, 100255  
or if the director of development revokes a zone's certification, 100256  
any entitlements granted under the agreement shall continue for 100257  
the number of years specified in the agreement. 100258

(F) Except as otherwise provided in this division, an 100259  
agreement entered into under this section shall require that the 100260  
enterprise pay an annual fee equal to the greater of one per cent 100261  
of the dollar value of incentives offered under the agreement or 100262  
five hundred dollars; provided, however, that if the value of the 100263  
incentives exceeds two hundred fifty thousand dollars, the fee 100264  
shall not exceed two thousand five hundred dollars. The fee shall 100265  
be payable to the board of county commissioners once per year for 100266  
each year the agreement is effective on the days and in the form 100267  
specified in the agreement. Fees paid shall be deposited in a 100268  
special fund created for such purpose by the board and shall be 100269  
used by the board exclusively for the purpose of complying with 100270  
section 5709.68 of the Revised Code and by the tax incentive 100271  
review council created under section 5709.85 of the Revised Code 100272  
exclusively for the purposes of performing the duties prescribed 100273  
under that section. The board may waive or reduce the amount of 100274  
the fee charged against an enterprise, but such waiver or 100275  
reduction does not affect the obligations of the board or the tax 100276  
incentive review council to comply with section 5709.68 or 5709.85 100277  
of the Revised Code, respectively. 100278

(G) With the approval of the legislative authority of a 100279  
municipal corporation or the board of township trustees of a 100280  
township in which a zone is designated under division (A) of this 100281  
section, the board of county commissioners may delegate to that 100282  
legislative authority or board any powers and duties of the board 100283  
of county commissioners to negotiate and administer agreements 100284  
with regard to that zone under this section. 100285

(H) When an agreement is entered into pursuant to this 100286

section, the board of county commissioners authorizing the 100287  
agreement or the legislative authority or board of township 100288  
trustees that negotiates and administers the agreement shall 100289  
forward a copy of the agreement to the director of development and 100290  
to the tax commissioner within fifteen days after the agreement is 100291  
entered into. If any agreement includes terms not provided for in 100292  
section 5709.631 of the Revised Code affecting the revenue of a 100293  
city, local, or exempted village school district or causing 100294  
revenue to be foregone by the district, including any compensation 100295  
to be paid to the school district pursuant to section 5709.82 of 100296  
the Revised Code, those terms also shall be forwarded in writing 100297  
to the director of development along with the copy of the 100298  
agreement forwarded under this division. 100299

(I) After an agreement is entered into, the enterprise shall 100300  
file with each personal property tax return required to be filed, 100301  
or annual report that is required to be filed under section 100302  
5727.08 of the Revised Code, while the agreement is in effect, an 100303  
informational return, on a form prescribed by the tax commissioner 100304  
for that purpose, setting forth separately the property, and 100305  
related costs and values, exempted from taxation under the 100306  
agreement. 100307

(J) Enterprises may agree to give preference to residents of 100308  
the zone within which the agreement applies relative to residents 100309  
of this state who do not reside in the zone when hiring new 100310  
employees under the agreement. 100311

(K) An agreement entered into under this section may include 100312  
a provision requiring the enterprise to create one or more 100313  
temporary internship positions for students enrolled in a course 100314  
of study at a school or other educational institution in the 100315  
vicinity, and to create a scholarship or provide another form of 100316  
educational financial assistance for students holding such a 100317  
position in exchange for the student's commitment to work for the 100318



enterprise at the completion of the internship. 100319

(L) The tax commissioner's authority in determining the 100320  
accuracy of any exemption granted by an agreement entered into 100321  
under this section is limited to divisions (B)(1)(b)(i) and (ii), 100322  
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 100323  
this section as it pertains to divisions (C)(2)(a), (b), and (c) 100324  
of section 5709.62 of the Revised Code, and divisions (B)(1) to 100325  
(10) of section 5709.631 of the Revised Code and, as authorized by 100326  
law, to enforcing any modification to, or revocation of, that 100327  
agreement by the board of county commissioners or the director of 100328  
development or, if the board's powers and duties are delegated 100329  
under division (G) of this section, by the legislative authority 100330  
of a municipal corporation or board of township trustees. 100331

**Sec. 5709.632.** (A)(1) The legislative authority of a 100332  
municipal corporation defined by the United States office of 100333  
management and budget as a principal city of a metropolitan 100334  
statistical area may, in the manner set forth in section 5709.62 100335  
of the Revised Code, designate one or more areas in the municipal 100336  
corporation as a proposed enterprise zone. 100337

(2) With the consent of the legislative authority of each 100338  
affected municipal corporation or of a board of township trustees, 100339  
a board of county commissioners may, in the manner set forth in 100340  
section 5709.62 of the Revised Code, designate one or more areas 100341  
in one or more municipal corporations or in unincorporated areas 100342  
of the county as proposed urban jobs and enterprise zones, except 100343  
that a board of county commissioners may designate no more than 100344  
one area within a township, or within adjacent townships, as a 100345  
proposed urban jobs and enterprise zone. 100346

(3) The legislative authority or board of county 100347  
commissioners may petition the director of development for 100348  
certification of the area as having the characteristics set forth 100349

in division (A)(3) of section 5709.61 of the Revised Code. Within 100350  
sixty days after receiving such a petition, the director shall 100351  
determine whether the area has the characteristics set forth in 100352  
that division and forward the findings to the legislative 100353  
authority or board of county commissioners. If the director 100354  
certifies the area as having those characteristics and thereby 100355  
certifies it as a zone, the legislative authority or board may 100356  
enter into agreements with enterprises under division (B) of this 100357  
section. Any enterprise wishing to enter into an agreement with a 100358  
legislative authority or board of county commissioners under this 100359  
section and satisfying one of the criteria described in divisions 100360  
(B)(1) to (5) of this section shall submit a proposal to the 100361  
legislative authority or board on the form prescribed under 100362  
division (B) of section 5709.62 of the Revised Code and shall 100363  
review and update the estimates and listings required by the form 100364  
in the manner required under that division. The legislative 100365  
authority or board may, on a separate form and at any time, 100366  
require any additional information necessary to determine whether 100367  
an enterprise is in compliance with an agreement and to collect 100368  
the information required to be reported under section 5709.68 of 100369  
the Revised Code. 100370

(B) Prior to entering into an agreement with an enterprise, 100371  
the legislative authority or board of county commissioners shall 100372  
determine whether the enterprise submitting the proposal is 100373  
qualified by financial responsibility and business experience to 100374  
create and preserve employment opportunities in the zone and to 100375  
improve the economic climate of the municipal corporation or 100376  
municipal corporations or the unincorporated areas in which the 100377  
zone is located and to which the proposal applies, and whether the 100378  
enterprise satisfies one of the following criteria: 100379

(1) The enterprise currently has no operations in this state 100380  
and, subject to approval of the agreement, intends to establish 100381

operations in the zone; 100382

(2) The enterprise currently has operations in this state 100383  
and, subject to approval of the agreement, intends to establish 100384  
operations at a new location in the zone that would not result in 100385  
a reduction in the number of employee positions at any of the 100386  
enterprise's other locations in this state; 100387

(3) The enterprise, subject to approval of the agreement, 100388  
intends to relocate operations, currently located in another 100389  
state, to the zone; 100390

(4) The enterprise, subject to approval of the agreement, 100391  
intends to expand operations at an existing site in the zone that 100392  
the enterprise currently operates; 100393

(5) The enterprise, subject to approval of the agreement, 100394  
intends to relocate operations, currently located in this state, 100395  
to the zone, and the director of development has issued a waiver 100396  
for the enterprise under division (B) of section 5709.633 of the 100397  
Revised Code. 100398

(C) If the legislative authority or board determines that the 100399  
enterprise is so qualified and satisfies one of the criteria 100400  
described in divisions (B)(1) to (5) of this section, the 100401  
legislative authority or board may, after complying with section 100402  
5709.83 of the Revised Code and on or before October 15, ~~2011~~ 100403  
2012, and, in the case of a board of commissioners, with the 100404  
consent of the legislative authority of each affected municipal 100405  
corporation or of the board of township trustees, enter into an 100406  
agreement with the enterprise under which the enterprise agrees to 100407  
establish, expand, renovate, or occupy a facility in the zone and 100408  
hire new employees, or preserve employment opportunities for 100409  
existing employees, in return for the following incentives: 100410

(1) When the facility is located in a municipal corporation, 100411  
a legislative authority or board of commissioners may enter into 100412

an agreement for one or more of the incentives provided in 100413  
division (C) of section 5709.62 of the Revised Code, subject to 100414  
division (D) of that section; 100415

(2) When the facility is located in an unincorporated area, a 100416  
board of commissioners may enter into an agreement for one or more 100417  
of the incentives provided in divisions (B)(1)(b), (B)(2), and 100418  
(B)(3) of section 5709.63 of the Revised Code, subject to division 100419  
(C) of that section. 100420

(D) All agreements entered into under this section shall be 100421  
in the form prescribed under section 5709.631 of the Revised Code. 100422  
After an agreement under this section is entered into, if the 100423  
legislative authority or board of county commissioners revokes its 100424  
designation of the zone, or if the director of development revokes 100425  
the zone's certification, any entitlements granted under the 100426  
agreement shall continue for the number of years specified in the 100427  
agreement. 100428

(E) Except as otherwise provided in this division, an 100429  
agreement entered into under this section shall require that the 100430  
enterprise pay an annual fee equal to the greater of one per cent 100431  
of the dollar value of incentives offered under the agreement or 100432  
five hundred dollars; provided, however, that if the value of the 100433  
incentives exceeds two hundred fifty thousand dollars, the fee 100434  
shall not exceed two thousand five hundred dollars. The fee shall 100435  
be payable to the legislative authority or board of commissioners 100436  
once per year for each year the agreement is effective on the days 100437  
and in the form specified in the agreement. Fees paid shall be 100438  
deposited in a special fund created for such purpose by the 100439  
legislative authority or board and shall be used by the 100440  
legislative authority or board exclusively for the purpose of 100441  
complying with section 5709.68 of the Revised Code and by the tax 100442  
incentive review council created under section 5709.85 of the 100443  
Revised Code exclusively for the purposes of performing the duties 100444

prescribed under that section. The legislative authority or board 100445  
may waive or reduce the amount of the fee charged against an 100446  
enterprise, but such waiver or reduction does not affect the 100447  
obligations of the legislative authority or board or the tax 100448  
incentive review council to comply with section 5709.68 or 5709.85 100449  
of the Revised Code, respectively. 100450

(F) With the approval of the legislative authority of a 100451  
municipal corporation or the board of township trustees of a 100452  
township in which a zone is designated under division (A)(2) of 100453  
this section, the board of county commissioners may delegate to 100454  
that legislative authority or board any powers and duties of the 100455  
board to negotiate and administer agreements with regard to that 100456  
zone under this section. 100457

(G) When an agreement is entered into pursuant to this 100458  
section, the legislative authority or board of commissioners 100459  
authorizing the agreement shall forward a copy of the agreement to 100460  
the director of development and to the tax commissioner within 100461  
fifteen days after the agreement is entered into. If any agreement 100462  
includes terms not provided for in section 5709.631 of the Revised 100463  
Code affecting the revenue of a city, local, or exempted village 100464  
school district or causing revenue to be forgone by the district, 100465  
including any compensation to be paid to the school district 100466  
pursuant to section 5709.82 of the Revised Code, those terms also 100467  
shall be forwarded in writing to the director of development along 100468  
with the copy of the agreement forwarded under this division. 100469

(H) After an agreement is entered into, the enterprise shall 100470  
file with each personal property tax return required to be filed 100471  
while the agreement is in effect, an informational return, on a 100472  
form prescribed by the tax commissioner for that purpose, setting 100473  
forth separately the property, and related costs and values, 100474  
exempted from taxation under the agreement. 100475

(I) An agreement entered into under this section may include 100476

a provision requiring the enterprise to create one or more 100477  
temporary internship positions for students enrolled in a course 100478  
of study at a school or other educational institution in the 100479  
vicinity, and to create a scholarship or provide another form of 100480  
educational financial assistance for students holding such a 100481  
position in exchange for the student's commitment to work for the 100482  
enterprise at the completion of the internship. 100483

**Sec. 5713.01.** (A) Each county shall be the unit for assessing 100484  
real estate for taxation purposes. The county auditor shall be the 100485  
assessor of all the real estate in the auditor's county for 100486  
purposes of taxation, but this section does not affect the power 100487  
conferred by Chapter 5727. of the Revised Code upon the tax 100488  
commissioner regarding the valuation and assessment of real 100489  
property used in railroad operations. 100490

(B) The auditor shall assess all the real estate situated in 100491  
the county at its taxable value in accordance with sections 100492  
5713.03, 5713.31, and 5715.01 of the Revised Code and with the 100493  
rules and methods applicable to the auditor's county adopted, 100494  
prescribed, and promulgated by the tax commissioner. The auditor 100495  
shall view and appraise or cause to be viewed and appraised at its 100496  
true value in money, each lot or parcel of real estate, including 100497  
land devoted exclusively to agricultural use, and the improvements 100498  
located thereon at least once in each six-year period and the 100499  
taxable values required to be derived therefrom shall be placed on 100500  
the auditor's tax list and the county treasurer's duplicate for 100501  
the tax year ordered by the commissioner pursuant to section 100502  
5715.34 of the Revised Code. The commissioner may grant an 100503  
extension of one year or less if the commissioner finds that good 100504  
cause exists for the extension. When the auditor so views and 100505  
appraises, the auditor may enter each structure located thereon to 100506  
determine by actual view what improvements have been made therein 100507  
or additions made thereto since the next preceding valuation. The 100508

auditor shall revalue and assess at any time all or any part of 100509  
the real estate in such county, including land devoted exclusively 100510  
to agricultural use, where the auditor finds that the true or 100511  
taxable values thereof have changed, and when a conservation 100512  
easement is created under sections 5301.67 to 5301.70 of the 100513  
Revised Code. The auditor may increase or decrease the true or 100514  
taxable value of any lot or parcel of real estate in any township, 100515  
municipal corporation, or other taxing district by an amount which 100516  
will cause all real property on the tax list to be valued as 100517  
required by law, or the auditor may increase or decrease the 100518  
aggregate value of all real property, or any class of real 100519  
property, in the county, township, municipal corporation, or other 100520  
taxing district, or in any ward or other division of a municipal 100521  
corporation by a per cent or amount which will cause all property 100522  
to be properly valued and assessed for taxation in accordance with 100523  
Section 36, Article II, Section 2, Article XII, Ohio Constitution, 100524  
this section, and sections 5713.03, 5713.31, and 5715.01 of the 100525  
Revised Code. 100526

(C) When the auditor determines to reappraise all the real 100527  
estate in the county or any class thereof, when the tax 100528  
commissioner orders an increase in the aggregate true or taxable 100529  
value of the real estate in any taxing subdivision, or when the 100530  
taxable value of real estate is increased by the application of a 100531  
uniform taxable value per cent of true value pursuant to the order 100532  
of the commissioner, the auditor shall advertise the completion of 100533  
the reappraisal or equalization action in a newspaper of general 100534  
circulation in the county once a week for the three consecutive 100535  
weeks next preceding the issuance of the tax bills, or as provided 100536  
in section 7.16 of the Revised Code for the two consecutive weeks 100537  
next preceding the issuance of the tax bills. When the auditor 100538  
changes the true or taxable value of any individual parcels of 100539  
real estate, the auditor shall notify the owner of the real 100540  
estate, or the person in whose name the same stands charged on the 100541

duplicate, by mail or in person, of the changes the auditor has 100542  
made in the assessments of such property. Such notice shall be 100543  
given at least thirty days prior to the issuance of the tax bills. 100544  
Failure to receive notice shall not invalidate any proceeding 100545  
under this section. 100546

(D) The auditor shall make the necessary abstracts from books 100547  
of the auditor's office containing descriptions of real estate in 100548  
such county, together with such platbooks and lists of transfers 100549  
of title to land as the auditor deems necessary in the performance 100550  
of the auditor's duties in valuing such property for taxation. 100551  
Such abstracts, platbooks, and lists shall be in such form and 100552  
detail as the tax commissioner prescribes. 100553

(E) The auditor, with the approval of the tax commissioner, 100554  
may appoint and employ such experts, deputies, clerks, or other 100555  
employees as the auditor deems necessary to the performance of the 100556  
auditor's duties as assessor, or, with the approval of the tax 100557  
commissioner, the auditor may enter into a contract with an 100558  
individual, partnership, firm, company, or corporation to do all 100559  
or any part of the work; the amount to be expended in the payment 100560  
of the compensation of such employees shall be fixed by the board 100561  
of county commissioners. If, in the opinion of the auditor, the 100562  
board of county commissioners fails to provide a sufficient amount 100563  
for the compensation of such employees, the auditor may apply to 100564  
the tax commissioner for an additional allowance, and the 100565  
additional amount of compensation allowed by the commissioner 100566  
shall be certified to the board of county commissioners, and the 100567  
same shall be final. The salaries and compensation of such 100568  
experts, deputies, clerks, and employees shall be paid upon the 100569  
warrant of the auditor out of the general fund or the real estate 100570  
assessment fund of the county, or both. If the salaries and 100571  
compensation are in whole or in part fixed by the commissioner, 100572  
they shall constitute a charge against the county regardless of 100573



the amount of money in the county treasury levied or appropriated 100574  
for such purposes. 100575

(F) Any contract for goods or services related to the 100576  
auditor's duties as assessor, including contracts for mapping, 100577  
computers, and reproduction on any medium of any documents, 100578  
records, photographs, microfiche, or magnetic tapes, but not 100579  
including contracts for the professional services of an appraiser, 100580  
shall be awarded pursuant to the competitive bidding procedures 100581  
set forth in sections 307.86 to 307.92 of the Revised Code and 100582  
shall be paid for, upon the warrant of the auditor, from the real 100583  
estate assessment fund. 100584

(G) Experts, deputies, clerks, and other employees, in 100585  
addition to their other duties, shall perform such services as the 100586  
auditor directs in ascertaining such facts, description, location, 100587  
character, dimensions of buildings and improvements, and other 100588  
circumstances reflecting upon the value of real estate as will aid 100589  
the auditor in fixing its true and taxable value and, in the case 100590  
of land valued in accordance with section 5713.31 of the Revised 100591  
Code, its current agricultural use value. The auditor may also 100592  
summon and examine any person under oath in respect to any matter 100593  
pertaining to the value of any real property within the county. 100594

**Sec. 5715.17.** When the county board of revision has completed 100595  
its work of equalization and transmitted the returns to ~~him~~ the 100596  
county auditor, the ~~county~~ auditor shall give notice by 100597  
advertising in ~~two newspapers of opposite politics published in~~ 100598  
~~and~~ a newspaper of general circulation throughout the county that 100599  
the tax returns for the current year have been revised and the 100600  
valuations have been completed and are open for public inspection 100601  
in ~~his~~ the auditor's office, and that complaints against any 100602  
valuation or assessment, except the valuations fixed and 100603  
assessments made by the department of taxation, will be heard by 100604

the board, stating in the notice the time and place of the meeting 100605  
of such board. Such advertisement shall be inserted in a 100606  
conspicuous place in ~~each~~ such newspaper and be published daily 100607  
for ten days, ~~unless there is no daily newspaper published in and~~ 100608  
~~of general circulation throughout such county, in which event such~~ 100609  
~~advertisement shall be so published once each week for two weeks~~ 100610  
or as provided in section 7.16 of the Revised Code. 100611

The auditor shall, upon request, furnish to any person a 100612  
certificate setting forth the assessment and valuation of any 100613  
tract, lot, or parcel of real estate or any specific personal 100614  
property, and mail the same when requested to do so upon receipt 100615  
of sufficient postage. 100616

The auditor shall furnish notice to boards of education of 100617  
school districts within the county of all hearings, and the 100618  
results of such hearings, held in regard to the reduction or 100619  
increasing of tax valuations in excess of one hundred thousand 100620  
dollars directly affecting the revenue of such district. 100621

**Sec. 5715.23.** Annually, immediately after the county board of 100622  
revision has acted upon the assessments for the current year as 100623  
required under section 5715.16 of the Revised Code and the county 100624  
auditor has given notice by advertisement in ~~two newspapers a~~ 100625  
newspaper of general circulation in the county that the valuations 100626  
have been revised and are open for public inspection as provided 100627  
in section 5715.17 of the Revised Code, each auditor shall make 100628  
out and transmit to the tax commissioner an abstract of the real 100629  
property of each taxing district in ~~his~~ the auditor's county, in 100630  
which ~~he~~ the auditor shall set forth the aggregate amount and 100631  
valuation of each class of real property in such county and in 100632  
each taxing district therein as it appears on ~~his~~ the auditor's 100633  
tax list or the statements and returns on file in ~~his~~ the 100634  
auditor's office and an abstract of the current year's true value 100635

of land valued for such year under section 5713.31 of the Revised Code as it appears in the current year's agricultural land tax list. 100636  
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**Sec. 5715.26.** (A)(1) Upon receiving the statement required by section 5715.25 of the Revised Code, the county auditor shall forthwith add to or deduct from each tract, lot, or parcel of real property or class of real property the required percentage or amount of the valuation thereof, adding or deducting any sum less than five dollars so that the value of any separate tract, lot, or parcel of real property shall be ten dollars or some multiple thereof. 100639  
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(2) After making the additions or deductions required by this section, the auditor shall transmit to the tax commissioner the appropriate adjusted abstract of the real property of each taxing district in the auditor's county in which an adjustment was required. 100647  
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(3) If the commissioner increases or decreases the aggregate value of the real property or any class thereof in any county or taxing district thereof and does not receive within ninety days thereafter an adjusted abstract conforming to its statement for such county or taxing district therein, the commissioner shall withhold from such county or taxing district therein fifty per cent of its share in the distribution of state revenues to local governments pursuant to sections 5747.50 to 5747.55 of the Revised Code and shall direct the department of education to withhold therefrom fifty per cent of state revenues to school districts pursuant to ~~Chapters 3306.~~ and Chapter 3317. of the Revised Code. The commissioner shall withhold the distribution of such funds until such county auditor has complied with this division, and the department shall withhold the distribution of such funds until the commissioner has notified the department that such county auditor 100652  
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has complied with this division. 100667

(B)(1) If the commissioner's determination is appealed under 100668  
section 5715.251 of the Revised Code, the county auditor, 100669  
treasurer, and all other officers shall forthwith proceed with the 100670  
levy and collection of the current year's taxes in the manner 100671  
prescribed by law. The taxes shall be determined and collected as 100672  
if the commissioner had determined under section 5715.24 of the 100673  
Revised Code that the real property and the various classes 100674  
thereof in the county as shown in the auditor's abstract were 100675  
assessed for taxation and the true and agricultural use values 100676  
were recorded on the agricultural land tax list as required by 100677  
law. 100678

(2) If as a result of the appeal to the board it is finally 100679  
determined either that all real property and the various classes 100680  
thereof have not been assessed as required by law or that the 100681  
values set forth in the agricultural land tax list do not 100682  
correctly reflect the true and agricultural use values of the 100683  
lands contained therein, the county auditor shall forthwith add to 100684  
or deduct from each tract, lot, or parcel of real property or 100685  
class of real property the required percentage or amount of the 100686  
valuation in accordance with the order of the board or judgment of 100687  
the court to which the board's order was appealed, and the taxes 100688  
on each tract, lot, or parcel and the percentages required by 100689  
section 319.301 of the Revised Code shall be recomputed using the 100690  
valuation as finally determined. The order or judgment making the 100691  
final determination shall prescribe the time and manner for 100692  
collecting, crediting, or refunding the resultant increases or 100693  
decreases in taxes. 100694

**Sec. 5719.04.** (A) Immediately after each settlement required 100695  
by division (D) of section 321.24 of the Revised Code the county 100696  
auditor shall make a tax list and duplicates thereof of all 100697

general personal and classified property taxes remaining unpaid, 100698  
as shown by the county treasurer's books and the list of taxes 100699  
returned as delinquent by the treasurer to the auditor at such 100700  
settlement. The county auditor shall also include in such list all 100701  
taxes assessed by the tax commissioner pursuant to law which were 100702  
not charged upon the tax lists and duplicates on which such 100703  
settlements were made nor previously charged upon a delinquent tax 100704  
list and duplicates pursuant to this section, but the auditor 100705  
shall not include taxes specifically excepted from collection 100706  
pursuant to section 5711.32 of the Revised Code. Such tax list and 100707  
duplicates shall contain the name of the person charged and the 100708  
amount of such taxes, and the penalty, due and unpaid, and shall 100709  
set forth separately the amount charged or chargeable on the 100710  
general and on the classified list and duplicate. The auditor 100711  
shall deliver one such duplicate to the treasurer on the first day 100712  
of December, annually. Upon receipt of the duplicate the treasurer 100713  
may prepare and mail tax bills to all persons charged with such 100714  
delinquent taxes. Each bill shall include a notice that the 100715  
interest charge prescribed by section 5719.041 of the Revised Code 100716  
has begun to accrue. 100717

The auditor shall cause a copy of the delinquent personal and 100718  
classified property tax list and duplicate provided for in this 100719  
division to be published twice within sixty days after delivery of 100720  
such duplicate to the treasurer in a newspaper ~~published in the~~ 100721  
~~English language in the county and~~ of general circulation ~~therein;~~ 100722  
~~provided that before~~ in the county. The newspaper shall meet the 100723  
requirements of section 7.12 of the Revised Code. The auditor may 100724  
publish the tax list on a pre-printed insert in the newspaper. The 100725  
cost of the second publication of the list shall not exceed 100726  
three-fourths of the cost of the first publication of the list. 100727

Before such publication, the auditor shall cause a display 100728  
notice of the forthcoming publication of such delinquent personal 100729

and classified property tax list to be inserted once a week for 100730  
two consecutive weeks in a newspaper ~~published in the English~~ 100731  
~~language in the county and~~ of general circulation ~~therein in the~~ 100732  
county. Copy for such display notice shall be furnished by the 100733  
auditor to the newspaper selected to publish such delinquent tax 100734  
lists simultaneously with the delivery of the duplicate to the 100735  
treasurer. ~~If there is only one newspaper published in the county,~~ 100736  
~~such display notice and delinquent personal and classified~~ 100737  
~~property tax lists shall be published in it.~~ Publication of the 100738  
delinquent lists may be made by a newspaper in installments, 100739  
provided that complete publication thereof is made twice during 100740  
said sixty-day period. 100741

The office of the county treasurer shall be kept open to 100742  
receive the payment of delinquent general and classified property 100743  
taxes from the day of delivery of the duplicate thereof until the 100744  
final publication of the delinquent tax list. The name of any 100745  
taxpayer who prior to seven days before either the first or second 100746  
publication of said list pays such taxes in full or enters into a 100747  
delinquent tax contract to pay such taxes in installments pursuant 100748  
to section 5719.05 of the Revised Code shall be stricken from such 100749  
list, and the taxpayer's name shall not be included in the list 100750  
for that publication. 100751

The other such duplicate, from which shall first be 100752  
eliminated the names of persons whose total liability for taxes 100753  
and penalty is less than one hundred dollars, shall be filed by 100754  
the auditor on the first day of December, annually, in the office 100755  
of the county recorder, and the same shall constitute a notice of 100756  
lien and operate as of the date of delivery as a lien on the lands 100757  
and tenements, vested legal interests therein, and permanent 100758  
leasehold estates of each person named therein having such real 100759  
estate in such county. Such notice of lien and such lien shall not 100760  
be valid as against any mortgagee, pledgee, purchaser, or judgment 100761

creditor whose rights have attached prior to the date of such 100762  
delivery. Such duplicate shall be kept by the recorder, designated 100763  
as the personal tax lien record, and indexed under the name of the 100764  
person charged with such tax. No fee shall be charged by the 100765  
recorder for the services required under this section. 100766

The auditor shall add to the tax list made pursuant to this 100767  
section all such taxes omitted in a previous year when assessed by 100768  
the auditor or finally assessed by the tax commissioner pursuant 100769  
to law, and by proper certificates cause the same to be added to 100770  
the treasurer's delinquent tax duplicate provided for in this 100771  
section, and, in proper cases, file notice of the lien with the 100772  
recorder, as provided in this section. 100773

If the authority making any assessment believes that the 100774  
collection of such taxes will be jeopardized by delay, such 100775  
assessing authority shall so certify on the assessment certificate 100776  
thereof, and the auditor shall include a certificate of such 100777  
jeopardy in the certificate given by the auditor to the treasurer. 100778  
In such event the treasurer shall proceed immediately to collect 100779  
such taxes, and to enforce the collection thereof by any means 100780  
provided by law, and the treasurer may not accept a tender of any 100781  
part of such taxes; but the person or the representatives of the 100782  
person against whom such assessment is made may, in the event of 100783  
an appeal to the tax commissioner therefrom, obtain a stay of 100784  
collection of the whole or any part of the amount of such 100785  
assessment by filing with the treasurer a bond in an amount not 100786  
exceeding double the amount as to which the stay is desired, with 100787  
such surety as the treasurer deems necessary, conditioned upon the 100788  
payment of the amount determined to be due by the decision of the 100789  
commissioner which has become final, and further conditioned that 100790  
if an appeal is not filed within the period provided by law, the 100791  
amount of collection which is stayed by the bond will be paid on 100792  
notice and demand of the treasurer at any time after the 100793

expiration of such period. The taxpayer may waive such stay as to 100794  
the whole or any part of the amount covered by the bond, and if as 100795  
the result of such waiver any part of the amount covered by the 100796  
bond is paid, then the bond shall be proportionately reduced on 100797  
the request of the taxpayer. 100798

(B) Immediately after each settlement required by division 100799  
(D) of section 321.24 of the Revised Code the auditor shall make a 100800  
separate list and duplicate, prepared as prescribed in division 100801  
(A) of this section, of all general personal and classified 100802  
property taxes that remain unpaid but are excepted from collection 100803  
pursuant to section 5711.32 of the Revised Code. The duplicate of 100804  
such list shall be delivered to the treasurer at the time of 100805  
delivery of the delinquent personal and classified property tax 100806  
duplicate. 100807

**Sec. 5721.01.** (A) As used in this chapter: 100808

(1) "Delinquent lands" means all lands upon which delinquent 100809  
taxes, as defined in section 323.01 of the Revised Code, remain 100810  
unpaid at the time a settlement is made between the county 100811  
treasurer and auditor pursuant to division (C) of section 321.24 100812  
of the Revised Code. 100813

(2) "Delinquent vacant lands" means all lands that have been 100814  
delinquent lands for at least one year and that are unimproved by 100815  
any dwelling. 100816

(3) "County land reutilization corporation" means a county 100817  
land reutilization corporation organized under Chapter 1724. of 100818  
the Revised Code. 100819

(B) As used in sections 5719.04, 5721.03, and 5721.31 of the 100820  
Revised Code and in any other sections of the Revised Code to 100821  
which those sections are applicable, a "newspaper" or "newspaper 100822  
of general circulation ~~shall be a publication bearing a title or~~ 100823



~~name, regularly issued as frequently as once a week for a definite price or consideration paid for by not less than fifty per cent of those to whom distribution is made, having a second class mailing privilege, being not less than four pages, published continuously during the immediately preceding one year period, and circulated generally in the political subdivision in which it is published. Such publication shall be of a type to which the general public resorts for passing events of a political, religious, commercial, and social nature, current happenings, announcements, miscellaneous reading matter, advertisements, and other notices"~~  
has the same meaning as in section 7.12 of the Revised Code.

**Sec. 5721.03.** (A) At the time of making the delinquent land list, as provided in section 5721.011 of the Revised Code, the county auditor shall compile a delinquent tax list consisting of all lands on the delinquent land list on which taxes have become delinquent at the close of the collection period immediately preceding the making of the delinquent land list. The auditor shall also compile a delinquent vacant land tax list of all delinquent vacant lands prior to the institution of any foreclosure and forfeiture actions against delinquent vacant lands under section 5721.14 of the Revised Code or any foreclosure actions against delinquent vacant lands under section 5721.18 of the Revised Code.

The delinquent tax list, and the delinquent vacant land tax list if one is compiled, shall contain all of the information included on the delinquent land list, except that, if the auditor's records show that the name of the person in whose name the property currently is listed is not the name that appears on the delinquent land list, the name used in the delinquent tax list or the delinquent vacant land tax list shall be the name of the person the auditor's records show as the person in whose name the property currently is listed.

Lands that have been included in a previously published delinquent tax list shall not be included in the delinquent tax list so long as taxes have remained delinquent on such lands for the entire intervening time.

In either list, there may be included lands that have been omitted in error from a prior list and lands with respect to which the auditor has received a certification that a delinquent tax contract has become void since the publication of the last previously published list, provided the name of the owner was stricken from a prior list under section 5721.02 of the Revised Code.

(B)(1) The auditor shall cause the delinquent tax list and the delinquent vacant land tax list, if one is compiled, to be published twice within sixty days after the delivery of the delinquent land duplicate to the county treasurer, in a newspaper of general circulation in the county. The newspaper shall meet the requirements of section 7.12 of the Revised Code. The publication shall be printed in the English language auditor may publish the list or lists on a pre-printed insert in the newspaper. The cost of the second publication of the list or lists shall not exceed three-fourths of the cost of the first publication of the list or lists.

The auditor shall insert display notices of the forthcoming publication of the delinquent tax list and, if it is to be published, the delinquent vacant land tax list once a week for two consecutive weeks in a newspaper of general circulation in the county. The display notices shall contain the times and methods of payment of taxes provided by law, including information concerning installment payments made in accordance with a written delinquent tax contract. The display notice for the delinquent tax list also shall include a notice that an interest charge will accrue on accounts remaining unpaid after the last day of November unless

the taxpayer enters into a written delinquent tax contract to pay 100888  
such taxes in installments. The display notice for the delinquent 100889  
vacant land tax list if it is to be published also shall include a 100890  
notice that delinquent vacant lands in the list are lands on which 100891  
taxes have remained unpaid for one year after being certified 100892  
delinquent, and that they are subject to foreclosure proceedings 100893  
as provided in section 323.25, sections 323.65 to 323.79, or 100894  
section 5721.18 of the Revised Code, or foreclosure and forfeiture 100895  
proceedings as provided in section 5721.14 of the Revised Code. 100896  
Each display notice also shall state that the lands are subject to 100897  
a tax certificate sale under section 5721.32 or 5721.33 of the 100898  
Revised Code or assignment to a county land reutilization 100899  
corporation, as the case may be, and shall include any other 100900  
information that the auditor considers pertinent to the purpose of 100901  
the notice. The display notices shall be furnished by the auditor 100902  
to the ~~newspapers~~ newspaper selected to publish the lists at least 100903  
ten days before their first publication. 100904

(2) Publication of the list or lists may be made by a 100905  
newspaper in installments, provided the complete publication of 100906  
each list is made twice during the sixty-day period. 100907

(3) There shall be attached to the delinquent tax list a 100908  
notice that the delinquent lands will be certified for foreclosure 100909  
by the auditor unless the taxes, assessments, interest, and 100910  
penalties due and owing on them are paid. There shall be attached 100911  
to the delinquent vacant land tax list, if it is to be published, 100912  
a notice that delinquent vacant lands will be certified for 100913  
foreclosure or foreclosure and forfeiture by the auditor unless 100914  
the taxes, assessments, interest, and penalties due and owing on 100915  
them are paid within twenty-eight days after the final publication 100916  
of the notice. 100917

(4) The auditor shall review the first publication of each 100918  
list for accuracy and completeness and may correct any errors 100919

appearing in the list in the second publication. 100920

(C) For the purposes of section 5721.18 of the Revised Code, 100921  
land is first certified delinquent on the date of the 100922  
certification of the delinquent land list containing that land. 100923

**Sec. 5721.04.** The proper and necessary expenses of publishing 100924  
the delinquent tax lists, delinquent vacant land tax lists, and 100925  
display notices provided for by sections 5719.04 and 5721.03 of 100926  
the Revised Code shall be paid from the county treasury as county 100927  
expenses are paid, and the board of county commissioners shall 100928  
make provision for them in the annual budget of the county 100929  
submitted to the budget commission, and shall make the necessary 100930  
appropriations. If the board fails to make such appropriations, or 100931  
if an appropriation is insufficient to meet such an expense, any 100932  
person interested may apply to the court of common pleas of the 100933  
county for an allowance to cover the expense, and the court shall 100934  
issue an order instructing the county auditor to issue ~~his~~ a 100935  
warrant upon the county treasurer for the amount necessary. The 100936  
order by the court shall be final and shall be complied with 100937  
immediately. 100938

The aggregate amount paid ~~shall for publication may be~~ 100939  
apportioned by the county auditor among the taxing districts in 100940  
which the lands on each list are located in proportion to the 100941  
amount of delinquent taxes so advertised in such subdivision, or 100942  
the county auditor may charge the property owner of land on a list 100943  
a flat fee established under section 319.54 of the Revised Code 100944  
for the cost of publishing the list and, if the fee is not paid, 100945  
may place the fee upon the tax duplicate as a lien on the land, to 100946  
be collected as other taxes. Thereafter, the auditor, in making 100947  
~~his~~ the auditor's semiannual apportionment of funds, shall retain 100948  
at each semiannual apportionment one half the amount apportioned 100949  
to each such taxing district. The amounts retained shall be 100950

credited to the general fund of the county until the aggregate of 100951  
all amounts paid in the first instance out of the treasury have 100952  
been fully reimbursed. 100953

**Sec. 5721.18.** The county prosecuting attorney, upon the 100954  
delivery to the prosecuting attorney by the county auditor of a 100955  
delinquent land or delinquent vacant land tax certificate, or of a 100956  
master list of delinquent or delinquent vacant tracts, shall 100957  
institute a foreclosure proceeding under this section in the name 100958  
of the county treasurer to foreclose the lien of the state, in any 100959  
court with jurisdiction or in the county board of revision with 100960  
jurisdiction pursuant to section 323.66 of the Revised Code, 100961  
unless the taxes, assessments, charges, penalties, and interest 100962  
are paid prior to the time a complaint is filed, or unless a 100963  
foreclosure or foreclosure and forfeiture action has been or will 100964  
be instituted under section 323.25, sections 323.65 to 323.79, or 100965  
section 5721.14 of the Revised Code. If the delinquent land or 100966  
delinquent vacant land tax certificate or the master list of 100967  
delinquent or delinquent vacant tracts lists minerals or rights to 100968  
minerals listed pursuant to sections 5713.04, 5713.05, and 5713.06 100969  
of the Revised Code, the county prosecuting attorney may institute 100970  
a foreclosure proceeding in the name of the county treasurer, in 100971  
any court with jurisdiction, to foreclose the lien of the state 100972  
against such minerals or rights to minerals, unless the taxes, 100973  
assessments, charges, penalties, and interest are paid prior to 100974  
the time the complaint is filed, or unless a foreclosure or 100975  
foreclosure and forfeiture action has been or will be instituted 100976  
under section 323.25, sections 323.65 to 323.79, or section 100977  
5721.14 of the Revised Code. 100978

The prosecuting attorney shall prosecute the proceeding to 100979  
final judgment and satisfaction. Within ten days after obtaining a 100980  
judgment, the prosecuting attorney shall notify the treasurer in 100981  
writing that judgment has been rendered. If there is a copy of a 100982

written delinquent tax contract attached to the certificate or an asterisk next to an entry on the master list, or if a copy of a delinquent tax contract is received from the auditor prior to the commencement of the proceeding under this section, the prosecuting attorney shall not institute the proceeding under this section, unless the prosecuting attorney receives a certification of the treasurer that the delinquent tax contract has become void.

(A) This division applies to all foreclosure proceedings not instituted and prosecuted under section 323.25 of the Revised Code or division (B) or (C) of this section. The foreclosure proceedings shall be instituted and prosecuted in the same manner as is provided by law for the foreclosure of mortgages on land, except that, if service by publication is necessary, such publication shall be made once a week for three consecutive weeks instead of as provided by the Rules of Civil Procedure, and the service shall be complete at the expiration of three weeks after the date of the first publication. In any proceeding prosecuted under this section, if the prosecuting attorney determines that service upon a defendant may be obtained ultimately only by publication, the prosecuting attorney may cause service to be made simultaneously by certified mail, return receipt requested, ordinary mail, and publication.

In any county that has adopted a permanent parcel number system, the parcel may be described in the notice by parcel number only, instead of also with a complete legal description, if the prosecuting attorney determines that the publication of the complete legal description is not necessary to provide reasonable notice of the foreclosure proceeding to the interested parties. If the complete legal description is not published, the notice shall indicate where the complete legal description may be obtained.

It is sufficient, having been made a proper party to the foreclosure proceeding, for the treasurer to allege in the

treasurer's complaint that the certificate or master list has been 101015  
duly filed by the auditor, that the amount of money appearing to 101016  
be due and unpaid is due and unpaid, and that there is a lien 101017  
against the property described in the certificate or master list, 101018  
without setting forth in the complaint any other or special matter 101019  
relating to the foreclosure proceeding. The prayer of the 101020  
complaint shall be that the court or the county board of revision 101021  
with jurisdiction pursuant to section 323.66 of the Revised Code 101022  
issue an order that the property be sold or conveyed by the 101023  
sheriff or otherwise be disposed of, and the equity of redemption 101024  
be extinguished, according to the alternative redemption 101025  
procedures prescribed in sections 323.65 to 323.79 of the Revised 101026  
Code, or if the action is in the municipal court by the bailiff, 101027  
in the manner provided in section 5721.19 of the Revised Code. 101028

In the foreclosure proceeding, the treasurer may join in one 101029  
action any number of lots or lands, but the decree shall be 101030  
rendered separately, and any proceedings may be severed, in the 101031  
discretion of the court or board of revision, for the purpose of 101032  
trial or appeal, and the court or board of revision shall make 101033  
such order for the payment of costs as is considered proper. The 101034  
certificate or master list filed by the auditor with the 101035  
prosecuting attorney is prima-facie evidence at the trial of the 101036  
foreclosure action of the amount and validity of the taxes, 101037  
assessments, charges, penalties, and interest appearing due and 101038  
unpaid and of their nonpayment. 101039

(B) Foreclosure proceedings constituting an action in rem may 101040  
be commenced by the filing of a complaint after the end of the 101041  
second year from the date on which the delinquency was first 101042  
certified by the auditor. Prior to filing such an action in rem, 101043  
the prosecuting attorney shall cause a title search to be 101044  
conducted for the purpose of identifying any lienholders or other 101045  
persons with interests in the property subject to foreclosure. 101046

Following the title search, the action in rem shall be instituted 101047  
by filing in the office of the clerk of a court with jurisdiction 101048  
a complaint bearing a caption substantially in the form set forth 101049  
in division (A) of section 5721.181 of the Revised Code. 101050

Any number of parcels may be joined in one action. Each 101051  
separate parcel included in a complaint shall be given a serial 101052  
number and shall be separately indexed and docketed by the clerk 101053  
of the court in a book kept by the clerk for such purpose. A 101054  
complaint shall contain the permanent parcel number of each parcel 101055  
included in it, the full street address of the parcel when 101056  
available, a description of the parcel as set forth in the 101057  
certificate or master list, the name and address of the last known 101058  
owner of the parcel if they appear on the general tax list, the 101059  
name and address of each lienholder and other person with an 101060  
interest in the parcel identified in the title search relating to 101061  
the parcel that is required by this division, and the amount of 101062  
taxes, assessments, charges, penalties, and interest due and 101063  
unpaid with respect to the parcel. It is sufficient for the 101064  
treasurer to allege in the complaint that the certificate or 101065  
master list has been duly filed by the auditor with respect to 101066  
each parcel listed, that the amount of money with respect to each 101067  
parcel appearing to be due and unpaid is due and unpaid, and that 101068  
there is a lien against each parcel, without setting forth any 101069  
other or special matters. The prayer of the complaint shall be 101070  
that the court issue an order that the land described in the 101071  
complaint be sold in the manner provided in section 5721.19 of the 101072  
Revised Code. 101073

(1) Within thirty days after the filing of a complaint, the 101074  
clerk of the court in which the complaint was filed shall cause a 101075  
notice of foreclosure substantially in the form of the notice set 101076  
forth in division (B) of section 5721.181 of the Revised Code to 101077  
be published once a week for three consecutive weeks in a 101078



newspaper of general circulation in the county. The newspaper 101079  
shall meet the requirements of section 7.12 of the Revised Code. 101080  
In any county that has adopted a permanent parcel number system, 101081  
the parcel may be described in the notice by parcel number only, 101082  
instead of also with a complete legal description, if the 101083  
prosecuting attorney determines that the publication of the 101084  
complete legal description is not necessary to provide reasonable 101085  
notice of the foreclosure proceeding to the interested parties. If 101086  
the complete legal description is not published, the notice shall 101087  
indicate where the complete legal description may be obtained. 101088

After the third publication, the publisher shall file with 101089  
the clerk of the court an affidavit stating the fact of the 101090  
publication and including a copy of the notice of foreclosure as 101091  
published. Service of process for purposes of the action in rem 101092  
shall be considered as complete on the date of the last 101093  
publication. 101094

Within thirty days after the filing of a complaint and before 101095  
the final date of publication of the notice of foreclosure, the 101096  
clerk of the court also shall cause a copy of a notice 101097  
substantially in the form of the notice set forth in division (C) 101098  
of section 5721.181 of the Revised Code to be mailed by certified 101099  
mail, with postage prepaid, to each person named in the complaint 101100  
as being the last known owner of a parcel included in it, or as 101101  
being a lienholder or other person with an interest in a parcel 101102  
included in it. The notice shall be sent to the address of each 101103  
such person, as set forth in the complaint, and the clerk shall 101104  
enter the fact of such mailing upon the appearance docket. If the 101105  
name and address of the last known owner of a parcel included in a 101106  
complaint is not set forth in it, the auditor shall file an 101107  
affidavit with the clerk stating that the name and address of the 101108  
last known owner does not appear on the general tax list. 101109

(2)(a) An answer may be filed in an action in rem under this 101110

division by any person owning or claiming any right, title, or 101111  
interest in, or lien upon, any parcel described in the complaint. 101112  
The answer shall contain the caption and number of the action and 101113  
the serial number of the parcel concerned. The answer shall set 101114  
forth the nature and amount of interest claimed in the parcel and 101115  
any defense or objection to the foreclosure of the lien of the 101116  
state for delinquent taxes, assessments, charges, penalties, and 101117  
interest as shown in the complaint. The answer shall be filed in 101118  
the office of the clerk of the court, and a copy of the answer 101119  
shall be served on the prosecuting attorney, not later than 101120  
twenty-eight days after the date of final publication of the 101121  
notice of foreclosure. If an answer is not filed within such time, 101122  
a default judgment may be taken as to any parcel included in a 101123  
complaint as to which no answer has been filed. A default judgment 101124  
is valid and effective with respect to all persons owning or 101125  
claiming any right, title, or interest in, or lien upon, any such 101126  
parcel, notwithstanding that one or more of such persons are 101127  
minors, incompetents, absentees or nonresidents of the state, or 101128  
convicts in confinement. 101129

(b)(i) A receiver appointed pursuant to divisions (C)(2) and 101130  
(3) of section 3767.41 of the Revised Code may file an answer 101131  
pursuant to division (B)(2)(a) of this section, but is not 101132  
required to do so as a condition of receiving proceeds in a 101133  
distribution under division (B)(1) of section 5721.17 of the 101134  
Revised Code. 101135

(ii) When a receivership under section 3767.41 of the Revised 101136  
Code is associated with a parcel, the notice of foreclosure set 101137  
forth in division (B) of section 5721.181 of the Revised Code and 101138  
the notice set forth in division (C) of that section shall be 101139  
modified to reflect the provisions of division (B)(2)(b)(i) of 101140  
this section. 101141

(3) At the trial of an action in rem under this division, the 101142

certificate or master list filed by the auditor with the 101143  
prosecuting attorney shall be prima-facie evidence of the amount 101144  
and validity of the taxes, assessments, charges, penalties, and 101145  
interest appearing due and unpaid on the parcel to which the 101146  
certificate or master list relates and their nonpayment. If an 101147  
answer is properly filed, the court may, in its discretion, and 101148  
shall, at the request of the person filing the answer, grant a 101149  
severance of the proceedings as to any parcel described in such 101150  
answer for purposes of trial or appeal. 101151

(C) In addition to the actions in rem authorized under 101152  
division (B) of this section and section 5721.14 of the Revised 101153  
Code, an action in rem may be commenced under this division. An 101154  
action commenced under this division shall conform to all of the 101155  
requirements of division (B) of this section except as follows: 101156

(1) The prosecuting attorney shall not cause a title search 101157  
to be conducted for the purpose of identifying any lienholders or 101158  
other persons with interests in the property subject to 101159  
foreclosure, except that the prosecuting attorney shall cause a 101160  
title search to be conducted to identify any receiver's lien. 101161

(2) The names and addresses of lienholders and persons with 101162  
an interest in the parcel shall not be contained in the complaint, 101163  
and notice shall not be mailed to lienholders and persons with an 101164  
interest as provided in division (B)(1) of this section, except 101165  
that the name and address of a receiver under section 3767.41 of 101166  
the Revised Code shall be contained in the complaint and notice 101167  
shall be mailed to the receiver. 101168

(3) With respect to the forms applicable to actions commenced 101169  
under division (B) of this section and contained in section 101170  
5721.181 of the Revised Code: 101171

(a) The notice of foreclosure prescribed by division (B) of 101172  
section 5721.181 of the Revised Code shall be revised to exclude 101173

any reference to the inclusion of the name and address of each 101174  
lienholder and other person with an interest in the parcel 101175  
identified in a statutorily required title search relating to the 101176  
parcel, and to exclude any such names and addresses from the 101177  
published notice, except that the revised notice shall refer to 101178  
the inclusion of the name and address of a receiver under section 101179  
3767.41 of the Revised Code and the published notice shall include 101180  
the receiver's name and address. The notice of foreclosure also 101181  
shall include the following in boldface type: 101182

"If pursuant to the action the parcel is sold, the sale shall 101183  
not affect or extinguish any lien or encumbrance with respect to 101184  
the parcel other than a receiver's lien and other than the lien 101185  
for land taxes, assessments, charges, interest, and penalties for 101186  
which the lien is foreclosed and in satisfaction of which the 101187  
property is sold. All other liens and encumbrances with respect to 101188  
the parcel shall survive the sale." 101189

(b) The notice to the owner, lienholders, and other persons 101190  
with an interest in a parcel shall be a notice only to the owner 101191  
and to any receiver under section 3767.41 of the Revised Code, and 101192  
the last two sentences of the notice shall be omitted. 101193

(4) As used in this division, a "receiver's lien" means the 101194  
lien of a receiver appointed pursuant to divisions (C)(2) and (3) 101195  
of section 3767.41 of the Revised Code that is acquired pursuant 101196  
to division (H)(2)(b) of that section for any unreimbursed 101197  
expenses and other amounts paid in accordance with division (F) of 101198  
that section by the receiver and for the fees of the receiver 101199  
approved pursuant to division (H)(1) of that section. 101200

(D) If the prosecuting attorney determines that an action in 101201  
rem under division (B) or (C) of this section is precluded by law, 101202  
then foreclosure proceedings shall be filed pursuant to division 101203  
(A) of this section, and the complaint in the action in personam 101204  
shall set forth the grounds upon which the action in rem is 101205

precluded. 101206

(E) The conveyance by the owner of any parcel against which a 101207  
complaint has been filed pursuant to this section at any time 101208  
after the date of publication of the parcel on the delinquent tax 101209  
list but before the date of a judgment of foreclosure pursuant to 101210  
section 5721.19 of the Revised Code shall not nullify the right of 101211  
the county to proceed with the foreclosure. 101212

**Sec. 5721.30.** As used in sections 5721.30 to 5721.43 of the 101213  
Revised Code: 101214

(A) "Tax certificate," "certificate," or "duplicate 101215  
certificate" means a document that may be issued as a physical 101216  
certificate, in book-entry form, or through an electronic medium, 101217  
at the discretion of the county treasurer. Such document shall 101218  
contain the information required by section 5721.31 of the Revised 101219  
Code and shall be prepared, transferred, or redeemed in the manner 101220  
prescribed by sections 5721.30 to 5721.43 of the Revised Code. As 101221  
used in those sections, "tax certificate," "certificate," and 101222  
"duplicate certificate" do not refer to the delinquent land tax 101223  
certificate or the delinquent vacant land tax certificate issued 101224  
under section 5721.13 of the Revised Code. 101225

(B) "Certificate parcel" means the parcel of delinquent land 101226  
that is the subject of and is described in a tax certificate. 101227

(C) "Certificate holder" means a person, including a county 101228  
land reutilization corporation, that purchases or otherwise 101229  
acquires a tax certificate under section 5721.32, 5721.33, or 101230  
5721.42 of the Revised Code, or a person to whom a tax certificate 101231  
has been transferred pursuant to section 5721.36 of the Revised 101232  
Code. 101233

(D) "Certificate purchase price" means, with respect to the 101234  
sale of tax certificates under sections 5721.32, 5721.33, and 101235

5721.42 of the Revised Code, the amount equal to delinquent taxes 101236  
charged against a certificate parcel at the time the tax 101237  
certificate respecting that parcel is sold or transferred, not 101238  
including any delinquent taxes the lien for which has been 101239  
conveyed to a certificate holder through a prior sale of a tax 101240  
certificate respecting that parcel. Payment of the certificate 101241  
purchase price in a sale under section 5721.33 of the Revised Code 101242  
may be made wholly in cash or partially in cash and partially by 101243  
noncash consideration acceptable to the county treasurer from the 101244  
purchaser, and, in the case of a county land reutilization 101245  
corporation, with notes. In the event that any such noncash 101246  
consideration is delivered to pay a portion of the certificate 101247  
purchase price, such noncash consideration may be subordinate to 101248  
the rights of the holders of other obligations whose proceeds paid 101249  
the cash portion of the certificate purchase price. 101250

"Certificate purchase price" also includes the amount of the 101251  
fee charged by the county treasurer to the purchaser of the 101252  
certificate under division (H) of section 5721.32 of the Revised 101253  
Code. 101254

(E)(1) With respect to a sale of tax certificates under 101255  
section 5721.32 of the Revised Code, and except as provided in 101256  
division (E)(2) of this section, "certificate redemption price" 101257  
means the certificate purchase price plus the greater of the 101258  
following: 101259

(a) Simple interest, at the certificate rate of interest, 101260  
accruing during the certificate interest period on the certificate 101261  
purchase price, calculated in accordance with section 5721.41 of 101262  
the Revised Code; 101263

(b) Six per cent of the certificate purchase price. 101264

(2) If the certificate rate of interest equals zero, the 101265  
certificate redemption price equals the certificate purchase price 101266

plus the fee charged by the county treasurer to the purchaser of the certificate under division (H) of section 5721.32 of the Revised Code.

(F) With respect to a sale or transfer of tax certificates under section 5721.33 of the Revised Code, "certificate redemption price" means the amount equal to the sum of the following:

(1) The certificate purchase price;

(2) Interest accrued on the certificate purchase price at the certificate rate of interest from the date on which a tax certificate is delivered through and including the day immediately preceding the day on which the certificate redemption price is paid;

(3) The fee, if any, charged by the county treasurer to the purchaser of the certificate under division (J) of section 5721.33 of the Revised Code;

(4) Any other fees charged by any county office in connection with the recording of tax certificates.

(G) "Certificate rate of interest" means the rate of simple interest per year bid by the winning bidder in an auction of a tax certificate held under section 5721.32 of the Revised Code, or the rate of simple interest per year not to exceed eighteen per cent per year fixed pursuant to section 5721.42 of the Revised Code or by the county treasurer with respect to any tax certificate sold or transferred pursuant to a negotiated sale under section 5721.33 of the Revised Code. The certificate rate of interest shall not be less than zero per cent per year.

(H) "Cash" means United States currency, certified checks, money orders, bank drafts, electronic transfer of funds, or other forms of payment authorized by the county treasurer, and excludes any other form of payment not so authorized.

(I) "The date on which a tax certificate is sold or transferred," "the date the certificate was sold or transferred," "the date the certificate is purchased," and any other phrase of similar content mean, with respect to a sale pursuant to an auction under section 5721.32 of the Revised Code, the date designated by the county treasurer for the submission of bids and, with respect to a negotiated sale or transfer under section 5721.33 of the Revised Code, the date of delivery of the tax certificates to the purchasers thereof pursuant to a tax certificate sale/purchase agreement.

(J) "Certificate interest period" means, with respect to a tax certificate sold under section 5721.32 or 5721.42 of the Revised Code and for the purpose of accruing interest under section 5721.41 of the Revised Code, the period beginning on the date on which the certificate is purchased and, with respect to a tax certificate sold or transferred under section 5721.33 of the Revised Code, the period beginning on the date of delivery of the tax certificate, and in either case ending on one of the following dates:

(1) The date the certificate holder files a request for foreclosure or notice of intent to foreclose under division (A) of section 5721.37 of the Revised Code and submits the payment required under division (B) of that section;

(2) The date the owner of record of the certificate parcel, or any other person entitled to redeem that parcel, redeems the certificate parcel under division (A) or (C) of section 5721.38 of the Revised Code or redeems the certificate under section 5721.381 of the Revised Code.

(K) "Qualified trustee" means a trust company within the state or a bank having the power of a trust company within the state with a combined capital stock, surplus, and undivided profits of at least one hundred million dollars.



(L) "Tax certificate sale/purchase agreement" means the purchase and sale agreement described in division (C) of section 5721.33 of the Revised Code setting forth the certificate purchase price, plus any applicable premium or less any applicable discount, including, without limitation, the amount to be paid in cash and the amount and nature of any noncash consideration, the date of delivery of the tax certificates, and the other terms and conditions of the sale, including, without limitation, the rate of interest that the tax certificates shall bear.

(M) "Noncash consideration" means any form of consideration other than cash, including, but not limited to, promissory notes whether subordinate or otherwise.

(N) "Private attorney" means any attorney licensed to practice law in this state whose license has not been revoked and is not currently suspended, and who is retained to bring foreclosure proceedings pursuant to section 5721.37 of the Revised Code on behalf of a certificate holder.

(O) "Related certificate parcel" means, with respect to a certificate holder, the certificate parcel with respect to which the certificate holder has purchased and holds a tax certificate pursuant to sections 5721.30 to 5721.43 of the Revised Code and, with respect to a tax certificate, the certificate parcel against which the tax certificate has been sold pursuant to those sections.

(P) "Delinquent taxes" means delinquent taxes as defined in section 323.01 of the Revised Code and includes assessments and charges, and penalties and interest computed under section 323.121 of the Revised Code.

(Q) "Certificate period" means the period of time after the sale or delivery of a tax certificate within which a certificate holder must initiate an action to foreclose the tax lien

represented by the certificate as specified under division (A) of 101360  
section 5721.32 of the Revised Code or as negotiated under section 101361  
5721.33 of the Revised Code. 101362

**Sec. 5721.31.** (A)(1) After receipt of a duplicate of the 101363  
delinquent land list compiled under section 5721.011 of the 101364  
Revised Code, or a delinquent land list compiled previously under 101365  
that section, the county treasurer may select from the list 101366  
parcels of delinquent land the lien against which the county 101367  
treasurer may attempt to transfer by the sale of tax certificates 101368  
under sections 5721.30 to 5721.43 of the Revised Code. None of the 101369  
following parcels may be selected for a tax certificate sale: 101370

(a) A parcel for which the full amount of taxes, assessments, 101371  
penalties, interest, and charges have been paid; 101372

(b) A parcel for which a valid contract under section 101373  
323.122, 323.31, or 5713.20 of the Revised Code is in force; 101374

(c) A parcel the owner of which has filed a petition in 101375  
bankruptcy, so long as the parcel is property of the bankruptcy 101376  
estate. 101377

(2) The county treasurer shall compile a separate list of 101378  
parcels selected for tax certificate sales, including the same 101379  
information as is required to be included in the delinquent land 101380  
list. 101381

Upon compiling the list of parcels selected for tax 101382  
certificate sales, the county treasurer may conduct a title search 101383  
for any parcel on the list. 101384

(B)(1) Except as otherwise provided in division (B)(3) of 101385  
this section, when tax certificates are to be sold under section 101386  
5721.32 of the Revised Code with respect to parcels, the county 101387  
treasurer shall send written notice by certified mail to either 101388  
the owner of record or all interested parties discoverable through 101389

a title search, or both, of each parcel on the list. A notice to  
an owner shall be sent to the owner's last known tax-mailing  
address. The notice shall inform the owner or interested parties  
that a tax certificate will be offered for sale on the parcel, and  
that the owner or interested parties may incur additional expenses  
as a result of the sale.

(2) Except as otherwise provided in division (B)(3) of this  
section, when tax certificates are to be sold or transferred under  
section 5721.33 of the Revised Code with respect to parcels, the  
county treasurer, at least thirty days prior to the date of sale  
or transfer of such tax certificates, shall send written notice of  
the sale or transfer by certified mail to the last known  
tax-mailing address of the record owner of the property or parcel  
and may send such notice to all parties with an interest in the  
property that has been recorded in the property records of the  
county pursuant to section 317.08 of the Revised Code. The notice  
shall state that a tax certificate will be offered for sale or  
transfer on the parcel, and that the owner or interested parties  
may incur additional expenses as a result of the sale or transfer.

(3) The county treasurer is not required to send a notice  
under division (B)(1) or (B)(2) of this section if the treasurer  
previously has attempted to send such notice to the owner of the  
parcel and the notice has been returned by the post office as  
undeliverable. The absence of a valid tax-mailing address for the  
owner of a parcel does not preclude the county treasurer from  
selling or transferring a tax certificate for the parcel.

(C) The county treasurer shall advertise the sale of tax  
certificates under section 5721.32 of the Revised Code in a  
newspaper of general circulation in the county, once a week for  
two consecutive weeks. The newspaper shall meet the requirements  
of section 7.12 of the Revised Code. The advertisement shall  
include the date, the time, and the place of the public auction,

abbreviated legal descriptions of the parcels, and the names of 101422  
the owners of record of the parcels. The advertisement also shall 101423  
include the certificate purchase prices of the parcels or the 101424  
total purchase price of tax certificates for sale in blocks of tax 101425  
certificates. 101426

(D) After the county treasurer has compiled the list of 101427  
parcels selected for tax certificate sales but before a tax 101428  
certificate respecting a parcel is sold or transferred, if the 101429  
owner of record of the parcel pays to the county treasurer in cash 101430  
the delinquent taxes respecting the parcel or otherwise acts so 101431  
that any condition in division (A)(1)(a), (b), or (c) of this 101432  
section applies to the parcel, the owner of record of the parcel 101433  
also shall pay a fee in an amount prescribed by the treasurer to 101434  
cover the administrative costs of the treasurer under this section 101435  
respecting the parcel. The fee shall be deposited in the county 101436  
treasury to the credit of the tax certificate administration fund. 101437

(E) A tax certificate administration fund shall be created in 101438  
the county treasury of each county selling tax certificates under 101439  
sections 5721.30 to 5721.43 of the Revised Code. The fund shall be 101440  
administered by the county treasurer, and used solely for the 101441  
purposes of sections 5721.30 to 5721.43 of the Revised Code or as 101442  
otherwise permitted in this division. Any fee received by the 101443  
treasurer under sections 5721.30 to 5721.43 of the Revised Code 101444  
shall be credited to the fund, except the bidder registration fee 101445  
under division (B) of section 5721.32 of the Revised Code and the 101446  
county prosecuting attorney's fee under division (B)(3) of section 101447  
5721.37 of the Revised Code. To the extent there is a surplus in 101448  
the fund from time to time, the surplus may, with the approval of 101449  
the county treasurer, be utilized for the purposes of a county 101450  
land reutilization corporation operating in the county. 101451

(F) The county treasurers of more than one county may jointly 101452  
conduct a regional sale of tax certificates under section 5721.32 101453

of the Revised Code. A regional sale shall be held at a single 101454  
location in one county, where the tax certificates from each of 101455  
the participating counties shall be offered for sale at public 101456  
auction. Before the regional sale, each county treasurer shall 101457  
advertise the sale for the parcels in the treasurer's county as 101458  
required by division (C) of this section. At the regional sale, 101459  
tax certificates shall be sold on parcels from one county at a 101460  
time, with all of the certificates for one county offered for sale 101461  
before any certificates for the next county are offered for sale. 101462

(G) The tax commissioner shall prescribe the form of the tax 101463  
certificate under this section, and county treasurers shall use 101464  
the form so prescribed. 101465

**Sec. 5721.32.** (A) The sale of tax certificates by public 101466  
auction may be conducted at any time after completion of the 101467  
advertising of the sale under section 5721.31 of the Revised Code, 101468  
on the date and at the time and place designated in the 101469  
advertisements, and may be continued from time to time as the 101470  
county treasurer directs. The county treasurer may offer the tax 101471  
certificates for sale in blocks of tax certificates, consisting of 101472  
any number of tax certificates as determined by the county 101473  
treasurer, and may specify a certificate period of not less than 101474  
three years and not more than six years. 101475

(B)(1) The sale of tax certificates under this section shall 101476  
be conducted at a public auction by the county treasurer or a 101477  
designee of the county treasurer. 101478

(2) No person shall be permitted to bid without completing a 101479  
bidder registration form, in the form prescribed by the tax 101480  
commissioner, and without filing the form with the county 101481  
treasurer prior to the start of the auction, together with 101482  
remittance of a registration fee, in cash, of five hundred 101483  
dollars. The bidder registration form shall include a tax 101484

identification number of the registrant. The registration fee is 101485  
refundable at the end of bidding on the day of the auction, unless 101486  
the registrant is the winning bidder for one or more tax 101487  
certificates or one or more blocks of tax certificates, in which 101488  
case the fee may be applied toward the deposit required by this 101489  
section. 101490

(3) The county treasurer may require a person who wishes to 101491  
bid on one or more parcels to submit a letter from a financial 101492  
institution stating that the bidder has sufficient funds available 101493  
to pay the purchase price of the parcels and a written 101494  
authorization for the treasurer to verify such information with 101495  
the financial institution. The county treasurer may require 101496  
submission of the letter and authorization sufficiently in advance 101497  
of the auction to allow for verification. No person who fails to 101498  
submit the required letter and authorization, or whose financial 101499  
institution fails to provide the requested verification, shall be 101500  
permitted to bid. 101501

(C) At the public auction, the county treasurer or the 101502  
treasurer's designee or agent shall begin the bidding at eighteen 101503  
per cent per year simple interest, and accept lower bids in even 101504  
increments of one-fourth of one per cent to the rate of zero per 101505  
cent. The county treasurer, designee, or agent shall award the tax 101506  
certificate to the person bidding the lowest certificate rate of 101507  
interest. The county treasurer shall decide which person is the 101508  
winning bidder in the event of a tie for the lowest bid offered, 101509  
or if a person contests the lowest bid offered. The county 101510  
treasurer's decision is not appealable. 101511

(D)(1) The winning bidder shall pay the county treasurer a 101512  
cash deposit of at least ten per cent of the certificate purchase 101513  
price not later than the close of business on the day of the sale. 101514  
The winning bidder shall pay the balance and the fee required 101515  
under division (H) of this section not later than five business 101516

days after the day on which the certificate is sold. Except as 101517  
provided under division (D)(2) of this section, if the winning 101518  
bidder fails to pay the balance and fee within the prescribed 101519  
time, the bidder forfeits the deposit, and the county treasurer 101520  
shall retain the tax certificate and may attempt to sell it at any 101521  
auction conducted at a later date. 101522

(2) At the request of a winning bidder, the county treasurer 101523  
may release the bidder from the bidder's tax certificate purchase 101524  
obligation. The county treasurer may retain all or any portion of 101525  
the deposit of a bidder granted a release. After granting a 101526  
release under this division, the county treasurer may award the 101527  
tax certificate to the person that submitted the second lowest bid 101528  
at the auction. 101529

(3) The county treasurer shall deposit the deposit forfeited 101530  
or retained under divisions (D)(1) or (2) of this section in the 101531  
county treasury to the credit of the tax certificate 101532  
administration fund. 101533

(E) Upon receipt of the full payment of the certificate 101534  
purchase price from the purchaser, the county treasurer shall 101535  
issue the tax certificate and record the tax certificate sale by 101536  
entering into a tax certificate register the certificate purchase 101537  
price, the certificate rate of interest, the date the certificate 101538  
was sold, the certificate period, the name and address of the 101539  
certificate holder, and any other information the county treasurer 101540  
considers necessary. The county treasurer may keep the tax 101541  
certificate register in a hard-copy format or in an electronic 101542  
format. The name and address of the certificate holder may be, 101543  
upon receipt of instructions from the purchaser, that of the 101544  
secured party of the actual purchaser, or an agent or custodian 101545  
for the purchaser or secured party. The county treasurer also 101546  
shall transfer the tax certificate to the certificate holder. The 101547  
county treasurer shall apportion the part of the proceeds from the 101548

sale representing taxes, penalties, and interest among the several 101549  
taxing districts in the same proportion that the amount of taxes 101550  
levied by each district against the certificate parcel in the 101551  
preceding tax year bears to the taxes levied by all such districts 101552  
against the certificate parcel in the preceding tax year, and 101553  
credit the part of the proceeds representing assessments and other 101554  
charges to the items of assessments and charges in the order in 101555  
which those items became due. Upon issuing a tax certificate, the 101556  
delinquent taxes that make up the certificate purchase price are 101557  
transferred, and the superior lien of the state and its taxing 101558  
districts for those delinquent taxes is conveyed intact to the 101559  
certificate holder. 101560

(F) If a tax certificate is offered for sale under this 101561  
section but is not sold, the county treasurer may sell the 101562  
certificate in a negotiated sale authorized under section 5721.33 101563  
of the Revised Code, or may strike the corresponding certificate 101564  
parcel from the list of parcels selected for tax certificate 101565  
sales. The lien for taxes, assessments, charges, penalties, and 101566  
interest against a parcel stricken from the list thereafter may be 101567  
foreclosed in the manner prescribed by section 323.25, sections 101568  
323.65 to 323.79, or section 5721.14 or 5721.18 of the Revised 101569  
Code unless, prior to the institution of such proceedings against 101570  
the parcel, the county treasurer restores the parcel to the list 101571  
of parcels selected for tax certificate sales. 101572

(G) A certificate holder shall not be liable for damages 101573  
arising from a violation of sections 3737.87 to 3737.891 or 101574  
Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., or 101575  
6111. of the Revised Code, or a rule adopted or order, permit, 101576  
license, variance, or plan approval issued under any of those 101577  
chapters, that is or was committed by another person in connection 101578  
with the parcel for which the tax certificate is held. 101579

(H) When selling a tax certificate under this section, the 101580



county treasurer shall charge a fee to the purchaser of the certificate. The county treasurer shall set the fee at a reasonable amount that covers the treasurer's costs of administering the sale of the tax certificate. The county treasurer shall deposit the fee in the county treasury to the credit of the tax certificate administration fund.

(I) After selling a tax certificate under this section, the county treasurer shall send written notice by certified mail to the owner of the certificate parcel at the owner's last known tax-mailing address. The notice shall inform the owner that the tax certificate was sold, shall describe the owner's options to redeem the parcel, including entering into a redemption payment plan under division (C)(1) of section 5721.38 of the Revised Code, and shall name the certificate holder and its secured party, if any. However, the county treasurer is not required to send a notice under this division if the treasurer previously has attempted to send a notice to the owner of the parcel at the owner's last known tax-mailing address, and the postal service has returned the notice as undeliverable.

(J) A tax certificate shall not be sold to the owner of the certificate parcel.

**Sec. 5721.37.** ~~(A)(1) Division (A)(1) of this section applies to tax certificates purchased under section 5721.32 of the Revised Code, or under section 5721.42 of the Revised Code by the holder of a certificate issued under section 5721.32 of the Revised Code.~~ At any time after one year from the date shown on the tax certificate as the date the tax certificate was sold, and not later than six years after that date the end of the certificate period, a certificate holder, except for a county land reutilization corporation, may file with the county treasurer a request for foreclosure, or a private attorney on behalf of the

certificate holder may file with the county treasurer a notice of intent to foreclose, on a form prescribed by the tax commissioner, provided the certificate parcel has not been redeemed under division (A) or (C) of section 5721.38 of the Revised Code and at least one certificate respecting the certificate parcel, held by the certificate holder filing the request for foreclosure or notice of intent to foreclose and eligible to be enforced through a foreclosure proceeding, has not been voided under section 5721.381 of the Revised Code. If the certificate holder is a county land reutilization corporation, the corporation may institute a foreclosure action under the statutes pertaining to the foreclosure of mortgages or as permitted under sections 323.65 to 323.79 of the Revised Code at any time after it acquires the tax certificate.

~~(2) Division (A)(2) of this section applies to tax certificates purchased under section 5721.33 of the Revised Code or under section 5721.42 of the Revised Code by the holder of a certificate issued under section 5721.33 of the Revised Code. At any time after one year from the date shown on the tax certificate as the date the tax certificate was sold, and not later than six years after that date or any extension of that date pursuant to division (C)(2) of section 5721.38 of the Revised Code, or not earlier or later than the dates negotiated by the county treasurer and specified in the tax certificate sale/purchase agreement, the certificate holder may file with the county treasurer a request for foreclosure, or a private attorney on behalf of a certificate holder other than a county land reutilization corporation may file with the county treasurer a notice of intent to foreclose, on a form prescribed by the tax commissioner, provided the parcel has not been redeemed under division (A) or (C) of section 5721.38 of the Revised Code and at least one certificate respecting the certificate parcel, held by the certificate holder filing the request for foreclosure or notice of intent to foreclose and~~

~~eligible to be enforced through a foreclosure proceeding, has not  
been voided under section 5721.381 of the Revised Code. If the  
certificate holder is a county land reutilization corporation, the  
corporation may institute a foreclosure action under the statutes  
pertaining to the foreclosure of mortgages or as permitted under  
sections 323.65 to 323.79 of the Revised Code at any time after it  
acquires the tax certificate.~~

~~(3)(a) Division (A)(3)(a) of this section applies to a tax  
certificate purchased under section 5721.32 of the Revised Code,  
or under section 5721.42 of the Revised Code by the holder of a  
certificate issued under section 5721.32 of the Revised Code, and  
not held by a county land reutilization corporation. If, before  
the expiration of six years after the date a tax certificate was  
sold, the owner of the property for which the certificate was sold  
files a petition in bankruptcy, the county treasurer, upon being  
notified of the filing of the petition, shall notify the  
certificate holder by ordinary first class or certified mail or by  
binary means of the filing of the petition. It is the obligation  
of the certificate holder to file a proof of claim with the  
bankruptcy court to protect the holder's interest in the  
certificate parcel. The last day on which the certificate holder  
may file a request for foreclosure or the private attorney may  
file a notice of intent to foreclose is the later of six years  
after the date the certificate was sold or one hundred eighty days  
after the certificate parcel is no longer property of the  
bankruptcy estate; however, the six year period measured from the  
date the certificate was sold is tolled while the property owner's  
bankruptcy case remains open.~~

~~(b) Division (A)(3)(b) of this section applies to a tax  
certificate purchased under section 5721.33 of the Revised Code,  
or under section 5721.42 of the Revised Code by the holder of a  
certificate issued under section 5721.33 of the Revised Code, and~~

not held by a county land reutilization corporation. If, before 101677  
six years after the date a tax certificate was sold or before the 101678  
date negotiated by the county treasurer If, before the expiration 101679  
of the certificate period, the owner of the property files a 101680  
petition in bankruptcy, the county treasurer, upon being notified 101681  
of the filing of the petition, shall notify the certificate holder 101682  
by ordinary first-class or certified mail or by binary means of 101683  
the filing of the petition. It is the obligation of the 101684  
certificate holder to file a proof of claim with the bankruptcy 101685  
court to protect the holder's interest in the certificate parcel. 101686  
The last day on which the certificate holder may file a request 101687  
for foreclosure or a notice of intent to foreclose is the later of 101688  
~~six years after the date the tax certificate was sold or the date~~ 101689  
~~negotiated by the county treasurer,~~ the expiration of the 101690  
certificate period or one hundred eighty days after the 101691  
certificate parcel is no longer property of the bankruptcy estate; 101692  
however, the ~~six-year or negotiated period being measured after~~ 101693  
~~the date the certificate was sold~~ certificate period is tolled 101694  
while the property owner's bankruptcy case remains open. If the 101695  
certificate holder is a county land reutilization corporation, the 101696  
corporation may institute a foreclosure action under the statutes 101697  
pertaining to the foreclosure of mortgages or as permitted under 101698  
sections 323.65 to 323.79 of the Revised Code at any time after it 101699  
acquires such tax certificate, subject to any restrictions under 101700  
such bankruptcy law or proceeding. 101701

~~(e)~~ Interest at the certificate rate of interest continues to 101702  
accrue during any extension of time required by division ~~(A)(3)(a)~~ 101703  
~~or (b)(A)(2)~~ of this section unless otherwise provided under Title 101704  
11 of the United States Code. 101705

~~(4)(3)~~ If, before the expiration of three years from the date 101706  
a tax certificate was sold, the owner of property for which the 101707  
certificate was sold applies for an exemption under section 101708

3735.67 or 5715.27 of the Revised Code or under any other section 101709  
of the Revised Code under the jurisdiction of the director of 101710  
environmental protection, the county treasurer shall notify the 101711  
certificate holder by ordinary first-class or certified mail or by 101712  
binary means of the filing of the application. Once a 101713  
determination has been made on the exemption application, the 101714  
county treasurer shall notify the certificate holder of the 101715  
determination by ordinary first-class or certified mail or by 101716  
binary means. Except with respect to a county land reutilization 101717  
corporation, the last day on which the certificate holder may file 101718  
a request for foreclosure shall be the later of three years from 101719  
the date the certificate was sold or forty-five days after notice 101720  
of the determination was provided. 101721

(B) When a request for foreclosure or a notice of intent to 101722  
foreclose is filed under ~~division (A)(1) or (2)~~ of this section, 101723  
the certificate holder shall submit a payment to the county 101724  
treasurer equal to the sum of the following: 101725

(1) The certificate redemption prices of all outstanding tax 101726  
certificates that have been sold on the parcel, other than tax 101727  
certificates held by the person requesting foreclosure; 101728

(2) Any taxes, assessments, penalties, interest, and charges 101729  
appearing on the tax duplicate charged against the certificate 101730  
parcel that is the subject of the foreclosure proceedings and that 101731  
are not covered by a tax certificate, but such amounts are not 101732  
payable if the certificate holder is a county land reutilization 101733  
corporation; 101734

(3) If the foreclosure proceedings are filed by the county 101735  
prosecuting attorney pursuant to section 323.25, sections 323.65 101736  
to 323.79, or section 5721.14 or 5721.18 of the Revised Code, a 101737  
fee in the amount prescribed by the county prosecuting attorney to 101738  
cover the prosecuting attorney's legal costs incurred in the 101739  
foreclosure proceeding. 101740

(C)(1) With respect to a certificate purchased under section 101741  
5721.32, 5721.33, or 5721.42 of the Revised Code, if the 101742  
certificate parcel has not been redeemed and at least one 101743  
certificate respecting the certificate parcel, held by the 101744  
certificate holder filing the request for foreclosure and eligible 101745  
to be enforced through a foreclosure proceeding, has not been 101746  
voided under section 5721.381 of the Revised Code, the county 101747  
treasurer, within five days after receiving a foreclosure request 101748  
and the payment required under division (B) of this section, shall 101749  
certify notice to that effect to the county prosecuting attorney 101750  
and shall provide a copy of the foreclosure request. The county 101751  
treasurer also shall send notice by ordinary first class or 101752  
certified mail to all certificate holders other than the 101753  
certificate holder requesting foreclosure that foreclosure has 101754  
been requested by a certificate holder and that payment for the 101755  
tax certificates is forthcoming. Within ninety days of receiving 101756  
the copy of the foreclosure request, the prosecuting attorney 101757  
shall commence a foreclosure proceeding in the name of the county 101758  
treasurer in the manner provided under section 323.25, sections 101759  
323.65 to 323.79, or section 5721.14 or 5721.18 of the Revised 101760  
Code, to enforce the lien vested in the certificate holder by the 101761  
certificate. The prosecuting attorney shall attach to the 101762  
complaint the foreclosure request and the county treasurer's 101763  
written certification. 101764

(2) With respect to a certificate purchased under section 101765  
5721.32, 5721.33, or 5721.42 of the Revised Code, if the 101766  
certificate parcel has not been redeemed, at least one certificate 101767  
respecting the certificate parcel, held by the certificate holder 101768  
filing the notice of intent to foreclose and eligible to be 101769  
enforced through a foreclosure proceeding, has not been voided 101770  
under section 5721.381 of the Revised Code, a notice of intent to 101771  
foreclose has been filed, and the payment required under division 101772  
(B) of this section has been made, the county treasurer shall 101773

certify notice to that effect to the private attorney. The county 101774  
treasurer also shall send notice by ordinary first class or 101775  
certified mail or by binary means to all certificate holders other 101776  
than the certificate holder represented by the attorney that a 101777  
notice of intent to foreclose has been filed and that payment for 101778  
the tax certificates is forthcoming. After receipt of the 101779  
treasurer's certification and not later than one hundred twenty 101780  
days after the filing of the intent to foreclose or the number of 101781  
days specified under the terms of a negotiated sale under section 101782  
5721.33 of the Revised Code, the private attorney shall commence a 101783  
foreclosure proceeding in the name of the certificate holder in 101784  
the manner provided under division (F) of this section to enforce 101785  
the lien vested in the certificate holder by the certificate. The 101786  
private attorney shall attach to the complaint the notice of 101787  
intent to foreclose and the county treasurer's written 101788  
certification. 101789

(D) The county treasurer shall credit the amount received 101790  
under division (B)(1) of this section to the tax certificate 101791  
redemption fund. The tax certificates respecting the payment shall 101792  
be paid as provided in division (D) of section 5721.38 of the 101793  
Revised Code. The amount received under division (B)(2) of this 101794  
section shall be distributed to the taxing districts to which the 101795  
delinquent and unpaid amounts are owed. The county treasurer shall 101796  
deposit the fee received under division (B)(3) of this section in 101797  
the county treasury to the credit of the delinquent tax and 101798  
assessment collection fund. 101799

~~(E)(1)(a) Except with respect to a county land reutilization 101800  
corporation, if, in the case of a certificate purchased under 101801  
section 5721.32 of the Revised Code, or under section 5721.42 of 101802  
the Revised Code by the holder of a certificate issued under 101803  
section 5721.32 of the Revised Code, the certificate holder does 101804  
not file with the county treasurer a request for foreclosure or a 101805~~

~~notice of intent to foreclose with the required payment within six 101806  
years after the date shown on the tax certificate as the date the 101807  
certificate was sold or within the period provided under division 101808  
(A)(3)(a) of this section, and during that time the certificate 101809  
has not been voided under section 5721.381 of the Revised Code and 101810  
the parcel has not been redeemed or foreclosed upon, the 101811  
certificate holder's lien against the parcel is canceled, and the 101812  
certificate is voided, subject to division (E)(1)(b) of this 101813  
section. 101814~~

~~(b) In the case of any tax certificate purchased under 101815  
section 5721.32 of the Revised Code or under section 5721.42 of 101816  
the Revised Code by the holder of a certificate issued under 101817  
section 5721.32 of the Revised Code prior to June 24, 2008, the 101818  
county treasurer, upon application by the certificate holder, may 101819  
sell to the certificate holder a new certificate extending the 101820  
three year period prescribed by division (E)(1) of this section, 101821  
as that division existed prior to that date, to six years after 101822  
the date shown on the original certificate as the date it was sold 101823  
or any extension of that date. 101824~~

~~(2)(a) Except with respect to a county land reutilization 101825  
corporation, if, in the case of a certificate purchased under 101826  
section 5721.33 of the Revised Code, or under section 5721.42 of 101827  
the Revised Code by the holder of a certificate issued under 101828  
section 5721.33 of the Revised Code, the certificate holder does 101829  
not file with the county treasurer a request for foreclosure or a 101830  
notice of intent to foreclose with respect to a certificate parcel 101831  
with the required payment within ~~six years after the date shown on~~ 101832  
~~the tax certificate as the date the certificate was sold~~ the 101833  
certificate period or any extension of that ~~date~~ period pursuant 101834  
to division (C)(2) of section 5721.38 of the Revised Code, or 101835  
within the period provided under division ~~(A)(3)(b)~~ (A)(2) of this 101836  
section ~~or as specified under the terms of a negotiated sale under~~ 101837~~



~~section 5721.33 of the Revised Code~~, and during that time the 101838  
certificate has not been voided under section 5721.381 of the 101839  
Revised Code and the certificate parcel has not been redeemed or 101840  
foreclosed upon, the certificate holder's lien against the parcel 101841  
is canceled and the certificate is voided, subject to division 101842  
~~(E)(2)(b)~~(E)(2) of this section. 101843

~~(b)(2)~~ In the case of any tax certificate purchased under 101844  
section ~~5721.33~~ 5721.32 of the Revised Code or under section 101845  
5721.42 of the Revised Code by the holder of a certificate issued 101846  
under section 5721.32 of the Revised Code prior to ~~October 10,~~ 101847  
~~2000~~ June 24, 2008, the county treasurer, upon application by the 101848  
certificate holder, may sell to the certificate holder a new 101849  
certificate extending the three-year period prescribed by division 101850  
~~(E)(2)~~(E)(1) of this section, as that division existed prior to 101851  
~~October 10, 2000~~ that date, to six years after the date shown on 101852  
the original certificate as the date it was sold or any extension 101853  
of that date. 101854

~~(3)~~ The county treasurer and the certificate holder shall 101855  
negotiate the premium, in cash, to be paid for a new certificate 101856  
sold under division ~~(E)(1)(b) or (2)(b)~~(E)(2) of this section. If 101857  
the county treasurer and certificate holder do not negotiate a 101858  
mutually acceptable premium, the county treasurer and certificate 101859  
holder may agree to engage a person experienced in the valuation 101860  
of financial assets to appraise a fair premium for the new 101861  
certificate. The certificate holder has the option to purchase the 101862  
new certificate for the fair premium so appraised. Not less than 101863  
one-half of the fee of the person so engaged shall be paid by the 101864  
certificate holder requesting the new certificate; the remainder 101865  
of the fee shall be paid from the proceeds of the sale of the new 101866  
certificate. If the certificate holder does not purchase the new 101867  
certificate for the premium so appraised, the certificate holder 101868  
shall pay the entire fee. The county treasurer shall credit the 101869

remaining proceeds from the sale to the items of taxes, 101870  
assessments, penalties, interest, and charges in the order in 101871  
which they became due. 101872

~~(4)~~ A certificate issued under division ~~(E)(1)(b)~~ or 101873  
~~(2)(b)(E)(2)~~ of this section vests in the certificate holder and 101874  
its secured party, if any, the same rights, interests, privileges, 101875  
and immunities as are vested by the original certificate under 101876  
sections 5721.30 to 5721.43 of the Revised Code. The certificate 101877  
shall be issued in the same form as the form prescribed for the 101878  
original certificate issued except for any modifications 101879  
necessary, in the county treasurer's discretion, to reflect the 101880  
extension under this division of the certificate holder's lien to 101881  
six years after the date shown on the original certificate as the 101882  
date it was sold or any extension of that date. The certificate 101883  
holder may record a certificate issued under division ~~(E)(1)(b)~~ or 101884  
~~(2)(b)(E)(2)~~ of this section or memorandum thereof as provided in 101885  
division (B) of section 5721.35 of the Revised Code, and the 101886  
county recorder shall index the certificate and record any 101887  
subsequent cancellation of the lien as provided in that section. 101888  
The sale of a certificate extending the lien under division 101889  
~~(E)(1)(b)~~ or ~~(2)(b)(E)(2)~~ of this section does not impair the 101890  
right of redemption of the owner of record of the certificate 101891  
parcel or of any other person entitled to redeem the property. 101892

~~(5)(3)~~ If the holder of a certificate purchased under section 101893  
5721.32, 5721.33, or 5721.42 of the Revised Code submits a notice 101894  
of intent to foreclose to the county treasurer but fails to file a 101895  
foreclosure action in a court of competent jurisdiction within the 101896  
time specified in division (C)(2) of this section, the liens 101897  
represented by all tax certificates respecting the certificate 101898  
parcel held by that certificate holder, and for which the deadline 101899  
for filing a notice of intent to foreclose has passed, are 101900  
canceled and the certificates voided, and the certificate holder 101901

forfeits the payment of the amounts described in division (B)(2) 101902  
of this section. 101903

(F) With respect to tax certificates purchased under section 101904  
5721.32, 5721.33, or 5721.42 of the Revised Code, upon the 101905  
delivery to the private attorney by the county treasurer of the 101906  
certification provided for under division (C)(2) of this section, 101907  
the private attorney shall institute a foreclosure proceeding 101908  
under this division in the name of the certificate holder to 101909  
enforce the holder's lien, in any court or board of revision with 101910  
jurisdiction, unless the certificate redemption price is paid 101911  
prior to the time a complaint is filed. The attorney shall 101912  
prosecute the proceeding to final judgment and satisfaction, 101913  
whether through sale of the property or the vesting of title and 101914  
possession in the certificate holder or other disposition under 101915  
sections 323.65 to 323.79 of the Revised Code or as may otherwise 101916  
be provided by law. 101917

The foreclosure proceedings under this division, except as 101918  
otherwise provided in this division, shall be instituted and 101919  
prosecuted in the same manner as is provided by law for the 101920  
foreclosure of mortgages on land, except that, if service by 101921  
publication is necessary, such publication shall be made once a 101922  
week for three consecutive weeks and the service shall be complete 101923  
at the expiration of three weeks after the date of the first 101924  
publication. 101925

Any notice given under this division shall include the name 101926  
of the owner of the parcel as last set forth in the records of the 101927  
county recorder, the owner's last known mailing address, the 101928  
address of the subject parcel if different from that of the owner, 101929  
and a complete legal description of the subject parcel. In any 101930  
county that has adopted a permanent parcel number system, such 101931  
notice may include the permanent parcel number in addition to a 101932  
complete legal description. 101933

It is sufficient, having been made a proper party to the 101934  
foreclosure proceeding, for the certificate holder to allege in 101935  
such holder's complaint that the tax certificate has been duly 101936  
purchased by the certificate holder, that the certificate 101937  
redemption price is due and unpaid, that there is a lien against 101938  
the property described in the tax certificate, and, if applicable, 101939  
that the certificate holder desires to invoke the alternative 101940  
redemption period prescribed in sections 323.65 to 323.79 of the 101941  
Revised Code, without setting forth in such holder's complaint any 101942  
other special matter relating to the foreclosure proceeding. The 101943  
complaint shall pray for an order directing the sheriff, or the 101944  
bailiff if the complaint is filed in municipal court, to offer the 101945  
property for sale in the manner provided in section 5721.19 of the 101946  
Revised Code or otherwise transferred according to any applicable 101947  
procedures provided in sections 323.65 to 323.79 of the Revised 101948  
Code, unless the complaint documents that the county auditor has 101949  
determined that the true value of the certificate parcel is less 101950  
than the certificate purchase price. In that case, the prayer of 101951  
the complaint shall request that fee simple title to the property 101952  
be transferred to and vested in the certificate holder free and 101953  
clear of all subordinate liens. 101954

In the foreclosure proceeding, the certificate holder may 101955  
join in one action any number of tax certificates relating to the 101956  
same owner. However, the decree for each tax certificate shall be 101957  
rendered separately and any proceeding may be severed, in the 101958  
discretion of the court or board of revision, for the purpose of 101959  
trial or appeal. Except as may otherwise be provided in sections 101960  
323.65 to 323.79 of the Revised Code, upon confirmation of sale, 101961  
the court or board of revision shall order payment of all costs 101962  
related directly or indirectly to the tax certificate, including, 101963  
without limitation, attorney's fees of the holder's attorney in 101964  
accordance with section 5721.371 of the Revised Code. The tax 101965  
certificate purchased by the certificate holder is presumptive 101966

evidence in all courts and boards of revision and in all 101967  
proceedings, including, without limitation, at the trial of the 101968  
foreclosure action, of the amount and validity of the taxes, 101969  
assessments, charges, penalties by the court and added to such 101970  
principal amount, and interest appearing due and unpaid and of 101971  
their nonpayment. 101972

(G) If a parcel is sold under this section, the officer who 101973  
conducted the sale shall collect the recording fee from the 101974  
purchaser at the time of the sale and, following confirmation of 101975  
the sale, shall prepare and record the deed conveying the title to 101976  
the parcel to the purchaser. 101977

**Sec. 5721.38.** (A) At any time prior to payment to the county 101978  
treasurer by the certificate holder to initiate foreclosure 101979  
proceedings under division (B) of section 5721.37 of the Revised 101980  
Code, the owner of record of the certificate parcel, or any other 101981  
person entitled to redeem that parcel, may redeem the parcel by 101982  
paying to the county treasurer an amount equal to the total of the 101983  
certificate redemption prices of all tax certificates respecting 101984  
that parcel. 101985

(B) At any time after payment to the county treasurer by the 101986  
certificate holder to initiate foreclosure proceedings under 101987  
section 5721.37 of the Revised Code, and before the filing of the 101988  
entry of confirmation of sale of a certificate parcel, or the 101989  
expiration of the alternative redemption period defined in section 101990  
323.65 of the Revised Code under foreclosure proceedings filed by 101991  
the county prosecuting attorney, and before the decree conveying 101992  
title to the certificate holder is rendered as provided for in 101993  
division (F) of section 5721.37 of the Revised Code, the owner of 101994  
record of the certificate parcel or any other person entitled to 101995  
redeem that parcel may redeem the parcel by paying to the county 101996  
treasurer the sum of the following amounts: 101997

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| (1) The amount described in division (A) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 101998                                                                                                     |
| (2) Interest on the certificate purchase price for each tax certificate sold respecting the parcel at the rate of eighteen per cent per year for the period beginning on the day on which the payment was submitted by the certificate holder and ending on the day the parcel is redeemed under this division;                                                                                                                                                                                                                                                                                                                                                            | 101999<br>102000<br>102001<br>102002<br>102003                                                             |
| (3) An amount equal to the sum of the county prosecuting attorney's fee under division (B)(3) of section 5721.37 of the Revised Code plus interest on that amount at the rate of eighteen per cent per year beginning on the day on which the payment was submitted by the certificate holder and ending on the day the parcel is redeemed under this division. If the parcel is redeemed before the complaint has been filed, the prosecuting attorney shall adjust the fee to reflect services performed to the date of redemption, and the county treasurer shall calculate the interest based on the adjusted fee and refund any excess fee to the certificate holder. | 102004<br>102005<br>102006<br>102007<br>102008<br>102009<br>102010<br>102011<br>102012<br>102013<br>102014 |
| (4) Reasonable attorney's fees in accordance with section 5721.371 of the Revised Code if the certificate holder retained a private attorney to foreclose the lien;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 102015<br>102016<br>102017                                                                                 |
| (5) Any other costs and fees of the proceeding allocable to the certificate parcel as determined by the court or board of revision.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 102018<br>102019<br>102020                                                                                 |
| The county treasurer may collect the total amount due under divisions (B)(1) to (5) of this section in the form of guaranteed funds acceptable to the treasurer. Immediately upon receipt of such payments, the county treasurer shall reimburse the certificate holder who initiated foreclosure proceedings as provided in division (D) of this section. The county treasurer shall pay the certificate holder interest at the rate of eighteen per cent per year on amounts paid under divisions (B)(2) and (3)                                                                                                                                                         | 102021<br>102022<br>102023<br>102024<br>102025<br>102026<br>102027<br>102028                               |

of section 5721.37 of the Revised Code, beginning on the day the certificate holder paid the amounts under those divisions and ending on the day the parcel is redeemed under this section.

(C)(1) During the period beginning on the date a tax certificate is sold under section 5721.32 of the Revised Code and ending one year from that date, the county treasurer may enter into a redemption payment plan with the owner of record of the certificate parcel or any other person entitled to redeem that parcel. The plan shall require the owner or other person to pay the certificate redemption price for the tax certificate in installments, with the final installment due no later than one year after the date the tax certificate is sold. The certificate holder may at any time, by written notice to the county treasurer, agree to accept installments collected to the date of notice as payment in full. Receipt of such notice by the treasurer shall constitute satisfaction of the payment plan and redemption of the tax certificate.

(2) During the period beginning on the date a tax certificate is sold under section 5721.33 of the Revised Code and ending on the date the decree is rendered on the foreclosure proceeding under division (F) of section 5721.37 of the Revised Code, the owner of record of the certificate parcel, or any other person entitled to redeem that parcel, may enter into a redemption payment plan with the certificate holder and all secured parties of the certificate holder. The plan shall require the owner or other person to pay the certificate redemption price for the tax certificate, an administrative fee not to exceed one hundred dollars per year, and the actual fees and costs incurred, in installments, with the final installment due no later than ~~six~~ the expiration of the certificate period years after the date the tax certificate is sold. The certificate holder shall give written notice of the plan to the applicable county treasurer within sixty

days after entering into the plan and written notice of default 102061  
under the plan within ninety days after the default. If such a 102062  
plan is entered into, the time period for filing a request for 102063  
foreclosure or a notice of intent to foreclose under section 102064  
5721.37 of the Revised Code is extended by the length of time the 102065  
plan is in effect and not in default. 102066

(D)(1) Immediately upon receipt of full payment under 102067  
division (A) or (B) of this section, the county treasurer shall 102068  
make an entry to that effect in the tax certificate register, 102069  
credit the payment to the tax certificate redemption fund created 102070  
in the county treasury, and shall notify the certificate holder or 102071  
holders by ordinary first class or certified mail or by binary 102072  
means that the parcel has been redeemed and the lien or liens 102073  
canceled, and that payment on the certificate or certificates is 102074  
forthcoming. The treasurer shall pay the tax certificate holder or 102075  
holders promptly. 102076

The county treasurer shall administer the tax certificate 102077  
redemption fund for the purpose of redeeming tax certificates. 102078  
Interest earned on the fund shall be credited to the county 102079  
general fund. If the county has established a county land 102080  
reutilization corporation, the county treasurer may apply interest 102081  
earned on the fund to the payment of the expenses of such 102082  
corporation. 102083

(2) If a redemption payment plan is entered into pursuant to 102084  
division (C)(1) of this section, the county treasurer immediately 102085  
shall notify each certificate holder by ordinary first class or 102086  
certified mail or by binary means of the terms of the plan. 102087  
Installment payments made pursuant to the plan shall be deposited 102088  
in the tax certificate redemption fund. Any overpayment of the 102089  
installments shall be refunded to the person responsible for 102090  
causing the overpayment if the person applies for a refund under 102091  
this section. If the person responsible for causing the 102092



overpayment fails to apply for a refund under this section within 102093  
five years from the date the plan is satisfied, an amount equal to 102094  
the overpayment shall be deposited into the general fund of the 102095  
county. If the county has established a county land reutilization 102096  
corporation, the county treasurer may apply such overpayment to 102097  
the payment of the expenses of the corporation. 102098

Upon satisfaction of the plan, the county treasurer shall 102099  
indicate in the tax certificate register that the plan has been 102100  
satisfied, and shall notify each certificate holder by ordinary 102101  
first class or certified mail or by binary means that the plan has 102102  
been satisfied and that payment on the certificate or certificates 102103  
is forthcoming. The treasurer shall pay each certificate holder 102104  
promptly. 102105

If a redemption payment plan becomes void, the county 102106  
treasurer shall notify each certificate holder by ordinary first 102107  
class or certified mail or by binary means. If a certificate 102108  
holder files a request for foreclosure under section 5721.37 of 102109  
the Revised Code, upon the filing of the request for foreclosure, 102110  
any money paid under the plan shall be refunded to the person that 102111  
paid the money under the plan. 102112

(3) Upon receipt of the payment required under division 102113  
(B)(1) of section 5721.37 of the Revised Code, the treasurer shall 102114  
pay all other certificate holders and indicate in the tax 102115  
certificate register that such certificates have been satisfied. 102116  
If a county has organized a county land reutilization corporation, 102117  
the county treasurer may apply the redemption price and any 102118  
applicable interest payable under division (B) of this section to 102119  
the payment of the expenses of the corporation. 102120

**Sec. 5721.42.** After the settlement required under division 102121  
(C) of section 321.24 of the Revised Code, the county treasurer 102122  
shall notify the certificate holder of the most recently issued 102123

tax certificate, by ordinary first class or certified mail or by 102124  
binary means, that the certificate holder may purchase a 102125  
subsequent tax certificate by paying all delinquent taxes on the 102126  
related certificate parcel, the lien against which has not been 102127  
transferred by the sale of a tax certificate. During the thirty 102128  
days after receiving the notice, the certificate holder possesses 102129  
the exclusive right to purchase the subsequent tax certificate by 102130  
paying those amounts to the county treasurer. The amount of the 102131  
payment shall constitute a separate lien against the certificate 102132  
parcel that shall be evidenced by the issuance by the treasurer to 102133  
the certificate holder of an additional tax certificate with 102134  
respect to the delinquent taxes so paid on the related certificate 102135  
parcel. The amount of the payment as set forth in the tax 102136  
certificate shall earn interest at the rate of eighteen per cent 102137  
per year. The certificate period of each subsequent tax 102138  
certificate shall terminate on the expiration date of the 102139  
certificate period of the most recent tax certificate for the same 102140  
certificate parcel. 102141

**Sec. 5722.13.** Real property acquired and held by an electing 102142  
subdivision pursuant to this chapter that is not sold or otherwise 102143  
transferred within fifteen years after such acquisition shall be 102144  
offered for sale at public auction during the sixteenth year after 102145  
acquisition. If the real property is not sold at that time, it may 102146  
be disposed of or retained for any lawful purpose without further 102147  
application of this chapter. 102148

Notice of the sale shall contain a description of each 102149  
parcel, the permanent parcel number, and the full street address 102150  
when available. The notice shall be published once a week for 102151  
three consecutive weeks prior to the sale in a newspaper of 102152  
general circulation within the electing subdivision. The newspaper 102153  
shall meet the requirements of section 7.12 of the Revised Code. 102154

Each parcel subsequent to the fifteenth year after its 102155  
acquisition as part of a land reutilization program shall be sold 102156  
for an amount equal to not less than the greater of: 102157

(A) Two-thirds of its fair market value; 102158

(B) The total amount of accrued taxes, assessments, 102159  
penalties, interest, charges, and costs incurred by the electing 102160  
subdivision in the acquisition, maintenance, and disposal of each 102161  
parcel and the parcel's share of the costs and expenses of the 102162  
land reutilization program. 102163

The sale requirements of this section do not apply to real 102164  
property acquired and held by a county land reutilization 102165  
corporation. 102166

**Sec. 5723.05.** If the taxes, assessments, charges, penalties, 102167  
interest, and costs due on the forfeited lands have not been paid 102168  
when the county auditor fixes the date for the sale of forfeited 102169  
lands, the auditor shall give notice of them once a week for two 102170  
consecutive weeks prior to the date fixed by the auditor for the 102171  
sale, ~~in two newspapers~~ as provided in section 5721.03 of the 102172  
Revised Code. The notice shall state that if the taxes, 102173  
assessments, charges, penalties, interest, and costs charged 102174  
against the lands forfeited to the state for nonpayment of taxes 102175  
are not paid into the county treasury, and the county treasurer's 102176  
receipt produced for the payment before the time specified in the 102177  
notice for the sale of the lands, which day shall be named in the 102178  
notice, each forfeited tract on which the taxes, assessments, 102179  
charges, penalties, interest, and costs remain unpaid will be 102180  
offered for sale beginning on the date set by the auditor, at the 102181  
courthouse in the county, in order to satisfy the unpaid taxes, 102182  
assessments, charges, penalties, interest, and costs, and that the 102183  
sale will continue from day to day until each of the tracts is 102184  
sold or offered for sale. 102185

The notice also shall state that, if the forfeited land is sold for an amount that is less than the amount of the delinquent taxes, assessments, charges, penalties, and interest against it, and, if division (B)(2) of section 5721.17 of the Revised Code is applicable, any notes issued by a receiver pursuant to division (F) of section 3767.41 of the Revised Code and any receiver's lien as defined in division (C)(4) of section 5721.18 of the Revised Code, the court, in a separate order, may enter a deficiency judgment against the last owner of record of the land before its forfeiture to the state, for the amount of the difference; and that, if that owner of record is a corporation, the court may enter the deficiency judgment against the stockholder holding a majority of that corporation's stock.

**Sec. 5725.151.** (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised Code.

(B) There is allowed a credit against the tax imposed by section 5707.03 and assessed under section 5725.15 of the Revised Code for a dealer in intangibles subject to that tax that is a certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code. The credit shall equal twenty-five per cent of the dollar amount indicated on the certificate, but the amount of the credit allowed for any dealer for any year shall not exceed five million dollars. The credit shall be claimed in the calendar year specified in the certificate. If the credit exceeds the amount of tax otherwise due in that year, the excess shall be refunded to the dealer but, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due in that year shall not exceed three million dollars. The dealer may carry forward any balance of the credit in excess of the amount claimed in that year for not more than five ensuing years, and

shall deduct any amount claimed in any such year from the amount 102218  
claimed in an ensuing year. 102219

(C) A dealer in intangibles claiming a credit under this 102220  
section shall retain the rehabilitation tax credit certificate for 102221  
four years following the end of the year in which the credit was 102222  
claimed, and shall make the certificate available for inspection 102223  
by the tax commissioner upon the request of the tax commissioner 102224  
during that period. 102225

~~(D) For the purpose of division (C) of section 5725.24 of the 102226  
Revised Code, reductions in the amount of taxes collected on 102227  
account of credits allowed under this section shall be applied to 102228  
reduce the amount credited to the general revenue fund and shall 102229  
not be applied to reduce the amount to be credited to the 102230  
undivided local government funds of the counties in which such 102231  
taxes originate. 102232~~

**Sec. 5725.24.** ~~(A) As used in this section, "qualifying 102233  
dealer" means a dealer in intangibles that is a qualifying dealer 102234  
in intangibles as defined in section 5733.45 of the Revised Code 102235  
or a member of a qualifying controlled group, as defined in 102236  
section 5733.04 of the Revised Code, of which an insurance company 102237  
also is a member on the first day of January of the year in and 102238  
for which the tax imposed by section 5707.03 of the Revised Code 102239  
is required to be paid by the dealer. 102240~~

~~(B) The taxes levied by section 5725.18 of the Revised Code 102241  
and collected pursuant to this chapter shall be paid into the 102242  
state treasury to the credit of the general revenue fund. 102243~~

~~(C)(B) The taxes levied by section 5707.03 of the Revised 102244  
Code on the value of shares in and capital employed by all dealers 102245  
in intangibles ~~other than those that are qualifying dealers~~ shall 102246  
be ~~for the use of~~ paid into the state treasury to the credit of 102247  
the general revenue fund ~~of the state and the local government~~ 102248~~

~~funds of the several counties in which the taxes originate as  
provided in this division.~~ 102249  
102250

~~During each month for which there is money in the state  
treasury for disbursement under this division, the tax  
commissioner shall provide for payment to the county treasurer of  
each county of five eighths of the amount of the taxes collected  
on account of shares in and capital employed by dealers in  
intangibles other than those that are qualifying dealers,  
representing capital employed in the county. The balance of the  
money received and credited on account of taxes assessed on shares  
in and capital employed by such dealers in intangibles shall be  
credited to the general revenue fund.~~ 102251  
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~~Reductions in the amount of taxes collected on account of  
credits allowed under section 5725.151 of the Revised Code shall  
be applied to reduce the amount credited to the general revenue  
fund and shall not be applied to reduce the amount to be credited  
to the undivided local government funds of the counties in which  
such taxes originate.~~ 102261  
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~~For the purpose of this division, such taxes are deemed to  
originate in the counties in which such dealers in intangibles  
have their offices.~~ 102267  
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~~Money received into the treasury of a county pursuant to this  
section shall be credited to the undivided local government fund  
of the county and shall be distributed by the budget commission as  
provided by law.~~ 102270  
102271  
102272  
102273

~~(D) All of the taxes levied under section 5707.03 of the  
Revised Code on the value of the shares in and capital employed by  
dealers in intangibles that are qualifying dealers shall be paid  
into the state treasury to the credit of the general revenue fund.~~ 102274  
102275  
102276  
102277

**Sec. 5725.34.** (A) As used in this section, "certificate 102278

owner" has the same meaning as in section 149.311 of the Revised Code. 102279  
102280

(B) There is allowed a credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company subject to that tax that is a certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code. The credit shall equal twenty-five per cent of the dollar amount indicated on the certificate, but the amount of the credit allowed for any company for any year shall not exceed five million dollars. The credit shall be claimed in the calendar year specified in the certificate and in the order required under section 5725.98 of the Revised Code. If the credit exceeds the amount of tax otherwise due in that year, the excess shall be refunded to the company but, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due in that year shall not exceed three million dollars. The company may carry forward any balance of the credit in excess of the amount claimed in that year for not more than five ensuing years, and shall deduct any amount claimed in any such year from the amount claimed in an ensuing year. 102281  
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(C) An insurance company claiming a credit under this section shall retain the rehabilitation tax credit certificate for four years following the end of the year in which the credit was claimed, and shall make the certificate available for inspection by the tax commissioner upon the request of the tax commissioner during that period. 102299  
102300  
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102302  
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102304

**Sec. 5725.98.** (A) To provide a uniform procedure for calculating the amount of tax imposed by section 5725.18 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order: 102305  
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (1) The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                          | 102310<br>102311                                                             |
| (2) The credit for eligible employee training costs under section 5725.31 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                          | 102312<br>102313                                                             |
| (3) The credit for purchasers of qualified low-income community investments under section 5725.33 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                  | 102314<br>102315                                                             |
| (4) The nonrefundable job retention credit under division (B)(1) of section 122.171 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                | 102316<br>102317                                                             |
| (5) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                              | 102318<br>102319<br>102320                                                   |
| (6) <u>The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                      | 102321<br>102322                                                             |
| <u>(7)</u> The refundable credit for Ohio job retention under division (B)(2) <u>or (3)</u> of section 122.171 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                     | 102323<br>102324                                                             |
| <del>(7)</del> <u>(8)</u> The refundable credit for Ohio job creation under section 5725.32 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                        | 102325<br>102326                                                             |
| <del>(8)</del> <u>(9)</u> The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.                                                                                                                                                                                                                                                                                                          | 102327<br>102328<br>102329<br>102330                                         |
| (B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. | 102331<br>102332<br>102333<br>102334<br>102335<br>102336<br>102337<br>102338 |



**Sec. 5727.57.** In addition to all other remedies for the 102339  
collection of any taxes or penalties due under law, whenever any 102340  
taxes, fees, or penalties due from any public utility have 102341  
remained unpaid for a period of ninety days, or whenever any 102342  
public utility has failed for a period of ninety days to make any 102343  
report or return required by law, or to pay any penalty for 102344  
failure to make or file such report or return, the attorney 102345  
general, upon the request of the tax commissioner, shall file a 102346  
petition in the court of common pleas in the county of the state 102347  
in which such public utility has its principal place of business 102348  
for a judgment for the amount of the taxes and penalties appearing 102349  
to be due, the enforcement of any lien in favor of the state, and 102350  
an injunction to restrain such public utility and its officers, 102351  
directors, and managing agents from the transaction of any 102352  
business within this state, other than such acts as are incidental 102353  
to liquidation or winding up, until the payment of such taxes, 102354  
fees, penalties, and the costs of the proceeding, which shall be 102355  
fixed by the court, or the making and filing of such report or 102356  
return. 102357

Such petition shall be in the name of the state. All or any 102358  
of the public utilities having their principal places of business 102359  
in the county may be joined in one suit. On the motion of the 102360  
attorney general, the court of common pleas shall enter an order 102361  
requiring all defendants to answer by a day certain, and may 102362  
appoint a special master commissioner to take testimony, with such 102363  
other power and authority as the court confers, and permit process 102364  
to be served by certified mail and by publication in a newspaper 102365  
of general circulation ~~published~~ in the county, which publication 102366  
need not be made more than once, setting forth the name of each 102367  
delinquent public utility, the matter in which such public utility 102368  
is delinquent, the names of its officers, directors, and managing 102369  
agents, if set forth in the petition, and the amount of any taxes, 102370

fees, or penalties claimed to be owing by said public utility. 102371

All of the officers, directors, shareholders, or managing 102372  
agents of any public utility may be joined as defendants with such 102373  
public utility. 102374

If it appears to the court upon hearing that any public 102375  
utility which is a party to such proceeding is indebted to the 102376  
state for taxes, fees, or penalties, judgment shall be entered 102377  
therefor with interest, which shall be computed at the rate per 102378  
annum prescribed by section 5703.47 of the Revised Code; and if it 102379  
appears that any public utility has failed to make or file any 102380  
report or return, a mandatory injunction may be issued against 102381  
such public utility, its officers, directors, and managing agents, 102382  
as such enjoining them from the transaction of any business within 102383  
this state, other than acts incidental to liquidation or winding 102384  
up, until the making and filing of all proper reports or returns 102385  
and the payment in full of all taxes, fees, and penalties. 102386

If the officers, directors, shareholders, or managing agents 102387  
of a public utility are not made parties in the first instance, 102388  
and a judgment or an injunction is rendered or issued against such 102389  
public utility, such officers, directors, shareholders, or 102390  
managing agents, or any of them, may be made parties to such 102391  
proceedings upon the motion of the attorney general, and, upon 102392  
notice to them of the form and terms of such injunction, they 102393  
shall be bound thereby as fully as if they had been made parties 102394  
in the first instance. 102395

In any action authorized by this section, a statement of the 102396  
commissioner or the secretary of state, when duly certified shall 102397  
be prima-facie evidence of the amount of taxes, fees, or penalties 102398  
due from any public utility, or of the failure of any public 102399  
utility to file with the commissioner or the secretary of state 102400  
any report required by law, and any such certificate of the 102401  
commissioner or the secretary of state may be required in evidence 102402

in any such proceeding. 102403

On the application of any defendant and for good cause shown, 102404  
the court may order a separate hearing of the issues as to any 102405  
defendant. 102406

The costs of the proceeding shall be apportioned among the 102407  
parties as the court deems proper. 102408

The court in such proceeding may make, enter, and enforce 102409  
such other judgments and orders and grant such other relief as is 102410  
necessary or incidental to the enforcement of the claims and lien 102411  
of the state. 102412

In the performance of the duties enjoined ~~upon him~~ by this 102413  
section the attorney general may direct any prosecuting attorney 102414  
to bring an action, as authorized by this section, in the name of 102415  
the state with respect to any delinquent public utilities within 102416  
~~his~~ the prosecuting attorney's county, and like proceedings and 102417  
orders shall be had as if such action were instituted by the 102418  
attorney general. 102419

**Sec. 5727.84.** (A) As used in this section and sections 102420  
5727.85, 5727.86, and 5727.87 of the Revised Code: 102421

(1) "School district" means a city, local, or exempted 102422  
village school district. 102423

(2) "Joint vocational school district" means a joint 102424  
vocational school district created under section 3311.16 of the 102425  
Revised Code, and includes a cooperative education school district 102426  
created under section 3311.52 or 3311.521 of the Revised Code and 102427  
a county school financing district created under section 3311.50 102428  
of the Revised Code. 102429

(3) "Local taxing unit" means a subdivision or taxing unit, 102430  
as defined in section 5705.01 of the Revised Code, a park district 102431  
created under Chapter 1545. of the Revised Code, or a township 102432

park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts. 102433  
102434  
102435

(4) "State education aid," for a school district, means the following: 102436  
102437

(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under the following provisions, as they existed for the applicable fiscal year: 102438  
102439  
102440  
divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 102441  
3317.022; divisions (B), (C), and (D) of section 3317.023; 102442  
divisions (G), (L), and (N) of section 3317.024; and sections 102443  
3317.029, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 102444  
3317.053 of the Revised Code; and the adjustments required by: 102445  
division (C) of section 3310.08; division (C)(2) of section 102446  
3310.41; division (C) of section 3314.08; division (D)(2) of 102447  
section 3314.091; division (D) of section 3314.13; divisions (E), 102448  
(K), (L), (M), and (N) of section 3317.023; division (C) of 102449  
section 3317.20; and sections 3313.979 and 3313.981 of the Revised 102450  
Code. However, when calculating state education aid for a school 102451  
district for fiscal years 2008 and 2009, include the amount 102452  
computed for the district under Section 269.20.80 of H.B. 119 of 102453  
the 127th general assembly, as subsequently amended, instead of 102454  
division (D) of section 3317.022 of the Revised Code; and include 102455  
amounts calculated under Section 269.30.80 of ~~this act~~ H.B. 119 of 102456  
the 127th general assembly, as subsequently amended. 102457

(b) For fiscal ~~year~~ years 2010 and ~~for each fiscal year~~ thereafter 2011, the sum of the amounts computed for the district under former sections 3306.052, 3306.12, 3306.13, 3306.19, 102458  
102459  
3306.191, and 3306.192 of the Revised Code and the following 102460  
102461  
provisions, as they existed for the applicable fiscal year: 102462  
102463  
division (G) of section 3317.024; sections 3317.05, 3317.052, and 102464  
3317.053 of the Revised Code; and the adjustments required by 102464

division (C) of section 3310.08; division (C)(2) of section 102465  
3310.41; division (C) of section 3314.08; division (D)(2) of 102466  
section 3314.091; division (D) of section 3314.13; divisions (E), 102467  
(K), (L), (M), and (N) of section 3317.023; division (C) of 102468  
section 3317.20; and sections 3313.979 ~~and~~, 3313.981, and 3326.33 102469  
of the Revised Code. 102470

(c) For fiscal years 2012 and 2013, the amount paid in 102471  
accordance with the section of H.B. 153 of the 129th general 102472  
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 102473  
SCHOOL DISTRICTS" and the adjustments required by division (C) of 102474  
section 3310.08; division (C)(2) of section 3310.41; division (C) 102475  
of section 3314.08; division (D)(2) of section 3314.091; division 102476  
(D) of section 3314.13; divisions (B), (H), (I), (J), and (K) of 102477  
section 3317.023; division (C) of section 3317.20; and sections 102478  
3313.979 and 3313.981 of the Revised Code. 102479

(5) "State education aid," for a joint vocational school 102480  
district, means the following: 102481

(a) For fiscal years prior to fiscal year 2010, the sum of 102482  
the state aid amounts computed for the district under division (N) 102483  
of section 3317.024 and section 3317.16 of the Revised Code. 102484  
However, when calculating state education aid for a joint 102485  
vocational school district for fiscal years 2008 and 2009, include 102486  
the amount computed for the district under Section 269.30.90 of 102487  
H.B. 119 of the 127th general assembly, as subsequently amended. 102488

(b) For fiscal years 2010 and 2011, the amount computed for 102489  
the district in accordance with the section of ~~this act~~ H.B. 1 of 102490  
the 128th general assembly entitled "FUNDING FOR JOINT VOCATIONAL 102491  
SCHOOL DISTRICTS". 102492

(c) For fiscal years 2012 and 2013, the amount paid in 102493  
accordance with the section of H.B. 153 of the 129th general 102494  
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 102495

|                                                                                                                                                                                                                                                                                                          |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (6) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5727.85 of the Revised Code.                                                                                                                  | 102496<br>102497<br>102498                     |
| (7) "Recognized valuation" has the same meaning as in section 3317.02 of the Revised Code.                                                                                                                                                                                                               | 102499<br>102500                               |
| (8) "Electric company tax value loss" means the amount determined under division (D) of this section.                                                                                                                                                                                                    | 102501<br>102502                               |
| (9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.                                                                                                                                                                                                 | 102503<br>102504                               |
| (10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.                                                                                                                                                                                   | 102505<br>102506                               |
| (11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.                                                                                                                                                                                                                     | 102507<br>102508                               |
| (12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.                                                                                                                                                                                                              | 102509<br>102510                               |
| (13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code. | 102511<br>102512<br>102513<br>102514<br>102515 |
| (14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.                                                                                                                                                                                                               | 102516<br>102517                               |
| (15) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.                                                                                                                         | 102518<br>102519<br>102520                     |
| <u>(16) "Total resources" has the same meaning as in section 5751.20 of the Revised Code.</u>                                                                                                                                                                                                            | 102521<br>102522                               |
| <u>(17) "2011 current expense S.B. 3 allocation" means the sum of payments received by a school district or joint vocational school district in fiscal year 2011 for current expense levy</u>                                                                                                            | 102523<br>102524<br>102525                     |

losses pursuant to division (C)(2) of section 5727.85 of the 102526  
Revised Code. If a fixed-rate levy eligible for reimbursement is 102527  
not imposed in any year after tax year 2010, "2011 current expense 102528  
S.B. 3 allocation" used to compute payments to be made under 102529  
division (C)(3) of section 5727.85 of the Revised Code in the tax 102530  
years following the last year the levy is imposed shall be reduced 102531  
by the amount of those payments attributable to the fixed-rate 102532  
levy loss of that levy. 102533

(18) "2010 current expense S.B. 3 allocation" means the sum 102534  
of payments received by a municipal corporation in calendar year 102535  
2010 for current expense levy losses pursuant to division (A)(1) 102536  
of section 5727.86 of the Revised Code. If a fixed-rate levy 102537  
eligible for reimbursement is not imposed in any year after tax 102538  
year 2010, "2010 current expense S.B. 3 allocation" used to 102539  
compute payments to be made under division (A)(1)(d) of section 102540  
5727.86 of the Revised Code in the tax years following the last 102541  
year the levy is imposed shall be reduced by the amount of those 102542  
payments attributable to the fixed-rate levy loss of that levy. 102543

(19) "2010 S.B. 3 allocation" means the sum of payments 102544  
received by a local taxing unit during calendar year 2010 pursuant 102545  
to division (A)(1) of section 5727.86 of the Revised Code. If a 102546  
fixed-rate levy eligible for reimbursement is not imposed in any 102547  
year after tax year 2010, "2010 S.B. 3 allocation" used to compute 102548  
payments to be made under division (A)(1)(d) of section 5727.86 of 102549  
the Revised Code in the tax years following the last year the levy 102550  
is imposed shall be reduced by the amount of those payments 102551  
attributable to the fixed-rate levy loss of that levy. 102552

(20) "Total S.B. 3 allocation" means, in the case of a school 102553  
district or joint vocational school district, the sum of the 102554  
amounts received in fiscal year 2011 pursuant to divisions (C)(2) 102555  
and (D) of section 5727.85 of the Revised Code. In the case of a 102556  
local taxing unit, "total S.B. 3 allocation" means the sum of 102557

payments received by the unit in calendar year 2010 pursuant to 102558  
divisions (A)(1) and (4) of section 5727.86 of the Revised Code. 102559  
If a fixed-rate levy eligible for reimbursement is not imposed in 102560  
any year after tax year 2010, "total S.B. 3 allocation" used to 102561  
compute payments to be made under division (C)(3) of section 102562  
5727.85 or division (A)(1)(d) of section 5727.86 of the Revised 102563  
Code in the tax years following the last year the levy is imposed 102564  
shall be reduced by the amount of those payments attributable to 102565  
the fixed-rate levy loss of that levy as would be computed under 102566  
division (C)(2) of section 5727.85 or division (A)(1)(b) of 102567  
section 5727.86 of the Revised Code. 102568

(21) "2011 non-current expense S.B. 3 allocation" means the 102569  
difference of a school district's or joint vocational school 102570  
district's total S.B. 3 allocation minus the sum of the school 102571  
district's 2011 current expense S.B. 3 allocation and the portion 102572  
of the school district's total S.B. 3 allocation constituting 102573  
reimbursement for debt levies pursuant to division (D) of section 102574  
5727.85 of the Revised Code. 102575

(22) "2010 non-current expense S.B. 3 allocation" means the 102576  
difference of a municipal corporation's total S.B. 3 allocation 102577  
minus the sum of its 2010 current expense S.B. 3 allocation and 102578  
the portion of its total S.B. 3 allocation constituting 102579  
reimbursement for debt levies pursuant to division (A)(4) of 102580  
section 5727.86 of the Revised Code. 102581

(23) "Threshold per cent" means, in the case of a school 102582  
district or joint vocational school district, two per cent for 102583  
fiscal year 2012 and four per cent for fiscal years 2013 and 102584  
thereafter. In the case of a local taxing unit, "threshold per 102585  
cent" means two per cent for calendar year 2011, four per cent for 102586  
calendar year 2012, and six per cent for calendar years 2013 and 102587  
thereafter. 102588

(B) The kilowatt-hour tax receipts fund is hereby created in 102589



the state treasury and shall consist of money arising from the tax 102590  
imposed by section 5727.81 of the Revised Code. All money in the 102591  
kilowatt-hour tax receipts fund shall be credited as follows: 102592

~~(1) Sixty three per cent shall be credited to the general 102593  
revenue fund. 102594~~

~~(2) Twenty five and four tenths per cent shall be credited to 102595  
the school district property tax replacement fund, which is hereby 102596  
created in the state treasury for the purpose of making the 102597  
payments described in section 5727.85 of the Revised Code. 102598~~

~~(3) Eleven and six tenths per cent shall be credited to the 102599  
local government property tax replacement fund, which is hereby 102600  
created in the state treasury for the purpose of making the 102601  
payments described in section 5727.86 of the Revised Code. 102602~~

| <u>Fiscal Year</u> | <u>General Revenue</u> | <u>School District</u>  | <u>Local Government</u> |        |
|--------------------|------------------------|-------------------------|-------------------------|--------|
|                    | <u>Fund</u>            | <u>Property Tax</u>     | <u>Property Tax</u>     |        |
|                    |                        | <u>Replacement Fund</u> | <u>Replacement Fund</u> |        |
| <u>2001-2011</u>   | <u>63.0%</u>           | <u>25.4%</u>            | <u>11.6%</u>            | 102604 |
| <u>2012 and</u>    | <u>88.0%</u>           | <u>9.0%</u>             | <u>3.0%</u>             | 102605 |
| <u>thereafter</u>  |                        |                         |                         |        |

(C) The natural gas tax receipts fund is hereby created in 102606  
the state treasury and shall consist of money arising from the tax 102607  
imposed by section 5727.811 of the Revised Code. All money in the 102608  
fund shall be credited as follows: 102609

(1) For fiscal years before fiscal year 2012: 102610

(a) Sixty-eight and seven-tenths per cent shall be credited 102611  
to the school district property tax replacement fund for the 102612  
purpose of making the payments described in section 5727.85 of the 102613  
Revised Code. 102614

~~(2)~~(b) Thirty-one and three-tenths per cent shall be credited 102615  
to the local government property tax replacement fund for the 102616  
purpose of making the payments described in section 5727.86 of the 102617

Revised Code. 102618

(2) For fiscal years 2012 and thereafter, one hundred per cent to the general revenue fund. 102619  
102620

(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to (4) of this section: 102621  
102622  
102623  
102624

(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section. 102625  
102626  
102627

(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998; 102628  
102629  
102630  
102631  
102632

(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001. 102633  
102634  
102635  
102636  
102637

(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in division (D)(2)(a) of this section. 102638  
102639  
102640

(a) The three-year average for tax years 1996, 1997, and 1998 of the assessed value from nuclear fuel materials and assemblies assessed against a person under Chapter 5711. of the Revised Code from the leasing of them to an electric company for those respective tax years, as reflected in the preliminary assessments; 102641  
102642  
102643  
102644  
102645

(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this 102646  
102647

section for tax years 1996, 1997, and 1998, as reflected in the 102648  
preliminary assessments, using an assessment rate of twenty-five 102649  
per cent. 102650

(3) In the case of a taxing district having a nuclear power 102651  
plant within its territory, any amount, resulting in an electric 102652  
company tax value loss, obtained by subtracting the amount 102653  
described in division (D)(1) of this section from the difference 102654  
obtained by subtracting the amount described in division (D)(3)(b) 102655  
of this section from the amount described in division (D)(3)(a) of 102656  
this section. 102657

(a) The value of electric company tangible personal property 102658  
as assessed by the tax commissioner for tax year 2000 on a 102659  
preliminary assessment, or an amended preliminary assessment if 102660  
issued prior to March 1, 2001, and as apportioned to the taxing 102661  
district for tax year 2000; 102662

(b) The value of electric company tangible personal property 102663  
as assessed by the tax commissioner for tax year 2001 on a 102664  
preliminary assessment, or an amended preliminary assessment if 102665  
issued prior to March 1, 2002, and as apportioned to the taxing 102666  
district for tax year 2001. 102667

(4) In the case of a taxing district having a nuclear power 102668  
plant within its territory, the difference obtained by subtracting 102669  
the amount described in division (D)(4)(b) of this section from 102670  
the amount described in division (D)(4)(a) of this section, 102671  
provided that such difference is greater than ten per cent of the 102672  
amount described in division (D)(4)(a) of this section. 102673

(a) The value of electric company tangible personal property 102674  
as assessed by the tax commissioner for tax year 2005 on a 102675  
preliminary assessment, or an amended preliminary assessment if 102676  
issued prior to March 1, 2006, and as apportioned to the taxing 102677  
district for tax year 2005; 102678

(b) The value of electric company tangible personal property 102679  
as assessed by the tax commissioner for tax year 2006 on a 102680  
preliminary assessment, or an amended preliminary assessment if 102681  
issued prior to March 1, 2007, and as apportioned to the taxing 102682  
district for tax year 2006. 102683

(E) Not later than January 1, 2002, the tax commissioner 102684  
shall determine for each taxing district its natural gas company 102685  
tax value loss, which is the sum of the amounts described in 102686  
divisions (E)(1) and (2) of this section: 102687

(1) The difference obtained by subtracting the amount 102688  
described in division (E)(1)(b) from the amount described in 102689  
division (E)(1)(a) of this section. 102690

(a) The value of all natural gas company tangible personal 102691  
property, other than property described in division (E)(2) of this 102692  
section, as assessed by the tax commissioner for tax year 1999 on 102693  
a preliminary assessment, or an amended preliminary assessment if 102694  
issued prior to March 1, 2000, and apportioned to the taxing 102695  
district for tax year 1999; 102696

(b) The value of all natural gas company tangible personal 102697  
property, other than property described in division (E)(2) of this 102698  
section, as assessed by the tax commissioner for tax year 1999 had 102699  
the property been apportioned to the taxing district for tax year 102700  
2001, and assessed at the rates in effect for tax year 2001. 102701

(2) The difference in the value of current gas obtained by 102702  
subtracting the amount described in division (E)(2)(b) from the 102703  
amount described in division (E)(2)(a) of this section. 102704

(a) The three-year average assessed value of current gas as 102705  
assessed by the tax commissioner for tax years 1997, 1998, and 102706  
1999 on a preliminary assessment, or an amended preliminary 102707  
assessment if issued prior to March 1, 2001, and as apportioned in 102708  
the taxing district for those respective years; 102709

(b) The three-year average assessed value from current gas 102710  
under division (E)(2)(a) of this section for tax years 1997, 1998, 102711  
and 1999, as reflected in the preliminary assessment, using an 102712  
assessment rate of twenty-five per cent. 102713

(F) The tax commissioner may request that natural gas 102714  
companies, electric companies, and rural electric companies file a 102715  
report to help determine the tax value loss under divisions (D) 102716  
and (E) of this section. The report shall be filed within thirty 102717  
days of the commissioner's request. A company that fails to file 102718  
the report or does not timely file the report is subject to the 102719  
penalty in section 5727.60 of the Revised Code. 102720

(G) Not later than January 1, 2002, the tax commissioner 102721  
shall determine for each school district, joint vocational school 102722  
district, and local taxing unit its fixed-rate levy loss, which is 102723  
the sum of its electric company tax value loss multiplied by the 102724  
tax rate in effect in tax year 1998 for fixed-rate levies and its 102725  
natural gas company tax value loss multiplied by the tax rate in 102726  
effect in tax year 1999 for fixed-rate levies. 102727

(H) Not later than January 1, 2002, the tax commissioner 102728  
shall determine for each school district, joint vocational school 102729  
district, and local taxing unit its fixed-sum levy loss, which is 102730  
the amount obtained by subtracting the amount described in 102731  
division (H)(2) of this section from the amount described in 102732  
division (H)(1) of this section: 102733

(1) The sum of the electric company tax value loss multiplied 102734  
by the tax rate in effect in tax year 1998, and the natural gas 102735  
company tax value loss multiplied by the tax rate in effect in tax 102736  
year 1999, for fixed-sum levies for all taxing districts within 102737  
each school district, joint vocational school district, and local 102738  
taxing unit. For the years 2002 through 2006, this computation 102739  
shall include school district emergency levies that existed in 102740  
1998 in the case of the electric company tax value loss, and 1999 102741

in the case of the natural gas company tax value loss, and all 102742  
other fixed-sum levies that existed in 1998 in the case of the 102743  
electric company tax value loss and 1999 in the case of the 102744  
natural gas company tax value loss and continue to be charged in 102745  
the tax year preceding the distribution year. For the years 2007 102746  
through 2016 in the case of school district emergency levies, and 102747  
for all years after 2006 in the case of all other fixed-sum 102748  
levies, this computation shall exclude all fixed-sum levies that 102749  
existed in 1998 in the case of the electric company tax value loss 102750  
and 1999 in the case of the natural gas company tax value loss, 102751  
but are no longer in effect in the tax year preceding the 102752  
distribution year. For the purposes of this section, an emergency 102753  
levy that existed in 1998 in the case of the electric company tax 102754  
value loss, and 1999 in the case of the natural gas company tax 102755  
value loss, continues to exist in a year beginning on or after 102756  
January 1, 2007, but before January 1, 2017, if, in that year, the 102757  
board of education levies a school district emergency levy for an 102758  
annual sum at least equal to the annual sum levied by the board in 102759  
tax year 1998 or 1999, respectively, less the amount of the 102760  
payment certified under this division for 2002. 102761

(2) The total taxable value in tax year 1999 less the tax 102762  
value loss in each school district, joint vocational school 102763  
district, and local taxing unit multiplied by one-fourth of one 102764  
mill. 102765

If the amount computed under division (H) of this section for 102766  
any school district, joint vocational school district, or local 102767  
taxing unit is greater than zero, that amount shall equal the 102768  
fixed-sum levy loss reimbursed pursuant to division ~~(E)~~(F) of 102769  
section 5727.85 of the Revised Code or division (A)(2) of section 102770  
5727.86 of the Revised Code, and the one-fourth of one mill that 102771  
is subtracted under division (H)(2) of this section shall be 102772  
apportioned among all contributing fixed-sum levies in the 102773

proportion of each levy to the sum of all fixed-sum levies within 102774  
each school district, joint vocational school district, or local 102775  
taxing unit. 102776

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 102777  
section, in computing the tax value loss, fixed-rate levy loss, 102778  
and fixed-sum levy loss, the tax commissioner shall use the 102779  
greater of the 1998 tax rate or the 1999 tax rate in the case of 102780  
levy losses associated with the electric company tax value loss, 102781  
but the 1999 tax rate shall not include for this purpose any tax 102782  
levy approved by the voters after June 30, 1999, and the tax 102783  
commissioner shall use the greater of the 1999 or the 2000 tax 102784  
rate in the case of levy losses associated with the natural gas 102785  
company tax value loss. 102786

(J) Not later than January 1, 2002, the tax commissioner 102787  
shall certify to the department of education the tax value loss 102788  
determined under divisions (D) and (E) of this section for each 102789  
taxing district, the fixed-rate levy loss calculated under 102790  
division (G) of this section, and the fixed-sum levy loss 102791  
calculated under division (H) of this section. The calculations 102792  
under divisions (G) and (H) of this section shall separately 102793  
display the levy loss for each levy eligible for reimbursement. 102794

(K) Not later than September 1, 2001, the tax commissioner 102795  
shall certify the amount of the fixed-sum levy loss to the county 102796  
auditor of each county in which a school district with a fixed-sum 102797  
levy loss has territory. 102798

**Sec. 5727.85.** (A) By the thirty-first day of July of each 102799  
year, beginning in 2002 and ending in ~~2016~~ 2010, the department of 102800  
education shall determine the following for each school district 102801  
and each joint vocational school district: 102802

(1) The state education aid offset, which, except as provided 102803  
in division (A)(1)(c) of this section, is the difference obtained 102804

by subtracting the amount described in division (A)(1)(b) of this 102805  
section from the amount described in division (A)(1)(a) of this 102806  
section: 102807

(a) The state education aid computed for the school district 102808  
or joint vocational school district for the current fiscal year as 102809  
of the thirty-first day of July; 102810

(b) The state education aid that would be computed for the 102811  
school district or joint vocational school district for the 102812  
current fiscal year as of the thirty-first day of July if the 102813  
recognized valuation included the tax value loss for the school 102814  
district or joint vocational school district; 102815

(c) The state education aid offset for fiscal year 2010 and 102816  
fiscal year 2011 equals the greater of the state education aid 102817  
offset calculated for that fiscal year under divisions (A)(1)(a) 102818  
and (b) of this section or the state education aid offset 102819  
calculated for fiscal year 2009. 102820

(2) The For fiscal years 2008 through 2011, the greater of 102821  
zero or the difference obtained by subtracting the state education 102822  
aid offset determined under division (A)(1) of this section from 102823  
the fixed-rate levy loss certified under division (J) of section 102824  
5727.84 of the Revised Code for all taxing districts in each 102825  
school district and joint vocational school district. 102826

By the fifth day of August of each such year, the department 102827  
of education shall certify the amount so determined under division 102828  
(A)(1) of this section to the director of budget and management. 102829

(B) Not later than the thirty-first day of October of the 102830  
years 2006 through ~~2016~~ 2010, the department of education shall 102831  
determine all of the following for each school district: 102832

(1) The amount obtained by subtracting the district's state 102833  
education aid computed for fiscal year 2002 from the district's 102834  
state education aid computed for the current fiscal year as of the 102835



fifteenth day of July, by including in the definition of 102836  
recognized valuation the machinery and equipment, inventory, 102837  
furniture and fixtures, and telephone property tax value losses, 102838  
as defined in section 5751.20 of the Revised Code, for the school 102839  
district or joint vocational school district for the preceding tax 102840  
year; 102841

(2) The inflation-adjusted property tax loss. The 102842  
inflation-adjusted property tax loss equals the fixed-rate levy 102843  
loss, excluding the tax loss from levies within the ten-mill 102844  
limitation to pay debt charges, determined under division (G) of 102845  
section 5727.84 of the Revised Code for all taxing districts in 102846  
each school district, plus the product obtained by multiplying 102847  
that loss by the cumulative percentage increase in the consumer 102848  
price index from January 1, 2002, to the thirtieth day of June of 102849  
the current year. 102850

(3) The difference obtained by subtracting the amount 102851  
computed under division (B)(1) from the amount of the 102852  
inflation-adjusted property tax loss. If this difference is zero 102853  
or a negative number, no further payments shall be made under 102854  
division (C) of this section to the school district from the 102855  
school district property tax replacement fund. 102856

(C) The Beginning in 2002 for school districts and beginning 102857  
in August 2011 for joint vocational school districts, the 102858  
department of education shall pay from the school district 102859  
property tax replacement fund to each school district all of the 102860  
following: 102861

(1) In February 2002, one-half of the fixed-rate levy loss 102862  
certified under division (J) of section 5727.84 of the Revised 102863  
Code between the twenty-first and twenty-eighth days of February. 102864

(2) From August 2002 through ~~August 2017~~ February 2011, 102865  
one-half of the amount calculated for that fiscal year under 102866

division (A)(2) of this section between the twenty-first and 102867  
twenty-eighth days of August and of February, provided the 102868  
difference computed under division (B)(3) of this section is not 102869  
less than or equal to zero. 102870

~~For~~ (3) For fiscal years 2012 and thereafter, the sum of the 102871  
amounts in divisions (C)(3)(a) or (b) and (c) of this section 102872  
shall be paid on or before the thirty-first day of August and the 102873  
twenty-eighth day of February: 102874

(a) If the ratio of 2011 current expense S.B. 3 allocation to 102875  
total resources is equal to or less than the threshold per cent, 102876  
zero; 102877

(b) If the ratio of 2011 current expense S.B. 3 allocation to 102878  
total resources is greater than the threshold per cent, fifty per 102879  
cent of the difference of 2011 current expense S.B. 3 allocation 102880  
minus the product of total resources multiplied by the threshold 102881  
per cent; 102882

(c) Fifty per cent of the product of 2011 non-current expense 102883  
S.B. 3 allocation multiplied by seventy-five per cent for fiscal 102884  
year 2012 and fifty per cent for fiscal years 2013 and thereafter. 102885

The department of education shall report to each school 102886  
district the apportionment of the payments among the school 102887  
district's funds based on the certifications under division (J) of 102888  
section 5727.84 of the Revised Code. 102889

(D) For taxes levied within the ten-mill limitation for debt 102890  
purposes in tax year 1998 in the case of electric company tax 102891  
value losses, and in tax year 1999 in the case of natural gas 102892  
company tax value losses, payments shall be made equal to one 102893  
hundred per cent of the loss computed as if the tax were a 102894  
fixed-rate levy, but those payments shall extend from fiscal year 102895  
2006 through fiscal year 2016. 102896

~~The department of education shall report to each school 102897~~

~~district the apportionment of the payments among the school 102898  
district's funds based on the certifications under division (J) of 102899  
section 5727.84 of the Revised Code. 102900~~

~~(D)~~(E) Not later than January 1, 2002, for all taxing 102901  
districts in each joint vocational school district, the tax 102902  
commissioner shall certify to the department of education the 102903  
fixed-rate levy loss determined under division (G) of section 102904  
5727.84 of the Revised Code. From February 2002 ~~to August 2016~~ 102905  
through February 2011, the department shall pay from the school 102906  
district property tax replacement fund to the joint vocational 102907  
school district one-half of the amount calculated for that fiscal 102908  
year under division (A)(2) of this section between the 102909  
twenty-first and twenty-eighth days of August and of February. 102910

~~(E)~~(F)(1) Not later than January 1, 2002, for each fixed-sum 102911  
levy levied by each school district or joint vocational school 102912  
district and for each year for which a determination is made under 102913  
division (H) of section 5727.84 of the Revised Code that a 102914  
fixed-sum levy loss is to be reimbursed, the tax commissioner 102915  
shall certify to the department of education the fixed-sum levy 102916  
loss determined under that division. The certification shall cover 102917  
a time period sufficient to include all fixed-sum levies for which 102918  
the tax commissioner made such a determination. The department 102919  
shall pay from the school district property tax replacement fund 102920  
to the school district or joint vocational school district 102921  
one-half of the fixed-sum levy loss so certified for each year 102922  
between the twenty-first and twenty-eighth days of August and of 102923  
February. 102924

(2) Beginning in 2003, by the thirty-first day of January of 102925  
each year, the tax commissioner shall review the certification 102926  
originally made under division ~~(E)~~(F)(1) of this section. If the 102927  
commissioner determines that a debt levy that had been scheduled 102928  
to be reimbursed in the current year has expired, a revised 102929

certification for that and all subsequent years shall be made to 102930  
the department of education. 102931

~~(F)~~(G) If the balance of the half-mill equalization fund 102932  
created under section 3318.18 of the Revised Code is insufficient 102933  
to make the full amount of payments required under division (D) of 102934  
that section, the department of education, at the end of the third 102935  
quarter of the fiscal year, shall certify to the director of 102936  
budget and management the amount of the deficiency, and the 102937  
director shall transfer an amount equal to the deficiency from the 102938  
school district property tax replacement fund to the half-mill 102939  
equalization fund. 102940

~~(G)~~(H) Beginning in August 2002, and ending in May ~~2017~~ 2011, 102941  
the director of budget and management shall transfer from the 102942  
school district property tax replacement fund to the general 102943  
revenue fund each of the following: 102944

(1) Between the twenty-eighth day of August and the fifth day 102945  
of September, the lesser of one-half of the amount certified for 102946  
that fiscal year under division (A)(2) of this section or the 102947  
balance in the school district property tax replacement fund; 102948

(2) Between the first and fifth days of May, the lesser of 102949  
one-half of the amount certified for that fiscal year under 102950  
division (A)(2) of this section or the balance in the school 102951  
district property tax replacement fund. 102952

~~(H)~~(I) On the first day of June each year, the director of 102953  
budget and management shall transfer any balance remaining in the 102954  
school district property tax replacement fund after the payments 102955  
have been made under divisions (C), (D), (E), (F), ~~and~~ (G), and 102956  
(H) of this section to the half-mill equalization fund created 102957  
under section 3318.18 of the Revised Code to the extent required 102958  
to make any payments in the current fiscal year under that 102959  
section, and shall transfer the remaining balance to the general 102960

revenue fund. 102961

~~(I) From~~ (J) After fiscal year 2002 ~~through fiscal year 2016,~~ 102962  
if the total amount in the school district property tax 102963  
replacement fund is insufficient to make all payments under 102964  
divisions (C), (D), (E), ~~and (F), and (G)~~ of this section at the 102965  
time the payments are to be made, the director of budget and 102966  
management shall transfer from the general revenue fund to the 102967  
school district property tax replacement fund the difference 102968  
between the total amount to be paid and the total amount in the 102969  
school district property tax replacement fund, except that no 102970  
transfer shall be made by reason of a deficiency to the extent 102971  
that it results from the amendment of section 5727.84 of the 102972  
Revised Code by Amended Substitute House Bill No. 95 of the 125th 102973  
general assembly. 102974

~~(J)~~(K) If all of the territory of a school district or joint 102975  
vocational school district is merged with an existing district, or 102976  
if a part of the territory of a school district or joint 102977  
vocational school district is transferred to an existing or new 102978  
district, the department of education, in consultation with the 102979  
tax commissioner, shall adjust the payments made under this 102980  
section as follows: 102981

(1) For the merger of all of the territory of two or more 102982  
districts, the ~~fixed rate levy loss and the total resources, 2011~~ 102983  
~~current expense S.B. 3 allocation, total 2011 S.B. 3 allocation,~~ 102984  
~~2011 non-current expense S.B. 3 allocation, and~~ fixed-sum levy 102985  
loss of the successor district shall be equal to the sum of the 102986  
~~fixed rate levy losses and the total resources, 2011 current~~ 102987  
~~expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 2011~~ 102988  
~~non-current expense S.B. 3 allocation, and~~ fixed-sum levy ~~losses~~ 102989  
~~loss~~ for each of the districts involved in the merger. 102990

(2) For the transfer of a part of one district's territory to 102991  
an existing district, the amount of the ~~fixed rate levy loss~~ total 102992

~~resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current expense S.B. 3 allocation that is transferred to the recipient district shall be an amount equal to the transferring district's ~~total fixed-rate levy loss~~ total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current expense S.B. 3 allocation times a fraction, the numerator of which is the ~~value of electric company tangible personal property located in the part of the territory that was~~ number of pupils being transferred to the recipient district, measured, in the case of a school district, by average daily membership as reported under division (A) of section 3317.03 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as reported in division (D) of that section, and the denominator of which is the ~~total value of electric company tangible personal property located in the entire district from which the territory was transferred. The value of electric company tangible personal property under this division shall be determined for the most recent year for which data is available~~ average daily membership or formula ADM of the transferor district. Fixed-sum levy losses for both districts shall be determined under division ~~(J)~~(K)(4) of this section.~~

(3) For the transfer of a part of the territory of one or more districts to create a new district:

(a) If the new district is created on or after January 1, 2000, but before January 1, 2005, the new district shall be paid its current fixed-rate levy loss through August 2009. ~~From In~~ February 2010 to, August 2010, and February 2011, the new district shall be paid fifty per cent of the lesser of: (i) the amount calculated under division (C)(2) of this section or (ii) an amount equal to seventy per cent of the new district's fixed-rate levy loss ~~multiplied by the percentage prescribed by the following schedule:~~

| YEAR                                                                           | PERCENTAGE    |        |
|--------------------------------------------------------------------------------|---------------|--------|
|                                                                                |               | 103025 |
| 2010                                                                           | 70%           | 103026 |
| 2011                                                                           | 70%           | 103027 |
| 2012                                                                           | 60%           | 103028 |
| 2013                                                                           | 50%           | 103029 |
| 2014                                                                           | 40%           | 103030 |
| 2015                                                                           | 24%           | 103031 |
| 2016                                                                           | 11.5%         | 103032 |
| <del>2017 and thereafter</del>                                                 | <del>0%</del> | 103033 |
| <u>Beginning in fiscal year 2012, the new district shall be paid</u>           |               | 103034 |
| <u>as provided in division (C) of this section.</u>                            |               | 103035 |
| Fixed-sum levy losses for the districts shall be determined                    |               | 103036 |
| under division <del>(J)</del> (K)(4) of this section.                          |               | 103037 |
| (b) If the new district is created on or after January 1,                      |               | 103038 |
| 2005, the new district shall be deemed not to have any fixed-rate              |               | 103039 |
| levy loss or, except as provided in division <del>(J)</del> (K)(4) of this     |               | 103040 |
| section, fixed-sum levy loss. The district or districts from which             |               | 103041 |
| the territory was transferred shall have no reduction in their                 |               | 103042 |
| fixed-rate levy loss, or, except as provided in division <del>(J)</del> (K)(4) |               | 103043 |
| of this section, their fixed-sum levy loss.                                    |               | 103044 |
| (4) If a recipient district under division <del>(J)</del> (K)(2) of this       |               | 103045 |
| section or a new district under division <del>(J)</del> (K)(3)(a) or (b) of    |               | 103046 |
| this section takes on debt from one or more of the districts from              |               | 103047 |
| which territory was transferred, and any of the districts                      |               | 103048 |
| transferring the territory had fixed-sum levy losses, the                      |               | 103049 |
| department of education, in consultation with the tax                          |               | 103050 |
| commissioner, shall make an equitable division of the fixed-sum                |               | 103051 |
| levy losses.                                                                   |               | 103052 |
| <del>(K) There is hereby created the public utility property tax</del>         |               | 103053 |
| <del>study committee, effective January 1, 2011. The committee shall</del>     |               | 103054 |
| <del>consist of the following seven members: the tax commissioner,</del>       |               | 103055 |
| <del>three members of the senate appointed by the president of the</del>       |               | 103056 |

~~senate, and three members of the house of representatives 103057  
appointed by the speaker of the house of representatives. The 103058  
appointments shall be made not later than January 31, 2011. The 103059  
tax commissioner shall be the chairperson of the committee. 103060~~

~~The committee shall study the extent to which each school 103061  
district or joint vocational school district has been compensated, 103062  
under sections 5727.84 and 5727.85 of the Revised Code as enacted 103063  
by Substitute Senate Bill No. 3 of the 123rd general assembly and 103064  
any subsequent acts, for the property tax loss caused by the 103065  
reduction in the assessment rates for natural gas, electric, and 103066  
rural electric company tangible personal property. Not later than 103067  
June 30, 2011, the committee shall issue a report of its findings, 103068  
including any recommendations for providing additional 103069  
compensation for the property tax loss or regarding remedial 103070  
legislation, to the president of the senate and the speaker of the 103071  
house of representatives, at which time the committee shall cease 103072  
to exist. 103073~~

~~The department of taxation and department of education shall 103074  
provide such information and assistance as is required for the 103075  
committee to carry out its duties. 103076~~

**Sec. 5727.86.** (A) Not later than January 1, 2002, the tax 103077  
commissioner shall compute the payments to be made to each local 103078  
taxing unit for each year according to divisions (A)(1), (2), (3), 103079  
and (4) and division (E) of this section, and shall distribute the 103080  
payments in the manner prescribed by division (C) of this section. 103081  
The calculation of the fixed-sum levy loss shall cover a time 103082  
period sufficient to include all fixed-sum levies for which the 103083  
tax commissioner determined, pursuant to division (H) of section 103084  
5727.84 of the Revised Code, that a fixed-sum levy loss is to be 103085  
reimbursed. 103086

(1) Except as provided in divisions (A)(3) and (4) of this 103087



~~section, for fixed rate levy losses determined under division (G) 103088  
of section 5727.84 of the Revised Code, payments shall be made in 103089  
each of the following years at the following percentage of the 103090  
fixed rate levy loss certified under division (A) of this section: 103091~~

| YEAR                | PERCENTAGE |        |
|---------------------|------------|--------|
| 2002                | 100%       | 103092 |
| 2003                | 100%       | 103093 |
| 2004                | 100%       | 103094 |
| 2005                | 100%       | 103095 |
| 2006                | 100%       | 103096 |
| 2007                | 80%        | 103097 |
| 2008                | 80%        | 103098 |
| 2009                | 80%        | 103099 |
| 2010                | 80%        | 103100 |
| 2011                | 80%        | 103101 |
| 2012                | 66.7%      | 103102 |
| 2013                | 53.4%      | 103103 |
| 2014                | 40.1%      | 103104 |
| 2015                | 26.8%      | 103105 |
| 2016                | 13.5%      | 103106 |
| 2017 and thereafter | 0%         | 103107 |

the following amounts shall be paid on or before the thirty-first 103109  
day of August and the twenty-eighth day of February: 103110

(a) For years 2002 through 2006, fifty per cent of the 103111  
fixed-rate levy loss computed under division (G) of section 103112  
5727.84 of the Revised Code; 103113

(b) For years 2007 through 2010, forty per cent of the fixed 103114  
rate levy loss computed under division (G) of section 5727.84 of 103115  
the Revised Code; 103116

(c) For the payment in 2011 to be made on or before the 103117  
twentieth day of February, the amount required to be paid in 2010 103118  
on or before the twentieth day of February; 103119

(d) For the payment in 2011 to be made on or before the 103120  
thirty-first day of August and for all payments to be made in 103121  
years 2012 and thereafter, the sum of the amounts in divisions 103122  
(A)(1)(d)(i) or (ii) and (iii) of this section: 103123

(i) If the ratio of fifty per cent of the taxing unit's 2010 103124  
S.B. 3 allocation to its total resources is equal to or less than 103125  
the threshold per cent, zero; 103126

(ii) If the ratio of fifty per cent of the taxing unit's 2010 103127  
S.B. 3 allocation to its total resources is greater than the 103128  
threshold per cent, the difference of fifty per cent of the 2010 103129  
S.B. 3 allocation minus the product of total resources multiplied 103130  
by the threshold per cent; 103131

(iii) In the case of a municipal corporation, fifty per cent 103132  
of the product of its 2010 non-current expense S.B. 3 allocation 103133  
multiplied by seventy-five per cent for year 2011, fifty per cent 103134  
for year 2012, and twenty-five percent for years 2013 and 103135  
thereafter. 103136

(2) For fixed-sum levy losses determined under division (H) 103137  
of section 5727.84 of the Revised Code, payments shall be made in 103138  
the amount of one hundred per cent of the fixed-sum levy loss for 103139  
payments required to be made in 2002 and thereafter. 103140

(3) A local taxing unit in a county of less than two hundred 103141  
fifty square miles that receives eighty per cent or more of its 103142  
combined general fund and bond retirement fund revenues from 103143  
property taxes and rollbacks based on 1997 actual revenues as 103144  
presented in its 1999 tax budget, and in which electric companies 103145  
and rural electric companies comprise over twenty per cent of its 103146  
property valuation, shall receive one hundred per cent of its 103147  
fixed-rate levy losses from electric company tax value losses 103148  
certified under division (A) of this section in years 2002 to ~~2016~~ 103149  
2010. Beginning in 2011, payments for such local taxing units 103150

shall be determined under division (A)(1) of this section. 103151

(4) For taxes levied within the ten-mill limitation or 103152  
pursuant to a municipal charter for debt purposes in tax year 1998 103153  
in the case of electric company tax value losses, and in tax year 103154  
1999 in the case of natural gas company tax value losses, payments 103155  
shall be made equal to one hundred per cent of the loss computed 103156  
as if the tax were a fixed-rate levy, but those payments shall 103157  
extend from ~~fiscal year 2006~~ 2011 through ~~fiscal year 2016~~ if the 103158  
levy was imposed for debt purposes in tax year 2010. If the levy 103159  
is not imposed for debt purposes in tax year 2010 or any following 103160  
tax year before tax year 2016, payments for that levy shall be 103161  
made under division (A)(1) of this section beginning with the 103162  
first year after the year the levy is imposed for a purpose other 103163  
than debt. For the purposes of this division, taxes levied 103164  
pursuant to a municipal charter refer to taxes levied pursuant to 103165  
a provision of a municipal charter that permits the tax to be 103166  
levied without prior voter approval. 103167

(B) Beginning in 2003, by the thirty-first day of January of 103168  
each year, the tax commissioner shall review the calculation 103169  
originally made under division (A) of this section of the 103170  
fixed-sum levy loss determined under division (H) of section 103171  
5727.84 of the Revised Code. If the commissioner determines that a 103172  
fixed-sum levy that had been scheduled to be reimbursed in the 103173  
current year has expired, a revised calculation for that and all 103174  
subsequent years shall be made. 103175

(C) Payments to local taxing units required to be made under 103176  
divisions (A) and (E) of this section shall be paid from the local 103177  
government property tax replacement fund to the county undivided 103178  
income tax fund in the proper county treasury. ~~One half of the~~ 103179  
~~amount certified under those divisions shall be paid between the~~ 103180  
~~twenty first and twenty eighth days of August and of February.~~ The 103181  
county treasurer shall distribute amounts paid under division (A) 103182

of this section to the proper local taxing unit as if they had 103183  
been levied and collected as taxes, and the local taxing unit 103184  
shall apportion the amounts so received among its funds in the 103185  
same proportions as if those amounts had been levied and collected 103186  
as taxes. Except in the case of amounts distributed to the county 103187  
as a local taxing unit, amounts distributed under division (E)(2) 103188  
of this section shall be credited to the general fund of the local 103189  
taxing unit that receives them. Amounts distributed to each county 103190  
as a local taxing unit under division (E)(2) of this section shall 103191  
be credited in the proportion that the current taxes charged and 103192  
payable from each levy of or by the county bears to the total 103193  
current taxes charged and payable from all levies of or by the 103194  
county. 103195

(D) By February 5, 2002, the tax commissioner shall estimate 103196  
the amount of money in the local government property tax 103197  
replacement fund in excess of the amount necessary to make 103198  
payments in that month under division (C) of this section. 103199  
Notwithstanding division (A) of this section, the tax commissioner 103200  
may pay any local taxing unit, from those excess funds, nine and 103201  
four-tenths times the amount computed for 2002 under division 103202  
(A)(1) of this section. A payment made under this division shall 103203  
be in lieu of the payment to be made in February 2002 under 103204  
division (A)(1) of this section. A local taxing unit receiving a 103205  
payment under this division will no longer be entitled to any 103206  
further payments under division (A)(1) of this section. A payment 103207  
made under this division shall be paid from the local government 103208  
property tax replacement fund to the county undivided income tax 103209  
fund in the proper county treasury. The county treasurer shall 103210  
distribute the payment to the proper local taxing unit as if it 103211  
had been levied and collected as taxes, and the local taxing unit 103212  
shall apportion the amounts so received among its funds in the 103213  
same proportions as if those amounts had been levied and collected 103214  
as taxes. 103215

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 103216  
2005, and 2006, and on the thirty-first day of January and July of 103217  
2007 ~~and each year thereafter~~ through January 2011, if the amount 103218  
credited to the local government property tax replacement fund 103219  
exceeds the amount needed to be distributed from the fund under 103220  
division (A) of this section in the following month, the tax 103221  
commissioner shall distribute the excess to each county as 103222  
follows: 103223

(a) One-half shall be distributed to each county in 103224  
proportion to each county's population. 103225

(b) One-half shall be distributed to each county in the 103226  
proportion that the amounts determined under divisions (G) and (H) 103227  
of section 5727.84 of the Revised Code for all local taxing units 103228  
in the county is of the total amounts so determined for all local 103229  
taxing units in the state. 103230

(2) The amounts distributed to each county under division (E) 103231  
of this section shall be distributed by the county auditor to each 103232  
local taxing unit in the county in the proportion that the unit's 103233  
current taxes charged and payable are of the total current taxes 103234  
charged and payable of all the local taxing units in the county. 103235  
If the amount that the county auditor determines to be distributed 103236  
to a local taxing unit is less than five dollars, that amount 103237  
shall not be distributed, and the amount not distributed shall 103238  
remain credited to the county undivided income tax fund. At the 103239  
time of the next distribution under division (E)(2) of this 103240  
section, any amount that had not been distributed in the prior 103241  
distribution shall be added to the amount available for the next 103242  
distribution prior to calculation of the amount to be distributed. 103243  
As used in this division, "current taxes charged and payable" 103244  
means the taxes charged and payable as most recently determined 103245  
for local taxing units in the county. 103246

~~(3) If, in the opinion of the tax commissioner, the excess~~ 103247

~~remaining in the local government property tax replacement fund in~~ 103248  
~~any year is not sufficient to warrant distribution~~ After January 103249  
2011, any amount that exceeds the amount needed to be distributed 103250  
from the fund under division ~~(E)~~(A) of this section, ~~the excess~~ 103251  
~~shall remain to the credit of~~ in the following month shall be 103252  
transferred to the general revenue fund. 103253

(F) ~~From fiscal year 2002 through fiscal year 2016, if~~ If the 103254  
total amount in the local government property tax replacement fund 103255  
is insufficient to make all payments under division (C) of this 103256  
section at the times the payments are to be made, the director of 103257  
budget and management shall transfer from the general revenue fund 103258  
to the local government property tax replacement fund the 103259  
difference between the total amount to be paid and the amount in 103260  
the local government property tax replacement fund, except that no 103261  
transfer shall be made by reason of a deficiency to the extent 103262  
that it results from the amendment of section 5727.84 of the 103263  
Revised Code by Amended Substitute House Bill 95 of the 125th 103264  
general assembly. 103265

(G) If all or a part of the territories of two or more local 103266  
taxing units are merged, or unincorporated territory of a township 103267  
is annexed by a municipal corporation, the tax commissioner shall 103268  
adjust the payments made under this section to each of the local 103269  
taxing units in proportion to the ~~tax value less~~ square mileage 103270  
apportioned to the merged or annexed territory, or as otherwise 103271  
provided by a written agreement between the legislative 103272  
authorities of the local taxing units certified to the tax 103273  
commissioner not later than the first day of June of the calendar 103274  
year in which the payment is to be made. 103275

Sec. 5729.17. (A) As used in this section, "certificate 103276  
owner" has the same meaning as in section 149.311 of the Revised 103277  
Code. 103278

(B) There is allowed a credit against the tax imposed by 103279  
section 5729.03 of the Revised Code for an insurance company 103280  
subject to that tax that is a certificate owner of a 103281  
rehabilitation tax credit certificate issued under section 149.311 103282  
of the Revised Code. The credit shall equal twenty-five per cent 103283  
of the dollar amount indicated on the certificate, but the amount 103284  
of the credit allowed for any company for any year shall not 103285  
exceed five million dollars. The credit shall be claimed in the 103286  
calendar year specified in the certificate and in the order 103287  
required under section 5729.98 of the Revised Code. If the credit 103288  
exceeds the amount of tax otherwise due in that year, the excess 103289  
shall be refunded to the company but, if any amount of the credit 103290  
is refunded, the sum of the amount refunded and the amount applied 103291  
to reduce the tax otherwise due in that year shall not exceed 103292  
three million dollars. The company may carry forward any balance 103293  
of the credit in excess of the amount claimed in that year for not 103294  
more than five ensuing years, and shall deduct any amount claimed 103295  
in any such year from the amount claimed in an ensuing year. 103296

(C) An insurance company claiming a credit under this section 103297  
shall retain the rehabilitation tax credit certificate for four 103298  
years following the end of the year in which the credit was 103299  
claimed, and shall make the certificate available for inspection 103300  
by the tax commissioner upon the request of the tax commissioner 103301  
during that period. 103302

**Sec. 5729.98.** (A) To provide a uniform procedure for 103303  
calculating the amount of tax due under this chapter, a taxpayer 103304  
shall claim any credits and offsets against tax liability to which 103305  
it is entitled in the following order: 103306

(1) The credit for an insurance company or insurance company 103307  
group under section 5729.031 of the Revised Code; 103308

(2) The credit for eligible employee training costs under 103309

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| section 5729.07 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 103310                                                                       |
| (3) The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                   | 103311<br>103312                                                             |
| (4) The nonrefundable job retention credit under division (B)(1) of section 122.171 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                | 103313<br>103314                                                             |
| (5) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                        | 103315<br>103316<br>103317                                                   |
| (6) <u>The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                      | 103318<br>103319                                                             |
| (7) The refundable credit for Ohio job retention under division (B)(2) <u>or (3)</u> of section 122.171 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                            | 103320<br>103321                                                             |
| <del>(7)</del> (8) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                              | 103322<br>103323                                                             |
| <del>(8)</del> (9) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.                                                                                                                                                                                                                                                                                                                 | 103324<br>103325<br>103326<br>103327                                         |
| (B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. | 103328<br>103329<br>103330<br>103331<br>103332<br>103333<br>103334<br>103335 |
| <b>Sec. 5731.02.</b> (A) A tax is hereby levied on the transfer of the taxable estate, determined as provided in section 5731.14 of the Revised Code, of every person dying on or after July 1, 1968, <u>and before January 1, 2013</u> , who at the time of death was a                                                                                                                                                                                                                                                | 103336<br>103337<br>103338<br>103339                                         |



|                                          |                                                   |        |
|------------------------------------------|---------------------------------------------------|--------|
| resident of this state, as follows:      |                                                   | 103340 |
| If the taxable estate is:                | The tax shall be:                                 | 103341 |
| Not over \$40,000                        | 2% of the taxable estate                          | 103342 |
| Over \$40,000 but not over<br>\$100,000  | \$800 plus 3% of the excess over<br>\$40,000      | 103343 |
| Over \$100,000 but not over<br>\$200,000 | \$2,600 plus 4% of the excess over<br>\$100,000   | 103344 |
| Over \$200,000 but not over<br>\$300,000 | \$6,600 plus 5% of the excess over<br>\$200,000   | 103345 |
| Over \$300,000 but not over<br>\$500,000 | \$11,600 plus 6% of the excess<br>over \$300,000  | 103346 |
| Over \$500,000                           | \$23,600 plus 7% of the excess<br>over \$500,000. | 103347 |

(B) A credit shall be allowed against the tax imposed by 103348  
division (A) of this section equal to the lesser of five hundred 103349  
dollars or the amount of the tax for persons dying on or after 103350  
July 1, 1968, but before January 1, 2001; the lesser of six 103351  
thousand six hundred dollars or the amount of the tax for persons 103352  
dying on or after January 1, 2001, but before January 1, 2002; or 103353  
the lesser of thirteen thousand nine hundred dollars or the amount 103354  
of the tax for persons dying on or after January 1, 2002. 103355

**Sec. 5731.19.** (A) A tax is hereby levied upon the transfer of 103356  
so much of the taxable estate of every person dying on or after 103357  
July 1, 1968, and before January 1, 2013, who, at the time of ~~his~~ 103358  
death, was not a resident of this state, as consists of real 103359  
property situated in this state, tangible personal property having 103360  
an actual situs in this state, and intangible personal property 103361  
employed in carrying on a business within this state unless 103362  
exempted from tax under the provisions of section 5731.34 of the 103363  
Revised Code. 103364

(B) The amount of the tax on such real and tangible personal 103365

property shall be determined as follows: 103366

(1) Determine the amount of tax which would be payable under 103367  
Chapter 5731. of the Revised Code if the decedent had died a 103368  
resident of this state with all ~~his~~ the decedent's property 103369  
situated or located within this state; 103370

(2) Multiply the tax so determined by a fraction, the 103371  
denominator of which shall be the value of the gross estate 103372  
wherever situated and the numerator of which shall be the said 103373  
gross estate value of the real property situated and the tangible 103374  
personal property having an actual situs in this state and 103375  
intangible personal property employed in carrying on a business 103376  
within this state and not exempted from tax under section 5731.34 103377  
of the Revised Code. The product shall be the amount of tax 103378  
payable to this state. 103379

(C) In addition to the tax levied by division (A) of this 103380  
section, an additional tax is hereby levied on such real and 103381  
tangible personal property determined as follows: 103382

(1) Determine the amount of tax which would be payable under 103383  
division (A) of section 5731.18 of the Revised Code, if the 103384  
decedent had died a resident of this state with all ~~his~~ the 103385  
decedent's property situated or located within this state; 103386

(2) Multiply the tax so determined by a fraction, the 103387  
denominator of which shall be the value of the gross estate 103388  
wherever situated and the numerator of which shall be the said 103389  
gross estate value of the real property situated and the tangible 103390  
property having an actual situs in this state and intangible 103391  
personal property employed in carrying on a business within this 103392  
state and not exempted from tax under section 5731.34 of the 103393  
Revised Code. The product so derived shall be credited with the 103394  
amount of the tax determined under division (B) of this section. 103395

**Sec. 5731.21.** (A)(1)(a) Except as provided under division 103396  
(A)(3) of this section, the executor or administrator, or, if no 103397  
executor or administrator has been appointed, another person in 103398  
possession of property the transfer of which is subject to estate 103399  
taxes under section 5731.02 or division (A) of section 5731.19 of 103400  
the Revised Code, shall file an estate tax return, within nine 103401  
months of the date of the decedent's death, in the form prescribed 103402  
by the tax commissioner, in duplicate, with the probate court of 103403  
the county. The return shall include all property the transfer of 103404  
which is subject to estate taxes, whether that property is 103405  
transferred under the last will and testament of the decedent or 103406  
otherwise. The time for filing the return may be extended by the 103407  
tax commissioner. 103408

(b) The estate tax return described in division (A)(1)(a) of 103409  
this section shall be accompanied by a certificate, in the form 103410  
prescribed by the tax commissioner, that is signed by the 103411  
executor, administrator, or other person required to file the 103412  
return, and that states all of the following: 103413

(i) The fact that the return was filed; 103414

(ii) The date of the filing of the return; 103415

(iii) The fact that the estate taxes under section 5731.02 or 103416  
division (A) of section 5731.19 of the Revised Code, that are 103417  
shown to be due in the return, have been paid in full; 103418

(iv) If applicable, the fact that real property listed in the 103419  
inventory for the decedent's estate is included in the return; 103420

(v) If applicable, the fact that real property not listed in 103421  
the inventory for the decedent's estate, including, but not 103422  
limited to, survivorship tenancy property as described in section 103423  
5302.17 of the Revised Code or transfer on death property as 103424  
described in sections 5302.22 and 5302.23 of the Revised Code, 103425

also is included in the return. In this regard, the certificate 103426  
additionally shall describe that real property by the same 103427  
description used in the return. 103428

(2) The probate court shall forward one copy of the estate 103429  
tax return described in division (A)(1)(a) of this section to the 103430  
tax commissioner. 103431

(3) A person shall not be required to file a return under 103432  
division (A) of this section if the decedent was a resident of 103433  
this state and the value of the decedent's gross estate is 103434  
twenty-five thousand dollars or less in the case of a decedent 103435  
dying on or after July 1, 1968, but before January 1, 2001; two 103436  
hundred thousand dollars or less in the case of a decedent dying 103437  
on or after January 1, 2001, but before January 1, 2002; or three 103438  
hundred thirty-eight thousand three hundred thirty-three dollars 103439  
or less in the case of a decedent dying on or after January 1, 103440  
2002. No return shall be filed for estates of decedents dying on 103441  
or after January 1, 2013. 103442

(4)(a) Upon receipt of the estate tax return described in 103443  
division (A)(1)(a) of this section and the accompanying 103444  
certificate described in division (A)(1)(b) of this section, the 103445  
probate court promptly shall give notice of the return, by a form 103446  
prescribed by the tax commissioner, to the county auditor. The 103447  
auditor then shall make a charge based upon the notice and shall 103448  
certify a duplicate of the charge to the county treasurer. The 103449  
treasurer then shall collect, subject to division (A) of section 103450  
5731.25 of the Revised Code or any other statute extending the 103451  
time for payment of an estate tax, the tax so charged. 103452

(b) Upon receipt of the return and the accompanying 103453  
certificate, the probate court also shall forward the certificate 103454  
to the auditor. When satisfied that the estate taxes under section 103455  
5731.02 or division (A) of section 5731.19 of the Revised Code, 103456  
that are shown to be due in the return, have been paid in full, 103457

the auditor shall stamp the certificate so forwarded to verify 103458  
that payment. The auditor then shall return the stamped 103459  
certificate to the probate court. 103460

(5)(a) The certificate described in division (A)(1)(b) of 103461  
this section is a public record subject to inspection and copying 103462  
in accordance with section 149.43 of the Revised Code. It shall be 103463  
kept in the records of the probate court pertaining to the 103464  
decedent's estate and is not subject to the confidentiality 103465  
provisions of section 5731.90 of the Revised Code. 103466

(b) All persons are entitled to rely on the statements 103467  
contained in a certificate as described in division (A)(1)(b) of 103468  
this section if it has been filed in accordance with that 103469  
division, forwarded to a county auditor and stamped in accordance 103470  
with division (A)(4) of this section, and placed in the records of 103471  
the probate court pertaining to the decedent's estate in 103472  
accordance with division (A)(5)(a) of this section. The real 103473  
property referred to in the certificate shall be free of, and may 103474  
be regarded by all persons as being free of, any lien for estate 103475  
taxes under section 5731.02 and division (A) of section 5731.19 of 103476  
the Revised Code. 103477

(B) An estate tax return filed under this section, in the 103478  
form prescribed by the tax commissioner, and showing that no 103479  
estate tax is due shall result in a determination that no estate 103480  
tax is due, if the tax commissioner within three months after the 103481  
receipt of the return by the department of taxation, fails to file 103482  
exceptions to the return in the probate court of the county in 103483  
which the return was filed. A copy of exceptions to a return of 103484  
that nature, when the tax commissioner files them within that 103485  
period, shall be sent by ordinary mail to the person who filed the 103486  
return. The tax commissioner is not bound under this division by a 103487  
determination that no estate tax is due, with respect to property 103488  
not disclosed in the return. 103489

(C) If the executor, administrator, or other person required 103490  
to file an estate tax return fails to file it within nine months 103491  
of the date of the decedent's death, the tax commissioner may 103492  
determine the estate tax in that estate and issue a certificate of 103493  
determination in the same manner as is provided in division (B) of 103494  
section 5731.27 of the Revised Code. A certificate of 103495  
determination of that nature has the same force and effect as 103496  
though a return had been filed and a certificate of determination 103497  
issued with respect to the return. 103498

**Sec. 5731.39.** (A) No corporation organized or existing under 103499  
the laws of this state shall transfer on its books or issue a new 103500  
certificate for any share of its capital stock registered in the 103501  
name of a decedent, or in trust for a decedent, or in the name of 103502  
a decedent and another person or persons, without the written 103503  
consent of the tax commissioner. 103504

(B) No safe deposit company, trust company, financial 103505  
institution as defined in division (A) of section 5725.01 of the 103506  
Revised Code or other corporation or person, having in possession, 103507  
control, or custody a deposit standing in the name of a decedent, 103508  
or in trust for a decedent, or in the name of a decedent and 103509  
another person or persons, shall deliver or transfer an amount in 103510  
excess of three-fourths of the total value of such deposit, 103511  
including accrued interest and dividends, as of the date of 103512  
decedent's death, without the written consent of the tax 103513  
commissioner. The written consent of the tax commissioner need not 103514  
be obtained prior to the delivery or transfer of amounts having a 103515  
value of three-fourths or less of said total value. 103516

(C) No life insurance company shall pay the proceeds of an 103517  
annuity or matured endowment contract, or of a life insurance 103518  
contract payable to the estate of a decedent, or of any other 103519  
insurance contract taxable under Chapter 5731. of the Revised 103520

Code, without the written consent of the tax commissioner. Any 103521  
life insurance company may pay the proceeds of any insurance 103522  
contract not specified in this division (C) without the written 103523  
consent of the tax commissioner. 103524

(D) No trust company or other corporation or person shall pay 103525  
the proceeds of any death benefit, retirement, pension or profit 103526  
sharing plan in excess of two thousand dollars, without the 103527  
written consent of the tax commissioner. Such trust company or 103528  
other corporation or person, however, may pay the proceeds of any 103529  
death benefit, retirement, pension, or profit-sharing plan which 103530  
consists of insurance on the life of the decedent payable to a 103531  
beneficiary other than the estate of the insured without the 103532  
written consent of the tax commissioner. 103533

(E) No safe deposit company, trust company, financial 103534  
institution as defined in division (A) of section 5725.01 of the 103535  
Revised Code, or other corporation or person, having in 103536  
possession, control, or custody securities, assets, or other 103537  
property (including the shares of the capital stock of, or other 103538  
interest in, such safe deposit company, trust company, financial 103539  
institution as defined in division (A) of section 5725.01 of the 103540  
Revised Code, or other corporation), standing in the name of a 103541  
decedent, or in trust for a decedent, or in the name of a decedent 103542  
and another person or persons, and the transfer of which is 103543  
taxable under Chapter 5731. of the Revised Code, shall deliver or 103544  
transfer any such securities, assets, or other property which have 103545  
a value as of the date of decedent's death in excess of 103546  
three-fourths of the total value thereof, without the written 103547  
consent of the tax commissioner. The written consent of the tax 103548  
commissioner need not be obtained prior to the delivery or 103549  
transfer of any such securities, assets, or other property having 103550  
a value of three-fourths or less of said total value. 103551

(F) No safe deposit company, financial institution as defined 103552

in division (A) of section 5725.01 of the Revised Code, or other 103553  
corporation or person having possession or control of a safe 103554  
deposit box or similar receptacle standing in the name of a 103555  
decedent or in the name of the decedent and another person or 103556  
persons, or to which the decedent had a right of access, except 103557  
when such safe deposit box or other receptacle stands in the name 103558  
of a corporation or partnership, or in the name of the decedent as 103559  
guardian or executor, shall deliver any of the contents thereof 103560  
unless the safe deposit box or similar receptacle has been opened 103561  
and inventoried in the presence of the tax commissioner or the 103562  
commissioner's agent, and a written consent to transfer issued; 103563  
provided, however, that a safe deposit company, financial 103564  
institution, or other corporation or person having possession or 103565  
control of a safe deposit box may deliver wills, deeds to burial 103566  
lots, and insurance policies to a representative of the decedent, 103567  
but that a representative of the safe deposit company, financial 103568  
institution, or other corporation or person must supervise the 103569  
opening of the box and make a written record of the wills, deeds, 103570  
and policies removed. Such written record shall be included in the 103571  
tax commissioner's inventory records. 103572

(G) Notwithstanding any provision of this section: 103573

(1) The tax commissioner may authorize any delivery or 103574  
transfer or waive any of the foregoing requirements under such 103575  
terms and conditions as the commissioner may prescribe; 103576

(2) An adult care facility, as defined in section ~~3722.01~~ 103577  
5119.70 of the Revised Code, or a home, as defined in section 103578  
3721.10 of the Revised Code, may transfer or use the money in a 103579  
personal needs allowance account in accordance with section 103580  
5111.113 of the Revised Code without the written consent of the 103581  
tax commissioner, and without the account having been opened and 103582  
inventoried in the presence of the commissioner or the 103583  
commissioner's agent. 103584



Failure to comply with this section shall render such safe 103585  
deposit company, trust company, life insurance company, financial 103586  
institution as defined in division (A) of section 5725.01 of the 103587  
Revised Code, or other corporation or person liable for the amount 103588  
of the taxes and interest due under the provisions of Chapter 103589  
5731. of the Revised Code on the transfer of such stock, deposit, 103590  
proceeds of an annuity or matured endowment contract or of a life 103591  
insurance contract payable to the estate of a decedent, or other 103592  
insurance contract taxable under Chapter 5731. of the Revised 103593  
Code, proceeds of any death benefit, retirement, pension, or 103594  
profit sharing plan in excess of two thousand dollars, or 103595  
securities, assets, or other property of any resident decedent, 103596  
and in addition thereto, to a penalty of not less than five 103597  
hundred or more than five thousand dollars. 103598

**Sec. 5733.0610.** (A) A refundable corporation franchise tax 103599  
credit granted by the tax credit authority under section 122.17 or 103600  
division (B)(2) or (3) of section 122.171 of the Revised Code may 103601  
be claimed under this chapter in the order required under section 103602  
5733.98 of the Revised Code. For purposes of making tax payments 103603  
under this chapter, taxes equal to the amount of the refundable 103604  
credit shall be considered to be paid to this state on the first 103605  
day of the tax year. The refundable credit shall not be claimed 103606  
for any tax years following the calendar year in which a 103607  
relocation of employment positions occurs in violation of an 103608  
agreement entered into under section 122.171 of the Revised Code. 103609

(B) A nonrefundable corporation franchise tax credit granted 103610  
by the tax credit authority under division (B)(1) of section 103611  
122.171 of the Revised Code may be claimed under this chapter in 103612  
the order required under section 5733.98 of the Revised Code. 103613

**Sec. 5733.23.** In addition to all other remedies for the 103614  
collection of any taxes or penalties due under law, whenever any 103615

taxes, fees, or penalties due from any corporation have remained 103616  
unpaid for a period of ninety days, or whenever any corporation 103617  
has failed for a period of ninety days to make any report or 103618  
return required by law, or to pay any penalty for failure to make 103619  
or file such report or return, the attorney general, upon the 103620  
request of the tax commissioner, shall file a petition in the 103621  
court of common pleas in the county of the state in which such 103622  
corporation has its principal place of business for a judgment for 103623  
the amount of the taxes or penalties appearing to be due, the 103624  
enforcement of any lien in favor of the state, and an injunction 103625  
to restrain such corporation and its officers, directors, and 103626  
managing agents from the transaction of any business within this 103627  
state, other than such acts as are incidental to liquidation or 103628  
winding up, until the payment of such taxes, fees, and penalties, 103629  
and the costs of the proceeding which shall be fixed by the court, 103630  
or the making and filing of such report or return. 103631

Such petition shall be in the name of the state. All or any 103632  
of the corporations having their principal places of business in 103633  
the county may be joined in one suit. On the motion of the 103634  
attorney general, the court of common pleas shall enter an order 103635  
requiring all defendants to answer by a day certain, and may 103636  
appoint a special master commissioner to take testimony, with such 103637  
other power and authority as the court confers, and permitting 103638  
process to be served by registered mail and by publication in a 103639  
newspaper of general circulation ~~published~~ in the county, which 103640  
publication need not be made more than once, setting forth the 103641  
name of each delinquent corporation, the matter in which such 103642  
corporation is delinquent, the names of its officers, directors, 103643  
and managing agents, if set forth in the petition, and the amount 103644  
of any taxes, fees, or penalties claimed to be owing by said 103645  
corporation. 103646

All or any of the officers, directors, shareholders, or 103647

managing agents of any corporation may be joined as defendants 103648  
with such corporation. 103649

If it appears to the court upon hearing that any corporation 103650  
which is a party to such proceeding is indebted to the state for 103651  
taxes, fees, or penalties, judgment shall be entered therefor with 103652  
interest; and if it appears that any corporation has failed to 103653  
make or file any report or return, a mandatory injunction may be 103654  
issued against such corporation, its officers, directors, and 103655  
managing agents, enjoining them from the transaction of any 103656  
business within this state, other than acts incidental to 103657  
liquidation or winding up, until the making and filing of all 103658  
proper reports or returns and until the payment in full of all 103659  
taxes, fees, and penalties. 103660

If the officers, directors, shareholders, or managing agents 103661  
of a corporation are not made parties in the first instance, and a 103662  
judgment or an injunction is rendered or issued against such 103663  
corporation, such officers, directors, shareholders, or managing 103664  
agents may be made parties to such proceedings upon the motion of 103665  
the attorney general, and, upon notice to them of the form and 103666  
terms of such injunction, they shall be bound thereby as fully as 103667  
if they had been made parties in the first instance. 103668

In any action authorized by this section, a statement of the 103669  
commissioner, or the secretary of state, when duly certified, 103670  
shall be prima-facie evidence of the amount of taxes, fees, or 103671  
penalties due from any corporation, or of the failure of any 103672  
corporation to file with the commissioner or the secretary of 103673  
state any report required by law, and any such certificate of the 103674  
commissioner or the secretary of state may be required in evidence 103675  
in any such proceeding. 103676

On the application of any defendant and for good cause shown, 103677  
the court may order a separate hearing of the issues as to any 103678  
defendant. 103679

The costs of the proceeding shall be apportioned among the parties as the court deems proper.

The court in such proceeding may make, enter, and enforce such other judgments and orders and grant such other relief as is necessary or incidental to the enforcement of the claims and lien of the state.

In the performance of the duties enjoined upon ~~him~~ the attorney general by this section the attorney general may direct any prosecuting attorney to bring an action, as authorized by this section, in the name of the state with respect to any delinquent corporations within ~~his~~ the prosecuting attorney's county, and like proceedings and orders shall be had as if such action were instituted by the attorney general.

**Sec. 5739.02.** For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five and one-half per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the

manufacturer to carry a load of not more than one ton, watercraft, 103711  
outboard motor, or aircraft, or of any tangible personal property, 103712  
other than motor vehicles designed by the manufacturer to carry a 103713  
load of more than one ton, to be used by the lessee or renter 103714  
primarily for business purposes, the tax shall be collected by the 103715  
vendor at the time the lease or rental is consummated and shall be 103716  
calculated by the vendor on the basis of the total amount to be 103717  
paid by the lessee or renter under the lease agreement. If the 103718  
total amount of the consideration for the lease or rental includes 103719  
amounts that are not calculated at the time the lease or rental is 103720  
executed, the tax shall be calculated and collected by the vendor 103721  
at the time such amounts are billed to the lessee or renter. In 103722  
the case of an open-end lease or rental, the tax shall be 103723  
calculated by the vendor on the basis of the total amount to be 103724  
paid during the initial fixed term of the lease or rental, and for 103725  
each subsequent renewal period as it comes due. As used in this 103726  
division, "motor vehicle" has the same meaning as in section 103727  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 103728  
unit attached to the watercraft. 103729

A lease with a renewal clause and a termination penalty or 103730  
similar provision that applies if the renewal clause is not 103731  
exercised is presumed to be a sham transaction. In such a case, 103732  
the tax shall be calculated and paid on the basis of the entire 103733  
length of the lease period, including any renewal periods, until 103734  
the termination penalty or similar provision no longer applies. 103735  
The taxpayer shall bear the burden, by a preponderance of the 103736  
evidence, that the transaction or series of transactions is not a 103737  
sham transaction. 103738

(3) Except as provided in division (A)(2) of this section, in 103739  
the case of a sale, the price of which consists in whole or in 103740  
part of the lease or rental of tangible personal property, the tax 103741  
shall be measured by the installments of that lease or rental. 103742

(4) In the case of a sale of a physical fitness facility 103743  
service or recreation and sports club service, the price of which 103744  
consists in whole or in part of a membership for the receipt of 103745  
the benefit of the service, the tax applicable to the sale shall 103746  
be measured by the installments thereof. 103747

(B) The tax does not apply to the following: 103748

(1) Sales to the state or any of its political subdivisions, 103749  
or to any other state or its political subdivisions if the laws of 103750  
that state exempt from taxation sales made to this state and its 103751  
political subdivisions; 103752

(2) Sales of food for human consumption off the premises 103753  
where sold; 103754

(3) Sales of food sold to students only in a cafeteria, 103755  
dormitory, fraternity, or sorority maintained in a private, 103756  
public, or parochial school, college, or university; 103757

(4) Sales of newspapers and of magazine subscriptions and 103758  
sales or transfers of magazines distributed as controlled 103759  
circulation publications; 103760

(5) The furnishing, preparing, or serving of meals without 103761  
charge by an employer to an employee provided the employer records 103762  
the meals as part compensation for services performed or work 103763  
done; 103764

(6) Sales of motor fuel upon receipt, use, distribution, or 103765  
sale of which in this state a tax is imposed by the law of this 103766  
state, but this exemption shall not apply to the sale of motor 103767  
fuel on which a refund of the tax is allowable under division (A) 103768  
of section 5735.14 of the Revised Code; and the tax commissioner 103769  
may deduct the amount of tax levied by this section applicable to 103770  
the price of motor fuel when granting a refund of motor fuel tax 103771  
pursuant to division (A) of section 5735.14 of the Revised Code 103772  
and shall cause the amount deducted to be paid into the general 103773

revenue fund of this state; 103774

(7) Sales of natural gas by a natural gas company, of water 103775  
by a water-works company, or of steam by a heating company, if in 103776  
each case the thing sold is delivered to consumers through pipes 103777  
or conduits, and all sales of communications services by a 103778  
telegraph company, all terms as defined in section 5727.01 of the 103779  
Revised Code, and sales of electricity delivered through wires; 103780

(8) Casual sales by a person, or auctioneer employed directly 103781  
by the person to conduct such sales, except as to such sales of 103782  
motor vehicles, watercraft or outboard motors required to be 103783  
titled under section 1548.06 of the Revised Code, watercraft 103784  
documented with the United States coast guard, snowmobiles, and 103785  
all-purpose vehicles as defined in section 4519.01 of the Revised 103786  
Code; 103787

(9)(a) Sales of services or tangible personal property, other 103788  
than motor vehicles, mobile homes, and manufactured homes, by 103789  
churches, organizations exempt from taxation under section 103790  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 103791  
organizations operated exclusively for charitable purposes as 103792  
defined in division (B)(12) of this section, provided that the 103793  
number of days on which such tangible personal property or 103794  
services, other than items never subject to the tax, are sold does 103795  
not exceed six in any calendar year, except as otherwise provided 103796  
in division (B)(9)(b) of this section. If the number of days on 103797  
which such sales are made exceeds six in any calendar year, the 103798  
church or organization shall be considered to be engaged in 103799  
business and all subsequent sales by it shall be subject to the 103800  
tax. In counting the number of days, all sales by groups within a 103801  
church or within an organization shall be considered to be sales 103802  
of that church or organization. 103803

(b) The limitation on the number of days on which tax-exempt 103804  
sales may be made by a church or organization under division 103805

(B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution of the United States;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of



a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music, dramatics, and the arts; or the promotion of education by an organization engaged in carrying on research in, or the dissemination of, scientific and technological knowledge and information primarily for the public.

Nothing in this division shall be deemed to exempt sales to any organization for use in the operation or carrying on of a trade or business, or sales to a home for the aged for use in the operation of independent living facilities as defined in division (A) of section 5709.12 of the Revised Code.

(13) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision of this state, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to

real property that are accepted for ownership by this state or any 103869  
of its political subdivisions, or by the United States government 103870  
or any of its agencies at the time of completion of the structures 103871  
or improvements; building and construction materials sold to 103872  
construction contractors for incorporation into a horticulture 103873  
structure or livestock structure for a person engaged in the 103874  
business of horticulture or producing livestock; building 103875  
materials and services sold to a construction contractor for 103876  
incorporation into a house of public worship or religious 103877  
education, or a building used exclusively for charitable purposes 103878  
under a construction contract with an organization whose purpose 103879  
is as described in division (B)(12) of this section; building 103880  
materials and services sold to a construction contractor for 103881  
incorporation into a building under a construction contract with 103882  
an organization exempt from taxation under section 501(c)(3) of 103883  
the Internal Revenue Code of 1986 when the building is to be used 103884  
exclusively for the organization's exempt purposes; building and 103885  
construction materials sold for incorporation into the original 103886  
construction of a sports facility under section 307.696 of the 103887  
Revised Code; building and construction materials and services 103888  
sold to a construction contractor for incorporation into real 103889  
property outside this state if such materials and services, when 103890  
sold to a construction contractor in the state in which the real 103891  
property is located for incorporation into real property in that 103892  
state, would be exempt from a tax on sales levied by that state; 103893  
and, until one calendar year after the construction of a 103894  
convention center that qualifies for property tax exemption under 103895  
section 5709.084 of the Revised Code is completed, building and 103896  
construction materials and services sold to a construction 103897  
contractor for incorporation into the real property comprising 103898  
that convention center; 103899

(14) Sales of ships or vessels or rail rolling stock used or 103900  
to be used principally in interstate or foreign commerce, and 103901

repairs, alterations, fuel, and lubricants for such ships or 103902  
vessels or rail rolling stock; 103903

(15) Sales to persons primarily engaged in any of the 103904  
activities mentioned in division (B)(42)(a) or (g) of this 103905  
section, to persons engaged in making retail sales, or to persons 103906  
who purchase for sale from a manufacturer tangible personal 103907  
property that was produced by the manufacturer in accordance with 103908  
specific designs provided by the purchaser, of packages, including 103909  
material, labels, and parts for packages, and of machinery, 103910  
equipment, and material for use primarily in packaging tangible 103911  
personal property produced for sale, including any machinery, 103912  
equipment, and supplies used to make labels or packages, to 103913  
prepare packages or products for labeling, or to label packages or 103914  
products, by or on the order of the person doing the packaging, or 103915  
sold at retail. "Packages" includes bags, baskets, cartons, 103916  
crates, boxes, cans, bottles, bindings, wrappings, and other 103917  
similar devices and containers, but does not include motor 103918  
vehicles or bulk tanks, trailers, or similar devices attached to 103919  
motor vehicles. "Packaging" means placing in a package. Division 103920  
(B)(15) of this section does not apply to persons engaged in 103921  
highway transportation for hire. 103922

(16) Sales of food to persons using supplemental nutrition 103923  
assistance program benefits to purchase the food. As used in this 103924  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 103925  
federal regulations adopted pursuant to the Food and Nutrition Act 103926  
of 2008. 103927

(17) Sales to persons engaged in farming, agriculture, 103928  
horticulture, or floriculture, of tangible personal property for 103929  
use or consumption directly in the production by farming, 103930  
agriculture, horticulture, or floriculture of other tangible 103931  
personal property for use or consumption directly in the 103932  
production of tangible personal property for sale by farming, 103933

agriculture, horticulture, or floriculture; or material and parts 103934  
for incorporation into any such tangible personal property for use 103935  
or consumption in production; and of tangible personal property 103936  
for such use or consumption in the conditioning or holding of 103937  
products produced by and for such use, consumption, or sale by 103938  
persons engaged in farming, agriculture, horticulture, or 103939  
floriculture, except where such property is incorporated into real 103940  
property; 103941

(18) Sales of drugs for a human being that may be dispensed 103942  
only pursuant to a prescription; insulin as recognized in the 103943  
official United States pharmacopoeia; urine and blood testing 103944  
materials when used by diabetics or persons with hypoglycemia to 103945  
test for glucose or acetone; hypodermic syringes and needles when 103946  
used by diabetics for insulin injections; epoetin alfa when 103947  
purchased for use in the treatment of persons with medical 103948  
disease; hospital beds when purchased by hospitals, nursing homes, 103949  
or other medical facilities; and medical oxygen and medical 103950  
oxygen-dispensing equipment when purchased by hospitals, nursing 103951  
homes, or other medical facilities; 103952

(19) Sales of prosthetic devices, durable medical equipment 103953  
for home use, or mobility enhancing equipment, when made pursuant 103954  
to a prescription and when such devices or equipment are for use 103955  
by a human being. 103956

(20) Sales of emergency and fire protection vehicles and 103957  
equipment to nonprofit organizations for use solely in providing 103958  
fire protection and emergency services, including trauma care and 103959  
emergency medical services, for political subdivisions of the 103960  
state; 103961

(21) Sales of tangible personal property manufactured in this 103962  
state, if sold by the manufacturer in this state to a retailer for 103963  
use in the retail business of the retailer outside of this state 103964  
and if possession is taken from the manufacturer by the purchaser 103965

within this state for the sole purpose of immediately removing the 103966  
same from this state in a vehicle owned by the purchaser; 103967

(22) Sales of services provided by the state or any of its 103968  
political subdivisions, agencies, instrumentalities, institutions, 103969  
or authorities, or by governmental entities of the state or any of 103970  
its political subdivisions, agencies, instrumentalities, 103971  
institutions, or authorities; 103972

(23) Sales of motor vehicles to nonresidents of this state 103973  
under the circumstances described in division (B) of section 103974  
5739.029 of the Revised Code; 103975

(24) Sales to persons engaged in the preparation of eggs for 103976  
sale of tangible personal property used or consumed directly in 103977  
such preparation, including such tangible personal property used 103978  
for cleaning, sanitizing, preserving, grading, sorting, and 103979  
classifying by size; packages, including material and parts for 103980  
packages, and machinery, equipment, and material for use in 103981  
packaging eggs for sale; and handling and transportation equipment 103982  
and parts therefor, except motor vehicles licensed to operate on 103983  
public highways, used in intraplant or interplant transfers or 103984  
shipment of eggs in the process of preparation for sale, when the 103985  
plant or plants within or between which such transfers or 103986  
shipments occur are operated by the same person. "Packages" 103987  
includes containers, cases, baskets, flats, fillers, filler flats, 103988  
cartons, closure materials, labels, and labeling materials, and 103989  
"packaging" means placing therein. 103990

(25)(a) Sales of water to a consumer for residential use, 103991  
except the sale of bottled water, distilled water, mineral water, 103992  
carbonated water, or ice; 103993

(b) Sales of water by a nonprofit corporation engaged 103994  
exclusively in the treatment, distribution, and sale of water to 103995  
consumers, if such water is delivered to consumers through pipes 103996

|                                                                                                                                                                                                                                                            |                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| or tubing.                                                                                                                                                                                                                                                 | 103997                               |
| (26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;                                                                                                                                              | 103998<br>103999                     |
| (27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:                                                               | 104000<br>104001<br>104002<br>104003 |
| (a) To prepare food for human consumption for sale;                                                                                                                                                                                                        | 104004                               |
| (b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;                                           | 104005<br>104006<br>104007<br>104008 |
| (c) To clean tangible personal property used to prepare or serve food for human consumption for sale.                                                                                                                                                      | 104009<br>104010                     |
| (28) Sales of animals by nonprofit animal adoption services or county humane societies;                                                                                                                                                                    | 104011<br>104012                     |
| (29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;                    | 104013<br>104014<br>104015<br>104016 |
| (30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;                                                                                                                            | 104017<br>104018<br>104019           |
| (31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;                                                                                                                   | 104020<br>104021<br>104022           |
| (32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation | 104023<br>104024<br>104025<br>104026 |

for hire, except for packages and packaging used for the 104027  
transportation of tangible personal property; 104028

(33) Sales to the state headquarters of any veterans' 104029  
organization in this state that is either incorporated and issued 104030  
a charter by the congress of the United States or is recognized by 104031  
the United States veterans administration, for use by the 104032  
headquarters; 104033

(34) Sales to a telecommunications service vendor, mobile 104034  
telecommunications service vendor, or satellite broadcasting 104035  
service vendor of tangible personal property and services used 104036  
directly and primarily in transmitting, receiving, switching, or 104037  
recording any interactive, one- or two-way electromagnetic 104038  
communications, including voice, image, data, and information, 104039  
through the use of any medium, including, but not limited to, 104040  
poles, wires, cables, switching equipment, computers, and record 104041  
storage devices and media, and component parts for the tangible 104042  
personal property. The exemption provided in this division shall 104043  
be in lieu of all other exemptions under division (B)(42)(a) of 104044  
this section to which the vendor may otherwise be entitled, based 104045  
upon the use of the thing purchased in providing the 104046  
telecommunications, mobile telecommunications, or satellite 104047  
broadcasting service. 104048

(35)(a) Sales where the purpose of the consumer is to use or 104049  
consume the things transferred in making retail sales and 104050  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 104051  
certificates, or other advertising material that prices and 104052  
describes tangible personal property offered for retail sale. 104053

(b) Sales to direct marketing vendors of preliminary 104054  
materials such as photographs, artwork, and typesetting that will 104055  
be used in printing advertising material; of printed matter that 104056  
offers free merchandise or chances to win sweepstake prizes and 104057  
that is mailed to potential customers with advertising material 104058

described in division (B)(35)(a) of this section; and of equipment 104059  
such as telephones, computers, facsimile machines, and similar 104060  
tangible personal property primarily used to accept orders for 104061  
direct marketing retail sales. 104062

(c) Sales of automatic food vending machines that preserve 104063  
food with a shelf life of forty-five days or less by refrigeration 104064  
and dispense it to the consumer. 104065

For purposes of division (B)(35) of this section, "direct 104066  
marketing" means the method of selling where consumers order 104067  
tangible personal property by United States mail, delivery 104068  
service, or telecommunication and the vendor delivers or ships the 104069  
tangible personal property sold to the consumer from a warehouse, 104070  
catalogue distribution center, or similar fulfillment facility by 104071  
means of the United States mail, delivery service, or common 104072  
carrier. 104073

(36) Sales to a person engaged in the business of 104074  
horticulture or producing livestock of materials to be 104075  
incorporated into a horticulture structure or livestock structure; 104076

(37) Sales of personal computers, computer monitors, computer 104077  
keyboards, modems, and other peripheral computer equipment to an 104078  
individual who is licensed or certified to teach in an elementary 104079  
or a secondary school in this state for use by that individual in 104080  
preparation for teaching elementary or secondary school students; 104081

(38) Sales to a professional racing team of any of the 104082  
following: 104083

(a) Motor racing vehicles; 104084

(b) Repair services for motor racing vehicles; 104085

(c) Items of property that are attached to or incorporated in 104086  
motor racing vehicles, including engines, chassis, and all other 104087  
components of the vehicles, and all spare, replacement, and 104088



rebuilt parts or components of the vehicles; except not including 104089  
tires, consumable fluids, paint, and accessories consisting of 104090  
instrumentation sensors and related items added to the vehicle to 104091  
collect and transmit data by means of telemetry and other forms of 104092  
communication. 104093

(39) Sales of used manufactured homes and used mobile homes, 104094  
as defined in section 5739.0210 of the Revised Code, made on or 104095  
after January 1, 2000; 104096

(40) Sales of tangible personal property and services to a 104097  
provider of electricity used or consumed directly and primarily in 104098  
generating, transmitting, or distributing electricity for use by 104099  
others, including property that is or is to be incorporated into 104100  
and will become a part of the consumer's production, transmission, 104101  
or distribution system and that retains its classification as 104102  
tangible personal property after incorporation; fuel or power used 104103  
in the production, transmission, or distribution of electricity; 104104  
energy conversion equipment as defined in section 5727.01 of the 104105  
Revised Code; and tangible personal property and services used in 104106  
the repair and maintenance of the production, transmission, or 104107  
distribution system, including only those motor vehicles as are 104108  
specially designed and equipped for such use. The exemption 104109  
provided in this division shall be in lieu of all other exemptions 104110  
in division (B)(42)(a) of this section to which a provider of 104111  
electricity may otherwise be entitled based on the use of the 104112  
tangible personal property or service purchased in generating, 104113  
transmitting, or distributing electricity. 104114

(41) Sales to a person providing services under division 104115  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 104116  
personal property and services used directly and primarily in 104117  
providing taxable services under that section. 104118

(42) Sales where the purpose of the purchaser is to do any of 104119  
the following: 104120

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (a) To incorporate the thing transferred as a material or a        | 104121 |
| part into tangible personal property to be produced for sale by    | 104122 |
| manufacturing, assembling, processing, or refining; or to use or   | 104123 |
| consume the thing transferred directly in producing tangible       | 104124 |
| personal property for sale by mining, including, without           | 104125 |
| limitation, the extraction from the earth of all substances that   | 104126 |
| are classed geologically as minerals, production of crude oil and  | 104127 |
| natural gas, farming, agriculture, horticulture, or floriculture,  | 104128 |
| or directly in the rendition of a public utility service, except   | 104129 |
| that the sales tax levied by this section shall be collected upon  | 104130 |
| all meals, drinks, and food for human consumption sold when        | 104131 |
| transporting persons. Persons engaged in rendering farming,        | 104132 |
| agricultural, horticultural, or floricultural services, and        | 104133 |
| services in the exploration for, and production of, crude oil and  | 104134 |
| natural gas, for others are deemed engaged directly in farming,    | 104135 |
| agriculture, horticulture, and floriculture, or exploration for,   | 104136 |
| and production of, crude oil and natural gas. This paragraph does  | 104137 |
| not exempt from "retail sale" or "sales at retail" the sale of     | 104138 |
| tangible personal property that is to be incorporated into a       | 104139 |
| structure or improvement to real property.                         | 104140 |
| (b) To hold the thing transferred as security for the              | 104141 |
| performance of an obligation of the vendor;                        | 104142 |
| (c) To resell, hold, use, or consume the thing transferred as      | 104143 |
| evidence of a contract of insurance;                               | 104144 |
| (d) To use or consume the thing directly in commercial             | 104145 |
| fishing;                                                           | 104146 |
| (e) To incorporate the thing transferred as a material or a        | 104147 |
| part into, or to use or consume the thing transferred directly in  | 104148 |
| the production of, magazines distributed as controlled circulation | 104149 |
| publications;                                                      | 104150 |
| (f) To use or consume the thing transferred in the production      | 104151 |

and preparation in suitable condition for market and sale of 104152  
printed, imprinted, overprinted, lithographic, multilithic, 104153  
blueprinted, photostatic, or other productions or reproductions of 104154  
written or graphic matter; 104155

(g) To use the thing transferred, as described in section 104156  
5739.011 of the Revised Code, primarily in a manufacturing 104157  
operation to produce tangible personal property for sale; 104158

(h) To use the benefit of a warranty, maintenance or service 104159  
contract, or similar agreement, as described in division (B)(7) of 104160  
section 5739.01 of the Revised Code, to repair or maintain 104161  
tangible personal property, if all of the property that is the 104162  
subject of the warranty, contract, or agreement would not be 104163  
subject to the tax imposed by this section; 104164

(i) To use the thing transferred as qualified research and 104165  
development equipment; 104166

(j) To use or consume the thing transferred primarily in 104167  
storing, transporting, mailing, or otherwise handling purchased 104168  
sales inventory in a warehouse, distribution center, or similar 104169  
facility when the inventory is primarily distributed outside this 104170  
state to retail stores of the person who owns or controls the 104171  
warehouse, distribution center, or similar facility, to retail 104172  
stores of an affiliated group of which that person is a member, or 104173  
by means of direct marketing. This division does not apply to 104174  
motor vehicles registered for operation on the public highways. As 104175  
used in this division, "affiliated group" has the same meaning as 104176  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 104177  
"direct marketing" has the same meaning as in division (B)(35) of 104178  
this section. 104179

(k) To use or consume the thing transferred to fulfill a 104180  
contractual obligation incurred by a warrantor pursuant to a 104181  
warranty provided as a part of the price of the tangible personal 104182

property sold or by a vendor of a warranty, maintenance or service 104183  
contract, or similar agreement the provision of which is defined 104184  
as a sale under division (B)(7) of section 5739.01 of the Revised 104185  
Code; 104186

(l) To use or consume the thing transferred in the production 104187  
of a newspaper for distribution to the public; 104188

(m) To use tangible personal property to perform a service 104189  
listed in division (B)(3) of section 5739.01 of the Revised Code, 104190  
if the property is or is to be permanently transferred to the 104191  
consumer of the service as an integral part of the performance of 104192  
the service; 104193

(n) To use or consume the thing transferred in acquiring, 104194  
formatting, editing, storing, and disseminating data or 104195  
information by electronic publishing. 104196

As used in division (B)(42) of this section, "thing" includes 104197  
all transactions included in divisions (B)(3)(a), (b), and (e) of 104198  
section 5739.01 of the Revised Code. 104199

(43) Sales conducted through a coin operated device that 104200  
activates vacuum equipment or equipment that dispenses water, 104201  
whether or not in combination with soap or other cleaning agents 104202  
or wax, to the consumer for the consumer's use on the premises in 104203  
washing, cleaning, or waxing a motor vehicle, provided no other 104204  
personal property or personal service is provided as part of the 104205  
transaction. 104206

(44) Sales of replacement and modification parts for engines, 104207  
airframes, instruments, and interiors in, and paint for, aircraft 104208  
used primarily in a fractional aircraft ownership program, and 104209  
sales of services for the repair, modification, and maintenance of 104210  
such aircraft, and machinery, equipment, and supplies primarily 104211  
used to provide those services. 104212

(45) Sales of telecommunications service that is used 104213

directly and primarily to perform the functions of a call center. 104214  
As used in this division, "call center" means any physical 104215  
location where telephone calls are placed or received in high 104216  
volume for the purpose of making sales, marketing, customer 104217  
service, technical support, or other specialized business 104218  
activity, and that employs at least fifty individuals that engage 104219  
in call center activities on a full-time basis, or sufficient 104220  
individuals to fill fifty full-time equivalent positions. 104221

(46) Sales by a telecommunications service vendor of 900 104222  
service to a subscriber. This division does not apply to 104223  
information services, as defined in division (FF) of section 104224  
5739.01 of the Revised Code. 104225

(47) Sales of value-added non-voice data service. This 104226  
division does not apply to any similar service that is not 104227  
otherwise a telecommunications service. 104228

(48)(a) Sales of machinery, equipment, and software to a 104229  
qualified direct selling entity for use in a warehouse or 104230  
distribution center primarily for storing, transporting, or 104231  
otherwise handling inventory that is held for sale to independent 104232  
salespersons who operate as direct sellers and that is held 104233  
primarily for distribution outside this state; 104234

(b) As used in division (B)(48)(a) of this section: 104235

(i) "Direct seller" means a person selling consumer products 104236  
to individuals for personal or household use and not from a fixed 104237  
retail location, including selling such product at in-home product 104238  
demonstrations, parties, and other one-on-one selling. 104239

(ii) "Qualified direct selling entity" means an entity 104240  
selling to direct sellers at the time the entity enters into a tax 104241  
credit agreement with the tax credit authority pursuant to section 104242  
122.17 of the Revised Code, provided that the agreement was 104243  
entered into on or after January 1, 2007. Neither contingencies 104244

relevant to the granting of, nor later developments with respect 104245  
to, the tax credit shall impair the status of the qualified direct 104246  
selling entity under division (B)(48) of this section after 104247  
execution of the tax credit agreement by the tax credit authority. 104248

(c) Division (B)(48) of this section is limited to machinery, 104249  
equipment, and software first stored, used, or consumed in this 104250  
state within the period commencing June 24, 2008, and ending on 104251  
the date that is five years after that date. 104252

(49) Sales of materials, parts, equipment, or engines used in 104253  
the repair or maintenance of aircraft or avionics systems of such 104254  
aircraft, and sales of repair, remodeling, replacement, or 104255  
maintenance services in this state performed on aircraft or on an 104256  
aircraft's avionics, engine, or component materials or parts. As 104257  
used in division (B)(49) of this section, "aircraft" means 104258  
aircraft of more than six thousand pounds maximum certified 104259  
takeoff weight or used exclusively in general aviation. 104260

(50) Sales of full flight simulators that are used for pilot 104261  
or flight-crew training, sales of repair or replacement parts or 104262  
components, and sales of repair or maintenance services for such 104263  
full flight simulators. "Full flight simulator" means a replica of 104264  
a specific type, or make, model, and series of aircraft cockpit. 104265  
It includes the assemblage of equipment and computer programs 104266  
necessary to represent aircraft operations in ground and flight 104267  
conditions, a visual system providing an out-of-the-cockpit view, 104268  
and a system that provides cues at least equivalent to those of a 104269  
three-degree-of-freedom motion system, and has the full range of 104270  
capabilities of the systems installed in the device as described 104271  
in appendices A and B of part 60 of chapter 1 of title 14 of the 104272  
Code of Federal Regulations. 104273

(51) Any transfer or lease of tangible personal property 104274  
between the state and a successful proposer in accordance with 104275  
sections 126.60 to 126.605 of the Revised Code, provided the 104276

property is part of a project as defined in section 126.60 of the 104277  
Revised Code and the state retains ownership of the project or 104278  
part thereof that is being transferred or leased, between the 104279  
state and JobsOhio in accordance with section 4313.02 of the 104280  
Revised Code, or between the department of rehabilitation and 104281  
correction and a contractor in accordance with division (J) of 104282  
section 9.06 of the Revised Code. 104283

(C) For the purpose of the proper administration of this 104284  
chapter, and to prevent the evasion of the tax, it is presumed 104285  
that all sales made in this state are subject to the tax until the 104286  
contrary is established. 104287

(D) The levy of this tax on retail sales of recreation and 104288  
sports club service shall not prevent a municipal corporation from 104289  
levying any tax on recreation and sports club dues or on any 104290  
income generated by recreation and sports club dues. 104291

(E) The tax collected by the vendor from the consumer under 104292  
this chapter is not part of the price, but is a tax collection for 104293  
the benefit of the state, and of counties levying an additional 104294  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 104295  
Code and of transit authorities levying an additional sales tax 104296  
pursuant to section 5739.023 of the Revised Code. Except for the 104297  
discount authorized under section 5739.12 of the Revised Code and 104298  
the effects of any rounding pursuant to section 5703.055 of the 104299  
Revised Code, no person other than the state or such a county or 104300  
transit authority shall derive any benefit from the collection or 104301  
payment of the tax levied by this section or section 5739.021, 104302  
5739.023, or 5739.026 of the Revised Code. 104303

**Sec. 5739.021.** (A) For the purpose of providing additional 104304  
general revenues for the county or supporting criminal and 104305  
administrative justice services in the county, or both, and to pay 104306  
the expenses of administering such levy, any county may levy a tax 104307

at the rate of not more than one per cent at any multiple of 104308  
one-fourth of one per cent upon every retail sale made in the 104309  
county, except sales of watercraft and outboard motors required to 104310  
be titled pursuant to Chapter 1548. of the Revised Code and sales 104311  
of motor vehicles, and may increase the rate of an existing tax to 104312  
not more than one per cent at any multiple of one-fourth of one 104313  
per cent. 104314

The tax shall be levied and the rate increased pursuant to a 104315  
resolution of the board of county commissioners. The resolution 104316  
shall state the purpose for which the tax is to be levied and the 104317  
number of years for which the tax is to be levied, or that it is 104318  
for a continuing period of time. If the tax is to be levied for 104319  
the purpose of providing additional general revenues and for the 104320  
purpose of supporting criminal and administrative justice 104321  
services, the resolution shall state the rate or amount of the tax 104322  
to be apportioned to each such purpose. The rate or amount may be 104323  
different for each year the tax is to be levied, but the rates or 104324  
amounts actually apportioned each year shall not be different from 104325  
that stated in the resolution for that year. If the resolution is 104326  
adopted as an emergency measure necessary for the immediate 104327  
preservation of the public peace, health, or safety, it must 104328  
receive an affirmative vote of all of the members of the board of 104329  
county commissioners and shall state the reasons for such 104330  
necessity. The board shall deliver a certified copy of the 104331  
resolution to the tax commissioner, not later than the sixty-fifth 104332  
day prior to the date on which the tax is to become effective, 104333  
which shall be the first day of the calendar quarter. 104334

Prior to the adoption of any resolution under this section, 104335  
the board of county commissioners shall conduct two public 104336  
hearings on the resolution, the second hearing to be not less than 104337  
three nor more than ten days after the first. Notice of the date, 104338  
time, and place of the hearings shall be given by publication in a 104339



newspaper of general circulation in the county, or as provided in 104340  
section 7.16 of the Revised Code, once a week on the same day of 104341  
the week for two consecutive weeks, the second publication being 104342  
not less than ten nor more than thirty days prior to the first 104343  
hearing. 104344

Except as provided in division (B)(3) of this section, the 104345  
resolution shall be subject to a referendum as provided in 104346  
sections 305.31 to 305.41 of the Revised Code. 104347

If a petition for a referendum is filed, the county auditor 104348  
with whom the petition was filed shall, within five days, notify 104349  
the board of county commissioners and the tax commissioner of the 104350  
filing of the petition by certified mail. If the board of 104351  
elections with which the petition was filed declares the petition 104352  
invalid, the board of elections, within five days, shall notify 104353  
the board of county commissioners and the tax commissioner of that 104354  
declaration by certified mail. If the petition is declared to be 104355  
invalid, the effective date of the tax or increased rate of tax 104356  
levied by this section shall be the first day of a calendar 104357  
quarter following the expiration of sixty-five days from the date 104358  
the commissioner receives notice from the board of elections that 104359  
the petition is invalid. 104360

(B)(1) A resolution that is not adopted as an emergency 104361  
measure may direct the board of elections to submit the question 104362  
of levying the tax or increasing the rate of tax to the electors 104363  
of the county at a special election held on the date specified by 104364  
the board of county commissioners in the resolution, provided that 104365  
the election occurs not less than ninety days after a certified 104366  
copy of such resolution is transmitted to the board of elections 104367  
and the election is not held in February or August of any year. 104368  
Upon transmission of the resolution to the board of elections, the 104369  
board of county commissioners shall notify the tax commissioner in 104370  
writing of the levy question to be submitted to the electors. No 104371

resolution adopted under this division shall go into effect unless 104372  
approved by a majority of those voting upon it, and, except as 104373  
provided in division (B)(3) of this section, shall become 104374  
effective on the first day of a calendar quarter following the 104375  
expiration of sixty-five days from the date the tax commissioner 104376  
receives notice from the board of elections of the affirmative 104377  
vote. 104378

(2) A resolution that is adopted as an emergency measure 104379  
shall go into effect as provided in division (A) of this section, 104380  
but may direct the board of elections to submit the question of 104381  
repealing the tax or increase in the rate of the tax to the 104382  
electors of the county at the next general election in the county 104383  
occurring not less than ninety days after a certified copy of the 104384  
resolution is transmitted to the board of elections. Upon 104385  
transmission of the resolution to the board of elections, the 104386  
board of county commissioners shall notify the tax commissioner in 104387  
writing of the levy question to be submitted to the electors. The 104388  
ballot question shall be the same as that prescribed in section 104389  
5739.022 of the Revised Code. The board of elections shall notify 104390  
the board of county commissioners and the tax commissioner of the 104391  
result of the election immediately after the result has been 104392  
declared. If a majority of the qualified electors voting on the 104393  
question of repealing the tax or increase in the rate of the tax 104394  
vote for repeal of the tax or repeal of the increase, the board of 104395  
county commissioners, on the first day of a calendar quarter 104396  
following the expiration of sixty-five days after the date the 104397  
board and tax commissioner receive notice of the result of the 104398  
election, shall, in the case of a repeal of the tax, cease to levy 104399  
the tax, or, in the case of a repeal of an increase in the rate of 104400  
the tax, cease to levy the increased rate and levy the tax at the 104401  
rate at which it was imposed immediately prior to the increase in 104402  
rate. 104403

(3) If a vendor that is registered with the central 104404  
electronic registration system provided for in section 5740.05 of 104405  
the Revised Code makes a sale in this state by printed catalog and 104406  
the consumer computed the tax on the sale based on local rates 104407  
published in the catalog, any tax levied or repealed or rate 104408  
changed under this section shall not apply to such a sale until 104409  
the first day of a calendar quarter following the expiration of 104410  
one hundred twenty days from the date of notice by the tax 104411  
commissioner pursuant to division (H) of this section. 104412

(C) If a resolution is rejected at a referendum or if a 104413  
resolution adopted after January 1, 1982, as an emergency measure 104414  
is repealed by the electors pursuant to division (B)(2) of this 104415  
section or section 5739.022 of the Revised Code, then for one year 104416  
after the date of the election at which the resolution was 104417  
rejected or repealed the board of county commissioners may not 104418  
adopt any resolution authorized by this section as an emergency 104419  
measure. 104420

(D) The board of county commissioners, at any time while a 104421  
tax levied under this section is in effect, may by resolution 104422  
reduce the rate at which the tax is levied to a lower rate 104423  
authorized by this section. Any reduction in the rate at which the 104424  
tax is levied shall be made effective on the first day of a 104425  
calendar quarter next following the sixty-fifth day after a 104426  
certified copy of the resolution is delivered to the tax 104427  
commissioner. 104428

(E) The tax on every retail sale subject to a tax levied 104429  
pursuant to this section shall be in addition to the tax levied by 104430  
section 5739.02 of the Revised Code and any tax levied pursuant to 104431  
section 5739.023 or 5739.026 of the Revised Code. 104432

A county that levies a tax pursuant to this section shall 104433  
levy a tax at the same rate pursuant to section 5741.021 of the 104434  
Revised Code. 104435

The additional tax levied by the county shall be collected 104436  
pursuant to section 5739.025 of the Revised Code. If the 104437  
additional tax or some portion thereof is levied for the purpose 104438  
of criminal and administrative justice services, the revenue from 104439  
the tax, or the amount or rate apportioned to that purpose, shall 104440  
be credited to a special fund created in the county treasury for 104441  
receipt of that revenue. 104442

Any tax levied pursuant to this section is subject to the 104443  
exemptions provided in section 5739.02 of the Revised Code and in 104444  
addition shall not be applicable to sales not within the taxing 104445  
power of a county under the Constitution of the United States or 104446  
the Ohio Constitution. 104447

(F) For purposes of this section, a copy of a resolution is 104448  
"certified" when it contains a written statement attesting that 104449  
the copy is a true and exact reproduction of the original 104450  
resolution. 104451

(G) If a board of commissioners intends to adopt a resolution 104452  
to levy a tax in whole or in part for the purpose of criminal and 104453  
administrative justice services, the board shall prepare and make 104454  
available at the first public hearing at which the resolution is 104455  
considered a statement containing the following information: 104456

(1) For each of the two preceding fiscal years, the amount of 104457  
expenditures made by the county from the county general fund for 104458  
the purpose of criminal and administrative justice services; 104459

(2) For the fiscal year in which the resolution is adopted, 104460  
the board's estimate of the amount of expenditures to be made by 104461  
the county from the county general fund for the purpose of 104462  
criminal and administrative justice services; 104463

(3) For each of the two fiscal years after the fiscal year in 104464  
which the resolution is adopted, the board's preliminary plan for 104465  
expenditures to be made from the county general fund for the 104466

purpose of criminal and administrative justice services, both 104467  
under the assumption that the tax will be imposed for that purpose 104468  
and under the assumption that the tax would not be imposed for 104469  
that purpose, and for expenditures to be made from the special 104470  
fund created under division (E) of this section under the 104471  
assumption that the tax will be imposed for that purpose. 104472

The board shall prepare the statement and the preliminary 104473  
plan using the best information available to the board at the time 104474  
the statement is prepared. Neither the statement nor the 104475  
preliminary plan shall be used as a basis to challenge the 104476  
validity of the tax in any court of competent jurisdiction, nor 104477  
shall the statement or preliminary plan limit the authority of the 104478  
board to appropriate, pursuant to section 5705.38 of the Revised 104479  
Code, an amount different from that specified in the preliminary 104480  
plan. 104481

(H) Upon receipt from a board of county commissioners of a 104482  
certified copy of a resolution required by division (A) or (D) of 104483  
this section, or from the board of elections of a notice of the 104484  
results of an election required by division (A) or (B)(1) or (2) 104485  
of this section, the tax commissioner shall provide notice of a 104486  
tax rate change in a manner that is reasonably accessible to all 104487  
affected vendors. The commissioner shall provide this notice at 104488  
least sixty days prior to the effective date of the rate change. 104489  
The commissioner, by rule, may establish the method by which 104490  
notice will be provided. 104491

(I) As used in this section, "criminal and administrative 104492  
justice services" means the exercise by the county sheriff of all 104493  
powers and duties vested in that office by law; the exercise by 104494  
the county prosecuting attorney of all powers and duties vested in 104495  
that office by law; the exercise by any court in the county of all 104496  
powers and duties vested in that court; the exercise by the clerk 104497  
of the court of common pleas, any clerk of a municipal court 104498

having jurisdiction throughout the county, or the clerk of any 104499  
county court of all powers and duties vested in the clerk by law 104500  
except, in the case of the clerk of the court of common pleas, the 104501  
titling of motor vehicles or watercraft pursuant to Chapter 1548. 104502  
or 4505. of the Revised Code; the exercise by the county coroner 104503  
of all powers and duties vested in that office by law; making 104504  
payments to any other public agency or a private, nonprofit 104505  
agency, the purposes of which in the county include the diversion, 104506  
adjudication, detention, or rehabilitation of criminals or 104507  
juvenile offenders; the operation and maintenance of any detention 104508  
facility, as defined in section 2921.01 of the Revised Code; and 104509  
the construction, acquisition, equipping, or repair of such a 104510  
detention facility, including the payment of any debt charges 104511  
incurred in the issuance of securities pursuant to Chapter 133. of 104512  
the Revised Code for the purpose of constructing, acquiring, 104513  
equipping, or repairing such a facility. 104514

**Sec. 5739.022.** (A) The question of repeal of either a county 104515  
permissive tax or an increase in the rate of a county permissive 104516  
tax that was adopted as an emergency measure pursuant to section 104517  
5739.021 or 5739.026 of the Revised Code may be initiated by 104518  
filing with the board of elections of the county not less than 104519  
ninety days before the general election in any year a petition 104520  
requesting that an election be held on the question. The question 104521  
of repealing an increase in the rate of the county permissive tax 104522  
shall be submitted to the electors as a separate question from the 104523  
repeal of the tax in effect prior to the increase in the rate. Any 104524  
petition filed under this section shall be signed by qualified 104525  
electors residing in the county equal in number to ten per cent of 104526  
those voting for governor at the most recent gubernatorial 104527  
election. 104528

After determination by it that the petition is valid, the 104529  
board of elections shall submit the question to the electors of 104530

the county at the next general election. The election shall be 104531  
conducted, canvassed, and certified in the same manner as regular 104532  
elections for county offices in the county. The board of elections 104533  
shall notify the tax commissioner, in writing, of the election 104534  
upon determining that the petition is valid. Notice of the 104535  
election shall also be published in a newspaper of general 104536  
circulation in the district once a week for two consecutive weeks, 104537  
or as provided in section 7.16 of the Revised Code, prior to the 104538  
election, ~~and, if.~~ If the board of elections operates and 104539  
maintains a web site, the board of elections shall post notice of 104540  
the election on its web site for thirty days prior to the 104541  
election. The notice shall state the purpose, time, and place of 104542  
the election. The form of the ballot cast at the election shall be 104543  
prescribed by the secretary of state; however, the ballot question 104544  
shall read, "shall the tax (or, increase in the rate of the tax) 104545  
be retained? 104546

|  |     |
|--|-----|
|  | Yes |
|  | No  |

"

104547  
104548  
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104550  
The question covered by the petition shall be submitted as a 104551  
separate proposition, but it may be printed on the same ballot 104552  
with any other proposition submitted at the same election other 104553  
than the election of officers. 104554

(B) If a majority of the qualified electors voting on the 104555  
question of repeal of either a county permissive tax or an 104556  
increase in the rate of a county permissive tax approve the 104557  
repeal, the board of elections shall notify the board of county 104558  
commissioners and the tax commissioner of the result of the 104559  
election immediately after the result has been declared. The board 104560  
of county commissioners shall, on the first day of the calendar 104561  
quarter following the expiration of sixty-five days after the date 104562

the board and the tax commissioner receive the notice, in the case 104563  
of a repeal of a county permissive tax, cease to levy the tax, or, 104564  
in the case of a repeal of an increase in the rate of a county 104565  
permissive tax, levy the tax at the rate at which it was imposed 104566  
immediately prior to the increase in rate and cease to levy the 104567  
increased rate. 104568

(C) Upon receipt from a board of elections of a notice of the 104569  
results of an election required by division (B) of this section, 104570  
the tax commissioner shall provide notice of a tax repeal or rate 104571  
change in a manner that is reasonably accessible to all affected 104572  
vendors. The commissioner shall provide this notice at least sixty 104573  
days prior to the effective date of the rate change. The 104574  
commissioner, by rule, may establish the method by which notice 104575  
will be provided. 104576

(D) If a vendor that is registered with the central 104577  
electronic registration system provided for in section 5740.05 of 104578  
the Revised Code makes a sale in this state by printed catalog and 104579  
the consumer computed the tax on the sale based on local rates 104580  
published in the catalog, any tax repealed or rate changed under 104581  
this section shall not apply to such a sale until the first day of 104582  
a calendar quarter following the expiration of one hundred twenty 104583  
days from the date of notice by the tax commissioner pursuant to 104584  
division (C) of this section. 104585

**Sec. 5739.026.** (A) A board of county commissioners may levy a 104586  
tax of one-fourth or one-half of one per cent on every retail sale 104587  
in the county, except sales of watercraft and outboard motors 104588  
required to be titled pursuant to Chapter 1548. of the Revised 104589  
Code and sales of motor vehicles, and may increase an existing 104590  
rate of one-fourth of one per cent to one-half of one per cent, to 104591  
pay the expenses of administering the tax and, except as provided 104592  
in division (A)(6) of this section, for any one or more of the 104593



following purposes provided that the aggregate levy for all such purposes does not exceed one-half of one per cent: 104594  
104595

(1) To provide additional revenues for the payment of bonds or notes issued in anticipation of bonds issued by a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and to provide additional operating revenues for the convention facilities authority; 104596  
104597  
104598  
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104600  
104601

(2) To provide additional revenues for a transit authority operating in the county; 104602  
104603

(3) To provide additional revenue for the county's general fund; 104604  
104605

(4) To provide additional revenue for permanent improvements within the county to be distributed by the community improvements board in accordance with section 307.283 and to pay principal, interest, and premium on bonds issued under section 307.284 of the Revised Code; 104606  
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104608  
104609  
104610

(5) To provide additional revenue for the acquisition, construction, equipping, or repair of any specific permanent improvement or any class or group of permanent improvements, which improvement or class or group of improvements shall be enumerated in the resolution required by division (D) of this section, and to pay principal, interest, premium, and other costs associated with the issuance of bonds or notes in anticipation of bonds issued pursuant to Chapter 133. of the Revised Code for the acquisition, construction, equipping, or repair of the specific permanent improvement or class or group of permanent improvements; 104611  
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(6) To provide revenue for the implementation and operation of a 9-1-1 system in the county. If the tax is levied or the rate increased exclusively for such purpose, the tax shall not be levied or the rate increased for more than five years. At the end 104621  
104622  
104623  
104624

of the last year the tax is levied or the rate increased, any 104625  
balance remaining in the special fund established for such purpose 104626  
shall remain in that fund and be used exclusively for such purpose 104627  
until the fund is completely expended, and, notwithstanding 104628  
section 5705.16 of the Revised Code, the board of county 104629  
commissioners shall not petition for the transfer of money from 104630  
such special fund, and the tax commissioner shall not approve such 104631  
a petition. 104632

If the tax is levied or the rate increased for such purpose 104633  
for more than five years, the board of county commissioners also 104634  
shall levy the tax or increase the rate of the tax for one or more 104635  
of the purposes described in divisions (A)(1) to (5) of this 104636  
section and shall prescribe the method for allocating the revenues 104637  
from the tax each year in the manner required by division (C) of 104638  
this section. 104639

(7) To provide additional revenue for the operation or 104640  
maintenance of a detention facility, as that term is defined under 104641  
division (F) of section 2921.01 of the Revised Code; 104642

(8) To provide revenue to finance the construction or 104643  
renovation of a sports facility, but only if the tax is levied for 104644  
that purpose in the manner prescribed by section 5739.028 of the 104645  
Revised Code. 104646

As used in division (A)(8) of this section: 104647

(a) "Sports facility" means a facility intended to house 104648  
major league professional athletic teams. 104649

(b) "Constructing" or "construction" includes providing 104650  
fixtures, furnishings, and equipment. 104651

(9) To provide additional revenue for the acquisition of 104652  
agricultural easements, as defined in section 5301.67 of the 104653  
Revised Code; to pay principal, interest, and premium on bonds 104654  
issued under section 133.60 of the Revised Code; and for the 104655

supervision and enforcement of agricultural easements held by the 104656  
county; 104657

(10) To provide revenue for the provision of ambulance, 104658  
paramedic, or other emergency medical services. 104659

Pursuant to section 755.171 of the Revised Code, a board of 104660  
county commissioners may pledge and contribute revenue from a tax 104661  
levied for the purpose of division (A)(5) of this section to the 104662  
payment of debt charges on bonds issued under section 755.17 of 104663  
the Revised Code. 104664

The rate of tax shall be a multiple of one-fourth of one per 104665  
cent, unless a portion of the rate of an existing tax levied under 104666  
section 5739.023 of the Revised Code has been reduced, and the 104667  
rate of tax levied under this section has been increased, pursuant 104668  
to section 5739.028 of the Revised Code, in which case the 104669  
aggregate of the rates of tax levied under this section and 104670  
section 5739.023 of the Revised Code shall be a multiple of 104671  
one-fourth of one per cent. The tax shall be levied and the rate 104672  
increased pursuant to a resolution adopted by a majority of the 104673  
members of the board. The board shall deliver a certified copy of 104674  
the resolution to the tax commissioner, not later than the 104675  
sixty-fifth day prior to the date on which the tax is to become 104676  
effective, which shall be the first day of a calendar quarter. 104677

Prior to the adoption of any resolution to levy the tax or to 104678  
increase the rate of tax exclusively for the purpose set forth in 104679  
division (A)(3) of this section, the board of county commissioners 104680  
shall conduct two public hearings on the resolution, the second 104681  
hearing to be no fewer than three nor more than ten days after the 104682  
first. Notice of the date, time, and place of the hearings shall 104683  
be given by publication in a newspaper of general circulation in 104684  
the county, or as provided in section 7.16 of the Revised Code, 104685  
once a week on the same day of the week for two consecutive weeks, 104686  
~~the.~~ The second publication being shall be no fewer than ten nor 104687

more than thirty days prior to the first hearing. Except as 104688  
provided in division (E) of this section, the resolution shall be 104689  
subject to a referendum as provided in sections 305.31 to 305.41 104690  
of the Revised Code. If the resolution is adopted as an emergency 104691  
measure necessary for the immediate preservation of the public 104692  
peace, health, or safety, it must receive an affirmative vote of 104693  
all of the members of the board of county commissioners and shall 104694  
state the reasons for the necessity. 104695

If the tax is for more than one of the purposes set forth in 104696  
divisions (A)(1) to (7), (9), and (10) of this section, or is 104697  
exclusively for one of the purposes set forth in division (A)(1), 104698  
(2), (4), (5), (6), (7), (9), or (10) of this section, the 104699  
resolution shall not go into effect unless it is approved by a 104700  
majority of the electors voting on the question of the tax. 104701

(B) The board of county commissioners shall adopt a 104702  
resolution under section 351.02 of the Revised Code creating the 104703  
convention facilities authority, or under section 307.283 of the 104704  
Revised Code creating the community improvements board, before 104705  
adopting a resolution levying a tax for the purpose of a 104706  
convention facilities authority under division (A)(1) of this 104707  
section or for the purpose of a community improvements board under 104708  
division (A)(4) of this section. 104709

(C)(1) If the tax is to be used for more than one of the 104710  
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 104711  
this section, the board of county commissioners shall establish 104712  
the method that will be used to determine the amount or proportion 104713  
of the tax revenue received by the county during each year that 104714  
will be distributed for each of those purposes, including, if 104715  
applicable, provisions governing the reallocation of a convention 104716  
facilities authority's allocation if the authority is dissolved 104717  
while the tax is in effect. The allocation method may provide that 104718  
different proportions or amounts of the tax shall be distributed 104719

among the purposes in different years, but it shall clearly 104720  
describe the method that will be used for each year. Except as 104721  
otherwise provided in division (C)(2) of this section, the 104722  
allocation method established by the board is not subject to 104723  
amendment during the life of the tax. 104724

(2) Subsequent to holding a public hearing on the proposed 104725  
amendment, the board of county commissioners may amend the 104726  
allocation method established under division (C)(1) of this 104727  
section for any year, if the amendment is approved by the 104728  
governing board of each entity whose allocation for the year would 104729  
be reduced by the proposed amendment. In the case of a tax that is 104730  
levied for a continuing period of time, the board may not so amend 104731  
the allocation method for any year before the sixth year that the 104732  
tax is in effect. 104733

(a) If the additional revenues provided to the convention 104734  
facilities authority are pledged by the authority for the payment 104735  
of convention facilities authority revenue bonds for as long as 104736  
such bonds are outstanding, no reduction of the authority's 104737  
allocation of the tax shall be made for any year except to the 104738  
extent that the reduced authority allocation, when combined with 104739  
the authority's other revenues pledged for that purpose, is 104740  
sufficient to meet the debt service requirements for that year on 104741  
such bonds. 104742

(b) If the additional revenues provided to the county are 104743  
pledged by the county for the payment of bonds or notes described 104744  
in division (A)(4) or (5) of this section, for as long as such 104745  
bonds or notes are outstanding, no reduction of the county's or 104746  
the community improvements board's allocation of the tax shall be 104747  
made for any year, except to the extent that the reduced county or 104748  
community improvements board allocation is sufficient to meet the 104749  
debt service requirements for that year on such bonds or notes. 104750

(c) If the additional revenues provided to the transit 104751

authority are pledged by the authority for the payment of revenue 104752  
bonds issued under section 306.37 of the Revised Code, for as long 104753  
as such bonds are outstanding, no reduction of the authority's 104754  
allocation of tax shall be made for any year, except to the extent 104755  
that the authority's reduced allocation, when combined with the 104756  
authority's other revenues pledged for that purpose, is sufficient 104757  
to meet the debt service requirements for that year on such bonds. 104758

(d) If the additional revenues provided to the county are 104759  
pledged by the county for the payment of bonds or notes issued 104760  
under section 133.60 of the Revised Code, for so long as the bonds 104761  
or notes are outstanding, no reduction of the county's allocation 104762  
of the tax shall be made for any year, except to the extent that 104763  
the reduced county allocation is sufficient to meet the debt 104764  
service requirements for that year on the bonds or notes. 104765

(D)(1) The resolution levying the tax or increasing the rate 104766  
of tax shall state the rate of the tax or the rate of the 104767  
increase; the purpose or purposes for which it is to be levied; 104768  
the number of years for which it is to be levied or that it is for 104769  
a continuing period of time; the allocation method required by 104770  
division (C) of this section; and if required to be submitted to 104771  
the electors of the county under division (A) of this section, the 104772  
date of the election at which the proposal shall be submitted to 104773  
the electors of the county, which shall be not less than ninety 104774  
days after the certification of a copy of the resolution to the 104775  
board of elections and, if the tax is to be levied exclusively for 104776  
the purpose set forth in division (A)(3) of this section, shall 104777  
not occur in February or August of any year. Upon certification of 104778  
the resolution to the board of elections, the board of county 104779  
commissioners shall notify the tax commissioner in writing of the 104780  
levy question to be submitted to the electors. If approved by a 104781  
majority of the electors, the tax shall become effective on the 104782  
first day of a calendar quarter next following the sixty-fifth day 104783

following the date the board of county commissioners and tax commissioner receive from the board of elections the certification of the results of the election, except as provided in division (E) of this section.

(2)(a) A resolution specifying that the tax is to be used exclusively for the purpose set forth in division (A)(3) of this section that is not adopted as an emergency measure may direct the board of elections to submit the question of levying the tax or increasing the rate of the tax to the electors of the county at a special election held on the date specified by the board of county commissioners in the resolution, provided that the election occurs not less than ninety days after the resolution is certified to the board of elections and the election is not held in February or August of any year. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. No resolution adopted under division (D)(2)(a) of this section shall go into effect unless approved by a majority of those voting upon it and, except as provided in division (E) of this section, not until the first day of a calendar quarter following the expiration of sixty-five days from the date the tax commissioner receives notice from the board of elections of the affirmative vote.

(b) A resolution specifying that the tax is to be used exclusively for the purpose set forth in division (A)(3) of this section that is adopted as an emergency measure shall become effective as provided in division (A) of this section, but may direct the board of elections to submit the question of repealing the tax or increase in the rate of the tax to the electors of the county at the next general election in the county occurring not less than ninety days after the resolution is certified to the board of elections. Upon certification of the resolution to the

board of elections, the board of county commissioners shall notify 104816  
the tax commissioner in writing of the levy question to be 104817  
submitted to the electors. The ballot question shall be the same 104818  
as that prescribed in section 5739.022 of the Revised Code. The 104819  
board of elections shall notify the board of county commissioners 104820  
and the tax commissioner of the result of the election immediately 104821  
after the result has been declared. If a majority of the qualified 104822  
electors voting on the question of repealing the tax or increase 104823  
in the rate of the tax vote for repeal of the tax or repeal of the 104824  
increase, the board of county commissioners, on the first day of a 104825  
calendar quarter following the expiration of sixty-five days after 104826  
the date the board and tax commissioner received notice of the 104827  
result of the election, shall, in the case of a repeal of the tax, 104828  
cease to levy the tax, or, in the case of a repeal of an increase 104829  
in the rate of the tax, cease to levy the increased rate and levy 104830  
the tax at the rate at which it was imposed immediately prior to 104831  
the increase in rate. 104832

(c) A board of county commissioners, by resolution, may 104833  
reduce the rate of a tax levied exclusively for the purpose set 104834  
forth in division (A)(3) of this section to a lower rate 104835  
authorized by this section. Any such reduction shall be made 104836  
effective on the first day of the calendar quarter next following 104837  
the sixty-fifth day after the tax commissioner receives a 104838  
certified copy of the resolution from the board. 104839

(E) If a vendor that is registered with the central 104840  
electronic registration system provided for in section 5740.05 of 104841  
the Revised Code makes a sale in this state by printed catalog and 104842  
the consumer computed the tax on the sale based on local rates 104843  
published in the catalog, any tax levied or repealed or rate 104844  
changed under this section shall not apply to such a sale until 104845  
the first day of a calendar quarter following the expiration of 104846  
one hundred twenty days from the date of notice by the tax 104847



commissioner pursuant to division (G) of this section. 104848

(F) The tax levied pursuant to this section shall be in 104849  
addition to the tax levied by section 5739.02 of the Revised Code 104850  
and any tax levied pursuant to section 5739.021 or 5739.023 of the 104851  
Revised Code. 104852

A county that levies a tax pursuant to this section shall 104853  
levy a tax at the same rate pursuant to section 5741.023 of the 104854  
Revised Code. 104855

The additional tax levied by the county shall be collected 104856  
pursuant to section 5739.025 of the Revised Code. 104857

Any tax levied pursuant to this section is subject to the 104858  
exemptions provided in section 5739.02 of the Revised Code and in 104859  
addition shall not be applicable to sales not within the taxing 104860  
power of a county under the Constitution of the United States or 104861  
the Ohio Constitution. 104862

(G) Upon receipt from a board of county commissioners of a 104863  
certified copy of a resolution required by division (A) of this 104864  
section, or from the board of elections a notice of the results of 104865  
an election required by division (D)(1), (2)(a), (b), or (c) of 104866  
this section, the tax commissioner shall provide notice of a tax 104867  
rate change in a manner that is reasonably accessible to all 104868  
affected vendors. The commissioner shall provide this notice at 104869  
least sixty days prior to the effective date of the rate change. 104870  
The commissioner, by rule, may establish the method by which 104871  
notice will be provided. 104872

**Sec. 5739.101.** (A) The legislative authority of a municipal 104873  
corporation, by ordinance, or of a township, by resolution, may 104874  
declare the municipal corporation or township to be a resort area 104875  
for the purposes of this section, if all of the following criteria 104876  
are met: 104877

(1) According to statistics published by the federal 104878  
government based on data compiled during the most recent decennial 104879  
census of the United States, at least sixty-two per cent of total 104880  
housing units in the municipal corporation or township are 104881  
classified as "for seasonal, recreational, or occasional use"; 104882

(2) Entertainment and recreation facilities are provided 104883  
within the municipal corporation or township that are primarily 104884  
intended to provide seasonal leisure time activities for persons 104885  
other than permanent residents of the municipal corporation or 104886  
township; 104887

(3) The municipal corporation or township experiences 104888  
seasonal peaks of employment and demand for government services as 104889  
a direct result of the seasonal population increase. 104890

(B) For the purpose of providing revenue for its general 104891  
fund, the legislative authority of a municipal corporation or 104892  
township, in its ordinance or resolution declaring itself a resort 104893  
area under this section, may levy a tax on the privilege of 104894  
engaging in the business of either of the following: 104895

(1) Making sales in the municipal corporation or township, 104896  
whether wholesale or retail, but including sales of food only to 104897  
the extent such sales are subject to the tax levied under section 104898  
5739.02 of the Revised Code; 104899

(2) Intrastate transportation of passengers or property 104900  
primarily to or from the municipal corporation or township by a 104901  
railroad, watercraft, or motor vehicle subject to regulation by 104902  
the public utilities commission, except not including 104903  
transportation of passengers as part of a tour or cruise in which 104904  
the passengers will stay in the municipal corporation or township 104905  
for no more than one hour. 104906

The tax is imposed upon and shall be paid by the person 104907  
making the sales or transporting the passengers or property. The 104908

rate of the tax shall be one-half, one, or one and one-half per 104909  
cent of the person's gross receipts derived from making the sales 104910  
or transporting the passengers or property to or from the 104911  
municipal corporation or township. 104912

(C) The tax shall take effect on the first day of the month 104913  
that begins at least sixty days after the effective date of the 104914  
ordinance or resolution in which it is levied. The legislative 104915  
authority shall certify copies of the ordinance or resolution to 104916  
the tax commissioner and treasurer of state within five days after 104917  
its adoption. In addition, one time each week during the two weeks 104918  
following the adoption of the ordinance or resolution, the 104919  
legislative authority shall cause to be published in a newspaper 104920  
of general circulation in the municipal corporation or township or 104921  
as provided in section 7.16 of the Revised Code, a notice 104922  
explaining the tax and stating the rate of the tax, the date it 104923  
will take effect, and that persons subject to the tax must 104924  
register with the tax commissioner under section 5739.103 of the 104925  
Revised Code. 104926

(D) No more than once a year, and subject to the rates 104927  
prescribed in division (B) of this section, the legislative 104928  
authority of the municipal corporation or township, by ordinance 104929  
or resolution, may increase or decrease the rate of a tax levied 104930  
under this section. The legislative authority, by ordinance or 104931  
resolution, at any time may repeal such a tax. The legislative 104932  
authority shall certify to the tax commissioner and treasurer of 104933  
state copies of the ordinance or resolution repealing or changing 104934  
the rate of the tax within five days after its adoption. In 104935  
addition, one time each week during the two weeks following the 104936  
adoption of the ordinance or resolution, the legislative authority 104937  
shall cause to be published in a newspaper of general circulation 104938  
in the municipal corporation or township or as provided in section 104939  
7.16 of the Revised Code, notice of the repeal or change. 104940

**Sec. 5747.01.** Except as otherwise expressly provided or 104941  
clearly appearing from the context, any term used in this chapter 104942  
that is not otherwise defined in this section has the same meaning 104943  
as when used in a comparable context in the laws of the United 104944  
States relating to federal income taxes or if not used in a 104945  
comparable context in those laws, has the same meaning as in 104946  
section 5733.40 of the Revised Code. Any reference in this chapter 104947  
to the Internal Revenue Code includes other laws of the United 104948  
States relating to federal income taxes. 104949

As used in this chapter: 104950

(A) "Adjusted gross income" or "Ohio adjusted gross income" 104951  
means federal adjusted gross income, as defined and used in the 104952  
Internal Revenue Code, adjusted as provided in this section: 104953

(1) Add interest or dividends on obligations or securities of 104954  
any state or of any political subdivision or authority of any 104955  
state, other than this state and its subdivisions and authorities. 104956

(2) Add interest or dividends on obligations of any 104957  
authority, commission, instrumentality, territory, or possession 104958  
of the United States to the extent that the interest or dividends 104959  
are exempt from federal income taxes but not from state income 104960  
taxes. 104961

(3) Deduct interest or dividends on obligations of the United 104962  
States and its territories and possessions or of any authority, 104963  
commission, or instrumentality of the United States to the extent 104964  
that the interest or dividends are included in federal adjusted 104965  
gross income but exempt from state income taxes under the laws of 104966  
the United States. 104967

(4) Deduct disability and survivor's benefits to the extent 104968  
included in federal adjusted gross income. 104969

(5) Deduct benefits under Title II of the Social Security Act 104970

and tier 1 railroad retirement benefits to the extent included in 104971  
federal adjusted gross income under section 86 of the Internal 104972  
Revenue Code. 104973

(6) In the case of a taxpayer who is a beneficiary of a trust 104974  
that makes an accumulation distribution as defined in section 665 104975  
of the Internal Revenue Code, add, for the beneficiary's taxable 104976  
years beginning before 2002, the portion, if any, of such 104977  
distribution that does not exceed the undistributed net income of 104978  
the trust for the three taxable years preceding the taxable year 104979  
in which the distribution is made to the extent that the portion 104980  
was not included in the trust's taxable income for any of the 104981  
trust's taxable years beginning in 2002 or thereafter. 104982

"Undistributed net income of a trust" means the taxable income of 104983  
the trust increased by (a)(i) the additions to adjusted gross 104984  
income required under division (A) of this section and (ii) the 104985  
personal exemptions allowed to the trust pursuant to section 104986  
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 104987  
deductions to adjusted gross income required under division (A) of 104988  
this section, (ii) the amount of federal income taxes attributable 104989  
to such income, and (iii) the amount of taxable income that has 104990  
been included in the adjusted gross income of a beneficiary by 104991  
reason of a prior accumulation distribution. Any undistributed net 104992  
income included in the adjusted gross income of a beneficiary 104993  
shall reduce the undistributed net income of the trust commencing 104994  
with the earliest years of the accumulation period. 104995

(7) Deduct the amount of wages and salaries, if any, not 104996  
otherwise allowable as a deduction but that would have been 104997  
allowable as a deduction in computing federal adjusted gross 104998  
income for the taxable year, had the targeted jobs credit allowed 104999  
and determined under sections 38, 51, and 52 of the Internal 105000  
Revenue Code not been in effect. 105001

(8) Deduct any interest or interest equivalent on public 105002

obligations and purchase obligations to the extent that the 105003  
interest or interest equivalent is included in federal adjusted 105004  
gross income. 105005

(9) Add any loss or deduct any gain resulting from the sale, 105006  
exchange, or other disposition of public obligations to the extent 105007  
that the loss has been deducted or the gain has been included in 105008  
computing federal adjusted gross income. 105009

(10) Deduct or add amounts, as provided under section 5747.70 105010  
of the Revised Code, related to contributions to variable college 105011  
savings program accounts made or tuition units purchased pursuant 105012  
to Chapter 3334. of the Revised Code. 105013

(11)(a) Deduct, to the extent not otherwise allowable as a 105014  
deduction or exclusion in computing federal or Ohio adjusted gross 105015  
income for the taxable year, the amount the taxpayer paid during 105016  
the taxable year for medical care insurance and qualified 105017  
long-term care insurance for the taxpayer, the taxpayer's spouse, 105018  
and dependents. No deduction for medical care insurance under 105019  
division (A)(11) of this section shall be allowed either to any 105020  
taxpayer who is eligible to participate in any subsidized health 105021  
plan maintained by any employer of the taxpayer or of the 105022  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 105023  
application would be entitled to, benefits under part A of Title 105024  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 105025  
301, as amended. For the purposes of division (A)(11)(a) of this 105026  
section, "subsidized health plan" means a health plan for which 105027  
the employer pays any portion of the plan's cost. The deduction 105028  
allowed under division (A)(11)(a) of this section shall be the net 105029  
of any related premium refunds, related premium reimbursements, or 105030  
related insurance premium dividends received during the taxable 105031  
year. 105032

(b) Deduct, to the extent not otherwise deducted or excluded 105033  
in computing federal or Ohio adjusted gross income during the 105034

taxable year, the amount the taxpayer paid during the taxable 105035  
year, not compensated for by any insurance or otherwise, for 105036  
medical care of the taxpayer, the taxpayer's spouse, and 105037  
dependents, to the extent the expenses exceed seven and one-half 105038  
per cent of the taxpayer's federal adjusted gross income. 105039

(c) Deduct, to the extent not otherwise deducted or excluded 105040  
in computing federal or Ohio adjusted gross income, any amount 105041  
included in federal adjusted gross income under section 105 or not 105042  
excluded under section 106 of the Internal Revenue Code solely 105043  
because it relates to an accident and health plan for a person who 105044  
otherwise would be a "qualifying relative" and thus a "dependent" 105045  
under section 152 of the Internal Revenue Code but for the fact 105046  
that the person fails to meet the income and support limitations 105047  
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 105048

(d) For purposes of division (A)(11) of this section, 105049  
"medical care" has the meaning given in section 213 of the 105050  
Internal Revenue Code, subject to the special rules, limitations, 105051  
and exclusions set forth therein, and "qualified long-term care" 105052  
has the same meaning given in section 7702B(c) of the Internal 105053  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 105054  
of this section, "dependent" includes a person who otherwise would 105055  
be a "qualifying relative" and thus a "dependent" under section 105056  
152 of the Internal Revenue Code but for the fact that the person 105057  
fails to meet the income and support limitations under section 105058  
152(d)(1)(B) and (C) of the Internal Revenue Code. 105059

(12)(a) Deduct any amount included in federal adjusted gross 105060  
income solely because the amount represents a reimbursement or 105061  
refund of expenses that in any year the taxpayer had deducted as 105062  
an itemized deduction pursuant to section 63 of the Internal 105063  
Revenue Code and applicable United States department of the 105064  
treasury regulations. The deduction otherwise allowed under 105065  
division (A)(12)(a) of this section shall be reduced to the extent 105066

the reimbursement is attributable to an amount the taxpayer 105067  
deducted under this section in any taxable year. 105068

(b) Add any amount not otherwise included in Ohio adjusted 105069  
gross income for any taxable year to the extent that the amount is 105070  
attributable to the recovery during the taxable year of any amount 105071  
deducted or excluded in computing federal or Ohio adjusted gross 105072  
income in any taxable year. 105073

(13) Deduct any portion of the deduction described in section 105074  
1341(a)(2) of the Internal Revenue Code, for repaying previously 105075  
reported income received under a claim of right, that meets both 105076  
of the following requirements: 105077

(a) It is allowable for repayment of an item that was 105078  
included in the taxpayer's adjusted gross income for a prior 105079  
taxable year and did not qualify for a credit under division (A) 105080  
or (B) of section 5747.05 of the Revised Code for that year; 105081

(b) It does not otherwise reduce the taxpayer's adjusted 105082  
gross income for the current or any other taxable year. 105083

(14) Deduct an amount equal to the deposits made to, and net 105084  
investment earnings of, a medical savings account during the 105085  
taxable year, in accordance with section 3924.66 of the Revised 105086  
Code. The deduction allowed by division (A)(14) of this section 105087  
does not apply to medical savings account deposits and earnings 105088  
otherwise deducted or excluded for the current or any other 105089  
taxable year from the taxpayer's federal adjusted gross income. 105090

(15)(a) Add an amount equal to the funds withdrawn from a 105091  
medical savings account during the taxable year, and the net 105092  
investment earnings on those funds, when the funds withdrawn were 105093  
used for any purpose other than to reimburse an account holder 105094  
for, or to pay, eligible medical expenses, in accordance with 105095  
section 3924.66 of the Revised Code; 105096

(b) Add the amounts distributed from a medical savings 105097



account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year. 105098  
105099

(16) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following: 105100  
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(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code; 105103  
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(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code. 105107  
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(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section. 105110  
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(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that 105118  
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culminates in a degree or diploma at an eligible institution. The 105129  
deduction may be claimed only to the extent that qualified tuition 105130  
and fees are not otherwise deducted or excluded for any taxable 105131  
year from federal or Ohio adjusted gross income. The deduction may 105132  
not be claimed for educational expenses for which the taxpayer 105133  
claims a credit under section 5747.27 of the Revised Code. 105134

(19) Add any reimbursement received during the taxable year 105135  
of any amount the taxpayer deducted under division (A)(18) of this 105136  
section in any previous taxable year to the extent the amount is 105137  
not otherwise included in Ohio adjusted gross income. 105138

(20)(a)(i) Add five-sixths of the amount of depreciation 105139  
expense allowed by subsection (k) of section 168 of the Internal 105140  
Revenue Code, including the taxpayer's proportionate or 105141  
distributive share of the amount of depreciation expense allowed 105142  
by that subsection to a pass-through entity in which the taxpayer 105143  
has a direct or indirect ownership interest. 105144

(ii) Add five-sixths of the amount of qualifying section 179 105145  
depreciation expense, including a person's proportionate or 105146  
distributive share of the amount of qualifying section 179 105147  
depreciation expense allowed to any pass-through entity in which 105148  
the person has a direct or indirect ownership. For the purposes of 105149  
this division, "qualifying section 179 depreciation expense" means 105150  
the difference between (I) the amount of depreciation expense 105151  
directly or indirectly allowed to the taxpayer under section 179 105152  
of the Internal Revenue Code, and (II) the amount of depreciation 105153  
expense directly or indirectly allowed to the taxpayer under 105154  
section 179 of the Internal Revenue Code as that section existed 105155  
on December 31, 2002. 105156

The tax commissioner, under procedures established by the 105157  
commissioner, may waive the add-backs related to a pass-through 105158  
entity if the taxpayer owns, directly or indirectly, less than 105159  
five per cent of the pass-through entity. 105160

(b) Nothing in division (A)(20) of this section shall be 105161  
construed to adjust or modify the adjusted basis of any asset. 105162

(c) To the extent the add-back required under division 105163  
(A)(20)(a) of this section is attributable to property generating 105164  
nonbusiness income or loss allocated under section 5747.20 of the 105165  
Revised Code, the add-back shall be situated to the same location 105166  
as the nonbusiness income or loss generated by the property for 105167  
the purpose of determining the credit under division (A) of 105168  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 105169  
be apportioned, subject to one or more of the four alternative 105170  
methods of apportionment enumerated in section 5747.21 of the 105171  
Revised Code. 105172

(d) For the purposes of division (A) of this section, net 105173  
operating loss carryback and carryforward shall not include 105174  
five-sixths of the allowance of any net operating loss deduction 105175  
carryback or carryforward to the taxable year to the extent such 105176  
loss resulted from depreciation allowed by section 168(k) of the 105177  
Internal Revenue Code and by the qualifying section 179 105178  
depreciation expense amount. 105179

(21)(a) If the taxpayer was required to add an amount under 105180  
division (A)(20)(a) of this section for a taxable year, deduct 105181  
one-fifth of the amount so added for each of the five succeeding 105182  
taxable years. 105183

(b) If the amount deducted under division (A)(21)(a) of this 105184  
section is attributable to an add-back allocated under division 105185  
(A)(20)(c) of this section, the amount deducted shall be situated 105186  
to the same location. Otherwise, the add-back shall be apportioned 105187  
using the apportionment factors for the taxable year in which the 105188  
deduction is taken, subject to one or more of the four alternative 105189  
methods of apportionment enumerated in section 5747.21 of the 105190  
Revised Code. 105191

(c) No deduction is available under division (A)(21)(a) of 105192  
this section with regard to any depreciation allowed by section 105193  
168(k) of the Internal Revenue Code and by the qualifying section 105194  
179 depreciation expense amount to the extent that such 105195  
depreciation resulted in or increased a federal net operating loss 105196  
carryback or carryforward to a taxable year to which division 105197  
(A)(20)(d) of this section does not apply. 105198

(22) Deduct, to the extent not otherwise deducted or excluded 105199  
in computing federal or Ohio adjusted gross income for the taxable 105200  
year, the amount the taxpayer received during the taxable year as 105201  
reimbursement for life insurance premiums under section 5919.31 of 105202  
the Revised Code. 105203

(23) Deduct, to the extent not otherwise deducted or excluded 105204  
in computing federal or Ohio adjusted gross income for the taxable 105205  
year, the amount the taxpayer received during the taxable year as 105206  
a death benefit paid by the adjutant general under section 5919.33 105207  
of the Revised Code. 105208

(24) Deduct, to the extent included in federal adjusted gross 105209  
income and not otherwise allowable as a deduction or exclusion in 105210  
computing federal or Ohio adjusted gross income for the taxable 105211  
year, military pay and allowances received by the taxpayer during 105212  
the taxable year for active duty service in the United States 105213  
army, air force, navy, marine corps, or coast guard or reserve 105214  
components thereof or the national guard. The deduction may not be 105215  
claimed for military pay and allowances received by the taxpayer 105216  
while the taxpayer is stationed in this state. 105217

(25) Deduct, to the extent not otherwise allowable as a 105218  
deduction or exclusion in computing federal or Ohio adjusted gross 105219  
income for the taxable year and not otherwise compensated for by 105220  
any other source, the amount of qualified organ donation expenses 105221  
incurred by the taxpayer during the taxable year, not to exceed 105222  
ten thousand dollars. A taxpayer may deduct qualified organ 105223

donation expenses only once for all taxable years beginning with 105224  
taxable years beginning in 2007. 105225

For the purposes of division (A)(25) of this section: 105226

(a) "Human organ" means all or any portion of a human liver, 105227  
pancreas, kidney, intestine, or lung, and any portion of human 105228  
bone marrow. 105229

(b) "Qualified organ donation expenses" means travel 105230  
expenses, lodging expenses, and wages and salary forgone by a 105231  
taxpayer in connection with the taxpayer's donation, while living, 105232  
of one or more of the taxpayer's human organs to another human 105233  
being. 105234

(26) Deduct, to the extent not otherwise deducted or excluded 105235  
in computing federal or Ohio adjusted gross income for the taxable 105236  
year, amounts received by the taxpayer as retired military 105237  
personnel pay for service in the United States army, navy, air 105238  
force, coast guard, or marine corps or reserve components thereof, 105239  
or the national guard, or received by the surviving spouse or 105240  
former spouse of such a taxpayer under the survivor benefit plan 105241  
on account of such a taxpayer's death. If the taxpayer receives 105242  
income on account of retirement paid under the federal civil 105243  
service retirement system or federal employees retirement system, 105244  
or under any successor retirement program enacted by the congress 105245  
of the United States that is established and maintained for 105246  
retired employees of the United States government, and such 105247  
retirement income is based, in whole or in part, on credit for the 105248  
taxpayer's military service, the deduction allowed under this 105249  
division shall include only that portion of such retirement income 105250  
that is attributable to the taxpayer's military service, to the 105251  
extent that portion of such retirement income is otherwise 105252  
included in federal adjusted gross income and is not otherwise 105253  
deducted under this section. Any amount deducted under division 105254  
(A)(26) of this section is not included in a taxpayer's adjusted 105255

gross income for the purposes of section 5747.055 of the Revised Code. No amount may be deducted under division (A)(26) of this section on the basis of which a credit was claimed under section 5747.055 of the Revised Code.

(27) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year from the military injury relief fund created in section 5101.98 of the Revised Code.

(28) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received as a veterans bonus during the taxable year from the Ohio department of veterans services as authorized by Section 2r of Article VIII, Ohio Constitution.

(29) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any loss from wagering transactions that is allowed as an itemized deduction under section 165 of the Internal Revenue Code and that the taxpayer deducted in computing federal taxable income.

(30) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any income derived from providing public services under a contract through a project owned by the state, as described in section 126.604 of the Revised Code or derived from a contract entered into under section 9.06 of the Revised Code and described in division (J) of that section, or derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(B) "Business income" means income, including gain or loss, arising from transactions, activities, and sources in the regular

course of a trade or business and includes income, gain, or loss 105287  
from real property, tangible property, and intangible property if 105288  
the acquisition, rental, management, and disposition of the 105289  
property constitute integral parts of the regular course of a 105290  
trade or business operation. "Business income" includes income, 105291  
including gain or loss, from a partial or complete liquidation of 105292  
a business, including, but not limited to, gain or loss from the 105293  
sale or other disposition of goodwill. 105294

(C) "Nonbusiness income" means all income other than business 105295  
income and may include, but is not limited to, compensation, rents 105296  
and royalties from real or tangible personal property, capital 105297  
gains, interest, dividends and distributions, patent or copyright 105298  
royalties, or lottery winnings, prizes, and awards. 105299

(D) "Compensation" means any form of remuneration paid to an 105300  
employee for personal services. 105301

(E) "Fiduciary" means a guardian, trustee, executor, 105302  
administrator, receiver, conservator, or any other person acting 105303  
in any fiduciary capacity for any individual, trust, or estate. 105304

(F) "Fiscal year" means an accounting period of twelve months 105305  
ending on the last day of any month other than December. 105306

(G) "Individual" means any natural person. 105307

(H) "Internal Revenue Code" means the "Internal Revenue Code 105308  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 105309

(I) "Resident" means any of the following, provided that 105310  
division (I)(3) of this section applies only to taxable years of a 105311  
trust beginning in 2002 or thereafter: 105312

(1) An individual who is domiciled in this state, subject to 105313  
section 5747.24 of the Revised Code; 105314

(2) The estate of a decedent who at the time of death was 105315  
domiciled in this state. The domicile tests of section 5747.24 of 105316

the Revised Code are not controlling for purposes of division 105317  
(I)(2) of this section. 105318

(3) A trust that, in whole or part, resides in this state. If 105319  
only part of a trust resides in this state, the trust is a 105320  
resident only with respect to that part. 105321

For the purposes of division (I)(3) of this section: 105322

(a) A trust resides in this state for the trust's current 105323  
taxable year to the extent, as described in division (I)(3)(d) of 105324  
this section, that the trust consists directly or indirectly, in 105325  
whole or in part, of assets, net of any related liabilities, that 105326  
were transferred, or caused to be transferred, directly or 105327  
indirectly, to the trust by any of the following: 105328

(i) A person, a court, or a governmental entity or 105329  
instrumentality on account of the death of a decedent, but only if 105330  
the trust is described in division (I)(3)(e)(i) or (ii) of this 105331  
section; 105332

(ii) A person who was domiciled in this state for the 105333  
purposes of this chapter when the person directly or indirectly 105334  
transferred assets to an irrevocable trust, but only if at least 105335  
one of the trust's qualifying beneficiaries is domiciled in this 105336  
state for the purposes of this chapter during all or some portion 105337  
of the trust's current taxable year; 105338

(iii) A person who was domiciled in this state for the 105339  
purposes of this chapter when the trust document or instrument or 105340  
part of the trust document or instrument became irrevocable, but 105341  
only if at least one of the trust's qualifying beneficiaries is a 105342  
resident domiciled in this state for the purposes of this chapter 105343  
during all or some portion of the trust's current taxable year. If 105344  
a trust document or instrument became irrevocable upon the death 105345  
of a person who at the time of death was domiciled in this state 105346  
for purposes of this chapter, that person is a person described in 105347



division (I)(3)(a)(iii) of this section. 105348

(b) A trust is irrevocable to the extent that the transferor 105349  
is not considered to be the owner of the net assets of the trust 105350  
under sections 671 to 678 of the Internal Revenue Code. 105351

(c) With respect to a trust other than a charitable lead 105352  
trust, "qualifying beneficiary" has the same meaning as "potential 105353  
current beneficiary" as defined in section 1361(e)(2) of the 105354  
Internal Revenue Code, and with respect to a charitable lead trust 105355  
"qualifying beneficiary" is any current, future, or contingent 105356  
beneficiary, but with respect to any trust "qualifying 105357  
beneficiary" excludes a person or a governmental entity or 105358  
instrumentality to any of which a contribution would qualify for 105359  
the charitable deduction under section 170 of the Internal Revenue 105360  
Code. 105361

(d) For the purposes of division (I)(3)(a) of this section, 105362  
the extent to which a trust consists directly or indirectly, in 105363  
whole or in part, of assets, net of any related liabilities, that 105364  
were transferred directly or indirectly, in whole or part, to the 105365  
trust by any of the sources enumerated in that division shall be 105366  
ascertained by multiplying the fair market value of the trust's 105367  
assets, net of related liabilities, by the qualifying ratio, which 105368  
shall be computed as follows: 105369

(i) The first time the trust receives assets, the numerator 105370  
of the qualifying ratio is the fair market value of those assets 105371  
at that time, net of any related liabilities, from sources 105372  
enumerated in division (I)(3)(a) of this section. The denominator 105373  
of the qualifying ratio is the fair market value of all the 105374  
trust's assets at that time, net of any related liabilities. 105375

(ii) Each subsequent time the trust receives assets, a 105376  
revised qualifying ratio shall be computed. The numerator of the 105377  
revised qualifying ratio is the sum of (1) the fair market value 105378

of the trust's assets immediately prior to the subsequent 105379  
transfer, net of any related liabilities, multiplied by the 105380  
qualifying ratio last computed without regard to the subsequent 105381  
transfer, and (2) the fair market value of the subsequently 105382  
transferred assets at the time transferred, net of any related 105383  
liabilities, from sources enumerated in division (I)(3)(a) of this 105384  
section. The denominator of the revised qualifying ratio is the 105385  
fair market value of all the trust's assets immediately after the 105386  
subsequent transfer, net of any related liabilities. 105387

(iii) Whether a transfer to the trust is by or from any of 105388  
the sources enumerated in division (I)(3)(a) of this section shall 105389  
be ascertained without regard to the domicile of the trust's 105390  
beneficiaries. 105391

(e) For the purposes of division (I)(3)(a)(i) of this 105392  
section: 105393

(i) A trust is described in division (I)(3)(e)(i) of this 105394  
section if the trust is a testamentary trust and the testator of 105395  
that testamentary trust was domiciled in this state at the time of 105396  
the testator's death for purposes of the taxes levied under 105397  
Chapter 5731. of the Revised Code. 105398

(ii) A trust is described in division (I)(3)(e)(ii) of this 105399  
section if the transfer is a qualifying transfer described in any 105400  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 105401  
irrevocable inter vivos trust, and at least one of the trust's 105402  
qualifying beneficiaries is domiciled in this state for purposes 105403  
of this chapter during all or some portion of the trust's current 105404  
taxable year. 105405

(f) For the purposes of division (I)(3)(e)(ii) of this 105406  
section, a "qualifying transfer" is a transfer of assets, net of 105407  
any related liabilities, directly or indirectly to a trust, if the 105408  
transfer is described in any of the following: 105409

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.

(v) The transfer is made to a trust on account of the will of a testator who was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly

created in connection with or as a result of the death of an 105441  
individual who, for purposes of the taxes levied under Chapter 105442  
5731. of the Revised Code, was domiciled in this state at the time 105443  
of the individual's death. 105444

(g) The tax commissioner may adopt rules to ascertain the 105445  
part of a trust residing in this state. 105446

(J) "Nonresident" means an individual or estate that is not a 105447  
resident. An individual who is a resident for only part of a 105448  
taxable year is a nonresident for the remainder of that taxable 105449  
year. 105450

(K) "Pass-through entity" has the same meaning as in section 105451  
5733.04 of the Revised Code. 105452

(L) "Return" means the notifications and reports required to 105453  
be filed pursuant to this chapter for the purpose of reporting the 105454  
tax due and includes declarations of estimated tax when so 105455  
required. 105456

(M) "Taxable year" means the calendar year or the taxpayer's 105457  
fiscal year ending during the calendar year, or fractional part 105458  
thereof, upon which the adjusted gross income is calculated 105459  
pursuant to this chapter. 105460

(N) "Taxpayer" means any person subject to the tax imposed by 105461  
section 5747.02 of the Revised Code or any pass-through entity 105462  
that makes the election under division (D) of section 5747.08 of 105463  
the Revised Code. 105464

(O) "Dependents" means dependents as defined in the Internal 105465  
Revenue Code and as claimed in the taxpayer's federal income tax 105466  
return for the taxable year or which the taxpayer would have been 105467  
permitted to claim had the taxpayer filed a federal income tax 105468  
return. 105469

(P) "Principal county of employment" means, in the case of a 105470

nonresident, the county within the state in which a taxpayer 105471  
performs services for an employer or, if those services are 105472  
performed in more than one county, the county in which the major 105473  
portion of the services are performed. 105474

(Q) As used in sections 5747.50 to 5747.55 of the Revised 105475  
Code: 105476

(1) "Subdivision" means any county, municipal corporation, 105477  
park district, or township. 105478

(2) "Essential local government purposes" includes all 105479  
functions that any subdivision is required by general law to 105480  
exercise, including like functions that are exercised under a 105481  
charter adopted pursuant to the Ohio Constitution. 105482

(R) "Overpayment" means any amount already paid that exceeds 105483  
the figure determined to be the correct amount of the tax. 105484

(S) "Taxable income" or "Ohio taxable income" applies only to 105485  
estates and trusts, and means federal taxable income, as defined 105486  
and used in the Internal Revenue Code, adjusted as follows: 105487

(1) Add interest or dividends, net of ordinary, necessary, 105488  
and reasonable expenses not deducted in computing federal taxable 105489  
income, on obligations or securities of any state or of any 105490  
political subdivision or authority of any state, other than this 105491  
state and its subdivisions and authorities, but only to the extent 105492  
that such net amount is not otherwise includible in Ohio taxable 105493  
income and is described in either division (S)(1)(a) or (b) of 105494  
this section: 105495

(a) The net amount is not attributable to the S portion of an 105496  
electing small business trust and has not been distributed to 105497  
beneficiaries for the taxable year; 105498

(b) The net amount is attributable to the S portion of an 105499  
electing small business trust for the taxable year. 105500

(2) Add interest or dividends, net of ordinary, necessary, 105501  
and reasonable expenses not deducted in computing federal taxable 105502  
income, on obligations of any authority, commission, 105503  
instrumentality, territory, or possession of the United States to 105504  
the extent that the interest or dividends are exempt from federal 105505  
income taxes but not from state income taxes, but only to the 105506  
extent that such net amount is not otherwise includible in Ohio 105507  
taxable income and is described in either division (S)(1)(a) or 105508  
(b) of this section; 105509

(3) Add the amount of personal exemption allowed to the 105510  
estate pursuant to section 642(b) of the Internal Revenue Code; 105511

(4) Deduct interest or dividends, net of related expenses 105512  
deducted in computing federal taxable income, on obligations of 105513  
the United States and its territories and possessions or of any 105514  
authority, commission, or instrumentality of the United States to 105515  
the extent that the interest or dividends are exempt from state 105516  
taxes under the laws of the United States, but only to the extent 105517  
that such amount is included in federal taxable income and is 105518  
described in either division (S)(1)(a) or (b) of this section; 105519

(5) Deduct the amount of wages and salaries, if any, not 105520  
otherwise allowable as a deduction but that would have been 105521  
allowable as a deduction in computing federal taxable income for 105522  
the taxable year, had the targeted jobs credit allowed under 105523  
sections 38, 51, and 52 of the Internal Revenue Code not been in 105524  
effect, but only to the extent such amount relates either to 105525  
income included in federal taxable income for the taxable year or 105526  
to income of the S portion of an electing small business trust for 105527  
the taxable year; 105528

(6) Deduct any interest or interest equivalent, net of 105529  
related expenses deducted in computing federal taxable income, on 105530  
public obligations and purchase obligations, but only to the 105531  
extent that such net amount relates either to income included in 105532

federal taxable income for the taxable year or to income of the S 105533  
portion of an electing small business trust for the taxable year; 105534

(7) Add any loss or deduct any gain resulting from sale, 105535  
exchange, or other disposition of public obligations to the extent 105536  
that such loss has been deducted or such gain has been included in 105537  
computing either federal taxable income or income of the S portion 105538  
of an electing small business trust for the taxable year; 105539

(8) Except in the case of the final return of an estate, add 105540  
any amount deducted by the taxpayer on both its Ohio estate tax 105541  
return pursuant to section 5731.14 of the Revised Code, and on its 105542  
federal income tax return in determining federal taxable income; 105543

(9)(a) Deduct any amount included in federal taxable income 105544  
solely because the amount represents a reimbursement or refund of 105545  
expenses that in a previous year the decedent had deducted as an 105546  
itemized deduction pursuant to section 63 of the Internal Revenue 105547  
Code and applicable treasury regulations. The deduction otherwise 105548  
allowed under division (S)(9)(a) of this section shall be reduced 105549  
to the extent the reimbursement is attributable to an amount the 105550  
taxpayer or decedent deducted under this section in any taxable 105551  
year. 105552

(b) Add any amount not otherwise included in Ohio taxable 105553  
income for any taxable year to the extent that the amount is 105554  
attributable to the recovery during the taxable year of any amount 105555  
deducted or excluded in computing federal or Ohio taxable income 105556  
in any taxable year, but only to the extent such amount has not 105557  
been distributed to beneficiaries for the taxable year. 105558

(10) Deduct any portion of the deduction described in section 105559  
1341(a)(2) of the Internal Revenue Code, for repaying previously 105560  
reported income received under a claim of right, that meets both 105561  
of the following requirements: 105562

(a) It is allowable for repayment of an item that was 105563

included in the taxpayer's taxable income or the decedent's 105564  
adjusted gross income for a prior taxable year and did not qualify 105565  
for a credit under division (A) or (B) of section 5747.05 of the 105566  
Revised Code for that year. 105567

(b) It does not otherwise reduce the taxpayer's taxable 105568  
income or the decedent's adjusted gross income for the current or 105569  
any other taxable year. 105570

(11) Add any amount claimed as a credit under section 105571  
5747.059 of the Revised Code to the extent that the amount 105572  
satisfies either of the following: 105573

(a) The amount was deducted or excluded from the computation 105574  
of the taxpayer's federal taxable income as required to be 105575  
reported for the taxpayer's taxable year under the Internal 105576  
Revenue Code; 105577

(b) The amount resulted in a reduction in the taxpayer's 105578  
federal taxable income as required to be reported for any of the 105579  
taxpayer's taxable years under the Internal Revenue Code. 105580

(12) Deduct any amount, net of related expenses deducted in 105581  
computing federal taxable income, that a trust is required to 105582  
report as farm income on its federal income tax return, but only 105583  
if the assets of the trust include at least ten acres of land 105584  
satisfying the definition of "land devoted exclusively to 105585  
agricultural use" under section 5713.30 of the Revised Code, 105586  
regardless of whether the land is valued for tax purposes as such 105587  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 105588  
trust is a pass-through entity investor, section 5747.231 of the 105589  
Revised Code applies in ascertaining if the trust is eligible to 105590  
claim the deduction provided by division (S)(12) of this section 105591  
in connection with the pass-through entity's farm income. 105592

Except for farm income attributable to the S portion of an 105593  
electing small business trust, the deduction provided by division 105594



(S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of this section applies only to taxable years of a trust beginning in 2002 or thereafter.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002 or thereafter.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state.

(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.

(Y) "Month" means a calendar month.

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.

(AA)(1) "Eligible institution" means a state university or state institution of higher education as defined in section 3345.011 of the Revised Code, or a private, nonprofit college, university, or other post-secondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code or a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(2) "Qualified tuition and fees" means tuition and fees imposed by an eligible institution as a condition of enrollment or attendance, not exceeding two thousand five hundred dollars in each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not include:

(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;

(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;

(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.

(BB)(1) "Modified business income" means the business income 105656  
included in a trust's Ohio taxable income after such taxable 105657  
income is first reduced by the qualifying trust amount, if any. 105658

(2) "Qualifying trust amount" of a trust means capital gains 105659  
and losses from the sale, exchange, or other disposition of equity 105660  
or ownership interests in, or debt obligations of, a qualifying 105661  
investee to the extent included in the trust's Ohio taxable 105662  
income, but only if the following requirements are satisfied: 105663

(a) The book value of the qualifying investee's physical 105664  
assets in this state and everywhere, as of the last day of the 105665  
qualifying investee's fiscal or calendar year ending immediately 105666  
prior to the date on which the trust recognizes the gain or loss, 105667  
is available to the trust. 105668

(b) The requirements of section 5747.011 of the Revised Code 105669  
are satisfied for the trust's taxable year in which the trust 105670  
recognizes the gain or loss. 105671

Any gain or loss that is not a qualifying trust amount is 105672  
modified business income, qualifying investment income, or 105673  
modified nonbusiness income, as the case may be. 105674

(3) "Modified nonbusiness income" means a trust's Ohio 105675  
taxable income other than modified business income, other than the 105676  
qualifying trust amount, and other than qualifying investment 105677  
income, as defined in section 5747.012 of the Revised Code, to the 105678  
extent such qualifying investment income is not otherwise part of 105679  
modified business income. 105680

(4) "Modified Ohio taxable income" applies only to trusts, 105681  
and means the sum of the amounts described in divisions (BB)(4)(a) 105682  
to (c) of this section: 105683

(a) The fraction, calculated under section 5747.013, and 105684  
applying section 5747.231 of the Revised Code, multiplied by the 105685  
sum of the following amounts: 105686

(i) The trust's modified business income; 105687

(ii) The trust's qualifying investment income, as defined in 105688  
section 5747.012 of the Revised Code, but only to the extent the 105689  
qualifying investment income does not otherwise constitute 105690  
modified business income and does not otherwise constitute a 105691  
qualifying trust amount. 105692

(b) The qualifying trust amount multiplied by a fraction, the 105693  
numerator of which is the sum of the book value of the qualifying 105694  
investee's physical assets in this state on the last day of the 105695  
qualifying investee's fiscal or calendar year ending immediately 105696  
prior to the day on which the trust recognizes the qualifying 105697  
trust amount, and the denominator of which is the sum of the book 105698  
value of the qualifying investee's total physical assets 105699  
everywhere on the last day of the qualifying investee's fiscal or 105700  
calendar year ending immediately prior to the day on which the 105701  
trust recognizes the qualifying trust amount. If, for a taxable 105702  
year, the trust recognizes a qualifying trust amount with respect 105703  
to more than one qualifying investee, the amount described in 105704  
division (BB)(4)(b) of this section shall equal the sum of the 105705  
products so computed for each such qualifying investee. 105706

(c)(i) With respect to a trust or portion of a trust that is 105707  
a resident as ascertained in accordance with division (I)(3)(d) of 105708  
this section, its modified nonbusiness income. 105709

(ii) With respect to a trust or portion of a trust that is 105710  
not a resident as ascertained in accordance with division 105711  
(I)(3)(d) of this section, the amount of its modified nonbusiness 105712  
income satisfying the descriptions in divisions (B)(2) to (5) of 105713  
section 5747.20 of the Revised Code, except as otherwise provided 105714  
in division (BB)(4)(c)(ii) of this section. With respect to a 105715  
trust or portion of a trust that is not a resident as ascertained 105716  
in accordance with division (I)(3)(d) of this section, the trust's 105717  
portion of modified nonbusiness income recognized from the sale, 105718

exchange, or other disposition of a debt interest in or equity 105719  
interest in a section 5747.212 entity, as defined in section 105720  
5747.212 of the Revised Code, without regard to division (A) of 105721  
that section, shall not be allocated to this state in accordance 105722  
with section 5747.20 of the Revised Code but shall be apportioned 105723  
to this state in accordance with division (B) of section 5747.212 105724  
of the Revised Code without regard to division (A) of that 105725  
section. 105726

If the allocation and apportionment of a trust's income under 105727  
divisions (BB)(4)(a) and (c) of this section do not fairly 105728  
represent the modified Ohio taxable income of the trust in this 105729  
state, the alternative methods described in division (C) of 105730  
section 5747.21 of the Revised Code may be applied in the manner 105731  
and to the same extent provided in that section. 105732

(5)(a) Except as set forth in division (BB)(5)(b) of this 105733  
section, "qualifying investee" means a person in which a trust has 105734  
an equity or ownership interest, or a person or unit of government 105735  
the debt obligations of either of which are owned by a trust. For 105736  
the purposes of division (BB)(2)(a) of this section and for the 105737  
purpose of computing the fraction described in division (BB)(4)(b) 105738  
of this section, all of the following apply: 105739

(i) If the qualifying investee is a member of a qualifying 105740  
controlled group on the last day of the qualifying investee's 105741  
fiscal or calendar year ending immediately prior to the date on 105742  
which the trust recognizes the gain or loss, then "qualifying 105743  
investee" includes all persons in the qualifying controlled group 105744  
on such last day. 105745

(ii) If the qualifying investee, or if the qualifying 105746  
investee and any members of the qualifying controlled group of 105747  
which the qualifying investee is a member on the last day of the 105748  
qualifying investee's fiscal or calendar year ending immediately 105749  
prior to the date on which the trust recognizes the gain or loss, 105750

separately or cumulatively own, directly or indirectly, on the 105751  
last day of the qualifying investee's fiscal or calendar year 105752  
ending immediately prior to the date on which the trust recognizes 105753  
the qualifying trust amount, more than fifty per cent of the 105754  
equity of a pass-through entity, then the qualifying investee and 105755  
the other members are deemed to own the proportionate share of the 105756  
pass-through entity's physical assets which the pass-through 105757  
entity directly or indirectly owns on the last day of the 105758  
pass-through entity's calendar or fiscal year ending within or 105759  
with the last day of the qualifying investee's fiscal or calendar 105760  
year ending immediately prior to the date on which the trust 105761  
recognizes the qualifying trust amount. 105762

(iii) For the purposes of division (BB)(5)(a)(iii) of this 105763  
section, "upper level pass-through entity" means a pass-through 105764  
entity directly or indirectly owning any equity of another 105765  
pass-through entity, and "lower level pass-through entity" means 105766  
that other pass-through entity. 105767

An upper level pass-through entity, whether or not it is also 105768  
a qualifying investee, is deemed to own, on the last day of the 105769  
upper level pass-through entity's calendar or fiscal year, the 105770  
proportionate share of the lower level pass-through entity's 105771  
physical assets that the lower level pass-through entity directly 105772  
or indirectly owns on the last day of the lower level pass-through 105773  
entity's calendar or fiscal year ending within or with the last 105774  
day of the upper level pass-through entity's fiscal or calendar 105775  
year. If the upper level pass-through entity directly and 105776  
indirectly owns less than fifty per cent of the equity of the 105777  
lower level pass-through entity on each day of the upper level 105778  
pass-through entity's calendar or fiscal year in which or with 105779  
which ends the calendar or fiscal year of the lower level 105780  
pass-through entity and if, based upon clear and convincing 105781  
evidence, complete information about the location and cost of the 105782

physical assets of the lower pass-through entity is not available 105783  
to the upper level pass-through entity, then solely for purposes 105784  
of ascertaining if a gain or loss constitutes a qualifying trust 105785  
amount, the upper level pass-through entity shall be deemed as 105786  
owning no equity of the lower level pass-through entity for each 105787  
day during the upper level pass-through entity's calendar or 105788  
fiscal year in which or with which ends the lower level 105789  
pass-through entity's calendar or fiscal year. Nothing in division 105790  
(BB)(5)(a)(iii) of this section shall be construed to provide for 105791  
any deduction or exclusion in computing any trust's Ohio taxable 105792  
income. 105793

(b) With respect to a trust that is not a resident for the 105794  
taxable year and with respect to a part of a trust that is not a 105795  
resident for the taxable year, "qualifying investee" for that 105796  
taxable year does not include a C corporation if both of the 105797  
following apply: 105798

(i) During the taxable year the trust or part of the trust 105799  
recognizes a gain or loss from the sale, exchange, or other 105800  
disposition of equity or ownership interests in, or debt 105801  
obligations of, the C corporation. 105802

(ii) Such gain or loss constitutes nonbusiness income. 105803

(6) "Available" means information is such that a person is 105804  
able to learn of the information by the due date plus extensions, 105805  
if any, for filing the return for the taxable year in which the 105806  
trust recognizes the gain or loss. 105807

(CC) "Qualifying controlled group" has the same meaning as in 105808  
section 5733.04 of the Revised Code. 105809

(DD) "Related member" has the same meaning as in section 105810  
5733.042 of the Revised Code. 105811

(EE)(1) For the purposes of division (EE) of this section: 105812

(a) "Qualifying person" means any person other than a  
qualifying corporation. 105813  
105814

(b) "Qualifying corporation" means any person classified for 105815  
federal income tax purposes as an association taxable as a 105816  
corporation, except either of the following: 105817

(i) A corporation that has made an election under subchapter 105818  
S, chapter one, subtitle A, of the Internal Revenue Code for its 105819  
taxable year ending within, or on the last day of, the investor's 105820  
taxable year; 105821

(ii) A subsidiary that is wholly owned by any corporation 105822  
that has made an election under subchapter S, chapter one, 105823  
subtitle A of the Internal Revenue Code for its taxable year 105824  
ending within, or on the last day of, the investor's taxable year. 105825

(2) For the purposes of this chapter, unless expressly stated 105826  
otherwise, no qualifying person indirectly owns any asset directly 105827  
or indirectly owned by any qualifying corporation. 105828

(FF) For purposes of this chapter and Chapter 5751. of the 105829  
Revised Code: 105830

(1) "Trust" does not include a qualified pre-income tax 105831  
trust. 105832

(2) A "qualified pre-income tax trust" is any pre-income tax 105833  
trust that makes a qualifying pre-income tax trust election as 105834  
described in division (FF)(3) of this section. 105835

(3) A "qualifying pre-income tax trust election" is an 105836  
election by a pre-income tax trust to subject to the tax imposed 105837  
by section 5751.02 of the Revised Code the pre-income tax trust 105838  
and all pass-through entities of which the trust owns or controls, 105839  
directly, indirectly, or constructively through related interests, 105840  
five per cent or more of the ownership or equity interests. The 105841  
trustee shall notify the tax commissioner in writing of the 105842



election on or before April 15, 2006. The election, if timely 105843  
made, shall be effective on and after January 1, 2006, and shall 105844  
apply for all tax periods and tax years until revoked by the 105845  
trustee of the trust. 105846

(4) A "pre-income tax trust" is a trust that satisfies all of 105847  
the following requirements: 105848

(a) The document or instrument creating the trust was 105849  
executed by the grantor before January 1, 1972; 105850

(b) The trust became irrevocable upon the creation of the 105851  
trust; and 105852

(c) The grantor was domiciled in this state at the time the 105853  
trust was created. 105854

**Sec. 5747.058.** (A) A refundable income tax credit granted by 105855  
the tax credit authority under section 122.17 or division (B)(2) 105856  
or (3) of section 122.171 of the Revised Code may be claimed under 105857  
this chapter, in the order required under section 5747.98 of the 105858  
Revised Code. For purposes of making tax payments under this 105859  
chapter, taxes equal to the amount of the refundable credit shall 105860  
be considered to be paid to this state on the first day of the 105861  
taxable year. The refundable credit shall not be claimed for any 105862  
taxable years ending with or following the calendar year in which 105863  
a relocation of employment positions occurs in violation of an 105864  
agreement entered into under section 122.171 of the Revised Code. 105865

(B) A nonrefundable income tax credit granted by the tax 105866  
credit authority under division (B)(1) of section 122.171 of the 105867  
Revised Code may be claimed under this chapter, in the order 105868  
required under section 5747.98 of the Revised Code. 105869

**Sec. 5747.113.** (A) Any taxpayer claiming a refund under 105870  
section 5747.11 of the Revised Code ~~for taxable years ending on or~~ 105871  
~~after October 14, 1983,~~ who wishes to contribute any part of the 105872

taxpayer's refund to the natural areas and preserves fund created 105873  
in section 1517.11 of the Revised Code, the nongame and endangered 105874  
wildlife fund created in section 1531.26 of the Revised Code, the 105875  
military injury relief fund created in section 5101.98 of the 105876  
Revised Code, the Ohio historical society income tax contribution 105877  
fund created in section 149.308 of the Revised Code, or all of 105878  
those funds, may designate on the taxpayer's income tax return the 105879  
amount that the taxpayer wishes to contribute to the fund or 105880  
funds. A designated contribution is irrevocable upon the filing of 105881  
the return and shall be made in the full amount designated if the 105882  
refund found due the taxpayer upon the initial processing of the 105883  
taxpayer's return, after any deductions including those required 105884  
by section 5747.12 of the Revised Code, is greater than or equal 105885  
to the designated contribution. If the refund due as initially 105886  
determined is less than the designated contribution, the 105887  
contribution shall be made in the full amount of the refund. The 105888  
tax commissioner shall subtract the amount of the contribution 105889  
from the amount of the refund initially found due the taxpayer and 105890  
shall certify the difference to the director of budget and 105891  
management and treasurer of state for payment to the taxpayer in 105892  
accordance with section 5747.11 of the Revised Code. For the 105893  
purpose of any subsequent determination of the taxpayer's net tax 105894  
payment, the contribution shall be considered a part of the refund 105895  
paid to the taxpayer. 105896

(B) The tax commissioner shall provide a space on the income 105897  
tax return form in which a taxpayer may indicate that the taxpayer 105898  
wishes to make a donation in accordance with this section. The tax 105899  
commissioner shall also print in the instructions accompanying the 105900  
income tax return form a description of the purposes for which the 105901  
natural areas and preserves fund, the nongame and endangered 105902  
wildlife fund, ~~and~~ the military injury relief fund, and the Ohio 105903  
historical society income tax contribution fund were created and 105904  
the use of moneys from the income tax refund contribution system 105905

established in this section. No person shall designate on the 105906  
person's income tax return any part of a refund claimed under 105907  
section 5747.11 of the Revised Code as a contribution to any fund 105908  
other than the natural areas and preserves fund, the nongame and 105909  
endangered wildlife fund, the military injury relief fund, or ~~all~~ 105910  
~~of those funds~~ the Ohio historical society income tax contribution 105911  
fund. 105912

(C) The money collected under the income tax refund 105913  
contribution system established in this section shall be deposited 105914  
by the tax commissioner into the natural areas and preserves fund, 105915  
the nongame and endangered wildlife fund, ~~and~~ the military injury 105916  
relief fund, and the Ohio historical society income tax 105917  
contribution fund in the amounts designated on the tax returns. 105918

(D) No later than the thirtieth day of September each year, 105919  
the tax commissioner shall determine the total amount contributed 105920  
to each fund under this section during the preceding eight months, 105921  
any adjustments to prior months, and the cost to the department of 105922  
taxation of administering the income tax refund contribution 105923  
system during that eight-month period. The commissioner shall make 105924  
an additional determination no later than the thirty-first day of 105925  
January of each year of the total amount contributed to each fund 105926  
under this section during the preceding four calendar months, any 105927  
adjustments to prior years made during that four-month period, and 105928  
the cost to the department of taxation of administering the income 105929  
tax contribution system during that period. The cost of 105930  
administering the income tax contribution system shall be 105931  
certified by the tax commissioner to the director of budget and 105932  
management, who shall transfer an amount equal to ~~one-third~~ 105933  
one-fourth of such administrative costs from the natural areas and 105934  
preserves fund, ~~one-third~~ one-fourth of such costs from the 105935  
nongame and endangered wildlife fund, ~~and one-third~~ one-fourth of 105936  
such costs from the military injury relief fund, and one-fourth of 105937

such costs from the Ohio historical society income tax 105938  
contribution fund to the litter control and natural resource tax 105939  
administration fund, which is hereby created, provided that the 105940  
moneys that the department receives to pay the cost of 105941  
administering the income tax refund contribution system in any 105942  
year shall not exceed two and one-half per cent of the total 105943  
amount contributed under that system during that year. 105944

(E)(1) The director of natural resources, in January of every 105945  
odd-numbered year, shall report to the general assembly on the 105946  
effectiveness of the income tax refund contribution system as it 105947  
pertains to the natural areas and preserves fund and the nongame 105948  
and endangered wildlife fund. The report shall include the amount 105949  
of money contributed to each fund in each of the previous five 105950  
years, the amount of money contributed directly to each fund in 105951  
addition to or independently of the income tax refund contribution 105952  
system in each of the previous five years, and the purposes for 105953  
which the money was expended. 105954

(2) The director of job and family services and the director 105955  
of the Ohio historical society, in January of every odd-numbered 105956  
year, each shall report to the general assembly on the 105957  
effectiveness of the income tax refund contribution system as it 105958  
pertains to the military injury relief fund and the Ohio 105959  
historical society income tax contribution fund, respectively. The 105960  
report shall include the amount of money contributed to the fund 105961  
in each of the previous five years, the amount of money 105962  
contributed directly to the fund in addition to or independently 105963  
of the income tax refund contribution system in each of the 105964  
previous five years, and the purposes for which the money was 105965  
expended. 105966

**Sec. 5747.451.** (A) The mere retirement from business or 105967  
voluntary dissolution of a domestic or foreign qualifying entity 105968

does not exempt it from the requirements to make reports as 105969  
required under sections 5747.42 to 5747.44 or to pay the taxes 105970  
imposed under section 5733.41 or 5747.41 of the Revised Code. If 105971  
any qualifying entity subject to the taxes imposed under section 105972  
5733.41 or 5747.41 of the Revised Code sells its business or stock 105973  
of merchandise or quits its business, the taxes required to be 105974  
paid prior to that time, together with any interest or penalty 105975  
thereon, become due and payable immediately, and the qualifying 105976  
entity shall make a final return within fifteen days after the 105977  
date of selling or quitting business. The successor of the 105978  
qualifying entity shall withhold a sufficient amount of the 105979  
purchase money to cover the amount of such taxes, interest, and 105980  
penalties due and unpaid until the qualifying entity produces a 105981  
receipt from the tax commissioner showing that the taxes, 105982  
interest, and penalties have been paid, or a certificate 105983  
indicating that no taxes are due. If the purchaser of the business 105984  
or stock of goods fails to withhold purchase money, the purchaser 105985  
is personally liable for the payment of the taxes, interest, and 105986  
penalties accrued and unpaid during the operation of the business 105987  
by the qualifying entity. If the amount of those taxes, interest, 105988  
and penalty unpaid at the time of the purchase exceeds the total 105989  
purchase money, the tax commissioner may adjust the qualifying 105990  
entity's liability for those taxes, interest, and penalty, or 105991  
adjust the responsibility of the purchaser to pay that liability, 105992  
in a manner calculated to maximize the collection of those 105993  
liabilities. 105994

(B) Annually, on the last day of each qualifying taxable year 105995  
of a qualifying entity, the taxes imposed under section 5733.41 or 105996  
5747.41 of the Revised Code, together with any penalties 105997  
subsequently accruing thereon, become a lien on all property in 105998  
this state of the qualifying entity, whether such property is 105999  
employed by the qualifying entity in the prosecution of its 106000  
business or is in the hands of an assignee, trustee, or receiver 106001

for the benefit of the qualifying entity's creditors and 106002  
investors. The lien shall continue until those taxes, together 106003  
with any penalties subsequently accruing, are paid. 106004

Upon failure of such a qualifying entity to pay those taxes 106005  
on the day fixed for payment, the treasurer of state shall 106006  
thereupon notify the tax commissioner, and the commissioner may 106007  
file in the office of the county recorder in each county in this 106008  
state in which the qualifying entity owns or has a beneficial 106009  
interest in real estate, notice of the lien containing a brief 106010  
description of such real estate. No fee shall be charged for such 106011  
a filing. The lien is not valid as against any mortgagee, 106012  
purchaser, or judgment creditor whose rights have attached prior 106013  
to the time the notice is so filed in the county in which the real 106014  
estate which is the subject of such mortgage, purchase, or 106015  
judgment lien is located. The notice shall be recorded in a book 106016  
kept by the recorder, called the qualifying entity tax lien 106017  
record, and indexed under the name of the qualifying entity 106018  
charged with the tax. When the tax, together with any penalties 106019  
subsequently accruing thereon, have been paid, the tax 106020  
commissioner shall furnish to the qualifying entity an 106021  
acknowledgment of such payment that the qualifying entity may 106022  
record with the recorder of each county in which notice of such 106023  
lien has been filed, for which recording the recorder shall charge 106024  
and receive a fee of two dollars. 106025

(C) In addition to all other remedies for the collection of 106026  
any taxes or penalties due under law, whenever any taxes, 106027  
interest, or penalties due from any qualifying entity under 106028  
section 5733.41 of the Revised Code or this chapter have remained 106029  
unpaid for a period of ninety days, or whenever any qualifying 106030  
entity has failed for a period of ninety days to make any report 106031  
or return required by law, or to pay any penalty for failure to 106032  
make or file such report or return, the attorney general, upon the 106033

request of the tax commissioner, shall file a petition in the 106034  
court of common pleas in the county of the state in which such 106035  
qualifying entity has its principal place of business for a 106036  
judgment for the amount of the taxes, interest, or penalties 106037  
appearing to be due, the enforcement of any lien in favor of the 106038  
state, and an injunction to restrain such qualifying entity and 106039  
its officers, directors, and managing agents from the transaction 106040  
of any business within this state, other than such acts as are 106041  
incidental to liquidation or winding up, until the payment of such 106042  
taxes, interest, and penalties, and the costs of the proceeding 106043  
fixed by the court, or the making and filing of such report or 106044  
return. 106045

The petition shall be in the name of the state. Any of the 106046  
qualifying entities having its principal places of business in the 106047  
county may be joined in one suit. On the motion of the attorney 106048  
general, the court of common pleas shall enter an order requiring 106049  
all defendants to answer by a day certain, and may appoint a 106050  
special master commissioner to take testimony, with such other 106051  
power and authority as the court confers, and permitting process 106052  
to be served by registered mail and by publication in a newspaper 106053  
of general circulation ~~published~~ in the county, which publication 106054  
need not be made more than once, setting forth the name of each 106055  
delinquent qualifying entity, the matter in which the qualifying 106056  
entity is delinquent, the names of its officers, directors, and 106057  
managing agents, if set forth in the petition, and the amount of 106058  
any taxes, fees, or penalties claimed to be owing by the 106059  
qualifying entity. 106060

All or any of the trustees or other fiduciaries, officers, 106061  
directors, investors, beneficiaries, or managing agents of any 106062  
qualifying entity may be joined as defendants with the qualifying 106063  
entity. 106064

If it appears to the court upon hearing that any qualifying 106065

entity that is a party to the proceeding is indebted to the state 106066  
for taxes imposed under section 5733.41 or 5747.41 of the Revised 106067  
Code, or interest or penalties thereon, judgment shall be entered 106068  
therefor with interest; and if it appears that any qualifying 106069  
entity has failed to make or file any report or return, a 106070  
mandatory injunction may be issued against the qualifying entity, 106071  
its trustees or other fiduciaries, officers, directors, and 106072  
managing agents, enjoining them from the transaction of any 106073  
business within this state, other than acts incidental to 106074  
liquidation or winding up, until the making and filing of all 106075  
proper reports or returns and until the payment in full of all 106076  
taxes, interest, and penalties. 106077

If the trustees or other fiduciaries, officers, directors, 106078  
investors, beneficiaries, or managing agents of a qualifying 106079  
entity are not made parties in the first instance, and a judgment 106080  
or an injunction is rendered or issued against the qualifying 106081  
entity, those officers, directors, investors, or managing agents 106082  
may be made parties to such proceedings upon the motion of the 106083  
attorney general, and, upon notice to them of the form and terms 106084  
of such injunction, they shall be bound thereby as fully as if 106085  
they had been made parties in the first instance. 106086

In any action authorized by this division, a statement of the 106087  
tax commissioner, or the secretary of state, when duly certified, 106088  
shall be prima-facie evidence of the amount of taxes, interest, or 106089  
penalties due from any qualifying entity, or of the failure of any 106090  
qualifying entity to file with the commissioner or the secretary 106091  
of state any report required by law, and any such certificate of 106092  
the commissioner or the secretary of state may be required in 106093  
evidence in any such proceeding. 106094

On the application of any defendant and for good cause shown, 106095  
the court may order a separate hearing of the issues as to any 106096  
defendant. 106097



The costs of the proceeding shall be apportioned among the parties as the court deems proper.

The court in such proceeding may make, enter, and enforce such other judgments and orders and grant such other relief as is necessary or incidental to the enforcement of the claims and lien of the state.

In the performance of the duties enjoined upon the attorney general by this division, the attorney general may direct any prosecuting attorney to bring an action, as authorized by this division, in the name of the state with respect to any delinquent qualifying entities within the prosecuting attorney's county, and like proceedings and orders shall be had as if such action were instituted by the attorney general.

(D) If any qualifying entity fails to make and file the reports or returns required under this chapter, or to pay the penalties provided by law for failure to make and file such reports or returns for a period of ninety days after the time prescribed by this chapter, the attorney general, on the request of the tax commissioner, shall commence an action in quo warranto in the court of appeals of the county in which that qualifying entity has its principal place of business to forfeit and annul its privileges and franchises. If the court is satisfied that any such qualifying entity is in default, it shall render judgment ousting such qualifying entity from the exercise of its privileges and franchises within this state, and shall otherwise proceed as provided in sections 2733.02 to 2733.39 of the Revised Code.

**Sec. 5747.46.** As used in sections 5747.46 and 5747.47 of the Revised Code:

(A) "Year's fund balance" means the amount credited to the public library fund during a calendar year.

(B) "Distribution year" means the calendar year during which a year's fund balance is distributed under section 5747.47 of the Revised Code.

(C) "CPI" means the consumer price index for all urban consumers (United States city average, all items), prepared by the United States department of labor, bureau of labor statistics.

(D) "Inflation factor" means the quotient obtained by dividing the CPI for May of the year preceding the distribution year by the CPI for May of the second preceding year. If the quotient so obtained is less than one, the inflation factor shall equal one.

(E) "Population" means whichever of the following has most recently been issued, as of the first day of June preceding the distribution year:

(1) The most recent decennial census figures that include population figures for each county in the state;

(2) The most current issue of "Current Population Reports: Local Population Estimates" issued by the United States bureau of the census that contains population estimates for each county in the state and the state.

(F) "County's equalization ratio for a distribution year" means a percentage computed for that county as follows:

(1) Square the per cent that the county's population is of the state's population;

(2) Divide the product so obtained by the per cent that the county's total entitlement for the preceding year is of all counties' total entitlements for the preceding year;

(3) Divide the quotient so obtained by the sum of the quotients so obtained for all counties.

(G) "Total entitlement" means, with respect to a distribution

year, the sum of a county's guaranteed share plus its share of the 106158  
excess. For the 2012 distribution year, "total entitlement" equals 106159  
the sum of payments made to a county public library fund during 106160  
that year. 106161

(1) "Guaranteed share" means, for a distribution year, the 106162  
product obtained by multiplying a county's total entitlement for 106163  
the preceding distribution year by the ~~inflation~~ inflation 106164  
factor. If the sum of the guaranteed shares for all counties 106165  
exceeds the year's fund balance, the guaranteed shares of all 106166  
counties shall be reduced by a percentage that will result in the 106167  
sum of such guaranteed shares being equal to the year's fund 106168  
balance. 106169

(2) "Share of excess" means, for a distribution year, the 106170  
product obtained by multiplying a county's equalization ratio by 106171  
the difference between the year's fund balance and the sum of the 106172  
guaranteed shares for all counties. If the sum of the guaranteed 106173  
shares for all counties exceeds the year's fund balance the share 106174  
of the excess for all counties is zero. 106175

(H) "Net distribution" means the sum of the payments made to 106176  
a county's public library fund during a distribution year, 106177  
adjusted as follows: 106178

(1) If the county received an overpayment during the 106179  
preceding distribution year, add the amount of the overpayment; 106180

(2) If the county received an underpayment during the 106181  
preceding distribution year, deduct the amount of the 106182  
underpayment. 106183

(I) "Overpayment" or "underpayment" for a distribution year 106184  
means the amount by which the net distribution to a county's 106185  
public library fund during that distribution year exceeded or was 106186  
less than the county's total entitlement for that year. 106187

All computations made under this section shall be rounded to 106188

the nearest one-hundredth of one per cent. 106189

**Sec. 5747.51.** (A) On or before the twenty-fifth day of July 106190  
of each year, the tax commissioner shall make and certify to the 106191  
county auditor of each county an estimate of the amount of the 106192  
local government fund to be allocated to the undivided local 106193  
government fund of each county for the ensuing calendar year ~~and~~ 106194  
~~the estimated amount to be received by the undivided local~~ 106195  
~~government fund of each county from the taxes levied pursuant to~~ 106196  
~~section 5707.03 of the Revised Code for the ensuing calendar year.~~ 106197

(B) At each annual regular session of the county budget 106198  
commission convened pursuant to section 5705.27 of the Revised 106199  
Code, each auditor shall present to the commission the certificate 106200  
of the commissioner, the annual tax budget and estimates, and the 106201  
records showing the action of the commission in its last preceding 106202  
regular session. ~~The estimates shown on the certificate of the~~ 106203  
~~commissioner of the amount to be allocated from the local~~ 106204  
~~government fund and the amount to be received from taxes levied~~ 106205  
~~pursuant to section 5707.03 of the Revised Code shall be combined~~ 106206  
~~into one total comprising the estimate of the undivided local~~ 106207  
~~government fund of the county.~~ The commission, after extending to 106208  
the representatives of each subdivision an opportunity to be 106209  
heard, under oath administered by any member of the commission, 106210  
and considering all the facts and information presented to it by 106211  
the auditor, shall determine the amount of the undivided local 106212  
government fund needed by and to be apportioned to each 106213  
subdivision for current operating expenses, as shown in the tax 106214  
budget of the subdivision. This determination shall be made 106215  
pursuant to divisions (C) to (I) of this section, unless the 106216  
commission has provided for a formula pursuant to section 5747.53 106217  
of the Revised Code. 106218

Nothing in this section prevents the budget commission, for 106219

the purpose of apportioning the undivided local government fund, 106220  
from inquiring into the claimed needs of any subdivision as stated 106221  
in its tax budget, or from adjusting claimed needs to reflect 106222  
actual needs. For the purposes of this section, "current operating 106223  
expenses" means the lawful expenditures of a subdivision, except 106224  
those for permanent improvements and except payments for interest, 106225  
sinking fund, and retirement of bonds, notes, and certificates of 106226  
indebtedness of the subdivision. 106227

(C) The commission shall determine the combined total of the 106228  
estimated expenditures, including transfers, from the general fund 106229  
and any special funds other than special funds established for 106230  
road and bridge; street construction, maintenance, and repair; 106231  
state highway improvement; and gas, water, sewer, and electric 106232  
public utilities operated by a subdivision, as shown in the 106233  
subdivision's tax budget for the ensuing calendar year. 106234

(D) From the combined total of expenditures calculated 106235  
pursuant to division (C) of this section, the commission shall 106236  
deduct the following expenditures, if included in these funds in 106237  
the tax budget: 106238

(1) Expenditures for permanent improvements as defined in 106239  
division (E) of section 5705.01 of the Revised Code; 106240

(2) In the case of counties and townships, transfers to the 106241  
road and bridge fund, and in the case of municipalities, transfers 106242  
to the street construction, maintenance, and repair fund and the 106243  
state highway improvement fund; 106244

(3) Expenditures for the payment of debt charges; 106245

(4) Expenditures for the payment of judgments. 106246

(E) In addition to the deductions made pursuant to division 106247  
(D) of this section, revenues accruing to the general fund and any 106248  
special fund considered under division (C) of this section from 106249  
the following sources shall be deducted from the combined total of 106250

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| expenditures calculated pursuant to division (C) of this section:  | 106251 |
| (1) Taxes levied within the ten-mill limitation, as defined        | 106252 |
| in section 5705.02 of the Revised Code;                            | 106253 |
| (2) The budget commission allocation of estimated county           | 106254 |
| public library fund revenues to be distributed pursuant to section | 106255 |
| 5747.48 of the Revised Code;                                       | 106256 |
| (3) Estimated unencumbered balances as shown on the tax            | 106257 |
| budget as of the thirty-first day of December of the current year  | 106258 |
| in the general fund, but not any estimated balance in any special  | 106259 |
| fund considered in division (C) of this section;                   | 106260 |
| (4) Revenue, including transfers, shown in the general fund        | 106261 |
| and any special funds other than special funds established for     | 106262 |
| road and bridge; street construction, maintenance, and repair;     | 106263 |
| state highway improvement; and gas, water, sewer, and electric     | 106264 |
| public utilities, from all other sources except those that a       | 106265 |
| subdivision receives from an additional tax or service charge      | 106266 |
| voted by its electorate or receives from special assessment or     | 106267 |
| revenue bond collection. For the purposes of this division, where  | 106268 |
| the charter of a municipal corporation prohibits the levy of an    | 106269 |
| income tax, an income tax levied by the legislative authority of   | 106270 |
| such municipal corporation pursuant to an amendment of the charter | 106271 |
| of that municipal corporation to authorize such a levy represents  | 106272 |
| an additional tax voted by the electorate of that municipal        | 106273 |
| corporation. For the purposes of this division, any measure        | 106274 |
| adopted by a board of county commissioners pursuant to section     | 106275 |
| 322.02, 324.02, 4504.02, or 5739.021 of the Revised Code,          | 106276 |
| including those measures upheld by the electorate in a referendum  | 106277 |
| conducted pursuant to section 322.021, 324.021, 4504.021, or       | 106278 |
| 5739.022 of the Revised Code, shall not be considered an           | 106279 |
| additional tax voted by the electorate.                            | 106280 |
| Subject to division (G) of section 5705.29 of the Revised          | 106281 |

Code, money in a reserve balance account established by a county, 106282  
township, or municipal corporation under section 5705.13 of the 106283  
Revised Code shall not be considered an unencumbered balance or 106284  
revenue under division (E)(3) or (4) of this section. Money in a 106285  
reserve balance account established by a township under section 106286  
5705.132 of the Revised Code shall not be considered an 106287  
unencumbered balance or revenue under division (E)(3) or (4) of 106288  
this section. 106289

If a county, township, or municipal corporation has created 106290  
and maintains a nonexpendable trust fund under section 5705.131 of 106291  
the Revised Code, the principal of the fund, and any additions to 106292  
the principal arising from sources other than the reinvestment of 106293  
investment earnings arising from such a fund, shall not be 106294  
considered an unencumbered balance or revenue under division 106295  
(E)(3) or (4) of this section. Only investment earnings arising 106296  
from investment of the principal or investment of such additions 106297  
to principal may be considered an unencumbered balance or revenue 106298  
under those divisions. 106299

(F) The total expenditures calculated pursuant to division 106300  
(C) of this section, less the deductions authorized in divisions 106301  
(D) and (E) of this section, shall be known as the "relative need" 106302  
of the subdivision, for the purposes of this section. 106303

(G) The budget commission shall total the relative need of 106304  
all participating subdivisions in the county, and shall compute a 106305  
relative need factor by dividing the total estimate of the 106306  
undivided local government fund by the total relative need of all 106307  
participating subdivisions. 106308

(H) The relative need of each subdivision shall be multiplied 106309  
by the relative need factor to determine the proportionate share 106310  
of the subdivision in the undivided local government fund of the 106311  
county; provided, that the maximum proportionate share of a county 106312  
shall not exceed the following maximum percentages of the total 106313

estimate of the undivided local government fund governed by the 106314  
relationship of the percentage of the population of the county 106315  
that resides within municipal corporations within the county to 106316  
the total population of the county as reported in the reports on 106317  
population in Ohio by the department of development as of the 106318  
twentieth day of July of the year in which the tax budget is filed 106319  
with the budget commission: 106320

|                                |                                |        |
|--------------------------------|--------------------------------|--------|
| Percentage of municipal        | Percentage share of the county | 106321 |
| population within the county:  | shall not exceed:              |        |
|                                |                                | 106322 |
| Less than forty-one per cent   | Sixty per cent                 | 106323 |
| Forty-one per cent or more but | Fifty per cent                 | 106324 |
| less than eighty-one per cent  |                                |        |
| Eighty-one per cent or more    | Thirty per cent                | 106325 |

Where the proportionate share of the county exceeds the 106326  
limitations established in this division, the budget commission 106327  
shall adjust the proportionate shares determined pursuant to this 106328  
division so that the proportionate share of the county does not 106329  
exceed these limitations, and it shall increase the proportionate 106330  
shares of all other subdivisions on a pro rata basis. In counties 106331  
having a population of less than one hundred thousand, not less 106332  
than ten per cent shall be distributed to the townships therein. 106333

(I) The proportionate share of each subdivision in the 106334  
undivided local government fund determined pursuant to division 106335  
(H) of this section for any calendar year shall not be less than 106336  
the product of the average of the percentages of the undivided 106337  
local government fund of the county as apportioned to that 106338  
subdivision for the calendar years 1968, 1969, and 1970, 106339  
multiplied by the total amount of the undivided local government 106340  
fund of the county apportioned pursuant to former section 5735.23 106341  
of the Revised Code for the calendar year 1970. For the purposes 106342  
of this division, the total apportioned amount for the calendar 106343



year 1970 shall be the amount actually allocated to the county in 106344  
1970 from the state collected intangible tax as levied by section 106345  
5707.03 of the Revised Code and distributed pursuant to section 106346  
5725.24 of the Revised Code, plus the amount received by the 106347  
county in the calendar year 1970 pursuant to division (B)(1) of 106348  
former section 5739.21 of the Revised Code, and distributed 106349  
pursuant to former section 5739.22 of the Revised Code. If the 106350  
total amount of the undivided local government fund for any 106351  
calendar year is less than the amount of the undivided local 106352  
government fund apportioned pursuant to former section 5739.23 of 106353  
the Revised Code for the calendar year 1970, the minimum amount 106354  
guaranteed to each subdivision for that calendar year pursuant to 106355  
this division shall be reduced on a basis proportionate to the 106356  
amount by which the amount of the undivided local government fund 106357  
for that calendar year is less than the amount of the undivided 106358  
local government fund apportioned for the calendar year 1970. 106359

(J) On the basis of such apportionment, the county auditor 106360  
shall compute the percentage share of each such subdivision in the 106361  
undivided local government fund and shall at the same time certify 106362  
to the tax commissioner the percentage share of the county as a 106363  
subdivision. No payment shall be made from the undivided local 106364  
government fund, except in accordance with such percentage shares. 106365

Within ten days after the budget commission has made its 106366  
apportionment, whether conducted pursuant to section 5747.51 or 106367  
5747.53 of the Revised Code, the auditor shall publish a list of 106368  
the subdivisions and the amount each is to receive from the 106369  
undivided local government fund and the percentage share of each 106370  
subdivision, in a newspaper or newspapers of countywide 106371  
circulation, and send a copy of such allocation to the tax 106372  
commissioner. 106373

The county auditor shall also send by certified mail, return 106374  
receipt requested, a copy of such allocation to the fiscal officer 106375

of each subdivision entitled to participate in the allocation of 106376  
the undivided local government fund of the county. This copy shall 106377  
constitute the official notice of the commission action referred 106378  
to in section 5705.37 of the Revised Code. 106379

All money received into the treasury of a subdivision from 106380  
the undivided local government fund in a county treasury shall be 106381  
paid into the general fund and used for the current operating 106382  
expenses of the subdivision. 106383

If a municipal corporation maintains a municipal university, 106384  
such municipal university, when the board of trustees so requests 106385  
the legislative authority of the municipal corporation, shall 106386  
participate in the money apportioned to such municipal corporation 106387  
from the total local government fund, however created and 106388  
constituted, in such amount as requested by the board of trustees, 106389  
provided such sum does not exceed nine per cent of the total 106390  
amount paid to the municipal corporation. 106391

If any public official fails to maintain the records required 106392  
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 106393  
issued by the tax commissioner, the auditor of state, or the 106394  
treasurer of state pursuant to such sections, or fails to comply 106395  
with any law relating to the enforcement of such sections, the 106396  
local government fund money allocated to the county may be 106397  
withheld until such time as the public official has complied with 106398  
such sections or such law or the rules issued pursuant thereto. 106399

**Sec. 5748.02.** (A) The board of education of any school 106400  
district, except a joint vocational school district, may declare, 106401  
by resolution, the necessity of raising annually a specified 106402  
amount of money for school district purposes. The resolution shall 106403  
specify whether the income that is to be subject to the tax is 106404  
taxable income of individuals and estates as defined in divisions 106405  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 106406

taxable income of individuals as defined in division (E)(1)(b) of 106407  
that section. A copy of the resolution shall be certified to the 106408  
tax commissioner no later than one hundred days prior to the date 106409  
of the election at which the board intends to propose a levy under 106410  
this section. Upon receipt of the copy of the resolution, the tax 106411  
commissioner shall estimate both of the following: 106412

(1) The property tax rate that would have to be imposed in 106413  
the current year by the district to produce an equivalent amount 106414  
of money; 106415

(2) The income tax rate that would have had to have been in 106416  
effect for the current year to produce an equivalent amount of 106417  
money from a school district income tax. 106418

Within ten days of receiving the copy of the board's 106419  
resolution, the commissioner shall prepare these estimates and 106420  
certify them to the board. Upon receipt of the certification, the 106421  
board may adopt a resolution proposing an income tax under 106422  
division (B) of this section at the estimated rate contained in 106423  
the certification rounded to the nearest one-fourth of one per 106424  
cent. The commissioner's certification applies only to the board's 106425  
proposal to levy an income tax at the election for which the board 106426  
requested the certification. If the board intends to submit a 106427  
proposal to levy an income tax at any other election, it shall 106428  
request another certification for that election in the manner 106429  
prescribed in this division. 106430

(B)(1) Upon the receipt of a certification from the tax 106431  
commissioner under division (A) of this section, a majority of the 106432  
members of a board of education may adopt a resolution proposing 106433  
the levy of an annual tax for school district purposes on school 106434  
district income. The proposed levy may be for a continuing period 106435  
of time or for a specified number of years. The resolution shall 106436  
set forth the purpose for which the tax is to be imposed, the rate 106437  
of the tax, which shall be the rate set forth in the 106438

commissioner's certification rounded to the nearest one-fourth of 106439  
one per cent, the number of years the tax will be levied or that 106440  
it will be levied for a continuing period of time, the date on 106441  
which the tax shall take effect, which shall be the first day of 106442  
January of any year following the year in which the question is 106443  
submitted, and the date of the election at which the proposal 106444  
shall be submitted to the electors of the district, which shall be 106445  
on the date of a primary, general, or special election the date of 106446  
which is consistent with section 3501.01 of the Revised Code. The 106447  
resolution shall specify whether the income that is to be subject 106448  
to the tax is taxable income of individuals and estates as defined 106449  
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 106450  
Code or taxable income of individuals as defined in division 106451  
(E)(1)(b) of that section. The specification shall be the same as 106452  
the specification in the resolution adopted and certified under 106453  
division (A) of this section. 106454

If the tax is to be levied for current expenses and permanent 106455  
improvements, the resolution shall apportion the annual rate of 106456  
the tax. The apportionment may be the same or different for each 106457  
year the tax is levied, but the respective portions of the rate 106458  
actually levied each year for current expenses and for permanent 106459  
improvements shall be limited by the apportionment. 106460

If the board of education currently imposes an income tax 106461  
pursuant to this chapter that is due to expire and a question is 106462  
submitted under this section for a proposed income tax to take 106463  
effect upon the expiration of the existing tax, the board may 106464  
specify in the resolution that the proposed tax renews the 106465  
expiring tax. Two or more expiring income taxes may be renewed 106466  
under this paragraph if the taxes are due to expire on the same 106467  
date. If the tax rate being proposed is no higher than the total 106468  
tax rate imposed by the expiring tax or taxes, the resolution may 106469  
state that the proposed tax is not an additional income tax. 106470

(2) A board of education adopting a resolution under division 106471  
(B)(1) of this section proposing a school district income tax for 106472  
a continuing period of time and limited to the purpose of current 106473  
expenses may propose in that resolution to reduce the rate or 106474  
rates of one or more of the school district's property taxes 106475  
levied for a continuing period of time in excess of the ten-mill 106476  
limitation for the purpose of current expenses. The reduction in 106477  
the rate of a property tax may be any amount, expressed in mills 106478  
per one dollar in valuation, not exceeding the rate at which the 106479  
tax is authorized to be levied. The reduction in the rate of a tax 106480  
shall first take effect for the tax year that includes the day on 106481  
which the school district income tax first takes effect, and shall 106482  
continue for each tax year that both the school district income 106483  
tax and the property tax levy are in effect. 106484

In addition to the matters required to be set forth in the 106485  
resolution under division (B)(1) of this section, a resolution 106486  
containing a proposal to reduce the rate of one or more property 106487  
taxes shall state for each such tax the maximum rate at which it 106488  
currently may be levied and the maximum rate at which the tax 106489  
could be levied after the proposed reduction, expressed in mills 106490  
per one dollar in valuation, and that the tax is levied for a 106491  
continuing period of time. 106492

If a board of education proposes to reduce the rate of one or 106493  
more property taxes under division (B)(2) of this section, the 106494  
board, when it makes the certification required under division (A) 106495  
of this section, shall designate the specific levy or levies to be 106496  
reduced, the maximum rate at which each levy currently is 106497  
authorized to be levied, and the rate by which each levy is 106498  
proposed to be reduced. The tax commissioner, when making the 106499  
certification to the board under division (A) of this section, 106500  
also shall certify the reduction in the total effective tax rate 106501  
for current expenses for each class of property that would have 106502

resulted if the proposed reduction in the rate or rates had been 106503  
in effect the previous tax year. As used in this paragraph, 106504  
"effective tax rate" has the same meaning as in section 323.08 of 106505  
the Revised Code. 106506

(C) A resolution adopted under division (B) of this section 106507  
shall go into immediate effect upon its passage, and no 106508  
publication of the resolution shall be necessary other than that 106509  
provided for in the notice of election. Immediately after its 106510  
adoption and at least ninety days prior to the election at which 106511  
the question will appear on the ballot, a copy of the resolution 106512  
shall be certified to the board of elections of the proper county, 106513  
which shall submit the proposal to the electors on the date 106514  
specified in the resolution. The form of the ballot shall be as 106515  
provided in section 5748.03 of the Revised Code. Publication of 106516  
notice of the election shall be made in ~~one or more newspapers~~ a 106517  
newspaper of general circulation in the county once a week for two 106518  
consecutive weeks, or as provided in section 7.16 of the Revised 106519  
Code, prior to the election, ~~and, if~~. If the board of elections 106520  
operates and maintains a web site, the board of elections shall 106521  
post notice of the election on its web site for thirty days prior 106522  
to the election. The notice shall contain the time and place of 106523  
the election and the question to be submitted to the electors. The 106524  
question covered by the resolution shall be submitted as a 106525  
separate proposition, but may be printed on the same ballot with 106526  
any other proposition submitted at the same election, other than 106527  
the election of officers. 106528

(D) No board of education shall submit the question of a tax 106529  
on school district income to the electors of the district more 106530  
than twice in any calendar year. If a board submits the question 106531  
twice in any calendar year, one of the elections on the question 106532  
shall be held on the date of the general election. 106533

(E)(1) No board of education may submit to the electors of 106534

the district the question of a tax on school district income on 106535  
the taxable income of individuals as defined in division (E)(1)(b) 106536  
of section 5748.01 of the Revised Code if that tax would be in 106537  
addition to an existing tax on the taxable income of individuals 106538  
and estates as defined in divisions (E)(1)(a) and (2) of that 106539  
section. 106540

(2) No board of education may submit to the electors of the 106541  
district the question of a tax on school district income on the 106542  
taxable income of individuals and estates as defined in divisions 106543  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 106544  
tax would be in addition to an existing tax on the taxable income 106545  
of individuals as defined in division (E)(1)(b) of that section. 106546

**Sec. 5748.021.** A board of education that levies a tax under 106547  
section 5748.02 of the Revised Code on the school district income 106548  
of individuals and estates as defined in divisions (G) and 106549  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code may 106550  
declare, at any time, by a resolution adopted by a majority of its 106551  
members, the necessity of raising annually a specified amount of 106552  
money for school district purposes by replacing the existing tax 106553  
with a tax on the school district income of individuals as defined 106554  
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 106555  
Revised Code. The specified amount of money to be raised annually 106556  
may be the same as, or more or less than, the amount of money 106557  
raised annually by the existing tax. 106558

The board shall certify a copy of the resolution to the tax 106559  
commissioner not later than the eighty-fifth day before the date 106560  
of the election at which the board intends to propose the 106561  
replacement to the electors of the school district. Not later than 106562  
the tenth day after receiving the resolution, the tax commissioner 106563  
shall estimate the tax rate that would be required in the school 106564  
district annually to raise the amount of money specified in the 106565

resolution. The tax commissioner shall certify the estimate to the board. 106566  
106567

Upon receipt of the tax commissioner's estimate, the board 106568  
may propose, by a resolution adopted by a majority of its members, 106569  
to replace the existing tax on the school district income of 106570  
individuals and estates as defined in divisions (G) and (E)(1)(a) 106571  
and (2) of section 5748.01 of the Revised Code with the levy of an 106572  
annual tax on the school district income of individuals as defined 106573  
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 106574  
Revised Code. In the resolution, the board shall specify the rate 106575  
of the replacement tax, whether the replacement tax is to be 106576  
levied for a specified number of years or for a continuing time, 106577  
the specific school district purposes for which the replacement 106578  
tax is to be levied, the date on which the replacement tax will 106579  
begin to be levied, the date of the election at which the question 106580  
of the replacement is to be submitted to the electors of the 106581  
school district, that the existing tax will cease to be levied and 106582  
the replacement tax will begin to be levied if the replacement is 106583  
approved by a majority of the electors voting on the replacement, 106584  
and that if the replacement is not approved by a majority of the 106585  
electors voting on the replacement the existing tax will remain in 106586  
effect under its original authority for the remainder of its 106587  
previously approved term. The resolution goes into immediate 106588  
effect upon its adoption. Publication of the resolution is not 106589  
necessary, and the information that will be provided in the notice 106590  
of election is sufficient notice. At least seventy-five days 106591  
before the date of the election at which the question of the 106592  
replacement will be submitted to the electors of the school 106593  
district, the board shall certify a copy of the resolution to the 106594  
board of elections. 106595

The replacement tax shall have the same specific school 106596  
district purposes as the existing tax, and its rate shall be the 106597



same as the tax commissioner's estimate rounded to the nearest 106598  
one-fourth of one per cent. The replacement tax shall begin to be 106599  
levied on the first day of January of the year following the year 106600  
in which the question of the replacement is submitted to and 106601  
approved by the electors of the school district or on the first 106602  
day of January of a later year, as specified in the resolution. 106603  
The date of the election shall be the date of an otherwise 106604  
scheduled primary, general, or special election. 106605

The board of elections shall make arrangements to submit the 106606  
question of the replacement to the electors of the school district 106607  
on the date specified in the resolution. The board of elections 106608  
shall publish notice of the election on the question of the 106609  
replacement in one ~~or more newspapers~~ newspaper of general 106610  
circulation in the school district once a week for four 106611  
consecutive weeks or as provided in section 7.16 of the Revised 106612  
Code. The notice shall set forth the question to be submitted to 106613  
the electors and the time and place of the election thereon. 106614

The question shall be submitted to the electors of the school 106615  
district as a separate proposition, but may be printed on the same 106616  
ballot with other propositions that are submitted at the same 106617  
election, other than the election of officers. The form of the 106618  
ballot shall be substantially as follows: 106619

"Shall the existing tax of ..... (state the rate) on the 106620  
school district income of individuals and estates imposed by ..... 106621  
(state the name of the school district) be replaced by a tax of 106622  
..... (state the rate) on the earned income of individuals 106623  
residing in the school district for ..... (state the number of 106624  
years the tax is to be in effect or that it will be in effect for 106625  
a continuing time), beginning ..... (state the date the new tax 106626  
will take effect), for the purpose of ..... (state the specific 106627  
school district purposes of the tax)? If the new tax is not 106628  
approved, the existing tax will remain in effect under its 106629

original authority, for the remainder of its previously approved 106630  
term. 106631

|  |                                                        |   |        |
|--|--------------------------------------------------------|---|--------|
|  | For replacing the existing tax<br>with the new tax     |   | 106632 |
|  | Against replacing the existing<br>tax with the new tax | " | 106633 |

The board of elections shall conduct and canvass the election 106634  
in the same manner as regular elections in the school district for 106635  
the election of county officers. The board shall certify the 106636  
results of the election to the board of education and to the tax 106637  
commissioner. If a majority of the electors voting on the question 106638  
vote in favor of the replacement, the existing tax shall cease to 106639  
be levied, and the replacement tax shall begin to be levied, on 106640  
the date specified in the ballot question. If a majority of the 106641  
electors voting on the question vote against the replacement, the 106642  
existing tax shall continue to be levied under its original 106643  
authority, for the remainder of its previously approved term. 106644

A board of education may not submit the question of replacing 106645  
a tax more than twice in a calendar year. If a board submits the 106646  
question more than once, one of the elections at which the 106647  
question is submitted shall be on the date of a general election. 106648

If a board of education later intends to renew a replacement 106649  
tax levied under this section, it shall repeat the procedure 106650  
outlined in this section to do so, the replacement tax then being 106651  
levied being the "existing tax" and the renewed replacement tax 106652  
being the "replacement tax." 106653

**Sec. 5748.04.** (A) The question of the repeal of a school 106654  
district income tax levied for more than five years may be 106655  
initiated not more than once in any five-year period by filing 106656  
with the board of elections of the appropriate counties not later 106657  
than ninety days before the general election in any year after the 106658

year in which it is approved by the electors a petition requesting 106659  
that an election be held on the question. The petition shall be 106660  
signed by qualified electors residing in the school district 106661  
levying the income tax equal in number to ten per cent of those 106662  
voting for governor at the most recent gubernatorial election. 106663

The board of elections shall determine whether the petition 106664  
is valid, and if it so determines, it shall submit the question to 106665  
the electors of the district at the next general election. The 106666  
election shall be conducted, canvassed, and certified in the same 106667  
manner as regular elections for county offices in the county. 106668  
Notice of the election shall be published in a newspaper of 106669  
general circulation in the district once a week for two 106670  
consecutive weeks, or as provided in section 7.16 of the Revised 106671  
Code, prior to the election, ~~and, if~~. If the board of elections 106672  
operates and maintains a web site, the board of elections shall 106673  
post notice of the election on its web site for thirty days prior 106674  
to the election. The notice shall state the purpose, time, and 106675  
place of the election. The form of the ballot cast at the election 106676  
shall be as follows: 106677

"Shall the annual income tax of ..... per cent, currently 106678  
levied on the school district income of individuals and estates by 106679  
..... (state the name of the school district) for the purpose 106680  
of ..... (state purpose of the tax), be repealed? 106681

|  |                                  |   |
|--|----------------------------------|---|
|  | For repeal of the income tax     |   |
|  | Against repeal of the income tax | " |

106682

106683

106684

106685

(B)(1) If the tax is imposed on taxable income as defined in 106686  
division (E)(1)(b) of section 5748.01 of the Revised Code, the 106687  
form of the ballot shall be modified by stating that the tax 106688  
currently is levied on the "earned income of individuals residing 106689

in the school district" in lieu of the "school district income of 106690  
individuals and estates." 106691

(2) If the rate of one or more property tax levies was 106692  
reduced for the duration of the income tax levy pursuant to 106693  
division (B)(2) of section 5748.02 of the Revised Code, the form 106694  
of the ballot shall be modified by adding the following language 106695  
immediately after "repealed": ", and shall the rate of an existing 106696  
tax on property for the purpose of current expenses, which rate 106697  
was reduced for the duration of the income tax, be INCREASED from 106698  
..... mills to ..... mills per one dollar of valuation beginning 106699  
in ..... (state the first year for which the rate of the property 106700  
tax will increase)." In lieu of "for repeal of the income tax" and 106701  
"against repeal of the income tax," the phrases "for the issue" 106702  
and "against the issue," respectively, shall be substituted. 106703

(3) If the rate of more than one property tax was reduced for 106704  
the duration of the income tax, the ballot language shall be 106705  
modified accordingly to express the rates at which those taxes 106706  
currently are levied and the rates to which the taxes would be 106707  
increased. 106708

(C) The question covered by the petition shall be submitted 106709  
as a separate proposition, but it may be printed on the same 106710  
ballot with any other proposition submitted at the same election 106711  
other than the election of officers. If a majority of the 106712  
qualified electors voting on the question vote in favor of it, the 106713  
result shall be certified immediately after the canvass by the 106714  
board of elections to the board of education of the school 106715  
district and the tax commissioner, who shall thereupon, after the 106716  
current year, cease to levy the tax, except that if notes have 106717  
been issued pursuant to section 5748.05 of the Revised Code the 106718  
tax commissioner shall continue to levy and collect under 106719  
authority of the election authorizing the levy an annual amount, 106720  
rounded upward to the nearest one-fourth of one per cent, as will 106721

be sufficient to pay the debt charges on the notes as they fall due. 106722  
106723

(D) If a school district income tax repealed pursuant to this section was approved in conjunction with a reduction in the rate of one or more school district property taxes as provided in division (B)(2) of section 5748.02 of the Revised Code, then each such property tax may be levied after the current year at the rate at which it could be levied prior to the reduction, subject to any adjustments required by the county budget commission pursuant to Chapter 5705. of the Revised Code. Upon the repeal of a school district income tax under this section, the board of education may resume levying a property tax, the rate of which has been reduced pursuant to a question approved under section 5748.02 of the Revised Code, at the rate the board originally was authorized to levy the tax. A reduction in the rate of a property tax under section 5748.02 of the Revised Code is a reduction in the rate at which a board of education may levy that tax only for the period during which a school district income tax is levied prior to any repeal pursuant to this section. The resumption of the authority to levy the tax upon such a repeal does not constitute a tax levied in excess of the one per cent limitation prescribed by Section 2 of Article XII, Ohio Constitution, or in excess of the ten-mill limitation. 106724  
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(E) This section does not apply to school district income tax levies that are levied for five or fewer years. 106745  
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**Sec. 5748.08.** (A) The board of education of a city, local, or exempted village school district, at any time by a vote of two-thirds of all its members, may declare by resolution that it may be necessary for the school district to do all of the following: 106747  
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(1) Raise a specified amount of money for school district 106752

purposes by levying an annual tax on school district income; 106753

(2) Issue general obligation bonds for permanent 106754  
improvements, stating in the resolution the necessity and purpose 106755  
of the bond issue and the amount, approximate date, estimated rate 106756  
of interest, and maximum number of years over which the principal 106757  
of the bonds may be paid; 106758

(3) Levy a tax outside the ten-mill limitation to pay debt 106759  
charges on the bonds and any anticipatory securities; 106760

(4) Submit the question of the school district income tax and 106761  
bond issue to the electors of the district at a special election. 106762

The resolution shall specify whether the income that is to be 106763  
subject to the tax is taxable income of individuals and estates as 106764  
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 106765  
Revised Code or taxable income of individuals as defined in 106766  
division (E)(1)(b) of that section. 106767

On adoption of the resolution, the board shall certify a copy 106768  
of it to the tax commissioner and the county auditor no later than 106769  
one hundred five days prior to the date of the special election at 106770  
which the board intends to propose the income tax and bond issue. 106771  
Not later than ten days of receipt of the resolution, the tax 106772  
commissioner, in the same manner as required by division (A) of 106773  
section 5748.02 of the Revised Code, shall estimate the rates 106774  
designated in divisions (A)(1) and (2) of that section and certify 106775  
them to the board. Not later than ten days of receipt of the 106776  
resolution, the county auditor shall estimate and certify to the 106777  
board the average annual property tax rate required throughout the 106778  
stated maturity of the bonds to pay debt charges on the bonds, in 106779  
the same manner as under division (C) of section 133.18 of the 106780  
Revised Code. 106781

(B) On receipt of the tax commissioner's and county auditor's 106782  
certifications prepared under division (A) of this section, the 106783

board of education of the city, local, or exempted village school 106784  
district, by a vote of two-thirds of all its members, may adopt a 106785  
resolution proposing for a specified number of years or for a 106786  
continuing period of time the levy of an annual tax for school 106787  
district purposes on school district income and declaring that the 106788  
amount of taxes that can be raised within the ten-mill limitation 106789  
will be insufficient to provide an adequate amount for the present 106790  
and future requirements of the school district; that it is 106791  
necessary to issue general obligation bonds of the school district 106792  
for specified permanent improvements and to levy an additional tax 106793  
in excess of the ten-mill limitation to pay the debt charges on 106794  
the bonds and any anticipatory securities; and that the question 106795  
of the bonds and taxes shall be submitted to the electors of the 106796  
school district at a special election, which shall not be earlier 106797  
than ninety days after certification of the resolution to the 106798  
board of elections, and the date of which shall be consistent with 106799  
section 3501.01 of the Revised Code. The resolution shall specify 106800  
all of the following: 106801

(1) The purpose for which the school district income tax is 106802  
to be imposed and the rate of the tax, which shall be the rate set 106803  
forth in the tax commissioner's certification rounded to the 106804  
nearest one-fourth of one per cent; 106805

(2) Whether the income that is to be subject to the tax is 106806  
taxable income of individuals and estates as defined in divisions 106807  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 106808  
taxable income of individuals as defined in division (E)(1)(b) of 106809  
that section. The specification shall be the same as the 106810  
specification in the resolution adopted and certified under 106811  
division (A) of this section. 106812

(3) The number of years the tax will be levied, or that it 106813  
will be levied for a continuing period of time; 106814

(4) The date on which the tax shall take effect, which shall 106815

be the first day of January of any year following the year in 106816  
which the question is submitted; 106817

(5) The county auditor's estimate of the average annual 106818  
property tax rate required throughout the stated maturity of the 106819  
bonds to pay debt charges on the bonds. 106820

(C) A resolution adopted under division (B) of this section 106821  
shall go into immediate effect upon its passage, and no 106822  
publication of the resolution shall be necessary other than that 106823  
provided for in the notice of election. Immediately after its 106824  
adoption and at least ninety days prior to the election at which 106825  
the question will appear on the ballot, the board of education 106826  
shall certify a copy of the resolution, along with copies of the 106827  
auditor's estimate and its resolution under division (A) of this 106828  
section, to the board of elections of the proper county. The board 106829  
of education shall make the arrangements for the submission of the 106830  
question to the electors of the school district, and the election 106831  
shall be conducted, canvassed, and certified in the same manner as 106832  
regular elections in the district for the election of county 106833  
officers. 106834

The resolution shall be put before the electors as one ballot 106835  
question, with a majority vote indicating approval of the school 106836  
district income tax, the bond issue, and the levy to pay debt 106837  
charges on the bonds and any anticipatory securities. The board of 106838  
elections shall publish the notice of the election in ~~one or more~~ 106839  
~~newspapers~~ a newspaper of general circulation in the school 106840  
district once a week for two consecutive weeks, or as provided in 106841  
section 7.16 of the Revised Code, prior to the election ~~and, if,~~ 106842  
If the board of elections operates and maintains a web site, it 106843  
also shall post notice of the election on its web site for thirty 106844  
days prior to the election. The notice of election shall state all 106845  
of the following: 106846

(1) The questions to be submitted to the electors; 106847



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (2) The rate of the school district income tax;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 106848                                                                                 |
| (3) The principal amount of the proposed bond issue;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 106849                                                                                 |
| (4) The permanent improvements for which the bonds are to be issued;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 106850<br>106851                                                                       |
| (5) The maximum number of years over which the principal of the bonds may be paid;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 106852<br>106853                                                                       |
| (6) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;                                                                                                                                                                                                                                                                                                                                                                                                                                               | 106854<br>106855<br>106856                                                             |
| (7) The time and place of the special election.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 106857                                                                                 |
| (D) The form of the ballot on a question submitted to the electors under this section shall be as follows:                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 106858<br>106859                                                                       |
| "Shall the ..... school district be authorized to do both of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 106860<br>106861                                                                       |
| (1) Impose an annual income tax of ..... (state the proposed rate of tax) on the school district income of individuals and of estates, for ..... (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning ..... (state the date the tax would first take effect), for the purpose of ..... (state the purpose of the tax)?                                                                                                                                                                                          | 106862<br>106863<br>106864<br>106865<br>106866<br>106867<br>106868                     |
| (2) Issue bonds for the purpose of ..... in the principal amount of \$....., to be repaid annually over a maximum period of ..... years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period ..... mills for each one dollar of tax valuation, which amounts to ..... (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those | 106869<br>106870<br>106871<br>106872<br>106873<br>106874<br>106875<br>106876<br>106877 |

bonds? 106878

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|  |                                       |
|--|---------------------------------------|
|  | FOR THE INCOME TAX AND BOND ISSUE     |
|  | AGAINST THE INCOME TAX AND BOND ISSUE |

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(E) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates."

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(F) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it, the income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution, and the board of education may proceed with issuance of the bonds and with the levy and collection of the property taxes to pay debt charges on the bonds, at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

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(G) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of

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their issuance over a period not to exceed five years, and may 106909  
have a principal payment in the year of their issuance. 106910

(H) The question of repeal of a school district income tax 106911  
levied for more than five years may be initiated and submitted in 106912  
accordance with section 5748.04 of the Revised Code. 106913

(I) No board of education shall submit a question under this 106914  
section to the electors of the school district more than twice in 106915  
any calendar year. If a board submits the question twice in any 106916  
calendar year, one of the elections on the question shall be held 106917  
on the date of the general election. 106918

**Sec. 5751.01.** As used in this chapter: 106919

(A) "Person" means, but is not limited to, individuals, 106920  
combinations of individuals of any form, receivers, assignees, 106921  
trustees in bankruptcy, firms, companies, joint-stock companies, 106922  
business trusts, estates, partnerships, limited liability 106923  
partnerships, limited liability companies, associations, joint 106924  
ventures, clubs, societies, for-profit corporations, S 106925  
corporations, qualified subchapter S subsidiaries, qualified 106926  
subchapter S trusts, trusts, entities that are disregarded for 106927  
federal income tax purposes, and any other entities. 106928

(B) "Consolidated elected taxpayer" means a group of two or 106929  
more persons treated as a single taxpayer for purposes of this 106930  
chapter as the result of an election made under section 5751.011 106931  
of the Revised Code. 106932

(C) "Combined taxpayer" means a group of two or more persons 106933  
treated as a single taxpayer for purposes of this chapter under 106934  
section 5751.012 of the Revised Code. 106935

(D) "Taxpayer" means any person, or any group of persons in 106936  
the case of a consolidated elected taxpayer or combined taxpayer 106937  
treated as one taxpayer, required to register or pay tax under 106938

this chapter. "Taxpayer" does not include excluded persons. 106939

(E) "Excluded person" means any of the following: 106940

(1) Any person with not more than one hundred fifty thousand 106941  
dollars of taxable gross receipts during the calendar year. 106942  
Division (E)(1) of this section does not apply to a person that is 106943  
a member of a consolidated elected taxpayer; 106944

(2) A public utility that paid the excise tax imposed by 106945  
section 5727.24 or 5727.30 of the Revised Code based on one or 106946  
more measurement periods that include the entire tax period under 106947  
this chapter, except that a public utility that is a combined 106948  
company is a taxpayer with regard to the following gross receipts: 106949

(a) Taxable gross receipts directly attributed to a public 106950  
utility activity, but not directly attributed to an activity that 106951  
is subject to the excise tax imposed by section 5727.24 or 5727.30 106952  
of the Revised Code; 106953

(b) Taxable gross receipts that cannot be directly attributed 106954  
to any activity, multiplied by a fraction whose numerator is the 106955  
taxable gross receipts described in division (E)(2)(a) of this 106956  
section and whose denominator is the total taxable gross receipts 106957  
that can be directly attributed to any activity; 106958

(c) Except for any differences resulting from the use of an 106959  
accrual basis method of accounting for purposes of determining 106960  
gross receipts under this chapter and the use of the cash basis 106961  
method of accounting for purposes of determining gross receipts 106962  
under section 5727.24 of the Revised Code, the gross receipts 106963  
directly attributed to the activity of a natural gas company shall 106964  
be determined in a manner consistent with division (D) of section 106965  
5727.03 of the Revised Code. 106966

As used in division (E)(2) of this section, "combined 106967  
company" and "public utility" have the same meanings as in section 106968  
5727.01 of the Revised Code. 106969

(3) A financial institution, as defined in section 5725.01 of the Revised Code, that paid the corporation franchise tax charged by division (D) of section 5733.06 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A dealer in intangibles, as defined in section 5725.01 of the Revised Code, that paid the dealer in intangibles tax levied by division (D) of section 5707.03 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(5) A financial holding company as defined in the "Bank Holding Company Act," 12 U.S.C. 1841(p);

(6) A bank holding company as defined in the "Bank Holding Company Act," 12 U.S.C. 1841(a);

(7) A savings and loan holding company as defined in the "Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging only in activities or investments permissible for a financial holding company under 12 U.S.C. 1843(k);

(8) A person directly or indirectly owned by one or more financial institutions, financial holding companies, bank holding companies, or savings and loan holding companies described in division (E)(3), (5), (6), or (7) of this section that is engaged in activities permissible for a financial holding company under 12 U.S.C. 1843(k), except that any such person held pursuant to merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 U.S.C. 1843(k)(4)(I) is not an excluded person, or a person directly or indirectly owned by one or more insurance companies described in division (E)(9) of this section that is authorized to do the business of insurance in this state.

For the purposes of division (E)(8) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization;

(d) In the case of multiple ownership, the ownership interests of more than one person may be aggregated to meet the fifty per cent ownership tests in this division only when each such owner is described in division (E)(3), (5), (6), or (7) of this section and is engaged in activities permissible for a financial holding company under 12 U.S.C. 1843(k) or is a person directly or indirectly owned by one or more insurance companies described in division (E)(9) of this section that is authorized to do the business of insurance in this state.

(9) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(10) A person that solely facilitates or services one or more securitizations or similar transactions for any person described in division (E)(3), (5), (6), (7), (8), or (9) of this section. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(11) Except as otherwise provided in this division, a pre-income tax trust as defined in division (FF)(4) of section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (FF)(3) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(12) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration. In the case of a person that is a casino operator of casino facilities, as those terms are defined in section 3772.01 of the Revised Code, "gross receipts" for the purposes of this chapter only shall be determined without

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                    |
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| <u>deduction for any winnings paid to wagerers.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 107065                                                                                                                                             |
| (1) The following are examples of gross receipts:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 107066                                                                                                                                             |
| (a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 107067<br>107068                                                                                                                                   |
| (b) Amounts realized from the taxpayer's performance of services for another;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 107069<br>107070                                                                                                                                   |
| (c) Amounts realized from another's use or possession of the taxpayer's property or capital;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 107071<br>107072                                                                                                                                   |
| (d) Any combination of the foregoing amounts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 107073                                                                                                                                             |
| (2) "Gross receipts" excludes the following amounts:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 107074                                                                                                                                             |
| (a) Interest income except interest on credit sales;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 107075                                                                                                                                             |
| (b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 107076<br>107077<br>107078<br>107079                                                                                                               |
| (c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. | 107080<br>107081<br>107082<br>107083<br>107084<br>107085<br>107086<br>107087<br>107088<br>107089<br>107090<br>107091<br>107092<br>107093<br>107094 |



For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;

(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;

(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;

(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses,

meetings, meals, or similar payments to a trade, professional, or 107126  
other similar association; and fundraising receipts received by 107127  
any person when any excess receipts are donated or used 107128  
exclusively for charitable purposes; 107129

(k) Damages received as the result of litigation in excess of 107130  
amounts that, if received without litigation, would be gross 107131  
receipts; 107132

(l) Property, money, and other amounts received or acquired 107133  
by an agent on behalf of another in excess of the agent's 107134  
commission, fee, or other remuneration; 107135

(m) Tax refunds, other tax benefit recoveries, and 107136  
reimbursements for the tax imposed under this chapter made by 107137  
entities that are part of the same combined taxpayer or 107138  
consolidated elected taxpayer group, and reimbursements made by 107139  
entities that are not members of a combined taxpayer or 107140  
consolidated elected taxpayer group that are required to be made 107141  
for economic parity among multiple owners of an entity whose tax 107142  
obligation under this chapter is required to be reported and paid 107143  
entirely by one owner, pursuant to the requirements of sections 107144  
5751.011 and 5751.012 of the Revised Code; 107145

(n) Pension reversions; 107146

(o) Contributions to capital; 107147

(p) Sales or use taxes collected as a vendor or an 107148  
out-of-state seller on behalf of the taxing jurisdiction from a 107149  
consumer or other taxes the taxpayer is required by law to collect 107150  
directly from a purchaser and remit to a local, state, or federal 107151  
tax authority; 107152

(q) In the case of receipts from the sale of cigarettes or 107153  
tobacco products by a wholesale dealer, retail dealer, 107154  
distributor, manufacturer, or seller, all as defined in section 107155  
5743.01 of the Revised Code, an amount equal to the federal and 107156

state excise taxes paid by any person on or for such cigarettes or 107157  
tobacco products under subtitle E of the Internal Revenue Code or 107158  
Chapter 5743. of the Revised Code; 107159

(r) In the case of receipts from the sale of motor fuel by a 107160  
licensed motor fuel dealer, licensed retail dealer, or licensed 107161  
permissive motor fuel dealer, all as defined in section 5735.01 of 107162  
the Revised Code, an amount equal to federal and state excise 107163  
taxes paid by any person on such motor fuel under section 4081 of 107164  
the Internal Revenue Code or Chapter 5735. of the Revised Code; 107165

(s) In the case of receipts from the sale of beer or 107166  
intoxicating liquor, as defined in section 4301.01 of the Revised 107167  
Code, by a person holding a permit issued under Chapter 4301. or 107168  
4303. of the Revised Code, an amount equal to federal and state 107169  
excise taxes paid by any person on or for such beer or 107170  
intoxicating liquor under subtitle E of the Internal Revenue Code 107171  
or Chapter 4301. or 4305. of the Revised Code; 107172

(t) Receipts realized by a new motor vehicle dealer or used 107173  
motor vehicle dealer, as defined in section 4517.01 of the Revised 107174  
Code, from the sale or other transfer of a motor vehicle, as 107175  
defined in that section, to another motor vehicle dealer for the 107176  
purpose of resale by the transferee motor vehicle dealer, but only 107177  
if the sale or other transfer was based upon the transferee's need 107178  
to meet a specific customer's preference for a motor vehicle; 107179

(u) Receipts from a financial institution described in 107180  
division (E)(3) of this section for services provided to the 107181  
financial institution in connection with the issuance, processing, 107182  
servicing, and management of loans or credit accounts, if such 107183  
financial institution and the recipient of such receipts have at 107184  
least fifty per cent of their ownership interests owned or 107185  
controlled, directly or constructively through related interests, 107186  
by common owners; 107187

(v) Receipts realized from administering anti-neoplastic 107188  
drugs and other cancer chemotherapy, biologicals, therapeutic 107189  
agents, and supportive drugs in a physician's office to patients 107190  
with cancer; 107191

(w) Funds received or used by a mortgage broker that is not a 107192  
dealer in intangibles, other than fees or other consideration, 107193  
pursuant to a table-funding mortgage loan or warehouse-lending 107194  
mortgage loan. Terms used in division (F)(2)(w) of this section 107195  
have the same meanings as in section 1322.01 of the Revised Code, 107196  
except "mortgage broker" means a person assisting a buyer in 107197  
obtaining a mortgage loan for a fee or other consideration paid by 107198  
the buyer or a lender, or a person engaged in table-funding or 107199  
warehouse-lending mortgage loans that are first lien mortgage 107200  
loans. 107201

(x) Property, money, and other amounts received by a 107202  
professional employer organization, as defined in section 4125.01 107203  
of the Revised Code, from a client employer, as defined in that 107204  
section, in excess of the administrative fee charged by the 107205  
professional employer organization to the client employer; 107206

(y) In the case of amounts retained as commissions by a 107207  
permit holder under Chapter 3769. of the Revised Code, an amount 107208  
equal to the amounts specified under that chapter that must be 107209  
paid to or collected by the tax commissioner as a tax and the 107210  
amounts specified under that chapter to be used as purse money; 107211

(z) Qualifying distribution center receipts. 107212

(i) For purposes of division (F)(2)(z) of this section: 107213

(I) "Qualifying distribution center receipts" means receipts 107214  
of a supplier from qualified property that is delivered to a 107215  
qualified distribution center, multiplied by a quantity that 107216  
equals one minus the Ohio delivery percentage. 107217

(II) "Qualified property" means tangible personal property 107218

delivered to a qualified distribution center that is shipped to 107219  
that qualified distribution center solely for further shipping by 107220  
the qualified distribution center to another location in this 107221  
state or elsewhere. "Further shipping" includes storing and 107222  
repackaging such property into smaller or larger bundles, so long 107223  
as such property is not subject to further manufacturing or 107224  
processing. 107225

(III) "Qualified distribution center" means a warehouse or 107226  
other similar facility in this state that, for the qualifying 107227  
year, is operated by a person that is not part of a combined 107228  
taxpayer group and that has a qualifying certificate. However, all 107229  
warehouses or other similar facilities that are operated by 107230  
persons in the same taxpayer group and that are located within one 107231  
mile of each other shall be treated as one qualified distribution 107232  
center. 107233

(IV) "Qualifying year" means the calendar year to which the 107234  
qualifying certificate applies. 107235

(V) "Qualifying period" means the period of the first day of 107236  
July of the second year preceding the qualifying year through the 107237  
thirtieth day of June of the year preceding the qualifying year. 107238

(VI) "Qualifying certificate" means the certificate issued by 107239  
the tax commissioner after the operator of a distribution center 107240  
files an annual application with the commissioner. The application 107241  
and annual fee shall be filed and paid for each qualified 107242  
distribution center on or before the first day of September before 107243  
the qualifying year or within forty-five days after the 107244  
distribution center opens, whichever is later. 107245

The applicant must substantiate to the commissioner's 107246  
satisfaction that, for the qualifying period, all persons 107247  
operating the distribution center have more than fifty per cent of 107248  
the cost of the qualified property shipped to a location such that 107249

it would be situated outside this state under the provisions of 107250  
division (E) of section 5751.033 of the Revised Code. The 107251  
applicant must also substantiate that the distribution center 107252  
cumulatively had costs from its suppliers equal to or exceeding 107253  
five hundred million dollars during the qualifying period. (For 107254  
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 107255  
excludes any person that is part of the consolidated elected 107256  
taxpayer group, if applicable, of the operator of the qualified 107257  
distribution center.) The commissioner may require the applicant 107258  
to have an independent certified public accountant certify that 107259  
the calculation of the minimum thresholds required for a qualified 107260  
distribution center by the operator of a distribution center has 107261  
been made in accordance with generally accepted accounting 107262  
principles. The commissioner shall issue or deny the issuance of a 107263  
certificate within sixty days after the receipt of the 107264  
application. A denial is subject to appeal under section 5717.02 107265  
of the Revised Code. If the operator files a timely appeal under 107266  
section 5717.02 of the Revised Code, the operator shall be granted 107267  
a qualifying certificate, provided that the operator is liable for 107268  
any tax, interest, or penalty upon amounts claimed as qualifying 107269  
distribution center receipts, other than those receipts exempt 107270  
under division (C)(1) of section 5751.011 of the Revised Code, 107271  
that would have otherwise not been owed by its suppliers if the 107272  
qualifying certificate was valid. 107273

(VII) "Ohio delivery percentage" means the proportion of the 107274  
total property delivered to a destination inside Ohio from the 107275  
qualified distribution center during the qualifying period 107276  
compared with total deliveries from such distribution center 107277  
everywhere during the qualifying period. 107278

(ii) If the distribution center is new and was not open for 107279  
the entire qualifying period, the operator of the distribution 107280  
center may request that the commissioner grant a qualifying 107281

certificate. If the certificate is granted and it is later 107282  
determined that more than fifty per cent of the qualified property 107283  
during that year was not shipped to a location such that it would 107284  
be situated outside of this state under the provisions of division 107285  
(E) of section 5751.033 of the Revised Code or if it is later 107286  
determined that the person that operates the distribution center 107287  
had average monthly costs from its suppliers of less than forty 107288  
million dollars during that year, then the operator of the 107289  
distribution center shall be liable for any tax, interest, or 107290  
penalty upon amounts claimed as qualifying distribution center 107291  
receipts, other than those receipts exempt under division (C)(1) 107292  
of section 5751.011 of the Revised Code, that would have not 107293  
otherwise been owed by its suppliers during the qualifying year if 107294  
the qualifying certificate was valid. (For purposes of division 107295  
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 107296  
is part of the consolidated elected taxpayer group, if applicable, 107297  
of the operator of the qualified distribution center.) 107298

(iii) When filing an application for a qualifying certificate 107299  
under division (F)(2)(z)(i)(VI) of this section, the operator of a 107300  
qualified distribution center also shall provide documentation, as 107301  
the commissioner requires, for the commissioner to ascertain the 107302  
Ohio delivery percentage. The commissioner, upon issuing the 107303  
qualifying certificate, also shall certify the Ohio delivery 107304  
percentage. The operator of the qualified distribution center may 107305  
appeal the commissioner's certification of the Ohio delivery 107306  
percentage in the same manner as an appeal is taken from the 107307  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 107308  
of this section. 107309

Within thirty days after all appeals have been exhausted, the 107310  
operator of the qualified distribution center shall notify the 107311  
affected suppliers of qualified property that such suppliers are 107312  
required to file, within sixty days after receiving notice from 107313

the operator of the qualified distribution center, amended reports 107314  
for the impacted calendar quarter or quarters or calendar year, 107315  
whichever the case may be. Any additional tax liability or tax 107316  
overpayment shall be subject to interest but shall not be subject 107317  
to the imposition of any penalty so long as the amended returns 107318  
are timely filed. The supplier of tangible personal property 107319  
delivered to the qualified distribution center shall include in 107320  
its report of taxable gross receipts the receipts from the total 107321  
sales of property delivered to the qualified distribution center 107322  
for the calendar quarter or calendar year, whichever the case may 107323  
be, multiplied by the Ohio delivery percentage for the qualifying 107324  
year. Nothing in division (F)(2)(z)(iii) of this section shall be 107325  
construed as imposing liability on the operator of a qualified 107326  
distribution center for the tax imposed by this chapter arising 107327  
from any change to the Ohio delivery percentage. 107328

(iv) In the case where the distribution center is new and not 107329  
open for the entire qualifying period, the operator shall make a 107330  
good faith estimate of an Ohio delivery percentage for use by 107331  
suppliers in their reports of taxable gross receipts for the 107332  
remainder of the qualifying period. The operator of the facility 107333  
shall disclose to the suppliers that such Ohio delivery percentage 107334  
is an estimate and is subject to recalculation. By the due date of 107335  
the next application for a qualifying certificate, the operator 107336  
shall determine the actual Ohio delivery percentage for the 107337  
estimated qualifying period and proceed as provided in division 107338  
(F)(2)(z)(iii) of this section with respect to the calculation and 107339  
recalculation of the Ohio delivery percentage. The supplier is 107340  
required to file, within sixty days after receiving notice from 107341  
the operator of the qualified distribution center, amended reports 107342  
for the impacted calendar quarter or quarters or calendar year, 107343  
whichever the case may be. Any additional tax liability or tax 107344  
overpayment shall be subject to interest but shall not be subject 107345  
to the imposition of any penalty so long as the amended returns 107346



are timely filed. 107347

(v) Qualifying certificates and Ohio delivery percentages 107348  
issued by the commissioner shall be open to public inspection and 107349  
shall be timely published by the commissioner. A supplier relying 107350  
in good faith on a certificate issued under this division shall 107351  
not be subject to tax on the qualifying distribution center 107352  
receipts under division (F)(2)(z) of this section. A person 107353  
receiving a qualifying certificate is responsible for paying the 107354  
tax, interest, and penalty upon amounts claimed as qualifying 107355  
distribution center receipts that would not otherwise have been 107356  
owed by the supplier if the qualifying certificate were available 107357  
when it is later determined that the qualifying certificate should 107358  
not have been issued because the statutory requirements were in 107359  
fact not met. 107360

(vi) The annual fee for a qualifying certificate shall be one 107361  
hundred thousand dollars for each qualified distribution center. 107362  
If a qualifying certificate is not issued, the annual fee is 107363  
subject to refund after the exhaustion of all appeals provided for 107364  
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 107365  
under this division may be assessed in the same manner as the tax 107366  
imposed under this chapter. The first one hundred thousand dollars 107367  
of the annual application fees collected each calendar year shall 107368  
be credited to the commercial activity tax administrative fund. 107369  
The remainder of the annual application fees collected shall be 107370  
distributed in the same manner required under section 5751.20 of 107371  
the Revised Code. 107372

(vii) The tax commissioner may require that adequate security 107373  
be posted by the operator of the distribution center on appeal 107374  
when the commissioner disagrees that the applicant has met the 107375  
minimum thresholds for a qualified distribution center as set 107376  
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 107377  
section. 107378

(aa) Receipts of an employer from payroll deductions relating 107379  
to the reimbursement of the employer for advancing moneys to an 107380  
unrelated third party on an employee's behalf; 107381

(bb) Cash discounts allowed and taken; 107382

(cc) Returns and allowances; 107383

(dd) Bad debts from receipts on the basis of which the tax 107384  
imposed by this chapter was paid in a prior quarterly tax payment 107385  
period. For the purpose of this division, "bad debts" means any 107386  
debts that have become worthless or uncollectible between the 107387  
preceding and current quarterly tax payment periods, have been 107388  
uncollected for at least six months, and that may be claimed as a 107389  
deduction under section 166 of the Internal Revenue Code and the 107390  
regulations adopted under that section, or that could be claimed 107391  
as such if the taxpayer kept its accounts on the accrual basis. 107392  
"Bad debts" does not include repossessed property, uncollectible 107393  
amounts on property that remains in the possession of the taxpayer 107394  
until the full purchase price is paid, or expenses in attempting 107395  
to collect any account receivable or for any portion of the debt 107396  
recovered; 107397

(ee) Any amount realized from the sale of an account 107398  
receivable to the extent the receipts from the underlying 107399  
transaction giving rise to the account receivable were included in 107400  
the gross receipts of the taxpayer; 107401

(ff) Any receipts directly attributed to providing public 107402  
services pursuant to a contract entered into under section 9.06 of 107403  
the Revised Code and described in division (J) of that section, or 107404  
pursuant to sections 126.60 to 126.605 of the Revised Code, or any 107405  
receipts directly attributed to a transfer agreement or to the 107406  
enterprise transferred under that agreement under section 4313.02 107407  
of the Revised Code. 107408

(gg) Any receipts for which the tax imposed by this chapter 107409

is prohibited by the Constitution or laws of the United States or 107410  
the Constitution of Ohio. 107411

~~(gg)~~(hh) Amounts realized by licensed motor fuel dealers or 107412  
licensed permissive motor fuel dealers from the exchange of 107413  
petroleum products, including motor fuel, between such dealers, 107414  
provided that delivery of the petroleum products occurs at a 107415  
refinery, terminal, pipeline, or marine vessel and that the 107416  
exchanging dealers agree neither dealer shall require monetary 107417  
compensation from the other for the value of the exchanged 107418  
petroleum products other than such compensation for differences in 107419  
product location or grade. Division (F)(2)~~(gg)~~(hh) of this section 107420  
does not apply to amounts realized as a result of differences in 107421  
location or grade of exchanged petroleum products or from 107422  
handling, lubricity, dye, or other additive injections fees, 107423  
pipeline security fees, or similar fees. As used in this division, 107424  
"motor fuel," "licensed motor fuel dealer," "licensed permissive 107425  
motor fuel dealer," and "terminal" have the same meanings as in 107426  
section 5735.01 of the Revised Code. 107427

(3) In the case of a taxpayer when acting as a real estate 107428  
broker, "gross receipts" includes only the portion of any fee for 107429  
the service of a real estate broker, or service of a real estate 107430  
salesperson associated with that broker, that is retained by the 107431  
broker and not paid to an associated real estate salesperson or 107432  
another real estate broker. For the purposes of this division, 107433  
"real estate broker" and "real estate salesperson" have the same 107434  
meanings as in section 4735.01 of the Revised Code. 107435

(4) A taxpayer's method of accounting for gross receipts for 107436  
a tax period shall be the same as the taxpayer's method of 107437  
accounting for federal income tax purposes for the taxpayer's 107438  
federal taxable year that includes the tax period. If a taxpayer's 107439  
method of accounting for federal income tax purposes changes, its 107440  
method of accounting for gross receipts under this chapter shall 107441

be changed accordingly. 107442

(G) "Taxable gross receipts" means gross receipts sitused to 107443  
this state under section 5751.033 of the Revised Code. 107444

(H) A person has "substantial nexus with this state" if any 107445  
of the following applies. The person: 107446

(1) Owns or uses a part or all of its capital in this state; 107447

(2) Holds a certificate of compliance with the laws of this 107448  
state authorizing the person to do business in this state; 107449

(3) Has bright-line presence in this state; 107450

(4) Otherwise has nexus with this state to an extent that the 107451  
person can be required to remit the tax imposed under this chapter 107452  
under the Constitution of the United States. 107453

(I) A person has "bright-line presence" in this state for a 107454  
reporting period and for the remaining portion of the calendar 107455  
year if any of the following applies. The person: 107456

(1) Has at any time during the calendar year property in this 107457  
state with an aggregate value of at least fifty thousand dollars. 107458  
For the purpose of division (I)(1) of this section, owned property 107459  
is valued at original cost and rented property is valued at eight 107460  
times the net annual rental charge. 107461

(2) Has during the calendar year payroll in this state of at 107462  
least fifty thousand dollars. Payroll in this state includes all 107463  
of the following: 107464

(a) Any amount subject to withholding by the person under 107465  
section 5747.06 of the Revised Code; 107466

(b) Any other amount the person pays as compensation to an 107467  
individual under the supervision or control of the person for work 107468  
done in this state; and 107469

(c) Any amount the person pays for services performed in this 107470

state on its behalf by another. 107471

(3) Has during the calendar year taxable gross receipts of at 107472  
least five hundred thousand dollars. 107473

(4) Has at any time during the calendar year within this 107474  
state at least twenty-five per cent of the person's total 107475  
property, total payroll, or total gross receipts. 107476

(5) Is domiciled in this state as an individual or for 107477  
corporate, commercial, or other business purposes. 107478

(J) "Tangible personal property" has the same meaning as in 107479  
section 5739.01 of the Revised Code. 107480

(K) "Internal Revenue Code" means the Internal Revenue Code 107481  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 107482  
this chapter that is not otherwise defined has the same meaning as 107483  
when used in a comparable context in the laws of the United States 107484  
relating to federal income taxes unless a different meaning is 107485  
clearly required. Any reference in this chapter to the Internal 107486  
Revenue Code includes other laws of the United States relating to 107487  
federal income taxes. 107488

(L) "Calendar quarter" means a three-month period ending on 107489  
the thirty-first day of March, the thirtieth day of June, the 107490  
thirtieth day of September, or the thirty-first day of December. 107491

(M) "Tax period" means the calendar quarter or calendar year 107492  
on the basis of which a taxpayer is required to pay the tax 107493  
imposed under this chapter. 107494

(N) "Calendar year taxpayer" means a taxpayer for which the 107495  
tax period is a calendar year. 107496

(O) "Calendar quarter taxpayer" means a taxpayer for which 107497  
the tax period is a calendar quarter. 107498

(P) "Agent" means a person authorized by another person to 107499  
act on its behalf to undertake a transaction for the other, 107500

including any of the following: 107501

(1) A person receiving a fee to sell financial instruments; 107502

(2) A person retaining only a commission from a transaction 107503  
with the other proceeds from the transaction being remitted to 107504  
another person; 107505

(3) A person issuing licenses and permits under section 107506  
1533.13 of the Revised Code; 107507

(4) A lottery sales agent holding a valid license issued 107508  
under section 3770.05 of the Revised Code; 107509

(5) A person acting as an agent of the division of liquor 107510  
control under section 4301.17 of the Revised Code. 107511

(Q) "Received" includes amounts accrued under the accrual 107512  
method of accounting. 107513

(R) "Reporting person" means a person in a consolidated 107514  
elected taxpayer or combined taxpayer group that is designated by 107515  
that group to legally bind the group for all filings and tax 107516  
liabilities and to receive all legal notices with respect to 107517  
matters under this chapter, or, for the purposes of section 107518  
5751.04 of the Revised Code, a separate taxpayer that is not a 107519  
member of such a group. 107520

**Sec. 5751.011.** (A) A group of two or more persons may elect 107521  
to be a consolidated elected taxpayer for the purposes of this 107522  
chapter if the group satisfies all of the following requirements: 107523

(1) The group elects to include all persons, including 107524  
persons enumerated in divisions (E)(2) to (10) of section 5751.01 107525  
of the Revised Code, having at least eighty per cent, or having at 107526  
least fifty per cent, of the value of their ownership interests 107527  
owned or controlled, directly or constructively through related 107528  
interests, by common owners during all or any portion of the tax 107529  
period, together with the common owners. 107530

A group making its initial election on the basis of the 107531  
eighty per cent ownership test may change its election so that its 107532  
consolidated elected taxpayer group is formed on the basis of the 107533  
fifty per cent ownership test if all of the following are 107534  
satisfied: 107535

(a) When the initial election was made, the group did not 107536  
have any persons satisfying the fifty per cent ownership test; 107537

(b) One or more of the persons in the initial group 107538  
subsequently acquires ownership interests in a person such that 107539  
the fifty per cent ownership test is satisfied, the eighty per 107540  
cent ownership test is not satisfied, and the acquired person 107541  
would be required to be included in a combined taxpayer group 107542  
under section 5751.012 of the Revised Code; 107543

(c) The group requests the change in a written request to the 107544  
tax commissioner on or before the due date for filing the first 107545  
return due under section 5751.051 of the Revised Code after the 107546  
date of the acquisition; 107547

(d) The group has not previously changed its election. 107548

At the election of the group, all entities that are not 107549  
incorporated or formed under the laws of a state or of the United 107550  
States and that meet the consolidated elected ownership test shall 107551  
either be included in the group or all shall be excluded from the 107552  
group. If, at the time of registration, the group does not include 107553  
any such entities that meet the consolidated elected ownership 107554  
test, the group shall elect to either include or exclude the newly 107555  
acquired entities before the due date of the first return due 107556  
after the date of the acquisition. 107557

Each group shall notify the tax commissioner of the foregoing 107558  
elections before the due date of the return for the period in 107559  
which the election becomes binding. If fifty per cent of the value 107560  
of a person's ownership interests is owned or controlled by each 107561

of two consolidated elected taxpayer groups formed under the fifty 107562  
per cent ownership or control test, that person is a member of 107563  
each group for the purposes of this section, and each group shall 107564  
include in the group's taxable gross receipts fifty per cent of 107565  
that person's taxable gross receipts. Otherwise, all of that 107566  
person's taxable gross receipts shall be included in the taxable 107567  
gross receipts of the consolidated elected taxpayer group of which 107568  
the person is a member. In no event shall the ownership or control 107569  
of fifty per cent of the value of a person's ownership interests 107570  
by two otherwise unrelated groups form the basis for consolidating 107571  
the groups into a single consolidated elected taxpayer group or 107572  
permit any exclusion under division (C) of this section of taxable 107573  
gross receipts between members of the two groups. Division (A)(3) 107574  
of this section applies with respect to the elections described in 107575  
this division. 107576

(2) The group makes the election to be treated as a 107577  
consolidated elected taxpayer in the manner prescribed under 107578  
division (D) of this section. 107579

(3) Subject to review and audit by the tax commissioner, the 107580  
group agrees that all of the following apply: 107581

(a) The group shall file reports as a single taxpayer for at 107582  
least the next eight calendar quarters following the election so 107583  
long as at least two or more of the members of the group meet the 107584  
requirements of division (A)(1) of this section. 107585

(b) Before the expiration of the eighth such calendar 107586  
quarter, the group shall notify the commissioner if it elects to 107587  
cancel its designation as a consolidated elected taxpayer. If the 107588  
group does not so notify the tax commissioner, the election 107589  
remains in effect for another eight calendar quarters. 107590

(c) If, at any time during any of those eight calendar 107591  
quarters following the election, a former member of the group no 107592



longer meets the requirements under division (A)(1) of this 107593  
section, that member shall report and pay the tax imposed under 107594  
this chapter separately, as a member of a combined taxpayer, or, 107595  
if the former member satisfies such requirements with respect to 107596  
another consolidated elected group, as a member of that 107597  
consolidated elected group. 107598

(d) The group agrees to the application of division (B) of 107599  
this section. 107600

(B) A group of persons making the election under this section 107601  
shall report and pay tax on all of the group's taxable gross 107602  
receipts even if substantial nexus with this state does not exist 107603  
for one or more persons in the group. 107604

(C)(1)(a) Members of a consolidated elected taxpayer group 107605  
shall exclude gross receipts among persons included in the 107606  
consolidated elected taxpayer group. 107607

(b) Subject to divisions (C)(1)(c) and (C)(2) of this 107608  
section, nothing in this section shall have the effect of 107609  
requiring a consolidated elected taxpayer group to include gross 107610  
receipts received by a person enumerated in divisions (E)(2) to 107611  
(10) of section 5751.01 of the Revised Code if that person is a 107612  
member of the group pursuant to the elections made by the group 107613  
under division (A)(1) of this section. 107614

(c)(i) As used in division (C)(1)(c) of this section, "dealer 107615  
transfer" means a transfer of property that satisfies both of the 107616  
following: (I) the property is directly transferred by any means 107617  
from one member of the group to another member of the group that 107618  
is a dealer in intangibles but is not a qualifying dealer as 107619  
defined in section ~~5725.24~~ 5707.031 of the Revised Code; and (II) 107620  
the property is subsequently delivered by the dealer in 107621  
intangibles to a person that is not a member of the group. 107622

(ii) In the event of a dealer transfer, a consolidated 107623

elected taxpayer group shall not exclude, under division (C) of 107624  
this section, gross receipts from the transfer described in 107625  
division (C)(1)(c)(i)(I) of this section. 107626

(2) Gross receipts related to the sale or transmission of 107627  
electricity through the use of an intermediary regional 107628  
transmission organization approved by the federal energy 107629  
regulatory commission shall be excluded from taxable gross 107630  
receipts under division (C)(1) of this section if all other 107631  
requirements of that division are met, even if the receipts are 107632  
from and to the same member of the group. 107633

(D) To make the election to be a consolidated elected 107634  
taxpayer, a group of persons shall notify the tax commissioner of 107635  
the election in the manner prescribed by the commissioner and pay 107636  
the commissioner a registration fee equal to the lesser of two 107637  
hundred dollars or twenty dollars for each person in the group. No 107638  
additional fee shall be imposed for the addition of new members to 107639  
the group once the group has remitted a fee in the amount of two 107640  
hundred dollars. The election shall be made and the fee paid 107641  
before the beginning of the first calendar quarter to which the 107642  
election applies. The fee shall be collected and used in the same 107643  
manner as provided in section 5751.04 of the Revised Code. 107644

The election shall be made on a form prescribed by the tax 107645  
commissioner for that purpose and shall be signed by one or more 107646  
individuals with authority, separately or together, to make a 107647  
binding election on behalf of all persons in the group. 107648

Any person acquired or formed after the filing of the 107649  
registration shall be included in the group if the person meets 107650  
the requirements of division (A)(1) of this section, and the group 107651  
shall notify the tax commissioner of any additions to the group 107652  
with the next tax return it files with the commissioner. 107653

**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of 107654

the Revised Code: 107655

(1) "School district," "joint vocational school district," 107656  
"local taxing unit," "recognized valuation," "fixed-rate levy," 107657  
and "fixed-sum levy" have the same meanings as used in section 107658  
5727.84 of the Revised Code. 107659

(2) "State education aid" for a school district means the 107660  
following: 107661

(a) For fiscal years prior to fiscal year 2010, the sum of 107662  
state aid amounts computed for the district under the following 107663  
provisions, as they existed for the applicable fiscal year: 107664  
division (A) of section 3317.022 of the Revised Code, including 107665  
the amounts calculated under sections 3317.029 and 3317.0217 of 107666  
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 107667  
section 3317.022; divisions (B), (C), and (D) of section 3317.023; 107668  
divisions (L) and (N) of section 3317.024; section 3317.0216; and 107669  
any unit payments for gifted student services paid under sections 107670  
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 107671  
for fiscal years 2008 and 2009, the amount computed for the 107672  
district under Section 269.20.80 of H.B. 119 of the 127th general 107673  
assembly and as that section subsequently may be amended shall be 107674  
substituted for the amount computed under division (D) of section 107675  
3317.022 of the Revised Code, and the amount computed under 107676  
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 107677  
that section subsequently may be amended shall be included. 107678

(b) For fiscal ~~year~~ years 2010 and ~~for each fiscal year~~ 107679  
~~thereafter~~ 2011, the sum of the amounts computed under former 107680  
sections 3306.052, 3306.12, 3306.13, 3306.19, 3306.191, and 107681  
3306.192 of the Revised Code-; 107682

(c) For fiscal years 2012 and 2013, the amount paid in 107683  
accordance with the section of H.B. 153 of the 129th general 107684  
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 107685

|                                                                                                                                                                                                                                                                                                                                                                                          |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <u>SCHOOL DISTRICTS."</u>                                                                                                                                                                                                                                                                                                                                                                | 107686                                                   |
| (3) "State education aid" for a joint vocational school district means the following:                                                                                                                                                                                                                                                                                                    | 107687<br>107688                                         |
| (a) For fiscal years prior to fiscal year 2010, the sum of the state aid computed for the district under division (N) of section 3317.024 and section 3317.16 of the Revised Code, except that, for fiscal years 2008 and 2009, the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included. | 107689<br>107690<br>107691<br>107692<br>107693<br>107694 |
| (b) For fiscal years 2010 and 2011, the amount paid in accordance with the section of <del>this act</del> <u>H.B. 1 of the 128th general assembly</u> entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."                                                                                                                                                                          | 107695<br>107696<br>107697<br>107698                     |
| <u>(c) For fiscal years 2012 and 2013, the amount paid in accordance with the section of H.B. 153 of the 129th general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."</u>                                                                                                                                                                                            | 107699<br>107700<br>107701                               |
| (4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code.                                                                                                                                                                                                  | 107702<br>107703<br>107704                               |
| (5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.                                                                                                                                                                                                                                                                 | 107705<br>107706                                         |
| (6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.                                                                                                                                                                                                                                                                               | 107707<br>107708                                         |
| (7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section.                                                                                                                                                                                                                                                                  | 107709<br>107710                                         |
| (8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section.                                                                                                                                                                                                                                                                    | 107711<br>107712                                         |
| (9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.                                                                                                                                                                                                                                                                                  | 107713<br>107714                                         |
| (10) "Furniture and fixtures fixed-rate levy loss" means the                                                                                                                                                                                                                                                                                                                             | 107715                                                   |

amount determined under division (D)(3) of this section. 107716

(11) "Total fixed-rate levy loss" means the sum of the 107717  
machinery and equipment fixed-rate levy loss, the inventory 107718  
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 107719  
loss, and the telephone company fixed-rate levy loss. 107720

(12) "Fixed-sum levy loss" means the amount determined under 107721  
division (E) of this section. 107722

(13) "Machinery and equipment" means personal property 107723  
subject to the assessment rate specified in division (F) of 107724  
section 5711.22 of the Revised Code. 107725

(14) "Inventory" means personal property subject to the 107726  
assessment rate specified in division (E) of section 5711.22 of 107727  
the Revised Code. 107728

(15) "Furniture and fixtures" means personal property subject 107729  
to the assessment rate specified in division (G) of section 107730  
5711.22 of the Revised Code. 107731

(16) "Qualifying levies" are levies in effect for tax year 107732  
2004 or applicable to tax year 2005 or approved at an election 107733  
conducted before September 1, 2005. For the purpose of determining 107734  
the rate of a qualifying levy authorized by section 5705.212 or 107735  
5705.213 of the Revised Code, the rate shall be the rate that 107736  
would be in effect for tax year 2010. 107737

(17) "Telephone property" means tangible personal property of 107738  
a telephone, telegraph, or interexchange telecommunications 107739  
company subject to an assessment rate specified in section 107740  
5727.111 of the Revised Code in tax year 2004. 107741

(18) "Telephone property tax value loss" means the amount 107742  
determined under division (C)(4) of this section. 107743

(19) "Telephone property fixed-rate levy loss" means the 107744  
amount determined under division (D)(4) of this section. 107745

(20) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code. 107746  
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(21) "Median estate tax collections" means, in the case of a municipal corporation to which revenue from the taxes levied in Chapter 5731. of the Revised Code was distributed in each of calendar years 2006, 2007, 2008, and 2009, the median of those distributions. In the case of a municipal corporation to which no distributions were made in one or more of those years, "median estate tax collections" means zero. 107750  
107751  
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(22) "Total resources," in the case of a school district, means the sum of the amounts in divisions (A)(22)(a) to (h) of this section less any reduction required under division (A)(32) of this section. 107757  
107758  
107759  
107760

(a) The state education aid for fiscal year 2010; 107761

(b) The sum of the payments received by the school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code, excluding the portion of such payments attributable to levies for joint vocational school district purposes; 107762  
107763  
107764  
107765  
107766  
107767

(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2010 pursuant to division (E)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code for fixed-sum levies imposed for a purpose other than paying debt charges; 107768  
107769  
107770  
107771  
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(d) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008, including taxes charged and payable from emergency levies imposed 107773  
107774  
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107776

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| <u>under section 5709.194 of the Revised Code and excluding taxes</u>     | 107777 |
| <u>levied for joint vocational school district purposes;</u>              | 107778 |
| <u>(e) Fifty per cent of the school district's taxes charged and</u>      | 107779 |
| <u>payable against all property on the tax list of real and public</u>    | 107780 |
| <u>utility property for current expenses for tax year 2009, including</u> | 107781 |
| <u>taxes charged and payable from emergency levies and excluding</u>      | 107782 |
| <u>taxes levied for joint vocational school district purposes;</u>        | 107783 |
| <u>(f) The school district's taxes charged and payable against</u>        | 107784 |
| <u>all property on the general tax list of personal property for</u>      | 107785 |
| <u>current expenses for tax year 2009, including taxes charged and</u>    | 107786 |
| <u>payable from emergency levies;</u>                                     | 107787 |
| <u>(g) The amount certified for fiscal year 2010 under division</u>       | 107788 |
| <u>(A)(2) of section 3317.08 of the Revised Code;</u>                     | 107789 |
| <u>(h) Distributions received during calendar year 2009 from</u>          | 107790 |
| <u>taxes levied under section 718.09 of the Revised Code.</u>             | 107791 |
| <u>(23) "Total resources," in the case of a joint vocational</u>          | 107792 |
| <u>school district, means the sum of amounts in divisions (A)(23)(a)</u>  | 107793 |
| <u>to (g) of this section less any reduction required under division</u>  | 107794 |
| <u>(A)(32) of this section.</u>                                           | 107795 |
| <u>(a) The state education aid for fiscal year 2010;</u>                  | 107796 |
| <u>(b) The sum of the payments received by the joint vocational</u>       | 107797 |
| <u>school district in fiscal year 2010 for current expense levy</u>       | 107798 |
| <u>losses pursuant to division (C)(2) of section 5727.85 and</u>          | 107799 |
| <u>divisions (C)(8) and (9) of section 5751.21 of the Revised Code;</u>   | 107800 |
| <u>(c) Fifty per cent of the joint vocational school district's</u>       | 107801 |
| <u>taxes charged and payable against all property on the tax list of</u>  | 107802 |
| <u>real and public utility property for current expense purposes for</u>  | 107803 |
| <u>tax year 2008;</u>                                                     | 107804 |
| <u>(d) Fifty per cent of the joint vocational school district's</u>       | 107805 |
| <u>taxes charged and payable against all property on the tax list of</u>  | 107806 |

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| <u>real and public utility property for current expenses for tax year</u> | 107807 |
| <u>2009;</u>                                                              | 107808 |
| <u>(e) Fifty per cent of a city, local, or exempted village</u>           | 107809 |
| <u>school district's taxes charged and payable against all property</u>   | 107810 |
| <u>on the tax list of real and public utility property for current</u>    | 107811 |
| <u>expenses of the joint vocational school district for tax year</u>      | 107812 |
| <u>2008;</u>                                                              | 107813 |
| <u>(f) Fifty per cent of a city, local, or exempted village</u>           | 107814 |
| <u>school district's taxes charged and payable against all property</u>   | 107815 |
| <u>on the tax list of real and public utility property for current</u>    | 107816 |
| <u>expenses of the joint vocational school district for tax year</u>      | 107817 |
| <u>2009;</u>                                                              | 107818 |
| <u>(g) The joint vocational school district's taxes charged and</u>       | 107819 |
| <u>payable against all property on the general tax list of personal</u>   | 107820 |
| <u>property for current expenses for tax year 2009.</u>                   | 107821 |
| <u>(24) "Total resources," in the case of county mental health</u>        | 107822 |
| <u>and disability related functions, means the sum of the amounts in</u>  | 107823 |
| <u>divisions (A)(24)(a) and (b) of this section less any reduction</u>    | 107824 |
| <u>required under division (A)(32) of this section.</u>                   | 107825 |
| <u>(a) The sum of the payments received by the county for mental</u>      | 107826 |
| <u>health and developmental disability related functions in calendar</u>  | 107827 |
| <u>year 2010 under division (A)(1) of section 5727.86 and division</u>    | 107828 |
| <u>(A)(1) and (2) of section 5751.22 of the Revised Code as they</u>      | 107829 |
| <u>existed at that time;</u>                                              | 107830 |
| <u>(b) With respect to taxes levied by the county for mental</u>          | 107831 |
| <u>health and developmental disability related purposes, the taxes</u>    | 107832 |
| <u>charged and payable for such purposes against all property on the</u>  | 107833 |
| <u>tax list of real and public utility property for tax year 2009.</u>    | 107834 |
| <u>(25) "Total resources," in the case of county senior services</u>      | 107835 |
| <u>related functions, means the sum of the amounts in divisions</u>       | 107836 |
| <u>(A)(25)(a) and (b) of this section less any reduction required</u>     | 107837 |



under division (A)(32) of this section. 107838

(a) The sum of the payments received by the county for senior services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 107839  
107840  
107841  
107842

(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 107843  
107844  
107845  
107846

(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction required under division (A)(32) of this section. 107847  
107848  
107849  
107850

(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 107851  
107852  
107853  
107854

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 107855  
107856  
107857  
107858

(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section. 107859  
107860  
107861  
107862

(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 107863  
107864  
107865  
107866

(b) With respect to taxes levied by the county for public 107867

health related purposes, the taxes charged and payable for such 107868  
purposes against all property on the tax list of real and public 107869  
utility property for tax year 2009. 107870

(28) "Total resources," in the case of all county functions 107871  
not included in divisions (A)(24) to (27) of this section, means 107872  
the sum of the amounts in divisions (A)(28)(a) to (d) of this 107873  
section less any reduction required under division (A)(32) of this 107874  
section. 107875

(a) The sum of the payments received by the county for all 107876  
other purposes in calendar year 2010 under division (A)(1) of 107877  
section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 107878  
the Revised Code as they existed at that time; 107879

(b) The county's percentage share of county undivided local 107880  
government fund allocations as certified to the tax commissioner 107881  
for calendar year 2010 by the county auditor under division (J) of 107882  
section 5747.51 of the Revised Code or division (F) of section 107883  
5747.53 of the Revised Code multiplied by the total amount 107884  
actually distributed in calendar year 2010 from the county 107885  
undivided local government fund; 107886

(c) With respect to taxes levied by the county for all other 107887  
purposes, the taxes charged and payable for such purposes against 107888  
all property on the tax list of real and public utility property 107889  
for tax year 2009, excluding taxes charged and payable for the 107890  
purpose of paying debt charges; 107891

(d) The sum of the amounts distributed to the county in 107892  
calendar year 2010 for the taxes levied pursuant to sections 107893  
5739.021 and 5741.021 of the Revised Code. 107894

(29) "Total resources," in the case of a municipal 107895  
corporation, means the sum of the amounts in divisions (A)(29)(a) 107896  
to (g) of this section less any reduction required under division 107897  
(A)(32) of this section. 107898

(a) The sum of the payments received by the municipal corporation in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 107899  
107900  
107901  
107902

(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund; 107903  
107904  
107905  
107906  
107907  
107908  
107909

(c) The sum of the amounts distributed to the municipal corporation in calendar year 2010 pursuant to section 5747.50 of the Revised Code; 107910  
107911  
107912

(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for current expenses, defined in division (A)(33) of this section, for tax year 2009; 107913  
107914  
107915  
107916  
107917

(e) The amount of admissions tax collected by the municipal corporation in calendar year 2008, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2008 for which the municipal corporation has reported data to the commissioner; 107918  
107919  
107920  
107921  
107922

(f) The amount of income taxes collected by the municipal corporation in calendar year 2008, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2008 for which the municipal corporation has reported data to the commissioner; 107923  
107924  
107925  
107926  
107927

(g) The municipal corporation's median estate tax collections. 107928  
107929

(30) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(30)(a) to (c) of this section less any reduction required under division (A)(32) of this section. 107930  
107931  
107932  
107933

(a) The sum of the payments received by the township in calendar year 2010 pursuant to division (A)(1) of section 5727.86 of the Revised Code and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes; 107934  
107935  
107936  
107937  
107938

(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund; 107939  
107940  
107941  
107942  
107943  
107944  
107945

(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges. 107946  
107947  
107948  
107949

(31) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, or township, means the sum of the amounts in divisions (A)(31)(a) to (e) of this section less any reduction required under division (A)(32) of this section. 107950  
107951  
107952  
107953  
107954

(a) The sum of the payments received by the local taxing unit in calendar year 2010 pursuant to division (A)(1) of section 5727.86 of the Revised Code and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 107955  
107956  
107957  
107958

(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the 107959  
107960

tax commissioner for calendar year 2010 by the county auditor 107961  
under division (J) of section 5747.51 of the Revised Code or 107962  
division (F) of section 5747.53 of the Revised Code multiplied by 107963  
the total amount actually distributed in calendar year 2010 from 107964  
the county undivided local government fund; 107965

(c) With respect to taxes levied by the local taxing unit, 107966  
the taxes charged and payable against all property on the tax list 107967  
of real and public utility property for tax year 2009 excluding 107968  
taxes charged and payable for the purpose of paying debt charges; 107969

(d) The amount received from the tax commissioner during 107970  
calendar year 2010 for sales or use taxes authorized under 107971  
sections 5739.023 and 5741.022 of the Revised Code; 107972

(e) For institutions of higher education receiving tax 107973  
revenue from a local levy, as identified in section 3358.02 of the 107974  
Revised Code, the final state share of instruction allocation for 107975  
fiscal year 2010 as calculated by the board of regents and 107976  
reported to the state controlling board. 107977

(32) If a fixed-rate levy that is a qualifying levy is not 107978  
imposed in any year after tax year 2010, "total resources" used to 107979  
compute payments to be made under division (C)(12) of section 107980  
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 107981  
Revised Code in the tax years following the last year the levy is 107982  
imposed shall be reduced by the amount of payments attributable to 107983  
the fixed-rate levy loss of that levy as would be computed under 107984  
division (C)(2) of section 5727.85, division (A)(1) of section 107985  
5727.85, divisions (C)(8) and (9) of section 5751.21, or division 107986  
(A)(1) of section 5751.22 of the Revised Code. 107987

(33) "Municipal current expense property tax levies" means 107988  
all property tax levies of a municipality, except those with the 107989  
following levy names: airport resurfacing; bond or any levy name 107990  
including the word "bond"; capital improvement or any levy name 107991

including the word "capital"; debt or any levy name including the 107992  
word "debt"; equipment or any levy name including the word 107993  
"equipment," unless the levy is for combined operating and 107994  
equipment; employee termination fund; fire pension or any levy 107995  
containing the word "pension," including police pensions; 107996  
fireman's fund or any practically similar name; sinking fund; road 107997  
improvements or any levy containing the word "road"; fire truck or 107998  
apparatus; flood or any levy containing the word "flood"; 107999  
conservancy district; county health; note retirement; sewage, or 108000  
any levy containing the words "sewage" or "sewer"; park 108001  
improvement; parkland acquisition; storm drain; street or any levy 108002  
name containing the word "street"; lighting, or any levy name 108003  
containing the word "lighting"; and water. 108004

(34) "Current expense TPP allocation" means, in the case of a 108005  
school district or joint vocational school district, the sum of 108006  
the payments received by the school district in fiscal year 2011 108007  
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 108008  
Revised Code to the extent paid for current expense levies. In the 108009  
case of a municipal corporation, "current expense TPP allocation" 108010  
means the sum of the payments received by the municipal 108011  
corporation in calendar year 2010 pursuant to divisions (A)(1) and 108012  
(2) of section 5751.22 of the Revised Code to the extent paid for 108013  
municipal current expense property tax levies as defined in 108014  
division (A)(33) of this section. If a fixed-rate levy that is a 108015  
qualifying levy is not imposed in any year after tax year 2010, 108016  
"current expense TPP allocation" used to compute payments to be 108017  
made under division (C)(12) of section 5751.21 or division 108018  
(A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax 108019  
years following the last year the levy is imposed shall be reduced 108020  
by the amount of payments attributable to the fixed-rate levy loss 108021  
of that levy as would be computed under divisions (C)(10) and (11) 108022  
of section 5751.21 or division (A)(1) of section 5751.22 of the 108023  
Revised Code. 108024

(35) "TPP allocation" means the sum of payments received by a local taxing unit in calendar year 2010 pursuant to divisions (A)(1) and (2) of section 5751.22 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not imposed in any year after tax year 2010, "TPP allocation" used to compute payments to be made under division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is imposed shall be reduced by the amount of payment attributable to the fixed-rate levy loss of that levy as would be computed under division (A)(1) of that section.

(36) "Total TPP allocation" means, in the case of a school district or joint vocational school district, the sum of the amounts received in fiscal year 2011 pursuant to divisions (C)(10) and (11) and (D) of section 5751.21 of the Revised Code. In the case of a local taxing unit, "total TPP allocation" means the sum of payments received by the unit in calendar year 2010 pursuant to divisions (A)(1), (2), and (3) of section 5751.22 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not imposed in any year after tax year 2010, "total TPP allocation" used to compute payments to be made under division (C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is imposed shall be reduced by the amount of payments attributable to the fixed-rate levy loss of that levy as would be computed under divisions (C)(10) and (11) of section 5751.21 or division (A)(1) of section 5751.22 of the Revised Code.

(37) "Non-current expense TPP allocation" means the difference of total TPP allocation minus the sum of current expense TPP allocation and the portion of total TPP allocation constituting reimbursement for debt levies, pursuant to division (D) of section 5751.21 of the Revised Code in the case of a school district or joint vocational school district and pursuant to

division (A)(3) of section 5751.22 of the Revised Code in the case 108057  
of a municipal corporation. 108058

(38) "Threshold per cent" means, in the case of a school 108059  
district or joint vocational school district, two per cent for 108060  
fiscal year 2012 and four per cent for fiscal years 2013 and 108061  
thereafter. In the case of a local taxing unit, "threshold per 108062  
cent" means two per cent for tax year 2011, four per cent for tax 108063  
year 2012, and six per cent for tax years 2013 and thereafter. 108064

(B) The commercial activities tax receipts fund is hereby 108065  
created in the state treasury and shall consist of money arising 108066  
from the tax imposed under this chapter. Eighty-five 108067  
one-hundredths of one per cent of the money credited to that fund 108068  
shall be credited to the tax reform system implementation fund, 108069  
which is hereby created in the state treasury, and shall be used 108070  
to defray the costs incurred by the department of taxation in 108071  
administering the tax imposed by this chapter and in implementing 108072  
tax reform measures. Fifty million dollars shall be credited each 108073  
fiscal year from the commercial activities tax receipts fund to 108074  
the local government integrating and innovation fund created under 108075  
section 164.30 of the Revised Code, beginning with fiscal year 108076  
2012. The remainder in the commercial activities tax receipts fund 108077  
shall be credited for each fiscal year in the following 108078  
percentages to the general revenue fund, to the school district 108079  
tangible property tax replacement fund, which is hereby created in 108080  
the state treasury for the purpose of making the payments 108081  
described in section 5751.21 of the Revised Code, and to the local 108082  
government tangible property tax replacement fund, which is hereby 108083  
created in the state treasury for the purpose of making the 108084  
payments described in section 5751.22 of the Revised Code, in the 108085  
following percentages: 108086

|             |                 |                 |                  |        |
|-------------|-----------------|-----------------|------------------|--------|
| Fiscal year | General Revenue | School District | Local Government | 108087 |
|             | Fund            | Tangible        | Tangible         |        |



|                                              |                       | Property Tax<br>Replacement Fund | Property Tax<br>Replacement Fund |        |
|----------------------------------------------|-----------------------|----------------------------------|----------------------------------|--------|
| 2006                                         | 67.7%                 | 22.6%                            | 9.7%                             | 108088 |
| 2007                                         | 0%                    | 70.0%                            | 30.0%                            | 108089 |
| 2008                                         | 0%                    | 70.0%                            | 30.0%                            | 108090 |
| 2009                                         | 0%                    | 70.0%                            | 30.0%                            | 108091 |
| 2010                                         | 0%                    | 70.0%                            | 30.0%                            | 108092 |
| 2011                                         | 0%                    | 70.0%                            | 30.0%                            | 108093 |
| 2012                                         | <del>5.3</del> 25.0%  | <del>70.0</del> 52.5%            | <del>24.7</del> 22.5%            | 108094 |
| 2013 <u>and</u><br><u>thereafter</u>         | <del>10.6</del> 50.0% | <del>70.0</del> 35.0%            | <del>19.4</del> 15.0%            | 108095 |
| 2014                                         | 14.1%                 | 70.0%                            | 15.9%                            | 108096 |
| 2015                                         | 17.6%                 | 70.0%                            | 12.4%                            | 108097 |
| 2016                                         | 21.1%                 | 70.0%                            | 8.9%                             | 108098 |
| 2017                                         | 24.6%                 | 70.0%                            | 5.4%                             | 108099 |
| 2018                                         | 28.1%                 | 70.0%                            | 1.9%                             | 108100 |
| <del>2019 and</del><br><del>thereafter</del> | 30%                   | 70%                              | 0%                               | 108101 |

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

|                                                                                                                                                                                                                                                                                                                                                            |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (d) For tax year 2009 and thereafter, one hundred per cent.                                                                                                                                                                                                                                                                                                | 108116                                                   |
| (2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:                                                                                                                                                                                                                 | 108117<br>108118<br>108119                               |
| (a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;                                                                                                                                                                                                                          | 108120<br>108121<br>108122                               |
| (b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;                                                                                                                                                                                                                               | 108123<br>108124                                         |
| (c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;                                                                                                                                                                                                                         | 108125<br>108126<br>108127                               |
| (d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.                                                                                                                                                                                                                         | 108128<br>108129<br>108130                               |
| (3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:                                                                                                                                                                                        | 108131<br>108132<br>108133                               |
| (a) For tax year 2006, twenty-five per cent;                                                                                                                                                                                                                                                                                                               | 108134                                                   |
| (b) For tax year 2007, fifty per cent;                                                                                                                                                                                                                                                                                                                     | 108135                                                   |
| (c) For tax year 2008, seventy-five per cent;                                                                                                                                                                                                                                                                                                              | 108136                                                   |
| (d) For tax year 2009 and thereafter, one hundred per cent.                                                                                                                                                                                                                                                                                                | 108137                                                   |
| The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner. | 108138<br>108139<br>108140<br>108141<br>108142<br>108143 |
| (4) Telephone property tax value loss is the taxable value of                                                                                                                                                                                                                                                                                              | 108144                                                   |

telephone property as taxpayers would have reported that property 108145  
for tax year 2004 if the assessment rate for all telephone 108146  
property for that year were twenty-five per cent, multiplied by: 108147

- (a) For tax year 2006, zero per cent; 108148
- (b) For tax year 2007, zero per cent; 108149
- (c) For tax year 2008, zero per cent; 108150
- (d) For tax year 2009, sixty per cent; 108151
- (e) For tax year 2010, eighty per cent; 108152
- (f) For tax year 2011 and thereafter, one hundred per cent. 108153

(5) Division (C)(5) of this section applies to any school 108154  
district, joint vocational school district, or local taxing unit 108155  
in a county in which is located a facility currently or formerly 108156  
devoted to the enrichment or commercialization of uranium or 108157  
uranium products, and for which the total taxable value of 108158  
property listed on the general tax list of personal property for 108159  
any tax year from tax year 2001 to tax year 2004 was fifty per 108160  
cent or less of the taxable value of such property listed on the 108161  
general tax list of personal property for the next preceding tax 108162  
year. 108163

In computing the fixed-rate levy losses under divisions 108164  
(D)(1), (2), and (3) of this section for any school district, 108165  
joint vocational school district, or local taxing unit to which 108166  
division (C)(5) of this section applies, the taxable value of such 108167  
property as listed on the general tax list of personal property 108168  
for tax year 2000 shall be substituted for the taxable value of 108169  
such property as reported by taxpayers for tax year 2004, in the 108170  
taxing district containing the uranium facility, if the taxable 108171  
value listed for tax year 2000 is greater than the taxable value 108172  
reported by taxpayers for tax year 2004. For the purpose of making 108173  
the computations under divisions (D)(1), (2), and (3) of this 108174

section, the tax year 2000 valuation is to be allocated to 108175  
machinery and equipment, inventory, and furniture and fixtures 108176  
property in the same proportions as the tax year 2004 values. For 108177  
the purpose of the calculations in division (A) of section 5751.21 108178  
of the Revised Code, the tax year 2004 taxable values shall be 108179  
used. 108180

To facilitate the calculations required under division (C) of 108181  
this section, the county auditor, upon request from the tax 108182  
commissioner, shall provide by August 1, 2005, the values of 108183  
machinery and equipment, inventory, and furniture and fixtures for 108184  
all single-county personal property taxpayers for tax year 2004. 108185

(D) Not later than September 15, 2005, the tax commissioner 108186  
shall determine for each tax year from 2006 through 2009 for each 108187  
school district, joint vocational school district, and local 108188  
taxing unit its machinery and equipment, inventory, and furniture 108189  
and fixtures fixed-rate levy losses, and for each tax year from 108190  
2006 through 2011 its telephone property fixed-rate levy loss. 108191  
Except as provided in division (F) of this section, such losses 108192  
are the applicable amounts described in divisions (D)(1), (2), 108193  
(3), and (4) of this section: 108194

(1) The machinery and equipment fixed-rate levy loss is the 108195  
machinery and equipment property tax value loss multiplied by the 108196  
sum of the tax rates of fixed-rate qualifying levies. 108197

(2) The inventory fixed-rate loss is the inventory property 108198  
tax value loss multiplied by the sum of the tax rates of 108199  
fixed-rate qualifying levies. 108200

(3) The furniture and fixtures fixed-rate levy loss is the 108201  
furniture and fixture property tax value loss multiplied by the 108202  
sum of the tax rates of fixed-rate qualifying levies. 108203

(4) The telephone property fixed-rate levy loss is the 108204  
telephone property tax value loss multiplied by the sum of the tax 108205

rates of fixed-rate qualifying levies. 108206

(E) Not later than September 15, 2005, the tax commissioner 108207  
shall determine for each school district, joint vocational school 108208  
district, and local taxing unit its fixed-sum levy loss. The 108209  
fixed-sum levy loss is the amount obtained by subtracting the 108210  
amount described in division (E)(2) of this section from the 108211  
amount described in division (E)(1) of this section: 108212

(1) The sum of the machinery and equipment property tax value 108213  
loss, the inventory property tax value loss, and the furniture and 108214  
fixtures property tax value loss, and, for 2008 through ~~2017~~ 2010, 108215  
the telephone property tax value loss of the district or unit 108216  
multiplied by the sum of the fixed-sum tax rates of qualifying 108217  
levies. For 2006 through 2010, this computation shall include all 108218  
qualifying levies remaining in effect for the current tax year and 108219  
any school district levies imposed under section 5705.194 or 108220  
5705.213 of the Revised Code that are qualifying levies not 108221  
remaining in effect for the current year. For 2011 through 2017 in 108222  
the case of school district levies imposed under section 5705.194 108223  
or 5705.213 of the Revised Code and for all years after 2010 in 108224  
the case of other fixed-sum levies, this computation shall include 108225  
only qualifying levies remaining in effect for the current year. 108226  
For purposes of this computation, a qualifying school district 108227  
levy imposed under section 5705.194 or 5705.213 of the Revised 108228  
Code remains in effect in a year after 2010 only if, for that 108229  
year, the board of education levies a school district levy imposed 108230  
under section 5705.194, 5705.199, 5705.213, or 5705.219 of the 108231  
Revised Code for an annual sum at least equal to the annual sum 108232  
levied by the board in tax year 2004 less the amount of the 108233  
payment certified under this division for 2006. 108234

(2) The total taxable value in tax year 2004 less the sum of 108235  
the machinery and equipment, inventory, furniture and fixtures, 108236  
and telephone property tax value losses in each school district, 108237

joint vocational school district, and local taxing unit multiplied 108238  
by one-half of one mill per dollar. 108239

(3) For the calculations in divisions (E)(1) and (2) of this 108240  
section, the tax value losses are those that would be calculated 108241  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 108242  
section and for tax year 2011 under division (C)(4) of this 108243  
section. 108244

(4) To facilitate the calculation under divisions (D) and (E) 108245  
of this section, not later than September 1, 2005, any school 108246  
district, joint vocational school district, or local taxing unit 108247  
that has a qualifying levy that was approved at an election 108248  
conducted during 2005 before September 1, 2005, shall certify to 108249  
the tax commissioner a copy of the county auditor's certificate of 108250  
estimated property tax millage for such levy as required under 108251  
division (B) of section 5705.03 of the Revised Code, which is the 108252  
rate that shall be used in the calculations under such divisions. 108253

If the amount determined under division (E) of this section 108254  
for any school district, joint vocational school district, or 108255  
local taxing unit is greater than zero, that amount shall equal 108256  
the reimbursement to be paid pursuant to division (E) of section 108257  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 108258  
and the one-half of one mill that is subtracted under division 108259  
(E)(2) of this section shall be apportioned among all contributing 108260  
fixed-sum levies in the proportion that each levy bears to the sum 108261  
of all fixed-sum levies within each school district, joint 108262  
vocational school district, or local taxing unit. 108263

(F) If a school district levies a tax under section 5705.219 108264  
of the Revised Code, the fixed-rate levy loss for qualifying 108265  
levies, to the extent repealed under that section, shall equal the 108266  
sum of the following amounts in lieu of the amounts computed for 108267  
such levies under division (D) of this section: 108268

(1) The sum of the rates of qualifying levies to the extent 108269  
so repealed multiplied by the sum of the machinery and equipment, 108270  
inventory, and furniture and fixtures tax value losses for 2009 as 108271  
determined under that division; 108272

(2) The sum of the rates of qualifying levies to the extent 108273  
so repealed multiplied by the telephone property tax value loss 108274  
for 2011 as determined under that division. 108275

The fixed-rate levy losses for qualifying levies to the 108276  
extent not repealed under section 5705.219 of the Revised Code 108277  
shall be as determined under division (D) of this section. The 108278  
revised fixed-rate levy losses determined under this division and 108279  
division (D) of this section first apply in the year following the 108280  
first year the district levies the tax under section 5705.219 of 108281  
the Revised Code. 108282

(G) Not later than October 1, 2005, the tax commissioner 108283  
shall certify to the department of education for every school 108284  
district and joint vocational school district the machinery and 108285  
equipment, inventory, furniture and fixtures, and telephone 108286  
property tax value losses determined under division (C) of this 108287  
section, the machinery and equipment, inventory, furniture and 108288  
fixtures, and telephone fixed-rate levy losses determined under 108289  
division (D) of this section, and the fixed-sum levy losses 108290  
calculated under division (E) of this section. The calculations 108291  
under divisions (D) and (E) of this section shall separately 108292  
display the levy loss for each levy eligible for reimbursement. 108293

(H) Not later than October 1, 2005, the tax commissioner 108294  
shall certify the amount of the fixed-sum levy losses to the 108295  
county auditor of each county in which a school district, joint 108296  
vocational school district, or local taxing unit with a fixed-sum 108297  
levy loss reimbursement has territory. 108298

(I) Not later than the twenty-eighth day of February each 108299

year beginning in 2011 and ending in 2014, the tax commissioner 108300  
shall certify to the department of education for each school 108301  
district first levying a tax under section 5705.219 of the Revised 108302  
Code in the preceding year the revised fixed-rate levy losses 108303  
determined under divisions (D) and (F) of this section. 108304

**Sec. 5751.21.** (A) Not later than the thirtieth day of July of 108305  
2007 through ~~2017~~ 2010, the department of education shall consult 108306  
with the director of budget and management and determine the 108307  
following for each school district and each joint vocational 108308  
school district eligible for payment under division (B) of this 108309  
section: 108310

(1) The state education aid offset, which, except as provided 108311  
in division (A)(1)(c) of this section, is the difference obtained 108312  
by subtracting the amount described in division (A)(1)(b) of this 108313  
section from the amount described in division (A)(1)(a) of this 108314  
section: 108315

(a) The state education aid computed for the school district 108316  
or joint vocational school district for the current fiscal year as 108317  
of the thirtieth day of July; 108318

(b) The state education aid that would be computed for the 108319  
school district or joint vocational school district for the 108320  
current fiscal year as of the thirtieth day of July if the 108321  
~~recognized~~ valuation used in the calculation in division (B)(1) of 108322  
section 3306.13 of the Revised Code as that division existed for 108323  
fiscal years 2010 and 2011 included the machinery and equipment, 108324  
inventory, furniture and fixtures, and telephone property tax 108325  
value losses for the school district or joint vocational school 108326  
district for the second preceding tax year, and if taxes charged 108327  
and payable associated with the tax value losses are accounted for 108328  
in any state education aid computation dependent on taxes charged 108329  
and payable. 108330



(c) The state education aid offset for fiscal year 2010 and fiscal year 2011 equals the greater of the state education aid offset calculated for that fiscal year under divisions (A)(1)(a) and (b) of this section and the state education aid offset calculated for fiscal year 2009. For fiscal year 2012 and 2013, the state education aid offset equals the state education aid offset for fiscal year 2011.

(2) ~~The~~ For fiscal years 2008 through 2011, the greater of zero or the difference obtained by subtracting the state education aid offset determined under division (A)(1) of this section from the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, furniture and fixtures fixed-rate levy loss, and telephone property fixed-rate levy loss certified under divisions (G) and (I) of section 5751.20 of the Revised Code for all taxing districts in each school district and joint vocational school district for the second preceding tax year.

By the thirtieth day of July of each such year, the department of education and the director of budget and management shall agree upon the amount to be determined under division (A)(1) of this section.

(B) On or before the thirty-first day of August of ~~each year beginning in 2008, 2009, and 2010,~~ the department of education shall recalculate the offset described under division (A) of this section for the previous fiscal year and recalculate the payments made under division (C) of this section in the preceding fiscal year using the offset calculated under this division. If the payments calculated under this division differ from the payments made under division (C) of this section in the preceding fiscal year, the difference shall either be paid to a school district or recaptured from a school district through an adjustment at the same times during the current fiscal year that the payments under division (C) of this section are made. In August and October of

the current fiscal year, the amount of each adjustment shall be 108363  
three-sevenths of the amount calculated under this division. In 108364  
May of the current fiscal year, the adjustment shall be 108365  
one-seventh of the amount calculated under this division. 108366

(C) The department of education shall pay from the school 108367  
district tangible property tax replacement fund to each school 108368  
district and joint vocational school district all of the following 108369  
for fixed-rate levy losses certified under divisions (G) and (I) 108370  
of section 5751.20 of the Revised Code: 108371

(1) On or before May 31, 2006, one-seventh of the total 108372  
fixed-rate levy loss for tax year 2006; 108373

(2) On or before August 31, 2006, and October 31, 2006, 108374  
one-half of six-sevenths of the total fixed-rate levy loss for tax 108375  
year 2006; 108376

(3) On or before May 31, 2007, one-seventh of the total 108377  
fixed-rate levy loss for tax year 2007; 108378

(4) On or before August 31, 2007, and October 31, 2007, 108379  
forty-three per cent of the amount determined under division 108380  
(A)(2) of this section for fiscal year 2008, but not less than 108381  
zero, plus one-half of six-sevenths of the difference between the 108382  
total fixed-rate levy loss for tax year 2007 and the total 108383  
fixed-rate levy loss for tax year 2006. 108384

(5) On or before May 31, 2008, fourteen per cent of the 108385  
amount determined under division (A)(2) of this section for fiscal 108386  
year 2008, but not less than zero, plus one-seventh of the 108387  
difference between the total fixed-rate levy loss for tax year 108388  
2008 and the total fixed-rate levy loss for tax year 2006. 108389

(6) On or before August 31, 2008, and October 31, 2008, 108390  
forty-three per cent of the amount determined under division 108391  
(A)(2) of this section for fiscal year 2009, but not less than 108392  
zero, plus one-half of six-sevenths of the difference between the 108393

total fixed-rate levy loss in tax year 2008 and the total 108394  
fixed-rate levy loss in tax year 2007. 108395

(7) On or before May 31, 2009, fourteen per cent of the 108396  
amount determined under division (A)(2) of this section for fiscal 108397  
year 2009, but not less than zero, plus one-seventh of the 108398  
difference between the total fixed-rate levy loss for tax year 108399  
2009 and the total fixed-rate levy loss for tax year 2007. 108400

(8) On or before August 31, 2009, and October 31, 2009, 108401  
forty-three per cent of the amount determined under division 108402  
(A)(2) of this section for fiscal year 2010, but not less than 108403  
zero, plus one-half of six-sevenths of the difference between the 108404  
total fixed-rate levy loss in tax year 2009 and the total 108405  
fixed-rate levy loss in tax year 2008. 108406

(9) On or before May 31, 2010, fourteen per cent of the 108407  
amount determined under division (A)(2) of this section for fiscal 108408  
year 2010, but not less than zero, plus one-seventh of the 108409  
difference between the total fixed-rate levy loss in tax year 2010 108410  
and the total fixed-rate levy loss in tax year 2008. 108411

(10) On or before August 31, 2010, and October 31, 2010, 108412  
forty-three per cent of the amount determined under division 108413  
(A)(2) of this section for fiscal year 2011, but not less than 108414  
zero, plus one-half of six-sevenths of the difference between the 108415  
telephone property fixed-rate levy loss for tax year 2010 and the 108416  
telephone property fixed-rate levy loss for tax year 2009. 108417

(11) On or before May 31, 2011, fourteen per cent of the 108418  
amount determined under division (A)(2) of this section for fiscal 108419  
year 2011, but not less than zero, plus one-seventh of the 108420  
difference between the telephone property fixed-rate levy loss for 108421  
tax year 2011 and the telephone property fixed-rate levy loss for 108422  
tax year 2009. 108423

~~(12) On or before August 31, 2011, and October 31, 2011,~~ 108424

~~forty three per cent of the amount determined under division 108425  
(A)(2) of this section, but not less than zero, plus one half of 108426  
six sevenths of the difference between the telephone property 108427  
fixed rate levy loss for tax year 2011 and the telephone property 108428  
fixed rate levy loss for tax year 2010. 108429~~

~~(13) On or before May 31, 2012, fourteen per cent of the 108430  
amount determined under division (A)(2) of this section for fiscal 108431  
year 2012, but not less than zero, plus one seventh of the 108432  
difference between the telephone property fixed rate levy loss for 108433  
tax year 2011 and the telephone property fixed rate levy loss for 108434  
tax year 2010. 108435~~

~~(14) On or before August 31, 2012, October 31, 2012, and May 108436  
31, 2013, the amount determined under division (A)(2) of this 108437  
section but not less than zero, multiplied by one third. 108438~~

~~(15) On or before August 31, 2013, October 31, 2013, and May 108439  
31, 2014, the amount determined under division (A)(2) of this 108440  
section multiplied by a fraction, the numerator of which is nine 108441  
and the denominator of which is seventeen, but not less than zero, 108442  
multiplied by one third. 108443~~

~~(16) On or before August 31, 2014, October 31, 2014, and May 108444  
31, 2015, the amount determined under division (A)(2) of this 108445  
section multiplied by a fraction, the numerator of which is seven 108446  
and the denominator of which is seventeen, but not less than zero, 108447  
multiplied by one third. 108448~~

~~(17) On or before August 31, 2015, October 31, 2015, and May 108449  
31, 2016, the amount determined under division (A)(2) of this 108450  
section multiplied by a fraction, the numerator of which is five 108451  
and the denominator of which is seventeen, but not less than zero, 108452  
multiplied by one third. 108453~~

~~(18) On or before August 31, 2016, October 31, 2016, and May 108454  
31, 2017, the amount determined under division (A)(2) of this 108455~~

~~section multiplied by a fraction, the numerator of which is three 108456  
and the denominator of which is seventeen, but not less than zero, 108457  
multiplied by one third. 108458~~

~~(19) On or before August 31, 2017, October 31, 2017, and May 108459  
31, 2018, the amount determined under division (A)(2) of this 108460  
section multiplied by a fraction, the numerator of which is one 108461  
and the denominator of which is seventeen, but not less than zero, 108462  
multiplied by one third. For fiscal years 2012 and thereafter, the 108463  
sum of the amounts in divisions (C)(12)(a) or (b) and (c) of this 108464  
section shall be paid on or before the twentieth day of November 108465  
and the last day of May: 108466~~

(a) If the ratio of current expense TPP allocation to total 108467  
resources is equal to or less than the threshold per cent, zero; 108468

(b) If the ratio of current expense TPP allocation to total 108469  
resources is greater than the threshold per cent, fifty per cent 108470  
of the difference of current expense TPP allocation minus the 108471  
product of total resources multiplied by the threshold per cent; 108472

(c) Fifty per cent of the product of non-current expense TPP 108473  
allocation multiplied by seventy-five per cent for fiscal year 108474  
2012 and fifty per cent for fiscal years 2013 and thereafter. 108475

The department of education shall report to each school 108476  
district and joint vocational school district the apportionment of 108477  
the payments among the school district's or joint vocational 108478  
school district's funds based on the certifications under 108479  
divisions (G) and (I) of section 5751.20 of the Revised Code. 108480

~~Any qualifying levy that is a fixed rate levy that is not 108481  
applicable to a tax year after 2010 does not qualify for any 108482  
reimbursement after the tax year to which it is last applicable. 108483~~

(D) For taxes levied within the ten-mill limitation for debt 108484  
purposes in tax year 2005, payments shall be made equal to one 108485  
hundred per cent of the loss computed as if the tax were a 108486

fixed-rate levy, but those payments shall extend from fiscal year 108487  
2006 through fiscal year 2018, as long as the qualifying levy 108488  
continues to be used for debt purposes. If the purpose of such a 108489  
qualifying levy is changed, that levy becomes subject to the 108490  
payments determined in division (C) of this section. 108491

(E)(1) Not later than January 1, 2006, for each fixed-sum 108492  
levy of each school district or joint vocational school district 108493  
and for each year for which a determination is made under division 108494  
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 108495  
loss is to be reimbursed, the tax commissioner shall certify to 108496  
the department of education the fixed-sum levy loss determined 108497  
under that division. The certification shall cover a time period 108498  
sufficient to include all fixed-sum levies for which the 108499  
commissioner made such a determination. The On or before the last 108500  
day of May of the current year, the department shall pay from the 108501  
school district property tax replacement fund to the school 108502  
district or joint vocational school district one-third of the 108503  
fixed-sum levy loss so certified ~~for each year~~, plus one-third of 108504  
the amount certified under division (I) of section 5751.20 of the 108505  
Revised Code, and on or before the ~~last twentieth~~ day of ~~May,~~ 108506  
~~August, and October of the current year~~ November, two-thirds of 108507  
the fixed-sum levy loss so certified, plus two-thirds of the 108508  
amount certified under division (I) of section 5751.20 of the 108509  
Revised Code. Payments under this division of the amounts 108510  
certified under division (I) of section 5751.20 of the Revised 108511  
Code shall continue until the levy adopted under section 5705.219 108512  
of the Revised Code expires. 108513

(2) Beginning in 2006, by the first day of January of each 108514  
year, the tax commissioner shall review the certification 108515  
originally made under division (E)(1) of this section. If the 108516  
commissioner determines that a debt levy that had been scheduled 108517  
to be reimbursed in the current year has expired, a revised 108518

certification for that and all subsequent years shall be made to 108519  
the department of education. 108520

(F) Beginning in September 2007 and through June ~~2018~~ 2013, 108521  
the director of budget and management shall transfer from the 108522  
school district tangible property tax replacement fund to the 108523  
general revenue fund each of the following: 108524

(1) On the first day of September, one-fourth of the amount 108525  
determined for that fiscal year under division (A)(1) of this 108526  
section; 108527

(2) On the first day of December, one-fourth of the amount 108528  
determined for that fiscal year under division (A)(1) of this 108529  
section; 108530

(3) On the first day of March, one-fourth of the amount 108531  
determined for that fiscal year under division (A)(1) of this 108532  
section; 108533

(4) On the first day of June, one-fourth of the amount 108534  
determined for that fiscal year under division (A)(1) of this 108535  
section. 108536

If, when a transfer is required under division (F)(1), (2), 108537  
(3), or (4) of this section, there is not sufficient money in the 108538  
school district tangible property tax replacement fund to make the 108539  
transfer in the required amount, the director shall transfer the 108540  
balance in the fund to the general revenue fund and may make 108541  
additional transfers on later dates as determined by the director 108542  
in a total amount that does not exceed one-fourth of the amount 108543  
determined for the fiscal year. 108544

(G) ~~For each of the fiscal years 2006 through 2018, if~~ If the 108545  
total amount in the school district tangible property tax 108546  
replacement fund is insufficient to make all payments under 108547  
divisions (C), (D), and (E) of this section at the times the 108548  
payments are to be made, the director of budget and management 108549

shall transfer from the general revenue fund to the school 108550  
district tangible property tax replacement fund the difference 108551  
between the total amount to be paid and the amount in the school 108552  
district tangible property tax replacement fund. ~~For each fiscal~~ 108553  
~~year after 2018, at the time payments under division (E) of this~~ 108554  
~~section are to be made, the director of budget and management~~ 108555  
~~shall transfer from the general revenue fund to the school~~ 108556  
~~district property tax replacement fund the amount necessary to~~ 108557  
~~make such payments.~~ 108558

(H)~~(1)~~ On the fifteenth day of June ~~of 2006 through 2011~~ of 108559  
each year, the director of budget and management may transfer any 108560  
balance in the school district tangible property tax replacement 108561  
fund to the general revenue fund. ~~At the end of fiscal years 2012~~ 108562  
~~through 2018, any balance in the school district tangible property~~ 108563  
~~tax replacement fund shall remain in the fund to be used in future~~ 108564  
~~fiscal years for school purposes.~~ 108565

~~(2) In each fiscal year beginning with fiscal year 2019, all~~ 108566  
~~amounts credited to the school district tangible personal property~~ 108567  
~~tax replacement fund shall be appropriated for school purposes.~~ 108568

(I) If all of the territory of a school district or joint 108569  
vocational school district is merged with another district, or if 108570  
a part of the territory of a school district or joint vocational 108571  
school district is transferred to an existing or newly created 108572  
district, the department of education, in consultation with the 108573  
tax commissioner, shall adjust the payments made under this 108574  
section as follows: 108575

(1) For a merger of two or more districts, ~~the machinery and~~ 108576  
~~equipment, inventory, furniture and fixtures, and telephone~~ 108577  
~~property fixed rate levy losses and the fixed-sum levy losses,~~ 108578  
total resources, current expense TPP allocation, total TPP 108579  
allocation, and non-current expense TPP allocation of the 108580  
successor district shall be ~~equal to the sum of the machinery and~~ 108581



~~equipment, inventory, furniture and fixtures, and telephone~~ 108582  
~~property fixed rate levy losses and debt levy losses as determined~~ 108583  
~~in section 5751.20 of the Revised Code, such items for each of the~~ 108584  
~~districts involved in the merger.~~ 108585

(2) If property is transferred from one district to a 108586  
previously existing district, the amount of ~~machinery and~~ 108587  
~~equipment, inventory, furniture and fixtures, and telephone~~ 108588  
~~property tax value losses and fixed rate levy losses total~~ 108589  
~~resources, current expense TPP allocation, total TPP allocation,~~ 108590  
~~and non-current expense TPP allocation that shall be transferred~~ 108591  
to the recipient district shall be an amount equal to ~~the total~~ 108592  
~~machinery and equipment, inventory, furniture and fixtures, and~~ 108593  
~~telephone property fixed rate levy losses total resources, current~~ 108594  
~~expense TPP allocation, total TPP allocation, and non-current~~ 108595  
~~expense TPP allocation of the transferor district times a~~ 108596  
fraction, the numerator of which is the ~~value of business tangible~~ 108597  
~~personal property on the land being transferred in the most recent~~ 108598  
~~year for which data are available number of pupils being~~ 108599  
~~transferred to the recipient district, measured, in the case of a~~ 108600  
~~school district, by average daily membership as reported under~~ 108601  
~~division (A) of section 3317.03 of the Revised Code or, in the~~ 108602  
~~case of a joint vocational school district, by formula ADM as~~ 108603  
~~reported in division (D) of that section, and the denominator of~~ 108604  
which is the ~~total value of business tangible personal property in~~ 108605  
~~the district from which the land is being transferred in the most~~ 108606  
~~recent year for which data are available. For each of the first~~ 108607  
~~five years after the property is transferred, but not after fiscal~~ 108608  
~~year 2012, if the tax rate in the recipient district is less than~~ 108609  
~~the tax rate of the district from which the land was transferred,~~ 108610  
~~one half of the payments arising from the amount of fixed rate~~ 108611  
~~levy losses so transferred to the recipient district shall be paid~~ 108612  
~~to the recipient district and one half of the payments arising~~ 108613  
~~from the fixed rate levy losses so transferred shall be paid to~~ 108614

~~the district from which the land was transferred. Fixed rate levy losses so transferred shall be computed on the basis of the sum of the rates of fixed rate qualifying levies of the district from which the land was transferred, notwithstanding division (E) of this section average daily membership or formula ADM of the transferor district.~~ 108615  
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(3) After December 31, ~~2004~~ 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any ~~machinery and equipment, inventory, furniture and fixtures, or telephone property fixed rate levy losses and the districts from which the property was transferred shall have no reduction in their machinery and equipment, inventory, furniture and fixtures, and telephone property fixed rate levy losses~~ total resources, current expense TPP allocation, total TPP allocation, or non-current expense TPP allocation. 108621  
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(4) If the recipient district under division (I)(2) of this section or the newly created district under division (I)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts losing the property had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the fixed-sum levy loss reimbursements. 108632  
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**Sec. 5751.22.** (A) Not later than January 1, 2006, the tax commissioner shall compute the payments to be made to each local taxing unit for each year according to divisions (A)(1), (2), (3), and (4) of this section as this section existed on that date, and shall distribute the payments in the manner prescribed by division (C) of this section. The calculation of the fixed-sum levy loss shall cover a time period sufficient to include all fixed-sum 108639  
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levies for which the commissioner determined, pursuant to division 108646  
(E) of section 5751.20 of the Revised Code, that a fixed-sum levy 108647  
loss is to be reimbursed. 108648

(1) Except as provided in division (A)~~(4)~~(3) of this section, 108649  
for ~~machinery and equipment, inventory, and furniture and fixtures~~ 108650  
fixed-rate levy losses determined under division (D) of section 108651  
5751.20 of the Revised Code, payments shall be made in an amount 108652  
equal to ~~each of those losses multiplied by~~ the following: 108653

(a) For tax years 2006 through 2010, one hundred per cent of 108654  
such losses; 108655

(b) For the payment in tax year 2011, ~~a fraction, the~~ 108656  
~~numerator of which is fourteen and the denominator of which is~~ 108657  
~~seventeen~~; 108658

~~(c) For tax year 2012, a fraction, the numerator of which is~~ 108659  
~~eleven and the denominator of which is seventeen~~; 108660

~~(d) For tax year 2013, a fraction, the numerator of which is~~ 108661  
~~nine and the denominator of which is seventeen~~; 108662

~~(e) For tax year 2014, a fraction, the numerator of which is~~ 108663  
~~seven and the denominator of which is seventeen~~; 108664

~~(f) For tax year 2015, a fraction, the numerator of which is~~ 108665  
~~five and the denominator of which is seventeen~~; 108666

~~(g) For tax year 2016, a fraction, the numerator of which is~~ 108667  
~~three and the denominator of which is seventeen~~; 108668

~~(h) For tax year 2017, a fraction, the numerator of which is~~ 108669  
~~one and the denominator of which is seventeen~~; 108670

~~(i) For tax years 2018 and thereafter, no fixed rate payments~~ 108671  
~~shall be made.~~ 108672

~~Any qualifying levy that is a fixed rate levy that is not~~ 108673  
~~applicable to a tax year after 2010 shall not qualify for any~~ 108674

~~reimbursement after the tax year to which it is last applicable.~~ 108675

~~(2) Except as provided in division (A)(4) of this section,~~ 108676  
~~for telephone property fixed rate levy losses determined under~~ 108677  
~~division (D)(4) of section 5751.20 of the Revised Code, payments~~ 108678  
~~shall be made in an amount equal to each of those losses~~ 108679  
~~multiplied by the following:~~ 108680

~~(a) For tax years 2009 through 2011, one hundred per cent;~~ 108681

~~(b) For tax year 2012, seven eighths;~~ 108682

~~(c) For tax year 2013, six eighths;~~ 108683

~~(d) For tax year 2014, five eighths;~~ 108684

~~(e) For tax year 2015, four eighths;~~ 108685

~~(f) For tax year 2016, three eighths;~~ 108686

~~(g) For tax year 2017, two eighths;~~ 108687

~~(h) For tax year 2018, one eighth;~~ 108688

~~(i) For tax years 2019 and thereafter, no fixed rate payments~~ 108689  
~~shall be made to be made on or before the twentieth day of~~ 108690  
~~November, the sum of the amount in division (A)(1)(b)(i) or (ii)~~ 108691  
~~and division (A)(1)(b)(iii) of this section:~~ 108692

~~(i) If the ratio of six-sevenths of the TPP allocation to~~ 108693  
~~total resources is equal to or less than the threshold per cent,~~ 108694  
~~zero;~~ 108695

~~(ii) If the ratio of six-sevenths of the TPP allocation to~~ 108696  
~~total resources is greater than the threshold per cent, the~~ 108697  
~~difference of six-sevenths of the TPP allocation minus the product~~ 108698  
~~of total resources multiplied by the threshold per cent;~~ 108699

~~(iii) In the case of a municipal corporation, six-sevenths of~~ 108700  
~~the product of the non-current expense TPP allocation multiplied~~ 108701  
~~by seventy-five per cent.~~ 108702

~~(c) For tax years 2012 and thereafter, the sum of the amount~~ 108703

in division (A)(1)(c)(i) or (ii) and division (A)(1)(c)(iii) of 108704  
this section: 108705

(i) If the ratio of TPP allocation to total resources is 108706  
equal to or less than the threshold per cent, zero; 108707

(ii) If the ratio of TPP allocation to total resources is 108708  
greater than the threshold per cent, the TPP allocation minus the 108709  
product of total resources multiplied by the threshold per cent; 108710

(iii) In the case of a municipal corporation, non-current 108711  
expense TPP allocation multiplied by fifty per cent for tax year 108712  
2012 and twenty-five per cent for tax years 2013 and thereafter. 108713

~~Any qualifying levy that is a fixed rate levy that is not~~ 108714  
~~applicable to a tax year after 2011 shall not qualify for any~~ 108715  
~~reimbursement after the tax year to which it is last applicable.~~ 108716

~~(3)(2)~~ For fixed-sum levy losses determined under division 108717  
(E) of section 5751.20 of the Revised Code, payments shall be made 108718  
in the amount of one hundred per cent of the fixed-sum levy loss 108719  
for payments required to be made in 2006 and thereafter until the 108720  
qualifying levy has expired. 108721

~~(4)(3)~~ For taxes levied within the ten-mill limitation or 108722  
pursuant to a municipal charter for debt purposes in tax year 108723  
2005, payments shall be made based on the schedule in division 108724  
(A)(1) of this section for each of the calendar years 2006 through 108725  
2010. For each of the calendar years 2011 through 2017, the 108726  
percentages for calendar year 2010 shall be used for taxes levied 108727  
within the ten-mill limitation or pursuant to a municipal charter 108728  
for debt purposes in tax year 2010, as long as the ~~qualifying levy~~ 108729  
~~continues~~ such levies continue to be used for debt purposes. If 108730  
the purpose of such a qualifying levy is changed, that levy 108731  
becomes subject to the payment schedules in divisions (A)(1)(a) to 108732  
(h) of this section. No payments shall be made for such levies 108733  
after calendar year 2017. For the purposes of this division, taxes 108734

levied pursuant to a municipal charter refer to taxes levied 108735  
pursuant to a provision of a municipal charter that permits the 108736  
tax to be levied without prior voter approval. 108737

(B) Beginning in 2007, by the thirty-first day of January of 108738  
each year, the tax commissioner shall review the calculation 108739  
originally made under division (A) of this section of the 108740  
fixed-sum levy losses determined under division (E) of section 108741  
5751.20 of the Revised Code. If the commissioner determines that a 108742  
fixed-sum levy that had been scheduled to be reimbursed in the 108743  
current year has expired, a revised calculation for that and all 108744  
subsequent years shall be made. 108745

(C) Payments to local taxing units required to be made under 108746  
division (A) of this section shall be paid from the local 108747  
government tangible property tax replacement fund to the county 108748  
undivided income tax fund in the proper county treasury. ~~Beginning~~ 108749  
~~in~~ From May 2006 through November 2010, one-seventh of the amount 108750  
~~certified~~ determined under that division shall be paid by the last 108751  
day of May each year, and three-sevenths shall be paid by the last 108752  
day of August and October each year. From May 2011 through 108753  
November 2013, one-seventh of the amount determined under that 108754  
division shall be paid on or before the last day of May each year, 108755  
and six-sevenths shall be paid on or before the twentieth day of 108756  
November each year, except that in November 2011, the payment 108757  
shall equal one hundred per cent of the amount calculated for that 108758  
payment. Beginning in May 2014, one-half of the amount determined 108759  
under that division shall be paid on or before the last day of May 108760  
each year, and one-half shall be paid on or before the twentieth 108761  
day of November each year. Within ~~forty-five~~ forty days after 108762  
receipt of such payments, the county treasurer shall distribute 108763  
amounts determined under division (A) of this section to the 108764  
proper local taxing unit as if they had been levied and collected 108765  
as taxes, and the local taxing unit shall apportion the amounts so 108766

received among its funds in the same proportions as if those 108767  
amounts had been levied and collected as taxes. 108768

(D) For each of the fiscal years 2006 through ~~2019~~ 2018, if 108769  
the total amount in the local government tangible property tax 108770  
replacement fund is insufficient to make all payments under 108771  
division (C) of this section at the times the payments are to be 108772  
made, the director of budget and management shall transfer from 108773  
the general revenue fund to the local government tangible property 108774  
tax replacement fund the difference between the total amount to be 108775  
paid and the amount in the local government tangible property tax 108776  
replacement fund. For each fiscal year after ~~2019~~ 2018, at the 108777  
time payments under division (A)(2) of this section are to be 108778  
made, the director of budget and management shall transfer from 108779  
the general revenue fund to the local government property tax 108780  
replacement fund the amount necessary to make such payments. 108781

(E) On the fifteenth day of June of each year from 2006 108782  
through 2018, the director of budget and management may transfer 108783  
any balance in the local government tangible property tax 108784  
replacement fund to the general revenue fund. 108785

(F) If all or a part of the territories of two or more local 108786  
taxing units are merged, or unincorporated territory of a township 108787  
is annexed by a municipal corporation, the tax commissioner shall 108788  
adjust the payments made under this section to each of the local 108789  
taxing units in proportion to the ~~tax value loss apportioned to~~ 108790  
square mileage of the merged or annexed territory as a percentage 108791  
of the total square mileage of the jurisdiction from which the 108792  
territory originated, or as otherwise provided by a written 108793  
agreement between the legislative authorities of the local taxing 108794  
units certified to the commissioner not later than the first day 108795  
of June of the calendar year in which the payment is to be made. 108796

**Sec. 5751.23.** (A) As used in this section: 108797

(1) "Administrative fees" means the dollar percentages 108798  
allowed by the county auditor for services or by the county 108799  
treasurer as fees, or paid to the credit of the real estate 108800  
assessment fund, under divisions (A) and (C) of section 319.54 and 108801  
division (A) of section 321.26 of the Revised Code. 108802

(2) "Administrative fee loss" means a county's loss of 108803  
administrative fees due to its tax value loss, determined as 108804  
follows: 108805

(a) For purposes of the determination made under division (B) 108806  
of this section in the years 2006 through 2010, the administrative 108807  
fee loss shall be computed by multiplying the amounts determined 108808  
for all taxing districts in the county under divisions (D) and (E) 108809  
of section 5751.20 of the Revised Code by nine thousand six 108810  
hundred fifty-nine ten-thousandths of one per cent if total taxes 108811  
collected in the county in 2004 exceeded one hundred fifty million 108812  
dollars, or one and one thousand one hundred fifty-nine 108813  
ten-thousandths of one per cent if total taxes collected in the 108814  
county in 2004 were one hundred fifty million dollars or less; 108815

(b) For purposes of the determination under division (B) of 108816  
this section in the years after 2010, the administrative fee 108817  
~~losses shall be determined by multiplying loss equals~~ 108818  
fourteen-seventeenths of the administrative fee losses loss 108819  
calculated for 2010 ~~by the fractions in divisions (A)(1)(b) to (i)~~ 108820  
~~of section 5751.22 of the Revised Code multiplied by the following~~ 108821  
percentages: 100% for 2011, 80% for 2012, 60% for 2013, 40% for 108822  
2014, 20% for 2015, and 0% for 2016. 108823

(3) "Total taxes collected" means all money collected on any 108824  
tax duplicate of the county, other than the estate tax duplicates. 108825  
"Total taxes collected" does not include amounts received pursuant 108826  
to divisions (F) and (G) of section 321.24 or section 323.156 of 108827  
the Revised Code. 108828



(B) Not later than December 31, 2005, the tax commissioner shall certify to each county auditor the tax levy losses calculated under divisions (D) and (E) of section 5751.20 of the Revised Code for each school district, joint vocational school district, and local taxing unit in the county. Not later than the thirty-first day of January of 2006 through ~~2017~~ 2015, the county auditor shall determine the administrative fee loss for the county and apportion that loss ratably among the school districts, joint vocational school districts, and local taxing units on the basis of the tax levy losses certified under this division.

(C) On or before each of the days prescribed for the settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2006 through ~~2017~~ 2015, the county treasurer shall deduct one-half of the amount apportioned to each school district, joint vocational school district, and local taxing unit from the portions of revenue payable to them.

(D) On or before each of the days prescribed for settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2006 through ~~2017~~ 2015, the county auditor shall cause to be deposited an amount equal to one-half of the amount of the administrative fee loss in the same funds as if allowed as administrative fees.

**Sec. 5751.50.** (A) For tax periods beginning on or after January 1, 2008, a refundable credit granted by the tax credit authority under section 122.17 or division (B)(2) or (3) of section 122.171 of the Revised Code may be claimed under this chapter in the order required under section 5751.98 of the Revised Code. For purposes of making tax payments under this chapter, taxes equal to the amount of the refundable credit shall be considered to be paid to this state on the first day of the tax period. A credit claimed in calendar year 2008 may not be applied

against the tax otherwise due for a tax period beginning before 108860  
July 1, 2008. The refundable credit shall not be claimed against 108861  
the tax otherwise due for any tax period beginning after the date 108862  
on which a relocation of employment positions occurs in violation 108863  
of an agreement entered into under section 122.17 or 122.171 of 108864  
the Revised Code. 108865

(B) For tax periods beginning on or after January 1, 2008, a 108866  
nonrefundable credit granted by the tax credit authority under 108867  
division (B)(1) of section 122.171 of the Revised Code may be 108868  
claimed under this chapter in the order required under section 108869  
5751.98 of the Revised Code. A credit claimed in calendar year 108870  
2008 may not be applied against the tax otherwise due under this 108871  
chapter for a tax period beginning before July 1, 2008. The credit 108872  
shall not be claimed against the tax otherwise due for any tax 108873  
period beginning after the date on which a relocation of 108874  
employment positions occurs in violation of an agreement entered 108875  
into under section 122.17 or 122.171 of the Revised Code. No 108876  
credit shall be allowed under this chapter if the credit was 108877  
available against the tax imposed by section 5733.06 or 5747.02 of 108878  
the Revised Code, except to the extent the credit was not applied 108879  
against such tax. 108880

**Sec. 5753.01.** As used in Chapter 5753. of the Revised Code 108881  
and for no other purpose under Title LVII of the Revised Code: 108882

(A) "Casino facility" has the same meaning as in section 108883  
3772.01 of the Revised Code. 108884

(B) "Casino gaming" has the same meaning as in section 108885  
3772.01 of the Revised Code. 108886

(C) "Casino operator" has the same meaning as in section 108887  
3772.01 of the Revised Code. 108888

(D) "Gross casino revenue" means the total amount of money 108889

exchanged for the purchase of chips, tokens, tickets, electronic 108890  
cards, or similar objects by casino patrons, less winnings paid to 108891  
wagerers. "Gross casino revenue" does not mean, and has no 108892  
relation to or effect on, a casino operator's "gross receipts" as 108893  
defined in division (F) of section 5751.01 of the Revised Code. 108894

(E) "Person" has the same meaning as in section 3772.01 of 108895  
the Revised Code. 108896

(F) "Slot machine" has the same meaning as in section 3772.01 108897  
of the Revised Code. 108898

(G) "Table game" has the same meaning as in section 3772.01 108899  
of the Revised Code. 108900

(H) "Tax period" means one twenty-four-hour period with 108901  
regard to which a casino operator is required to pay the tax 108902  
levied by this chapter. 108903

**Sec. 6101.16.** When it is determined to let the work relating 108904  
to the improvements for which a conservancy district was 108905  
established by contract, contracts in amounts to exceed 108906  
twenty-five thousand dollars shall be advertised after notice 108907  
calling for bids has been published once a week for two 108908  
consecutive weeks or as provided in section 7.16 of the Revised 108909  
Code, with the last publication to occur at least eight days prior 108910  
to the date on which bids will be accepted, in a newspaper of 108911  
general circulation within the conservancy district where the work 108912  
is to be done. If the bids are for a contract for the 108913  
construction, demolition, alteration, repair, or reconstruction of 108914  
an improvement, the board of directors of the conservancy district 108915  
may let the contract to the lowest responsive and most responsible 108916  
bidder who meets the requirements of section 153.54 of the Revised 108917  
Code. If the bids are for a contract for any other work relating 108918  
to the improvements for which a conservancy district was 108919  
established, the board of directors of the district may let the 108920

contract to the lowest responsive and most responsible bidder who 108921  
gives a good and approved bond, with ample security, conditioned 108922  
on the carrying out of the contract. The contract shall be in 108923  
writing and shall be accompanied by or refer to plans and 108924  
specifications for the work to be done prepared by the chief 108925  
engineer. The plans and specifications shall at all times be made 108926  
and considered a part of the contract. The contract shall be 108927  
approved by the board and signed by the president of the board and 108928  
by the contractor and shall be executed in duplicate. In case of 108929  
sudden emergency when it is necessary in order to protect the 108930  
district, the advertising of contracts may be waived upon the 108931  
consent of the board, with the approval of the court or a judge of 108932  
the court of common pleas of the county in which the office of the 108933  
district is located. 108934

**Sec. 6103.04.** (A) Whenever any portion of a county sewer 108935  
district is incorporated as, or annexed to, a municipal 108936  
corporation, the area so incorporated or annexed shall remain 108937  
under the jurisdiction of the board of county commissioners for 108938  
purposes of the acquisition and construction of water supply 108939  
improvements until all of the improvements for the area for which 108940  
a resolution described in division (A) or (E) of section 6103.05 108941  
of the Revised Code has been adopted by the board have been 108942  
acquired or completed or until the board has abandoned the 108943  
improvements. The board, unless and until a conveyance is made to 108944  
a municipal corporation in accordance with division (B) of this 108945  
section, shall continue to have jurisdiction in the area so 108946  
incorporated or annexed with respect to the management, 108947  
maintenance, and operation of all water supply improvements so 108948  
acquired or completed, or previously acquired or completed, 108949  
including the right to establish rules and rates and charges for 108950  
the use of, and connections to, the improvements. The 108951  
incorporation or annexation of any part of a district shall not 108952

affect the legality or enforceability of any public obligations 108953  
issued or incurred by the county for purposes of this chapter to 108954  
provide for the payment of the cost of acquisition, construction, 108955  
maintenance, or operation of any water supply improvements within 108956  
the area, or the validity of any assessments levied or to be 108957  
levied upon properties within the area to provide for the payment 108958  
of the cost of acquisition, construction, maintenance, or 108959  
operation of the improvements. 108960

(B) Any A board may convey, by mutual agreement, to a 108961  
municipal corporation any of the following: 108962

(1) Any completed water supply facilities acquired or 108963  
constructed by a county under this chapter for the use of, or 108964  
service of property located in, any county sewer district, or any 108965  
part of those facilities, that are located within a the municipal 108966  
corporation or within any area that is incorporated as, or annexed 108967  
to, a the municipal corporation, or any; 108968

(2) Any part of the water supply facilities that provide 108969  
water for a the municipal corporation or such an area, may be 108970  
conveyed, by mutual agreement between the board and the municipal 108971  
corporation, to the municipal corporation on any area that is 108972  
incorporated as, or annexed to, the municipal corporation; 108973

(3) Any part of the water supply facilities that are 108974  
connected to water supply facilities of the municipal corporation. 108975

The conveyance shall be completed with terms and for 108976  
consideration as may be negotiated. Upon and after the conveyance, 108977  
the municipal corporation shall manage, maintain, and operate the 108978  
facilities in accordance with the agreement. The board may retain 108979  
the right to joint use of all or part of any facilities so 108980  
conveyed for the benefit of the district. Neither the validity of 108981  
any assessment levied or to be levied, nor the legality or 108982  
enforceability of any public obligations issued or incurred, to 108983

provide for the payment of the cost of the acquisition, 108984  
construction, maintenance, or operation of the facilities or any 108985  
part of them shall be affected by the conveyance. 108986

**Sec. 6103.05.** (A) After the establishment of any county sewer 108987  
district, the board of county commissioners, if a water supply 108988  
improvement is to be undertaken, may have the county sanitary 108989  
engineer prepare, or otherwise cause to be prepared, for the 108990  
district, or revise as needed, a general plan of water supply that 108991  
is as complete as can be developed at the time. After the general 108992  
plan, in original or revised form, has been approved by the board, 108993  
it may adopt a resolution generally describing the water supply 108994  
improvement that is necessary to be acquired or constructed in 108995  
accordance with the plan, declaring that the improvement is 108996  
necessary for the preservation and promotion of the public health 108997  
and welfare, and determining whether or not special assessments 108998  
are to be levied and collected to pay any part of the cost of the 108999  
improvement. 109000

(B) If special assessments are not to be levied and collected 109001  
to pay any part of the cost of the improvement, the board, in the 109002  
resolution provided for in division (A) of this section or in a 109003  
subsequent resolution, including a resolution authorizing the 109004  
issuance or incurrence of public obligations for the improvement, 109005  
may authorize the improvement and the expenditure of the funds 109006  
required for its acquisition or construction and may proceed with 109007  
the improvement without regard to the procedures otherwise 109008  
required by divisions (C), (D), and (E) of this section and by 109009  
sections 6103.06, 6103.07, and 6117.09 to 6117.24 of the Revised 109010  
Code. Those procedures shall be required only for improvements for 109011  
which special assessments are to be levied and collected. 109012

(C) If special assessments are to be levied and collected 109013  
pursuant to a determination made in the resolution provided for in 109014

division (A) of this section or in a subsequent resolution, the 109015  
procedures referred to in division (B) of this section as being 109016  
required for that purpose shall apply, and the board may have the 109017  
county sanitary engineer prepare, or otherwise cause to be 109018  
prepared, detailed plans, specifications, and an estimate of cost 109019  
for the improvement, together with a tentative assessment of the 109020  
cost based on the estimate. The tentative assessment shall be for 109021  
the information of property owners and shall not be levied or 109022  
certified to the county auditor for collection. The detailed 109023  
plans, specifications, estimate of cost, and tentative assessment, 109024  
if approved by the board, shall be carefully preserved in the 109025  
office of the board or the county sanitary engineer and shall be 109026  
open to the inspection of all persons interested in the 109027  
improvement. 109028

(D) After the board's approval of the detailed plans, 109029  
specifications, estimate of cost, and tentative assessment, and at 109030  
least twenty-four days before adopting a resolution pursuant to 109031  
division (E) of this section, the board, except to the extent that 109032  
appropriate waivers of notice are obtained from affected owners, 109033  
shall cause to be sent a notice of its intent to adopt a 109034  
resolution to each owner of property proposed to be assessed that 109035  
is listed on the records of the county auditor for current 109036  
agricultural use value taxation pursuant to section 5713.31 of the 109037  
Revised Code and that is not located in an agricultural district 109038  
established under section 929.02 of the Revised Code. The notice 109039  
shall satisfy all of the following: 109040

(1) Be sent by first class or certified mail; 109041

(2) Specify the proposed date of the adoption of the 109042  
resolution; 109043

(3) Contain a statement that the improvement will be financed 109044  
in whole or in part by special assessments and that all properties 109045  
not located in an agricultural district established pursuant to 109046

section 929.02 of the Revised Code may be subject to a special assessment; 109047  
109048

(4) Contain a statement that an agricultural district may be established by filing an application with the county auditor. 109049  
109050

If it appears, by the return of the mailed notices or by other means, that one or more of the affected owners cannot be found or are not served by the mailed notice, the board shall cause the notice to be published once in a newspaper of general circulation in the county not later than ten days before the adoption of the resolution. 109051  
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(E) After complying with divisions (A), (C), and (D) of this section, the board may adopt a resolution declaring that the improvement, which shall be described as to its nature and its location, route, and termini, is necessary for the preservation and promotion of the public health and welfare, referring to the plans, specifications, estimate of cost, and tentative assessment, stating the place where they are on file and may be examined, and providing that the entire cost or a lesser designated part of the cost will be specially assessed against the benefited properties within the district and that any balance will be paid by the county at large from other available funds. The resolution also shall contain a description of the boundaries of that part of the district to be assessed and shall designate a time and place for objections to the improvement, to the tentative assessment, or to the boundaries of the assessment district to be heard by the board. The date of that hearing shall be not less than twenty-four days after the date of the first publication of the notice of the hearing required by this division. 109057  
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The board shall cause a notice of the hearing to be published once a week for two consecutive weeks in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code, and on or before the date of the second publication, 109075  
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it shall cause to be sent by first class or certified mail a copy 109079  
of the notice to every owner of property to be assessed for the 109080  
improvement whose address is known. 109081

The notice shall set forth the time and place of the hearing, 109082  
a summary description of the proposed improvement, including its 109083  
general route and termini, a summary description of the area 109084  
constituting the assessment district, and the place where the 109085  
plans, specifications, estimate of cost, and tentative assessment 109086  
are on file and may be examined. Each mailed notice also shall 109087  
include a statement that the property of the addressee will be 109088  
assessed for the improvement. The notice also shall be sent by 109089  
first class or certified mail, on or before the date of the second 109090  
publication, to the clerk, or the official discharging the duties 109091  
of a clerk, of any municipal corporation any part of which lies 109092  
within the assessment district and shall state whether or not any 109093  
property belonging to the municipal corporation is to be assessed 109094  
and, if so, shall identify that property. 109095

At the hearing, or at any adjournment of the hearing, of 109096  
which no further published or mailed notice need be given, the 109097  
board shall hear all parties whose properties are proposed to be 109098  
assessed. Written objections to or endorsements of the proposed 109099  
improvement, its character and termini, the boundaries of the 109100  
assessment district, or the tentative assessment shall be received 109101  
by the board for a period of five days after the completion of the 109102  
hearing, and no action shall be taken by the board in the matter 109103  
until after that period has elapsed. The minutes of the hearing 109104  
shall be entered on the journal of the board showing the persons 109105  
who appear in person or by attorney, and all written objections 109106  
shall be preserved and filed in the office of the board. 109107

**Sec. 6103.06.** After the expiration of the period of five days 109108  
provided in section 6103.05 of the Revised Code for the filing of 109109

written objections, the board of county commissioners shall 109110  
determine whether it will proceed with the construction of the 109111  
proposed improvement. If it decides to proceed therewith, the 109112  
board shall ratify or amend the plans for the improvement, the 109113  
character and termini thereof, the boundaries of the assessment 109114  
district, and the tentative assessment, and may cause such 109115  
revision of plans, boundaries, or assessments as is necessary to 109116  
be made by the county sanitary engineer. If the boundaries of the 109117  
assessment district are amended so as to include any property not 109118  
included within the boundaries as established by the resolution of 109119  
necessity, provided for in section 6103.05 of the Revised Code, 109120  
the owners of all such property shall be notified by mail if their 109121  
addresses are known, and notice shall be published once a week for 109122  
two consecutive weeks in a newspaper of general circulation within 109123  
the county or as provided in section 7.16 of the Revised Code, 109124  
that such amendments have been adopted and that a hearing will be 109125  
given by the board at a time and place stated in such notice at 109126  
which all persons interested will be heard by the board. The date 109127  
of such hearing shall be not less than twenty-four days after the 109128  
first publication of such notice, and the hearing shall be 109129  
conducted and records kept in the same manner as the first 109130  
hearing. Five days shall be allowed for the filing of written 109131  
objections as provided in section 6103.05 of the Revised Code for 109132  
the first hearing and after the expiration of such five day period 109133  
the board shall ratify the plans for the improvement, the 109134  
character and termini thereof, the boundaries of the assessment 109135  
district, and the tentative assessment, or shall further amend the 109136  
same. If the boundaries of the assessment district are amended so 109137  
as to include any property not included in the assessment district 109138  
as originally established or previously amended, further notice 109139  
and hearing shall be given to the owners of such property in the 109140  
same manner as for the first amendment of such boundaries, and the 109141  
same procedure shall be repeated until all property owners 109142

affected have been given an opportunity to be heard. If the owners 109143  
of all property added to an assessment district by amendment of 109144  
the original boundaries thereof waive objection to such amendment 109145  
in writing, no further notice or hearing shall be given. After the 109146  
board has ratified the plans for the improvement, the character 109147  
and termini thereof, the boundaries of the assessment district, 109148  
and the tentative assessment, either as originally presented or as 109149  
amended, and if it decides to proceed therewith, the board shall 109150  
adopt a resolution, to be known as the improvement resolution. 109151  
Said improvement resolution shall declare the determination of 109152  
such board to proceed with the construction of the improvement 109153  
provided for in the resolution of necessity, in accordance with 109154  
the plans and specification provided for such improvement, as 109155  
ratified or amended, and whether bonds or certificates of 109156  
indebtedness shall be issued in anticipation of the collection of 109157  
special assessments, or that money in the county treasury 109158  
unappropriated for any other purpose shall be appropriated to pay 109159  
for said improvement. 109160

**Sec. 6103.081.** (A) After the establishment of any county 109161  
sewer district, the board of county commissioners may determine by 109162  
resolution that it is necessary to provide water supply 109163  
improvements and to maintain and operate the improvements within 109164  
the district or a designated portion of the district, that the 109165  
improvements, which shall be generally described in the 109166  
resolution, shall be constructed, that funds are required to pay 109167  
the preliminary costs of the improvements to be incurred prior to 109168  
the commencement of the proceedings for their construction, and 109169  
that those funds shall be provided in accordance with this 109170  
section. 109171

(B) Prior to the adoption of the resolution, the board shall 109172  
give notice of its pendency and of the proposed determination of 109173  
the necessity of the improvements generally described in the 109174

resolution. The notice shall set forth a description of the 109175  
properties to be benefited by the improvements and the time and 109176  
place of a hearing of objections to and endorsements of the 109177  
improvements. The notice shall be given either by publication in a 109178  
newspaper of general circulation in the county once a week for two 109179  
consecutive weeks, by publication as provided in section 7.16 of 109180  
the Revised Code, or by mailing a copy of the notice by first 109181  
class or certified mail to the owners of the properties proposed 109182  
to be assessed at their respective tax mailing addresses, or by 109183  
~~both~~ a combination of these manners, the first publication to be 109184  
made or the mailing to occur at least two weeks prior to the date 109185  
set for the hearing. At the hearing, or at any adjournment of the 109186  
hearing, of which no further published or mailed notice need be 109187  
given, the board shall hear all persons whose properties are 109188  
proposed to be assessed and the evidence it considers to be 109189  
necessary. The board then shall determine the necessity of the 109190  
proposed improvements and whether the improvements shall be made 109191  
by the board and, if they are to be made, shall direct the 109192  
preparation of tentative assessments upon the benefited properties 109193  
and by whom they shall be prepared. 109194

(C) In order to obtain funds for the preparation of a general 109195  
or revised general plan of water supply for the district or part 109196  
of the district, for the preparation of the detailed plans, 109197  
specifications, estimate of cost, and tentative assessment for the 109198  
proposed improvements, and for the cost of financing and legal 109199  
services incident to the preparation of all of those plans and a 109200  
plan of financing the proposed improvements, the board may levy 109201  
upon the properties to be benefited in the district a preliminary 109202  
assessment apportioned according to benefits or to tax valuation 109203  
or partly by one method and partly by the other method as the 109204  
board may determine. The assessments shall be in the amount 109205  
determined to be necessary to obtain funds for the general and 109206  
detailed plans and the cost of financing and legal services and 109207

shall be payable in the number of years that the board shall 109208  
determine, not to exceed twenty years, together with interest on 109209  
any public obligations that may be issued or incurred in 109210  
anticipation of the collection of the assessments. 109211

(D) The board shall have power at any time to levy additional 109212  
assessments according to benefits or to tax valuation or partly by 109213  
one method and partly by the other method as the board may 109214  
determine for the purposes described in division (C) of this 109215  
section upon the benefited properties to complete the payment of 109216  
the costs described in division (C) of this section or to pay the 109217  
cost of any additional plans, specifications, estimate of cost, or 109218  
tentative assessment and the cost of financing and legal services 109219  
incident to the preparation of those plans and the plan of 109220  
financing, which additional assessments shall be payable in the 109221  
number of years that the board shall determine, not to exceed 109222  
twenty years, together with interest on any public obligations 109223  
that may be issued or incurred in anticipation of the collection 109224  
of the additional assessments. 109225

(E) Prior to the adoption of a resolution levying assessments 109226  
under this section, the board shall give notice either by one 109227  
publication in a newspaper of general circulation in the county, 109228  
or by mailing a copy of the notice by first class or certified 109229  
mail to the owners of the properties proposed to be assessed at 109230  
their respective tax mailing addresses, or by both manners, the 109231  
publication to be made or the mailing to occur at least ten days 109232  
prior to the date of the meeting at which the resolution shall be 109233  
taken up for consideration; that notice shall state the time and 109234  
place of the meeting at which the resolution is to be considered. 109235  
At the time and place of the meeting, or at any adjournment of the 109236  
meeting, of which no further published or mailed notice need be 109237  
given, the board shall hear all persons whose properties are 109238  
proposed to be assessed, shall correct any errors and make any 109239

revisions that appear to be necessary or just, and then may adopt 109240  
a resolution levying upon the properties determined to be 109241  
benefited the assessments as so corrected and revised. 109242

The assessments levied by the resolution shall be certified 109243  
to the county auditor for collection in the same manner as taxes 109244  
in the year or years in which they are payable. 109245

(F) Upon the adoption of the resolution described in division 109246  
(E) of this section, no further action shall be taken or work done 109247  
until ten days have elapsed. If, at the expiration of that period, 109248  
no appeal has been effected by any property owner as provided in 109249  
this division, the action of the board shall be final. If, at the 109250  
end of that ten days, any owner of property to be assessed for the 109251  
improvements has effected an appeal, no further action shall be 109252  
taken and no work done in connection with the improvements under 109253  
the resolution until the matters appealed from have been disposed 109254  
of in court. 109255

Any owner of property to be assessed may appeal as provided 109256  
and upon the grounds stated in sections 6117.09 to 6117.24 of the 109257  
Revised Code. 109258

If no appeal has been perfected or if on appeal the 109259  
resolution of the board is sustained, the board may authorize and 109260  
enter into contracts to carry out the purpose for which the 109261  
assessments have been levied without the prior issuance of notes, 109262  
provided that the payments under those contracts do not fall due 109263  
prior to the time by which the assessments are to be collected. 109264  
The board may issue and sell bonds with a maximum maturity of 109265  
twenty years in anticipation of the collection of the assessments 109266  
and may issue notes in anticipation of the issuance of the bonds, 109267  
which notes and bonds, as public obligations, shall be issued and 109268  
sold as provided in Chapter 133. of the Revised Code. 109269

**Sec. 6103.31.** (A) If the board of county commissioners 109270

determines by resolution that the best interests of the county and 109271  
the users of water supply facilities of the county serving a sewer 109272  
district so require, the board may sell or otherwise dispose of 109273  
the facilities to another public agency or a person. The 109274  
resolution declaring the necessity of that disposition shall 109275  
recite the reasons for the sale or other disposition and shall 109276  
establish any conditions or terms that the board may impose, 109277  
including, but not limited to, a minimum sales price if a sale is 109278  
proposed, a requirement for the submission by bidders of the 109279  
schedule of water rates and charges initially proposed to be paid 109280  
by the users of the facilities, and other pertinent conditions or 109281  
terms relating to the sale or other disposition. The resolution 109282  
also shall designate a time and place for the hearing of 109283  
objections to the sale or other disposition by the board. Notice 109284  
of the adoption of the resolution and the time and place of the 109285  
hearing shall be published as provided in section 7.16 of the 109286  
Revised Code, or once a week for two consecutive weeks, in a 109287  
newspaper of general circulation in the sewer district and in the 109288  
county. The public hearing on the sale or other disposition shall 109289  
be held not less than twenty-four days following the date of first 109290  
publication of the notice. A copy of the notice also shall be sent 109291  
by first class or certified mail, on or before the date of the 109292  
second publication, to any public agency within the area served by 109293  
the facilities. At the public hearing, or at any adjournment of 109294  
it, of which no further published or mailed notice need be given, 109295  
the board shall hear all interested parties. A period of five days 109296  
shall be given following the completion of the hearing for the 109297  
filing of written objections by any interested persons or public 109298  
agencies to the sale or other disposition, after which the board 109299  
shall consider any objections and by resolution determine whether 109300  
or not to proceed with the sale or other disposition. If the board 109301  
determines to proceed with the sale or other disposition, it shall 109302

receive bids after advertising once a week for four consecutive 109303  
weeks in a newspaper of general circulation in the county or as 109304  
provided in section 7.16 of the Revised Code and, subject to the 109305  
right of the board to reject any or all bids, may make an award to 109306  
a responsible bidder whose proposal is determined by the board to 109307  
be in the best interests of the county and the users of the 109308  
facilities. 109309

(B) A conveyance of water supply facilities by a county to a 109310  
municipal corporation, in accordance with division (B) of section 109311  
6103.04 of the Revised Code, may be made without regard to 109312  
division (A) of this section. 109313

**Sec. 6105.131.** The board of directors of a watershed district 109314  
may designate a specific reach in the channel of any watercourse 109315  
within the territorial boundaries of the district as a restricted 109316  
channel, when the construction or alteration of structures or 109317  
obstructions within such channel will restrict its capacity so as 109318  
to constitute an unreasonable hazard to the safety of life and 109319  
property in times of flood, or designate any area outside the 109320  
banks of a restricted channel as a restricted floodway when such 109321  
area is reasonably necessary to the efficiency of a restricted 109322  
channel as a means of carrying off flood waters. Such designation 109323  
of a restricted channel or restricted floodway shall be made in 109324  
the following manner: 109325

(A) The board shall adopt a resolution stating its intent to 109326  
designate a specific reach in a channel of a watercourse as a 109327  
restricted channel or a specific area as a restricted floodway. 109328  
Such resolution shall contain a description of the reach of the 109329  
channel to be designated as a restricted channel or description of 109330  
the area to be designated as a restricted floodway and the reasons 109331  
of the board for making such designation. 109332



(B) The board shall cause such resolution to be published as 109333  
provided in section 7.16 of the Revised Code or once a week for 109334  
two consecutive weeks in a newspaper of general circulation in the 109335  
county or counties in which such restricted channel or restricted 109336  
floodway is located, together with a notice of the time and place 109337  
where a hearing will be held by the board on the question of 109338  
designating such channel as a restricted channel or such area as a 109339  
restricted floodway ~~and~~. The board also shall give not less than 109340  
ten days notice of said hearing by first class mail to all owners 109341  
of property within the area proposed to be designated as a 109342  
restricted floodway. The date of such hearing shall be not less 109343  
than ten days after the completion of the publication provided for 109344  
by this division. 109345

(C) The board shall hold a hearing at the time and place 109346  
designated in the notice published under division (B) of this 109347  
section at which time indorsements of and objections to the 109348  
designation of such channel as a restricted channel or such area 109349  
as a restricted floodway shall be heard. 109350

(D) The board may, after the completion of the hearing under 109351  
division (C) of this section and after finding that the 109352  
construction or alteration of structures or obstructions or 109353  
relocation, alteration, restriction, deposit, or encroachment 109354  
within the designated reach of such channel will restrict its 109355  
capacity so as to constitute an unreasonable hazard to the safety 109356  
of life and property in times of flood, adopt a resolution 109357  
designating the reach of the channel described in the resolution 109358  
of intent adopted under division (A) of this section or any 109359  
modification thereof as a restricted channel. 109360

(E) In like manner the board may, after completion of a 109361  
hearing under division (C) of this section and after finding that 109362  
the construction or alteration of structures or obstructions or 109363  
change of grade within a designated floodway area will restrict 109364

its capacity or efficiency as a means of carrying off flood water 109365  
so as to constitute an unreasonable hazard to the safety of life 109366  
and property in times of flood, adopt a resolution designating the 109367  
area described in the resolution of intent adopted under division 109368  
(A) of this section, or any modification thereof, as a restricted 109369  
floodway. 109370

**Sec. 6109.21.** (A) Except as provided in divisions (D) and (E) 109371  
of this section, on and after January 1, 1994, no person shall 109372  
operate or maintain a public water system in this state without a 109373  
license issued by the director of environmental protection. A 109374  
person who operates or maintains a public water system on January 109375  
1, 1994, shall obtain an initial license under this section in 109376  
accordance with the following schedule: 109377

(1) If the public water system is a community water system, 109378  
not later than January 31, 1994; 109379

(2) If the public water system is not a community water 109380  
system and serves a nontransient population, not later than 109381  
January 31, 1994; 109382

(3) If the public water system is not a community water 109383  
system and serves a transient population, not later than January 109384  
31, 1995. 109385

A person proposing to operate or maintain a new public water 109386  
system after January 1, 1994, in addition to complying with 109387  
section 6109.07 of the Revised Code and rules adopted under it, 109388  
shall submit an application for an initial license under this 109389  
section to the director prior to commencing operation of the 109390  
system. 109391

A license or license renewal issued under this section shall 109392  
be renewed annually. Such a license or license renewal shall 109393  
expire on the thirtieth day of January in the year following its 109394

issuance. A license holder that proposes to continue operating the public water system for which the license or license renewal was issued shall apply for a license renewal at least thirty days prior to that expiration date.

The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code establishing procedures governing and information to be included on applications for licenses and license renewals under this section. Through June 30, ~~2012~~ 2014, each application shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code, provided that an applicant for an initial license who is proposing to operate or maintain a new public water system after January 1, 1994, shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(B) Not later than thirty days after receiving a completed application and the appropriate license fee for an initial license under division (A) of this section, the director shall issue the license for the public water system. Not later than thirty days after receiving a completed application and the appropriate license fee for a license renewal under division (A) of this section, the director shall do one of the following:

(1) Issue the license renewal for the public water system;

(2) Issue the license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;

(3) Deny the license renewal if the director finds that the public water system was not operated in substantial compliance with this chapter and rules adopted under it.

(C) The director may suspend or revoke a license or license renewal issued under this section if the director finds that the

public water system was not operated in substantial compliance 109426  
with this chapter and rules adopted under it. The director shall 109427  
adopt, and may amend and rescind, rules in accordance with Chapter 109428  
119. of the Revised Code governing such suspensions and 109429  
revocations. 109430

(D)(1) As used in division (D) of this section, "church" 109431  
means a fellowship of believers, congregation, society, 109432  
corporation, convention, or association that is formed primarily 109433  
or exclusively for religious purposes and that is not formed or 109434  
operated for the private profit of any person. 109435

(2) This section does not apply to a church that operates or 109436  
maintains a public water system solely to provide water for that 109437  
church or for a campground that is owned by the church and 109438  
operated primarily or exclusively for members of the church and 109439  
their families. A church that, on or before March 5, 1996, has 109440  
obtained a license under this section for such a public water 109441  
system need not obtain a license renewal under this section. 109442

(E) This section does not apply to any public or nonpublic 109443  
school that meets minimum standards of the state board of 109444  
education that operates or maintains a public water system solely 109445  
to provide water for that school. 109446

(F) The environmental protection agency shall collect well 109447  
log filing fees on behalf of the division of soil and water 109448  
resources in the department of natural resources in accordance 109449  
with section 1521.05 of the Revised Code and rules adopted under 109450  
it. The fees shall be submitted to the division quarterly as 109451  
provided in those rules. 109452

**Sec. 6111.038.** There is hereby created in the state treasury 109453  
the surface water protection fund, consisting of moneys 109454  
distributed to it. The director of environmental protection shall 109455  
use moneys in the fund solely for administration and 109456

implementation of surface water protection programs, including at 109457  
least programs required under the "Federal Water Pollution Control 109458  
Act" and programs necessary to carry out the purposes of this 109459  
chapter. Those programs shall include at least the development of 109460  
water quality standards; the development of wasteload allocations; 109461  
the establishment of water quality-based effluent limits; the 109462  
monitoring and analysis of chemical, physical, and biological 109463  
surface water quality; the issuance, modification, and renewal of 109464  
NPDES permits and permits to install; the ensurance of compliance 109465  
with permit conditions; the management and oversight of 109466  
pretreatment programs; the provision of technical assistance to 109467  
publicly owned treatment works; and the administration of the 109468  
water pollution control loan fund created in section 6111.036 of 109469  
the Revised Code. 109470

~~Moneys in the fund shall not be used to meet any state 109471  
matching requirements that are necessary to obtain federal grants. 109472~~

**Sec. 6111.044.** Upon receipt of an application for an 109473  
injection well drilling permit, an injection well operating 109474  
permit, a renewal of an injection well operating permit, or a 109475  
modification of an injection well drilling permit, operating 109476  
permit, or renewal of an operating permit, the director of 109477  
environmental protection shall determine whether the application 109478  
is complete and demonstrates that the activities for which the 109479  
permit, renewal permit, or modification is requested will comply 109480  
with the Federal Water Pollution Control Act and regulations 109481  
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 109482  
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 109483  
under it; and this chapter and the rules adopted under it. If the 109484  
application demonstrates that the proposed activities will not 109485  
comply or will pose an unreasonable risk of inducing seismic 109486  
activity, inducing geologic fracturing, or contamination of an 109487  
underground source of drinking water, the director shall deny the 109488

application. If the application does not make the required 109489  
demonstrations, the director shall return it to the applicant with 109490  
an indication of those matters about which a required 109491  
demonstration was not made. If the director determines that the 109492  
application makes the required demonstrations, the director shall 109493  
transmit copies of the application and all of the accompanying 109494  
maps, data, samples, and information to the chief of the division 109495  
of ~~mineral~~ oil and gas resources management, the chief of the 109496  
division of geological survey, ~~and~~ the chief of the division of 109497  
soil and water resources, and, if the well is or is to be located 109498  
in a coal bearing township designated under section 1561.06 of the 109499  
Revised Code, the chief of the division of mineral resources 109500  
management in the department of natural resources. 109501

The chief of the division of geological survey shall comment 109502  
upon the application if the chief determines that the proposed 109503  
well or injection will present an unreasonable risk of loss or 109504  
damage to valuable mineral resources. If the chief submits 109505  
comments on the application, those comments shall be accompanied 109506  
by an evaluation of the geological factors upon which the comments 109507  
are based, including fractures, faults, earthquake potential, and 109508  
the porosity and permeability of the injection zone and confining 109509  
zone, and by the documentation supporting the evaluation. The 109510  
director shall take into consideration the chief's comments, and 109511  
the accompanying evaluation of geologic factors and supporting 109512  
documentation, when considering the application. The director 109513  
shall provide written notice to the chief of the director's 109514  
decision on the application and, if the chief's comments are not 109515  
included in the permit, renewal permit, or modification, of the 109516  
director's rationale for not including them. 109517

The chief of the division of ~~mineral~~ oil and gas resources 109518  
management shall comment upon the application if the chief 109519  
determines that the proposed well or injection will present an 109520

unreasonable risk that waste or contamination of recoverable oil 109521  
or gas in the earth will occur. If the chief submits comments on 109522  
the application, those comments shall be accompanied by an 109523  
evaluation of the oil or gas reserves that, in the best 109524  
professional judgment of the chief, are recoverable and will be 109525  
adversely affected by the proposed well or injection, and by the 109526  
documentation supporting the evaluation. The director shall take 109527  
into consideration the chief's comments, and the accompanying 109528  
evaluation and supporting documentation, when considering the 109529  
application. The director shall provide written notice to the 109530  
chief of the director's decision on the application and, if the 109531  
chief's comments are not included in the permit, renewal permit, 109532  
or modification, of the director's rationale for not including 109533  
them. 109534

The chief of the division of soil and water resources shall 109535  
assist the director in determining whether all underground sources 109536  
of drinking water in the area of review of the proposed well or 109537  
injection have been identified and correctly delineated in the 109538  
application. If the application fails to identify or correctly 109539  
delineate an underground source of drinking water, the chief shall 109540  
provide written notice of that fact to the director. 109541

The chief of the division of mineral resources management 109542  
~~also~~ shall review the application as follows: 109543

If the application concerns the drilling or conversion of a 109544  
well or the injection into a well that is not or is not to be 109545  
located within five thousand feet of the excavation and workings 109546  
of a mine, the chief of the division of mineral resources 109547  
management shall note upon the application that it has been 109548  
examined by the division of mineral resources management, retain a 109549  
copy of the application and map, and immediately return a copy of 109550  
the application to the director. 109551

If the application concerns the drilling or conversion of a 109552

well or the injection into a well that is or is to be located 109553  
within five thousand feet, but more than five hundred feet from 109554  
the surface excavations and workings of a mine, the chief of the 109555  
division of mineral resources management immediately shall notify 109556  
the owner or lessee of the mine that the application has been 109557  
filed and send to the owner or lessee a copy of the map 109558  
accompanying the application setting forth the location of the 109559  
well. The chief of the division of mineral resources management 109560  
shall note on the application that the notice has been sent to the 109561  
owner or lessee of the mine, retain a copy of the application and 109562  
map, and immediately return a copy of the application to the 109563  
director with the chief's notation on it. 109564

If the application concerns the drilling or conversion of a 109565  
well or the injection into a well that is or is to be located 109566  
within five thousand feet of the underground excavations and 109567  
workings of a mine or within five hundred feet of the surface 109568  
excavations and workings of a mine, the chief of the division of 109569  
mineral resources management immediately shall notify the owner or 109570  
lessee of the mine that the application has been filed and send to 109571  
the owner or lessee a copy of the map accompanying the application 109572  
setting forth the location of the well. If the owner or lessee 109573  
objects to the application, the owner or lessee shall notify the 109574  
chief of the division of mineral resources management of the 109575  
objection, giving the reasons, within six days after the receipt 109576  
of the notice. If the chief of the division of mineral resources 109577  
management receives no objections from the owner or lessee of the 109578  
mine within ten days after the receipt of the notice by the owner 109579  
or lessee, or if in the opinion of the chief of the division of 109580  
mineral resources management the objections offered by the owner 109581  
or lessee are not sufficiently well founded, the chief shall 109582  
retain a copy of the application and map and return a copy of the 109583  
application to the director with any applicable notes concerning 109584  
it. 109585



If the chief of the division of mineral resources management 109586  
receives an objection from the owner or lessee of the mine as to 109587  
the application, within ten days after receipt of the notice by 109588  
the owner or lessee, and if in the opinion of the chief the 109589  
objection is well founded, the chief shall disapprove the 109590  
application and immediately return it to the director together 109591  
with the chief's reasons for the disapproval. The director 109592  
promptly shall notify the applicant for the permit, renewal 109593  
permit, or modification of the disapproval. The applicant may 109594  
appeal the disapproval of the application by the chief of the 109595  
division of mineral resources management to the reclamation 109596  
commission created under section 1513.05 of the Revised Code, and 109597  
the commission shall hear the appeal in accordance with section 109598  
1513.13 of the Revised Code. The appeal shall be filed within 109599  
thirty days from the date the applicant receives notice of the 109600  
disapproval. No comments concerning or disapproval of an 109601  
application shall be delayed by the chief of the division of 109602  
mineral resources management for more than fifteen days from the 109603  
date of sending of notice to the mine owner or lessee as required 109604  
by this section. 109605

The director shall not approve an application for an 109606  
injection well drilling permit, an injection well operating 109607  
permit, a renewal of an injection well operating permit, or a 109608  
modification of an injection well drilling permit, operating 109609  
permit, or renewal of an operating permit for a well that is or is 109610  
to be located within three hundred feet of any opening of any mine 109611  
used as a means of ingress, egress, or ventilation for persons 109612  
employed in the mine, nor within one hundred feet of any building 109613  
or flammable structure connected with the mine and actually used 109614  
as a part of the operating equipment of the mine, unless the chief 109615  
of the division of mineral resources management determines that 109616  
life or property will not be endangered by drilling and operating 109617  
the well in that location. 109618

Upon review by the chief of the division of ~~mineral oil and~~ 109619  
~~gas~~ resources management, the chief of the division of geological 109620  
survey, and the chief of the division of soil and water resources, 109621  
and if the chief of the division of mineral resources management 109622  
has not disapproved the application, the director shall issue a 109623  
permit, renewal permit, or modification with any terms and 109624  
conditions that may be necessary to comply with the Federal Water 109625  
Pollution Control Act and regulations adopted under it; the "Safe 109626  
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as 109627  
amended, and regulations adopted under it; and this chapter and 109628  
the rules adopted under it. The director shall not issue a permit, 109629  
renewal permit, or modification to an applicant if the applicant 109630  
or persons associated with the applicant have engaged in or are 109631  
engaging in a substantial violation of this chapter that is 109632  
endangering or may endanger human health or the environment or if, 109633  
in the case of an applicant for an injection well drilling permit, 109634  
the applicant, at the time of applying for the permit, did not 109635  
hold an injection well operating permit or renewal of an injection 109636  
well drilling permit and failed to demonstrate sufficient 109637  
expertise and competency to operate the well in compliance with 109638  
the applicable provisions of this chapter. 109639

If the director receives a disapproval from the chief of the 109640  
division of mineral resources management regarding an application 109641  
for an injection well drilling or operating permit, renewal 109642  
permit, or modification, if required, the director shall issue an 109643  
order denying the application. 109644

The director need not issue a proposed action under section 109645  
3745.07 of the Revised Code or hold an adjudication hearing under 109646  
that section and Chapter 119. of the Revised Code before issuing 109647  
or denying a permit, renewal permit, or modification of a permit 109648  
or renewal permit. Before issuing or renewing a permit to drill or 109649  
operate a class I injection well or a modification of it, the 109650

director shall propose the permit, renewal permit, or modification 109651  
in draft form and shall hold a public hearing to receive public 109652  
comment on the draft permit, renewal permit, or modification. At 109653  
least fifteen days before the public hearing on a draft permit, 109654  
renewal permit, or modification, the director shall publish notice 109655  
of the date, time, and location of the public hearing in at least 109656  
one newspaper of general circulation serving the area where the 109657  
well is or is to be located. The proposing of such a draft permit, 109658  
renewal permit, or modification does not constitute the issuance 109659  
of a proposed action under section 3745.07 of the Revised Code, 109660  
and the holding of the public hearing on such a draft permit, 109661  
renewal permit, or modification does not constitute the holding of 109662  
an adjudication hearing under that section and Chapter 119. of the 109663  
Revised Code. Appeals of orders other than orders of the chief of 109664  
the division of mineral resources management shall be taken under 109665  
sections 3745.04 to 3745.08 of the Revised Code. 109666

The director may order that an injection well drilling permit 109667  
or an injection well operating permit or renewal permit be 109668  
suspended and that activities under it cease after determining 109669  
that those activities are occurring in violation of law, rule, 109670  
order, or term or condition of the permit. Upon service of a copy 109671  
of the order upon the permit holder or the permit holder's 109672  
authorized agent or assignee, the permit and activities under it 109673  
shall be suspended immediately without prior hearing and shall 109674  
remain suspended until the violation is corrected and the order of 109675  
suspension is lifted. If a violation is the second within a 109676  
one-year period, the director, after a hearing, may revoke the 109677  
permit. 109678

The director may order that an injection well drilling permit 109679  
or an injection well operating permit or renewal permit be 109680  
suspended and that activities under it cease if the director has 109681  
reasonable cause to believe that the permit would not have been 109682

issued if the information available at the time of suspension had 109683  
been available at the time a determination was made by one of the 109684  
agencies acting under authority of this section. Upon service of a 109685  
copy of the order upon the permit holder or the permit holder's 109686  
authorized agent or assignee, the permit and activities under it 109687  
shall be suspended immediately without prior hearing, but a permit 109688  
may not be suspended for that reason without prior hearing unless 109689  
immediate suspension is necessary to prevent waste or 109690  
contamination of oil or gas, comply with the Federal Water 109691  
Pollution Control Act and regulations adopted under it; the "Safe 109692  
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 109693  
amended, and regulations adopted under it; and this chapter and 109694  
the rules adopted under it, or prevent damage to valuable mineral 109695  
resources, prevent contamination of an underground source of 109696  
drinking water, or prevent danger to human life or health. If 109697  
after a hearing the director determines that the permit would not 109698  
have been issued if the information available at the time of the 109699  
hearing had been available at the time a determination was made by 109700  
one of the agencies acting under authority of this section, the 109701  
director shall revoke the permit. 109702

When a permit has been revoked, the permit holder or other 109703  
person responsible for it immediately shall plug the well in the 109704  
manner required by the director. 109705

The director may issue orders to prevent or require cessation 109706  
of violations of this section, section 6111.043, 6111.045, 109707  
6111.046, or 6111.047 of the Revised Code, rules adopted under any 109708  
of those sections, and terms or conditions of permits issued under 109709  
any of them. The orders may require the elimination of conditions 109710  
caused by the violation. 109711

**Sec. 6111.46.** (A) The environmental protection agency shall 109712  
exercise general supervision of the treatment and disposal of 109713

sewage and industrial wastes and the operation and maintenance of 109714  
works or means installed for the collection, treatment, and 109715  
disposal of sewage and industrial wastes. Such general supervision 109716  
shall apply to all features of construction, operation, and 109717  
maintenance of the works or means that do or may affect the proper 109718  
treatment and disposal of sewage and industrial wastes. 109719

(B)(1) The agency shall investigate the works or means 109720  
employed in the collection, treatment, and disposal of sewage and 109721  
industrial wastes whenever considered necessary or whenever 109722  
requested to do so by local health officials and may issue and 109723  
enforce orders and shall adopt rules governing the operation and 109724  
maintenance of the works or means of treatment and disposal of 109725  
such sewage and industrial wastes. In adopting rules under this 109726  
section, the agency shall establish standards governing the 109727  
construction, operation, and maintenance of the works or means of 109728  
collection, treatment, and disposal of sewage that is generated at 109729  
recreational vehicle parks, recreation camps, combined park-camps, 109730  
and temporary park-camps that are separate from such standards 109731  
relative to manufactured home parks. 109732

(2) As used in division (B)(1) of this section: 109733

(a) "Manufactured home parks" has the same meaning as in 109734  
section ~~3733.01~~ 4781.01 of the Revised Code. 109735

(b) "Recreational vehicle parks," "recreation camps," 109736  
"combined park-camps," and "temporary park-camps" have the same 109737  
meanings as in section 3729.01 of the Revised Code. 109738

(C) The agency may require the submission of records and data 109739  
of construction, operation, and maintenance, including plans and 109740  
descriptions of existing works or means of treatment and disposal 109741  
of such sewage and industrial wastes. When the agency requires the 109742  
submission of such records or information, the public officials or 109743  
person, firm, or corporation having the works in charge shall 109744

comply promptly with that order. 109745

**Sec. 6115.01.** As used in sections 6115.01 to 6115.79 of the 109746  
Revised Code: 109747

(A) "Publication" means once a week for three consecutive 109748  
weeks in ~~each of two newspapers of different political~~ 109749  
~~affiliations, if there are such newspapers, and a newspaper~~ of 109750  
general circulation in the counties wherein publication is to be 109751  
made or as provided in section 7.16 of the Revised Code. 109752  
Publication need not be made on the same day of the week in each 109753  
of the ~~three~~ weeks; but not less than fourteen days, excluding the 109754  
day of first publication, shall intervene between the first 109755  
publication and the last publication. Publication shall be 109756  
complete on the date of the last publication. 109757

(B) "Person" means person, firm, partnership, association, or 109758  
corporation, other than county, township, municipal corporation, 109759  
or other political subdivision. 109760

(C) "Public corporation" means counties, townships, municipal 109761  
corporations, school districts, road districts, ditch districts, 109762  
park districts, levee districts, and all other governmental 109763  
agencies clothed with the power of levying general or special 109764  
taxes. 109765

(D) "Court" means the court of common pleas in which the 109766  
petition for the organization of a sanitary district was filed and 109767  
granted. In the case of a district lying in more than one county, 109768  
"court" means the court comprised of one judge of the court of 109769  
common pleas from each county as provided in section 6115.04 of 109770  
the Revised Code. 109771

(E) "Land" or "property," unless otherwise specified, means 109772  
real property, as "real property" is used in and defined by the 109773  
laws of this state, and embraces all railroads, tramroads, roads, 109774

electric railroads, street and interurban railroads, streets and 109775  
street improvements, telephones, telegraph, and transmission 109776  
lines, gas, sewerage, and water systems, pipelines and 109777  
rights-of-way of public service corporations, and all other real 109778  
property whether public or private. 109779

(F) "Board of directors" applies to the duties of one 109780  
director appointed in accordance with section 6115.10 of the 109781  
Revised Code in a district lying wholly within one county. 109782

(G) "Biting arthropods" include mosquitoes, ticks, biting 109783  
flies, or other biting arthropods capable of transmitting disease 109784  
to humans. 109785

(H) "Bond" or "bonds" means bonds, notes, certificates of 109786  
indebtedness, certificates of participation, commercial paper, and 109787  
other instruments in writing, including, unless the context does 109788  
not admit, bonds or notes issued in anticipation of the issuance 109789  
of other bonds, issued by a sanitary district to evidence its 109790  
obligation to repay money borrowed, or to pay interest, by, or to 109791  
pay at any future time other money obligations of, the sanitary 109792  
district. 109793

(I) "Financing costs" has the same meaning as in division (K) 109794  
of section 133.01 of the Revised Code. 109795

**Sec. 6115.20.** (A) When it is determined to let the work 109796  
relating to the improvements for which a sanitary district was 109797  
established by contract, contracts in amounts to exceed ten 109798  
thousand dollars shall be advertised after notice calling for bids 109799  
has been published once a week for five consecutive weeks 109800  
completed on the date of last publication or as provided in 109801  
section 7.16 of the Revised Code, in ~~at least one~~ a newspaper of 109802  
general circulation within the sanitary district where the work is 109803  
to be done. The board of directors of the sanitary district shall 109804  
let bids as provided in this section or, if applicable, section 109805

9.312 of the Revised Code. If the bids are for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, the board of directors of the sanitary district shall let the contract to the lowest or best bidder who meets the requirements of section 153.54 of the Revised Code. If the bids are for a contract for any other work relating to the improvements for which a sanitary district was established, the board of directors of the sanitary district shall let the contract to the lowest or best bidder who gives a good and approved bond, with ample security, conditioned on the carrying out of the contract and the payment for all labor and material. The contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done prepared by the chief engineer. The plans and specifications at all times shall be made and considered a part of the contract. The contract shall be approved by the board and signed by the president of the board and by the contractor and shall be executed in duplicate. In case of emergency the advertising of contracts may be waived upon the consent of the board with the approval of the court or judge in vacation.

(B) In the case of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use that includes two municipal corporations in two counties, any service to be purchased, including the services of an accountant, architect, attorney at law, physician, or professional engineer, at a cost in excess of ten thousand dollars shall be obtained in the manner provided in sections 153.65 to ~~153.71~~ 153.73 of the Revised Code. For the purposes of the application of those sections to division (B) of this section, all of the following apply:

(1) "Public authority," as used in those sections, shall be deemed to mean a sanitary district organized wholly for the



purpose of providing a water supply for domestic, municipal, and public use that includes two municipal corporations in two counties;

(2) "Professional design firm," as used in those sections, shall be deemed to mean any person legally engaged in rendering professional design services as defined in division (B)(3) of this section;

(3) "Professional design services," as used in those sections, shall be deemed to mean accounting, architectural, legal, medical, or professional engineering services;

(4) The use of other terms in those sections shall be adapted accordingly, including, without limitation, for the purposes of division (D)~~(2)~~ of section 153.67 of the Revised Code;

(5) Divisions (A) to (C) of section 153.71 of the Revised Code do not apply.

(C) The board of directors of a district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use may contract for, purchase, or otherwise procure for the benefit of employees of the district and pay all or any part of the cost of group insurance policies that may provide benefits, including, but not limited to, hospitalization, surgical care, major medical care, disability, dental care, vision care, medical care, hearing aids, or prescription drugs. Any group insurance policy purchased under this division shall be purchased from the health care corporation that the board of directors determines offers the most cost-effective group insurance policy.

**Sec. 6117.05.** (A) Whenever any portion of a sewer district is incorporated as, or annexed to, a municipal corporation, the area so incorporated or annexed shall remain under the jurisdiction of the board of county commissioners for purposes of the acquisition

and construction of sanitary and drainage facility and prevention 109868  
or replacement facility improvements until all of those 109869  
improvements for the area for which a resolution described in 109870  
division (A) or (E) of section 6117.06 of the Revised Code has 109871  
been adopted by the board have been acquired or completed or until 109872  
the board has abandoned the improvements. The board, unless and 109873  
until a conveyance is made to a municipal corporation in 109874  
accordance with division (B) of this section, shall continue to 109875  
have jurisdiction in the area so incorporated or annexed with 109876  
respect to the management, maintenance, and operation of all 109877  
sanitary and drainage facilities and prevention or replacement 109878  
facilities so acquired or completed, or previously acquired or 109879  
completed, including the right to establish rules and rates and 109880  
charges for the use of, and connections to, the facilities. The 109881  
incorporation or annexation of any part of a district shall not 109882  
affect the legality or enforceability of any public obligations 109883  
issued or incurred by the county for purposes of this chapter to 109884  
provide for the payment of the cost of acquisition, construction, 109885  
maintenance, or operation of any sanitary or drainage facilities 109886  
or prevention or replacement facilities within the area, or the 109887  
validity of any assessments levied or to be levied upon properties 109888  
within the area to provide for the payment of the cost of 109889  
acquisition, construction, maintenance, or operation of the 109890  
facilities. 109891

(B) ~~Any~~ A board may convey, by mutual agreement, to a 109892  
municipal corporation any of the following: 109893

(1) Any completed sanitary or drainage facilities or 109894  
prevention or replacement facilities acquired or constructed by a 109895  
county under this chapter for the use of, or service of property 109896  
located in, any county sewer district, or any part of those 109897  
facilities, that are located within a the municipal corporation or 109898  
within any area that is incorporated as, or annexed to, a the 109899

municipal corporation, ~~or any;~~ 109900

(2) Any part of the sanitary, drainage, prevention, or replacement facilities that serve a the municipal corporation or such an area, may be conveyed, by mutual agreement between the board and the municipal corporation, to the municipal corporation on any area that is incorporated as, or annexed to, the municipal corporation; 109901  
109902  
109903  
109904  
109905  
109906

(3) Any part of the sanitary, drainage, prevention, or replacement facilities that are connected to facilities of the municipal corporation. 109907  
109908  
109909

The conveyance shall be completed with terms and for 109910  
consideration as may be negotiated. Upon and after the conveyance, 109911  
the municipal corporation shall manage, maintain, and operate the 109912  
facilities in accordance with the agreement. The board may retain 109913  
the right to joint use of all or part of any facilities so 109914  
conveyed for the benefit of the district. Neither the validity of 109915  
any assessment levied or to be levied, nor the legality or 109916  
enforceability of any public obligations issued or incurred, to 109917  
provide for the payment of the cost of the acquisition, 109918  
construction, maintenance, or operation of the facilities or any 109919  
part of them, shall be affected by the conveyance. 109920

**Sec. 6117.06.** (A) After the establishment of any sewer 109921  
district, the board of county commissioners, if a sanitary or 109922  
drainage facility or prevention or replacement facility 109923  
improvement is to be undertaken, may have the county sanitary 109924  
engineer prepare, or otherwise cause to be prepared, for the 109925  
district, or revise as needed, a general plan of sewerage or 109926  
drainage that is as complete in each case as can be developed at 109927  
the time and that is devised with regard to any existing sanitary 109928  
or drainage facilities or prevention or replacement facilities in 109929  
the district and present as well as prospective needs for 109930

additional sanitary or drainage facilities or prevention or 109931  
replacement facilities in the district. After the general plan, in 109932  
original or revised form, has been approved by the board, it may 109933  
adopt a resolution generally describing the improvement that is 109934  
necessary to be acquired or constructed in accordance with the 109935  
particular plan, declaring that the improvement is necessary for 109936  
the preservation and promotion of the public health and welfare, 109937  
and determining whether or not special assessments are to be 109938  
levied and collected to pay any part of the cost of the 109939  
improvement. 109940

(B) If special assessments are not to be levied and collected 109941  
to pay any part of the cost of the improvement, the board, in the 109942  
resolution provided for in division (A) of this section or in a 109943  
subsequent resolution, including a resolution authorizing the 109944  
issuance or incurrence of public obligations for the improvement, 109945  
may authorize the improvement and the expenditure of the funds 109946  
required for its acquisition or construction and may proceed with 109947  
the improvement without regard to the procedures otherwise 109948  
required by divisions (C), (D), and (E) of this section and by 109949  
sections 6117.07 to 6117.24 of the Revised Code. Those procedures 109950  
are required only for improvements for which special assessments 109951  
are to be levied and collected. 109952

(C) If special assessments are to be levied and collected 109953  
pursuant to a determination made in the resolution provided for in 109954  
division (A) of this section or in a subsequent resolution, the 109955  
procedures referred to in division (B) of this section as being 109956  
required for that purpose shall apply, and the board may have the 109957  
county sanitary engineer prepare, or otherwise cause to be 109958  
prepared, detailed plans, specifications, and an estimate of cost 109959  
for the improvement, together with a tentative assessment of the 109960  
cost based on the estimate. The tentative assessment shall be for 109961  
the information of property owners and shall not be levied or 109962

certified to the county auditor for collection. The detailed 109963  
plans, specifications, estimate of cost, and tentative assessment, 109964  
if approved by the board, shall be carefully preserved in the 109965  
office of the board or the county sanitary engineer and shall be 109966  
open to the inspection of all persons interested in the 109967  
improvement. 109968

(D) After the board's approval of the detailed plans, 109969  
specifications, estimate of cost, and tentative assessment, and at 109970  
least twenty-four days before adopting a resolution pursuant to 109971  
division (E) of this section, the board, except to the extent that 109972  
appropriate waivers of notice are obtained from affected owners, 109973  
shall cause to be sent a notice of its intent to adopt the 109974  
resolution to each owner of property proposed to be assessed that 109975  
is listed on the records of the county auditor for current 109976  
agricultural use value taxation pursuant to section 5713.31 of the 109977  
Revised Code and that is not located in an agricultural district 109978  
established under section 929.02 of the Revised Code. The notice 109979  
shall satisfy all of the following: 109980

(1) Be sent by first class or certified mail; 109981

(2) Specify the proposed date of the adoption of the 109982  
resolution; 109983

(3) Contain a statement that the improvement will be financed 109984  
in whole or in part by special assessments and that all properties 109985  
not located in an agricultural district established pursuant to 109986  
section 929.02 of the Revised Code may be subject to a special 109987  
assessment; 109988

(4) Contain a statement that an agricultural district may be 109989  
established by filing an application with the county auditor. 109990

If it appears, by the return of the mailed notices or by 109991  
other means, that one or more of the affected owners cannot be 109992  
found or are not served by the mailed notice, the board shall 109993

cause the notice to be published once in a newspaper of general 109994  
circulation in the county not later than ten days before the 109995  
adoption of the resolution. 109996

(E) After complying with divisions (A), (C), and (D) of this 109997  
section, the board may adopt a resolution declaring that the 109998  
improvement, which shall be described as to its nature and its 109999  
location, route, and termini, is necessary for the preservation 110000  
and promotion of the public health and welfare, referring to the 110001  
plans, specifications, estimate of cost, and tentative assessment, 110002  
stating the place where they are on file and may be examined, and 110003  
providing that the entire cost or a lesser designated part of the 110004  
cost will be specially assessed against the benefited properties 110005  
within the district and that any balance will be paid by the 110006  
county at large from other available funds. The resolution also 110007  
shall contain a description of the boundaries of that part of the 110008  
district to be assessed and shall designate a time and place for 110009  
objections to the improvement, to the tentative assessment, or to 110010  
the boundaries of the assessment district to be heard by the 110011  
board. The date of that hearing shall be not less than twenty-four 110012  
days after the date of the first publication of the notice of the 110013  
hearing required by this division. 110014

The board shall cause a notice of the hearing to be published 110015  
once a week for two consecutive weeks in a newspaper of general 110016  
circulation in the county, ~~and on~~ or as provided in section 7.16 110017  
of the Revised Code. On or before the date of the second 110018  
publication, ~~it~~ the board shall cause to be sent by first class or 110019  
certified mail a copy of the notice to every owner of property to 110020  
be assessed for the improvement whose address is known. 110021

The notice shall set forth the time and place of the hearing, 110022  
a summary description of the proposed improvement, including its 110023  
general route and termini, a summary description of the area 110024  
constituting the assessment district, and the place where the 110025

plans, specifications, estimate of cost, and tentative assessment 110026  
are on file and may be examined. Each mailed notice also shall 110027  
include a statement that the property of the addressee will be 110028  
assessed for the improvement. The notice also shall be sent by 110029  
first class or certified mail, on or before the date of the second 110030  
publication, to the clerk, or to the official discharging the 110031  
duties of a clerk, of any municipal corporation any part of which 110032  
lies within the assessment district and shall state whether or not 110033  
any property belonging to the municipal corporation is to be 110034  
assessed and, if so, shall identify that property. 110035

At the hearing, or at any adjournment of the hearing, of 110036  
which no further published or mailed notice need be given, the 110037  
board shall hear all parties whose properties are proposed to be 110038  
assessed. Written objections to or endorsements of the proposed 110039  
improvement, its character and termini, the boundaries of the 110040  
assessment district, or the tentative assessment shall be received 110041  
by the board for a period of five days after the completion of the 110042  
hearing, and no action shall be taken by the board in the matter 110043  
until after that period has elapsed. The minutes of the hearing 110044  
shall be entered on the journal of the board, showing the persons 110045  
who appear in person or by attorney, and all written objections 110046  
shall be preserved and filed in the office of the board. 110047

**Sec. 6117.07.** After the expiration of the period of five days 110048  
provided for in section 6117.06 of the Revised Code for the filing 110049  
of written objections, the board of county commissioners shall 110050  
determine whether or not it will proceed with the construction of 110051  
the improvement mentioned in such section. Notice of the time and 110052  
place of each meeting of the board of county commissioners, at 110053  
which the resolution to proceed with the construction of such 110054  
improvement will be considered, shall be given in writing to all 110055  
persons who filed written objections as provided in section 110056  
6117.06 of the Revised Code. Such notice shall contain the 110057

following language in addition to the time and place of the 110058  
meeting of the board: "any person, firm, or corporation desiring 110059  
to appeal from the final order or judgment of the board upon any 110060  
of the questions mentioned in section 6117.09 of the Revised Code 110061  
shall, on or before the date of the passage of the improvement 110062  
resolution, give notice in writing of an intention to appeal, 110063  
specifying therein the matters to be appealed from." If it decides 110064  
to proceed therewith, the board shall ratify or amend the plans 110065  
for the improvement and the character and termini thereof, the 110066  
boundaries of the assessment district, and the tentative 110067  
assessment, and may cause such revision of plans, boundaries, or 110068  
assessments as the board considers necessary to be made by the 110069  
county sanitary engineer. If the boundaries of the assessment 110070  
district are amended so as to include any property not included 110071  
within the boundaries as established by the resolution of 110072  
necessity provided for in section 6117.06 of the Revised Code, the 110073  
owners of all such property shall be notified by mail if their 110074  
addresses are known, and notice shall be published once a week for 110075  
two consecutive weeks in a newspaper of general circulation within 110076  
the county or as provided in section 7.16 of the Revised Code that 110077  
such amendments have been adopted and that a hearing will be given 110078  
by the board at a time and place stated in such notice, at which 110079  
all persons interested will be heard by the board. The date of 110080  
such hearing shall be not less than twenty-four days after the 110081  
first publication of such notice, and the hearing shall be 110082  
conducted and records kept in the same manner as the first 110083  
hearing. Five days shall be allowed for the filing of written 110084  
objections as provided in such section for the first hearing. 110085

After the expiration of such five day period, the board shall 110086  
ratify the plans for the improvement and the character and termini 110087  
thereof, the boundaries of the assessment district, and the 110088  
tentative assessment, or shall further amend the same. If the 110089  
boundaries of the assessment district are amended so as to include 110090



any property not included in the assessment district as originally 110091  
established or previously amended, further notice and hearing 110092  
shall be given to the owners of such property in the same manner 110093  
as for the first amendment of such boundaries, and the same 110094  
procedure shall be repeated until all property owners affected 110095  
have been given an opportunity to be heard. If the owners of all 110096  
property added to an assessment district by amendment of the 110097  
original boundaries thereof waive objection to such amendment in 110098  
writing, no further notice or hearing shall be given. 110099

After the board has ratified the plans for the improvement 110100  
and the character and termini thereof, the boundaries of the 110101  
assessment district, and the tentative assessment, either as 110102  
originally presented or as amended, and if it decides to proceed 110103  
therewith, the board shall adopt a resolution to be known as the 110104  
improvement resolution. Said improvement resolution shall declare 110105  
the determination of such board to proceed with the construction 110106  
of the improvement provided for in the resolution of necessity, in 110107  
accordance with the plans and specifications provided for such 110108  
improvement as ratified or amended, and whether bonds or 110109  
certificates of indebtedness shall be issued in anticipation of 110110  
the collection of special assessments, as provided in section 110111  
6117.08 to 6117.45, inclusive, of the Revised Code, or that money 110112  
in the county treasury unappropriated for any other purpose shall 110113  
be appropriated to pay for said improvement. 110114

**Sec. 6117.251.** (A) After the establishment of any county 110115  
sewer district, the board of county commissioners may determine by 110116  
resolution that it is necessary to provide sanitary or drainage 110117  
facility improvements or prevention or replacement facility 110118  
improvements and to maintain and operate the improvements within 110119  
the district or a designated portion of the district, that the 110120  
improvements, which shall be generally described in the 110121  
resolution, shall be constructed, that funds are required to pay 110122

the preliminary costs of the improvements to be incurred prior to 110123  
the commencement of the proceedings for their construction, and 110124  
that those funds shall be provided in accordance with this 110125  
section. 110126

(B) Prior to the adoption of the resolution, the board shall 110127  
give notice of its pendency and of the proposed determination of 110128  
the necessity of the improvements generally described in the 110129  
resolution. The notice shall set forth a description of the 110130  
properties to be benefited by the improvements and the time and 110131  
place of a hearing of objections to and endorsements of the 110132  
improvements. The notice shall be given ~~either~~ by publication in a 110133  
newspaper of general circulation in the county once a week for two 110134  
consecutive weeks, ~~or~~ by publication as provided in section 7.16 110135  
of the Revised Code, by mailing a copy of the notice by first 110136  
class or certified mail to the owners of the properties proposed 110137  
to be assessed at their respective tax mailing addresses, or by 110138  
~~both~~ a combination of these manners, the first publication to be 110139  
made or the mailing to occur at least two weeks prior to the date 110140  
set for the hearing. At the hearing, or at any adjournment of the 110141  
hearing, of which no further published or mailed notice need be 110142  
given, the board shall hear all persons whose properties are 110143  
proposed to be assessed and the evidence it considers to be 110144  
necessary. The board then shall determine the necessity of the 110145  
proposed improvements and whether the improvements shall be made 110146  
by the board and, if they are to be made, shall direct the 110147  
preparation of tentative assessments upon the benefited properties 110148  
and by whom they shall be prepared. 110149

(C) In order to obtain funds for the preparation of a general 110150  
or revised general plan of sewerage or drainage for the district 110151  
or part of the district, for the preparation of the detailed 110152  
plans, specifications, estimate of cost, and tentative assessment 110153  
for the proposed improvements, and for the cost of financing and 110154

legal services incident to the preparation of all of those plans 110155  
and a plan of financing the proposed improvements, the board may 110156  
levy upon the properties to be benefited in the district a 110157  
preliminary assessment apportioned according to benefits or to tax 110158  
valuation or partly by one method and partly by the other method 110159  
as the board may determine. The assessments shall be in the amount 110160  
determined to be necessary to obtain funds for the general and 110161  
detailed plans and the cost of financing and legal services and 110162  
shall be payable in the number of years that the board shall 110163  
determine, not to exceed twenty years, together with interest on 110164  
any public obligations that may be issued or incurred in 110165  
anticipation of the collection of the assessments. 110166

(D) The board shall have power at any time to levy additional 110167  
assessments according to benefits or to tax valuation or partly by 110168  
one method and partly by the other method as the board may 110169  
determine for the purposes described in division (C) of this 110170  
section upon the benefited properties to complete the payment of 110171  
the costs described in division (C) of this section or to pay the 110172  
cost of any additional plans, specifications, estimate of cost, or 110173  
tentative assessment and the cost of financing and legal services 110174  
incident to the preparation of those plans and the plan of 110175  
financing, which additional assessments shall be payable in the 110176  
number of years that the board shall determine, not to exceed 110177  
twenty years, together with interest on any public obligations 110178  
that may be issued or incurred in anticipation of the collection 110179  
of the additional assessments. 110180

(E) Prior to the adoption of a resolution levying assessments 110181  
under this section, the board shall give notice either by one 110182  
publication in a newspaper of general circulation in the county, 110183  
or by mailing a copy of the notice by first class or certified 110184  
mail to the owners of the properties proposed to be assessed at 110185  
their respective tax mailing addresses, or by both manners, the 110186

publication to be made or the mailing to occur at least ten days 110187  
prior to the date of the meeting at which the resolution shall be 110188  
taken up for consideration; that notice shall state the time and 110189  
place of the meeting at which the resolution is to be considered. 110190  
At the time and place of the meeting, or at any adjournment of the 110191  
meeting, of which no further published or mailed notice need be 110192  
given, the board shall hear all persons whose properties are 110193  
proposed to be assessed, shall correct any errors and make any 110194  
revisions that appear to be necessary or just, and then may adopt 110195  
a resolution levying upon the properties determined to be 110196  
benefited the assessments as so corrected and revised. 110197

The assessments levied by the resolution shall be certified 110198  
to the county auditor for collection in the same manner as taxes 110199  
in the year or years in which they are payable. 110200

(F) Upon the adoption of the resolution described in division 110201  
(E) of this section, no further action shall be taken or work done 110202  
until ten days have elapsed. If, at the expiration of that period, 110203  
no appeal has been effected by any property owner as provided in 110204  
this division, the action of the board shall be final. If, at the 110205  
end of that ten days, any owner of property to be assessed for the 110206  
improvements has effected an appeal, no further action shall be 110207  
taken and no work done in connection with the improvements under 110208  
the resolution until the matters appealed from have been disposed 110209  
of in court. 110210

Any owner of property to be assessed may appeal as provided 110211  
and upon the grounds stated in sections 6117.09 to 6117.24 of the 110212  
Revised Code. 110213

If no appeal has been perfected or if on appeal the 110214  
resolution of the board is sustained, the board may authorize and 110215  
enter into contracts to carry out the purposes for which the 110216  
assessments have been levied without the prior issuance of notes, 110217  
provided that the payments under those contracts do not fall due 110218

prior to the time by which the assessments are to be collected. 110219  
The board may issue and sell bonds with a maximum maturity of 110220  
twenty years in anticipation of the collection of the assessments 110221  
and may issue notes in anticipation of the issuance of the bonds, 110222  
which notes and bonds, as public obligations, shall be issued and 110223  
sold as provided in Chapter 133. of the Revised Code. 110224

**Sec. 6117.49.** (A) If the board of county commissioners 110225  
determines by resolution that the best interests of the county and 110226  
those served by the sanitary or drainage facilities or the 110227  
prevention or replacement facilities of a county sewer district so 110228  
require, the board may sell or otherwise dispose of the facilities 110229  
to another public agency or a person. The resolution declaring the 110230  
necessity of that disposition shall recite the reasons for the 110231  
sale or other disposition and shall establish any conditions or 110232  
terms that the board may impose, including, but not limited to, a 110233  
minimum sales price if a sale is proposed, a requirement for the 110234  
submission by bidders of the schedule of rates and charges 110235  
initially proposed to be paid for the services of the facilities, 110236  
and other pertinent conditions or terms relating to the sale or 110237  
other disposition. The resolution also shall designate a time and 110238  
place for the hearing of objections to the sale or other 110239  
disposition by the board. Notice of the adoption of the resolution 110240  
and the time and place of the hearing shall be published as 110241  
provided in section 7.16 of the Revised Code or once a week for 110242  
two consecutive weeks, in a newspaper of general circulation in 110243  
the sewer district and in the county. The public hearing on the 110244  
sale or other disposition shall be held not less than twenty-four 110245  
days following the date of first publication of the notice. A copy 110246  
of the notice also shall be sent by first class or certified mail, 110247  
on or before the date of the second publication, to any public 110248  
agency within the area served by the facilities. At the public 110249  
hearing, or at any adjournment of it, of which no further 110250

published or mailed notice need be given, the board shall hear all interested parties. A period of five days shall be given following the completion of the hearing for the filing of written objections by any interested persons or public agencies to the sale or other disposition, after which the board shall consider any objections and by resolution determine whether or not to proceed with the sale or other disposition. If the board determines to proceed with the sale or other disposition, it shall receive bids after advertising once a week for four consecutive weeks or as provided in section 7.16 of the Revised Code, in a newspaper of general circulation in the county and, subject to the right of the board to reject any or all bids, may make an award to a responsible bidder whose proposal is determined by the board to be in the best interests of the county and those served by the facilities.

(B) A conveyance of sanitary or drainage facilities or of prevention or replacement facilities by a county to a municipal corporation in accordance with division (B) of section 6117.05 of the Revised Code may be made without regard to division (A) of this section.

**Sec. 6119.10.** The board of trustees of a regional water and sewer district or any officer or employee designated by the board may make any contract for the purchase of supplies or material or for labor for any work, under the supervision of the board, the cost of which shall not exceed twenty-five thousand dollars. When an expenditure, other than for the acquisition of real estate and interests in real estate, the discharge of noncontractual claims, personal services, the joint use of facilities or the exercise of powers with other political subdivisions, or the product or services of public utilities, exceeds twenty-five thousand dollars, the expenditures shall be made only after a notice calling for bids has been published ~~not less than~~ two consecutive weeks in ~~at least~~ one newspaper ~~having a~~ of general circulation

within the district or as provided in section 7.16 of the Revised 110283  
Code. If the bids are for a contract for the construction, 110284  
demolition, alteration, repair, or reconstruction of an 110285  
improvement, the board may let the contract to the lowest and best 110286  
bidder who meets the requirements of section 153.54 of the Revised 110287  
Code. If the bids are for a contract for any other work relating 110288  
to the improvements for which a regional water and sewer district 110289  
was established, the board of trustees of the regional water and 110290  
sewer district may let the contract to the lowest or best bidder 110291  
who gives a good and approved bond with ample security conditioned 110292  
on the carrying out of the contract. The contract shall be in 110293  
writing and shall be accompanied by or shall refer to plans and 110294  
specifications for the work to be done, approved by the board. The 110295  
plans and specifications shall at all times be made and considered 110296  
part of the contract. The contract shall be approved by the board 110297  
and signed by its president or other duly authorized officer and 110298  
by the contractor. In case of a real and present emergency, the 110299  
board of trustees of the district, by two-thirds vote of all 110300  
members, may authorize the president or other duly authorized 110301  
officer to enter into a contract for work to be done or for the 110302  
purchase of supplies or materials without formal bidding or 110303  
advertising. All contracts shall have attached the certificate 110304  
required by section 5705.41 of the Revised Code duly executed by 110305  
the secretary of the board of trustees of the district. The 110306  
district may make improvements by force account or direct labor, 110307  
provided that, if the estimated cost of supplies or material for 110308  
any such improvement exceeds twenty-five thousand dollars, bids 110309  
shall be received as provided in this section. For the purposes of 110310  
the competitive bidding requirements of this section, the board 110311  
shall not sever a contract for supplies or materials and labor 110312  
into separate contracts for labor, supplies, or materials if the 110313  
contracts are in fact a part of a single contract required to be 110314  
bid competitively under this section. 110315

Sec. 6119.18. The board of trustees of a regional water and sewer district, by a vote of two-thirds of all its members, may declare by resolution that it is necessary to levy a tax in excess of the ten-mill limitation for the purpose of providing funds to pay current expenses of the district or for the purpose of paying any portion of the cost of one or more water resource projects or parts thereof or for both of such purposes, and that the question of such tax levy shall be submitted to the electors of the district at a general or primary election. Such resolution shall conform to the requirements of section 5705.19 of the Revised Code, except as otherwise permitted by this section and except that such levy may be for a period not longer than ten years. The resolution shall go into immediate effect upon its passage and no publication of the resolution is necessary other than that provided for in the notice of election. A copy of such resolution shall, immediately after its passage, be certified to the board of elections of the proper county or counties in the manner provided by section 5705.25 of the Revised Code, and such section shall govern the arrangements for the submission of such question and other matters with respect to such election to which such section refers. Publication of the notice of that election shall be made in one ~~or more newspapers having a~~ newspaper of general circulation in the district once a week for two consecutive weeks prior to the election, ~~and, if~~ or as provided in section 7.16 of the Revised Code. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election.

If a majority of the electors voting on the question vote in favor thereof, the board may make the necessary levy within the district at the additional rate or at any lesser rate on the tax list and duplicate for the purpose or purposes stated in the resolution.



The taxes realized from such levy shall be collected at the same time and in the same manner as other taxes on such tax list and duplicate and such taxes, when collected, shall be paid to the district and deposited by it in a special fund which shall be established by the district for all revenues derived from such levy and for the proceeds of anticipation notes which shall be deposited in such fund.

After the approval of such levy, the district may anticipate a fraction of the proceeds of such levy and, from time to time, during the life of such levy, issue anticipation notes in an amount not exceeding fifty per cent of the estimated proceeds of such levy to be collected in each year up to a period of five years after the date of issuance of such notes, less an amount equal to the proceeds of such levy previously obligated for each year by the issuance of anticipation notes, provided that the total amount maturing in any one year shall not exceed fifty per cent of the anticipated proceeds of such levy for that year. Each issue of notes shall be sold as provided in Chapter 133. of the Revised Code, and shall, except for such limitation that the total amount of such notes maturing in any one year shall not exceed fifty per cent of the anticipated proceeds of such levy for that year, mature serially in substantially equal installments during each year over a period not to exceed five years after their issuance.

**Sec. 6119.22.** When a plan of sewerage devised in accordance with section 6119.19 of the Revised Code has been prepared, the board of trustees of the regional water and sewer district shall give at least ten days' notice in one newspaper of general circulation in such area or give notice as provided in section 7.16 of the Revised Code, stating that such plans have been prepared and are filed in the office of the secretary of the board for examination and inspection by the parties interested.

Any objection to such plan shall then be made to the board 110380  
and it may amend or correct such plan, and shall thereupon file it 110381  
as amended, or if no amendments are made, it shall file the 110382  
original plan in the office of the secretary. 110383

**Sec. 6119.25.** When the board of trustees of a regional water 110384  
and sewer district deems it necessary to construct all or a part 110385  
of the sewers provided for in the plan devised in accordance with 110386  
section 6119.19 of the Revised Code, the board shall declare by 110387  
resolution the necessity thereof. Such resolution shall contain a 110388  
declaration of the necessity of such improvement, a statement of 110389  
the districts, areas, or parts thereof proposed to be constructed, 110390  
the character of the materials to be used, a reference to the 110391  
plans and specifications, where they are on file, and the mode of 110392  
payment therefor, and shall publish the resolution once a week for 110393  
not less than two nor more than four consecutive weeks in one 110394  
newspaper of general circulation in the area or as provided in 110395  
section 7.16 of the Revised Code. 110396

**Sec. 6119.58.** In order to obtain funds for the preparation of 110397  
plans, specifications, estimates of cost, tentative assessments, 110398  
and a plan of financing for any water resource project or part 110399  
thereof, the board of trustees of a regional water and sewer 110400  
district may levy upon the property in such district to be 110401  
benefited by such project assessments apportioned in accordance 110402  
with one or more of the methods set forth in section 6119.42 of 110403  
the Revised Code. The aggregate of such assessments shall not 110404  
exceed the amount determined by the board of trustees to be 110405  
necessary for such purpose, including costs of financing, legal 110406  
services, and other incidental costs, and shall be payable in such 110407  
number of annual installments, not less than one, as the board of 110408  
trustees prescribes, together with interest on any water resource 110409  
revenue notes and bonds which may be issued in anticipation of the 110410

collection of such assessments. 110411

If the board of trustees proposes to obtain funds in 110412  
accordance with this section, it shall determine by resolution 110413  
that it is necessary to construct the water resource project and 110414  
to maintain and operate the same on behalf of the district. 110415

Prior to the adoption of the resolution making such 110416  
determination, the board of trustees shall give notice of the 110417  
pendency thereof and of the proposed determination of the 110418  
necessity of the construction of such project therein generally 110419  
described, and such notice shall set forth a description of the 110420  
properties to be benefited by such project and the time and place 110421  
of a hearing of objections to, and endorsements of, such project. 110422  
Such notice shall be given by publication in ~~at least~~ one 110423  
newspaper ~~having a~~ of general circulation in the district once a 110424  
week for two consecutive weeks or as provided in section 7.16 of 110425  
the Revised Code, the first publication to be at least two weeks 110426  
prior to the date set for the hearing, provided that the board of 110427  
trustees may give, or cause to be given, such alternative or 110428  
further notice of such hearing as it finds to be necessary or 110429  
appropriate. At such hearing, or at any adjournment thereof, of 110430  
which no further notice need be given, the board of trustees shall 110431  
hear all owners whose properties are proposed to be assessed and 110432  
such other evidence as is considered to be necessary, and may then 110433  
adopt its resolution determining that the proposed project is 110434  
necessary and should be undertaken by the district. In such 110435  
resolution, the board of trustees shall direct the preparation of 110436  
the estimated assessments upon the benefited properties and by 110437  
whom they shall be prepared. 110438

After such assessments have been prepared and filed in the 110439  
office of the secretary of the board of trustees and prior to the 110440  
adoption of the resolution levying such assessments, the board of 110441  
trustees shall give notice of the pendency of such resolution and 110442

of the proposed determination to levy such assessments, and such 110443  
notice shall set forth the time and place of a hearing of 110444  
objections to such assessments. Such notice shall be given by 110445  
publication once in ~~at least~~ one newspaper ~~having a~~ of general 110446  
circulation in the district, such publication to be made at least 110447  
ten days prior to the date set for the hearing, provided that the 110448  
board of trustees may give or cause to be given, such alternative 110449  
of further notice of such hearing as it finds to be necessary or 110450  
appropriate. At such hearing, or at any adjournment thereof, of 110451  
which no further notice need be given, the board of trustees shall 110452  
hear all persons whose properties are proposed to be assessed, 110453  
shall correct any errors and make any revisions in the estimated 110454  
assessments that appear to be necessary or just, and may then 110455  
adopt a resolution levying upon the properties determined to be 110456  
benefited the assessments as originally prepared or as so 110457  
corrected and revised. 110458

The board of trustees shall have the power at any time to 110459  
levy additional assessments upon such properties to complete the 110460  
payment of the costs for which the original assessments were 110461  
levied or to provide funds for any additional plans, 110462  
specifications, estimates of cost, tentative assessments, and 110463  
other incidental costs, provided that the board shall first have 110464  
held a hearing on objections to such additional assessments in the 110465  
same manner as required by this section with respect to such 110466  
original assessments. Such additional assessments shall be payable 110467  
in such number of annual installments, not less than one, as the 110468  
board of trustees prescribes, together with interest on any water 110469  
resource revenue notes and bonds which may be issued in 110470  
anticipation of the collection of such assessments. 110471

The board of trustees may authorize contracts to carry out 110472  
the purposes for which such assessments have been levied without 110473  
the prior issuance of water resource revenue notes and bonds, 110474

provided that the payments to be made by the district do not fall 110475  
due prior to the times when such assessments shall be collected. 110476

**Section 101.02.** That existing sections 7.10, 7.11, 7.12, 110477  
9.03, 9.06, 9.231, 9.24, 9.33, 9.331, 9.332, 9.333, 9.90, 101.15, 110478  
102.02, 105.41, 107.09, 109.02, 109.36, 109.42, 109.57, 109.572, 110479  
111.12, 111.16, 111.18, 117.101, 117.13, 118.023, 118.04, 118.05, 110480  
118.06, 118.12, 118.17, 118.99, 121.03, 121.04, 121.22, 121.37, 110481  
121.40, 121.401, 121.402, 121.403, 121.404, 122.085, 122.088, 110482  
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122.653, 122.657, 122.76, 123.011, 124.09, 124.23, 124.231, 110484  
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127.16, 131.23, 131.44, 131.51, 133.06, 133.18, 133.20, 133.55, 110487  
135.05, 135.61, 135.65, 135.66, 145.27, 149.01, 149.091, 149.11, 110488  
149.311, 153.01, 153.02, 153.03, 153.07, 153.08, 153.50, 153.51, 110489  
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322.08, 323.73, 323.78, 324.02, 324.021, 340.02, 340.03, 340.05, 110499  
340.091, 340.11, 341.192, 343.08, 345.03, 349.01, 349.03, 349.04, 110500  
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6117.06, 6117.07, 6117.251, 6117.49, 6119.10, 6119.18, 6119.22, 110642  
6119.25, and 6119.58 of the Revised Code are hereby repealed. 110643

**Section 105.01.** That sections 7.14, 9.901, 122.0818, 122.121, 110644  
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3923.91, 4115.032, 4582.37, 4981.23, 5101.5211, 5101.5212, 110657  
5101.5213, 5101.5214, 5101.5215, 5101.5216, 5111.243, 5111.34, 110658  
5111.861, 5111.893, 5111.971, 5122.36, 5123.172, 5123.181, 110659  
5123.193, 5123.211, 5123.601, 5123.602, 5123.603, 5123.604, 110660  
5123.605, 5126.18, and 5126.19 of the Revised Code are hereby 110661  
repealed. 110662

**Section 105.10.** That sections 126.60, 126.601, 126.602, 110663  
126.603, 126.604, and 126.605 of the Revised Code, as enacted by 110664

this act, are hereby repealed, effective June 30, 2013. 110665

**Section 120.10.** That the version of section 5111.913 of the 110666  
Revised Code that results from Section 101.01 of this act be 110667  
amended to read as follows: 110668

**Sec. 5111.913.** If the department of job and family services 110669  
enters into a contract with the department of alcohol and drug 110670  
addiction services under section 5111.91 of the Revised Code, 110671  
~~boards of alcohol, drug addiction, and mental health~~ the 110672  
department of job and family services shall pay the nonfederal 110673  
share of any medicaid payment to a provider for services under the 110674  
component, or aspect of the component, the department of alcohol 110675  
and drug addiction services administers. ~~A board shall use funds~~ 110676  
~~allocated to the board under section 3793.04 of the Revised Code~~ 110677  
~~to pay the nonfederal share.~~ If necessary, the director of job and 110678  
family services shall submit a medicaid state plan amendment to 110679  
the United States secretary of health and human services regarding 110680  
the department of job and family services' duty under this 110681  
section. 110682

**Section 120.11.** That the existing version of section 5111.913 110683  
of the Revised Code that results from Section 101.01 of this act 110684  
is hereby repealed. 110685

**Section 120.12.** That Sections 120.10 and 120.11 of this act 110686  
take effect July 1, 2012. 110687

**Section 201.10.** Except as otherwise provided in this act, all 110688  
appropriation items in this act are appropriated out of any moneys 110689  
in the state treasury to the credit of the designated fund that 110690  
are not otherwise appropriated. For all appropriations made in 110691  
this act, the amounts in the first column are for fiscal year 2012 110692

and the amounts in the second column are for fiscal year 2013. 110693  
110694

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 110695

General Services Fund Group 110696

4J80 889601 CPA Education \$ 200,000 \$ 200,000 110697  
Assistance

4K90 889609 Operating Expenses \$ 977,200 \$ 977,500 110698

TOTAL GSF General Services Fund 110699

Group \$ 1,177,200 \$ 1,177,500 110700

TOTAL ALL BUDGET FUND GROUPS \$ 1,177,200 \$ 1,177,500 110701

**Section 205.10.** ADJ ADJUTANT GENERAL 110703

General Revenue Fund 110704

GRF 745401 Ohio Military Reserve \$ 12,308 \$ 12,308 110705

GRF 745404 Air National Guard \$ 1,810,606 \$ 1,810,606 110706

GRF 745407 National Guard \$ 400,000 \$ 400,000 110707  
Benefits

GRF 745409 Central \$ 2,692,098 \$ 2,692,098 110708  
Administration

GRF 745499 Army National Guard \$ 3,687,888 \$ 3,689,871 110709

TOTAL GRF General Revenue Fund \$ 8,602,900 \$ 8,604,883 110710

General Services Fund Group 110711

5340 745612 Property Operations \$ 534,304 \$ 534,304 110712  
Management

5360 745605 Marksmanship \$ 128,600 \$ 128,600 110713  
Activities

5360 745620 Camp Perry and \$ 1,178,311 \$ 978,846 110714  
Buckeye Inn  
Operations

5370 745604 Ohio National Guard \$ 62,000 \$ 62,000 110715  
Facilities

|                                                                    |    |            |                      |
|--------------------------------------------------------------------|----|------------|----------------------|
| Maintenance                                                        |    |            |                      |
| TOTAL GSF General Services Fund                                    | \$ | 1,903,215  | \$ 1,703,750 110716  |
| Group                                                              |    |            |                      |
| Federal Special Revenue Fund Group                                 |    |            | 110717               |
| 3410 745615 Air National Guard                                     | \$ | 2,977,692  | \$ 2,977,692 110718  |
| Base Security                                                      |    |            |                      |
| 3420 745616 Army National Guard                                    | \$ | 10,970,050 | \$ 10,970,050 110719 |
| Service Agreement                                                  |    |            |                      |
| 3E80 745628 Air National Guard                                     | \$ | 16,958,595 | \$ 16,958,595 110720 |
| Operations and<br>Maintenance                                      |    |            |                      |
| 3R80 745603 Counter Drug                                           | \$ | 25,000     | \$ 25,000 110721     |
| Operations                                                         |    |            |                      |
| TOTAL FED Federal Special Revenue                                  | \$ | 30,931,337 | \$ 30,931,337 110722 |
| Fund Group                                                         |    |            |                      |
| State Special Revenue Fund Group                                   |    |            | 110723               |
| 5U80 745613 Community Match                                        | \$ | 250,000    | \$ 250,000 110724    |
| Armories                                                           |    |            |                      |
| TOTAL SSR State Special Revenue                                    | \$ | 250,000    | \$ 250,000 110725    |
| Fund Group                                                         |    |            |                      |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 41,687,452 | \$ 41,489,970 110726 |
| NATIONAL GUARD BENEFITS                                            |    |            | 110727               |
| The foregoing appropriation item 745407, National Guard            |    |            | 110728               |
| Benefits, shall be used for purposes of sections 5919.31 and       |    |            | 110729               |
| 5919.33 of the Revised Code, and for administrative costs of the   |    |            | 110730               |
| associated programs.                                               |    |            | 110731               |
| For active duty members of the Ohio National Guard who died        |    |            | 110732               |
| after October 7, 2001, while performing active duty, the death     |    |            | 110733               |
| benefit, pursuant to section 5919.33 of the Revised Code, shall be |    |            | 110734               |
| paid to the beneficiary or beneficiaries designated on the         |    |            | 110735               |
| member's Servicemembers' Group Life Insurance Policy.              |    |            | 110736               |

|     |                                                                    |    |            |    |            |        |
|-----|--------------------------------------------------------------------|----|------------|----|------------|--------|
|     | STATE ACTIVE DUTY COSTS                                            |    |            |    | 110737     |        |
|     | Of the foregoing appropriation item 745409, Central                |    |            |    | 110738     |        |
|     | Administration, \$50,000 in each fiscal year shall be used for the |    |            |    | 110739     |        |
|     | purpose of paying expenses related to state active duty of members |    |            |    | 110740     |        |
|     | of the Ohio organized militia, in accordance with a proclamation   |    |            |    | 110741     |        |
|     | of the Governor. Expenses include, but are not limited to, the     |    |            |    | 110742     |        |
|     | cost of equipment, supplies, and services, as determined by the    |    |            |    | 110743     |        |
|     | Adjutant General's Department.                                     |    |            |    | 110744     |        |
|     | <b>Section 207.10.</b> DAS DEPARTMENT OF ADMINISTRATIVE SERVICES   |    |            |    | 110745     |        |
|     | General Revenue Fund                                               |    |            |    | 110746     |        |
| GRF | 100403 Public Employees                                            | \$ | 400,000    | \$ | 400,000    | 110747 |
|     | Health Care Program                                                |    |            |    |            |        |
| GRF | 100415 OAKS Rental Payments                                        | \$ | 23,024,500 | \$ | 23,006,300 | 110748 |
| GRF | 100416 STARS Lease Rental                                          | \$ | 4,970,700  | \$ | 4,971,300  | 110749 |
|     | Payments                                                           |    |            |    |            |        |
| GRF | 100418 Web Sites and Business                                      | \$ | 2,495,063  | \$ | 2,395,176  | 110750 |
|     | Gateway                                                            |    |            |    |            |        |
| GRF | 100419 IT Security                                                 | \$ | 742,535    | \$ | 742,648    | 110751 |
|     | Infrastructure                                                     |    |            |    |            |        |
| GRF | 100439 Equal Opportunity                                           | \$ | 625,000    | \$ | 625,000    | 110752 |
|     | Certification Programs                                             |    |            |    |            |        |
| GRF | 100447 OBA - Building Rent                                         | \$ | 53,260,000 | \$ | 83,504,200 | 110753 |
|     | Payments                                                           |    |            |    |            |        |
| GRF | 100448 OBA - Building                                              | \$ | 21,000,000 | \$ | 21,000,000 | 110754 |
|     | Operating Payments                                                 |    |            |    |            |        |
| GRF | 100449 DAS - Building                                              | \$ | 7,551,245  | \$ | 7,551,571  | 110755 |
|     | Operating Payments                                                 |    |            |    |            |        |
| GRF | 100451 Minority Affairs                                            | \$ | 24,016     | \$ | 24,016     | 110756 |
| GRF | 102321 Construction                                                | \$ | 920,000    | \$ | 920,000    | 110757 |
|     | Compliance                                                         |    |            |    |            |        |
| GRF | 130321 State Agency Support                                        | \$ | 2,500,000  | \$ | 2,500,000  | 110758 |

Services

|                                      |    |             |    |             |        |
|--------------------------------------|----|-------------|----|-------------|--------|
| TOTAL GRF General Revenue Fund       | \$ | 117,513,059 | \$ | 147,640,211 | 110759 |
| General Services Fund Group          |    |             |    |             | 110760 |
| 1120 100616 DAS Administration       | \$ | 5,974,625   | \$ | 5,886,524   | 110761 |
| 1150 100632 Central Service Agency   | \$ | 911,995     | \$ | 912,305     | 110762 |
| 1170 100644 General Services         | \$ | 14,452,167  | \$ | 14,171,070  | 110763 |
| Division - Operating                 |    |             |    |             |        |
| 1220 100637 Fleet Management         | \$ | 3,978,827   | \$ | 4,204,066   | 110764 |
| 1250 100622 Human Resources          | \$ | 16,922,295  | \$ | 16,717,009  | 110765 |
| Division - Operating                 |    |             |    |             |        |
| 1250 100657 Benefits Communication   | \$ | 925,586     | \$ | 921,531     | 110766 |
| 1280 100620 Collective Bargaining    | \$ | 3,462,529   | \$ | 3,464,148   | 110767 |
| 1300 100606 Risk Management          | \$ | 10,349,494  | \$ | 12,149,884  | 110768 |
| Reserve                              |    |             |    |             |        |
| 1310 100639 State Architect's Office | \$ | 9,812,132   | \$ | 9,813,342   | 110769 |
| 1320 100631 DAS Building Management  | \$ | 16,779,091  | \$ | 16,781,574  | 110770 |
| 1330 100607 IT Services Delivery     | \$ | 58,088,940  | \$ | 58,103,005  | 110771 |
| 1880 100649 Equal Opportunity        | \$ | 939,559     | \$ | 863,013     | 110772 |
| Division - Operating                 |    |             |    |             |        |
| 2100 100612 State Printing           | \$ | 28,277,561  | \$ | 28,279,452  | 110773 |
| 2290 100630 IT Governance            | \$ | 15,130,023  | \$ | 15,134,993  | 110774 |
| 2290 100640 Leveraged Enterprise     | \$ | 6,129,500   | \$ | 6,129,500   | 110775 |
| Purchases                            |    |             |    |             |        |
| 4270 100602 Investment Recovery      | \$ | 5,576,230   | \$ | 5,576,664   | 110776 |
| 4N60 100617 Major IT Purchases       | \$ | 1,950,000   | \$ | 4,950,000   | 110777 |
| 4P30 100603 DAS Information          | \$ | 5,047,565   | \$ | 4,979,392   | 110778 |
| Services                             |    |             |    |             |        |
| 5C20 100605 MARCS Administration     | \$ | 14,075,705  | \$ | 14,077,467  | 110779 |
| 5C30 100608 Skilled Trades           | \$ | 404,297     | \$ | 404,375     | 110780 |
| 5EB0 100635 OAKS Support             | \$ | 19,000,539  | \$ | 19,003,108  | 110781 |
| Organization                         |    |             |    |             |        |

|                                                 |                                        |                |                |        |
|-------------------------------------------------|----------------------------------------|----------------|----------------|--------|
| 5EB0 100656                                     | OAKS Updates and<br>Developments       | \$ 12,265,952  | \$ 8,743,462   | 110782 |
| 5HU0 100655                                     | Construction Reform<br>Demo Compliance | \$ 150,000     | \$ 150,000     | 110783 |
| 5L70 100610                                     | Professional<br>Development            | \$ 2,496,679   | \$ 2,496,760   | 110784 |
| 5V60 100619                                     | Employee Educational<br>Development    | \$ 1,047,022   | \$ 935,049     | 110785 |
| 5X30 100634                                     | Centralized Gateway<br>Enhancement     | \$ 2,052,308   | \$ 2,052,308   | 110786 |
| TOTAL GSF General Services Fund<br>Group        |                                        |                |                | 110787 |
|                                                 |                                        | \$ 256,200,621 | \$ 256,900,001 | 110788 |
| Federal Special Revenue Fund Group              |                                        |                |                | 110789 |
| 3AJ0 100654                                     | ARRA Broadband Mapping<br>Grant        | \$ 270,756     | \$ 106,347     | 110790 |
| TOTAL FED Federal Special Revenue<br>Fund Group |                                        |                |                | 110791 |
|                                                 |                                        | \$ 270,756     | \$ 106,347     | 110792 |
| State Special Revenue Fund Group                |                                        |                |                | 110793 |
| 5JQ0 100658                                     | Professions Licensing<br>System        | \$ 2,000,000   | \$ 1,000,000   | 110794 |
| TOTAL SSR State Special Revenue<br>Fund Group   |                                        |                |                | 110795 |
|                                                 |                                        | \$ 2,000,000   | \$ 1,000,000   | 110796 |
| TOTAL ALL BUDGET FUND GROUPS                    |                                        |                |                | 110797 |
|                                                 |                                        | \$ 375,984,436 | \$ 405,646,559 |        |

**Section 207.10.10. PUBLIC EMPLOYEES HEALTH CARE PROGRAM** 110799

The foregoing appropriation item 100403, Public Employees 110800  
Health Care Program, shall be used by the Department of 110801  
Administrative Services to carry out its duties prescribed in 110802  
section 9.901 of the Revised Code. 110803

**Section 207.10.20. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM** 110804

The Ohio Administrative Knowledge System (OAKS) is an 110805



enterprise resource planning system that replaced the state's 110806  
central services infrastructure systems, including, but not 110807  
limited to, the Central Accounting System, the Human 110808  
Resources/Payroll System, the Capital Improvements Projects 110809  
Tracking System, the Fixed Assets Management System, and the 110810  
Procurement System. The Department of Administrative Services, in 110811  
conjunction with the Office of Budget and Management, may update 110812  
or add functionality to the OAKS system that will support shared 110813  
services, financial or human resources functions, and enterprise 110814  
applications that improve the state's operational efficiency. This 110815  
includes, but is not limited to, the installation and 110816  
implementation of hardware and software. Any lease-purchase 110817  
arrangement entered into under Chapter 125. of the Revised Code to 110818  
finance the OAKS system and the enhancements described above, 110819  
including any fractionalized interest therein, as defined in 110820  
division (N) of section 133.01 of the Revised Code, shall provide 110821  
that at the end of the lease period, the financed asset becomes 110822  
the property of the state. 110823

**Section 207.10.30. OAKS LEASE RENTAL PAYMENTS** 110824

The foregoing appropriation item 100415, OAKS Rental 110825  
Payments, shall be used for payments at the times they are 110826  
required to be made for the period from July 1, 2011, through June 110827  
30, 2013, pursuant to leases and agreements entered into under 110828  
Chapter 125. of the Revised Code, as supplemented by Section 110829  
281.10 of Am. Sub. H.B. 562 of the 127th General Assembly and 110830  
other prior acts of the General Assembly, with respect to 110831  
financing the costs associated with the acquisition, development, 110832  
installation, and implementation of the Ohio Administrative 110833  
Knowledge System. If it is determined that additional 110834  
appropriations are necessary for this purpose, the amounts are 110835  
hereby appropriated. 110836

**Section 207.10.40.** STATE TAXATION ACCOUNTING AND REVENUE 110837  
SYSTEM 110838

The Department of Administrative Services, in conjunction 110839  
with the Department of Taxation, may acquire the State Taxation 110840  
Accounting and Revenue System (STARS) pursuant to Chapter 125. of 110841  
the Revised Code, including, but not limited to, the application 110842  
hardware and software and installation and implementation thereof, 110843  
for the use of the Department of Taxation. STARS is an integrated 110844  
tax collection and audit system that will replace all of the 110845  
state's existing separate tax software and administration systems 110846  
for the various taxes collected by the state. Any lease-purchase 110847  
arrangement used under Chapter 125. of the Revised Code to acquire 110848  
STARS, including any fractionalized interests therein as defined 110849  
in division (N) of section 133.01 of the Revised Code, shall 110850  
provide that at the end of the lease period, STARS becomes the 110851  
property of the state. 110852

**Section 207.10.50.** STARS LEASE RENTAL PAYMENTS 110853

The foregoing appropriation item 100416, STARS Lease Rental 110854  
Payments, shall be used for payments at the times they are 110855  
required to be made for the period from July 1, 2011, through June 110856  
30, 2013, pursuant to leases and agreements entered into under 110857  
Chapter 125. of the Revised Code, as supplemented by Section 110858  
207.10.30 of Am. Sub. H.B. 1 of the 128th General Assembly and 110859  
other prior acts of the General Assembly, with respect to 110860  
financing the cost for the acquisition, development, installation, 110861  
and implementation of the State Taxation Accounting and Revenue 110862  
System (STARS). If it is determined that additional appropriations 110863  
are necessary for this purpose, the amounts are appropriated. 110864

**Section 207.10.60.** EQUAL OPPORTUNITY CERTIFICATION PROGRAMS 110865

The foregoing appropriation item 100439, Equal Opportunity 110866

Certification Programs, shall be used to pay costs associated with 110867  
the equal employment opportunity project tracking software that 110868  
were formerly paid from appropriation item 100423, EEO Project 110869  
Tracking Software. 110870

**Section 207.10.70. BUILDING RENT PAYMENTS** 110871

The foregoing appropriation item 100447, OBA - Building Rent 110872  
Payments, shall be used to meet all payments at the times they are 110873  
required to be made during the period from July 1, 2011, through 110874  
June 30, 2013, by the Department of Administrative Services to the 110875  
Ohio Building Authority pursuant to leases and agreements under 110876  
Chapter 152. of the Revised Code. These appropriations are the 110877  
source of funds pledged for bond service charges on obligations 110878  
issued pursuant to Chapter 152. of the Revised Code. 110879

The foregoing appropriation item 100448, OBA - Building 110880  
Operating Payments, shall be used to meet all payments at the 110881  
times that they are required to be made during the period from 110882  
July 1, 2011, through June 30, 2013, by the Department of 110883  
Administrative Services to the Ohio Building Authority pursuant to 110884  
leases and agreements under Chapter 152. of the Revised Code, but 110885  
limited to the aggregate amount of \$42,800,000. 110886

The payments to the Ohio Building Authority are for paying 110887  
the expenses of agencies that occupy space in various state 110888  
facilities. The Department of Administrative Services may enter 110889  
into leases and agreements with the Ohio Building Authority 110890  
providing for the payment of these expenses. The Ohio Building 110891  
Authority shall report to the Department of Administrative 110892  
Services and the Office of Budget and Management not later than 110893  
five months after the start of each fiscal year the actual 110894  
expenses incurred by the Ohio Building Authority in operating the 110895  
facilities and any balances remaining from payments and rentals 110896  
received in the prior fiscal year. The Department of 110897

Administrative Services shall reduce subsequent payments by the 110898  
amount of the balance reported to it by the Ohio Building 110899  
Authority. 110900

**Section 207.10.80. DAS - BUILDING OPERATING PAYMENTS** 110901

The foregoing appropriation item 100449, DAS - Building 110902  
Operating Payments, shall be used to pay the rent expenses of 110903  
veterans organizations pursuant to section 123.024 of the Revised 110904  
Code in fiscal years 2012 and 2013. 110905

The foregoing appropriation item, 100449, DAS - Building 110906  
Operating Payments, also may be used to provide funding for the 110907  
cost of property appraisals or building studies that the 110908  
Department of Administrative Services may be required to obtain 110909  
for property that is being sold by the state or property under 110910  
consideration to be renovated or purchased by the state. 110911

Notwithstanding section 125.28 of the Revised Code, the 110912  
remaining portion of the appropriation may be used to pay the 110913  
operating expenses of state facilities maintained by the 110914  
Department of Administrative Services that are not billed to 110915  
building tenants. These expenses may include, but are not limited 110916  
to, the costs for vacant space and space undergoing renovation, 110917  
and the rent expenses of tenants that are relocated because of 110918  
building renovations. These payments shall be processed by the 110919  
Department of Administrative Services through intrastate transfer 110920  
vouchers and placed in the Building Management Fund (Fund 1320). 110921

**Section 207.10.90. CENTRAL SERVICE AGENCY FUND** 110922

The appropriation item 100632, Central Service Agency, shall 110923  
be used to purchase the equipment, products, and services that are 110924  
needed to maintain existing automated applications for the 110925  
professional licensing boards and to support board licensing 110926  
functions in fiscal years 2012 and 2013 until these functions are 110927

replaced by the Ohio Professionals Licensing System. The 110928  
Department of Administrative Services shall establish charges for 110929  
recovering the costs of carrying out these functions. The charges 110930  
shall be billed to the professional licensing boards and deposited 110931  
via intrastate transfer vouchers to the credit of the Central 110932  
Service Agency Fund (Fund 1150). 110933

**Section 207.20.10. GENERAL SERVICE CHARGES** 110934

The Department of Administrative Services, with the approval 110935  
of the Director of Budget and Management, shall establish charges 110936  
for recovering the costs of administering the programs funded by 110937  
the General Services Fund (Fund 1170) and the State Printing Fund 110938  
(Fund 2100). Such charges within Fund 1170 may be used to recover 110939  
the cost of paying a vendor to establish reduced pricing for 110940  
contracted supplies or services. 110941

If the Director of Administrative Services determines that 110942  
additional amounts are necessary to pay for consulting and 110943  
administrative costs related to securing lower pricing, the 110944  
Director of Administrative Services may request that the Director 110945  
of Budget and Management approve additional expenditures. Such 110946  
approved additional amounts are appropriated to appropriation item 110947  
100644, General Services Division-Operating. 110948

**Section 207.20.20. COLLECTIVE BARGAINING ARBITRATION EXPENSES** 110949

With approval of the Director of Budget and Management, the 110950  
Department of Administrative Services may seek reimbursement from 110951  
state agencies for the actual costs and expenses the Department 110952  
incurs in the collective bargaining arbitration process. The 110953  
reimbursements shall be processed through intrastate transfer 110954  
vouchers and credited to the Collective Bargaining Fund (Fund 110955  
1280). 110956

**Section 207.20.30. EQUAL OPPORTUNITY PROGRAM** 110957

The Department of Administrative Services, with the approval 110958  
of the Director of Budget and Management, shall establish charges 110959  
for recovering the costs of administering the activities supported 110960  
by the State EEO Fund (Fund 1880). These charges shall be 110961  
deposited to the credit of the State EEO Fund (Fund 1880) upon 110962  
payment made by state agencies, state-supported or state-assisted 110963  
institutions of higher education, and tax-supported agencies, 110964  
municipal corporations, and other political subdivisions of the 110965  
state, for services rendered. 110966

**Section 207.20.40. INVESTMENT RECOVERY FUND** 110967

Notwithstanding division (B) of section 125.14 of the Revised 110968  
Code, cash balances in the Investment Recovery Fund (Fund 4270) 110969  
may be used to support the operating expenses of the Federal 110970  
Surplus Operating Program created in sections 125.84 to 125.90 of 110971  
the Revised Code. 110972

Notwithstanding division (B) of section 125.14 of the Revised 110973  
Code, cash balances in the Investment Recovery Fund may be used to 110974  
support the operating expenses of the Asset Management Services 110975  
Program, including, but not limited to, the cost of establishing 110976  
and maintaining procedures for inventory records for state 110977  
property as described in section 125.16 of the Revised Code. 110978

Of the foregoing appropriation item 100602, Investment 110979  
Recovery, up to \$2,092,697 in fiscal year 2012 and up to 110980  
\$2,092,697 in fiscal year 2013 may be used to pay the operating 110981  
expenses of the State Surplus Property Program, the Surplus 110982  
Federal Property Program, and the Asset Management Services 110983  
Program under Chapter 125. of the Revised Code and this section. 110984  
If additional appropriations are necessary for the operations of 110985  
these programs, the Director of Administrative Services shall seek 110986

increased appropriations from the Controlling Board under section 110987  
131.35 of the Revised Code. 110988

Of the foregoing appropriation item 100602, Investment 110989  
Recovery, \$3,500,000 in each fiscal year shall be used to transfer 110990  
proceeds from the sale of surplus property from the Investment 110991  
Recovery Fund to non-General Revenue Funds under division (A)(2) 110992  
of section 125.14 of the Revised Code. If it is determined by the 110993  
Director of Administrative Services that additional amounts are 110994  
necessary for the transfer of such sale proceeds, the Director of 110995  
Administrative Services may request the Director of Budget and 110996  
Management to authorize additional amounts. Such authorized 110997  
additional amounts are hereby appropriated. 110998

**Section 207.20.50. DAS INFORMATION SERVICES** 110999

There is hereby established in the State Treasury the DAS 111000  
Information Services Fund. The foregoing appropriation item 111001  
100603, DAS Information Services, shall be used to pay the costs 111002  
of providing information systems and services in the Department of 111003  
Administrative Services. Any state agency, board, or commission 111004  
may use DAS Information Services by paying for the services 111005  
rendered. 111006

The Department of Administrative Services shall establish 111007  
user charges for all information systems and services that are 111008  
allowable in the statewide indirect cost allocation plan submitted 111009  
annually to the United States Department of Health and Human 111010  
Services. These charges shall comply with federal regulations and 111011  
shall be deposited to the credit of the DAS Information Services 111012  
Fund (Fund 4P30). 111013

**Section 207.20.60. PROFESSIONAL DEVELOPMENT FUND** 111014

The foregoing appropriation item 100610, Professional 111015  
Development, shall be used to make payments from the Professional 111016

Development Fund (Fund 5L70) under section 124.182 of the Revised Code. If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management approve additional amounts. Such approved additional amounts are hereby appropriated.

**Section 207.20.70. EMPLOYEE EDUCATIONAL DEVELOPMENT** 111023

The foregoing appropriation item 100619, Employee Educational Development, shall be used to make payments from the Employee Educational Development Fund (Fund 5V60) under section 124.86 of the Revised Code. The fund shall be used to pay the costs of administering educational programs under existing collective bargaining agreements with District 1199, the Health Care and Social Service Union; State Council of Professional Educators; Ohio Education Association and National Education Association; the Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio State Troopers Association, Units 1 and 15.

If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management approve additional amounts. Such approved additional amounts are hereby appropriated.

**Section 207.20.80. CENTRALIZED GATEWAY ENHANCEMENT FUND** 111039

(A) As used in this section, "Ohio Business Gateway" refers to the internet-based system operated by the Department of Administrative Services with the advice of the Ohio Business Gateway Steering Committee established under section 5703.57 of the Revised Code. The Ohio Business Gateway is established to provide businesses a central web site where various filings and payments are submitted online to government. The information is



then distributed to the various government entities that interact 111047  
with the business community. 111048

(B) As used in this section: 111049

(1) "State Portal" refers to the official web site of the 111050  
state, operated by the Department of Administrative Services. 111051

(2) "Shared Hosting Environment" refers to the computerized 111052  
system operated by the Department of Administrative Services for 111053  
the purpose of providing capability for state agencies to host web 111054  
sites. 111055

(C) There is hereby created in the state treasury the 111056  
Centralized Gateway Enhancement Fund (Fund 5X30). The foregoing 111057  
appropriation item 100634, Centralized Gateway Enhancement, shall 111058  
be used by the Department of Administrative Services to pay the 111059  
costs of enhancing, expanding, and operating the infrastructure of 111060  
the Ohio Business Gateway, State Portal, and Shared Hosting 111061  
Environment. The Director of Administrative Services shall submit 111062  
spending plans to the Director of Budget and Management to justify 111063  
operating transfers to the fund from the General Revenue Fund. 111064  
Upon approval, the Director of Budget and Management shall 111065  
transfer approved amounts to the fund, not to exceed the amount of 111066  
the annual appropriation in each fiscal year. The spending plans 111067  
may be based on the recommendations of the Ohio Business Gateway 111068  
Steering Committee or its successor. 111069

**Section 207.20.90.** CASH TRANSFERS FROM THE MAJOR IT PURCHASES 111070  
FUND 111071

Upon request of the Director of Administrative Services, the 111072  
Director of Budget and Management may make the following transfers 111073  
from the Major IT Purchases Fund (Fund 4N60): 111074

(1) Up to \$2,800,000 in each fiscal year of the biennium to 111075  
the State Architect's Fund (Fund 1310) to support the OAKS Capital 111076

Improvements Module and other costs of the State Architect's Office that are not directly related to capital projects managed by the State Architect;

(2) Up to \$310,276 in fiscal year 2012 and up to \$305,921 in fiscal year 2013 to the Director's Office Fund (Fund 1120) to support operating expenses of the Accountability and Results Initiative.

**Section 207.30.10. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS**

The Director of Administrative Services, in consultation with the Multi-Agency Radio Communication System (MARCS) Steering Committee and the Director of Budget and Management, shall determine the share of debt service payments attributable to spending for MARCS components that are not specific to any one agency and that shall be charged to agencies supported by the motor fuel tax. Such share of debt service payments shall be calculated for MARCS capital disbursements made beginning July 1, 1997. Within thirty days of any payment made from appropriation item 100447, OBA - Building Rent Payments, the Director of Administrative Services shall certify to the Director of Budget and Management the amount of this share. The Director of Budget and Management shall transfer such amounts to the General Revenue Fund from the State Highway Safety Fund (Fund 7036) established in section 4501.06 of the Revised Code.

The Director of Administrative Services shall consider renting or leasing existing tower sites at reasonable or current market rates, so long as these existing sites are equipped with the technical capabilities to support the MARCS project.

**Section 207.30.20. OHIO PROFESSIONALS LICENSING SYSTEM**

There is hereby created in the state treasury the Ohio

Professionals Licensing System Fund (Fund 5JQ0). Appropriation 111107  
item 100658, Ohio Professionals Licensing System, shall be used to 111108  
make payments from the fund. The fund shall be used to purchase 111109  
the equipment, products, and services necessary to develop and 111110  
maintain a replacement automated licensing system for the 111111  
professional licensing boards. The Director of Budget and 111112  
Management may transfer up to \$2,670,000 in cash from the 111113  
Occupational Licensing and Regulatory Fund (4K90) and up to 111114  
\$330,000 from the State Medical Board Operating Fund (Fund 5C60) 111115  
to the Ohio Professionals Licensing System Fund during the FY 111116  
2012-FY 2013 biennium. The purpose of this cash transfer is to 111117  
fund the initial acquisition and development of the system. Any 111118  
cash balances not expended in fiscal year 2012 are reappropriated 111119  
in fiscal year 2013. 111120

Effective with the implementation of the replacement 111121  
licensing system, the Department of Administrative Services shall 111122  
establish charges for recovering the costs of ongoing maintenance 111123  
of the system. The charges shall be billed to the professional 111124  
licensing boards and deposited via intrastate transfer vouchers to 111125  
the credit of the Ohio Professionals Licensing System Fund. 111126

**Section 207.30.30. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY** 111127

Whenever the Director of Administrative Services declares a 111128  
"public exigency," as provided in division (C) of section 123.15 111129  
of the Revised Code, the Director shall also notify the members of 111130  
the Controlling Board. 111131

**Section 209.10. AGE DEPARTMENT OF AGING** 111132

General Revenue Fund 111133

GRF 490321 Operating Expenses \$ 1,501,616 \$ 1,502,442 111134

GRF 490410 Long-Term Care \$ 482,271 \$ 482,271 111135

Ombudsman

|                                    |                                       |                                                 |    |            |    |            |        |
|------------------------------------|---------------------------------------|-------------------------------------------------|----|------------|----|------------|--------|
| GRF                                | 490411                                | Senior Community<br>Services                    | \$ | 7,130,952  | \$ | 7,131,236  | 111136 |
| GRF                                | 490414                                | Alzheimer's Respite                             | \$ | 1,917,740  | \$ | 1,917,757  | 111137 |
| GRF                                | 490423                                | Long Term Care Budget<br>- State                | \$ | 3,419,250  | \$ | 3,419,250  | 111138 |
| GRF                                | 490506                                | National Senior<br>Service Corps                | \$ | 241,413    | \$ | 241,413    | 111139 |
| TOTAL GRF                          | General Revenue Fund                  |                                                 | \$ | 14,693,242 | \$ | 14,694,369 | 111140 |
| General Services Fund Group        |                                       |                                                 |    |            |    |            | 111141 |
| 4800                               | 490606                                | Senior Community<br>Outreach and<br>Education   | \$ | 372,518    | \$ | 372,523    | 111142 |
| TOTAL GSF                          | General Services Fund<br>Group        |                                                 | \$ | 372,518    | \$ | 372,523    | 111144 |
| Federal Special Revenue Fund Group |                                       |                                                 |    |            |    |            | 111145 |
| 3220                               | 490618                                | Federal Aging Grants                            | \$ | 14,000,000 | \$ | 14,000,000 | 111146 |
| 3C40                               | 490623                                | Long Term Care Budget                           | \$ | 3,525,000  | \$ | 3,525,000  | 111147 |
| 3M40                               | 490612                                | Federal Independence<br>Services                | \$ | 63,655,080 | \$ | 63,655,080 | 111148 |
| TOTAL FED                          | Federal Special Revenue<br>Fund Group |                                                 | \$ | 81,180,080 | \$ | 81,180,080 | 111150 |
| State Special Revenue Fund Group   |                                       |                                                 |    |            |    |            | 111151 |
| 4C40                               | 490609                                | Regional Long-Term<br>Care Ombudsman<br>Program | \$ | 935,000    | \$ | 935,000    | 111152 |
| 5BA0                               | 490620                                | Ombudsman Support                               | \$ | 750,000    | \$ | 750,000    | 111153 |
| 5K90                               | 490613                                | Long Term Care<br>Consumers Guide               | \$ | 1,059,400  | \$ | 1,059,400  | 111154 |
| 5W10                               | 490616                                | Resident Services<br>Coordinator Program        | \$ | 344,692    | \$ | 344,700    | 111155 |
| TOTAL SSR                          | State Special Revenue<br>Fund Group   |                                                 | \$ | 3,089,092  | \$ | 3,089,100  | 111157 |



years of age and over. The department shall promote cost sharing 111189  
by service recipients for those services funded with senior 111190  
community services funds, including, when possible, sliding-fee 111191  
scale payment systems based on the income of service recipients. 111192

ALZHEIMER'S RESPITE 111193

The foregoing appropriation item 490414, Alzheimer's Respite, 111194  
shall be used to fund only Alzheimer's disease services under 111195  
section 173.04 of the Revised Code. 111196

SENIOR COMMUNITY OUTREACH AND EDUCATION 111197

The foregoing appropriation item 490606, Senior Community 111198  
Outreach and Education, may be used to provide training to workers 111199  
in the field of aging pursuant to division (G) of section 173.02 111200  
of the Revised Code. 111201

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 111202  
AND FEDERAL AGING GRANTS 111203

At the request of the Director of Aging, the Director of 111204  
Budget and Management may transfer appropriation between 111205  
appropriation items 490612, Federal Independence Services, and 111206  
490618, Federal Aging Grants. The amounts transferred shall not 111207  
exceed 30 per cent of the appropriation from which the transfer is 111208  
made. Any transfers shall be reported by the Department of Aging 111209  
to the Controlling Board at the next scheduled meeting of the 111210  
board. 111211

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 111212

The foregoing appropriation item 490609, Regional Long-Term 111213  
Care Ombudsman Program, shall be used to pay the costs of 111214  
operating the regional long-term care ombudsman programs 111215  
designated by the Long-Term Care Ombudsman. 111216

TRANSFER OF RESIDENT PROTECTION FUNDS 111217

In each fiscal year, the Director of Budget and Management 111218

may transfer up to \$750,000 cash from the Resident Protection Fund 111219  
(Fund 4E30), which is used by the Department of Job and Family 111220  
Services, to the Ombudsman Support Fund (Fund 5BA0), which is used 111221  
by the Department of Aging. The moneys in the Ombudsman Support 111222  
Fund may be used by the state office of the Long-Term Care 111223  
Ombudsman Program and by regional ombudsman programs to promote 111224  
person-centered care in nursing homes. 111225

On July 1, 2011, or as soon as possible thereafter, the 111226  
Department of Aging shall certify to the Director of Budget and 111227  
Management the amount of the cash balance in the Ombudsman Support 111228  
Fund at the end of fiscal year 2011. 111229

LONG-TERM CARE CONSUMERS GUIDE 111230

The foregoing appropriation item 490613, Long-Term Care 111231  
Consumers Guide, shall be used to conduct annual customer 111232  
satisfaction surveys and to pay for other administrative expenses 111233  
related to the publication of the Ohio Long-Term Care Consumer 111234  
Guide. 111235

During fiscal year 2012 and fiscal year 2013, the Department 111236  
of Aging shall identify methods and tools for assessing consumer 111237  
satisfaction with adult care facilities and with the providers of 111238  
home and community-based services. The Department shall also 111239  
consider the development of a provider fee structure to support 111240  
the inclusion of information about adult care facilities and 111241  
providers of home and community-based services among the types of 111242  
providers reviewed in the Ohio Long-Term Care Consumer Guide. 111243

**Section 211.10.** AGR DEPARTMENT OF AGRICULTURE 111244

General Revenue Fund 111245

|            |                        |    |           |    |           |        |
|------------|------------------------|----|-----------|----|-----------|--------|
| GRF 700401 | Animal Disease Control | \$ | 3,936,687 | \$ | 3,936,687 | 111246 |
| GRF 700403 | Dairy Division         | \$ | 1,088,115 | \$ | 1,088,115 | 111247 |
| GRF 700404 | Ohio Proud             | \$ | 50,000    | \$ | 50,000    | 111248 |

|             |                                               |               |               |        |
|-------------|-----------------------------------------------|---------------|---------------|--------|
| GRF 700406  | Consumer Analytical<br>Lab                    | \$ 1,287,556  | \$ 1,287,556  | 111249 |
| GRF 700407  | Food Safety                                   | \$ 848,792    | \$ 848,792    | 111250 |
| GRF 700409  | Farmland Preservation                         | \$ 72,750     | \$ 72,750     | 111251 |
| GRF 700412  | Weights and Measures                          | \$ 600,000    | \$ 600,000    | 111252 |
| GRF 700415  | Poultry Inspection                            | \$ 392,978    | \$ 392,978    | 111253 |
| GRF 700418  | Livestock Regulation<br>Program               | \$ 1,108,071  | \$ 1,108,071  | 111254 |
| GRF 700424  | Livestock Testing and<br>Inspections          | \$ 102,770    | \$ 102,770    | 111255 |
| GRF 700499  | Meat Inspection<br>Program - State Share      | \$ 4,175,097  | \$ 4,175,097  | 111256 |
| GRF 700501  | County Agricultural<br>Societies              | \$ 391,413    | \$ 391,413    | 111257 |
| TOTAL GRF   | General Revenue Fund                          | \$ 14,054,229 | \$ 14,054,229 | 111258 |
|             | General Services Fund Group                   |               |               | 111259 |
| 5DA0 700644 | Laboratory<br>Administration<br>Support       | \$ 1,094,867  | \$ 1,094,867  | 111260 |
| 5GH0 700655 | Central Support<br>Indirect Cost              | \$ 4,456,842  | \$ 4,456,842  | 111261 |
| TOTAL GSF   | General Services Fund<br>Group                | \$ 5,551,709  | \$ 5,551,709  | 111262 |
|             | Federal Special Revenue Fund Group            |               |               | 111263 |
| 3260 700618 | Meat Inspection<br>Program - Federal<br>Share | \$ 4,950,000  | \$ 4,950,000  | 111264 |
| 3360 700617 | Ohio Farm Loan<br>Revolving Fund              | \$ 150,000    | \$ 150,000    | 111265 |
| 3820 700601 | Cooperative Contracts                         | \$ 2,000,000  | \$ 2,000,000  | 111266 |
| 3AB0 700641 | Agricultural Easement                         | \$ 1,000,000  | \$ 1,000,000  | 111267 |
| 3J40 700607 | Indirect Cost                                 | \$ 600,000    | \$ 600,000    | 111268 |



|                                  |        |                         |    |           |    |           |        |
|----------------------------------|--------|-------------------------|----|-----------|----|-----------|--------|
| 3R20                             | 700614 | Federal Plant           | \$ | 1,000,000 | \$ | 1,000,000 | 111269 |
|                                  |        | Industry                |    |           |    |           |        |
| TOTAL FED                        |        | Federal Special Revenue |    |           |    |           | 111270 |
| Fund Group                       |        |                         | \$ | 9,700,000 | \$ | 9,700,000 | 111271 |
| State Special Revenue Fund Group |        |                         |    |           |    |           | 111272 |
| 4960                             | 700626 | Ohio Grape Industries   | \$ | 846,611   | \$ | 846,611   | 111273 |
| 4970                             | 700627 | Commodity Handlers      | \$ | 483,402   | \$ | 483,402   | 111274 |
|                                  |        | Regulatory Program      |    |           |    |           |        |
| 4C90                             | 700605 | Commercial Feed and     | \$ | 1,816,897 | \$ | 1,816,897 | 111275 |
|                                  |        | Seed                    |    |           |    |           |        |
| 4D20                             | 700609 | Auction Education       | \$ | 41,000    | \$ | 41,000    | 111276 |
| 4E40                             | 700606 | Utility Radiological    | \$ | 131,785   | \$ | 131,785   | 111277 |
|                                  |        | Safety                  |    |           |    |           |        |
| 4P70                             | 700610 | Food Safety             | \$ | 1,085,836 | \$ | 1,085,836 | 111278 |
|                                  |        | Inspection              |    |           |    |           |        |
| 4R00                             | 700636 | Ohio Proud Marketing    | \$ | 30,500    | \$ | 30,500    | 111279 |
| 4R20                             | 700637 | Dairy Industry          | \$ | 1,758,247 | \$ | 1,758,247 | 111280 |
|                                  |        | Inspection              |    |           |    |           |        |
| 4T60                             | 700611 | Poultry and Meat        | \$ | 180,000   | \$ | 180,000   | 111281 |
|                                  |        | Inspection              |    |           |    |           |        |
| 4T70                             | 700613 | Ohio Proud              | \$ | 50,000    | \$ | 50,000    | 111282 |
|                                  |        | International and       |    |           |    |           |        |
|                                  |        | Domestic Market         |    |           |    |           |        |
|                                  |        | Development             |    |           |    |           |        |
| 5780                             | 700620 | Ride Inspection Fees    | \$ | 1,175,142 | \$ | 1,175,142 | 111283 |
| 5B80                             | 700629 | Auctioneers             | \$ | 359,823   | \$ | 359,823   | 111284 |
| 5FC0                             | 700648 | Plant Pest Program      | \$ | 1,164,000 | \$ | 1,164,000 | 111285 |
| 5H20                             | 700608 | Metrology Lab and       | \$ | 750,000   | \$ | 750,000   | 111286 |
|                                  |        | Scale Certification     |    |           |    |           |        |
| 5HP0                             | 700656 | Livestock Care          | \$ | 80,000    | \$ | 80,000    | 111287 |
|                                  |        | Standards Board         |    |           |    |           |        |
| 5L80                             | 700604 | Livestock Management    | \$ | 584,000   | \$ | 584,000   | 111288 |
|                                  |        | Program                 |    |           |    |           |        |

|                                                                    |        |                                                          |    |            |    |            |        |
|--------------------------------------------------------------------|--------|----------------------------------------------------------|----|------------|----|------------|--------|
| 6520                                                               | 700634 | Animal and Consumer<br>Analytical Laboratory             | \$ | 4,366,383  | \$ | 4,366,383  | 111289 |
| 6690                                                               | 700635 | Pesticide,<br>Fertilizer, and Lime<br>Inspection Program | \$ | 3,418,041  | \$ | 3,418,041  | 111290 |
| TOTAL SSR State Special Revenue                                    |        |                                                          |    |            |    |            | 111291 |
| Fund Group                                                         |        |                                                          | \$ | 18,321,667 | \$ | 18,321,667 | 111292 |
| Clean Ohio Conservation Fund Group                                 |        |                                                          |    |            |    |            | 111293 |
| 7057                                                               | 700632 | Clean Ohio<br>Agricultural Easement                      | \$ | 310,000    | \$ | 310,000    | 111294 |
| TOTAL CLF Clean Ohio Conservation<br>Fund Group                    |        |                                                          |    |            |    |            | 111295 |
| TOTAL ALL BUDGET FUND GROUPS                                       |        |                                                          | \$ | 47,937,605 | \$ | 47,937,605 | 111296 |
| COUNTY AGRICULTURAL SOCIETIES                                      |        |                                                          |    |            |    |            | 111297 |
| The foregoing appropriation item 700501, County Agricultural       |        |                                                          |    |            |    |            | 111298 |
| Societies, shall be used to reimburse county and independent       |        |                                                          |    |            |    |            | 111299 |
| agricultural societies for expenses related to Junior Fair         |        |                                                          |    |            |    |            | 111300 |
| activities.                                                        |        |                                                          |    |            |    |            | 111301 |
| CLEAN OHIO AGRICULTURAL EASEMENT                                   |        |                                                          |    |            |    |            | 111302 |
| The foregoing appropriation item 700632, Clean Ohio                |        |                                                          |    |            |    |            | 111303 |
| Agricultural Easement, shall be used by the Department of          |        |                                                          |    |            |    |            | 111304 |
| Agriculture in administering Ohio Agricultural Easement Fund (Fund |        |                                                          |    |            |    |            | 111305 |
| 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to |        |                                                          |    |            |    |            | 111306 |
| 5301.70 of the Revised Code.                                       |        |                                                          |    |            |    |            | 111307 |
| <b>Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY</b>       |        |                                                          |    |            |    |            | 111308 |
| General Services Fund Group                                        |        |                                                          |    |            |    |            | 111309 |
| 5EG0                                                               | 898608 | Energy Strategy<br>Development                           | \$ | 240,382    | \$ | 240,681    | 111310 |
| TOTAL GSF General Services Fund                                    |        |                                                          |    |            |    |            | 111311 |
| Agency Fund Group                                                  |        |                                                          |    |            |    |            | 111312 |

|                              |                   |                    |    |         |    |         |        |
|------------------------------|-------------------|--------------------|----|---------|----|---------|--------|
| 4Z90                         | 898602            | Small Business     | \$ | 288,050 | \$ | 288,232 | 111313 |
|                              |                   | Ombudsman          |    |         |    |         |        |
| 5700                         | 898601            | Operating Expenses | \$ | 323,980 | \$ | 323,980 | 111314 |
| 5A00                         | 898603            | Small Business     | \$ | 71,087  | \$ | 71,087  | 111315 |
|                              |                   | Assistance         |    |         |    |         |        |
| TOTAL AGY                    | Agency Fund Group |                    | \$ | 683,117 | \$ | 683,299 | 111316 |
| TOTAL ALL BUDGET FUND GROUPS |                   |                    | \$ | 923,499 | \$ | 923,980 | 111317 |

**Section 213.20.** ENERGY STRATEGY DEVELOPMENT 111319

The Ohio Air Quality Development Authority shall establish 111320  
the Energy Strategy Development Program for the purpose of 111321  
developing energy initiatives, projects, and policy for the state. 111322  
Issues addressed by such initiatives, projects, and policy shall 111323  
not be limited to those governed by Chapter 3706. of the Revised 111324  
Code. 111325

There is hereby created in the state treasury the Energy 111326  
Strategy Development Fund (Fund 5EG0). The fund shall consist of 111327  
money credited to it and money obtained for advanced energy 111328  
projects from federal or private grants, loans, or other sources. 111329  
Money in the fund shall be used to carry out the purposes of the 111330  
program. Interest earned on the money in the fund shall be 111331  
credited to the General Revenue Fund. 111332

On July 1 of each fiscal year, or as soon as possible 111333  
thereafter, the Director of Budget and Management may transfer 111334  
cash from the funds specified below, in the amounts specified 111335  
below, to the Energy Strategy Development Fund. Fund 5EG0 may 111336  
accept contributions and transfers made to the fund. On July 1, 111337  
2013, or as soon as possible thereafter, the Director shall 111338  
transfer to the General Revenue Fund all cash credited to Fund 111339  
5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 111340

| <u>Fund</u> | <u>Fund Name</u> | <u>User</u>   |  | <u>FY 2012</u> | <u>FY 2013</u> |        |
|-------------|------------------|---------------|--|----------------|----------------|--------|
| 1170        | Office Services  | Department of |  | \$27,405       | \$27,439       | 111342 |

|      |                   |                            |          |          |        |
|------|-------------------|----------------------------|----------|----------|--------|
|      |                   | Administrative<br>Services |          |          |        |
| 5GH0 | Central Support   | Department of              | \$27,405 | \$27,439 | 111343 |
|      | Indirect Cost     | Agriculture                |          |          |        |
| 1350 | Supportive        | Department of              | \$27,405 | \$27,439 | 111344 |
|      | Services          | Development                |          |          |        |
| 2190 | Central Support   | Environmental              | \$27,405 | \$27,439 | 111345 |
|      | Indirect Cost     | Protection Agency          |          |          |        |
| 1570 | Central Support   | Department of              | \$27,405 | \$27,439 | 111346 |
|      | Indirect          | Natural Resources          |          |          |        |
|      | Chargeback        |                            |          |          |        |
| 7002 | Highway Operating | Department of              | \$39,150 | \$39,199 | 111347 |
|      |                   | Transportation             |          |          |        |

**Section 213.30.** REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 111348

AUTHORITY TRUST ACCOUNT 111349

Notwithstanding any other provision of law to the contrary, 111350  
the Air Quality Development Authority may reimburse the Air 111351  
Quality Development Authority trust account established under 111352  
section 3706.10 of the Revised Code from all operating funds of 111353  
the agency for expenses pertaining to the administration and 111354  
shared costs incurred by the Air Quality Development Authority in 111355  
the execution of responsibilities as prescribed in Chapter 3706. 111356  
of the Revised Code. Reimbursement shall be made by voucher and 111357  
completed in accordance with the administrative indirect costs 111358  
allocation plan approved by the Office of Budget and Management. 111359

**Section 215.10.** ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 111360

SERVICES 111361

General Revenue Fund 111362

|     |        |                     |    |            |    |           |        |
|-----|--------|---------------------|----|------------|----|-----------|--------|
| GRF | 038401 | Treatment Services  | \$ | 35,184,703 | \$ | 7,020,974 | 111363 |
| GRF | 038404 | Prevention Services | \$ | 868,659    | \$ | 868,659   | 111364 |

|                                             |    |             |    |             |        |
|---------------------------------------------|----|-------------|----|-------------|--------|
| TOTAL GRF General Revenue Fund              | \$ | 36,053,362  | \$ | 7,889,633   | 111365 |
| General Services Fund                       |    |             |    |             | 111366 |
| 5T90 038616 Problem Gambling                | \$ | 335,000     | \$ | 335,000     | 111367 |
| Services                                    |    |             |    |             |        |
| TOTAL GSF General Services Fund             | \$ | 335,000     | \$ | 335,000     | 111368 |
| Group                                       |    |             |    |             |        |
| Federal Special Revenue Fund Group          |    |             |    |             | 111369 |
| 3G40 038614 Substance Abuse Block           | \$ | 69,000,000  | \$ | 69,000,000  | 111370 |
| Grant                                       |    |             |    |             |        |
| 3H80 038609 Demonstration Grants            | \$ | 8,675,580   | \$ | 8,675,580   | 111371 |
| 3J80 038610 Medicaid                        | \$ | 69,200,000  | \$ | 0           | 111372 |
| 3N80 038611 Administrative                  | \$ | 300,000     | \$ | 300,000     | 111373 |
| Reimbursement                               |    |             |    |             |        |
| TOTAL FED Federal Special Revenue           |    |             |    |             | 111374 |
| Fund Group                                  | \$ | 147,175,580 | \$ | 77,975,580  | 111375 |
| State Special Revenue Fund Group            |    |             |    |             | 111376 |
| 4750 038621 Statewide Treatment             | \$ | 16,000,000  | \$ | 14,000,000  | 111377 |
| and Prevention                              |    |             |    |             |        |
| 5JW0 038615 Board Match                     | \$ | 3,000,000   | \$ | 3,000,000   | 111378 |
| Reimbursement                               |    |             |    |             |        |
| 6890 038604 Education and                   | \$ | 150,000     | \$ | 150,000     | 111379 |
| Conferences                                 |    |             |    |             |        |
| TOTAL SSR State Special Revenue             |    |             |    |             | 111380 |
| Fund Group                                  | \$ | 19,150,000  | \$ | 17,150,000  | 111381 |
| TOTAL ALL BUDGET FUND GROUPS                | \$ | 202,713,942 | \$ | 103,350,213 | 111382 |
| <b>Section 217.10. ARC ARCHITECTS BOARD</b> |    |             |    |             | 111384 |
| General Services Fund Group                 |    |             |    |             | 111385 |
| 4K90 891609 Operating Expenses              | \$ | 494,459     | \$ | 478,147     | 111386 |
| TOTAL GSF General Services Fund             |    |             |    |             | 111387 |
| Group                                       | \$ | 494,459     | \$ | 478,147     | 111388 |
| TOTAL ALL BUDGET FUND GROUPS                | \$ | 494,459     | \$ | 478,147     | 111389 |

|                                                 |                                      |               |               |        |
|-------------------------------------------------|--------------------------------------|---------------|---------------|--------|
| <b>Section 219.10. ART OHIO ARTS COUNCIL</b>    |                                      |               |               | 111391 |
| General Revenue Fund                            |                                      |               |               | 111392 |
| GRF 370321                                      | Operating Expenses                   | \$ 1,305,704  | \$ 1,305,704  | 111393 |
| GRF 370502                                      | State Program                        | \$ 5,000,000  | \$ 6,000,000  | 111394 |
| Subsidies                                       |                                      |               |               |        |
| TOTAL GRF General Revenue Fund                  |                                      | \$ 6,305,704  | \$ 7,305,704  | 111395 |
| General Services Fund Group                     |                                      |               |               | 111396 |
| 4600 370602                                     | Management Expenses<br>and Donations | \$ 247,000    | \$ 247,000    | 111397 |
| 4B70 370603                                     | Percent for Art<br>Acquisitions      | \$ 247,000    | \$ 247,000    | 111398 |
| TOTAL GSF General Services Fund<br>Group        |                                      | \$ 494,000    | \$ 494,000    | 111399 |
| Federal Special Revenue Fund Group              |                                      |               |               | 111400 |
| 3140 370601                                     | Federal Support                      | \$ 1,000,000  | \$ 1,000,000  | 111401 |
| TOTAL FED Federal Special Revenue<br>Fund Group |                                      | \$ 1,000,000  | \$ 1,000,000  | 111402 |
| TOTAL ALL BUDGET FUND GROUPS                    |                                      | \$ 7,799,704  | \$ 8,799,704  | 111403 |
| <b>Section 221.10. ATH ATHLETIC COMMISSION</b>  |                                      |               |               | 111405 |
| General Services Fund Group                     |                                      |               |               | 111406 |
| 4K90 175609                                     | Operating Expenses                   | \$ 281,904    | \$ 292,509    | 111407 |
| TOTAL GSF General Services Fund<br>Group        |                                      | \$ 281,904    | \$ 292,509    | 111408 |
| TOTAL ALL BUDGET FUND GROUPS                    |                                      | \$ 281,904    | \$ 292,509    | 111409 |
| <b>Section 223.10. AGO ATTORNEY GENERAL</b>     |                                      |               |               | 111411 |
| General Revenue Fund                            |                                      |               |               | 111412 |
| GRF 055321                                      | Operating Expenses                   | \$ 42,514,169 | \$ 42,514,169 | 111413 |
| GRF 055405                                      | Law-Related Education                | \$ 100,000    | \$ 100,000    | 111414 |
| GRF 055411                                      | County Sheriffs' Pay                 | \$ 757,921    | \$ 757,921    | 111415 |

|           |        |                                    |    |            |    |                   |
|-----------|--------|------------------------------------|----|------------|----|-------------------|
|           |        | Supplement                         |    |            |    |                   |
| GRF       | 055415 | County Prosecutors'                | \$ | 831,499    | \$ | 831,499 111416    |
|           |        | Pay Supplement                     |    |            |    |                   |
| TOTAL GRF |        | General Revenue Fund               | \$ | 44,203,589 | \$ | 44,203,589 111417 |
|           |        | General Services Fund Group        |    |            |    | 111418            |
| 1060      | 055612 | General Reimbursement              | \$ | 43,197,968 | \$ | 43,011,277 111419 |
| 1950      | 055660 | Workers' Compensation              | \$ | 8,415,504  | \$ | 8,415,504 111420  |
|           |        | Section                            |    |            |    |                   |
| 4180      | 055615 | Charitable                         | \$ | 7,286,000  | \$ | 7,286,000 111421  |
|           |        | Foundations                        |    |            |    |                   |
| 4200      | 055603 | Attorney General                   | \$ | 1,871,674  | \$ | 1,839,074 111422  |
|           |        | Antitrust                          |    |            |    |                   |
| 4210      | 055617 | Police Officers'                   | \$ | 2,124,942  | \$ | 2,088,805 111423  |
|           |        | Training Academy Fee               |    |            |    |                   |
| 4Z20      | 055609 | BCI Asset Forfeiture               | \$ | 1,529,685  | \$ | 1,521,731 111424  |
|           |        | and Cost                           |    |            |    |                   |
|           |        | Reimbursement                      |    |            |    |                   |
| 5900      | 055633 | Peace Officer Private              | \$ | 98,370     | \$ | 98,370 111425     |
|           |        | Security Fund                      |    |            |    |                   |
| 5A90      | 055618 | Telemarketing Fraud                | \$ | 7,500      | \$ | 7,500 111426      |
|           |        | Enforcement                        |    |            |    |                   |
| 5L50      | 055619 | Law Enforcement                    | \$ | 300,222    | \$ | 0 111427          |
|           |        | Assistance Program                 |    |            |    |                   |
| 6310      | 055637 | Consumer Protection                | \$ | 3,799,115  | \$ | 3,718,973 111428  |
|           |        | Enforcement                        |    |            |    |                   |
| TOTAL GSF |        | General Services Fund              |    |            |    | 111429            |
| Group     |        |                                    | \$ | 68,630,980 | \$ | 67,987,234 111430 |
|           |        | Federal Special Revenue Fund Group |    |            |    | 111431            |
| 3060      | 055620 | Medicaid Fraud                     | \$ | 4,211,235  | \$ | 4,122,399 111432  |
|           |        | Control                            |    |            |    |                   |
| 3810      | 055611 | Civil Rights Legal                 | \$ | 402,540    | \$ | 402,540 111433    |
|           |        | Service                            |    |            |    |                   |

|                                           |        |                                                     |    |            |    |            |        |
|-------------------------------------------|--------|-----------------------------------------------------|----|------------|----|------------|--------|
| 3830                                      | 055634 | Crime Victims Assistance                            | \$ | 13,000,000 | \$ | 13,000,000 | 111434 |
| 3E50                                      | 055638 | Attorney General Pass-Through Funds                 | \$ | 1,223,606  | \$ | 1,222,172  | 111435 |
| 3R60                                      | 055613 | Attorney General Federal Funds                      | \$ | 3,823,251  | \$ | 3,673,251  | 111436 |
| TOTAL FED Federal Special Revenue         |        |                                                     |    |            |    |            | 111437 |
| Fund Group                                |        |                                                     | \$ | 22,660,632 | \$ | 22,420,362 | 111438 |
| State Special Revenue Fund Group          |        |                                                     |    |            |    |            | 111439 |
| 4020                                      | 055616 | Victims of Crime                                    | \$ | 26,000,000 | \$ | 26,000,000 | 111440 |
| 4170                                      | 055621 | Domestic Violence Shelter                           | \$ | 25,000     | \$ | 25,000     | 111441 |
| 4190                                      | 055623 | Claims Section                                      | \$ | 44,197,843 | \$ | 41,953,025 | 111442 |
| 4L60                                      | 055606 | DARE Programs                                       | \$ | 4,477,962  | \$ | 4,477,962  | 111443 |
| 4Y70                                      | 055608 | Title Defect Recision                               | \$ | 600,000    | \$ | 600,000    | 111444 |
| 6590                                      | 055641 | Solid and Hazardous Waste Background Investigations | \$ | 662,227    | \$ | 651,049    | 111445 |
| TOTAL SSR State Special Revenue           |        |                                                     |    |            |    |            | 111446 |
| Fund Group                                |        |                                                     | \$ | 75,963,032 | \$ | 73,707,036 | 111447 |
| Holding Account Redistribution Fund Group |        |                                                     |    |            |    |            | 111448 |
| R004                                      | 055631 | General Holding Account                             | \$ | 1,000,000  | \$ | 1,000,000  | 111449 |
| R005                                      | 055632 | Antitrust Settlements                               | \$ | 1,000      | \$ | 1,000      | 111450 |
| R018                                      | 055630 | Consumer Frauds                                     | \$ | 750,000    | \$ | 750,000    | 111451 |
| R042                                      | 055601 | Organized Crime Commission Distributions            | \$ | 25,025     | \$ | 25,025     | 111452 |
| R054                                      | 055650 | Collection Outside Counsel Payments                 | \$ | 4,500,000  | \$ | 4,500,000  | 111453 |
| TOTAL 090 Holding Account                 |        |                                                     |    |            |    |            | 111454 |
| Redistribution Fund Group                 |        |                                                     | \$ | 6,276,025  | \$ | 6,276,025  | 111455 |



|                                                                                                                                                                                                                                                                                                                                                                                        |    |             |    |                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-------------|----|----------------------------------------------------------|
| Tobacco Master Settlement Agreement Fund Group                                                                                                                                                                                                                                                                                                                                         |    |             |    | 111456                                                   |
| J087 055635 Law Enforcement                                                                                                                                                                                                                                                                                                                                                            | \$ | 2,300,000   | \$ | 0 111457                                                 |
| Technology, Training,<br>and Facility<br>Enhancements                                                                                                                                                                                                                                                                                                                                  |    |             |    |                                                          |
| U087 055402 Tobacco Settlement                                                                                                                                                                                                                                                                                                                                                         | \$ | 2,527,992   | \$ | 2,514,690 111458                                         |
| Oversight,<br>Administration, and<br>Enforcement                                                                                                                                                                                                                                                                                                                                       |    |             |    |                                                          |
| TOTAL TSF Tobacco Master Settlement Agreement Fund Group                                                                                                                                                                                                                                                                                                                               | \$ | 4,827,992   | \$ | 2,514,690 111459                                         |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                           | \$ | 222,562,250 | \$ | 217,108,936 111460                                       |
| COUNTY SHERIFFS' PAY SUPPLEMENT                                                                                                                                                                                                                                                                                                                                                        |    |             |    | 111461                                                   |
| The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.                                                                                                                                                                 |    |             |    | 111462<br>111463<br>111464<br>111465                     |
| At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. |    |             |    | 111466<br>111467<br>111468<br>111469<br>111470<br>111471 |
| COUNTY PROSECUTORS' PAY SUPPLEMENT                                                                                                                                                                                                                                                                                                                                                     |    |             |    | 111472                                                   |
| The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.                                                                                                                                                  |    |             |    | 111473<br>111474<br>111475<br>111476                     |
| At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation                                                                                                                                                                                                          |    |             |    | 111477<br>111478<br>111479                               |

item 055415, County Prosecutors' Pay Supplement. Any appropriation 111480  
so transferred shall be used to supplement the annual compensation 111481  
of county prosecutors as required by section 325.111 of the 111482  
Revised Code. 111483

WORKERS' COMPENSATION SECTION 111484

The Workers' Compensation Fund (Fund 1950) is entitled to 111485  
receive payments from the Bureau of Workers' Compensation and the 111486  
Ohio Industrial Commission at the beginning of each quarter of 111487  
each fiscal year to fund legal services to be provided to the 111488  
Bureau of Workers' Compensation and the Ohio Industrial Commission 111489  
during the ensuing quarter. The advance payment shall be subject 111490  
to adjustment. 111491

In addition, the Bureau of Workers' Compensation shall 111492  
transfer payments at the beginning of each quarter for the support 111493  
of the Workers' Compensation Fraud Unit. 111494

All amounts shall be mutually agreed upon by the Attorney 111495  
General, the Bureau of Workers' Compensation, and the Ohio 111496  
Industrial Commission. 111497

ATTORNEY GENERAL PASS-THROUGH FUNDS 111498

The foregoing appropriation item 055638, Attorney General 111499  
Pass-Through Funds, shall be used to receive federal grant funds 111500  
provided to the Attorney General by other state agencies, 111501  
including, but not limited to, the Department of Youth Services 111502  
and the Department of Public Safety. 111503

GENERAL HOLDING ACCOUNT 111504

The foregoing appropriation item 055631, General Holding 111505  
Account, shall be used to distribute moneys under the terms of 111506  
relevant court orders or other settlements received in a variety 111507  
of cases involving the Office of the Attorney General. If it is 111508  
determined that additional amounts are necessary for this purpose, 111509

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| the amounts are hereby appropriated.                               | 111510 |
| ANTITRUST SETTLEMENTS                                              | 111511 |
| The foregoing appropriation item 055632, Antitrust                 | 111512 |
| Settlements, shall be used to distribute moneys under the terms of | 111513 |
| relevant court orders or other out of court settlements in         | 111514 |
| antitrust cases or antitrust matters involving the Office of the   | 111515 |
| Attorney General. If it is determined that additional amounts are  | 111516 |
| necessary for this purpose, the amounts are hereby appropriated.   | 111517 |
| CONSUMER FRAUDS                                                    | 111518 |
| The foregoing appropriation item 055630, Consumer Frauds,          | 111519 |
| shall be used for distribution of moneys from court-ordered        | 111520 |
| judgments against sellers in actions brought by the Office of      | 111521 |
| Attorney General under sections 1334.08 and 4549.48 and division   | 111522 |
| (B) of section 1345.07 of the Revised Code. These moneys shall be  | 111523 |
| used to provide restitution to consumers victimized by the fraud   | 111524 |
| that generated the court-ordered judgments. If it is determined    | 111525 |
| that additional amounts are necessary for this purpose, the        | 111526 |
| amounts are hereby appropriated.                                   | 111527 |
| ORGANIZED CRIME COMMISSION DISTRIBUTIONS                           | 111528 |
| The foregoing appropriation item 055601, Organized Crime           | 111529 |
| Commission Distributions, shall be used by the Organized Crime     | 111530 |
| Investigations Commission, as provided by section 177.011 of the   | 111531 |
| Revised Code, to reimburse political subdivisions for the expenses | 111532 |
| the political subdivisions incur when their law enforcement        | 111533 |
| officers participate in an organized crime task force. If it is    | 111534 |
| determined that additional amounts are necessary for this purpose, | 111535 |
| the amounts are hereby appropriated.                               | 111536 |
| COLLECTION OUTSIDE COUNSEL PAYMENTS                                | 111537 |
| The foregoing appropriation item 055650, Collection Outside        | 111538 |
| Counsel Payments, shall be used for the purpose of paying          | 111539 |

contingency counsel fees for cases where debtors mistakenly paid 111540  
the client agencies instead of the Attorney General's Revenue 111541  
Recovery/Collections Enforcement Section. If it is determined that 111542  
additional amounts are necessary for this purpose, the amounts are 111543  
hereby appropriated. 111544

**Section 225.10. AUD AUDITOR OF STATE** 111545

General Revenue Fund 111546

GRF 070321 Operating Expenses \$ 27,434,452 \$ 27,434,452 111547

GRF 070403 Fiscal \$ 800,000 \$ 800,000 111548

Watch/Emergency

Technical Assistance

TOTAL GRF General Revenue Fund \$ 28,234,452 \$ 28,234,452 111549

Auditor of State Fund Group 111550

1090 070601 Public Audit Expense \$ 9,000,000 \$ 8,700,000 111551

- Intra-State

4220 070602 Public Audit Expense \$ 31,422,959 \$ 31,052,999 111552

- Local Government

5840 070603 Training Program \$ 181,250 \$ 181,250 111553

5JZ0 070606 LEAP Revolving Loans \$ 850,000 \$ 650,000 111554

6750 070605 Uniform Accounting \$ 3,500,000 \$ 3,500,000 111555

Network

TOTAL AUD Auditor of State Fund 111556

Group \$ 44,954,209 \$ 44,084,249 111557

TOTAL ALL BUDGET FUND GROUPS \$ 73,188,661 \$ 72,318,701 111558

**FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE** 111559

The foregoing appropriation item 070403, Fiscal 111560

Watch/Emergency Technical Assistance, shall be used for expenses 111561

incurred by the Office of the Auditor of State in its role 111562

relating to fiscal watch or fiscal emergency activities under 111563

Chapters 118. and 3316. of the Revised Code. Expenses include, but 111564

are not limited to, the following: duties related to the 111565

determination or termination of fiscal watch or fiscal emergency 111566  
of municipal corporations, counties, townships, or school 111567  
districts; development of preliminary accounting reports; 111568  
performance of annual forecasts; provision of performance audits; 111569  
and supervisory, accounting, or auditing services for the 111570  
municipal corporations, counties, townships, or school districts. 111571

An amount equal to the unexpended, unencumbered portion of 111572  
appropriation item 070403, Fiscal Watch/Emergency Technical 111573  
Assistance, at the end of fiscal year 2012 is hereby 111574  
reappropriated for the same purpose in fiscal year 2013. 111575

**Section 227.10. BRB BOARD OF BARBER EXAMINERS** 111576

General Services Fund Group 111577  
4K90 877609 Operating Expenses \$ 656,320 \$ 649,211 111578  
TOTAL GSF General Services Fund 111579  
Group \$ 656,320 \$ 649,211 111580  
TOTAL ALL BUDGET FUND GROUPS \$ 656,320 \$ 649,211 111581

**Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT** 111583

General Revenue Fund 111584  
GRF 042321 Budget Development \$ 2,362,025 \$ 2,378,166 111585  
and Implementation  
GRF 042416 Office of Health \$ 306,285 \$ 0 111586  
Transformation  
GRF 042422 Pension Shift \$ 23,436,402 \$ 22,348,323 111587  
Replacement  
TOTAL GRF General Revenue Fund \$ 26,104,712 \$ 24,726,489 111588  
General Services Fund Group 111589  
1050 042603 State Accounting and \$ 21,917,230 \$ 22,006,331 111590  
Budgeting  
5N40 042602 OAKS Project \$ 1,358,000 \$ 1,309,500 111591  
Implementation

|                                                                   |                                                      |    |            |    |            |        |
|-------------------------------------------------------------------|------------------------------------------------------|----|------------|----|------------|--------|
| 5Z80 042608                                                       | Office of Health<br>Transformation<br>Administration | \$ | 57,752     | \$ | 0          | 111592 |
| TOTAL GSF                                                         | General Services Fund<br>Group                       | \$ | 23,332,982 | \$ | 23,315,831 | 111593 |
| Federal Special Revenue Fund Group                                |                                                      |    |            |    |            | 111594 |
| 3CM0 042606                                                       | Office of Health<br>Transformation -<br>Federal      | \$ | 384,037    | \$ | 145,500    | 111595 |
| TOTAL FED                                                         | Federal Special Revenue<br>Fund Group                | \$ | 384,037    | \$ | 145,500    | 111596 |
| Agency Fund Group                                                 |                                                      |    |            |    |            | 111597 |
| 5EH0 042604                                                       | Forgery Recovery                                     | \$ | 50,000     | \$ | 50,000     | 111598 |
| TOTAL AGY                                                         | Agency Fund Group                                    | \$ | 50,000     | \$ | 50,000     | 111599 |
| TOTAL ALL BUDGET FUND GROUPS                                      |                                                      | \$ | 49,871,731 | \$ | 48,237,820 | 111600 |
| AUDIT COSTS AND DUES                                              |                                                      |    |            |    |            | 111601 |
| All centralized audit costs associated with either Single         |                                                      |    |            |    |            | 111602 |
| Audit Schedules or financial statements prepared in conformance   |                                                      |    |            |    |            | 111603 |
| with generally accepted accounting principles for the state shall |                                                      |    |            |    |            | 111604 |
| be paid from the foregoing appropriation item 042603, State       |                                                      |    |            |    |            | 111605 |
| Accounting and Budgeting.                                         |                                                      |    |            |    |            | 111606 |
| Costs associated with the audit of the Auditor of State and       |                                                      |    |            |    |            | 111607 |
| national association dues shall be paid from the foregoing        |                                                      |    |            |    |            | 111608 |
| appropriation item 042321, Budget Development and Implementation. |                                                      |    |            |    |            | 111609 |
| PENSION SHIFT REPLACEMENT                                         |                                                      |    |            |    |            | 111610 |
| Notwithstanding any provision of law to the contrary, the         |                                                      |    |            |    |            | 111611 |
| foregoing appropriation item 042422, Pension Shift Replacement,   |                                                      |    |            |    |            | 111612 |
| shall be used by the Director of Budget and Management to help    |                                                      |    |            |    |            | 111613 |
| state agencies fully fund the employer's share of public          |                                                      |    |            |    |            | 111614 |
| retirement system contributions for state employees who are paid  |                                                      |    |            |    |            | 111615 |
| directly by warrant of the Director of Budget and Management.     |                                                      |    |            |    |            | 111616 |

The Director of Budget and Management may authorize 111617  
additional expenditures from various non-GRF appropriation items 111618  
in order to fully fund the employer's share of public retirement 111619  
system contributions for state employees who are paid directly by 111620  
warrant of the Director of Budget and Management. Any additional 111621  
expenditures authorized by the Director of Budget and Management 111622  
under this paragraph are hereby appropriated. 111623

SHARED SERVICES CENTER 111624

The Director of Budget and Management shall use the OAKS 111625  
Project Implementation Fund (Fund 5N40) and the Accounting and 111626  
Budgeting Fund (Fund 1050) to support a Shared Services Center 111627  
within the Office of Budget and Management for the purpose of 111628  
consolidating statewide business functions and common 111629  
transactional processes. 111630

The Director of Budget and Management shall include the 111631  
recovery of costs to operate the Shared Services Center in the 111632  
accounting and budgeting services payroll rate and through a 111633  
direct charge using intrastate transfer vouchers to agencies for 111634  
services rendered. The Director of Budget and Management shall 111635  
determine the cost recovery methodology. Such cost recovery 111636  
revenues shall be deposited to the credit of Fund 1050. 111637

INTERNAL CONTROL AND AUDIT OVERSIGHT 111638

The Director of Budget and Management shall include the 111639  
recovery of costs to operate the Internal Control and Audit 111640  
Oversight Program in the accounting and budgeting services payroll 111641  
rate and through a direct charge using intrastate transfer 111642  
vouchers to agencies reviewed by the program. The Director of 111643  
Budget and Management, with advice from the Internal Audit 111644  
Advisory Council, shall determine the cost recovery methodology. 111645  
Such cost recovery revenues shall be deposited to the credit of 111646  
the Accounting and Budgeting Fund (Fund 1050). 111647

|                                                                     |    |           |    |           |        |
|---------------------------------------------------------------------|----|-----------|----|-----------|--------|
| FORGERY RECOVERY                                                    |    |           |    |           | 111648 |
| The foregoing appropriation item 042604, Forgery Recovery,          |    |           |    |           | 111649 |
| shall be used to reissue warrants that have been certified as       |    |           |    |           | 111650 |
| forgeries by the rightful recipient as determined by the Bureau of  |    |           |    |           | 111651 |
| Criminal Identification and Investigation and the Treasurer of      |    |           |    |           | 111652 |
| State. Upon receipt of funds to cover the reissuance of the         |    |           |    |           | 111653 |
| warrant, the Director of Budget and Management shall reissue a      |    |           |    |           | 111654 |
| state warrant of the same amount.                                   |    |           |    |           | 111655 |
| GRF TRANSFER TO THE OAKS PROJECT IMPLEMENTATION FUND                |    |           |    |           | 111656 |
| On July 1 of each fiscal year, or as soon as possible               |    |           |    |           | 111657 |
| thereafter, the Director of Budget and Management shall transfer    |    |           |    |           | 111658 |
| an amount not to exceed \$1,100,000 in cash from the General        |    |           |    |           | 111659 |
| Revenue Fund to the OAKS Project Implementation Fund (Fund 5N40).   |    |           |    |           | 111660 |
| <b>Section 231.10.</b> CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD |    |           |    |           | 111661 |
| General Revenue Fund                                                |    |           |    |           | 111662 |
| GRF 874100 Personal Services                                        | \$ | 1,272,017 | \$ | 1,272,017 | 111663 |
| GRF 874320 Maintenance and                                          | \$ | 529,391   | \$ | 529,391   | 111664 |
| Equipment                                                           |    |           |    |           |        |
| TOTAL GRF General Revenue Fund                                      | \$ | 1,801,408 | \$ | 1,801,408 | 111665 |
| General Services Fund Group                                         |    |           |    |           | 111666 |
| 4G50 874603 Capitol Square                                          | \$ | 15,000    | \$ | 15,000    | 111667 |
| Education Center and                                                |    |           |    |           |        |
| Arts                                                                |    |           |    |           |        |
| 4S70 874602 Statehouse Gift                                         | \$ | 686,708   | \$ | 686,708   | 111668 |
| Shop/Events                                                         |    |           |    |           |        |
| TOTAL GSF General Services                                          |    |           |    |           | 111669 |
| Fund Group                                                          | \$ | 701,708   | \$ | 701,708   | 111670 |
| Underground Parking Garage                                          |    |           |    |           | 111671 |
| 2080 874601 Underground Parking                                     | \$ | 3,290,052 | \$ | 3,186,573 | 111672 |
| Garage Operations                                                   |    |           |    |           |        |



|                                                                    |    |           |    |           |        |
|--------------------------------------------------------------------|----|-----------|----|-----------|--------|
| TOTAL UPG Underground Parking                                      |    |           |    | 111673    |        |
| Garage                                                             | \$ | 3,290,052 | \$ | 3,186,573 | 111674 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 5,793,168 | \$ | 5,689,689 | 111675 |
|                                                                    |    |           |    |           |        |
| WAREHOUSE PAYMENTS                                                 |    |           |    | 111676    |        |
|                                                                    |    |           |    |           |        |
| Of the foregoing appropriation item 874601, Underground            |    |           |    | 111677    |        |
| Parking Garage Operations, \$48,000 in each fiscal year shall be   |    |           |    | 111678    |        |
| used to meet all payments at the times they are required to be     |    |           |    | 111679    |        |
| made during the period from July 1, 2011, through June 30, 2013,   |    |           |    | 111680    |        |
| to the Ohio Building Authority for bond service charges relating   |    |           |    | 111681    |        |
| to the purchase and improvement of a warehouse acquired pursuant   |    |           |    | 111682    |        |
| to section 105.41 of the Revised Code, in which to store items of  |    |           |    | 111683    |        |
| the Capitol Collection Trust and, whenever necessary, equipment or |    |           |    | 111684    |        |
| other property of the Board.                                       |    |           |    | 111685    |        |
|                                                                    |    |           |    |           |        |
| BOILER REPLACEMENT PAYMENTS                                        |    |           |    | 111686    |        |
|                                                                    |    |           |    |           |        |
| Of the foregoing appropriation item 874601, Underground            |    |           |    | 111687    |        |
| Parking Garage Operations, \$100,000 in each fiscal year shall be  |    |           |    | 111688    |        |
| used to meet all payments at the time they are required to be made |    |           |    | 111689    |        |
| during the period from July 1, 2011, through June 30, 2013, to the |    |           |    | 111690    |        |
| Ohio Building Authority for bond service charges relating to       |    |           |    | 111691    |        |
| appropriation item C87416, Statehouse Boiler Replacement.          |    |           |    | 111692    |        |
|                                                                    |    |           |    |           |        |
| UNDERGROUND PARKING GARAGE FUND                                    |    |           |    | 111693    |        |
|                                                                    |    |           |    |           |        |
| Notwithstanding division (G) of section 105.41 of the Revised      |    |           |    | 111694    |        |
| Code and any other provision to the contrary, moneys in the        |    |           |    | 111695    |        |
| Underground Parking Garage Fund (Fund 2080) may be used for        |    |           |    | 111696    |        |
| personnel and operating costs related to the operations of the     |    |           |    | 111697    |        |
| Statehouse and the Statehouse Underground Parking Garage.          |    |           |    | 111698    |        |
|                                                                    |    |           |    |           |        |
| <b>Section 233.10.</b> SCR STATE BOARD OF CAREER COLLEGES AND      |    |           |    | 111699    |        |
| SCHOOLS                                                            |    |           |    | 111700    |        |
|                                                                    |    |           |    |           |        |
| General Services Fund Group                                        |    |           |    | 111701    |        |
| 4K90 233601 Operating Expenses                                     | \$ | 558,658   | \$ | 579,328   | 111702 |

|                                                                    |    |           |    |            |        |
|--------------------------------------------------------------------|----|-----------|----|------------|--------|
| TOTAL GSF General Services Fund                                    | \$ | 558,658   | \$ | 579,328    | 111703 |
| Group                                                              |    |           |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 558,658   | \$ | 579,328    | 111704 |
| <br>                                                               |    |           |    |            |        |
| <b>Section 235.10.</b> CAC CASINO CONTROL COMMISSION               |    |           |    |            | 111706 |
| State Special Revenue Fund Group                                   |    |           |    |            | 111707 |
| 5HS0 955321 Casino Control -                                       | \$ | 8,263,312 | \$ | 13,121,283 | 111708 |
| Operating                                                          |    |           |    |            |        |
| TOTAL SSR State Special Revenue                                    | \$ | 8,263,312 | \$ | 13,121,283 | 111709 |
| Fund Group                                                         |    |           |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 8,263,312 | \$ | 13,121,283 | 111710 |
| <br>                                                               |    |           |    |            |        |
| <b>Section 237.10.</b> CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD |    |           |    |            | 111712 |
| General Services Fund Group                                        |    |           |    |            | 111713 |
| 4K90 930609 Operating Expenses                                     | \$ | 433,734   | \$ | 417,827    | 111714 |
| TOTAL GSF General Services Fund                                    | \$ | 433,734   | \$ | 417,827    | 111715 |
| Group                                                              |    |           |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 433,734   | \$ | 417,827    | 111716 |
| <br>                                                               |    |           |    |            |        |
| <b>Section 239.10.</b> CHR STATE CHIROPRACTIC BOARD                |    |           |    |            | 111718 |
| General Services Fund Group                                        |    |           |    |            | 111719 |
| 4K90 878609 Operating Expenses                                     | \$ | 592,916   | \$ | 584,925    | 111720 |
| TOTAL GSF General Services Fund                                    | \$ | 592,916   | \$ | 584,925    | 111721 |
| Group                                                              |    |           |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 592,916   | \$ | 584,925    | 111722 |
| <br>                                                               |    |           |    |            |        |
| <b>Section 241.10.</b> CIV OHIO CIVIL RIGHTS COMMISSION            |    |           |    |            | 111724 |
| General Revenue Fund                                               |    |           |    |            | 111725 |
| GRF 876321 Operating Expenses                                      | \$ | 4,725,784 | \$ | 4,725,784  | 111726 |
| TOTAL GRF General Revenue Fund                                     | \$ | 4,725,784 | \$ | 4,725,784  | 111727 |
| General Services Fund Group                                        |    |           |    |            | 111728 |
| 2170 876604 Operations Support                                     | \$ | 8,000     | \$ | 8,000      | 111729 |

|                                                       |    |            |               |        |
|-------------------------------------------------------|----|------------|---------------|--------|
| TOTAL GSF General Services                            |    |            |               | 111730 |
| Fund Group                                            | \$ | 8,000      | \$ 8,000      | 111731 |
| Federal Special Revenue Fund Group                    |    |            |               | 111732 |
| 3340 876601 Federal Programs                          | \$ | 2,762,000  | \$ 2,762,000  | 111733 |
| TOTAL FED Federal Special Revenue                     |    |            |               | 111734 |
| Fund Group                                            | \$ | 2,762,000  | \$ 2,762,000  | 111735 |
| TOTAL ALL BUDGET FUND GROUPS                          | \$ | 7,495,784  | \$ 7,495,784  | 111736 |
| <br><b>Section 243.10. COM DEPARTMENT OF COMMERCE</b> |    |            |               | 111738 |
| General Services Fund Group                           |    |            |               | 111739 |
| 1630 800620 Division of Administration                | \$ | 7,305,337  | \$ 7,328,301  | 111740 |
| 1630 800637 Information Technology                    | \$ | 5,999,892  | \$ 6,011,977  | 111741 |
| 5430 800602 Unclaimed Funds-Operating                 | \$ | 7,836,107  | \$ 7,841,473  | 111742 |
| 5430 800625 Unclaimed Funds-Claims                    | \$ | 69,700,000 | \$ 69,800,000 | 111743 |
| 5F10 800635 Small Government Fire Departments         | \$ | 300,000    | \$ 300,000    | 111744 |
| TOTAL GSF General Services Fund                       |    |            |               | 111745 |
| Group                                                 | \$ | 91,141,336 | \$ 91,281,751 | 111746 |
| Federal Special Revenue Fund Group                    |    |            |               | 111747 |
| 3480 800622 Underground Storage Tanks                 | \$ | 1,129,518  | \$ 1,129,518  | 111748 |
| 3480 800624 Leaking Underground Storage Tanks         | \$ | 1,556,211  | \$ 1,556,211  | 111749 |
| TOTAL FED Federal Special Revenue                     |    |            |               | 111750 |
| Fund Group                                            | \$ | 2,685,729  | \$ 2,685,729  | 111751 |
| State Special Revenue Fund Group                      |    |            |               | 111752 |
| 4B20 800631 Real Estate Appraisal Recovery            | \$ | 35,000     | \$ 35,000     | 111753 |

|                                 |                        |    |             |    |            |        |
|---------------------------------|------------------------|----|-------------|----|------------|--------|
| 4H90 800608                     | Cemeteries             | \$ | 268,067     | \$ | 268,293    | 111754 |
| 4X20 800619                     | Financial Institutions | \$ | 2,186,271   | \$ | 1,990,693  | 111755 |
| 5440 800612                     | Banks                  | \$ | 7,242,364   | \$ | 6,942,336  | 111756 |
| 5450 800613                     | Savings Institutions   | \$ | 2,257,220   | \$ | 2,259,536  | 111757 |
| 5460 800610                     | Fire Marshal           | \$ | 16,523,862  | \$ | 15,501,562 | 111758 |
| 5460 800639                     | Fire Department Grants | \$ | 1,698,802   | \$ | 1,698,802  | 111759 |
| 5470 800603                     | Real Estate            | \$ | 125,000     | \$ | 125,000    | 111760 |
|                                 | Education/Research     |    |             |    |            |        |
| 5480 800611                     | Real Estate Recovery   | \$ | 25,000      | \$ | 25,000     | 111761 |
| 5490 800614                     | Real Estate            | \$ | 3,413,708   | \$ | 3,332,308  | 111762 |
| 5500 800617                     | Securities             | \$ | 4,312,434   | \$ | 4,314,613  | 111763 |
| 5520 800604                     | Credit Union           | \$ | 3,450,390   | \$ | 3,450,390  | 111764 |
| 5530 800607                     | Consumer Finance       | \$ | 3,613,016   | \$ | 3,516,861  | 111765 |
| 5560 800615                     | Industrial Compliance  | \$ | 27,639,372  | \$ | 27,664,695 | 111766 |
| 5FW0 800616                     | Financial Literacy     | \$ | 240,000     | \$ | 240,000    | 111767 |
|                                 | Education              |    |             |    |            |        |
| 5GK0 800609                     | Securities Investor    | \$ | 1,135,000   | \$ | 485,000    | 111768 |
|                                 | Education/Enforcement  |    |             |    |            |        |
| 5HV0 800641                     | Cigarette Enforcement  | \$ | 120,000     | \$ | 120,000    | 111769 |
| 5X60 800623                     | Video Service          | \$ | 340,299     | \$ | 340,630    | 111770 |
| 6530 800629                     | UST                    | \$ | 1,854,675   | \$ | 1,509,653  | 111771 |
|                                 | Registration/Permit    |    |             |    |            |        |
|                                 | Fee                    |    |             |    |            |        |
| 6A40 800630                     | Real Estate            | \$ | 699,565     | \$ | 648,890    | 111772 |
|                                 | Appraiser-Operating    |    |             |    |            |        |
| TOTAL SSR State Special Revenue |                        |    |             |    |            | 111773 |
| Fund Group                      |                        | \$ | 77,180,045  | \$ | 74,469,262 | 111774 |
| Liquor Control Fund Group       |                        |    |             |    |            | 111775 |
| 7043 800601                     | Merchandising          | \$ | 472,209,274 | \$ | 0          | 111776 |
| 7043 800627                     | Liquor Control         | \$ | 13,398,274  | \$ | 10,110,479 | 111777 |
|                                 | Operating              |    |             |    |            |        |
| 7043 800633                     | Development Assistance | \$ | 51,973,200  | \$ | 0          | 111778 |
|                                 | Debt Service           |    |             |    |            |        |

|             |                                                                    |    |             |    |             |        |
|-------------|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
| 7043 800636 | Revitalization Debt                                                | \$ | 21,129,800  | \$ | 0           | 111779 |
|             | Service                                                            |    |             |    |             |        |
|             | TOTAL LCF Liquor Control                                           |    |             |    |             | 111780 |
|             | Fund Group                                                         | \$ | 558,710,548 | \$ | 10,110,479  | 111781 |
|             | TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 729,717,658 |    | 178,547,221 | 111782 |
|             | SMALL GOVERNMENT FIRE DEPARTMENTS                                  |    |             |    |             | 111783 |
|             | Notwithstanding section 3737.17 of the Revised Code, the           |    |             |    |             | 111784 |
|             | foregoing appropriation item 800635, Small Government Fire         |    |             |    |             | 111785 |
|             | Departments, may be used to provide loans to private fire          |    |             |    |             | 111786 |
|             | departments.                                                       |    |             |    |             | 111787 |
|             | UNCLAIMED FUNDS PAYMENTS                                           |    |             |    |             | 111788 |
|             | The foregoing appropriation item 800625, Unclaimed                 |    |             |    |             | 111789 |
|             | Funds-Claims, shall be used to pay claims under section 169.08 of  |    |             |    |             | 111790 |
|             | the Revised Code. If it is determined that additional amounts are  |    |             |    |             | 111791 |
|             | necessary, the amounts are appropriated.                           |    |             |    |             | 111792 |
|             | UNCLAIMED FUNDS TRANSFERS                                          |    |             |    |             | 111793 |
|             | Notwithstanding division (A) of section 169.05 of the Revised      |    |             |    |             | 111794 |
|             | Code, on or after June 1, 2012, the Director of Budget and         |    |             |    |             | 111795 |
|             | Management shall request the Director of Commerce to transfer to   |    |             |    |             | 111796 |
|             | the General Revenue Fund up to \$115,000,000 of unclaimed funds    |    |             |    |             | 111797 |
|             | that have been reported by holders of unclaimed funds under        |    |             |    |             | 111798 |
|             | section 169.05 of the Revised Code, irrespective of the allocation |    |             |    |             | 111799 |
|             | of the unclaimed funds under that section. After such request has  |    |             |    |             | 111800 |
|             | been made, the Director of Commerce shall transfer the funds prior |    |             |    |             | 111801 |
|             | to June 30, 2012.                                                  |    |             |    |             | 111802 |
|             | Notwithstanding division (A) of section 169.05 of the Revised      |    |             |    |             | 111803 |
|             | Code, on or after June 1, 2013, the Director of Budget and         |    |             |    |             | 111804 |
|             | Management shall request the Director of Commerce to transfer to   |    |             |    |             | 111805 |
|             | the General Revenue Fund up to \$100,000,000 of unclaimed funds    |    |             |    |             | 111806 |
|             | that have been reported by holders of unclaimed funds under        |    |             |    |             | 111807 |
|             | section 169.05 of the Revised Code, irrespective of the allocation |    |             |    |             | 111808 |

of the unclaimed funds under that section. After such request has 111809  
been made, the Director of Commerce shall transfer the funds prior 111810  
to June 30, 2013. 111811

FIRE DEPARTMENT GRANTS 111812

Of the foregoing appropriation item 800639, Fire Department 111813  
Grants, up to \$1,647,140 in each fiscal year shall be used to make 111814  
annual grants to volunteer fire departments, fire departments that 111815  
serve one or more small municipalities or small townships, joint 111816  
fire districts comprised of fire departments that primarily serve 111817  
small municipalities or small townships, local units of government 111818  
responsible for such fire departments, and local units of 111819  
government responsible for the provision of fire protection 111820  
services for small municipalities or small townships. 111821

The grants shall be used by recipients to purchase 111822  
firefighting or rescue equipment or gear or similar items, to 111823  
provide full or partial reimbursement for the documented costs of 111824  
firefighter training, or, at the discretion of the State Fire 111825  
Marshal, to cover fire department costs for providing fire 111826  
protection services in that grant recipient's jurisdiction. 111827

Grant awards for firefighting or rescue equipment or gear or 111828  
for fire department costs of providing fire protection services 111829  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 111830  
fiscal year if an eligible entity serves a jurisdiction in which 111831  
the Governor declared a natural disaster during the preceding or 111832  
current fiscal year in which the grant was awarded. In addition to 111833  
any grant funds awarded for rescue equipment or gear, or for fire 111834  
department costs associated with the provision of fire protection 111835  
services, an eligible entity may receive a grant for up to \$15,000 111836  
per fiscal year for full or partial reimbursement of the 111837  
documented costs of firefighter training. For each fiscal year, 111838  
the State Fire Marshal shall determine the total amounts to be 111839  
allocated for each eligible purpose. 111840

The grant program shall be administered by the State Fire Marshal in accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The rules may further define the entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds or to obtain reimbursement for or the return of equipment for improperly used grant funds. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be used for the administration of the grant program.

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR EDUCATION AND ENFORCEMENT EXPENSE FUND

The Director of Budget and Management, upon the request of the Director of Commerce, shall transfer up to \$485,000 in cash in each fiscal year from the Division of Securities Fund (Fund 5500) to the Division of Securities Investor Education and Enforcement Expense Fund (Fund 5GK0) created in section 1707.37 of the Revised Code.

CASH TRANSFER TO VIDEO SERVICE AUTHORIZATION FUND

The Director of Budget and Management, upon the request of the Director of Commerce, shall transfer up to \$340,000 in cash in each fiscal year from the Division of Administration Fund (Fund 1630) to the Video Service Authorization Fund (Fund 5X60).

INCREASED APPROPRIATION - MERCHANDISING

The foregoing appropriation item 800601, Merchandising, shall be used under section 4301.12 of the Revised Code. If it is determined that additional expenditures are necessary, the amounts are hereby appropriated.

DEVELOPMENT ASSISTANCE DEBT SERVICE 111872

The foregoing appropriation item 800633, Development 111873  
Assistance Debt Service, shall be used to pay debt service and 111874  
related financing costs at the times they are required to be made 111875  
during the period from July 1, 2011, to June 30, 2012, for bond 111876  
service charges on obligations issued under Chapter 166. of the 111877  
Revised Code. If it is determined that additional appropriations 111878  
are necessary for this purpose, such amounts are appropriated, 111879  
subject to the limitations set forth in section 166.11 of the 111880  
Revised Code. An appropriation for this purpose is not required, 111881  
but is made in this form and in this act for record purposes only. 111882

REVITALIZATION DEBT SERVICE 111883

The foregoing appropriation item 800636, Revitalization Debt 111884  
Service, shall be used to pay debt service and related financing 111885  
costs at the times they are required to be made pursuant to 111886  
sections 151.01 and 151.40 of the Revised Code during the period 111887  
from July 1, 2011, to June 30, 2012. If it is determined that 111888  
additional appropriations are necessary for this purpose, such 111889  
amounts are hereby appropriated. The General Assembly acknowledges 111890  
the priority of the pledge of a portion of receipts from that 111891  
source to obligations issued and to be issued under Chapter 166. 111892  
of the Revised Code. 111893

LIQUOR CONTROL FUND TRANSFER 111894

On January 1, 2012, or as soon as possible thereafter, the 111895  
Director of Budget and Management may transfer up to \$7,390,407 in 111896  
cash from the General Revenue Fund to the Liquor Control Fund 111897  
(Fund 7043) for the liquor permitting and compliance functions of 111898  
the Division of Liquor Control in the Department of Commerce and 111899  
for the operations of the Liquor Control Commission and the 111900  
Department of Public Safety pursuant to Chapter 4301. of the 111901  
Revised Code. 111902



On July 1, 2012, or as soon as possible thereafter, the 111903  
 Director of Budget and Management may transfer up to \$15,582,085 111904  
 in cash from the General Revenue Fund to the Liquor Control Fund 111905  
 (Fund 7043) for the liquor permitting and compliance functions of 111906  
 the Division of Liquor Control in the Department of Commerce and 111907  
 for the operations of the Liquor Control Commission and the 111908  
 Department of Public Safety pursuant to Chapter 4301. of the 111909  
 Revised Code. 111910

**ADMINISTRATIVE ASSESSMENTS** 111911

Notwithstanding any other provision of law to the contrary, 111912  
 the Division of Administration Fund (Fund 1630) is entitled to 111913  
 receive assessments from all operating funds of the Department in 111914  
 accordance with procedures prescribed by the Director of Commerce 111915  
 and approved by the Director of Budget and Management. 111916

**Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL** 111917

General Services Fund Group 111918  
 5F50 053601 Operating Expenses \$ 4,141,093 \$ 4,142,070 111919  
 TOTAL GSF General Services Fund \$ 4,141,093 \$ 4,142,070 111920  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 4,141,093 \$ 4,142,070 111921

**Section 247.10. CEB CONTROLLING BOARD** 111923

General Revenue Fund 111924  
 GRF 911401 Emergency \$ 5,000,000 \$ 5,000,000 111925  
 Purposes/Contingencies  
 GRF 911441 Ballot Advertising \$ 475,000 \$ 475,000 111926  
 Costs  
 TOTAL GRF General Revenue Fund \$ 5,475,000 \$ 5,475,000 111927  
 TOTAL ALL BUDGET FUND GROUPS \$ 5,475,000 \$ 5,475,000 111928

**DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY** 111929

PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM 111930

The Controlling Board may, at the request of any state agency 111931  
or the Director of Budget and Management, transfer all or part of 111932  
the appropriation in appropriation item 911401, Emergency 111933  
Purposes/Contingencies, for the purpose of providing disaster and 111934  
emergency situation aid to state agencies and political 111935  
subdivisions in the event of disasters and emergency situations or 111936  
for the other purposes noted in this section, including, but not 111937  
limited to, costs related to the disturbance that occurred on 111938  
April 11, 1993, at the Southern Ohio Correctional Facility in 111939  
Lucasville, Ohio. 111940

FEDERAL SHARE 111941

In transferring appropriations to or from appropriation items 111942  
that have federal shares identified in this act, the Controlling 111943  
Board shall add or subtract corresponding amounts of federal 111944  
matching funds at the percentages indicated by the state and 111945  
federal division of the appropriations in this act. Such changes 111946  
are hereby appropriated. 111947

DISASTER ASSISTANCE 111948

Pursuant to requests submitted by the Department of Public 111949  
Safety, the Controlling Board may approve transfers from 111950  
appropriation item 911401, Emergency Purposes/Contingencies, to 111951  
appropriation items used by the Department of Public Safety to 111952  
provide funding for assistance to political subdivisions and 111953  
individuals made necessary by natural disasters or emergencies. 111954  
Such transfers may be requested and approved prior to or following 111955  
the occurrence of any specific natural disasters or emergencies in 111956  
order to facilitate the provision of timely assistance. 111957

DISASTER SERVICES 111958

Pursuant to requests submitted by the Department of Public 111959  
Safety, the Controlling Board may approve transfers from the 111960  
Disaster Services Fund (5E20) to a fund and appropriation item 111961

used by the Department of Public Safety to provide for assistance 111962  
to political subdivisions made necessary by natural disasters or 111963  
emergencies. These transfers may be requested and approved prior 111964  
to the occurrence of any specific natural disasters or emergencies 111965  
in order to facilitate the provision of timely assistance. The 111966  
Emergency Management Agency of the Department of Public Safety 111967  
shall use the funding to fund the State Disaster Relief Program 111968  
for disasters that have been declared by the Governor, and the 111969  
State Individual Assistance Program for disasters that have been 111970  
declared by the Governor and the federal Small Business 111971  
Administration. The Ohio Emergency Management Agency shall publish 111972  
and make available application packets outlining procedures for 111973  
the State Disaster Relief Program and the State Individual 111974  
Assistance Program. 111975

Fund 5E20 shall be used by the Controlling Board, pursuant to 111976  
requests submitted by state agencies, to transfer cash and 111977  
appropriations to any fund and appropriation item for the payment 111978  
of state agency disaster relief program expenses for disasters 111979  
declared by the Governor, if the Director of Budget and Management 111980  
determines that sufficient funds exist. 111981

SOUTHERN OHIO CORRECTIONAL FACILITY COST 111982

The Division of Criminal Justice Services in the Department 111983  
of Public Safety and the Public Defender Commission may each 111984  
request, upon approval of the Director of Budget and Management, 111985  
additional funds from appropriation item 911401, Emergency 111986  
Purposes/Contingencies, for costs related to the disturbance that 111987  
occurred on April 11, 1993, at the Southern Ohio Correctional 111988  
Facility in Lucasville, Ohio. 111989

BALLOT ADVERTISING COSTS 111990

Pursuant to section 3501.17 of the Revised Code, and upon 111991  
requests submitted by the Secretary of State, the Controlling 111992

Board shall approve transfers from the foregoing appropriation 111993  
 item 911441, Ballot Advertising Costs, to appropriation item 111994  
 050621, Statewide Ballot Advertising, in order to pay for the cost 111995  
 of public notices associated with statewide ballot initiatives. 111996

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 111997  
 ELIGIBILITY 111998

A state agency director shall request that the Controlling 111999  
 Board increase the amount of the agency's capital appropriations 112000  
 if the director determines such an increase is necessary for the 112001  
 agency to receive and use funds under the federal American 112002  
 Recovery and Reinvestment Act of 2009. The Controlling Board may 112003  
 increase the capital appropriations pursuant to the request up to 112004  
 the exact amount necessary under the federal act if the Board 112005  
 determines it is necessary for the agency to receive and use those 112006  
 federal funds. 112007

**Section 249.10. COS STATE BOARD OF COSMETOLOGY** 112008

General Services Fund Group 112009  
 4K90 879609 Operating Expenses \$ 3,439,545 \$ 3,364,030 112010  
 TOTAL GSF General Services Fund 112011  
 Group \$ 3,439,545 \$ 3,364,030 112012  
 TOTAL ALL BUDGET FUND GROUPS \$ 3,439,545 \$ 3,364,030 112013

**Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE** 112015

AND FAMILY THERAPIST BOARD 112016  
 General Services Fund Group 112017  
 4K90 899609 Operating Expenses \$ 1,204,235 \$ 1,234,756 112018  
 TOTAL GSF General Services Fund 112019  
 Group \$ 1,204,235 \$ 1,234,756 112020  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,204,235 \$ 1,234,756 112021

**Section 253.10. CLA COURT OF CLAIMS** 112023

|                                  |    |           |              |        |
|----------------------------------|----|-----------|--------------|--------|
| General Revenue Fund             |    |           |              | 112024 |
| GRF 015321 Operating Expenses    | \$ | 2,573,508 | \$ 2,501,052 | 112025 |
| TOTAL GRF General Revenue Fund   | \$ | 2,573,508 | \$ 2,501,052 | 112026 |
| State Special Revenue Fund Group |    |           |              | 112027 |
| 5K20 015603 CLA Victims of Crime | \$ | 1,582,684 | \$ 1,582,684 | 112028 |
| TOTAL SSR State Special Revenue  |    |           |              | 112029 |
| Fund Group                       | \$ | 1,582,684 | \$ 1,582,684 | 112030 |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | 4,156,192 | \$ 4,083,736 | 112031 |

**Section 255.10.** AFC OHIO CULTURAL FACILITIES COMMISSION 112033

|                                  |    |            |               |        |
|----------------------------------|----|------------|---------------|--------|
| General Revenue Fund             |    |            |               | 112034 |
| GRF 371321 Operating Expenses    | \$ | 98,636     | \$ 98,636     | 112035 |
| GRF 371401 Lease Rental Payments | \$ | 27,804,900 | \$ 28,465,000 | 112036 |
| TOTAL GRF General Revenue Fund   | \$ | 27,903,536 | \$ 28,563,636 | 112037 |
| State Special Revenue Fund Group |    |            |               | 112038 |
| 4T80 371601 Riffe Theatre        | \$ | 80,891     | \$ 80,891     | 112039 |
| Equipment Maintenance            |    |            |               |        |
| 4T80 371603 Project              | \$ | 1,200,000  | \$ 1,200,000  | 112040 |
| Administration                   |    |            |               |        |
| Services                         |    |            |               |        |
| TOTAL SSR State Special Revenue  | \$ | 1,280,891  | \$ 1,280,891  | 112041 |
| Group                            |    |            |               |        |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | 29,184,427 | \$ 29,844,527 | 112042 |

LEASE RENTAL PAYMENTS 112043

The foregoing appropriation item 371401, Lease Rental 112044  
 Payments, shall be used to meet all payments at the times they are 112045  
 required to be made during the period from July 1, 2011 through 112046  
 June 30, 2013, from the Ohio Cultural Facilities Commission under 112047  
 the primary leases and agreements for those arts and sports 112048  
 facilities made under Chapters 152. and 154. of the Revised Code. 112049  
 These appropriations are the source of funds pledged for bond 112050

service charges on related obligations issued under Chapters 152. 112051  
and 154. of the Revised Code. 112052

OPERATING EXPENSES 112053

The foregoing appropriation item 371321, Operating Expenses, 112054  
shall be used by the Ohio Cultural Facilities Commission to carry 112055  
out its responsibilities under this section and Chapter 3383. of 112056  
the Revised Code. 112057

The foregoing appropriation item 371603, Project 112058  
Administration Services, shall be used by the Ohio Cultural 112059  
Facilities Commission in administering Cultural and Sports 112060  
Facilities Building Fund (Fund 7030) projects pursuant to Chapter 112061  
3383. of the Revised Code. 112062

By the tenth day following each calendar quarter in each 112063  
fiscal year, or as soon as possible thereafter, the Director of 112064  
Budget and Management shall determine the amount of cash from 112065  
interest earnings to be transferred from the Cultural and Sports 112066  
Facilities Building Fund (Fund 7030) to the Cultural Facilities 112067  
Commission Administration Fund (Fund 4T80). 112068

As soon as possible after each bond issuance made on behalf 112069  
of the Cultural Facilities Commission, the Director of Budget and 112070  
Management shall determine the amount of cash from any premium 112071  
paid on each issuance that is available to be transferred, after 112072  
all issuance costs have been paid, from the Cultural and Sports 112073  
Facilities Building Fund (Fund 7030) to the Cultural Facilities 112074  
Commission Administration Fund (Fund 4T80). 112075

CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS 112076

The Executive Director of the Cultural Facilities Commission 112077  
shall certify to the Director of Budget and Management the amount 112078  
of cash receipts and related investment income, irrevocable 112079  
letters of credit from a bank, or certification of the 112080  
availability of funds that have been received from a county or a 112081

municipal corporation for deposit into the Capital Donations Fund 112082  
(Fund 5A10) and that are related to an anticipated project. These 112083  
amounts are hereby appropriated to appropriation item C37146, 112084  
Capital Donations. Prior to certifying these amounts to the 112085  
Director, the Executive Director shall make a written agreement 112086  
with the participating entity on the necessary cash flows required 112087  
for the anticipated construction or equipment acquisition project. 112088

**Section 257.10.** DEN STATE DENTAL BOARD 112089

General Services Fund Group 112090  
4K90 880609 Operating Expenses \$ 1,574,715 \$ 1,545,684 112091  
TOTAL GSF General Services Fund 112092  
Group \$ 1,574,715 \$ 1,545,684 112093  
TOTAL ALL BUDGET FUND GROUPS \$ 1,574,715 \$ 1,545,684 112094

**Section 259.10.** BDP BOARD OF DEPOSIT 112096

General Services Fund Group 112097  
4M20 974601 Board of Deposit \$ 1,876,000 \$ 1,876,000 112098  
TOTAL GSF General Services Fund 112099  
Group \$ 1,876,000 \$ 1,876,000 112100  
TOTAL ALL BUDGET FUND GROUPS \$ 1,876,000 \$ 1,876,000 112101

BOARD OF DEPOSIT EXPENSE FUND 112102

Upon receiving certification of expenses from the Treasurer 112103  
of State, the Director of Budget and Management shall transfer 112104  
cash from the Investment Earnings Redistribution Fund (Fund 6080) 112105  
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 112106  
shall be used pursuant to section 135.02 of the Revised Code to 112107  
pay for any and all necessary expenses of the Board of Deposit or 112108  
for banking charges and fees required for the operation of the 112109  
State of Ohio Regular Account. 112110

**Section 261.10.** DEV DEPARTMENT OF DEVELOPMENT 112111

|     |                      |                       |    |            |    |                   |
|-----|----------------------|-----------------------|----|------------|----|-------------------|
|     | General Revenue Fund |                       |    |            |    | 112112            |
| GRF | 195401               | Thomas Edison Program | \$ | 13,820,354 | \$ | 0 112113          |
| GRF | 195402               | Coal Development      | \$ | 260,983    | \$ | 261,205 112114    |
|     |                      | Office                |    |            |    |                   |
| GRF | 195404               | Small Business        | \$ | 1,565,770  | \$ | 0 112115          |
|     |                      | Development           |    |            |    |                   |
| GRF | 195405               | Minority Business     | \$ | 1,118,528  | \$ | 0 112116          |
|     |                      | Enterprise Division   |    |            |    |                   |
| GRF | 195407               | Travel and Tourism    | \$ | 5,000,000  | \$ | 0 112117          |
| GRF | 195412               | Rapid Outreach Grants | \$ | 9,000,000  | \$ | 0 112118          |
| GRF | 195415               | Strategic Business    | \$ | 4,500,000  | \$ | 0 112119          |
|     |                      | Investment Division   |    |            |    |                   |
|     |                      | and Regional Offices  |    |            |    |                   |
| GRF | 195416               | Governor's Office of  | \$ | 3,700,000  | \$ | 0 112120          |
|     |                      | Appalachia            |    |            |    |                   |
| GRF | 195422               | Technology Action     | \$ | 547,341    | \$ | 0 112121          |
| GRF | 195426               | Clean Ohio            | \$ | 468,365    | \$ | 0 112122          |
|     |                      | Implementation        |    |            |    |                   |
| GRF | 195432               | Global Markets        | \$ | 3,500,000  | \$ | 0 112123          |
| GRF | 195434               | Industrial Training   | \$ | 10,000,000 | \$ | 0 112124          |
|     |                      | Grants                |    |            |    |                   |
| GRF | 195497               | CDBG Operating Match  | \$ | 1,015,000  | \$ | 0 112125          |
| GRF | 195501               | Appalachian Local     | \$ | 391,482    | \$ | 0 112126          |
|     |                      | Development Districts |    |            |    |                   |
| GRF | 195502               | Appalachian Regional  | \$ | 195,000    | \$ | 0 112127          |
|     |                      | Commission Dues       |    |            |    |                   |
| GRF | 195528               | Economic Development  | \$ | 0          | \$ | 30,230,000 112128 |
|     |                      | Projects              |    |            |    |                   |
| GRF | 195901               | Coal Research &       | \$ | 7,861,100  | \$ | 5,577,700 112129  |
|     |                      | Development General   |    |            |    |                   |
|     |                      | Obligation Debt       |    |            |    |                   |
|     |                      | Service               |    |            |    |                   |
| GRF | 195905               | Third Frontier        | \$ | 29,323,300 | \$ | 63,640,300 112130 |



|           |        |                                    |    |             |    |             |        |
|-----------|--------|------------------------------------|----|-------------|----|-------------|--------|
|           |        | Research &                         |    |             |    |             |        |
|           |        | Development General                |    |             |    |             |        |
|           |        | Obligation Debt                    |    |             |    |             |        |
|           |        | Service                            |    |             |    |             |        |
| GRF       | 195912 | Job Ready Site                     | \$ | 9,859,200   | \$ | 15,680,500  | 112131 |
|           |        | Development General                |    |             |    |             |        |
|           |        | Obligation Debt                    |    |             |    |             |        |
|           |        | Service                            |    |             |    |             |        |
| TOTAL GRF |        | General Revenue Fund               | \$ | 102,126,423 | \$ | 115,389,705 | 112132 |
|           |        | General Services Fund Group        |    |             |    |             | 112133 |
| 1350      | 195684 | Supportive Services                | \$ | 13,312,881  | \$ | 12,326,381  | 112134 |
| 4W10      | 195646 | Minority Business                  | \$ | 2,500,000   | \$ | 2,500,000   | 112135 |
|           |        | Enterprise Loan                    |    |             |    |             |        |
| 5AD0      | 195633 | Legacy Projects                    | \$ | 15,000,000  | \$ | 15,000,000  | 112136 |
| 5AD0      | 195677 | Economic Development               | \$ | 10,000,000  | \$ | 0           | 112137 |
|           |        | Contingency                        |    |             |    |             |        |
| 5W50      | 195690 | Travel and Tourism                 | \$ | 100,000     | \$ | 100,000     | 112138 |
|           |        | Cooperative Projects               |    |             |    |             |        |
| 6850      | 195636 | Direct Cost Recovery               | \$ | 900,000     | \$ | 900,000     | 112139 |
|           |        | Expenditures                       |    |             |    |             |        |
| TOTAL GSF |        | General Services Fund              |    |             |    |             | 112140 |
| Group     |        |                                    | \$ | 41,812,881  | \$ | 30,826,381  | 112141 |
|           |        | Federal Special Revenue Fund Group |    |             |    |             | 112142 |
| 3080      | 195602 | Appalachian Regional               | \$ | 475,000     | \$ | 475,000     | 112143 |
|           |        | Commission                         |    |             |    |             |        |
| 3080      | 195603 | Housing and Urban                  | \$ | 6,000,000   | \$ | 6,000,000   | 112144 |
|           |        | Development                        |    |             |    |             |        |
| 3080      | 195605 | Federal Projects                   | \$ | 85,028,606  | \$ | 85,470,106  | 112145 |
| 3080      | 195609 | Small Business                     | \$ | 6,438,143   | \$ | 5,511,381   | 112146 |
|           |        | Administration                     |    |             |    |             |        |
| 3080      | 195618 | Energy Federal Grants              | \$ | 38,000,000  | \$ | 3,400,000   | 112147 |
| 3350      | 195610 | Energy Conservation                | \$ | 1,100,000   | \$ | 1,100,000   | 112148 |

|                                  |        |                                                                           |    |             |    |             |        |
|----------------------------------|--------|---------------------------------------------------------------------------|----|-------------|----|-------------|--------|
|                                  |        | and Emerging<br>Technology                                                |    |             |    |             |        |
| 3AE0                             | 195643 | Workforce Development<br>Initiatives                                      | \$ | 16,300,000  | \$ | 16,300,000  | 112149 |
| 3DB0                             | 195642 | Federal Stimulus -<br>Energy Efficiency &<br>Conservation Block<br>Grants | \$ | 3,000,000   | \$ | 42,485      | 112150 |
| 3EG0                             | 195608 | Federal Energy<br>Training                                                | \$ | 5,000,000   | \$ | 1,344,056   | 112151 |
| 3K80                             | 195613 | Community Development<br>Block Grant                                      | \$ | 76,795,818  | \$ | 65,210,000  | 112152 |
| 3K90                             | 195611 | Home Energy<br>Assistance Block<br>Grant                                  | \$ | 115,743,608 | \$ | 115,743,608 | 112153 |
| 3K90                             | 195614 | HEAP Weatherization                                                       | \$ | 22,000,000  | \$ | 22,000,000  | 112154 |
| 3L00                             | 195612 | Community Services<br>Block Grant                                         | \$ | 27,240,217  | \$ | 27,240,217  | 112155 |
| 3V10                             | 195601 | HOME Program                                                              | \$ | 40,000,000  | \$ | 40,000,000  | 112156 |
| TOTAL FED                        |        | Federal Special Revenue                                                   |    |             |    |             | 112157 |
| Fund Group                       |        |                                                                           | \$ | 443,121,392 | \$ | 389,836,853 | 112158 |
| State Special Revenue Fund Group |        |                                                                           |    |             |    |             | 112159 |
| 4500                             | 195624 | Minority Business<br>Bonding Program<br>Administration                    | \$ | 160,110     | \$ | 159,069     | 112160 |
| 4510                             | 195625 | Economic Development<br>Financing Operating                               | \$ | 3,400,000   | \$ | 3,400,000   | 112161 |
| 4F20                             | 195639 | State Special<br>Projects                                                 | \$ | 180,437     | \$ | 180,436     | 112162 |
| 4F20                             | 195676 | Marketing<br>Initiatives                                                  | \$ | 5,000,000   | \$ | 0           | 112163 |
| 4F20                             | 195699 | Utility Provided<br>Funds                                                 | \$ | 500,000     | \$ | 500,000     | 112164 |

|                                     |        |                                             |    |             |    |             |        |
|-------------------------------------|--------|---------------------------------------------|----|-------------|----|-------------|--------|
| 4S00                                | 195630 | Tax Incentive Programs                      | \$ | 650,800     | \$ | 650,800     | 112165 |
| 5HJ0                                | 195604 | Motion Picture Tax Credit Program           | \$ | 50,000      | \$ | 50,000      | 112166 |
| 5HR0                                | 195526 | Ohio Workforce Job Training                 | \$ | 20,000,000  | \$ | 30,000,000  | 112167 |
| 5JR0                                | 195656 | New Market Tax Credit Program               | \$ | 50,000      | \$ | 50,000      | 112168 |
| 5KD0                                | 195621 | Brownfield Stormwater Loan                  | \$ | 50,000      | \$ | 50,000      | 112169 |
| 5M40                                | 195659 | Low Income Energy Assistance                | \$ | 245,000,000 | \$ | 245,000,000 | 112170 |
| 5M50                                | 195660 | Advanced Energy Programs                    | \$ | 8,000,000   | \$ | 8,000,000   | 112171 |
| 5W60                                | 195691 | International Trade Cooperative Projects    | \$ | 160,000     | \$ | 160,000     | 112172 |
| 6170                                | 195654 | Volume Cap Administration                   | \$ | 94,397      | \$ | 92,768      | 112173 |
| 6460                                | 195638 | Low- and Moderate-Income Housing Trust Fund | \$ | 53,000,000  | \$ | 53,000,000  | 112174 |
| TOTAL SSR State Special Revenue     |        |                                             |    |             |    |             | 112175 |
| Fund Group                          |        |                                             | \$ | 336,295,744 | \$ | 341,293,073 | 112176 |
| Facilities Establishment Fund Group |        |                                             |    |             |    |             | 112177 |
| 5S90                                | 195628 | Capital Access Loan Program                 | \$ | 2,000,000   | \$ | 2,000,000   | 112178 |
| 7009                                | 195664 | Innovation Ohio                             | \$ | 15,000,000  | \$ | 15,000,000  | 112179 |
| 7010                                | 195665 | Research and Development                    | \$ | 22,000,000  | \$ | 22,000,000  | 112180 |
| 7037                                | 195615 | Facilities Establishment                    | \$ | 65,000,000  | \$ | 65,000,000  | 112181 |
| TOTAL 037 Facilities                |        |                                             |    |             |    |             | 112182 |
| Establishment Fund Group            |        |                                             | \$ | 104,000,000 | \$ | 104,000,000 | 112183 |

|                                                            |    |               |                  |        |
|------------------------------------------------------------|----|---------------|------------------|--------|
| Clean Ohio Revitalization Fund                             |    |               |                  | 112184 |
| 7003 195663 Clean Ohio Operating                           | \$ | 950,000       | \$ 950,000       | 112185 |
| TOTAL 7003 Clean Ohio                                      | \$ | 950,000       | \$ 950,000       | 112186 |
| Revitalization Fund                                        |    |               |                  |        |
| Third Frontier Research & Development Fund Group           |    |               |                  | 112187 |
| 7011 195686 Third Frontier Operating                       | \$ | 1,149,750     | \$ 1,149,750     | 112188 |
| 7011 195687 Third Frontier Research & Development Projects | \$ | 183,850,250   | \$ 133,850,250   | 112189 |
| 7014 195620 Third Frontier Operating - Tax                 | \$ | 1,700,000     | \$ 1,700,000     | 112190 |
| 7014 195692 Research & Development Taxable Bond Projects   | \$ | 38,300,000    | \$ 38,300,000    | 112191 |
| TOTAL 011 Third Frontier Research & Development Fund Group | \$ | 225,000,000   | \$ 175,000,000   | 112192 |
| Job Ready Site Development Fund Group                      |    |               |                  | 112193 |
| 7012 195688 Job Ready Site Operating                       | \$ | 800,000       | \$ 800,000       | 112194 |
| TOTAL 012 Job Ready Site Development Fund Group            | \$ | 800,000       | \$ 800,000       | 112195 |
| Tobacco Master Settlement Agreement Fund Group             |    |               |                  | 112196 |
| M087 195435 Biomedical Research and Technology Transfer    | \$ | 1,999,224     | \$ 1,999,224     | 112197 |
| TOTAL TSF Tobacco Master Settlement Agreement Fund Group   | \$ | 1,999,224     | \$ 1,999,224     | 112198 |
| TOTAL ALL BUDGET FUND GROUPS                               | \$ | 1,256,105,664 | \$ 1,160,095,236 | 112199 |

**Section 261.10.10. THOMAS EDISON PROGRAM** 112201

The foregoing appropriation item 195401, Thomas Edison 112202

Program, shall be used for the purposes of sections 122.28 to 112203  
122.38 of the Revised Code. Of the foregoing appropriation item 112204  
195401, Thomas Edison Program, not more than ten per cent in each 112205  
fiscal year shall be used for operating expenditures in 112206  
administering the programs of the Technology and Innovation 112207  
Division. 112208

**Section 261.10.20. SMALL BUSINESS DEVELOPMENT** 112209

The foregoing appropriation item 195404, Small Business 112210  
Development, shall be used as matching funds for grants from the 112211  
United States Small Business Administration and other federal 112212  
agencies, pursuant to Pub. L. No. 96-302 (1980) as amended by Pub. 112213  
L. No. 98-395 (1984), and regulations and policy guidelines for 112214  
the programs pursuant thereto. This appropriation item also may be 112215  
used to provide grants to local organizations to support the 112216  
operation of small business development centers and other local 112217  
economic development activities that promote small business 112218  
development and entrepreneurship. 112219

**Section 261.10.30. RAPID OUTREACH GRANTS** 112220

Appropriation item 195412, Rapid Outreach Grants, shall be 112221  
used as an incentive for attracting, expanding, and retaining 112222  
business opportunities for the state in accordance with Chapter 112223  
166. of the Revised Code. Of the amount appropriated, no more than 112224  
five per cent in each fiscal year shall be used for administrative 112225  
costs of the Rapid Outreach Program. 112226

The department shall award funds directly to business 112227  
entities considering Ohio for their expansion or new site location 112228  
opportunities. Rapid Outreach grants shall be used by recipients 112229  
to purchase equipment, make infrastructure improvements, make real 112230  
property improvements, or fund other fixed assets. To meet the 112231  
particular needs of economic development in a region, the 112232

department may elect to award funds directly to a political 112233  
subdivision to assist with making on- or off-site infrastructure 112234  
improvements to water and sewage treatment facilities, electric or 112235  
gas service connections, fiber optic access, rail facilities, site 112236  
preparation, and parking facilities. The Director of Development 112237  
may recommend that the funds be used for alternative purposes when 112238  
considered appropriate to satisfy an economic development 112239  
opportunity or need deemed extraordinary in nature by the Director 112240  
including, but not limited to, construction, rehabilitation, and 112241  
acquisition projects for rail freight assistance as requested by 112242  
the Department of Transportation. The Director of Transportation 112243  
shall submit the proposed projects to the Director of Development 112244  
for an evaluation of potential economic benefit. 112245

Moneys awarded directly to business entities from the 112246  
foregoing appropriation item 195412, Rapid Outreach Grants, may be 112247  
expended only after the submission of a request to the Controlling 112248  
Board by the Department of Development outlining the planned use 112249  
of the funds, and the subsequent approval of the request by the 112250  
Controlling Board. 112251

**Section 261.10.40.** STRATEGIC BUSINESS INVESTMENT DIVISION AND 112252  
REGIONAL OFFICES 112253

The foregoing appropriation item 195415, Strategic Business 112254  
Investment Division and Regional Offices, shall be used for the 112255  
operating expenses of the Strategic Business Investment Division 112256  
and the regional economic development offices and for grants for 112257  
cooperative economic development ventures. 112258

**Section 261.10.50.** GOVERNOR'S OFFICE OF APPALACHIA 112259

The foregoing appropriation item 195416, Governor's Office of 112260  
Appalachia, may be used for the administrative costs of planning 112261  
and liaison activities for the Governor's Office of Appalachia, to 112262

provide financial assistance to projects in Ohio's Appalachian 112263  
counties, and to match federal funds from the Appalachian Regional 112264  
Commission. 112265

It is the intent of the General Assembly to appropriate for 112266  
fiscal year 2013 the same amounts appropriated for fiscal year 112267  
2012 in the foregoing appropriation items 195416, Governor's 112268  
Office of Appalachia; 195501, Appalachian Local Development 112269  
Districts; and 195502, Appalachian Regional Commission Dues. 112270

**Section 261.10.60. TECHNOLOGY ACTION** 112271

The foregoing appropriation item 195422, Technology Action, 112272  
shall be used for operating expenses the Department of Development 112273  
incurs for administering sections 184.10 to 184.20 of the Revised 112274  
Code. If the appropriation is insufficient to cover the operating 112275  
expenses, the Department may request Controlling Board approval to 112276  
appropriate the additional amount needed in appropriation item 112277  
195686, Third Frontier Operating. The Department shall not request 112278  
an amount in excess of the amount needed. 112279

**Section 261.10.70. CLEAN OHIO IMPLEMENTATION** 112280

The foregoing appropriation item 195426, Clean Ohio 112281  
Implementation, shall be used to fund the costs of administering 112282  
the Clean Ohio Revitalization program and other urban 112283  
revitalization programs that may be implemented by the Department 112284  
of Development. 112285

**Section 261.10.80. GLOBAL MARKETS** 112286

The foregoing appropriation item 195432, Global Markets, 112287  
shall be used to administer Ohio's foreign trade and investment 112288  
programs, including operation and maintenance of Ohio's 112289  
out-of-state trade and investment offices. This appropriation item 112290  
also shall be used to fund the Global Markets Division and to 112291

assist Ohio manufacturers, agricultural producers, and service 112292  
providers in exporting to foreign countries and to assist in the 112293  
attraction of foreign direct investment. 112294

Of the foregoing appropriation item 195432, Global Markets, 112295  
\$100,000 in fiscal year 2012 shall be used to support the Negev 112296  
Foundation as part of the Ohio-Israel Initiative. 112297

**Section 261.10.90. OHIO WORKFORCE GUARANTEE PROGRAM** 112298

The foregoing appropriation item 195434, Industrial Training 112299  
Grants, may be used for the Ohio Workforce Guarantee Program to 112300  
promote training through grants to businesses and, in the case of 112301  
a business consortium, training and education providers for the 112302  
reimbursement of eligible training expenses. 112303

**Section 261.20.10. ECONOMIC DEVELOPMENT PROJECTS** 112304

The foregoing appropriation item 195528, Economic Development 112305  
Projects, may be used for the purposes of Chapter 122. of the 112306  
Revised Code. This appropriation item is made in anticipation of 112307  
the evaluation of all powers, functions, and duties of the 112308  
Department of Development by the Director of Development, as 112309  
prescribed in Section 187.05 of the Revised Code. It is the intent 112310  
of the General Assembly that the appropriations in the 112311  
appropriation item be reallocated upon completion of the 112312  
evaluation. 112313

Of the foregoing appropriation item 195528, Economic 112314  
Development Projects, \$100,000 in fiscal year 2013 shall be used 112315  
to support the Negev Foundation as part of the Ohio-Israel 112316  
Initiative. 112317

**Section 261.20.20. OHIO FILM OFFICE** 112318

The Ohio Film Office shall promote media productions in the 112319  
state and help the industry optimize its production experience in 112320



the state by enhancing local economies through increased 112321  
employment and tax revenues and ensuring an accurate portrayal of 112322  
Ohio. The Office shall serve as an informational clearinghouse and 112323  
provide technical assistance to the media production industry and 112324  
business entities engaged in media production in the state. The 112325  
Office shall promote Ohio as the ideal site for media production 112326  
and help those in the industry benefit from their experience in 112327  
the state. 112328

The primary objective of the Office shall be to encourage 112329  
development of a strong capital base for electronic media 112330  
production in order to achieve an independent, self-supporting 112331  
industry in Ohio. Other objectives shall include: 112332

(A) Attracting private investment for the electronic media 112333  
production industry; 112334

(B) Developing a tax infrastructure that encourages private 112335  
investment; and 112336

(C) Encouraging increased employment opportunities within 112337  
this sector and increased competition with other states. 112338

**Section 261.20.30. COAL RESEARCH AND DEVELOPMENT GENERAL** 112339  
**OBLIGATION DEBT SERVICE** 112340

The foregoing appropriation line item 195901, Coal Research 112341  
and Development General Obligation Debt Service, shall be used to 112342  
pay all debt service and related financing costs during the period 112343  
July 1, 2011, through June 30, 2013 for obligations issued under 112344  
sections 151.01 and 151.07 of the Revised Code. 112345

**THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT** 112346  
**SERVICE** 112347

The foregoing appropriation item 195905, Third Frontier 112348  
Research & Development General Obligation Debt Service, shall be 112349  
used to pay all debt service and related financing costs during 112350

the period from July 1, 2011, through June 30, 2013, on 112351  
obligations issued for research and development purposes under 112352  
sections 151.01 and 151.10 of the Revised Code. 112353

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 112354

The foregoing appropriation item 195912, Job Ready Site 112355  
Development General Obligation Debt Service, shall be used to pay 112356  
all debt service and related financing costs during the period 112357  
from July 1, 2011, through June 30, 2013, on obligations issued 112358  
for job ready site development purposes under sections 151.01 and 112359  
151.11 of the Revised Code. 112360

**Section 261.20.40.** SUPPORTIVE SERVICES 112361

The Director of Development may assess divisions of the 112362  
department for the cost of central service operations. An 112363  
assessment shall contain the characteristics of administrative 112364  
ease and uniform application. A division's payments shall be 112365  
credited to the Supportive Services Fund (Fund 1350) using an 112366  
intrastate transfer voucher. 112367

ECONOMIC DEVELOPMENT CONTINGENCY 112368

The foregoing appropriation item 195677, Economic Development 112369  
Contingency, may be used to award funds directly to either (1) 112370  
business entities considering Ohio for expansion or new site 112371  
location opportunities or (2) political subdivisions to assist 112372  
with necessary costs involved in attracting a business entity. In 112373  
addition, the Director of Development may award funds for 112374  
alternative purposes when appropriate to satisfy an economic 112375  
development opportunity or need deemed extraordinary in nature by 112376  
the Director. 112377

DIRECT COST RECOVERY EXPENDITURES 112378

The foregoing appropriation item 195636, Direct Cost Recovery 112379  
Expenditures, shall be used for reimbursable costs. Revenues to 112380

the General Reimbursement Fund (Fund 6850) shall consist of moneys 112381  
charged for administrative costs that are not central service 112382  
costs. 112383

**Section 261.20.50. HEAP WEATHERIZATION** 112384

Up to fifteen per cent of the federal funds deposited to the 112385  
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 112386  
may be expended from appropriation item 195614, HEAP 112387  
Weatherization, to provide home weatherization services in the 112388  
state as determined by the Director of Development. Any transfers 112389  
or increases in appropriation for the foregoing appropriation 112390  
items 195614, HEAP Weatherization, or 195611, Home Energy 112391  
Assistance Block Grant, shall be subject to approval by the 112392  
Controlling Board. 112393

**Section 261.20.60. STATE SPECIAL PROJECTS** 112394

The State Special Projects Fund (Fund 4F20), may be used for 112395  
the deposit of private-sector funds from utility companies and for 112396  
the deposit of other miscellaneous state funds. State moneys so 112397  
deposited shall be used to match federal housing grants for the 112398  
homeless and to market economic development opportunities in the 112399  
state. Private-sector moneys shall be deposited for use in 112400  
appropriation item 195699, Utility Provided Funds, and shall be 112401  
used to (1) pay the expenses of verifying the income-eligibility 112402  
of HEAP applicants, (2) leverage additional federal funds, (3) 112403  
fund special projects to assist homeless individuals, (4) fund 112404  
special projects to assist with the energy efficiency of 112405  
households eligible to participate in the Percentage of Income 112406  
Payment Plan, and (5) assist with training programs for agencies 112407  
that administer low-income customer assistance programs. 112408

**Section 261.20.70. TAX INCENTIVE PROGRAMS OPERATING** 112409

The foregoing appropriation item 195630, Tax Incentive Programs, shall be used for the operating costs of the Office of Grants and Tax Incentives.

**Section 261.20.80. MINORITY BUSINESS ENTERPRISE LOAN**

All repayments from the Minority Development Financing Advisory Board Loan Program and the Ohio Mini-Loan Guarantee Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10). Operating costs of administering the Minority Business Enterprise Loan Fund may be paid from the Minority Business Enterprise Loan Fund (Fund 4W10).

**MINORITY BUSINESS BONDING FUND**

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the fiscal year 2012-fiscal year 2013 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code. The transfer of any cash by the Director of Budget and Management from the Department of Commerce's Unclaimed Funds Fund (Fund 5430) to the Department of Development's Minority Business Bonding Fund (Fund 4490) shall occur, if requested by the Director of Development, only if such funds are needed for payment of losses arising from the Minority Business Bonding Program, and only after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program has been used for that purpose. Moneys transferred by the Director of Budget and Management from the Department of Commerce for this purpose may be moneys in custodial funds held by the Treasurer of State. If expenditures are required for payment of losses arising from the Minority Business Bonding

Program, such expenditures shall be made from appropriation item 112441  
195623, Minority Business Bonding Contingency in the Minority 112442  
Business Bonding Fund, and such amounts are hereby appropriated. 112443

**Section 261.20.90. OHIO INCUMBENT WORKFORCE TRAINING VOUCHERS** 112444

(A) On July 1, 2011, or as soon as possible thereafter, the 112445  
Director of Budget and Management shall transfer up to \$20,000,000 112446  
from the Economic Development Programs Fund (Fund 5JC0) used by 112447  
the Board of Regents to the Ohio Incumbent Workforce Job Training 112448  
Fund (Fund 5HR0) used by the Department of Development. 112449

On July 1, 2012, or as soon as possible thereafter, the 112450  
Director of Budget and Management shall transfer up to \$30,000,000 112451  
from the Economic Development Programs Fund (Fund 5JC0) used by 112452  
the Board of Regents to the Ohio Incumbent Workforce Job Training 112453  
Fund (Fund 5HR0) used by the Department of Development. 112454

(B) Of the foregoing appropriation item 195526, Ohio 112455  
Workforce Job Training, up to \$20,000,000 in fiscal year 2012 and 112456  
up to \$30,000,000 in fiscal year 2013 shall be used to support the 112457  
Ohio Incumbent Workforce Training Voucher Program. The Director of 112458  
Development and the Chief Investment Officer of JobsOhio may enter 112459  
into an agreement to operate the program pursuant to the contract 112460  
between the Department of Development and JobsOhio under section 112461  
187.04 of the Revised Code. The agreement may include a provision 112462  
for granting, loaning, or transferring funds from appropriation 112463  
item 195526, Ohio Incumbent Workforce Job Training, to JobsOhio to 112464  
provide training for incumbent workers. 112465

(C) Any agreement between the Director and the Chief 112466  
Investment Officer under division (B) of this section shall 112467  
include guidelines for the operation of the program, including, 112468  
but not limited to, the following: 112469

(1) A requirement that a training voucher under the program 112470

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| shall not exceed \$6,000 per worker per year;                                                                                                                                                                                                                                                                                                                                                                                                                                 | 112471                                                                       |
| (2) A provision for an employer of an eligible employee to apply for a voucher on behalf of the eligible employee;                                                                                                                                                                                                                                                                                                                                                            | 112472<br>112473                                                             |
| (3) A provision for an eligible employee to apply directly for a training voucher with the pre-approval of the employee's employer; and                                                                                                                                                                                                                                                                                                                                       | 112474<br>112475<br>112476                                                   |
| (4) A requirement that an employee participating in the program, or the employee's employer, shall pay for not less than thirty-three per cent of the training costs under the program.                                                                                                                                                                                                                                                                                       | 112477<br>112478<br>112479                                                   |
| <b>Section 261.30.10. ADVANCED ENERGY FUND</b>                                                                                                                                                                                                                                                                                                                                                                                                                                | 112480                                                                       |
| The foregoing appropriation item 195660, Advanced Energy Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers, and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted by the Director of Development. | 112481<br>112482<br>112483<br>112484<br>112485<br>112486<br>112487<br>112488 |
| <b>VOLUME CAP ADMINISTRATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                              | 112489                                                                       |
| The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.                                                                                                             | 112490<br>112491<br>112492<br>112493<br>112494<br>112495                     |
| <b>Section 261.30.20. INNOVATION OHIO LOAN FUND</b>                                                                                                                                                                                                                                                                                                                                                                                                                           | 112496                                                                       |
| The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for innovation Ohio purposes, including loan guarantees and loans under Chapter 166. and particularly                                                                                                                                                                                                                                                                                      | 112497<br>112498<br>112499                                                   |

sections 166.12 to 166.16 of the Revised Code. 112500

RESEARCH AND DEVELOPMENT 112501

The foregoing appropriation item 195665, Research and 112502  
Development, shall be used to provide for research and development 112503  
purposes, including loans, under Chapter 166. and particularly 112504  
sections 166.17 to 166.21 of the Revised Code. 112505

LOGISTICS AND DISTRIBUTION INFRASTRUCTURE 112506

Appropriation item 195698, Logistics and Distribution 112507  
Infrastructure, shall be used for eligible logistics and 112508  
distribution infrastructure projects as defined in section 166.01 112509  
of the Revised Code. Any unexpended and unencumbered portion of 112510  
the appropriation item at the end of fiscal year 2011 is hereby 112511  
reappropriated for the same purpose in fiscal year 2012, and any 112512  
unexpended and unencumbered portion of the appropriation item at 112513  
the end of fiscal year 2012 is hereby reappropriated for the same 112514  
purpose in fiscal year 2013. 112515

After all encumbrances have been paid, the Director of Budget 112516  
and Management shall transfer the remaining cash balance in the 112517  
Logistics and Distribution Infrastructure Fund (Fund 7008) to the 112518  
Facilities Establishment Fund (Fund 7037). 112519

FACILITIES ESTABLISHMENT FUND 112520

The foregoing appropriation item 195615, Facilities 112521  
Establishment (Fund 7037), shall be used for the purposes of the 112522  
Facilities Establishment Fund under Chapter 166. of the Revised 112523  
Code. 112524

Notwithstanding Chapter 166. of the Revised Code, an amount 112525  
not to exceed \$1,000,000 in cash in fiscal year 2012 may be 112526  
transferred from the Facilities Establishment Fund (Fund 7037) to 112527  
the Economic Development Financing Operating Fund (Fund 4510). The 112528  
transfer is subject to Controlling Board approval under division 112529

(B) of section 166.03 of the Revised Code. 112530

Notwithstanding Chapter 166. of the Revised Code, the 112531  
Director of Budget and Management may transfer an amount not to 112532  
exceed \$2,500,000 in cash in each fiscal year from the Facilities 112533  
Establishment Fund (Fund 7037) to the Minority Business Enterprise 112534  
Loan Fund (Fund 4W10). 112535

On July 1, 2011, or as soon as possible thereafter, the 112536  
Director of Budget and Management shall transfer the unexpended 112537  
and unencumbered cash balance in the Urban Development Loans Fund 112538  
(Fund 5D20) to the Facilities Establishment Fund (Fund 7037). 112539

On July 1, 2011, or as soon as possible thereafter, the 112540  
Director of Budget and Management shall transfer the unexpended 112541  
and unencumbered cash balance in the Rural Industrial Park Loan 112542  
Fund (Fund 4Z60) to the Facilities Establishment Fund (Fund 7037). 112543

CAPITAL ACCESS LOAN PROGRAM 112544

The foregoing appropriation item 195628, Capital Access Loan 112545  
Program, shall be used for operating, program, and administrative 112546  
expenses of the program. Funds of the Capital Access Loan Program 112547  
shall be used to assist participating financial institutions in 112548  
making program loans to eligible businesses that face barriers in 112549  
accessing working capital and obtaining fixed-asset financing. 112550

**Section 261.30.30. CLEAN OHIO OPERATING EXPENSES** 112551

The foregoing appropriation item 195663, Clean Ohio 112552  
Operating, shall be used by the Department of Development in 112553  
administering Clean Ohio Revitalization Fund (Fund 7003) projects 112554  
pursuant to sections 122.65 to 122.658 of the Revised Code. 112555

**Section 261.30.40. THIRD FRONTIER OPERATING** 112556

The foregoing appropriation items 195686, Third Frontier 112557  
Operating, and 195620, Third Frontier Operating - Tax, shall be 112558



used for operating expenses incurred by the Department of 112559  
Development in administering projects pursuant to sections 184.10 112560  
to 184.20 of the Revised Code. Operating expenses paid from item 112561  
195686 shall be limited to the administration of projects funded 112562  
from the Third Frontier Research & Development Fund (Fund 7011) 112563  
and operating expenses paid from item 195620 shall be limited to 112564  
the administration of projects funded from the Third Frontier 112565  
Research & Development Taxable Bond Project Fund (Fund 7014). 112566

**Section 261.30.50. THIRD FRONTIER RESEARCH AND DEVELOPMENT 112567**  
**PROJECTS AND RESEARCH AND DEVELOPMENT TAXABLE BOND PROJECTS 112568**

The foregoing appropriation items 195687, Third Frontier 112569  
Research & Development Projects, 195692, Research & Development 112570  
Taxable Bond Projects, and 195620, Third Frontier Operating - Tax, 112571  
shall be used by the Department of Development to fund selected 112572  
projects. Eligible costs are those costs of research and 112573  
development projects to which the proceeds of the Third Frontier 112574  
Research & Development Fund (Fund 7011) and the Research & 112575  
Development Taxable Bond Project Fund (Fund 7014) are to be 112576  
applied. 112577

**TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 112578**

The Director of Budget and Management may approve written 112579  
requests from the Director of Development for the transfer of 112580  
appropriations between appropriation items 195687, Third Frontier 112581  
Research & Development Projects, and 195692, Research & 112582  
Development Taxable Bond Projects, based upon awards recommended 112583  
by the Third Frontier Commission. The transfers are subject to 112584  
approval by the Controlling Board. 112585

On or before June 30, 2012, any unexpended and unencumbered 112586  
portions of the foregoing appropriation items 195687, Third 112587  
Frontier Research & Development Projects, and 195692, Research & 112588  
Development Taxable Bond Projects, for fiscal year 2012 are hereby 112589

reappropriated to the Department of Development for the same 112590  
purposes for fiscal year 2013. 112591

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 112592

The Ohio Public Facilities Commission, upon request of the 112593  
Department of Development, is hereby authorized to issue and sell, 112594  
in accordance with Section 2p of Article VIII, Ohio Constitution, 112595  
and particularly sections 151.01 and 151.10 of the Revised Code, 112596  
original obligations of the State of Ohio in an aggregate amount 112597  
not to exceed \$400,000,000 in addition to the original issuance of 112598  
obligations authorized by prior acts of the General Assembly. The 112599  
authorized obligations shall be issued and sold from time to time 112600  
and in amounts necessary to ensure sufficient moneys to the credit 112601  
of the Third Frontier Research and Development Fund (Fund 7011) to 112602  
pay costs of research and development projects. 112603

**Section 261.30.60. JOB READY SITE OPERATING** 112604

The foregoing appropriation item 195688, Job Ready Site 112605  
Operating, shall be used for operating expenses incurred by the 112606  
Department of Development in administering Job Ready Site 112607  
Development Fund (Fund 7012) projects pursuant to sections 122.085 112608  
to 122.0820 of the Revised Code. Operating expenses include, but 112609  
are not limited to, certain qualified expenses of the District 112610  
Public Works Integrating Committees, as applicable, engineering 112611  
review of submitted applications by the State Architect or a third 112612  
party engineering firm, audit and accountability activities, and 112613  
costs associated with formal certifications verifying that site 112614  
infrastructure is in place and is functional. 112615

**Section 261.30.70. OHIO COAL DEVELOPMENT OFFICE** 112616

On July 1, 2011, or as soon as possible thereafter, the 112617  
Director of Budget and Management shall transfer any unexpended 112618  
and unencumbered portion of appropriation item 898604, Coal 112619

Research and Development Fund, used by the Ohio Air Quality 112620  
Development Authority, to a new capital appropriation item in the 112621  
Department of Development, to be determined by the Director. The 112622  
Director also shall cancel all outstanding encumbrances against 112623  
appropriation item 898604, Coal Research and Development Fund, and 112624  
reestablish them against the foregoing new capital appropriation 112625  
item. The amounts of the transfer and the reestablished 112626  
encumbrances, plus \$2,283,264, are hereby appropriated for fiscal 112627  
year 2012 in the foregoing new appropriation item and shall be 112628  
used to provide funding for coal research and development 112629  
purposes. 112630

**Section 261.30.80. THIRD FRONTIER BIOMEDICAL RESEARCH AND 112631**  
COMMERCIALIZATION SUPPORT 112632

The General Assembly and the Governor recognize the role that 112633  
the biomedical industry has in job creation, innovation, and 112634  
economic development throughout Ohio. It is the intent of the 112635  
General Assembly, the Governor, the Director of Development, and 112636  
the Director of Budget and Management to work together in 112637  
continuing to provide comprehensive state support for the 112638  
biomedical industry. 112639

**Section 261.30.90. UNCLAIMED FUNDS TRANSFER 112640**

(A) Notwithstanding division (A) of section 169.05 of the 112641  
Revised Code, upon the request of the Director of Budget and 112642  
Management, the Director of Commerce, before June 30, 2012, shall 112643  
transfer to the Job Development Initiatives Fund (Fund 5AD0) an 112644  
amount not to exceed \$25,000,000 in cash of the unclaimed funds 112645  
that have been reported by the holders of unclaimed funds under 112646  
section 169.05 of the Revised Code, regardless of the allocation 112647  
of the unclaimed funds described under that section. 112648

Notwithstanding division (A) of section 169.05 of the Revised 112649

Code, upon the request of the Director of Budget and Management, 112650  
the Director of Commerce, before June 30, 2013, shall transfer to 112651  
the Job Development Initiatives Fund (Fund 5AD0) an amount not to 112652  
exceed \$15,000,000 in cash of the unclaimed funds that have been 112653  
reported by the holders of unclaimed funds under section 169.05 of 112654  
the Revised Code, regardless of the allocation of the unclaimed 112655  
funds described under that section. 112656

(B) Notwithstanding division (A) of section 169.05 of the 112657  
Revised Code, upon the request of the Director of Budget and 112658  
Management, the Director of Commerce, before June 30, 2012, shall 112659  
transfer to the State Special Projects Fund (Fund 4F20) an amount 112660  
not to exceed \$5,000,000 in cash of the unclaimed funds that have 112661  
been reported by the holders of unclaimed funds under section 112662  
169.05 of the Revised Code, regardless of the allocation of the 112663  
unclaimed funds described under that section. 112664

**Section 261.40.10. WORKFORCE DEVELOPMENT** 112665

The Director of Development and the Director of Job and 112666  
Family Services may enter into one or more interagency agreements 112667  
between the two departments and take other actions the directors 112668  
consider appropriate to further integrate workforce development 112669  
into a larger economic development strategy, to implement the 112670  
recommendations of the Workforce Policy Board, and to complete 112671  
activities related to the transition of the administration of 112672  
employment programs identified by the board. Subject to the 112673  
approval of the Director of Budget and Management, the Department 112674  
of Development and the Department of Job and Family Services may 112675  
expend moneys to support the recommendations of the Workforce 112676  
Policy Board in the area of integration of employment functions as 112677  
described in this paragraph and to complete implementation and 112678  
transition activities from the appropriations to those 112679  
departments. 112680

|                                    |        |                       |    |                                              |        |             |        |
|------------------------------------|--------|-----------------------|----|----------------------------------------------|--------|-------------|--------|
| <b>Section 263.10.</b>             |        |                       |    | DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES | 112681 |             |        |
| General Revenue Fund               |        |                       |    |                                              | 112682 |             |        |
| GRF                                | 320321 | Central               | \$ | 4,422,794                                    | \$     | 4,422,794   | 112683 |
| Administration                     |        |                       |    |                                              |        |             |        |
| GRF                                | 320412 | Protective Services   | \$ | 2,174,826                                    | \$     | 1,957,343   | 112684 |
| GRF                                | 320415 | Lease-Rental Payments | \$ | 18,394,250                                   | \$     | 19,907,900  | 112685 |
| GRF                                | 322407 | Medicaid State Match  | \$ | 218,034,162                                  | \$     | 214,902,506 | 112686 |
| GRF                                | 322451 | Family Support        | \$ | 5,932,758                                    | \$     | 5,932,758   | 112687 |
| Services                           |        |                       |    |                                              |        |             |        |
| GRF                                | 322501 | County Boards         | \$ | 40,906,365                                   | \$     | 44,449,280  | 112688 |
| Subsidies                          |        |                       |    |                                              |        |             |        |
| GRF                                | 322503 | Tax Equity            | \$ | 14,000,000                                   | \$     | 14,000,000  | 112689 |
| TOTAL GRF General Revenue Fund     |        |                       | \$ | 303,865,155                                  | \$     | 305,572,581 | 112690 |
| General Services Fund Group        |        |                       |    |                                              |        |             | 112691 |
| 1520                               | 323609 | Developmental Center  | \$ | 3,414,317                                    | \$     | 3,414,317   | 112692 |
| and Residential                    |        |                       |    |                                              |        |             |        |
| Operating Services                 |        |                       |    |                                              |        |             |        |
| TOTAL GSF General Services Fund    |        |                       | \$ | 3,414,317                                    | \$     | 3,414,317   | 112693 |
| Group                              |        |                       |    |                                              |        |             |        |
| Federal Special Revenue Fund Group |        |                       |    |                                              |        |             | 112694 |
| 3A50                               | 320613 | DD Council            | \$ | 3,341,572                                    | \$     | 3,341,572   | 112695 |
| 3250                               | 322612 | Community Social      | \$ | 11,017,754                                   | \$     | 10,604,896  | 112696 |
| Service Programs                   |        |                       |    |                                              |        |             |        |
| 3DZ0                               | 322648 | Enhanced Medicaid -   | \$ | 10,000,000                                   | \$     | 0           | 112697 |
| Federal                            |        |                       |    |                                              |        |             |        |
| 3G60                               | 322639 | Medicaid Waiver -     | \$ | 866,566,007                                  | \$     | 985,566,007 | 112698 |
| Federal                            |        |                       |    |                                              |        |             |        |
| 3M70                               | 322650 | CAFS Medicaid         | \$ | 29,349,502                                   | \$     | 29,349,502  | 112699 |
| 3A40                               | 323605 | Developmental Center  | \$ | 180,266,029                                  | \$     | 179,384,881 | 112700 |
| and Residential                    |        |                       |    |                                              |        |             |        |
| Facility Services and              |        |                       |    |                                              |        |             |        |

Support

|                                                         |                  |                  |        |
|---------------------------------------------------------|------------------|------------------|--------|
| TOTAL FED Federal Special Revenue                       | \$ 1,100,540,864 | \$ 1,208,246,858 | 112701 |
| Fund Group                                              |                  |                  |        |
| State Special Revenue Fund Group                        |                  |                  | 112702 |
| 5GE0 320606 Operating and<br>Services                   | \$ 7,406,609     | \$ 7,407,297     | 112703 |
| 2210 322620 Supplement Service<br>Trust                 | \$ 150,000       | \$ 150,000       | 112704 |
| 4K80 322604 Medicaid Waiver -<br>State Match            | \$ 12,000,000    | \$ 12,000,000    | 112705 |
| 5CT0 322632 Intensive Behavioral<br>Needs               | \$ 1,000,000     | \$ 1,000,000     | 112706 |
| 5DJ0 322625 Targeted Case<br>Management Match           | \$ 21,000,000    | \$ 24,000,000    | 112707 |
| 5DJ0 322626 Targeted Case<br>Management Services        | \$ 57,307,357    | \$ 66,000,000    | 112708 |
| 5DK0 322629 Capital Replacement<br>Facilities           | \$ 750,000       | \$ 750,000       | 112709 |
| 5EV0 322627 Program Fees                                | \$ 685,000       | \$ 685,000       | 112710 |
| 5H00 322619 Medicaid Repayment                          | \$ 160,000       | \$ 160,000       | 112711 |
| 5JX0 322651 Interagency Workgroup<br>- Autism           | \$ 45,000        | \$ 45,000        | 112712 |
| 5Z10 322624 County Board Waiver<br>Match                | \$ 235,000,000   | \$ 290,000,000   | 112713 |
| 4890 323632 Developmental Center<br>Direct Care Support | \$ 16,497,170    | \$ 16,497,169    | 112714 |
| 5S20 590622 Medicaid<br>Administration &<br>Oversight   | \$ 20,875,567    | \$ 21,727,540    | 112715 |
| TOTAL SSR State Special Revenue                         | \$ 372,876,703   | \$ 440,422,006   | 112716 |
| Fund Group                                              |                  |                  |        |
| TOTAL ALL BUDGET FUND GROUPS                            | \$ 1,780,697,039 | \$ 1,957,655,762 | 112717 |

**Section 263.10.10. LEASE-RENTAL PAYMENTS** 112719

The foregoing appropriation item 320415, Lease-Rental 112720  
Payments, shall be used to meet all payments at the times they are 112721  
required to be made during the period from July 1, 2011, through 112722  
June 30, 2013, by the Department of Developmental Disabilities 112723  
under leases and agreements made under section 154.20 of the 112724  
Revised Code. These appropriations are the source of funds pledged 112725  
for bond service charges or obligations issued pursuant to Chapter 112726  
154. of the Revised Code. 112727

**Section 263.10.20. MEDICAID - STATE MATCH (GRF)** 112728

Except as otherwise provided in section 5123.0416 of the 112729  
Revised Code, the purposes for which the foregoing appropriation 112730  
item 322407, Medicaid State Match, shall be used include the 112731  
following: 112732

(A) Home and community-based waiver services under Title XIX 112733  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 112734  
as amended. 112735

(B) To pay the nonfederal share of the cost of one or more 112736  
new intermediate care facilities for the mentally retarded 112737  
certified beds, if the Director of Developmental Disabilities is 112738  
required by this act to transfer cash from funds used by the 112739  
Department to any fund used by the Department of Job and Family 112740  
Services to pay such nonfederal share. 112741

(C) To implement the requirements of the agreement settling 112742  
the consent decree in *Sermak v. Manuel*, Case No. C-2-80-220, 112743  
United States District Court for the Southern District of Ohio, 112744  
Eastern Division. 112745

(D) To implement the requirements of the agreement settling 112746  
the consent decree in the *Martin v. Strickland*, Case No. 112747  
89-CV-00362, United States District Court for the Southern 112748

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| District of Ohio, Eastern Division.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 112749                                                                       |
| (E) Developmental center and residential facilities services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 112750                                                                       |
| (F) Other programs as identified by the Director of<br>Developmental Disabilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 112751<br>112752                                                             |
| <b>Section 263.10.30. FAMILY SUPPORT SERVICES SUBSIDY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 112753                                                                       |
| (A) The foregoing appropriation item 322451, Family Support<br>Services, may be used as follows in fiscal year 2012 and fiscal<br>year 2013:                                                                                                                                                                                                                                                                                                                                                                                             | 112754<br>112755<br>112756                                                   |
| (1) The appropriation item may be used to provide a subsidy<br>to county boards of developmental disabilities for family support<br>services provided under section 5126.11 of the Revised Code. The<br>subsidy shall be paid in quarterly installments and allocated to<br>county boards according to a formula the Director of Developmental<br>Disabilities shall develop in consultation with representatives of<br>county boards. A county board shall use not more than seven per<br>cent of its subsidy for administrative costs. | 112757<br>112758<br>112759<br>112760<br>112761<br>112762<br>112763<br>112764 |
| (2) The appropriation item may be used to distribute funds to<br>county boards for the purpose of addressing economic hardships and<br>to promote efficiency of operations. In consultation with<br>representatives of county boards, the Director shall determine the<br>amount of funds to distribute for these purposes and the criteria<br>for distributing the funds.                                                                                                                                                               | 112765<br>112766<br>112767<br>112768<br>112769<br>112770                     |
| (B) Each county board shall submit reports to the Department<br>of Developmental Disabilities on the use of funds received under<br>this section. The reports shall be submitted at the times and in<br>the manner specified in rules the Director shall adopt in<br>accordance with Chapter 119. of the Revised Code.                                                                                                                                                                                                                   | 112771<br>112772<br>112773<br>112774<br>112775                               |
| <b>Section 263.10.40. STATE SUBSIDY TO COUNTY DD BOARDS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 112776                                                                       |
| (A) Except as otherwise provided in the section of this act                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 112777                                                                       |



titled "Nonfederal Share of New ICF/MR Beds," the foregoing 112778  
appropriation item 322501, County Boards Subsidies, shall be used 112779  
for the following purposes: 112780

(1) To provide a subsidy to county boards of developmental 112781  
disabilities in quarterly installments and allocated according to 112782  
a formula developed by the Director of Developmental Disabilities 112783  
in consultation with representatives of county boards. Except as 112784  
otherwise provided in section 5126.0511 of the Revised Code, or in 112785  
division (B) of this section, county boards shall use the subsidy 112786  
for early childhood services and adult services provided under 112787  
section 5126.05 of the Revised Code, service and support 112788  
administration provided under section 5126.15 of the Revised Code, 112789  
or supported living as defined in section 5126.01 of the Revised 112790  
Code. 112791

(2) To provide funding, as determined necessary by the 112792  
Director of Developmental Disabilities, for residential services, 112793  
including room and board, and support service programs that enable 112794  
individuals with developmental disabilities to live in the 112795  
community. 112796

(3) To distribute funds to county boards of developmental 112797  
disabilities to address economic hardships and promote efficiency 112798  
of operations. The Director shall determine, in consultation with 112799  
representatives of county boards, the amount of funds to 112800  
distribute for these purposes and the criteria for distributing 112801  
the funds. 112802

(B) In collaboration with the county's family and children 112803  
first council, a county board of developmental disabilities may 112804  
transfer portions of funds received under this section, to a 112805  
flexible funding pool in accordance with the section titled FAMILY 112806  
AND CHILDREN FIRST FLEXIBLE FUNDING POOL. 112807

**Section 263.10.50. COUNTY BOARD SHARE OF WAIVER SERVICES** 112808

As used in this section, "home and community-based services" 112809  
has the same meaning as in section 5123.01 of the Revised Code. 112810

The Director of Developmental Disabilities shall establish a 112811  
methodology to be used in fiscal year 2012 and fiscal year 2013 to 112812  
estimate the quarterly amount each county board of developmental 112813  
disabilities is to pay of the nonfederal share of home and 112814  
community-based services that section 5126.0510 of the Revised 112815  
Code requires county boards to pay. Each quarter, the Director 112816  
shall submit to a county board written notice of the amount the 112817  
county board is to pay for that quarter. The notice shall specify 112818  
when the payment is due. 112819

**Section 263.10.60. TAX EQUITY** 112820

Notwithstanding section 5126.18 of the Revised Code, the 112821  
foregoing appropriation item 322503, Tax Equity, may be used to 112822  
distribute funds to county boards of developmental disabilities to 112823  
address economic hardships and promote efficiency of operations. 112824  
The Director shall determine, in consultation with representatives 112825  
of county boards, the amount of funds to distribute for these 112826  
purposes and the criteria for distributing the funds. 112827

**Section 263.10.70. MEDICAID WAIVER - STATE MATCH** 112828

The foregoing appropriation item 322604, Medicaid Waiver - 112829  
State Match (Fund 4K80), shall be used as state matching funds for 112830  
home and community-based waivers. 112831

**Section 263.10.80. ICF/MR CONVERSION** 112832

(A) As used in this section, "home and community-based 112833  
services" has the same meaning as in section 5123.01 of the 112834  
Revised Code. 112835

(B) For each quarter of the biennium, the Director of 112836  
Developmental Disabilities shall certify to the Director of Budget 112837

and Management the estimated amount needed to fund the provision 112838  
of home and community-based services made available by the slots 112839  
sought under section 5111.877 of the Revised Code. On receipt of 112840  
certification, the Director of Budget and Management shall 112841  
transfer the estimated amount in cash from the General Revenue 112842  
Fund to the Home and Community-Based Services Fund (Fund 4K80), 112843  
used by the Department of Developmental Disabilities. Upon 112844  
completion of the transfer, appropriation item 600525, Health 112845  
Care/Medicaid, is hereby reduced by the amount transferred under 112846  
this section plus the corresponding federal share. The amount 112847  
transferred to Fund 4K80 is hereby appropriated to appropriation 112848  
item 322604, Medicaid Waiver - State Match. 112849

(C) If receipts credited to the Medicaid Waiver Fund (Fund 112850  
3G60) exceed the amounts appropriated from the fund, the Director 112851  
of Developmental Disabilities may request the Director of Budget 112852  
and Management to authorize expenditures from the fund in excess 112853  
of the amounts appropriated. Upon the approval of the Director of 112854  
Budget and Management, the additional amounts are hereby 112855  
appropriated. 112856

(D) If receipts credited to the Interagency Reimbursement 112857  
Fund (Fund 3G50) exceed the amounts appropriated from the fund, 112858  
the Director of Job and Family Services may request the Director 112859  
of Budget and Management to authorize expenditures from the fund 112860  
in excess of the amounts appropriated. Upon approval of the 112861  
Director of Budget and Management, the additional amounts are 112862  
hereby appropriated. 112863

**Section 263.10.90. TARGETED CASE MANAGEMENT SERVICES** 112864

County boards of developmental disabilities shall pay the 112865  
nonfederal portion of targeted case management costs to the 112866  
Department of Developmental Disabilities. 112867

The Directors of Developmental Disabilities and Job and 112868

Family Services may enter into an interagency agreement under 112869  
which the Department of Developmental Disabilities shall transfer 112870  
cash from the Targeted Case Management Fund (Fund 5DJ0) to the 112871  
Medicaid Program Support - State Fund (Fund 5C90) used by the 112872  
Department of Job and Family Services in an amount equal to the 112873  
nonfederal portion of the cost of targeted case management 112874  
services paid by county boards, and the Department of Job and 112875  
Family Services shall pay the total cost of targeted case 112876  
management claims. The transfer shall be made using an intrastate 112877  
transfer voucher. 112878

**Section 263.20.10. WITHHOLDING OF FUNDS OWED THE DEPARTMENT** 112879

If a county board of developmental disabilities does not 112880  
fully pay any amount owed to the Department of Developmental 112881  
Disabilities by the due date established by the Department, the 112882  
Director of Developmental Disabilities may withhold the amount the 112883  
county board did not pay from any amounts due to the county board. 112884  
The Director may use any appropriation item or fund used by the 112885  
Department to transfer cash to any other fund used by the 112886  
Department in an amount equal to the amount owed the Department 112887  
that the county board did not pay. Transfers under this section 112888  
shall be made using an intrastate transfer voucher. 112889

**Section 263.20.20. TRANSFER TO MEDICAID REPAYMENT FUND** 112890

On July 1, 2011, or as soon as possible thereafter, the 112891  
Director of Developmental Disabilities shall request that the 112892  
Director of Budget and Management transfer the cash balance in the 112893  
Purchase of Service Fund (Fund 4880) to the Medicaid Repayment 112894  
Fund (Fund 5H00). Upon completion of the transfer, Fund 4880 is 112895  
hereby abolished. The Director of Developmental Disabilities shall 112896  
cancel any existing encumbrances against appropriation item 112897  
322603, Provider Audit Refunds, and re-establish them against 112898

appropriation item 322619, Medicaid Repayment. The re-established 112899  
encumbrances are hereby appropriated. 112900

**Section 263.20.30. DEVELOPMENTAL CENTER BILLING FOR SERVICES** 112901

Developmental centers of the Department of Developmental 112902  
Disabilities may provide services to persons with mental 112903  
retardation or developmental disabilities living in the community 112904  
or to providers of services to these persons. The Department may 112905  
develop a method for recovery of all costs associated with the 112906  
provisions of these services. 112907

**Section 263.20.40. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER** 112908  
**PHARMACY PROGRAMS** 112909

The Director of Developmental Disabilities shall quarterly 112910  
transfer cash from the Medicaid - Medicare Fund (Fund 3A40) to the 112911  
Medicaid Program Support - State Fund (Fund 5C90) used by the 112912  
Department of Job and Family Services, in an amount equal to the 112913  
nonfederal share of Medicaid prescription drug claim costs for all 112914  
developmental centers paid by the Department of Job and Family 112915  
Services. The quarterly transfer shall be made using an intrastate 112916  
transfer voucher. 112917

**Section 263.20.50. NONFEDERAL MATCH FOR ACTIVE TREATMENT** 112918  
**SERVICES** 112919

Any county funds received by the Department of Developmental 112920  
Disabilities from county boards for active treatment shall be 112921  
deposited in the Developmental Disabilities Operating Fund (Fund 112922  
4890). 112923

**Section 263.20.60. NONFEDERAL SHARE OF NEW ICF/MR BEDS** 112924

(A) As used in this section, "intermediate care facility for 112925  
the mentally retarded" has the same meaning as in section 5111.20 112926

of the Revised Code. 112927

(B) If the Department of Developmental Disabilities is 112928  
required by section 5111.211 of the Revised Code to pay the 112929  
nonfederal share of claims submitted for services that are covered 112930  
by the Medicaid program and provided to an eligible Medicaid 112931  
recipient by an intermediate care facility for the mentally 112932  
retarded, the Director of Developmental Disabilities shall 112933  
transfer cash to the Department of Job and Family Services to pay 112934  
the nonfederal share of the claims. The transfer shall be made 112935  
using an intrastate transfer voucher. Except as otherwise provided 112936  
in section 5123.0416 of the Revised Code, the Director shall use 112937  
only the following appropriation items for the transfer: 112938

(1) Appropriation item 322407, Medicaid State Match; 112939

(2) Appropriation item 322501, County Boards Subsidies. 112940

(C) If the intermediate care facility for the mentally 112941  
retarded is located in a county served by a county board of 112942  
developmental disabilities that initiates or supports the 112943  
facility's certification as an intermediate care facility for the 112944  
mentally retarded by the Director of Health, the cash that the 112945  
Director transfers under division (B) of this section shall be 112946  
moneys that the Director has allocated to the county board serving 112947  
the county in which the facility is located unless the amount of 112948  
the allocation is insufficient to pay the entire nonfederal share 112949  
of the claims submitted by the facility. If the allocation is 112950  
insufficient, the Director shall use as much of such moneys 112951  
allocated to other counties as is needed to make up the 112952  
difference. 112953

**Section 263.20.70. RATE INCREASE FOR WAIVER PROVIDERS SERVING 112954**  
**FORMER RESIDENTS OF DEVELOPMENTAL CENTERS 112955**

Subject to approval by the Centers for Medicare and Medicaid 112956

Services, the Department of Job and Family Services shall increase 112957  
the rate paid to a provider under the Individual Options Waiver by 112958  
fifty-two cents for each fifteen minutes of routine 112959  
homemaker/personal care provided to an individual for up to a year 112960  
if all of the following apply: 112961

(A) The individual was a resident of a developmental center 112962  
immediately prior to enrollment in the waiver; 112963

(B) The provider begins serving the individual on or after 112964  
July 1, 2011; 112965

(C) The Director of Developmental Disabilities determines 112966  
that the increased rate is warranted by the individual's special 112967  
circumstances, including the individual's diagnosis, service 112968  
needs, or length of stay at the developmental center, and that 112969  
serving the individual through the Individual Options Waiver is 112970  
fiscally prudent for the Medicaid program. 112971

**Section 265.10.** OBD OHIO BOARD OF DIETETICS 112972

General Services Fund Group 112973  
4K90 860609 Operating Expenses \$ 355,789 \$ 330,592 112974  
TOTAL GSF General Services Fund 112975  
Group \$ 355,789 \$ 330,592 112976  
TOTAL ALL BUDGET FUND GROUPS \$ 355,789 \$ 330,592 112977

**Section 267.10.** EDU DEPARTMENT OF EDUCATION 112979

General Revenue Fund 112980  
GRF 200100 Personal Services \$ 8,579,178 \$ 8,579,178 112981  
GRF 200320 Maintenance and \$ 2,830,407 \$ 2,830,407 112982  
Equipment  
GRF 200408 Early Childhood \$ 23,268,341 \$ 23,268,341 112983  
Education  
GRF 200416 Career-Technical \$ 2,233,195 \$ 2,233,195 112984

|     |        |                                                   |    |             |    |                    |
|-----|--------|---------------------------------------------------|----|-------------|----|--------------------|
|     |        | Education Match                                   |    |             |    |                    |
| GRF | 200420 | Computer/Application/<br>Network Development      | \$ | 4,241,296   | \$ | 4,241,296 112985   |
| GRF | 200421 | Alternative Education<br>Programs                 | \$ | 7,403,998   | \$ | 7,403,998 112986   |
| GRF | 200422 | School Management<br>Assistance                   | \$ | 2,842,812   | \$ | 3,000,000 112987   |
| GRF | 200424 | Policy Analysis                                   | \$ | 328,558     | \$ | 328,558 112988     |
| GRF | 200425 | Tech Prep Consortia<br>Support                    | \$ | 260,542     | \$ | 260,542 112989     |
| GRF | 200426 | Ohio Educational<br>Computer Network              | \$ | 17,974,489  | \$ | 17,974,489 112990  |
| GRF | 200427 | Academic Standards                                | \$ | 4,346,060   | \$ | 3,700,000 112991   |
| GRF | 200437 | Student Assessment                                | \$ | 55,002,167  | \$ | 55,002,167 112992  |
| GRF | 200439 | Accountability/Report<br>Cards                    | \$ | 3,579,279   | \$ | 3,579,279 112993   |
| GRF | 200442 | Child Care Licensing                              | \$ | 827,140     | \$ | 827,140 112994     |
| GRF | 200446 | Education Management<br>Information System        | \$ | 6,833,070   | \$ | 6,833,070 112995   |
| GRF | 200447 | GED Testing                                       | \$ | 879,551     | \$ | 879,551 112996     |
| GRF | 200448 | Educator Preparation                              | \$ | 786,737     | \$ | 786,737 112997     |
| GRF | 200455 | Community Schools and<br>Choice Programs          | \$ | 2,200,000   | \$ | 2,200,000 112998   |
| GRF | 200502 | Pupil Transportation                              | \$ | 438,248,936 | \$ | 442,113,527 112999 |
| GRF | 200505 | School Lunch Match                                | \$ | 9,100,000   | \$ | 9,100,000 113000   |
| GRF | 200511 | Auxiliary Services                                | \$ | 117,547,099 | \$ | 119,250,305 113001 |
| GRF | 200532 | Nonpublic<br>Administrative Cost<br>Reimbursement | \$ | 52,550,684  | \$ | 53,323,944 113002  |
| GRF | 200540 | Special Education<br>Enhancements                 | \$ | 135,820,668 | \$ | 135,820,668 113003 |
| GRF | 200545 | Career-Technical<br>Education Enhancements        | \$ | 8,802,699   | \$ | 8,802,699 113004   |



|             |                                    |                  |                  |        |
|-------------|------------------------------------|------------------|------------------|--------|
| GRF 200550  | Foundation Funding                 | \$ 5,470,788,773 | \$ 5,560,484,181 | 113005 |
| GRF 200901  | Property Tax                       | \$ 1,086,500,000 | \$ 1,095,000,000 | 113006 |
|             | Allocation - Education             |                  |                  |        |
| TOTAL GRF   | General Revenue Fund               | \$ 7,463,775,679 | \$ 7,567,823,272 | 113007 |
|             | General Services Fund Group        |                  |                  | 113008 |
| 1380 200606 | Computer                           | \$ 7,600,090     | \$ 7,600,090     | 113009 |
|             | Services-Operational               |                  |                  |        |
|             | Support                            |                  |                  |        |
| 4520 200638 | Miscellaneous                      | \$ 300,000       | \$ 300,000       | 113010 |
|             | Educational Services               |                  |                  |        |
| 4L20 200681 | Teacher Certification              | \$ 8,147,756     | \$ 8,147,756     | 113011 |
|             | and Licensure                      |                  |                  |        |
| 5960 200656 | Ohio Career                        | \$ 529,761       | \$ 529,761       | 113012 |
|             | Information System                 |                  |                  |        |
| 5H30 200687 | School District                    | \$ 25,000,000    | \$ 25,000,000    | 113013 |
|             | Solvency Assistance                |                  |                  |        |
| TOTAL GSF   | General Services                   |                  |                  | 113014 |
|             | Fund Group                         | \$ 41,577,607    | \$ 41,577,607    | 113015 |
|             | Federal Special Revenue Fund Group |                  |                  | 113016 |
| 3090 200601 | Neglected and                      | \$ 2,168,642     | \$ 2,168,642     | 113017 |
|             | Delinquent Education               |                  |                  |        |
| 3670 200607 | School Food Services               | \$ 6,803,472     | \$ 6,959,906     | 113018 |
| 3690 200616 | Career-Technical                   | \$ 5,000,000     | \$ 5,000,000     | 113019 |
|             | Education Federal                  |                  |                  |        |
|             | Enhancement                        |                  |                  |        |
| 3700 200624 | Education of                       | \$ 1,905,000     | \$ 0             | 113020 |
|             | Exceptional Children               |                  |                  |        |
| 3780 200660 | Learn and Serve                    | \$ 619,211       | \$ 619,211       | 113021 |
| 3AF0 200603 | Schools Medicaid                   | \$ 639,000       | \$ 639,000       | 113022 |
|             | Administrative Claims              |                  |                  |        |
| 3AN0 200671 | School Improvement                 | \$ 20,400,000    | \$ 20,400,000    | 113023 |
|             | Grants                             |                  |                  |        |

|      |        |                                                           |    |            |    |            |        |
|------|--------|-----------------------------------------------------------|----|------------|----|------------|--------|
| 3AX0 | 200698 | Improving Health and Educational Outcomes of Young People | \$ | 630,954    | \$ | 630,954    | 113024 |
| 3BK0 | 200628 | Longitudinal Data Systems                                 | \$ | 500,000    | \$ | 250,000    | 113025 |
| 3C50 | 200661 | Early Childhood Education                                 | \$ | 14,554,749 | \$ | 14,554,749 | 113026 |
| 3CG0 | 200646 | Teacher Incentive Fund                                    | \$ | 1,925,881  | \$ | 0          | 113027 |
| 3D10 | 200664 | Drug Free Schools                                         | \$ | 1,500,000  | \$ | 0          | 113028 |
| 3D20 | 200667 | Math Science Partnerships                                 | \$ | 9,500,001  | \$ | 9,500,001  | 113029 |
| 3DG0 | 200630 | Federal Stimulus - McKinney Vento Grants                  | \$ | 330,512    | \$ | 0          | 113030 |
| 3DJ0 | 200699 | IDEA Part B - Federal Stimulus                            | \$ | 21,886,803 | \$ | 0          | 113031 |
| 3DK0 | 200642 | Title 1A - Federal Stimulus                               | \$ | 18,633,673 | \$ | 0          | 113032 |
| 3DL0 | 200650 | IDEA Preschool - Federal Stimulus                         | \$ | 670,000    | \$ | 0          | 113033 |
| 3DM0 | 200651 | Title IID Technology - Federal Stimulus                   | \$ | 1,195,100  | \$ | 0          | 113034 |
| 3DP0 | 200652 | Title I School Improvement - Federal Stimulus             | \$ | 48,500,000 | \$ | 30,000,000 | 113035 |
| 3EC0 | 200653 | Teacher Incentive - Federal Stimulus                      | \$ | 7,500,000  | \$ | 7,500,000  | 113036 |
| 3EH0 | 200620 | Migrant Education                                         | \$ | 2,645,905  | \$ | 2,645,905  | 113037 |
| 3EJ0 | 200622 | Homeless Children Education                               | \$ | 1,759,782  | \$ | 1,759,782  | 113038 |
| 3EN0 | 200655 | State Data Systems - Federal Stimulus                     | \$ | 2,500,000  | \$ | 2,500,000  | 113039 |
| 3ES0 | 200657 | General Supervisory                                       | \$ | 500,000    | \$ | 500,000    | 113040 |

|           |        |                                                   |    |             |    |                    |
|-----------|--------|---------------------------------------------------|----|-------------|----|--------------------|
|           |        | Enhancement Grant                                 |    |             |    |                    |
| 3ET0      | 200658 | Education Jobs Fund                               | \$ | 300,000,000 | \$ | 50,000,000 113041  |
| 3FD0      | 200665 | Race to the Top                                   | \$ | 100,000,000 | \$ | 100,000,000 113042 |
| 3FE0      | 200669 | Striving Readers                                  | \$ | 180,000     | \$ | 100,000 113043     |
| 3H90      | 200605 | Head Start                                        | \$ | 225,000     | \$ | 225,000 113044     |
|           |        | Collaboration Project                             |    |             |    |                    |
| 3L60      | 200617 | Federal School Lunch                              | \$ | 327,516,539 | \$ | 337,323,792 113045 |
| 3L70      | 200618 | Federal School<br>Breakfast                       | \$ | 87,596,850  | \$ | 90,224,756 113046  |
| 3L80      | 200619 | Child/Adult Food<br>Programs                      | \$ | 100,850,833 | \$ | 103,876,359 113047 |
| 3L90      | 200621 | Career-Technical<br>Education Basic Grant         | \$ | 48,466,864  | \$ | 48,466,864 113048  |
| 3M00      | 200623 | ESEA Title 1A                                     | \$ | 530,010,000 | \$ | 530,010,000 113049 |
| 3M20      | 200680 | Individuals with<br>Disabilities<br>Education Act | \$ | 443,170,050 | \$ | 443,170,050 113050 |
| 3S20      | 200641 | Education Technology                              | \$ | 9,487,397   | \$ | 9,487,397 113051   |
| 3T40      | 200613 | Public Charter<br>Schools                         | \$ | 14,291,353  | \$ | 14,291,353 113052  |
| 3Y20      | 200688 | 21st Century<br>Community Learning<br>Centers     | \$ | 43,720,462  | \$ | 45,906,485 113053  |
| 3Y60      | 200635 | Improving Teacher<br>Quality                      | \$ | 101,900,000 | \$ | 101,900,000 113054 |
| 3Y70      | 200689 | English Language<br>Acquisition                   | \$ | 8,373,995   | \$ | 8,373,995 113055   |
| 3Y80      | 200639 | Rural and Low Income<br>Technical Assistance      | \$ | 1,500,000   | \$ | 1,500,000 113056   |
| 3Z20      | 200690 | State Assessments                                 | \$ | 11,882,258  | \$ | 11,882,258 113057  |
| 3Z30      | 200645 | Consolidated Federal<br>Grant Administration      | \$ | 8,949,280   | \$ | 8,949,280 113058   |
| TOTAL FED |        | Federal Special                                   |    |             |    | 113059             |

|                                                |                                                   |    |                  |                  |        |
|------------------------------------------------|---------------------------------------------------|----|------------------|------------------|--------|
| Revenue Fund Group                             |                                                   |    | \$ 2,310,389,566 | \$ 2,011,315,739 | 113060 |
| State Special Revenue Fund Group               |                                                   |    |                  |                  | 113061 |
| 4540 200610                                    | Guidance and Testing                              | \$ | 1,050,000        | \$ 1,050,000     | 113062 |
| 4550 200608                                    | Commodity Foods                                   | \$ | 24,000,000       | \$ 24,000,000    | 113063 |
| 4R70 200695                                    | Indirect Operational Support                      | \$ | 6,500,000        | \$ 6,600,000     | 113064 |
| 4V70 200633                                    | Interagency Operational Support                   | \$ | 1,117,725        | \$ 1,117,725     | 113065 |
| 5980 200659                                    | Auxiliary Services Reimbursement                  | \$ | 1,328,910        | \$ 1,328,910     | 113066 |
| 5BB0 200696                                    | State Action for Education Leadership             | \$ | 231,300          | \$ 0             | 113067 |
| 5BJ0 200626                                    | Half-Mill Maintenance Equalization                | \$ | 17,300,000       | \$ 18,000,000    | 113068 |
| 5KK0 200679                                    | Community School Dropout Programs                 | \$ | 1,000,000        | \$ 1,000,000     | 113069 |
| 5U20 200685                                    | National Education Statistics                     | \$ | 300,000          | \$ 300,000       | 113070 |
| 6200 200615                                    | Educational Improvement Grants                    | \$ | 3,000,000        | \$ 3,000,000     | 113071 |
| TOTAL SSR State Special Revenue Fund Group     |                                                   |    | \$ 55,827,935    | \$ 56,396,635    | 113072 |
| Lottery Profits Education Fund Group           |                                                   |    |                  |                  | 113073 |
| 7017 200612                                    | Foundation Funding                                | \$ | 717,500,000      | \$ 680,500,000   | 113074 |
| TOTAL LPE Lottery Profits Education Fund Group |                                                   |    | \$ 717,500,000   | \$ 680,500,000   | 113075 |
| Revenue Distribution Fund Group                |                                                   |    |                  |                  | 113076 |
| 7047 200909                                    | School District Property Tax Replacement-Business | \$ | 722,000,000      | \$ 475,000,000   | 113077 |
| 7053 200900                                    | School District Property Tax                      | \$ | 34,000,000       | \$ 30,000,000    | 113078 |

Replacement-Utility

|                                |                  |                  |        |
|--------------------------------|------------------|------------------|--------|
| TOTAL RDF Revenue Distribution |                  |                  | 113081 |
| Fund Group                     | \$ 756,000,000   | 505,000,000      | 113082 |
| TOTAL ALL BUDGET FUND GROUPS   | \$11,345,070,787 | \$10,862,613,253 | 113083 |

**Section 267.10.10. EARLY CHILDHOOD EDUCATION** 113085

The Department of Education shall distribute the foregoing 113086  
appropriation item 200408, Early Childhood Education, to pay the 113087  
costs of early childhood education programs. 113088

(A) As used in this section: 113089

(1) "Provider" means a city, local, exempted village, or 113090  
joint vocational school district, or an educational service 113091  
center. 113092

(2) In the case of a city, local, or exempted village school 113093  
district, "new eligible provider" means a district that did not 113094  
receive state funding for Early Childhood Education in the 113095  
previous fiscal year or demonstrates a need for early childhood 113096  
programs as defined in division (D) of this section. 113097

(3) "Eligible child" means a child who is at least three 113098  
years of age as of the district entry date for kindergarten, is 113099  
not of the age to be eligible for kindergarten, and whose family 113100  
earns not more than two hundred per cent of the federal poverty 113101  
guidelines as defined in division (A)(3) of section 5101.46 of the 113102  
Revised Code. Children with an Individualized Education Program 113103  
and where the Early Childhood Education program is the least 113104  
restrictive environment may be enrolled on their third birthday. 113105

(B) In each fiscal year, up to two per cent of the total 113106  
appropriation may be used by the Department for program support 113107  
and technical assistance. The Department shall distribute the 113108  
remainder of the appropriation in each fiscal year to serve 113109  
eligible children. 113110

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program guidelines.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2012, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 265.10.20 of Am. Sub. H.B. 1 of the 128th General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs under this section or to existing providers to serve more eligible children or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2013, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

Awards under this section shall be distributed on a per-pupil basis, and in accordance with division (H) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest to that date equals the amount allocated under this section.

(E) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total

approved costs of the program. 113143

All providers shall maintain such fiscal control and 113144  
accounting procedures as may be necessary to ensure the 113145  
disbursement of, and accounting for, these funds. The control of 113146  
funds provided in this program, and title to property obtained, 113147  
shall be under the authority of the approved provider for purposes 113148  
provided in the program unless, as described in division (J) of 113149  
this section, the program waives its right for funding or a 113150  
program's funding is eliminated or reduced due to its inability to 113151  
meet financial or early learning program guidelines. The approved 113152  
provider shall administer and use such property and funds for the 113153  
purposes specified. 113154

(F) The Department may examine a provider's financial and 113155  
program records. If the financial practices of the program are not 113156  
in accordance with standard accounting principles or do not meet 113157  
financial standards outlined under division (E) of this section, 113158  
or if the program fails to substantially meet the early learning 113159  
program guidelines or exhibits below average performance as 113160  
measured against the guidelines, the early childhood education 113161  
program shall propose and implement a corrective action plan that 113162  
has been approved by the Department. The approved corrective 113163  
action plan shall be signed by the chief executive officer and the 113164  
executive of the official governing body of the provider. The 113165  
corrective action plan shall include a schedule for monitoring by 113166  
the Department. Such monitoring may include monthly reports, 113167  
inspections, a timeline for correction of deficiencies, and 113168  
technical assistance to be provided by the Department or obtained 113169  
by the early childhood education program. The Department may 113170  
withhold funding pending corrective action. If an early childhood 113171  
education program fails to satisfactorily complete a corrective 113172  
action plan, the Department may deny expansion funding to the 113173  
program or withdraw all or part of the funding to the program and 113174

establish a new eligible provider through a selection process 113175  
established by the Department. 113176

(G) Each early childhood education program shall do all of 113177  
the following: 113178

(1) Meet teacher qualification requirements prescribed by 113179  
section 3301.311 of the Revised Code; 113180

(2) Align curriculum to the early learning content standards 113181  
developed by the Department; 113182

(3) Meet any child or program assessment requirements 113183  
prescribed by the Department; 113184

(4) Require teachers, except teachers enrolled and working to 113185  
obtain a degree pursuant to section 3301.311 of the Revised Code, 113186  
to attend a minimum of twenty hours every two years of 113187  
professional development as prescribed by the Department; 113188

(5) Document and report child progress as prescribed by the 113189  
Department; 113190

(6) Meet and report compliance with the early learning 113191  
program guidelines as prescribed by the Department. 113192

(H) Per-pupil funding for programs subject to this section 113193  
shall be sufficient to provide eligible children with services for 113194  
a standard early childhood schedule which shall be defined in this 113195  
section as a minimum of twelve and one-half hours per school week 113196  
as defined in section 3313.62 of the Revised Code for the minimum 113197  
school year as defined in sections 3313.48, 3313.481, and 3313.482 113198  
of the Revised Code. Nothing in this section shall be construed to 113199  
prohibit program providers from utilizing other funds to serve 113200  
eligible children in programs that exceed the twelve and one-half 113201  
hours per week or that exceed the minimum school year. For any 113202  
provider for which a standard early childhood education schedule 113203  
creates a hardship or for which the provider shows evidence that 113204



the provider is working in collaboration with a preschool special 113205  
education program, the provider may submit a waiver to the 113206  
Department requesting an alternate schedule. If the Department 113207  
approves a waiver for an alternate schedule that provides services 113208  
for less time than the standard early childhood education 113209  
schedule, the Department may reduce the provider's annual 113210  
allocation proportionately. Under no circumstances shall an annual 113211  
allocation be increased because of the approval of an alternate 113212  
schedule. 113213

(I) Each provider shall develop a sliding fee scale based on 113214  
family incomes and shall charge families who earn more than two 113215  
hundred per cent of the federal poverty guidelines, as defined in 113216  
division (A)(3) of section 5101.46 of the Revised Code, for the 113217  
early childhood education program. 113218

The Department shall conduct an annual survey of each 113219  
provider to determine whether the provider charges families 113220  
tuition or fees, the amount families are charged relative to 113221  
family income levels, and the number of families and students 113222  
charged tuition and fees for the early childhood program. 113223

(J) If an early childhood education program voluntarily 113224  
waives its right for funding, or has its funding eliminated for 113225  
not meeting financial standards or the early learning program 113226  
guidelines, the provider shall transfer control of title to 113227  
property, equipment, and remaining supplies obtained through the 113228  
program to providers designated by the Department and return any 113229  
unexpended funds to the Department along with any reports 113230  
prescribed by the Department. The funding made available from a 113231  
program that waives its right for funding or has its funding 113232  
eliminated or reduced may be used by the Department for new grant 113233  
awards or expansion grants. The Department may award new grants or 113234  
expansion grants to eligible providers who apply. The eligible 113235  
providers who apply must do so in accordance with the selection 113236

process established by the Department. 113237

(K) As used in this section, "early learning program 113238  
guidelines" means the guidelines established by the Department 113239  
pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 113240  
66 of the 126th General Assembly. 113241

(L) Eligible expenditures for the Early Childhood Education 113242  
program shall be claimed each fiscal year to help meet the state's 113243  
TANF maintenance of effort requirement. The Superintendent of 113244  
Public Instruction and the Director of Job and Family Services 113245  
shall enter into an interagency agreement to carry out the 113246  
requirements under this division, which shall include developing 113247  
reporting guidelines for these expenditures. 113248

**Section 267.10.20. CAREER-TECHNICAL EDUCATION MATCH 113249**

The foregoing appropriation item 200416, Career-Technical 113250  
Education Match, shall be used by the Department of Education to 113251  
provide vocational administration matching funds under 20 U.S.C. 113252  
2311. 113253

**COMPUTER/APPLICATION/NETWORK DEVELOPMENT 113254**

The foregoing appropriation item 200420, 113255  
Computer/Application/Network Development, shall be used to support 113256  
the development and implementation of information technology 113257  
solutions designed to improve the performance and services of the 113258  
Department of Education. Funds may be used for personnel, 113259  
maintenance, and equipment costs related to the development and 113260  
implementation of these technical system projects. Implementation 113261  
of these systems shall allow the Department to provide greater 113262  
levels of assistance to school districts and to provide more 113263  
timely information to the public, including school districts, 113264  
administrators, and legislators. Funds may also be used to support 113265  
data-driven decision-making and differentiated instruction, as 113266

well as to communicate academic content standards and curriculum 113267  
models to schools through web-based applications. 113268

**Section 267.10.30. ALTERNATIVE EDUCATION PROGRAMS** 113269

The foregoing appropriation item 200421, Alternative 113270  
Education Programs, shall be used for the renewal of successful 113271  
implementation grants and for competitive matching grants to 113272  
school districts for alternative educational programs for existing 113273  
and new at-risk and delinquent youth. Programs shall be focused on 113274  
youth in one or more of the following categories: those who have 113275  
been expelled or suspended, those who have dropped out of school 113276  
or who are at risk of dropping out of school, those who are 113277  
habitually truant or disruptive, or those on probation or on 113278  
parole from a Department of Youth Services facility. Grants shall 113279  
be awarded according to the criteria established by the 113280  
Alternative Education Advisory Council in 1999. Grants shall be 113281  
awarded only to programs in which the grant will not serve as the 113282  
program's primary source of funding. These grants shall be 113283  
administered by the Department of Education. 113284

The Department of Education may waive compliance with any 113285  
minimum education standard established under section 3301.07 of 113286  
the Revised Code for any alternative school that receives a grant 113287  
under this section on the grounds that the waiver will enable the 113288  
program to more effectively educate students enrolled in the 113289  
alternative school. 113290

Of the foregoing appropriation item 200421, Alternative 113291  
Education Programs, a portion may be used for program 113292  
administration, monitoring, technical assistance, support, 113293  
research, and evaluation. 113294

**Section 267.10.40. SCHOOL MANAGEMENT ASSISTANCE** 113295

Of the foregoing appropriation item 200422, School Management 113296

Assistance, \$1,000,000 in fiscal year 2012 and \$1,300,000 in 113297  
fiscal year 2013 shall be used by the Auditor of State in 113298  
consultation with the Department of Education for expenses 113299  
incurred in the Auditor of State's role relating to fiscal 113300  
caution, fiscal watch, and fiscal emergency activities as defined 113301  
in Chapter 3316. of the Revised Code and may also be used by the 113302  
Auditor of State to conduct performance audits of other school 113303  
districts with priority given to districts in fiscal distress. 113304  
Districts in fiscal distress shall be determined by the Auditor of 113305  
State and shall include districts that the Auditor of State, in 113306  
consultation with the Department of Education, determines are 113307  
employing fiscal practices or experiencing budgetary conditions 113308  
that could produce a state of fiscal watch or fiscal emergency. 113309

The remainder of appropriation item 200422, School Management 113310  
Assistance, shall be used by the Department of Education to 113311  
provide fiscal technical assistance and inservice education for 113312  
school district management personnel and to administer, monitor, 113313  
and implement the fiscal caution, fiscal watch, and fiscal 113314  
emergency provisions under Chapter 3316. of the Revised Code. 113315

**Section 267.10.50. POLICY ANALYSIS** 113316

The foregoing appropriation item 200424, Policy Analysis, 113317  
shall be used by the Department of Education to support a system 113318  
of administrative, statistical, and legislative education 113319  
information to be used for policy analysis. Staff supported by 113320  
this appropriation shall administer the development of reports, 113321  
analyses, and briefings to inform education policymakers of 113322  
current trends in education practice, efficient and effective use 113323  
of resources, and evaluation of programs to improve education 113324  
results. The database shall be kept current at all times. These 113325  
research efforts shall be used to supply information and analysis 113326  
of data to the General Assembly and other state policymakers, 113327

including the Office of Budget and Management, the Governor's 113328  
Office of 21st Century Education, and the Legislative Service 113329  
Commission. 113330

The Department of Education may use funding from this 113331  
appropriation item to purchase or contract for the development of 113332  
software systems or contract for policy studies that will assist 113333  
in the provision and analysis of policy-related information. 113334  
Funding from this appropriation item also may be used to monitor 113335  
and enhance quality assurance for research-based policy analysis 113336  
and program evaluation to enhance the effective use of education 113337  
information to inform education policymakers. 113338

A portion of the foregoing appropriation item 200424, Policy 113339  
Analysis, may be used in conjunction with appropriation item 113340  
200439, Accountability/Report Cards, to support a fiscal reporting 113341  
dimension that shall contain fiscal data reported for the prior 113342  
fiscal year. The fiscal information contained therein shall be 113343  
updated and reported annually in a form and in a manner as 113344  
determined by the Department. 113345

TECH PREP CONSORTIA SUPPORT 113346

The foregoing appropriation item 200425, Tech Prep Consortia 113347  
Support, shall be used by the Department of Education to support 113348  
state-level activities designed to support, promote, and expand 113349  
tech prep programs. Use of these funds shall include, but not be 113350  
limited to, administration of grants, program evaluation, 113351  
professional development, curriculum development, assessment 113352  
development, program promotion, communications, and statewide 113353  
coordination of tech prep consortia. 113354

**Section 267.10.60.** OHIO EDUCATIONAL COMPUTER NETWORK 113355

The foregoing appropriation item 200426, Ohio Educational 113356  
Computer Network, shall be used by the Department of Education to 113357

maintain a system of information technology throughout Ohio and to 113358  
provide technical assistance for such a system in support of the 113359  
P-16 State Education Technology Plan developed under section 113360  
3353.09 of the Revised Code. 113361

Of the foregoing appropriation item 200426, Ohio Educational 113362  
Computer Network, up to \$10,705,569 in each fiscal year shall be 113363  
used by the Department of Education to support connection of all 113364  
public school buildings and participating chartered nonpublic 113365  
schools to the state's education network, to each other, and to 113366  
the Internet. In each fiscal year the Department of Education 113367  
shall use these funds to assist information technology centers or 113368  
school districts with the operational costs associated with this 113369  
connectivity. The Department of Education shall develop a formula 113370  
and guidelines for the distribution of these funds to information 113371  
technology centers or individual school districts. As used in this 113372  
section, "public school building" means a school building of any 113373  
city, local, exempted village, or joint vocational school 113374  
district, any community school established under Chapter 3314. of 113375  
the Revised Code, any STEM school established under Chapter 3326. 113376  
of the Revised Code, any educational service center building used 113377  
for instructional purposes, the Ohio School for the Deaf and the 113378  
Ohio School for the Blind, high schools chartered by the Ohio 113379  
Department of Youth Services, or high schools operated by Ohio 113380  
Department of Rehabilitation and Corrections' Ohio Central School 113381  
System. 113382

Of the foregoing appropriation item 200426, Ohio Educational 113383  
Computer Network, up to \$1,440,000 in each fiscal year shall be 113384  
used for the Union Catalog and InfOhio Network and to support the 113385  
provision of electronic resources with priority given to resources 113386  
that support the teaching of state academic content standards in 113387  
all public schools. Consideration shall be given by the Department 113388  
of Education to coordinating the allocation of these moneys with 113389

the efforts of Libraries Connect Ohio, whose members include 113390  
OhioLINK, the Ohio Public Information Network, and the State 113391  
Library of Ohio. 113392

Of the foregoing appropriation item 200426, Ohio Educational 113393  
Computer Network, up to \$5,220,000 in each fiscal year shall be 113394  
used, through a formula and guidelines devised by the Department, 113395  
to subsidize the activities of designated information technology 113396  
centers, as defined by State Board of Education rules, to provide 113397  
school districts and chartered nonpublic schools with 113398  
computer-based student and teacher instructional and 113399  
administrative information services, including approved 113400  
computerized financial accounting, and to ensure the effective 113401  
operation of local automated administrative and instructional 113402  
systems. 113403

The remainder of appropriation item 200426, Ohio Educational 113404  
Computer Network, shall be used to support the work of the College 113405  
of Education and Human Ecology at the Ohio State University in 113406  
reviewing and assessing the alignment of courses offered through 113407  
the distance learning clearinghouse established in sections 113408  
3333.81 to 3333.88 of the Revised Code with the academic content 113409  
standards adopted under division (A) of section 3301.079 of the 113410  
Revised Code. 113411

**Section 267.10.70. ACADEMIC STANDARDS** 113412

The foregoing appropriation item 200427, Academic Standards, 113413  
shall be used by the Department of Education to develop, revise, 113414  
and communicate to school districts academic content standards and 113415  
curriculum models. 113416

**Section 267.10.80. STUDENT ASSESSMENT** 113417

Of the foregoing appropriation item 200437, Student 113418  
Assessment, up to \$95,000 in each fiscal year may be used to 113419

support the assessments required under section 3301.0715 of the Revised Code. 113420  
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The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code. If funds remain in this appropriation after these purposes have been fulfilled, the Department may use the remainder of the appropriation to develop end-of-course exams. 113422  
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DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT ASSESSMENT 113431  
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In fiscal year 2012 and fiscal year 2013, if the Superintendent of Public Instruction determines that additional funds are needed to fully fund the requirements of sections 3301.0710, 3301.0711, and 3301.27 of the Revised Code and this act for assessments of student performance, the Superintendent of Public Instruction may recommend the reallocation of unexpended and unencumbered General Revenue Fund appropriations within the Department of Education to appropriation item 200437, Student Assessment, to the Director of Budget and Management. If the Director of Budget and Management determines that such a reallocation is required, the Director of Budget and Management may transfer unexpended and unencumbered appropriations within the Department of Education as necessary to appropriation item 200437, Student Assessment. If these transferred appropriations are not sufficient to fully fund the assessment requirements in fiscal year 2012 or fiscal year 2013, the Superintendent of Public Instruction may request that the Controlling Board transfer up to \$9,000,000 cash from the Lottery Profits Education Reserve Fund (Fund 7018) to the General Revenue Fund. Upon approval of the 113433  
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Controlling Board, the Director of Budget and Management shall 113452  
transfer the cash. These transferred funds are hereby appropriated 113453  
for the same purpose as appropriation item 200437, Student 113454  
Assessment. 113455

**Section 267.10.90.** (A) Notwithstanding anything to the 113456  
contrary in section 3301.0710, 3301.0711, 3301.0715 or 3313.608 of 113457  
the Revised Code, the administration of the English language arts 113458  
assessments for elementary grades as a replacement for the 113459  
separate reading and writing assessments prescribed by sections 113460  
3301.0710 and 3301.0711 of the Revised Code, as those sections 113461  
were amended by Am. Sub. H.B. 1 of the 128th General Assembly, 113462  
shall not be required until a date prescribed by rule of the State 113463  
Board of Education. Until that date, the Department of Education 113464  
and school districts and schools shall continue to administer 113465  
separate reading assessments for elementary grades, as prescribed 113466  
by the versions of sections 3301.0710 and 3301.0711 of the Revised 113467  
Code that were in effect prior to the effective date of Section 113468  
265.20.15 of Am. Sub. H.B. 1 of the 128th General Assembly. The 113469  
intent for delaying implementation of the replacement English 113470  
language arts assessment is to provide adequate time for the 113471  
complete development of the new assessment. 113472

(B) Notwithstanding anything to the contrary in section 113473  
3301.0710 of the Revised Code, the State Board shall not prescribe 113474  
the three ranges of scores for the assessments prescribed by 113475  
division (A)(2) of section 3301.0710 of the Revised Code, as 113476  
amended by Am. Sub. H.B. 1 of the 128th General Assembly, until 113477  
the Board adopts the rule required by division (A) of this 113478  
section. Until that date, the Board shall continue to prescribe 113479  
the five ranges of scores required by the version of section 113480  
3301.0710 of the Revised Code in effect prior to the effective 113481  
date of Section 265.20.15 of Am. Sub. H.B. 1 of the 128th General 113482  
Assembly, and the following apply: 113483

(1) The range of scores designated by the State Board as a proficient level of skill remains the passing score on the Ohio Graduation Tests for purposes of sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code;

(2) The range of scores designated as a limited level of skill remains the standard for applying the third-grade reading guarantee under division (A) of section 3313.608 of the Revised Code;

(3) The range of scores designated by the State Board as a proficient level of skill remains the standard for the summer remediation requirement of division (B)(2) of section 3313.608 of the Revised Code.

(C) This section is not subject to expiration after June 30, 2013, under Section 809.10 of this act.

**Section 267.20.10.** Notwithstanding anything to the contrary in sections 3301.0710 and 3301.0711 of the Revised Code, in the 2011-2012 and 2012-2013 school years, the Department of Education shall not furnish, and school districts and schools shall not administer, the elementary writing and social studies achievement assessments prescribed by section 3301.0710 of the Revised Code, unless the Superintendent of Public Instruction determines the Department has sufficient funds to pay the costs of furnishing and scoring those assessments.

**Section 267.20.20. ACCOUNTABILITY/REPORT CARDS**

Of the foregoing appropriation item 200439, Accountability/Report Cards, a portion in each fiscal year may be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement. This training may include teacher and administrator professional

development in the use of data to improve instruction and student 113514  
learning, and teacher and administrator training in understanding 113515  
teacher value-added reports and how they can be used as a 113516  
component in measuring teacher and administrator effectiveness. A 113517  
portion of this funding may be provided to a credible nonprofit 113518  
organization with expertise in value-added progress dimensions. 113519

The remainder of appropriation item 200439, 113520  
Accountability/Report Cards, shall be used by the Department to 113521  
incorporate a statewide value-added progress dimension into 113522  
performance ratings for school districts and for the development 113523  
of an accountability system that includes the preparation and 113524  
distribution of school report cards and funding and expenditure 113525  
accountability reports under sections 3302.03 and 3302.031 of the 113526  
Revised Code. 113527

CHILD CARE LICENSING 113528

The foregoing appropriation item 200442, Child Care 113529  
Licensing, shall be used by the Department of Education to license 113530  
and to inspect preschool and school-age child care programs under 113531  
sections 3301.52 to 3301.59 of the Revised Code. 113532

**Section 267.20.30.** EDUCATION MANAGEMENT INFORMATION SYSTEM 113533

The foregoing appropriation item 200446, Education Management 113534  
Information System, shall be used by the Department of Education 113535  
to improve the Education Management Information System (EMIS). 113536

Of the foregoing appropriation item 200446, Education 113537  
Management Information System, up to \$729,000 in each fiscal year 113538  
shall be distributed to designated information technology centers 113539  
for costs relating to processing, storing, and transferring data 113540  
for the effective operation of the EMIS. These costs may include, 113541  
but are not limited to, personnel, hardware, software development, 113542  
communications connectivity, professional development, and support 113543

services, and to provide services to participate in the State 113544  
Education Technology Plan developed under section 3353.09 of the 113545  
Revised Code. 113546

The remainder of appropriation item 200446, Education 113547  
Management Information System, shall be used to develop and 113548  
support a common core of data definitions and standards as adopted 113549  
by the Education Management Information System Advisory Board, 113550  
including the ongoing development and maintenance of the data 113551  
dictionary and data warehouse. In addition, such funds shall be 113552  
used to support the development and implementation of data 113553  
standards and the design, development, and implementation of a new 113554  
data exchange system. 113555

Any provider of software meeting the standards approved by 113556  
the Education Management Information System Advisory Board shall 113557  
be designated as an approved vendor and may enter into contracts 113558  
with local school districts, community schools, STEMS schools, 113559  
information technology centers, or other educational entities for 113560  
the purpose of collecting and managing data required under Ohio's 113561  
education management information system (EMIS) laws. On an annual 113562  
basis, the Department of Education shall convene an advisory group 113563  
of school districts, community schools, and other 113564  
education-related entities to review the Education Management 113565  
Information System data definitions and data format standards. The 113566  
advisory group shall recommend changes and enhancements based upon 113567  
surveys of its members, education agencies in other states, and 113568  
current industry practices, to reflect best practices, align with 113569  
federal initiatives, and meet the needs of school districts. 113570

School districts, STEMS schools, and community schools not 113571  
implementing a common and uniform set of data definitions and data 113572  
format standards for Education Management Information System 113573  
purposes shall have all EMIS funding withheld until they are in 113574  
compliance. 113575

**Section 267.20.40. GED TESTING** 113576

The foregoing appropriation item 200447, GED Testing, shall 113577  
be used to provide General Educational Development (GED) testing 113578  
under rules adopted by the State Board of Education. 113579

**Section 267.20.50. EDUCATOR PREPARATION** 113580

Of the foregoing appropriation item 200448, Educator 113581  
Preparation, up to \$150,000 in each fiscal year may be used by the 113582  
Department of Education to monitor and support Ohio's State System 113583  
of Support in accordance with the "No Child Left Behind Act of 113584  
2011," 20 U.S.C. 6317. 113585

The remainder of appropriation item 200448, Educator 113586  
Preparation, may be used by the Department to support the Educator 113587  
Standards Board under section 3319.61 of the Revised Code and 113588  
reforms under sections 3302.042, 3302.06 through 3302.068, 113589  
3302.12, 3302.20 through 3302.23, and 3319.58 of the Revised Code. 113590

**Section 267.20.60. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 113591

The foregoing appropriation item 200455, Community Schools 113592  
and Choice Programs, may be used by the Department of Education 113593  
for additional services and responsibilities under section 3314.11 113594  
of the Revised Code and for operation of the school choice 113595  
programs. 113596

Of the foregoing appropriation item 200455, Community Schools 113597  
and Choice Programs, a portion in each fiscal year may be used by 113598  
the Department of Education for developing and conducting training 113599  
sessions for community schools and sponsors and prospective 113600  
sponsors of community schools as prescribed in division (A)(1) of 113601  
section 3314.015 of the Revised Code, and other schools 113602  
participating in school choice programs. In developing the 113603  
community school training sessions, the Department shall collect 113604

and disseminate examples of best practices used by sponsors of 113605  
independent charter schools in Ohio and other states. 113606

**Section 267.20.70. PUPIL TRANSPORTATION** 113607

Of the foregoing appropriation item 200502, Pupil 113608  
Transportation, up to \$838,930 in each fiscal year may be used by 113609  
the Department of Education for training prospective and 113610  
experienced school bus drivers in accordance with training 113611  
programs prescribed by the Department. Up to \$60,469,220 in each 113612  
fiscal year may be used by the Department of Education for special 113613  
education transportation reimbursements to school districts and 113614  
county DD boards for transportation operating costs as provided in 113615  
division (J) of section 3317.024 of the Revised Code. Up to 113616  
\$650,000 in each fiscal year may be used to partially reimburse 113617  
school districts for costs of providing transportation services to 113618  
nontraditional schools when those schools are open on a day the 113619  
traditional school district is not scheduled to open. Up to 113620  
\$5,000,000 in each fiscal year may be used by the Department of 113621  
Education to reimburse school districts in accordance with rules 113622  
adopted by the state board of education for students transported 113623  
by means other than school bus service and whose transportation is 113624  
not funded under division (C) of section 3317.024 of the Revised 113625  
Code. 113626

The remainder of appropriation item 200502, Pupil 113627  
Transportation, shall be used to distribute the amounts calculated 113628  
for formula aid under Section 267.30.50 of this act. 113629

**Section 267.20.80. SCHOOL LUNCH MATCH** 113630

The foregoing appropriation item 200505, School Lunch Match, 113631  
shall be used to provide matching funds to obtain federal funds 113632  
for the school lunch program. 113633

Any remaining appropriation after providing matching funds 113634

for the school lunch program may be used to partially reimburse 113635  
school buildings within school districts that are required to have 113636  
a school breakfast program under section 3313.813 of the Revised 113637  
Code, at a rate decided by the Department. 113638

**Section 267.20.90. AUXILIARY SERVICES** 113639

The foregoing appropriation item 200511, Auxiliary Services, 113640  
shall be used by the Department of Education for the purpose of 113641  
implementing section 3317.06 of the Revised Code. Of the 113642  
appropriation, up to \$1,789,943 in each fiscal year may be used 113643  
for payment of the Post-Secondary Enrollment Options Program for 113644  
nonpublic students. Notwithstanding section 3365.10 of the Revised 113645  
Code, the Department shall distribute funding according to rules 113646  
adopted by the Department in accordance with Chapter 119. of the 113647  
Revised Code. 113648

**Section 267.30.10. NONPUBLIC ADMINISTRATIVE COST** 113649  
**REIMBURSEMENT** 113650

The foregoing appropriation item 200532, Nonpublic 113651  
Administrative Cost Reimbursement, shall be used by the Department 113652  
of Education for the purpose of implementing section 3317.063 of 113653  
the Revised Code. 113654

**Section 267.30.20. SPECIAL EDUCATION ENHANCEMENTS** 113655

Of the foregoing appropriation item 200540, Special Education 113656  
Enhancements, up to \$2,206,875 in each fiscal year shall be used 113657  
for home instruction for children with disabilities. 113658

Of the foregoing appropriation item 200540, Special Education 113659  
Enhancements, up to \$45,282,959 in each fiscal year shall be used 113660  
to fund special education and related services at county boards of 113661  
developmental disabilities for eligible students under section 113662  
3317.20 of the Revised Code and at institutions for eligible 113663

students under section 3317.201 of the Revised Code. 113664  
Notwithstanding the distribution formulas under sections 3317.20 113665  
and 3317.201 of the Revised Code, funding for DD boards and 113666  
institutions for fiscal year 2012 and fiscal year 2013 shall be 113667  
determined by providing the per pupil amount received by each DD 113668  
board and institution for the prior fiscal year for each student 113669  
served in the current fiscal year. 113670

Of the foregoing appropriation item 200540, Special Education 113671  
Enhancements, up to \$1,333,468 in each fiscal year shall be used 113672  
for parent mentoring programs. 113673

Of the foregoing appropriation item 200540, Special Education 113674  
Enhancements, up to \$2,537,824 in each fiscal year may be used for 113675  
school psychology interns. 113676

The remainder of appropriation item 200540, Special Education 113677  
Enhancements, shall be distributed by the Department of Education 113678  
to county boards of developmental disabilities, educational 113679  
service centers, and school districts for preschool special 113680  
education units and preschool supervisory units under section 113681  
3317.052 of the Revised Code. To the greatest extent possible, the 113682  
Department of Education shall allocate these units to school 113683  
districts and educational service centers. 113684

The Department may reimburse county DD boards, educational 113685  
service centers, and school districts for services provided by 113686  
instructional assistants, related services as defined in rule 113687  
3301-51-11 of the Administrative Code, physical therapy services 113688  
provided by a licensed physical therapist or physical therapist 113689  
assistant under the supervision of a licensed physical therapist 113690  
as required under Chapter 4755. of the Revised Code and Chapter 113691  
4755-27 of the Administrative Code and occupational therapy 113692  
services provided by a licensed occupational therapist or 113693  
occupational therapy assistant under the supervision of a licensed 113694  
occupational therapist as required under Chapter 4755. of the 113695



Revised Code and Chapter 4755-7 of the Administrative Code. 113696  
Nothing in this section authorizes occupational therapy assistants 113697  
or physical therapist assistants to generate or manage their own 113698  
caseloads. 113699

The Department of Education shall require school districts, 113700  
educational service centers, and county DD boards serving 113701  
preschool children with disabilities to adhere to Ohio's Early 113702  
Learning Program Guidelines and document child progress using 113703  
research-based indicators prescribed by the Department and report 113704  
results annually. The reporting dates and method shall be 113705  
determined by the Department. 113706

**Section 267.30.30. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 113707

Of the foregoing appropriation item 200545, Career-Technical 113708  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 113709  
be used to fund secondary career-technical education at 113710  
institutions. 113711

Of the foregoing appropriation item 200545, Career-Technical 113712  
Education Enhancements, up to \$2,838,281 in each fiscal year shall 113713  
be used by the Department of Education to fund competitive grants 113714  
to tech prep consortia that expand the number of students enrolled 113715  
in tech prep programs. These grant funds shall be used to directly 113716  
support expanded tech prep programs provided to students enrolled 113717  
in school districts, including joint vocational school districts, 113718  
and affiliated higher education institutions. This support may 113719  
include the purchase of equipment. 113720

Of the foregoing appropriation item 200545, Career-Technical 113721  
Education Enhancements, up to \$3,100,850 in each fiscal year shall 113722  
be used by the Department of Education to support existing High 113723  
Schools That Work (HSTW) sites, develop and support new sites, 113724  
fund technical assistance, and support regional centers and middle 113725  
school programs. The purpose of HSTW is to combine challenging 113726

academic courses and modern career-technical studies to raise the 113727  
academic achievement of students. HSTW provides intensive 113728  
technical assistance, focused staff development, targeted 113729  
assessment services, and ongoing communications and networking 113730  
opportunities. 113731

Of the foregoing appropriation item 200545, Career-Technical 113732  
Education Enhancements, up to \$300,000 in each fiscal year shall 113733  
be used by the Department of Education to enable students in 113734  
agricultural programs to enroll in a fifth quarter of instruction 113735  
based on the agricultural education model of delivering work-based 113736  
learning through supervised agricultural experience. The 113737  
Department of Education shall determine eligibility criteria and 113738  
the reporting process for the Agriculture 5th Quarter Project and 113739  
shall fund as many programs as possible given the set aside. 113740

**Section 267.30.40. FOUNDATION FUNDING** 113741

Of the foregoing appropriation item 200550, Foundation 113742  
Funding, up to \$425,000 shall be expended in each fiscal year for 113743  
court payments under section 2151.362 of the Revised Code. 113744

Of the foregoing appropriation item 200550, Foundation 113745  
Funding, up to \$8,100,000 in each fiscal year shall be used to 113746  
fund gifted education at educational service centers. The 113747  
Department shall distribute the funding through the unit-based 113748  
funding methodology in place under division (L) of section 113749  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 113750  
and (C) of section 3317.053 of the Revised Code as they existed 113751  
prior to fiscal year 2010. Any remaining funds shall be used as an 113752  
additional supplement to each city, exempted village, and local 113753  
school district for identifying gifted students under Chapter 113754  
3324. of the Revised Code. 113755

Of the foregoing appropriation item 200550, Foundation 113756  
Funding, up to \$10,000,000 in each fiscal year shall be used to 113757

provide additional state aid to school districts, joint vocational 113758  
school districts, and community schools for special education 113759  
students under division (C)(3) of section 3317.022 of the Revised 113760  
Code, except that the Controlling Board may increase these amounts 113761  
if presented with such a request from the Department of Education 113762  
at the final meeting of the fiscal year; and up to \$2,000,000 in 113763  
each fiscal year shall be reserved for Youth Services tuition 113764  
payments under section 3317.024 of the Revised Code. 113765

Of the foregoing appropriation item 200550, Foundation 113766  
Funding, up to \$41,760,000 in fiscal year 2012 and up to 113767  
\$35,323,000 in fiscal year 2013 shall be reserved to fund the 113768  
state reimbursement of educational service centers under section 113769  
3317.11 of the Revised Code and the section of this act entitled 113770  
"EDUCATIONAL SERVICE CENTERS FUNDING;" and up to \$3,545,752 in 113771  
each fiscal year shall be distributed to educational service 113772  
centers for School Improvement Initiatives. Educational service 113773  
centers shall be required to support districts in the development 113774  
and implementation of their continuous improvement plans as 113775  
required in section 3302.04 of the Revised Code and to provide 113776  
technical assistance and support in accordance with Title I of the 113777  
"No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 113778  
6317. 113779

Of the foregoing appropriation item 200550, Foundation 113780  
Funding, up to \$1,000,000 in each fiscal year shall be used by the 113781  
Department of Education for a program to pay for educational 113782  
services for youth who have been assigned by a juvenile court or 113783  
other authorized agency to any of the facilities described in 113784  
division (A) of the section of this act entitled "PRIVATE 113785  
TREATMENT FACILITY PROJECT." 113786

Of the foregoing appropriation item 200550, Foundation 113787  
Funding, up to \$12,522,860 in each fiscal year shall be used to 113788  
support the Cleveland school choice program. 113789

Of the portion of the funds distributed to the Cleveland  
Municipal School District under this section, up to \$11,901,887 in  
each fiscal year shall be used to operate the school choice  
program in the Cleveland Municipal School District under sections  
3313.974 to 3313.979 of the Revised Code. Notwithstanding  
divisions (B) and (C) of section 3313.978 and division (C) of  
section 3313.979 of the Revised Code, up to \$1,000,000 in each  
fiscal year of this amount shall be used by the Cleveland  
Municipal School District to provide tutorial assistance as  
provided in division (H) of section 3313.974 of the Revised Code.  
The Cleveland Municipal School District shall report the use of  
these funds in the district's three-year continuous improvement  
plan as described in section 3302.04 of the Revised Code in a  
manner approved by the Department of Education.

Of the foregoing appropriation item 200550, Foundation  
Funding, an amount shall be available in each fiscal year to be  
paid to joint vocational school districts in accordance with the  
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL  
DISTRICTS."

Of the foregoing appropriation item 200550, Foundation  
Funding, a portion in each fiscal year shall be paid to city,  
exempted village, and local school districts in accordance with  
the section of this act entitled "SUPPLEMENTAL SCHOOL DISTRICT  
FUNDING."

The remainder of appropriation item 200550, Foundation  
Funding, shall be used to distribute the amounts calculated for  
formula aid under Section 267.30.50 of this act.

Appropriation items 200502, Pupil Transportation, 200540,  
Special Education Enhancements, and 200550, Foundation Funding,  
other than specific set-asides, are collectively used in each  
fiscal year to pay state formula aid obligations for school  
districts, community schools, STEM schools, and joint vocational

school districts under this act. The first priority of these 113822  
appropriation items, with the exception of specific set-asides, is 113823  
to fund state formula aid obligations. It may be necessary to 113824  
reallocate funds among these appropriation items or use excess 113825  
funds from other general revenue fund appropriation items in the 113826  
Department of Education's budget in each fiscal year, in order to 113827  
meet state formula aid obligations. If it is determined that it is 113828  
necessary to transfer funds among these appropriation items or to 113829  
transfer funds from other General Revenue Fund appropriations in 113830  
the Department of Education's budget to meet state formula aid 113831  
obligations, the Department of Education shall seek approval from 113832  
the Controlling Board to transfer funds as needed. 113833

**Section 267.30.50. FUNDING FOR CITY, EXEMPTED VILLAGE, AND 113834**  
LOCAL SCHOOL DISTRICTS 113835

(A) For each of fiscal years 2012 and 2013, the Department of 113836  
Education shall compute and pay operating funding for each city, 113837  
exempted village, and local school district according to the 113838  
following formula: 113839

[(The final amount computed for fiscal year 2011 under 113840  
the line on the district's PASS form entitled "State 113841  
Resources for the Foundation Funding Program" / the district's 113842  
recalculated fiscal year 2011 formula ADM) X the district's 113843  
current year formula ADM] - the district's adjustment amount 113844

Where: 113845

(1) "PASS form" means the form for calculating operating 113846  
payments to school districts as prescribed by former section 113847  
3306.012 of the Revised Code. 113848

(2) "Recalculated fiscal year 2011 formula ADM" means the 113849  
district's average daily membership reported in October 2010 under 113850  
division (A) of section 3317.03 of the Revised Code, as verified 113851  
by the Superintendent of Public Instruction and adjusted if so 113852

ordered under division (K) of that section, and as further 113853  
adjusted by the Department, as follows: 113854

(a) Count only twenty per cent of the number of joint 113855  
vocational school district students counted under division (A)(3) 113856  
of section 3317.03 of the Revised Code; 113857

(b) Add twenty per cent of the number of students who are 113858  
entitled to attend school in the district under section 3313.64 or 113859  
3313.65 of the Revised Code and are enrolled in another school 113860  
district under a career-technical educational compact. 113861

(3) "Current year formula ADM" means the district's formula 113862  
ADM for the current fiscal year as defined in section 3317.02 of 113863  
the Revised Code. 113864

(4) "The district's adjustment amount" means the amount 113865  
computed under division (B)(5) of this section. 113866

If the computation made under division (A) of this section 113867  
results in a negative number, the district's funding under this 113868  
section shall be zero. 113869

(B) To make the computation required by division (A) of this 113870  
section, the Department shall determine all of the following: 113871

(1) Each district's charge-off valuation per pupil, which 113872  
shall be the valuation used to determine the district's state 113873  
share of the adequacy amount for fiscal year 2011, under former 113874  
section 3306.13 of the Revised Code, divided by the district's 113875  
recalculated fiscal year 2011 formula ADM; 113876

(2) The statewide median charge-off valuation per pupil; 113877

(3) Each district's charge-off valuation index, which shall 113878  
be the district's charge-off valuation per pupil divided by the 113879  
statewide median charge-off valuation per pupil; 113880

(4) The statewide per pupil adjustment amount. The Department 113881  
shall determine that amount so that the total statewide formula 113882

aid obligation for school districts does not exceed the aggregate 113883  
amount appropriated for formula aid under line items 200502, 113884  
200550, and 200612. 113885

(5) Each district's adjustment amount, which shall be the 113886  
district's charge-off valuation index multiplied by the statewide 113887  
per pupil adjustment amount multiplied by the district's current 113888  
year formula ADM. 113889

(C) On the form that the Department uses to compute funding 113890  
for a school district in accordance with this section, the 113891  
Department also shall indicate the amount of that funding 113892  
allocated to special education and related services, the amount 113893  
allocated to career-technical education, and the amount allocated 113894  
to gifted education. The amounts allocated for special education 113895  
and career-technical education shall be the amounts indicated on 113896  
the PASS form for fiscal year 2011. Each school district that 113897  
receives an allocation for career-technical education shall spend 113898  
the funds only for purposes the Department of Education designates 113899  
as approved for career-technical education expenses. 113900  
Career-technical education expenses approved by the Department 113901  
shall include only expenses connected to the delivery of 113902  
career-technical programming to students enrolled in 113903  
state-approved career-technical programs. If a school district 113904  
informs the Department that it is unable to spend the full 113905  
allocation on approved career-technical education expenses, the 113906  
Department may reallocate the district's unexpended amount of the 113907  
career-technical education allocation to other school districts. 113908  
The Department shall first allocate the funds to school districts 113909  
within the original school district's vocational education 113910  
planning district that have growth in career-technical enrollment 113911  
from the previous fiscal year. If there are no such districts, the 113912  
Department shall allocate the funds to other school districts, 113913  
with priority given to districts according to each district's 113914

growth in career-technical enrollment from the previous fiscal 113915  
year. The amounts allocated to gifted education shall be the 113916  
amounts districts received for gifted unit funding and 113917  
supplemental identification funds in fiscal year 2009, either 113918  
directly or through funds allocated to educational service 113919  
centers. The Department shall require each school district to 113920  
report data annually so that the Department may monitor and 113921  
enforce the district's compliance with the requirements regarding 113922  
the manner in which allocations for career-technical education and 113923  
gifted education may be spent. 113924

(D) For fiscal years 2012 and 2013, wherever a provision of 113925  
law refers to payments or adjustments for a school district made 113926  
in accordance with any section of Chapter 3317. of the Revised 113927  
Code, that reference shall be construed to include payments or 113928  
adjustments made under this section. 113929

**Section 267.30.53. SUPPLEMENTAL SCHOOL DISTRICT FUNDING** 113930

(A) For fiscal year 2012, the Department of Education shall 113931  
compute and pay supplemental operating funding for each city, 113932  
exempted village, and local school district according to the 113933  
following formula: 113934

[(The final amount computed for fiscal year 2011 under the 113935  
line on the district's PASS form entitled "State Resources for the 113936  
Foundation Funding Program" minus the portion of that amount paid 113937  
from funds received under the American Recovery and Reinvestment 113938  
Act State Fiscal Stabilization Fund) multiplied by eighty per 113939  
cent] minus (the amount computed for the district for fiscal year 113940  
2012 under Section 267.30.50 of this act). 113941

(B) For fiscal year 2013, the Department of Education shall 113942  
compute and pay supplemental operating funding for districts 113943  
allocated funding under this section for fiscal year 2012 113944  
according to the following formula: 113945



[(The final amount computed for the district for fiscal year 2012 under Section 267.30.50 of this act) plus (the final amount computed for the district for fiscal year 2012 under this section)] minus (the amount computed for the district for fiscal year 2013 under Section 267.30.50 of this act).

(C) If the computation made under division (A) or (B) of this section results in a negative number, the district's funding under that division shall be zero.

**Section 267.30.60. FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS**

The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for joint vocational funding in each fiscal year to each joint vocational school district that received joint vocational funding in fiscal year 2011. The Department shall distribute to each such district joint vocational funding in an amount equal to the district's total state foundation aid as reported on the final JVS payment report produced by the Department for the previous fiscal year.

The joint vocational funding for each fiscal year for each district is the amount specified in this section less any general revenue fund spending reductions ordered by the Governor under section 126.05 of the Revised Code.

**Section 267.30.70. PROPERTY TAX ALLOCATION - EDUCATION**

The Superintendent of Public Instruction shall not request, and the Controlling Board shall not approve, the transfer of appropriation from appropriation item 200901, Property Tax Allocation - Education, to any other appropriation item.

The appropriation item 200901, Property Tax Allocation - Education, is appropriated to pay for the state's costs incurred because of the homestead exemption, the property tax rollback, and

payments required under division (C) of section 5705.2110 of the Revised Code. In cooperation with the Department of Taxation, the Department of Education shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amount specifically appropriated in appropriation items 200901, Property Tax Allocation - Education, for the homestead exemption and the property tax rollback payments, and payments required under division (C) of section 5705.2110 of the Revised Code, which are determined to be necessary for these purposes, are hereby appropriated.

**Section 267.30.80. TEACHER CERTIFICATION AND LICENSURE**

The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer and support teacher certification and licensure activities.

**SCHOOL DISTRICT SOLVENCY ASSISTANCE**

(A) Of the foregoing appropriation item 200687, School District Solvency Assistance, \$20,000,000 in each fiscal year shall be allocated to the School District Shared Resource Account

and \$5,000,000 in each fiscal year shall be allocated to the 114006  
Catastrophic Expenditures Account. These funds shall be used to 114007  
provide assistance and grants to school districts to enable them 114008  
to remain solvent under section 3316.20 of the Revised Code. 114009  
Assistance and grants shall be subject to approval by the 114010  
Controlling Board. Except as provided under division (C) of this 114011  
section, any required reimbursements from school districts for 114012  
solvency assistance shall be made to the appropriate account in 114013  
the School District Solvency Assistance Fund (Fund 5H30). 114014

(B) Notwithstanding any provision of law to the contrary, 114015  
upon the request of the Superintendent of Public Instruction, the 114016  
Director of Budget and Management may make transfers to the School 114017  
District Solvency Assistance Fund (Fund 5H30) from any fund used 114018  
by the Department of Education or the General Revenue Fund to 114019  
maintain sufficient cash balances in Fund 5H30 in fiscal years 114020  
2012 and 2013. Any cash transferred is hereby appropriated. The 114021  
transferred cash may be used by the Department of Education to 114022  
provide assistance and grants to school districts to enable them 114023  
to remain solvent and to pay unforeseeable expenses of a temporary 114024  
or emergency nature that the school district is unable to pay from 114025  
existing resources. The Director of Budget and Management shall 114026  
notify the members of the Controlling Board of any such transfers. 114027

(C) If the cash balance of the School District Solvency 114028  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 114029  
assistance in fiscal years 2012 and 2013, at the request of the 114030  
Superintendent of Public Instruction, and with the approval of the 114031  
Controlling Board, the Director of Budget and Management may 114032  
transfer cash from the Lottery Profits Education Reserve Fund 114033  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 114034  
school districts to enable them to remain solvent and to pay 114035  
unforeseeable expenses of a temporary nature that they are unable 114036  
to pay from existing resources under section 3316.20 of the 114037

Revised Code. Such transfers are hereby appropriated to 114038  
appropriation item 200670, School District Solvency Assistance - 114039  
Lottery. Any required reimbursements from school districts for 114040  
solvency assistance granted from appropriation item 200670, School 114041  
District Solvency Assistance - Lottery, shall be made to Fund 114042  
7018. 114043

**Section 267.30.90. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS** 114044

Upon the request of the Superintendent of Public Instruction, 114045  
the Director of Budget and Management may transfer up to \$639,000 114046  
cash in each fiscal year from the General Revenue Fund to the 114047  
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 114048  
transferred cash is to be used by the Department of Education to 114049  
pay the expenses the Department incurs in administering the 114050  
Medicaid School Component of the Medicaid program established 114051  
under sections 5111.71 to 5111.715 of the Revised Code. On June 1 114052  
of each fiscal year, or as soon as possible thereafter, the 114053  
Director of Budget and Management shall transfer cash from Fund 114054  
3AF0 back to the General Revenue Fund in an amount equal to the 114055  
total amount transferred to Fund 3AF0 in that fiscal year. 114056

The money deposited into Fund 3AF0 under division (B) of 114057  
section 5111.714 of the Revised Code is hereby appropriated for 114058  
fiscal years 2012 and 2013 and shall be used in accordance with 114059  
division (D) of section 5111.714 of the Revised Code. 114060

**Section 267.40.10. HALF-MILL MAINTENANCE EQUALIZATION** 114061

The foregoing appropriation item 200626, Half-Mill 114062  
Maintenance Equalization, shall be used to make payments pursuant 114063  
to section 3318.18 of the Revised Code. 114064

**Section 267.40.20. AUXILIARY SERVICES REIMBURSEMENT** 114065

Notwithstanding section 3317.064 of the Revised Code, if the 114066

unexpended, unencumbered cash balance is sufficient, the Treasurer 114067  
of State shall transfer \$1,500,000 in fiscal year 2012 within 114068  
thirty days after the effective date of this section, and 114069  
\$1,500,000 in fiscal year 2013 by August 1, 2012, from the 114070  
Auxiliary Services Personnel Unemployment Compensation Fund to the 114071  
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 114072  
Department of Education. 114073

COMMUNITY SCHOOL DROPOUT PROGRAMS 114074

The foregoing appropriation item 200679, Community School 114075  
Dropout Programs, shall be used to make payments pursuant to 114076  
section 3314.38 of the Revised Code. On July 1, 2011, or as soon 114077  
as possible thereafter, and on July 1, 2012, or as soon as 114078  
possible thereafter, the Director of Budget and Management shall 114079  
transfer \$1,000,000 from the Economic Development Programs Fund 114080  
(Fund 5JC0) used by the Board of Regents to the Community School 114081  
Dropout Programs Fund (Fund 5KK0) used by the Department of 114082  
Education. 114083

**Section 267.40.30. LOTTERY PROFITS EDUCATION FUND** 114084

Appropriation item 200612, Foundation Funding (Fund 7017), 114085  
shall be used in conjunction with appropriation item 200550, 114086  
Foundation Funding (GRF), to provide state foundation payments to 114087  
school districts. 114088

The Department of Education, with the approval of the 114089  
Director of Budget and Management, shall determine the monthly 114090  
distribution schedules of appropriation item 200550, Foundation 114091  
Funding (GRF), and appropriation item 200612, Foundation Funding 114092  
(Fund 7017). If adjustments to the monthly distribution schedule 114093  
are necessary, the Department of Education shall make such 114094  
adjustments with the approval of the Director of Budget and 114095  
Management. 114096

**Section 267.40.40.** LOTTERY PROFITS EDUCATION RESERVE FUND 114097

(A) There is hereby created the Lottery Profits Education 114098  
Reserve Fund (Fund 7018) in the State Treasury. Investment 114099  
earnings of the Lottery Profits Education Reserve Fund shall be 114100  
credited to the fund. 114101

(B) Notwithstanding any other provision of law to the 114102  
contrary, the Director of Budget and Management may transfer cash 114103  
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 114104  
in fiscal year 2012 and fiscal year 2013. Amounts transferred 114105  
under this section are hereby appropriated. 114106

(C) On July 15, 2011, or as soon as possible thereafter, the 114107  
Director of the Ohio Lottery Commission shall certify to the 114108  
Director of Budget and Management the amount by which lottery 114109  
profit transfers received by Fund 7017 exceeded \$711,000,000 in 114110  
fiscal year 2011. The Director of Budget and Management may 114111  
transfer the amount so certified, plus the cash balance in Fund 114112  
7017, to Fund 7018. 114113

(D) On July 15, 2012, or as soon as possible thereafter, the 114114  
Director of the Ohio Lottery Commission shall certify to the 114115  
Director of Budget and Management the amount by which lottery 114116  
profit transfers received by Fund 7017 exceeded \$717,500,000 in 114117  
fiscal year 2012. The Director of Budget and Management may 114118  
transfer the amount so certified, plus the cash balance in Fund 114119  
7017, to Fund 7018. 114120

**Section 267.40.50.** GENERAL REVENUE FUND TRANSFERS TO SCHOOL 114121  
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047) 114122

Notwithstanding any provision of law to the contrary, in 114123  
fiscal year 2012 and fiscal year 2013 the Director of Budget and 114124  
Management may make temporary transfers between the General 114125  
Revenue Fund and the School District Property Tax Replacement - 114126

Business Fund (Fund 7047) in the Department of Education to ensure 114127  
sufficient balances in Fund 7047 and to replenish the General 114128  
Revenue Fund for such transfers. 114129

**Section 267.40.60. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 114130**  
BUSINESS 114131

The foregoing appropriation item 200909, School District 114132  
Property Tax Replacement - Business, shall be used by the 114133  
Department of Education, in consultation with the Department of 114134  
Taxation, to make payments to school districts and joint 114135  
vocational school districts under section 5751.21 of the Revised 114136  
Code. If it is determined by the Director of Budget and Management 114137  
that additional appropriations are necessary for this purpose, 114138  
such amounts are hereby appropriated. 114139

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 114140

The foregoing appropriation item 200900, School District 114141  
Property Tax Replacement-Utility, shall be used by the Department 114142  
of Education, in consultation with the Department of Taxation, to 114143  
make payments to school districts and joint vocational school 114144  
districts under section 5727.85 of the Revised Code. If it is 114145  
determined by the Director of Budget and Management that 114146  
additional appropriations are necessary for this purpose, such 114147  
amounts are hereby appropriated. 114148

DISTRIBUTION FORMULAS 114149

The Department of Education shall report the following to the 114150  
Director of Budget and Management and the Legislative Service 114151  
Commission: 114152

(A) Changes in formulas for distributing state 114153  
appropriations, including administratively defined formula 114154  
factors; 114155

(B) Discretionary changes in formulas for distributing 114156

|                                                                                                                                                                                                                                                                                 |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| federal appropriations;                                                                                                                                                                                                                                                         | 114157                                         |
| (C) Federally mandated changes in formulas for distributing federal appropriations.                                                                                                                                                                                             | 114158<br>114159                               |
| Any such changes shall be reported two weeks prior to the effective date of the change.                                                                                                                                                                                         | 114160<br>114161                               |
| <b>Section 267.40.70. EDUCATIONAL SERVICE CENTERS FUNDING</b>                                                                                                                                                                                                                   | 114162                                         |
| In fiscal year 2012, each Educational Service Center shall receive funding equal to ninety per cent of the amount received in fiscal year 2011 under section 3317.11 of the Revised Code and Section 265.50.10 of Am. Sub. H.B. 1 of the 128th General Assembly.                | 114163<br>114164<br>114165<br>114166<br>114167 |
| In fiscal year 2013, each Educational Service Center shall receive funding equal to eighty-five per cent of the amount received in fiscal year 2012 under this section.                                                                                                         | 114168<br>114169<br>114170                     |
| Notwithstanding any provision of law to the contrary, the Department of Education shall modify the payments under this section as follows:                                                                                                                                      | 114171<br>114172<br>114173                     |
| (A) If an educational service center ceases operation, the Department shall redistribute that center's funding, as calculated under this section, to the remaining centers in proportion to each center's service center ADM as defined in section 3317.11 of the Revised Code. | 114174<br>114175<br>114176<br>114177<br>114178 |
| (B) If two or more educational service centers merge operations to create a single service center, the Department shall distribute the sum of the original service centers' funding, as calculated under this section, to the new service center.                               | 114179<br>114180<br>114181<br>114182           |
| <b>Section 267.40.80. PRIVATE TREATMENT FACILITY PROJECT</b>                                                                                                                                                                                                                    | 114183                                         |
| (A) As used in this section:                                                                                                                                                                                                                                                    | 114184                                         |



|                                                                                                                                                                                                                                                                                                                                                                               |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (1) The following are "participating residential treatment centers":                                                                                                                                                                                                                                                                                                          | 114185<br>114186                                         |
| (a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2012 or fiscal year 2013 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;                                                | 114187<br>114188<br>114189<br>114190<br>114191<br>114192 |
| (b) Abraxas, in Shelby;                                                                                                                                                                                                                                                                                                                                                       | 114193                                                   |
| (c) Paint Creek, in Bainbridge;                                                                                                                                                                                                                                                                                                                                               | 114194                                                   |
| (d) F.I.R.S.T., in Mansfield.                                                                                                                                                                                                                                                                                                                                                 | 114195                                                   |
| (2) "Education program" means an elementary or secondary education program or a special education program and related services.                                                                                                                                                                                                                                               | 114196<br>114197<br>114198                               |
| (3) "Served child" means any child receiving an education program pursuant to division (B) of this section.                                                                                                                                                                                                                                                                   | 114199<br>114200                                         |
| (4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.                                                                                                 | 114201<br>114202<br>114203<br>114204<br>114205           |
| (5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.                                                                                                                                                                                             | 114206<br>114207<br>114208                               |
| (B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria | 114209<br>114210<br>114211<br>114212<br>114213<br>114214 |

established for such programs by the Department of Education. The 114215  
educational program shall be provided by a school district or 114216  
educational service center, or by the residential facility itself. 114217  
Maximum flexibility shall be given to the residential treatment 114218  
facility to determine the provider. In the event that a voluntary 114219  
agreement cannot be reached and the residential facility does not 114220  
choose to provide the educational program, the educational service 114221  
center in the county in which the facility is located shall 114222  
provide the educational program at the treatment center to 114223  
children under twenty-two years of age residing in the treatment 114224  
center. 114225

(C) Any school district responsible for tuition for a 114226  
residential child shall, notwithstanding any conflicting provision 114227  
of the Revised Code regarding tuition payment, pay tuition for the 114228  
child for fiscal year 2012 and fiscal year 2013 to the education 114229  
program provider and in the amount specified in this division. If 114230  
there is no school district responsible for tuition for a 114231  
residential child and if the participating residential treatment 114232  
center to which the child is assigned is located in the city, 114233  
exempted village, or local school district that, if the child were 114234  
not a resident of that treatment center, would be the school 114235  
district where the child is entitled to attend school under 114236  
sections 3313.64 and 3313.65 of the Revised Code, that school 114237  
district, notwithstanding any conflicting provision of the Revised 114238  
Code, shall pay tuition for the child for fiscal year 2012 and 114239  
fiscal year 2013 under this division unless that school district 114240  
is providing the educational program to the child under division 114241  
(B) of this section. 114242

A tuition payment under this division shall be made to the 114243  
school district, educational service center, or residential 114244  
treatment facility providing the educational program to the child. 114245

The amount of tuition paid shall be: 114246

(1) The amount of tuition determined for the district under 114247  
division (A) of section 3317.08 of the Revised Code; 114248

(2) In addition, for any student receiving special education 114249  
pursuant to an individualized education program as defined in 114250  
section 3323.01 of the Revised Code, a payment for excess costs. 114251  
This payment shall equal the actual cost to the school district, 114252  
educational service center, or residential treatment facility of 114253  
providing special education and related services to the student 114254  
pursuant to the student's individualized education program, minus 114255  
the tuition paid for the child under division (C)(1) of this 114256  
section. 114257

A school district paying tuition under this division shall 114258  
not include the child for whom tuition is paid in the district's 114259  
average daily membership certified under division (A) of section 114260  
3317.03 of the Revised Code. 114261

(D) In each of fiscal years 2012 and 2013, the Department of 114262  
Education shall reimburse, from appropriations made for the 114263  
purpose, a school district, educational service center, or 114264  
residential treatment facility, whichever is providing the 114265  
service, that has demonstrated that it is in compliance with the 114266  
funding criteria for each served child for whom a school district 114267  
must pay tuition under division (C) of this section. The amount of 114268  
the reimbursement shall be the amount appropriated for this 114269  
purpose divided by the full-time equivalent number of children for 114270  
whom reimbursement is to be made. 114271

(E) Funds provided to a school district, educational service 114272  
center, or residential treatment facility under this section shall 114273  
be used to supplement, not supplant, funds from other public 114274  
sources for which the school district, service center, or 114275  
residential treatment facility is entitled or eligible. 114276

(F) The Department of Education shall track the utilization 114277

of funds provided to school districts, educational service 114278  
centers, and residential treatment facilities under this section 114279  
and monitor the effect of the funding on the educational programs 114280  
they provide in participating residential treatment facilities. 114281  
The Department shall monitor the programs for educational 114282  
accountability. 114283

**Section 267.40.90. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 114284**  
ASSESSMENT OF EDUCATION PROGRESS 114285

The General Assembly intends for the Superintendent of Public 114286  
Instruction to provide for school district participation in the 114287  
administration of the National Assessment of Education Progress in 114288  
accordance with section 3301.27 of the Revised Code. Each school 114289  
and school district selected for participation by the 114290  
Superintendent of Public Instruction shall participate. 114291

**Section 267.50.10. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 114292**  
STUDENTS 114293

(A) As used in this section: 114294

(1) "IEP" has the same meaning as in section 3323.01 of the 114295  
Revised Code. 114296

(2) "SBH student" means a student receiving special education 114297  
and related services for severe behavior disabilities pursuant to 114298  
an IEP. 114299

(B) This section applies only to a community school 114300  
established under Chapter 3314. of the Revised Code that in each 114301  
of fiscal years 2012 and 2013 enrolls a number of SBH students 114302  
equal to at least fifty per cent of the total number of students 114303  
enrolled in the school in the applicable fiscal year. 114304

(C) In addition to any state foundation payments made, in 114305  
each of fiscal years 2012 and 2013, the Department of Education 114306

shall pay to a community school to which this section applies a 114307  
subsidy equal to the difference between the aggregate amount 114308  
calculated and paid in that fiscal year to the community school 114309  
for special education and related services additional weighted 114310  
costs for the SBH students enrolled in the school and the 114311  
aggregate amount that would have been calculated for the school 114312  
for special education and related services additional weighted 114313  
costs for those same students in fiscal year 2001. If the 114314  
difference is a negative number, the amount of the subsidy shall 114315  
be zero. 114316

(D) The amount of any subsidy paid to a community school 114317  
under this section shall not be deducted from the school district 114318  
in which any of the students enrolled in the community school are 114319  
entitled to attend school under section 3313.64 or 3313.65 of the 114320  
Revised Code. The amount of any subsidy paid to a community school 114321  
under this section shall be paid from funds appropriated to the 114322  
Department of Education in appropriation item 200550, Foundation 114323  
Funding. 114324

**Section 267.50.20. EARMARK ACCOUNTABILITY** 114325

At the request of the Superintendent of Public Instruction, 114326  
any entity that receives a budget earmark under the Department of 114327  
Education shall submit annually to the chairpersons of the 114328  
committees of the House of Representatives and the Senate 114329  
primarily concerned with education and to the Department of 114330  
Education a report that includes a description of the services 114331  
supported by the funds, a description of the results achieved by 114332  
those services, an analysis of the effectiveness of the program, 114333  
and an opinion as to the program's applicability to other school 114334  
districts. For an earmarked entity that received state funds from 114335  
an earmark in the prior fiscal year, no funds shall be provided by 114336  
the Department of Education to an earmarked entity for a fiscal 114337

year until its report for the prior fiscal year has been 114338  
submitted. 114339

**Section 267.50.30. PROHIBITION FROM OPERATING FROM HOME** 114340

No community school established under Chapter 3314. of the 114341  
Revised Code that was not open for operation as of May 1, 2005, 114342  
shall operate from a home, as defined in section 3313.64 of the 114343  
Revised Code. 114344

**Section 267.50.40. EARLY COLLEGE START UP COMMUNITY SCHOOL** 114345

(A) As used in this section: 114346

(1) "Big eight school district" has the same meaning as in 114347  
section 3314.02 of the Revised Code. 114348

(2) "Early college high school" means a high school that 114349  
provides students with a personalized learning plan based on an 114350  
accelerated curriculum combining high school and college-level 114351  
coursework. 114352

(B) Any early college high school that is operated by a big 114353  
eight school district in partnership with a private university may 114354  
operate as a new start-up community school under Chapter 3314. of 114355  
the Revised Code beginning in the 2007-2008 school year, if all of 114356  
the following conditions are met: 114357

(1) The governing authority and sponsor of the school enter 114358  
into a contract in accordance with section 3314.03 of the Revised 114359  
Code and, notwithstanding division (D) of section 3314.02 of the 114360  
Revised Code, both parties adopt and sign the contract by July 9, 114361  
2007. 114362

(2) Notwithstanding division (A) of former section 3314.016 114363  
of the Revised Code, the school's governing authority enters into 114364  
a contract with the private university under which the university 114365  
will be the school's operator. 114366

(3) The school provides the same educational program the 114367  
school provided while part of the big eight school district. 114368

**Section 267.50.50. USE OF VOLUNTEERS** 114369

The Department of Education may utilize the services of 114370  
volunteers to accomplish any of the purposes of the Department. 114371  
The Superintendent of Public Instruction shall approve for what 114372  
purposes volunteers may be used and for these purposes may 114373  
recruit, train, and oversee the services of volunteers. The 114374  
Superintendent may reimburse volunteers for necessary and 114375  
appropriate expenses in accordance with state guidelines and may 114376  
designate volunteers as state employees for the purpose of motor 114377  
vehicle accident liability insurance under section 9.83 of the 114378  
Revised Code, for immunity under section 9.86 of the Revised Code, 114379  
and for indemnification from liability incurred in the performance 114380  
of their duties under section 9.87 of the Revised Code. 114381

**Section 267.50.60. RESTRICTION OF LIABILITY FOR CERTAIN** 114382  
**REIMBURSEMENTS** 114383

(A) Except as expressly required under a court judgment not 114384  
subject to further appeals, or a settlement agreement with a 114385  
school district executed on or before June 1, 2009, in the case of 114386  
a school district for which the formula ADM for fiscal year 2005, 114387  
as reported for that fiscal year under division (A) of section 114388  
3317.03 of the Revised Code, was reduced based on enrollment 114389  
reports for community schools, made under section 3314.08 of the 114390  
Revised Code, regarding students entitled to attend school in the 114391  
district, which reduction of formula ADM resulted in a reduction 114392  
of foundation funding or transitional aid funding for fiscal year 114393  
2005, 2006, or 2007, no school district, except a district named 114394  
in the court's judgment or the settlement agreement, shall have a 114395  
legal claim for reimbursement of the amount of such reduction in 114396

foundation funding or transitional aid funding, and the state 114397  
shall not have liability for reimbursement of the amount of such 114398  
reduction in foundation funding or transitional aid funding. 114399

(B) As used in this section: 114400

(1) "Community school" means a community school established 114401  
under Chapter 3314. of the Revised Code. 114402

(2) "Entitled to attend school" means entitled to attend 114403  
school in a school district under section 3313.64 or 3313.65 of 114404  
the Revised Code. 114405

(3) "Foundation funding" means payments calculated for the 114406  
respective fiscal year under Chapter 3317. of the Revised Code. 114407

(4) "Transitional aid funding" means payments calculated for 114408  
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 114409  
of the 125th General Assembly, as subsequently amended; Section 114410  
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 114411  
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 114412  
of the 127th General Assembly. 114413

**Section 267.50.70. UNAUDITABLE COMMUNITY SCHOOL** 114414

(A) If the Auditor of State or a public accountant, pursuant 114415  
to section 117.41 of the Revised Code, declares a community school 114416  
established under Chapter 3314. of the Revised Code to be 114417  
unauditable, the Auditor of State shall provide written 114418  
notification of that declaration to the school, the school's 114419  
sponsor, and the Department of Education. The Auditor of State 114420  
also shall post the notification on the Auditor of State's web 114421  
site. 114422

(B) Notwithstanding any provision to the contrary in Chapter 114423  
3314. of the Revised Code or any other provision of law, a sponsor 114424  
of a community school that is notified by the Auditor of State 114425  
under division (A) of this section that a community school it 114426



sponsors is unauditabile shall not enter into contracts with any 114427  
additional community schools under section 3314.03 of the Revised 114428  
Code until the Auditor of State or a public accountant has 114429  
completed a financial audit of that school. 114430

(C) Not later than forty-five days after receiving 114431  
notification by the Auditor of State under division (A) of this 114432  
section that a community school is unauditabile, the sponsor of the 114433  
school shall provide a written response to the Auditor of State. 114434  
The response shall include the following: 114435

(1) An overview of the process the sponsor will use to review 114436  
and understand the circumstances that led to the community school 114437  
becoming unauditabile; 114438

(2) A plan for providing the Auditor of State with the 114439  
documentation necessary to complete an audit of the community 114440  
school and for ensuring that all financial documents are available 114441  
in the future; 114442

(3) The actions the sponsor will take to ensure that the plan 114443  
described in division (C)(2) of this section is implemented. 114444

(D) If a community school fails to make reasonable efforts 114445  
and continuing progress to bring its accounts, records, files, or 114446  
reports into an auditabile condition within ninety days after being 114447  
declared unauditabile, the Auditor of State, in addition to 114448  
requesting legal action under sections 117.41 and 117.42 of the 114449  
Revised Code, shall notify the Department of the school's failure. 114450  
If the Auditor of State or a public accountant subsequently is 114451  
able to complete a financial audit of the school, the Auditor of 114452  
State shall notify the Department that the audit has been 114453  
completed. 114454

(E) Notwithstanding any provision to the contrary in Chapter 114455  
3314. of the Revised Code or any other provision of law, upon 114456  
notification by the Auditor of State under division (D) of this 114457

section that a community school has failed to make reasonable 114458  
efforts and continuing progress to bring its accounts, records, 114459  
files, or reports into an auditable condition following a 114460  
declaration that the school is unauditabile, the Department shall 114461  
immediately cease all payments to the school under Chapter 3314. 114462  
of the Revised Code and any other provision of law. Upon 114463  
subsequent notification from the Auditor of State under that 114464  
division that the Auditor of State or a public accountant was able 114465  
to complete a financial audit of the community school, the 114466  
Department shall release all funds withheld from the school under 114467  
this section. 114468

**Section 267.50.80. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 114469  
114470

In collaboration with the County Family and Children First 114471  
Council, a city, local, or exempted village school district, 114472  
community school, STEM school, joint vocational school district, 114473  
educational service center, or county board of developmental 114474  
disabilities that receives allocations from the Department of 114475  
Education from appropriation item 200550, Foundation Funding, or 114476  
appropriation item 200540, Special Education Enhancements, may 114477  
transfer portions of those allocations to a flexible funding pool 114478  
authorized by the Section of this act entitled "FAMILY AND 114479  
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 114480  
maintenance of effort or for federal or state funding matching 114481  
requirements shall not be transferred unless the allocation may 114482  
still be used to meet such requirements. 114483

**Section 267.50.90. EDUCATIONAL SHARED SERVICES MODEL** 114484

The Governor's Director of 21st Century Education shall 114485  
develop a plan for the integration and consolidation of the 114486  
publicly supported regional shared services organizations serving 114487

Ohio's public and chartered nonpublic schools, including 114488  
recommendations for implementation of the plan beginning July 1, 114489  
2012. 114490

In preparing the plan, the Director shall recommend 114491  
educational support organizations to be considered for integration 114492  
into the educational service center system. The organizations to 114493  
be considered for integration shall include, but shall not be 114494  
limited to, education technology centers, information technology 114495  
centers, area media centers, Ohio's statewide system of support, 114496  
the education regional service system, regional advisory boards, 114497  
and regional staff from the Department of Education providing 114498  
direct support to school districts. 114499

In preparing the recommendations, the Director shall include 114500  
an examination of services offered to public and chartered 114501  
nonpublic schools and recommendations for integration of services 114502  
into a shared services model. Services to be considered shall 114503  
include, but shall not be limited to, general instruction, special 114504  
education, gifted education, academic leadership, technology, 114505  
fiscal management, transportation, food services, human resources, 114506  
employee benefits, pooled purchasing, professional development, 114507  
and noninstructional support. 114508

Not later than October 15, 2011, the Director shall conduct a 114509  
shared services survey of Ohio's school districts, community 114510  
schools, STEM schools, chartered nonpublic schools, joint 114511  
vocational school districts, and other educational service 114512  
providers and local political subdivisions to gather baseline data 114513  
on the current status of shared services and to determine where 114514  
opportunities for additional shared services exist. 114515

Not later than January 1, 2012, the Director shall submit to 114516  
the Governor and the General Assembly, in accordance with section 114517  
101.68 of the Revised Code, legislative recommendations for 114518  
implementation of the plan. 114519

**Section 267.60.10.** If there are unencumbered moneys remaining 114520  
on July 1, 2011, in a school district's textbook and instructional 114521  
materials fund, as required by former section 3315.17 of the 114522  
Revised Code, the district board of education may transfer those 114523  
moneys to the district's general fund and may use such moneys for 114524  
any purpose authorized for general fund moneys. 114525

**Section 267.60.20.** A new conversion community school 114526  
established under division (B) of section 3314.02 of the Revised 114527  
Code may open for operation in the 2011-2012 school year, 114528  
notwithstanding the deadlines prescribed by division (D) of 114529  
section 3314.02 of the Revised Code for adoption and signing of 114530  
the contract under section 3314.03 of the Revised Code, but those 114531  
parties shall adopt and sign the contract, and file a copy of it 114532  
with the Superintendent of Public Instruction, prior to the 114533  
school's opening. 114534

**Section 269.10.** ELC OHIO ELECTIONS COMMISSION 114535

General Revenue Fund 114536

|            |                      |    |         |    |         |        |
|------------|----------------------|----|---------|----|---------|--------|
| GRF 051321 | Operating Expenses   | \$ | 333,117 | \$ | 333,117 | 114537 |
| TOTAL GRF  | General Revenue Fund | \$ | 333,117 | \$ | 333,117 | 114538 |

General Services Fund Group 114539

|                 |                       |    |         |    |         |        |
|-----------------|-----------------------|----|---------|----|---------|--------|
| 4P20 051601     | Ohio Elections        | \$ | 225,000 | \$ | 225,000 | 114540 |
| Commission Fund |                       |    |         |    |         |        |
| TOTAL GSF       | General Services Fund | \$ | 225,000 | \$ | 225,000 | 114541 |

Group

|                              |  |    |         |    |         |        |
|------------------------------|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 558,117 | \$ | 558,117 | 114542 |
|------------------------------|--|----|---------|----|---------|--------|

**Section 271.10.** FUN STATE BOARD OF EMBALMERS AND FUNERAL 114544  
DIRECTORS 114545

General Services Fund Group 114546

|                              |                    |    |         |    |         |        |
|------------------------------|--------------------|----|---------|----|---------|--------|
| 4K90 881609                  | Operating Expenses | \$ | 561,494 | \$ | 551,958 | 114547 |
| TOTAL GSF General Services   |                    |    |         |    |         | 114548 |
| Fund Group                   |                    | \$ | 561,494 | \$ | 551,958 | 114549 |
| TOTAL ALL BUDGET FUND GROUPS |                    |    |         |    |         | 114550 |

**Section 273.10. PAY EMPLOYEE BENEFITS FUNDS** 114552

|                                    |                       |    |             |    |             |        |
|------------------------------------|-----------------------|----|-------------|----|-------------|--------|
| Accrued Leave Liability Fund Group |                       |    |             |    |             | 114553 |
| 8060 995666                        | Accrued Leave Fund    | \$ | 72,053,178  | \$ | 71,828,986  | 114554 |
| 8070 995667                        | Disability Fund       | \$ | 27,616,583  | \$ | 26,593,747  | 114555 |
| TOTAL ALF Accrued Leave Liability  |                       |    |             |    |             | 114556 |
| Fund Group                         |                       | \$ | 99,669,761  | \$ | 98,422,733  | 114557 |
| Agency Fund Group                  |                       |    |             |    |             | 114558 |
| 1240 995673                        | Payroll Deductions    | \$ | 855,456,678 | \$ | 840,248,559 | 114559 |
| 8080 995668                        | State Employee Health | \$ | 590,265,468 | \$ | 649,292,014 | 114560 |
| Benefit Fund                       |                       |    |             |    |             |        |
| 8090 995669                        | Dependent Care        | \$ | 2,881,273   | \$ | 2,967,711   | 114561 |
| Spending Account                   |                       |    |             |    |             |        |
| 8100 995670                        | Life Insurance        | \$ | 2,080,634   | \$ | 2,143,053   | 114562 |
| Investment Fund                    |                       |    |             |    |             |        |
| 8110 995671                        | Parental Leave        | \$ | 3,484,737   | \$ | 3,355,673   | 114563 |
| Benefit Fund                       |                       |    |             |    |             |        |
| 8130 995672                        | Health Care Spending  | \$ | 8,588,262   | \$ | 9,447,088   | 114564 |
| Account                            |                       |    |             |    |             |        |
| 8140 995674                        | Cost Savings Days     | \$ | 50,000,000  | \$ | 0           | 114565 |
| TOTAL AGY Agency Fund Group        |                       |    |             |    |             | 114566 |
|                                    |                       |    |             |    |             | 114567 |
| TOTAL ALL BUDGET FUND GROUPS       |                       |    |             |    |             | 114568 |

**ACCRUED LEAVE LIABILITY FUND** 114569

The foregoing appropriation item 995666, Accrued Leave Fund, 114570  
shall be used to make payments from the Accrued Leave Liability 114571  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 114572  
If it is determined by the Director of Budget and Management that 114573

additional amounts are necessary, the amounts are hereby 114574  
appropriated. 114575

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 114576

The foregoing appropriation item 995667, Disability Fund, 114577  
shall be used to make payments from the State Employee Disability 114578  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 114579  
Revised Code. If it is determined by the Director of Budget and 114580  
Management that additional amounts are necessary, the amounts are 114581  
hereby appropriated. 114582

PAYROLL WITHHOLDING FUND 114583

The foregoing appropriation item 995673, Payroll Deductions, 114584  
shall be used to make payments from the Payroll Withholding Fund 114585  
(Fund 1240). If it is determined by the Director of Budget and 114586  
Management that additional appropriation amounts are necessary, 114587  
the amounts are hereby appropriated. 114588

STATE EMPLOYEE HEALTH BENEFIT FUND 114589

The foregoing appropriation item 995668, State Employee 114590  
Health Benefit Fund, shall be used to make payments from the State 114591  
Employee Health Benefit Fund (Fund 8080) pursuant to section 114592  
124.87 of the Revised Code. If it is determined by the Director of 114593  
Budget and Management that additional amounts are necessary, the 114594  
amounts are hereby appropriated. 114595

DEPENDENT CARE SPENDING FUND 114596

The foregoing appropriation item 995669, Dependent Care 114597  
Spending Account, shall be used to make payments from the 114598  
Dependent Care Spending Fund (Fund 8090) to employees eligible for 114599  
dependent care expenses. If it is determined by the Director of 114600  
Budget and Management that additional amounts are necessary, the 114601  
amounts are hereby appropriated. 114602

LIFE INSURANCE INVESTMENT FUND 114603

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Administrative Services that additional appropriation amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

At the request of the Director of Administrative Services, the Director of Budget and Management may transfer up to \$600,000 annually from the General Revenue Fund to the Health Care Spending Account Fund during fiscal years 2012 and 2013. This cash shall be transferred as needed to provide adequate cash flow for the Health

Care Spending Account Fund during fiscal year 2012 and fiscal year 114635  
2013. If funds are available at the end of fiscal years 2012 and 114636  
2013, the Director of Budget and Management shall transfer cash up 114637  
to the amount previously transferred in the respective year, plus 114638  
interest income, from the Health Care Spending Account (Fund 8130) 114639  
to the General Revenue Fund. 114640

COST SAVINGS DAYS 114641

The foregoing appropriation item, 995674, Cost Savings Days, 114642  
shall be used by the Director of Budget and Management in 114643  
accordance with division (E) of section 124.392 of the Revised 114644  
Code to pay employees who participated in a mandatory cost savings 114645  
program, or to reimburse employees who did not fully participate 114646  
in a mandatory cost savings program. Notwithstanding any provision 114647  
of law to the contrary, in fiscal year 2012 and fiscal year 2013, 114648  
the Director may transfer agency savings achieved from the use of 114649  
a mandatory cost savings program to the General Revenue Fund or 114650  
any other fund as deemed necessary by the Director. The Director 114651  
may make temporary transfers from the General Revenue Fund to 114652  
ensure sufficient balances in the Cost Savings Fund and may 114653  
reimburse the General Revenue Fund for such transfers. If the 114654  
Director determines that additional amounts are necessary for 114655  
these purposes, the amounts are hereby appropriated. 114656

**Section 273.20.** CASH TRANSFER TO PAYROLL WITHHOLDING FUND 114657

The Director of Budget and Management may transfer \$561,897 114658  
in cash from the Health Care Spending Account Fund (Fund 8130) to 114659  
the Payroll Withholding Fund (Fund 1240) to correct payments made 114660  
from the Payroll Withholding Fund that should have been made from 114661  
the Health Care Spending Account Fund. 114662

**Section 275.10.** ERB STATE EMPLOYMENT RELATIONS BOARD 114663

General Revenue Fund 114664



|                              |                             |    |           |    |           |        |
|------------------------------|-----------------------------|----|-----------|----|-----------|--------|
| GRF 125321                   | Operating Expenses          | \$ | 3,758,869 | \$ | 3,761,457 | 114665 |
| TOTAL GRF                    | General Revenue Fund        | \$ | 3,758,869 | \$ | 3,761,457 | 114666 |
| General Services Fund Group  |                             |    |           |    |           | 114667 |
| 5720 125603                  | Training and Publications   | \$ | 87,075    | \$ | 87,075    | 114668 |
| TOTAL GSF                    | General Services Fund Group | \$ | 87,075    | \$ | 87,075    | 114670 |
| TOTAL ALL BUDGET FUND GROUPS |                             | \$ | 3,845,944 | \$ | 3,848,532 | 114671 |

**Section 277.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS** 114673

|                              |                             |    |         |    |         |        |
|------------------------------|-----------------------------|----|---------|----|---------|--------|
| General Services Fund Group  |                             |    |         |    |         | 114674 |
| 4K90 892609                  | Operating Expenses          | \$ | 934,264 | \$ | 921,778 | 114675 |
| TOTAL GSF                    | General Services Fund Group | \$ | 934,264 | \$ | 921,778 | 114677 |
| TOTAL ALL BUDGET FUND GROUPS |                             | \$ | 934,264 | \$ | 921,778 | 114678 |

**Section 279.10. EPA ENVIRONMENTAL PROTECTION AGENCY** 114680

|                                    |                                         |    |            |    |            |        |
|------------------------------------|-----------------------------------------|----|------------|----|------------|--------|
| General Services Fund Group        |                                         |    |            |    |            | 114681 |
| 1990 715602                        | Laboratory Services                     | \$ | 402,295    | \$ | 408,560    | 114682 |
| 2190 715604                        | Central Support Indirect                | \$ | 8,594,348  | \$ | 8,555,680  | 114683 |
| 4A10 715640                        | Operating Expenses                      | \$ | 2,304,267  | \$ | 2,093,039  | 114684 |
| TOTAL GSF                          | General Services Fund Group             | \$ | 11,300,910 | \$ | 11,057,279 | 114686 |
| Federal Special Revenue Fund Group |                                         |    |            |    |            | 114687 |
| 3530 715612                        | Public Water Supply                     | \$ | 2,941,282  | \$ | 2,941,282  | 114688 |
| 3540 715614                        | Hazardous Waste Management - Federal    | \$ | 4,193,000  | \$ | 4,193,000  | 114689 |
| 3570 715619                        | Air Pollution Control - Federal         | \$ | 6,310,203  | \$ | 6,310,203  | 114690 |
| 3620 715605                        | Underground Injection Control - Federal | \$ | 111,874    | \$ | 111,874    | 114691 |

|                                   |        |                                             |    |            |    |            |        |
|-----------------------------------|--------|---------------------------------------------|----|------------|----|------------|--------|
| 3BU0                              | 715684 | Water Quality<br>Protection                 | \$ | 8,100,000  | \$ | 6,785,000  | 114692 |
| 3CS0                              | 715688 | Federal NRD<br>Settlements                  | \$ | 100,000    | \$ | 100,000    | 114693 |
| 3F20                              | 715630 | Revolving Loan Fund -<br>Operating          | \$ | 907,543    | \$ | 907,543    | 114694 |
| 3F30                              | 715632 | Federally Supported<br>Cleanup and Response | \$ | 3,344,746  | \$ | 3,290,405  | 114695 |
| 3F50                              | 715641 | Nonpoint Source<br>Pollution Management     | \$ | 6,265,000  | \$ | 6,260,000  | 114696 |
| 3T30                              | 715669 | Drinking Water State<br>Revolving Fund      | \$ | 2,273,323  | \$ | 2,273,323  | 114697 |
| 3V70                              | 715606 | Agencywide Grants                           | \$ | 600,000    | \$ | 600,000    | 114698 |
| TOTAL FED Federal Special Revenue |        |                                             |    |            |    |            | 114699 |
| Fund Group                        |        |                                             | \$ | 35,146,971 | \$ | 33,772,630 | 114700 |
| State Special Revenue Fund Group  |        |                                             |    |            |    |            | 114701 |
| 4J00                              | 715638 | Underground Injection<br>Control            | \$ | 445,234    | \$ | 445,571    | 114702 |
| 4K20                              | 715648 | Clean Air - Non Title<br>V                  | \$ | 3,152,306  | \$ | 2,906,267  | 114703 |
| 4K30                              | 715649 | Solid Waste                                 | \$ | 16,742,551 | \$ | 16,414,654 | 114704 |
| 4K40                              | 715650 | Surface Water<br>Protection                 | \$ | 7,642,625  | \$ | 6,672,246  | 114705 |
| 4K40                              | 715686 | Environmental Lab<br>Service                | \$ | 2,096,007  | \$ | 2,096,007  | 114706 |
| 4K50                              | 715651 | Drinking Water<br>Protection                | \$ | 7,410,118  | \$ | 7,405,428  | 114707 |
| 4P50                              | 715654 | Cozart Landfill                             | \$ | 100,000    | \$ | 100,000    | 114708 |
| 4R50                              | 715656 | Scrap Tire Management                       | \$ | 1,368,610  | \$ | 1,376,742  | 114709 |
| 4R90                              | 715658 | Voluntary Action<br>Program                 | \$ | 999,503    | \$ | 997,425    | 114710 |
| 4T30                              | 715659 | Clean Air - Title V<br>Permit Program       | \$ | 16,349,471 | \$ | 16,241,822 | 114711 |

|      |        |                                        |    |            |    |            |        |
|------|--------|----------------------------------------|----|------------|----|------------|--------|
| 4U70 | 715660 | Construction and<br>Demolition Debris  | \$ | 425,913    | \$ | 433,591    | 114712 |
| 5000 | 715608 | Immediate Removal<br>Special Account   | \$ | 633,832    | \$ | 634,033    | 114713 |
| 5030 | 715621 | Hazardous Waste<br>Facility Management | \$ | 10,241,107 | \$ | 9,789,620  | 114714 |
| 5050 | 715623 | Hazardous Waste<br>Cleanup             | \$ | 12,511,234 | \$ | 12,331,272 | 114715 |
| 5050 | 715674 | Clean Ohio<br>Environmental Review     | \$ | 108,104    | \$ | 108,104    | 114716 |
| 5410 | 715670 | Site Specific Cleanup                  | \$ | 2,048,101  | \$ | 2,048,101  | 114717 |
| 5420 | 715671 | Risk Management<br>Reporting           | \$ | 132,636    | \$ | 132,636    | 114718 |
| 5920 | 715627 | Anti Tampering<br>Settlement           | \$ | 2,285      | \$ | 2,285      | 114719 |
| 5BC0 | 715617 | Clean Ohio                             | \$ | 611,455    | \$ | 611,455    | 114720 |
| 5BC0 | 715622 | Local Air Pollution<br>Control         | \$ | 2,297,980  | \$ | 2,297,980  | 114721 |
| 5BC0 | 715624 | Surface Water                          | \$ | 8,970,181  | \$ | 9,114,974  | 114722 |
| 5BC0 | 715672 | Air Pollution Control                  | \$ | 4,438,629  | \$ | 4,534,758  | 114723 |
| 5BC0 | 715673 | Drinking and Ground<br>Water           | \$ | 4,317,527  | \$ | 4,323,521  | 114724 |
| 5BC0 | 715675 | Hazardous Waste                        | \$ | 95,266     | \$ | 95,266     | 114725 |
| 5BC0 | 715676 | Assistance and<br>Prevention           | \$ | 640,179    | \$ | 645,069    | 114726 |
| 5BC0 | 715677 | Laboratory                             | \$ | 939,717    | \$ | 958,586    | 114727 |
| 5BC0 | 715678 | Corrective Actions                     | \$ | 31,765     | \$ | 105,423    | 114728 |
| 5BC0 | 715687 | Areawide Planning<br>Agencies          | \$ | 450,000    | \$ | 450,000    | 114729 |
| 5BC0 | 715692 | Administration                         | \$ | 8,562,476  | \$ | 8,212,627  | 114730 |
| 5BT0 | 715679 | C&DD Groundwater<br>Monitoring         | \$ | 203,800    | \$ | 203,800    | 114731 |
| 5BY0 | 715681 | Auto Emissions Test                    | \$ | 13,029,952 | \$ | 13,242,762 | 114732 |

|                                                                     |        |                                                   |    |             |    |             |        |
|---------------------------------------------------------------------|--------|---------------------------------------------------|----|-------------|----|-------------|--------|
| 5CD0                                                                | 715682 | Clean Diesel School<br>Buses                      | \$ | 600,000     | \$ | 600,000     | 114733 |
| 5H40                                                                | 715664 | Groundwater Support                               | \$ | 77,508      | \$ | 78,212      | 114734 |
| 5N20                                                                | 715613 | Dredge and Fill                                   | \$ | 29,250      | \$ | 29,250      | 114735 |
| 5Y30                                                                | 715685 | Surface Water<br>Improvement                      | \$ | 2,800,000   | \$ | 2,800,000   | 114736 |
| 6440                                                                | 715631 | ER Radiological Safety                            | \$ | 279,838     | \$ | 279,966     | 114737 |
| 6600                                                                | 715629 | Infectious Waste<br>Management                    | \$ | 91,573      | \$ | 88,764      | 114738 |
| 6760                                                                | 715642 | Water Pollution<br>Control Loan<br>Administration | \$ | 4,317,376   | \$ | 4,321,605   | 114739 |
| 6780                                                                | 715635 | Air Toxic Release                                 | \$ | 138,669     | \$ | 138,669     | 114740 |
| 6790                                                                | 715636 | Emergency Planning                                | \$ | 2,623,192   | \$ | 2,623,252   | 114741 |
| 6960                                                                | 715643 | Air Pollution Control<br>Administration           | \$ | 1,480,651   | \$ | 1,480,812   | 114742 |
| 6990                                                                | 715644 | Water Pollution<br>Control Administration         | \$ | 220,000     | \$ | 220,000     | 114743 |
| 6A10                                                                | 715645 | Environmental<br>Education                        | \$ | 1,488,260   | \$ | 1,488,718   | 114744 |
| TOTAL SSR                                                           |        | State Special Revenue                             | \$ | 141,144,881 | \$ | 139,081,273 | 114745 |
| Fund Group                                                          |        |                                                   |    |             |    |             |        |
| Clean Ohio Conservation Fund Group                                  |        |                                                   |    |             |    |             | 114746 |
| 5S10                                                                | 715607 | Clean Ohio -<br>Operating                         | \$ | 284,083     | \$ | 284,124     | 114747 |
| TOTAL CLF                                                           |        | Clean Ohio Conservation                           | \$ | 284,083     | \$ | 284,124     | 114748 |
| Fund Group                                                          |        |                                                   |    |             |    |             |        |
| TOTAL ALL BUDGET FUND GROUPS                                        |        |                                                   | \$ | 187,876,845 | \$ | 184,195,306 | 114749 |
| AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT        |        |                                                   |    |             |    |             | 114750 |
| On July 1 of each fiscal year, or as soon as possible               |        |                                                   |    |             |    |             | 114751 |
| thereafter, the Director of Budget and Management may transfer up   |        |                                                   |    |             |    |             | 114752 |
| to \$13,029,952 in cash in fiscal year 2012, and up to \$13,242,762 |        |                                                   |    |             |    |             | 114753 |

in cash in fiscal year 2013 from the General Revenue Fund to the 114754  
Auto Emissions Test Fund (Fund 5BY0) for the operation and 114755  
oversight of the auto emissions testing program. 114756

AREAWIDE PLANNING AGENCIES 114757

The Director of Environmental Protection Agency may award 114758  
grants from appropriation item 715687, Areawide Planning Agencies, 114759  
to areawide planning agencies engaged in areawide water quality 114760  
management and planning activities in accordance with Section 208 114761  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 114762

CORRECTIVE CASH TRANSFERS 114763

On July 1, 2011, or as soon as possible thereafter, the 114764  
Director of Budget and Management shall transfer \$376,891.85 in 114765  
cash that was mistakenly deposited in the Clean Air Non Title V 114766  
Fund (Fund 4K20) to the Clean Air Title V Permit Fund (Fund 4T30). 114767

On July 1, 2011, or as soon as possible thereafter, the 114768  
Director of Budget and Management shall transfer \$133,026.63 in 114769  
cash that was mistakenly deposited in the Scrap Tire Management 114770  
Fund (Fund 4R50) to the Site Specific Cleanup Fund (Fund 5410). 114771

**Section 281.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 114772

General Revenue Fund 114773

|                              |                      |    |         |    |         |        |
|------------------------------|----------------------|----|---------|----|---------|--------|
| GRF 172321                   | Operating Expenses   | \$ | 545,530 | \$ | 545,530 | 114774 |
| TOTAL GRF                    | General Revenue Fund | \$ | 545,530 | \$ | 545,530 | 114775 |
| TOTAL ALL BUDGET FUND GROUPS |                      | \$ | 545,530 | \$ | 545,530 | 114776 |

**Section 283.10.** ETC ETECH OHIO 114778

General Revenue Fund 114779

|            |                    |    |         |    |         |        |
|------------|--------------------|----|---------|----|---------|--------|
| GRF 935401 | Statehouse News    | \$ | 215,561 | \$ | 215,561 | 114780 |
|            | Bureau             |    |         |    |         |        |
| GRF 935402 | Ohio Government    | \$ | 702,089 | \$ | 702,089 | 114781 |
|            | Telecommunications |    |         |    |         |        |

|           |        |                                                              |    |            |    |            |        |
|-----------|--------|--------------------------------------------------------------|----|------------|----|------------|--------|
|           |        | Services                                                     |    |            |    |            |        |
| GRF       | 935408 | General Operations                                           | \$ | 1,251,789  | \$ | 1,254,193  | 114782 |
| GRF       | 935409 | Technology Operations                                        | \$ | 2,092,432  | \$ | 2,091,823  | 114783 |
| GRF       | 935410 | Content Development,<br>Acquisition, and<br>Distribution     | \$ | 2,607,094  | \$ | 2,607,094  | 114784 |
| GRF       | 935411 | Technology<br>Integration and<br>Professional<br>Development | \$ | 4,251,185  | \$ | 4,252,671  | 114785 |
| GRF       | 935412 | Information<br>Technology                                    | \$ | 829,340    | \$ | 829,963    | 114786 |
| TOTAL GRF |        | General Revenue Fund                                         | \$ | 11,949,490 | \$ | 11,953,394 | 114787 |
|           |        | General Services Fund Group                                  |    |            |    |            | 114788 |
| 4F30      | 935603 | Affiliate Services                                           | \$ | 50,000     | \$ | 50,000     | 114789 |
| 4T20      | 935605 | Government<br>Television/Telecommunications<br>Operating     | \$ | 25,000     | \$ | 25,000     | 114790 |
| TOTAL GSF |        | General Services Fund<br>Group                               | \$ | 75,000     | \$ | 75,000     | 114791 |
|           |        | State Special Revenue Fund Group                             |    |            |    |            | 114792 |
| 4W90      | 935630 | Telecommunity                                                | \$ | 25,000     | \$ | 25,000     | 114793 |
| 4X10      | 935634 | Distance Learning                                            | \$ | 24,150     | \$ | 24,150     | 114794 |
| 5D40      | 935640 | Conference/Special<br>Purposes                               | \$ | 2,812,039  | \$ | 2,813,539  | 114795 |
| 5FK0      | 935608 | Media Services                                               | \$ | 637,601    | \$ | 637,956    | 114796 |
| 5JU0      | 935611 | Information<br>Technology Services                           | \$ | 1,455,000  | \$ | 1,455,000  | 114797 |
| 5T30      | 935607 | Gates Foundation<br>Grants                                   | \$ | 200,000    | \$ | 171,112    | 114798 |
| TOTAL SSR |        | State Special Revenue<br>Fund Group                          | \$ | 5,153,790  | \$ | 5,126,757  | 114799 |



exhausted. 114832

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 114833

The foregoing appropriation item 935410, Content Development, 114834  
Acquisition, and Distribution, shall be used for the development, 114835  
acquisition, and distribution of information resources by public 114836  
media and radio reading services and for educational use in the 114837  
classroom and online. 114838

Of the foregoing appropriation item 935410, Content 114839  
Development, Acquisition, and Distribution, up to \$658,099 in each 114840  
fiscal year shall be allocated equally among the 12 Ohio 114841  
educational television stations and used with the advice and 114842  
approval of eTech Ohio. Funds shall be used for the production of 114843  
interactive instructional programming series with priority given 114844  
to resources aligned with state academic content standards in 114845  
consultation with the Ohio Department of Education and for 114846  
teleconferences to support eTech Ohio. The programming shall be 114847  
targeted to the needs of the poorest two hundred school districts 114848  
as determined by the district's adjusted valuation per pupil as 114849  
defined in former section 3317.0213 of the Revised Code as that 114850  
section existed prior to June 30, 2005. 114851

Of the foregoing appropriation item 935410, Content 114852  
Development, Acquisition, and Distribution, up to \$1,749,283 in 114853  
each fiscal year shall be distributed by eTech Ohio to Ohio's 114854  
qualified public educational television stations and educational 114855  
radio stations to support their operations. The funds shall be 114856  
distributed pursuant to an allocation formula used by the Ohio 114857  
Educational Telecommunications Network Commission unless a 114858  
substitute formula is developed by eTech Ohio in consultation with 114859  
Ohio's qualified public educational television stations and 114860  
educational radio stations. 114861

Of the foregoing appropriation item 935410, Content 114862



Development, Acquisition, and Distribution, up to \$199,712 in each 114863  
fiscal year shall be distributed by eTech Ohio to Ohio's qualified 114864  
radio reading services to support their operations. The funds 114865  
shall be distributed pursuant to an allocation formula used by the 114866  
Ohio Educational Telecommunications Network Commission unless a 114867  
substitute formula is developed by eTech Ohio in consultation with 114868  
Ohio's qualified radio reading services. 114869

**Section 283.30. TECHNOLOGY INTEGRATION AND PROFESSIONAL 114870**  
DEVELOPMENT 114871

The foregoing appropriation item 935411, Technology 114872  
Integration and Professional Development, shall be used by eTech 114873  
Ohio for the provision of staff development, hardware, software, 114874  
telecommunications services, and information resources to support 114875  
educational uses of technology in the classroom and at a distance 114876  
and for professional development for teachers, administrators, and 114877  
technology staff on the use of educational technology in 114878  
qualifying public schools, including the State School for the 114879  
Blind, the State School for the Deaf, and the Department of Youth 114880  
Services. 114881

Of the foregoing appropriation item 935411, Technology 114882  
Integration and Professional Development, up to \$1,691,701 in each 114883  
fiscal year shall be used by eTech Ohio to contract with 114884  
educational television to provide Ohio public schools with 114885  
instructional resources and services with priority given to 114886  
resources and services aligned with state academic content 114887  
standards and such resources and services shall be based upon the 114888  
advice and approval of eTech Ohio, based on a formula used by the 114889  
Ohio SchoolNet Commission unless and until a substitute formula is 114890  
developed by eTech Ohio in consultation with Ohio's educational 114891  
technology agencies and noncommercial educational television 114892  
stations. 114893

**Section 283.40. TELECOMMUNITY** 114894

The foregoing appropriation item 935630, Telecommunity, shall 114895  
be distributed by eTech Ohio on a grant basis to eligible school 114896  
districts to establish "distance learning" through interactive 114897  
video technologies in the school district. Per agreements with 114898  
eight Ohio local telephone companies, ALLTEL Ohio, CENTURY 114899  
Telephone of Ohio, Chillicothe Telephone Company, Cincinnati Bell 114900  
Telephone Company, Orwell Telephone Company, Sprint North Central 114901  
Telephone, VERIZON, and Western Reserve Telephone Company, school 114902  
districts are eligible for funds if they are within one of the 114903  
listed telephone company service areas. Funds to administer the 114904  
program shall be expended by eTech Ohio up to the amount specified 114905  
in the agreements with the listed telephone companies. 114906

Within thirty days after the effective date of this section, 114907  
the Director of Budget and Management shall transfer to Fund 4W90 114908  
in the State Special Revenue Fund Group any investment earnings 114909  
from moneys paid by any telephone company as part of any 114910  
settlement agreement between the listed companies and the Public 114911  
Utilities Commission in fiscal years 1996 and beyond. 114912

**DISTANCE LEARNING** 114913

The foregoing appropriation item 935634, Distance Learning, 114914  
shall be distributed by eTech Ohio on a grant basis to eligible 114915  
school districts to establish "distance learning" in the school 114916  
district. Per an agreement with Ameritech, school districts are 114917  
eligible for funds if they are within an Ameritech service area. 114918  
Funds to administer the program shall be expended by eTech Ohio up 114919  
to the amount specified in the agreement with Ameritech. 114920

Within thirty days after the effective date of this section, 114921  
the Director of Budget and Management shall transfer to Fund 4X10 114922  
in the State Special Revenue Fund Group any investment earnings 114923  
from moneys paid by any telephone company as part of a settlement 114924

agreement between the company and the Public Utilities Commission 114925  
in fiscal year 1995. 114926

GATES FOUNDATION GRANTS 114927

The foregoing appropriation item 935607, Gates Foundation 114928  
Grants, shall be used by eTech Ohio to provide professional 114929  
development to school district principals, superintendents, and 114930  
other administrative staff on the use of education technology. 114931

**Section 285.10.** ETH OHIO ETHICS COMMISSION 114932

General Revenue Fund 114933

|            |                    |    |           |    |           |        |
|------------|--------------------|----|-----------|----|-----------|--------|
| GRF 146321 | Operating Expenses | \$ | 1,409,751 | \$ | 1,409,751 | 114934 |
|------------|--------------------|----|-----------|----|-----------|--------|

|           |                      |    |           |    |           |        |
|-----------|----------------------|----|-----------|----|-----------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 1,409,751 | \$ | 1,409,751 | 114935 |
|-----------|----------------------|----|-----------|----|-----------|--------|

General Services Fund Group 114936

|             |                    |    |         |    |         |        |
|-------------|--------------------|----|---------|----|---------|--------|
| 4M60 146601 | Operating Expenses | \$ | 827,393 | \$ | 827,393 | 114937 |
|-------------|--------------------|----|---------|----|---------|--------|

|           |                  |  |  |  |  |        |
|-----------|------------------|--|--|--|--|--------|
| TOTAL GSF | General Services |  |  |  |  | 114938 |
|-----------|------------------|--|--|--|--|--------|

|            |  |    |         |    |         |        |
|------------|--|----|---------|----|---------|--------|
| Fund Group |  | \$ | 827,393 | \$ | 827,393 | 114939 |
|------------|--|----|---------|----|---------|--------|

|                              |  |    |           |    |           |        |
|------------------------------|--|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 2,237,144 | \$ | 2,237,144 | 114940 |
|------------------------------|--|----|-----------|----|-----------|--------|

ETHICS COMMISSION CASINO-RELATED ACTIVITIES 114941

On July 1, 2011, or as soon as possible thereafter, an amount 114942  
equal to the unexpended and unencumbered balance of appropriation 114943  
item 146602, Casino Investigations, at the end of fiscal year 2011 114944  
is hereby reappropriated to the same appropriation item for fiscal 114945  
year 2012, to be used for the performance of the Ohio Ethics 114946  
Commission's casino-related duties. 114947

**Section 287.10.** EXP OHIO EXPOSITIONS COMMISSION 114948

General Revenue Fund 114949

|            |                     |    |        |    |        |        |
|------------|---------------------|----|--------|----|--------|--------|
| GRF 723403 | Junior Fair Subsidy | \$ | 50,000 | \$ | 50,000 | 114950 |
|------------|---------------------|----|--------|----|--------|--------|

|           |                      |    |        |    |        |        |
|-----------|----------------------|----|--------|----|--------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 50,000 | \$ | 50,000 | 114951 |
|-----------|----------------------|----|--------|----|--------|--------|

State Special Revenue Fund Group 114952

|                                                                    |                      |    |            |    |            |        |
|--------------------------------------------------------------------|----------------------|----|------------|----|------------|--------|
| 4N20 723602                                                        | Ohio State Fair      | \$ | 400,000    | \$ | 400,000    | 114953 |
|                                                                    | Harness Racing       |    |            |    |            |        |
| 5060 723601                                                        | Operating Expenses   | \$ | 12,991,000 | \$ | 12,894,000 | 114954 |
| TOTAL SSR State Special Revenue                                    |                      |    |            |    |            | 114955 |
| Fund Group                                                         |                      | \$ | 13,391,000 | \$ | 13,294,000 | 114956 |
| TOTAL ALL BUDGET FUND GROUPS                                       |                      |    |            |    |            | 114957 |
| STATE FAIR RESERVE                                                 |                      |    |            |    |            | 114958 |
| The General Manager of the Expositions Commission may submit       |                      |    |            |    |            | 114959 |
| a request to the Controlling Board to use available amounts in the |                      |    |            |    |            | 114960 |
| State Fair Reserve Fund (Fund 6400) if the following conditions    |                      |    |            |    |            | 114961 |
| apply:                                                             |                      |    |            |    |            | 114962 |
| (A) Admissions receipts for the 2011 or 2012 Ohio State Fair       |                      |    |            |    |            | 114963 |
| are less than \$1,982,000 because of inclement weather or          |                      |    |            |    |            | 114964 |
| extraordinary circumstances;                                       |                      |    |            |    |            | 114965 |
| (B) The Ohio Expositions Commission declares a state of            |                      |    |            |    |            | 114966 |
| fiscal exigency; and                                               |                      |    |            |    |            | 114967 |
| (C) The request contains a plan describing how the                 |                      |    |            |    |            | 114968 |
| Expositions Commission will eliminate the cash shortage causing    |                      |    |            |    |            | 114969 |
| the request.                                                       |                      |    |            |    |            | 114970 |
| The amount approved by the Controlling Board is hereby             |                      |    |            |    |            | 114971 |
| appropriated.                                                      |                      |    |            |    |            | 114972 |
| <b>Section 289.10. GOV OFFICE OF THE GOVERNOR</b>                  |                      |    |            |    |            | 114973 |
| General Revenue Fund                                               |                      |    |            |    |            | 114974 |
| GRF 040321                                                         | Operating Expenses   | \$ | 2,679,886  | \$ | 2,682,632  | 114975 |
| TOTAL GRF General Revenue Fund                                     |                      |    |            |    |            | 114976 |
| General Services Fund Group                                        |                      |    |            |    |            | 114977 |
| 5AK0 040607                                                        | Government Relations | \$ | 365,149    | \$ | 365,149    | 114978 |
| TOTAL GSF General Services Fund                                    |                      |    |            |    |            | 114979 |
| Group                                                              |                      |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS                                       |                      |    |            |    |            | 114980 |

|                                                                    |    |           |              |        |
|--------------------------------------------------------------------|----|-----------|--------------|--------|
| GOVERNMENT RELATIONS                                               |    |           |              | 114981 |
| A portion of the foregoing appropriation item 040607,              |    |           |              | 114982 |
| Government Relations, may be used to support Ohio's membership in  |    |           |              | 114983 |
| national or regional associations.                                 |    |           |              | 114984 |
| The Office of the Governor may charge any state agency of the      |    |           |              | 114985 |
| executive branch using an intrastate transfer voucher such amounts |    |           |              | 114986 |
| necessary to defray the costs incurred for the conduct of          |    |           |              | 114987 |
| governmental relations associated with issues that can be          |    |           |              | 114988 |
| attributed to the agency. Amounts collected shall be deposited in  |    |           |              | 114989 |
| the Government Relations Fund (Fund 5AK0).                         |    |           |              | 114990 |
| <b>Section 291.10. DOH DEPARTMENT OF HEALTH</b>                    |    |           |              | 114991 |
| General Revenue Fund                                               |    |           |              | 114992 |
| GRF 440412 Cancer Incidence                                        | \$ | 600,000   | \$ 600,000   | 114993 |
| Surveillance System                                                |    |           |              |        |
| GRF 440413 Local Health                                            | \$ | 2,302,788 | \$ 2,303,061 | 114994 |
| Department Support                                                 |    |           |              |        |
| GRF 440416 Mothers and Children                                    | \$ | 4,227,842 | \$ 4,228,015 | 114995 |
| Safety Net Services                                                |    |           |              |        |
| GRF 440418 Immunizations                                           | \$ | 6,430,538 | \$ 6,430,829 | 114996 |
| GRF 440431 Free Clinics Safety                                     | \$ | 437,326   | \$ 437,326   | 114997 |
| Net Services                                                       |    |           |              |        |
| GRF 440438 Breast and Cervical                                     | \$ | 708,539   | \$ 708,539   | 114998 |
| Cancer Screening                                                   |    |           |              |        |
| GRF 440444 AIDS Prevention and                                     | \$ | 5,842,315 | \$ 5,842,315 | 114999 |
| Treatment                                                          |    |           |              |        |
| GRF 440451 Public Health                                           | \$ | 3,654,348 | \$ 3,655,449 | 115000 |
| Laboratory                                                         |    |           |              |        |
| GRF 440452 Child and Family                                        | \$ | 630,390   | \$ 630,444   | 115001 |
| Health Services Match                                              |    |           |              |        |
| GRF 440453 Health Care Quality                                     | \$ | 8,170,694 | \$ 8,174,361 | 115002 |
| Assurance                                                          |    |           |              |        |

|                                           |                                       |    |            |    |            |        |
|-------------------------------------------|---------------------------------------|----|------------|----|------------|--------|
| GRF 440454                                | Local Environmental Health            | \$ | 1,135,141  | \$ | 1,135,362  | 115003 |
| GRF 440459                                | Help Me Grow                          | \$ | 32,923,987 | \$ | 32,923,987 | 115004 |
| GRF 440465                                | Federally Qualified Health Centers    | \$ | 458,688    | \$ | 2,686,688  | 115005 |
| GRF 440467                                | Access to Dental Care                 | \$ | 540,484    | \$ | 540,484    | 115006 |
| GRF 440468                                | Chronic Disease and Injury Prevention | \$ | 2,577,251  | \$ | 2,577,251  | 115007 |
| GRF 440472                                | Alcohol Testing                       | \$ | 250,000    | \$ | 750,000    | 115008 |
| GRF 440505                                | Medically Handicapped Children        | \$ | 7,512,451  | \$ | 7,512,451  | 115009 |
| GRF 440507                                | Targeted Health Care Services Over 21 | \$ | 1,045,414  | \$ | 1,045,414  | 115010 |
| TOTAL GRF General Revenue Fund            |                                       | \$ | 79,448,196 | \$ | 82,181,976 | 115011 |
| State Highway Safety Fund Group           |                                       |    |            |    |            | 115012 |
| 4T40 440603                               | Child Highway Safety                  | \$ | 233,894    | \$ | 233,894    | 115013 |
| TOTAL HSF State Highway Safety Fund Group |                                       |    |            |    |            | 115014 |
|                                           |                                       |    |            |    |            | 115015 |
| General Services Fund Group               |                                       |    |            |    |            | 115016 |
| 1420 440646                               | Agency Health Services                | \$ | 8,825,788  | \$ | 8,826,146  | 115017 |
| 2110 440613                               | Central Support Indirect Costs        | \$ | 31,052,756 | \$ | 30,720,419 | 115018 |
| 4730 440622                               | Lab Operating Expenses                | \$ | 5,599,538  | \$ | 5,600,598  | 115019 |
| 5HB0 440470                               | Breast and Cervical Cancer Screening  | \$ | 1,000,000  | \$ | 0          | 115020 |
| 6830 440633                               | Employee Assistance Program           | \$ | 1,259,475  | \$ | 1,241,147  | 115021 |
| 6980 440634                               | Nurse Aide Training                   | \$ | 99,239     | \$ | 99,265     | 115022 |
| TOTAL GSF General Services Fund Group     |                                       |    |            |    |            | 115023 |
|                                           |                                       |    |            |    |            | 115024 |

|                                    |                         |    |             |    |             |        |
|------------------------------------|-------------------------|----|-------------|----|-------------|--------|
| Federal Special Revenue Fund Group |                         |    |             |    | 115025      |        |
| 3200 440601                        | Maternal Child Health   | \$ | 27,068,886  | \$ | 27,068,886  | 115026 |
|                                    | Block Grant             |    |             |    |             |        |
| 3870 440602                        | Preventive Health       | \$ | 7,826,659   | \$ | 7,826,659   | 115027 |
|                                    | Block Grant             |    |             |    |             |        |
| 3890 440604                        | Women, Infants, and     | \$ | 308,672,689 | \$ | 308,672,689 | 115028 |
|                                    | Children                |    |             |    |             |        |
| 3910 440606                        | Medicaid/Medicare       | \$ | 29,625,467  | \$ | 29,257,457  | 115029 |
| 3920 440618                        | Federal Public Health   | \$ | 137,976,988 | \$ | 137,976,988 | 115030 |
|                                    | Programs                |    |             |    |             |        |
| TOTAL FED                          | Federal Special Revenue |    |             |    |             | 115031 |
| Fund Group                         |                         | \$ | 511,170,689 | \$ | 510,802,679 | 115032 |
| State Special Revenue Fund Group   |                         |    |             |    |             | 115033 |
| 4700 440647                        | Fee Supported           | \$ | 24,503,065  | \$ | 24,513,973  | 115034 |
|                                    | Programs                |    |             |    |             |        |
| 4710 440619                        | Certificate of Need     | \$ | 878,145     | \$ | 878,433     | 115035 |
| 4770 440627                        | Medically Handicapped   | \$ | 3,692,704   | \$ | 3,692,703   | 115036 |
|                                    | Children Audit          |    |             |    |             |        |
| 4D60 440608                        | Genetics Services       | \$ | 3,310,953   | \$ | 3,311,039   | 115037 |
| 4F90 440610                        | Sickle Cell Disease     | \$ | 1,032,754   | \$ | 1,032,824   | 115038 |
|                                    | Control                 |    |             |    |             |        |
| 4G00 440636                        | Heirloom Birth          | \$ | 5,000       | \$ | 5,000       | 115039 |
|                                    | Certificate             |    |             |    |             |        |
| 4G00 440637                        | Birth Certificate       | \$ | 5,000       | \$ | 5,000       | 115040 |
|                                    | Surcharge               |    |             |    |             |        |
| 4L30 440609                        | Miscellaneous           | \$ | 3,333,164   | \$ | 3,333,164   | 115041 |
|                                    | Expenses                |    |             |    |             |        |
| 4P40 440628                        | Ohio Physician Loan     | \$ | 476,870     | \$ | 476,870     | 115042 |
|                                    | Repayment               |    |             |    |             |        |
| 4V60 440641                        | Save Our Sight          | \$ | 2,255,760   | \$ | 2,255,789   | 115043 |
| 5B50 440616                        | Quality, Monitoring,    | \$ | 878,638     | \$ | 878,997     | 115044 |
|                                    | and Inspection          |    |             |    |             |        |

|                                                             |        |                                                             |    |             |    |             |        |
|-------------------------------------------------------------|--------|-------------------------------------------------------------|----|-------------|----|-------------|--------|
| 5C00                                                        | 440615 | Alcohol Testing and<br>Permit                               | \$ | 551,018     | \$ | 0           | 115045 |
| 5CN0                                                        | 440645 | Choose Life                                                 | \$ | 75,000      | \$ | 75,000      | 115046 |
| 5D60                                                        | 440620 | Second Chance Trust                                         | \$ | 1,151,815   | \$ | 1,151,902   | 115047 |
| 5ED0                                                        | 440651 | Smoke Free Indoor Air                                       | \$ | 190,452     | \$ | 190,452     | 115048 |
| 5G40                                                        | 440639 | Adoption Services                                           | \$ | 20,000      | \$ | 20,000      | 115049 |
| 5L10                                                        | 440623 | Nursing Facility<br>Technical Assistance<br>Program         | \$ | 687,500     | \$ | 687,528     | 115050 |
| 5Z70                                                        | 440624 | Ohio Dentist Loan<br>Repayment                              | \$ | 140,000     | \$ | 140,000     | 115051 |
| 6100                                                        | 440626 | Radiation Emergency<br>Response                             | \$ | 930,525     | \$ | 930,576     | 115052 |
| 6660                                                        | 440607 | Medically Handicapped<br>Children - County<br>Assessments   | \$ | 19,738,286  | \$ | 19,739,617  | 115053 |
| TOTAL SSR State Special Revenue                             |        |                                                             |    |             |    |             | 115054 |
| Fund Group                                                  |        |                                                             | \$ | 63,856,649  | \$ | 63,318,867  | 115055 |
| Holding Account Redistribution Fund Group                   |        |                                                             |    |             |    |             | 115056 |
| R014                                                        | 440631 | Vital Statistics                                            | \$ | 44,986      | \$ | 44,986      | 115057 |
| R048                                                        | 440625 | Refunds, Grants<br>Reconciliation, and<br>Audit Settlements | \$ | 20,000      | \$ | 20,000      | 115058 |
| TOTAL 090 Holding Account<br>Redistribution Fund Group      |        |                                                             |    |             |    |             | 115059 |
| Tobacco Master Settlement Agreement Fund Group              |        |                                                             | \$ | 64,986      | \$ | 64,986      | 115060 |
| Tobacco Master Settlement Agreement Fund Group              |        |                                                             |    |             |    |             | 115061 |
| 5BX0                                                        | 440656 | Tobacco Use<br>Prevention                                   | \$ | 1,000,000   | \$ | 0           | 115062 |
| TOTAL TSF Tobacco Master Settlement<br>Agreement Fund Group |        |                                                             |    |             |    |             | 115063 |
| TOTAL ALL BUDGET FUND GROUPS                                |        |                                                             | \$ | 703,611,210 | \$ | 703,089,977 | 115064 |
| <b>Section 291.20. HIV/AIDS PREVENTION/TREATMENT</b>        |        |                                                             |    |             |    |             | 115066 |



The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications and to administer educational prevention initiatives.

PUBLIC HEALTH LABORATORY

A portion of the foregoing appropriation item 440451, Public Health Laboratory, shall be used for coordination and management of prevention program operations and the purchase of drugs for sexually transmitted diseases.

HELP ME GROW

The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to distribute subsidies to counties to implement the Help Me Grow Program. Appropriation item 440459, Help Me Grow, may be used in conjunction with Early Intervention funding from the Department of Developmental Disabilities, and in conjunction with other early childhood funds and services to promote the optimal development of young children and family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children. The Department of Health shall enter into an interagency agreement with the Department of Education, Department of Developmental Disabilities, Department of Job and Family Services, and Department of Mental Health to ensure that all early childhood programs and initiatives are coordinated and school linked.

Of the foregoing appropriation item 440459, Help Me Grow, if a county Family and Children First Council selects home-visiting programs, the home-visiting program shall only be eligible for funding if it serves pregnant women, or parents or other primary caregivers and the parent or other primary caregiver's child or

children under three years of age, through quality programs of 115098  
early childhood home visitation and if the home visitations are 115099  
performed by nurses, social workers, child development specialists 115100  
or other well-trained and competent staff, as demonstrated by 115101  
education or training and the provision of ongoing specific 115102  
training and supervision in the model of service being delivered. 115103  
The home-visiting program also shall be required to have outcome 115104  
and research standards that demonstrate ongoing positive outcomes 115105  
for children, parents, and other primary caregivers that enhance 115106  
child health and development, and conform to a clear consistent 115107  
home visitation model that has been in existence for at least 115108  
three years. The home visitation model shall be research-based; 115109  
grounded in relevant, empirically based knowledge; linked to 115110  
program-determined outcomes; associated with a national 115111  
organization or institution of higher education that has 115112  
comprehensive home visitation program standards that ensure high 115113  
quality service delivery and continuous program improvement; and 115114  
have demonstrated significant positive outcomes when evaluated 115115  
using well-designed and rigorous randomized, controlled, or 115116  
quasi-experimental research designs, and the evaluation results 115117  
have been published in a peer-reviewed journal. 115118

The foregoing appropriation item 440459, Help Me Grow, may 115119  
also be used for the Developmental Autism and Screening Program. 115120

FEDERALLY QUALIFIED HEALTH CENTERS 115121

For fiscal year 2012, any undisbursed funds previously 115122  
provided under subsidy agreements between the Department of Health 115123  
and the Ohio Association of Community Health Centers, or its 115124  
predecessor organization, pursuant to section 183.18 of the 115125  
Revised Code, shall be available to federally qualified health 115126  
centers in the same manner as those funds in appropriation item 115127  
440465, Federally Qualified Health Centers. 115128

TARGETED HEALTH CARE SERVICES OVER 21 115129

The foregoing appropriation item 440507, Targeted Health Care 115130  
Services Over 21, shall be used to administer the Cystic Fibrosis 115131  
Program and to implement the Hemophilia Insurance Premium Payment 115132  
Program. 115133

The foregoing appropriation item 440507, Targeted Health Care 115134  
Services Over 21, shall also be used to provide essential 115135  
medications and to pay the copayments for drugs approved by the 115136  
Department of Health and covered by Medicare Part D that are 115137  
dispensed to Bureau for Children with Medical Handicaps (BCMH) 115138  
participants for the Cystic Fibrosis Program. 115139

The Department shall expend all of these funds. 115140

GENETICS SERVICES 115141

The foregoing appropriation item 440608, Genetics Services 115142  
(Fund 4D60), shall be used by the Department of Health to 115143  
administer programs authorized by sections 3701.501 and 3701.502 115144  
of the Revised Code. None of these funds shall be used to counsel 115145  
or refer for abortion, except in the case of a medical emergency. 115146

MEDICALLY HANDICAPPED CHILDREN AUDIT 115147

The Medically Handicapped Children Audit Fund (Fund 4770) 115148  
shall receive revenue from audits of hospitals and recoveries from 115149  
third-party payers. Moneys may be expended for payment of audit 115150  
settlements and for costs directly related to obtaining recoveries 115151  
from third-party payers and for encouraging Medically Handicapped 115152  
Children's Program recipients to apply for third-party benefits. 115153  
Moneys also may be expended for payments for diagnostic and 115154  
treatment services on behalf of medically handicapped children, as 115155  
defined in division (A) of section 3701.022 of the Revised Code, 115156  
and Ohio residents who are twenty-one or more years of age and who 115157  
are suffering from cystic fibrosis or hemophilia. Moneys may also 115158  
be expended for administrative expenses incurred in operating the 115159  
Medically Handicapped Children's Program. 115160

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 115161  
PERMIT FUND 115162

The Director of Budget and Management may transfer up to 115163  
\$551,018 in cash from the Liquor Control Fund (Fund 7043) to the 115164  
Alcohol Testing and Permit Fund (Fund 5C00) in fiscal year 2012 to 115165  
meet the operating needs of the Alcohol Testing and Permit 115166  
Program. 115167

The Director of Budget and Management may transfer up to 115168  
\$551,018 in cash in fiscal year 2012 to the Alcohol Testing and 115169  
Permit Fund (Fund 5C00) from the Liquor Control Fund (Fund 7043) 115170  
created in section 4301.12 of the Revised Code determined by a 115171  
transfer schedule set by the Department of Health. 115172

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 115173

The foregoing appropriation item 440607, Medically 115174  
Handicapped Children - County Assessments (Fund 6660), shall be 115175  
used to make payments under division (E) of section 3701.023 of 115176  
the Revised Code. 115177

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM 115178

On July 1, 2011, or as soon as possible thereafter, the 115179  
Director of Budget and Management may transfer, cash from the 115180  
Resident Protection Fund (Fund 4E30), which is used by the Ohio 115181  
Department of Job and Family Services, to the Nursing Facility 115182  
Technical Assistance Program Fund (Fund 5L10), which is used by 115183  
the Ohio Department of Health, to be used under section 3721.026 115184  
of the Revised Code. The transfers shall be up to \$698,595 in each 115185  
fiscal year of the biennium. 115186

**Section 291.30.** EARLY INTERVENTION WORKGROUP 115187

(A) The Department of Health shall convene a workgroup to 115188  
develop recommendations for eligibility criteria for early 115189  
intervention services to be provided pursuant to Part C of the 115190

"Individuals with Disability Education Act," 118 Stat. 2744 115191  
(2004), 20 U.S.C. 1431 et seq. The recommendations shall be based 115192  
on available funds and national data related to the identification 115193  
of infants and toddlers who have developmental delays or are most 115194  
at risk for developmental delays and, in either case, would 115195  
benefit from early intervention services. 115196

(B) The workgroup shall be facilitated by the Department and 115197  
shall be composed of all of the following members: 115198

(1) A representative from the Department of Developmental 115199  
Disabilities; 115200

(2) A representative from the Department of Education; 115201

(3) A representative from the Department of Mental Health; 115202

(4) A representative from the Help Me Grow Advisory Council; 115203

(5) A parent member of the Help Me Grow Advisory Council; 115204

(6) A representative from the Ohio Family and Children First 115205  
Cabinet Council; 115206

(7) A representative from the Ohio Family and Children First 115207  
Association; 115208

(8) A county Help Me Grow project director; 115209

(9) A representative from the Ohio Council of Behavioral 115210  
Health and Family Services Providers; 115211

(10) A representative from the Ohio Association for Infant 115212  
Mental Health; 115213

(11) A representative from the Ohio Association of County 115214  
Boards of Developmental Disabilities; 115215

(12) A representative from the Ohio Superintendents of County 115216  
Boards of Developmental Disabilities; 115217

(13) A representative from the Ohio chapter of the American 115218  
Academy of Pediatrics; 115219

(14) A public health nurse from a board of health of a city 115220  
or general health district, or an authority having the duties of a 115221  
board of health; 115222

(15) A representative from the Department of Job and Family 115223  
Services. 115224

(C)(1) October 1, 2011, is the latest date by which the 115225  
workgroup may submit to the Director of Health its recommendations 115226  
for eligibility criteria for Part C early intervention services. 115227  
If recommendations are submitted, the Director may accept the 115228  
recommendations in whole or in part and implement eligibility 115229  
criteria accordingly. 115230

(2) If the workgroup does not submit recommendations by 115231  
October 1, 2011, the Director shall implement eligibility criteria 115232  
for Part C early intervention services. The eligibility criteria 115233  
shall be based on available funds and, at most, may include 115234  
following: 115235

(a) Children who demonstrate a developmental delay at or 115236  
exceeding 2.0 standard deviations below the mean in one or more 115237  
areas of development on a norm-referenced tool approved by the 115238  
Department; 115239

(b) Children who have a medical diagnosis that falls into one 115240  
or more of the following categories: genetic disorders, sensory 115241  
impairments, motor impairments, neurological disorders, 115242  
significant neuro-developmental disorders, medically related 115243  
disorders, or acquired trauma-related disorders; 115244

(c) Children who are at risk of a delay in their social, 115245  
emotional, or cognitive development; 115246

(d) Children who, based on informed clinical opinion, are not 115247  
eligible under the categories specified in division (C)(2)(a), 115248  
(b), or (c) of this section, except that any such child may 115249  
receive services pursuant to this category for not more than one 115250

hundred eighty days. 115251

(D) The workgroup shall cease to exist on October 1, 2011. 115252

**Section 291.40.** CERTIFICATE OF NEED FOR NEW NURSING HOME 115253

(A) As used in this section: 115254

"Nursing home" and "residential care facility" have the same 115255  
meanings as in section 3721.01 of the Revised Code. 115256

"Population" means that shown by the 2000 regular federal 115257  
census. 115258

(B) The Director of Health shall accept, for review under 115259  
section 3702.52 of the Revised Code, a certificate of need 115260  
application for the establishment, development, and construction 115261  
of a new nursing home if all of the following conditions are met: 115262

(1) The application is submitted to the Director not later 115263  
than one hundred eighty days after the effective date of this 115264  
section. 115265

(2) The new nursing home is to be located in a county that 115266  
has a population of at least thirty thousand persons and not more 115267  
than forty-one thousand persons. 115268

(3) The new nursing home is to be located on a campus that 115269  
has been in operation for at least twelve years and both of the 115270  
following are also located on the campus on the effective date of 115271  
this section: 115272

(a) At least one existing residential care facility with at 115273  
least twenty-five residents; 115274

(b) At least one existing independent living dwelling for 115275  
seniors with at least seventy-five residents. 115276

(4) The new nursing home is to have not more than thirty beds 115277  
to which both of the following apply: 115278

(a) All of the beds are to be transferred from an existing 115279  
nursing home in the state. 115280

(b) All of the beds are proposed to be licensed as nursing 115281  
home beds under Chapter 3721. of the Revised Code. 115282

(C) In reviewing certificate of need applications accepted 115283  
under this section, the Director shall neither deny an application 115284  
on the grounds that the new nursing home is to have less than 115285  
fifty beds nor require an applicant to obtain a waiver of the 115286  
minimum fifty-bed requirement established by division (I) of rule 115287  
3701-12-23 of the Administrative Code. 115288

**Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION** 115289

Agency Fund Group 115290

|             |                    |    |        |    |        |        |
|-------------|--------------------|----|--------|----|--------|--------|
| 4610 372601 | Operating Expenses | \$ | 30,000 | \$ | 30,000 | 115291 |
|-------------|--------------------|----|--------|----|--------|--------|

|           |                   |    |        |    |        |        |
|-----------|-------------------|----|--------|----|--------|--------|
| TOTAL AGY | Agency Fund Group | \$ | 30,000 | \$ | 30,000 | 115292 |
|-----------|-------------------|----|--------|----|--------|--------|

|                              |  |    |        |    |        |        |
|------------------------------|--|----|--------|----|--------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 30,000 | \$ | 30,000 | 115293 |
|------------------------------|--|----|--------|----|--------|--------|

**Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS** 115295

General Revenue Fund 115296

|            |                   |    |         |    |         |        |
|------------|-------------------|----|---------|----|---------|--------|
| GRF 148100 | Personal Services | \$ | 230,000 | \$ | 230,000 | 115297 |
|------------|-------------------|----|---------|----|---------|--------|

|            |             |    |        |    |        |        |
|------------|-------------|----|--------|----|--------|--------|
| GRF 148200 | Maintenance | \$ | 50,000 | \$ | 50,000 | 115298 |
|------------|-------------|----|--------|----|--------|--------|

|            |                    |    |        |    |        |        |
|------------|--------------------|----|--------|----|--------|--------|
| GRF 148402 | Community Projects | \$ | 37,005 | \$ | 44,922 | 115299 |
|------------|--------------------|----|--------|----|--------|--------|

|           |                      |    |         |    |         |        |
|-----------|----------------------|----|---------|----|---------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 317,005 | \$ | 324,922 | 115300 |
|-----------|----------------------|----|---------|----|---------|--------|

General Services Fund Group 115301

|             |           |    |       |    |       |        |
|-------------|-----------|----|-------|----|-------|--------|
| 6010 148602 | Gifts and | \$ | 4,558 | \$ | 4,558 | 115302 |
|-------------|-----------|----|-------|----|-------|--------|

Miscellaneous

|           |                  |  |  |  |  |        |
|-----------|------------------|--|--|--|--|--------|
| TOTAL GSF | General Services |  |  |  |  | 115303 |
|-----------|------------------|--|--|--|--|--------|

|            |  |    |       |    |       |        |
|------------|--|----|-------|----|-------|--------|
| Fund Group |  | \$ | 4,558 | \$ | 4,558 | 115304 |
|------------|--|----|-------|----|-------|--------|

|                              |  |    |         |    |         |        |
|------------------------------|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 321,563 | \$ | 329,480 | 115305 |
|------------------------------|--|----|---------|----|---------|--------|

**Section 297.10. OHS OHIO HISTORICAL SOCIETY** 115307



|                              |                                  |    |           |    |           |        |
|------------------------------|----------------------------------|----|-----------|----|-----------|--------|
| General Revenue Fund         |                                  |    |           |    | 115308    |        |
| GRF 360501                   | Education and<br>Collections     | \$ | 2,368,997 | \$ | 2,368,997 | 115309 |
| GRF 360502                   | Site and Museum<br>Operations    | \$ | 3,926,288 | \$ | 3,926,288 | 115310 |
| GRF 360504                   | Ohio Preservation<br>Office      | \$ | 290,000   | \$ | 290,000   | 115311 |
| GRF 360505                   | National<br>Afro-American Museum | \$ | 414,798   | \$ | 414,798   | 115312 |
| GRF 360506                   | Hayes Presidential<br>Center     | \$ | 281,043   | \$ | 281,043   | 115313 |
| GRF 360508                   | State Historical<br>Grants       | \$ | 390,570   | \$ | 390,570   | 115314 |
| GRF 360509                   | Outreach and<br>Partnership      | \$ | 90,395    | \$ | 90,395    | 115315 |
| TOTAL GRF                    | General Revenue Fund             | \$ | 7,762,091 | \$ | 7,762,091 | 115316 |
| TOTAL ALL BUDGET FUND GROUPS |                                  | \$ | 7,762,091 | \$ | 7,762,091 | 115317 |

SUBSIDY APPROPRIATION 115318

Upon approval by the Director of Budget and Management, the 115319  
foregoing appropriation items shall be released to the Ohio 115320  
Historical Society in quarterly amounts that in total do not 115321  
exceed the annual appropriations. The funds and fiscal records of 115322  
the society for fiscal year 2012 and fiscal year 2013 shall be 115323  
examined by independent certified public accountants approved by 115324  
the Auditor of State, and a copy of the audited financial 115325  
statements shall be filed with the Office of Budget and 115326  
Management. The society shall prepare and submit to the Office of 115327  
Budget and Management the following: 115328

(A) An estimated operating budget for each fiscal year of the 115329  
biennium. The operating budget shall be submitted at or near the 115330  
beginning of each calendar year. 115331

(B) Financial reports, indicating actual receipts and 115332

expenditures for the fiscal year to date. These reports shall be 115333  
filed at least semiannually during the fiscal biennium. 115334

The foregoing appropriations shall be considered to be the 115335  
contractual consideration provided by the state to support the 115336  
state's offer to contract with the Ohio Historical Society under 115337  
section 149.30 of the Revised Code. 115338

HAYES PRESIDENTIAL CENTER 115339

If a United States government agency, including, but not 115340  
limited to, the National Park Service, chooses to take over the 115341  
operations or maintenance of the Hayes Presidential Center, in 115342  
whole or in part, the Ohio Historical Society shall make 115343  
arrangements with the National Park Service or other United States 115344  
government agency for the efficient transfer of operations or 115345  
maintenance. 115346

STATE HISTORICAL GRANTS 115347

Of the foregoing appropriation item 360508, State Historical 115348  
Grants, \$195,285 in each fiscal year shall be granted to the 115349  
Cincinnati Museum Center, and \$195,285 in each fiscal year shall 115350  
be granted to the Western Reserve Historical Society. 115351

**Section 299.10.** REP OHIO HOUSE OF REPRESENTATIVES 115352

General Revenue Fund 115353

|            |                      |    |            |    |            |        |
|------------|----------------------|----|------------|----|------------|--------|
| GRF 025321 | Operating Expenses   | \$ | 18,517,093 | \$ | 18,517,093 | 115354 |
| TOTAL GRF  | General Revenue Fund | \$ | 18,517,093 | \$ | 18,517,093 | 115355 |

General Services Fund Group 115356

|             |                     |    |           |    |           |        |
|-------------|---------------------|----|-----------|----|-----------|--------|
| 1030 025601 | House Reimbursement | \$ | 1,433,664 | \$ | 1,433,664 | 115357 |
| 4A40 025602 | Miscellaneous Sales | \$ | 37,849    | \$ | 37,849    | 115358 |
| TOTAL GSF   | General Services    |    |           |    |           | 115359 |

|            |  |    |           |    |           |        |
|------------|--|----|-----------|----|-----------|--------|
| Fund Group |  | \$ | 1,471,513 | \$ | 1,471,513 | 115360 |
|------------|--|----|-----------|----|-----------|--------|

|                              |  |    |            |    |            |        |
|------------------------------|--|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 19,988,606 | \$ | 19,988,606 | 115361 |
|------------------------------|--|----|------------|----|------------|--------|

OPERATING EXPENSES 115362

On July 1, 2011, or as soon as possible thereafter, the Clerk of the House of Representatives may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2011 to be reappropriated to fiscal year 2012. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2012.

On July 1, 2012, or as soon as possible thereafter, the Clerk of the House of Representatives may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2012 to be reappropriated to fiscal year 2013. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2013.

**Section 303.10. HFA OHIO HOUSING FINANCE AGENCY**

|                                    |    |            |    |            |        |
|------------------------------------|----|------------|----|------------|--------|
| Agency Fund Group                  |    |            |    | 115378     |        |
| 5AZ0 997601 Housing Finance Agency | \$ | 12,636,646 | \$ | 12,405,084 | 115379 |
| Personal Services                  |    |            |    |            |        |
| TOTAL AGY Agency Fund Group        | \$ | 12,636,646 | \$ | 12,405,084 | 115380 |
| TOTAL ALL BUDGET FUND GROUPS       | \$ | 12,636,646 | \$ | 12,405,084 | 115381 |

**Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL**

|                                |    |           |    |           |        |
|--------------------------------|----|-----------|----|-----------|--------|
| General Revenue Fund           |    |           |    |           | 115384 |
| GRF 965321 Operating Expenses  | \$ | 1,124,663 | \$ | 1,125,598 | 115385 |
| TOTAL GRF General Revenue Fund | \$ | 1,124,663 | \$ | 1,125,598 | 115386 |
| General Services Fund Group    |    |           |    |           | 115387 |
| 5FA0 965603 Deputy Inspector   | \$ | 400,000   | \$ | 400,000   | 115388 |
| General for ODOT               |    |           |    |           |        |
| 5FT0 965604 Deputy Inspector   | \$ | 425,000   | \$ | 425,000   | 115389 |
| General for BWC/OIC            |    |           |    |           |        |
| 5GI0 965605 Deputy Inspector   | \$ | 520,837   | \$ | 521,535   | 115390 |

|                                                                    |    |           |                     |
|--------------------------------------------------------------------|----|-----------|---------------------|
| General for ARRA                                                   |    |           |                     |
| TOTAL GSF General Services Fund                                    | \$ | 1,345,837 | \$ 1,346,535 115391 |
| Group                                                              |    |           |                     |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 2,470,500 | \$ 2,472,133 115392 |
| IGO CASINO-RELATED ACTIVITIES                                      |    |           | 115393              |
| On July 1, 2011, or as soon as possible thereafter, an amount      |    |           | 115394              |
| equal to the unexpended, unencumbered balance of appropriation     |    |           | 115395              |
| item 965609, Casino Investigations, at the end of fiscal year 2011 |    |           | 115396              |
| is hereby reappropriated to the same appropriation item for fiscal |    |           | 115397              |
| year 2012, to be used for the performance of the Inspector         |    |           | 115398              |
| General's casino-related duties.                                   |    |           | 115399              |
| DEPUTY INSPECTOR GENERAL FOR FUNDS RECEIVED THROUGH THE            |    |           | 115400              |
| AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009                     |    |           | 115401              |
| On July 1, 2011, and on January 1, 2012, or as soon as             |    |           | 115402              |
| possible thereafter, the Director of Budget and Management shall   |    |           | 115403              |
| transfer \$225,000 in cash, for each period, from the General      |    |           | 115404              |
| Revenue Fund to the Deputy Inspector General for Funds Received    |    |           | 115405              |
| through the American Recovery and Reinvestment Act of 2009 Fund    |    |           | 115406              |
| (Fund 5GI0), which is created in section 121.53 of the Revised     |    |           | 115407              |
| Code.                                                              |    |           | 115408              |
| On July 1, 2012, and on January 1, 2013, or as soon as             |    |           | 115409              |
| possible thereafter, the Director of Budget and Management shall   |    |           | 115410              |
| transfer \$225,000 in cash, for each period, from the General      |    |           | 115411              |
| Revenue Fund to the Deputy Inspector General for Funds Received    |    |           | 115412              |
| through the American Recovery and Reinvestment Act of 2009 Fund    |    |           | 115413              |
| (Fund 5GI0).                                                       |    |           | 115414              |
| <b>Section 307.10. INS DEPARTMENT OF INSURANCE</b>                 |    |           | 115415              |
| Federal Special Revenue Fund Group                                 |    |           | 115416              |
| 3EV0 820610 Health Insurance                                       | \$ | 1,000,000 | \$ 1,000,000 115417 |
| Premium Review                                                     |    |           |                     |

|                                  |                       |    |            |    |            |        |
|----------------------------------|-----------------------|----|------------|----|------------|--------|
| 3EW0 820611                      | Health Exchange       | \$ | 1,000,000  | \$ | 1,000,000  | 115418 |
|                                  | Planning              |    |            |    |            |        |
| 3U50 820602                      | OSHIIP Operating      | \$ | 2,270,726  | \$ | 2,270,725  | 115419 |
|                                  | Grant                 |    |            |    |            |        |
| TOTAL FED                        | Federal Special       |    |            |    |            | 115420 |
| Revenue Fund Group               |                       | \$ | 4,270,726  | \$ | 4,270,725  | 115421 |
| State Special Revenue Fund Group |                       |    |            |    |            | 115422 |
| 5540 820601                      | Operating Expenses -  | \$ | 190,000    | \$ | 180,000    | 115423 |
|                                  | OSHIIP                |    |            |    |            |        |
| 5540 820606                      | Operating Expenses    | \$ | 22,745,538 | \$ | 22,288,550 | 115424 |
| 5550 820605                      | Examination           | \$ | 9,065,684  | \$ | 8,934,065  | 115425 |
| TOTAL SSR                        | State Special Revenue |    |            |    |            | 115426 |
| Fund Group                       |                       | \$ | 32,001,222 | \$ | 31,402,615 | 115427 |
| TOTAL ALL BUDGET FUND GROUPS     |                       | \$ | 36,271,948 | \$ | 35,673,340 | 115428 |

MARKET CONDUCT EXAMINATION 115429

When conducting a market conduct examination of any insurer 115430  
doing business in this state, the Superintendent of Insurance may 115431  
assess the costs of the examination against the insurer. The 115432  
superintendent may enter into consent agreements to impose 115433  
administrative assessments or fines for conduct discovered that 115434  
may be violations of statutes or rules administered by the 115435  
superintendent. All costs, assessments, or fines collected shall 115436  
be deposited to the credit of the Department of Insurance 115437  
Operating Fund (Fund 5540). 115438

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 115439

The Director of Budget and Management, at the request of the 115440  
Superintendent of Insurance, may transfer funds from the 115441  
Department of Insurance Operating Fund (Fund 5540), established by 115442  
section 3901.021 of the Revised Code, to the Superintendent's 115443  
Examination Fund (Fund 5550), established by section 3901.071 of 115444  
the Revised Code, only for expenses incurred in examining domestic 115445  
fraternal benefit societies as required by section 3921.28 of the 115446

|                                                                    |    |             |    |             |        |
|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
| Revised Code.                                                      |    |             |    |             | 115447 |
| TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND                    |    |             |    |             | 115448 |
| Not later than the thirty-first day of July each fiscal year,      |    |             |    |             | 115449 |
| the Director of Budget and Management shall transfer \$5,000,000   |    |             |    |             | 115450 |
| from the Department of Insurance Operating Fund (Fund 5540) to the |    |             |    |             | 115451 |
| General Revenue Fund.                                              |    |             |    |             | 115452 |
| <b>Section 309.10.</b> JFS DEPARTMENT OF JOB AND FAMILY SERVICES   |    |             |    |             | 115453 |
| General Revenue Fund                                               |    |             |    |             | 115454 |
| GRF 600321 Support Services                                        |    |             |    |             | 115455 |
| State                                                              | \$ | 34,801,760  | \$ | 31,932,117  | 115456 |
| Federal                                                            | \$ | 9,322,222   | \$ | 9,207,441   | 115457 |
| Support Services Total                                             | \$ | 44,123,982  | \$ | 41,139,558  | 115458 |
| GRF 600410 TANF State                                              | \$ | 161,298,234 | \$ | 161,298,234 | 115459 |
| GRF 600413 Child Care                                              | \$ | 84,732,730  | \$ | 84,732,730  | 115460 |
| Match/Maintenance of Effort                                        |    |             |    |             |        |
| GRF 600416 Computer Projects                                       |    |             |    |             | 115461 |
| State                                                              | \$ | 67,955,340  | \$ | 69,263,506  | 115462 |
| Federal                                                            | \$ | 13,105,167  | \$ | 12,937,222  | 115463 |
| Computer Projects Total                                            | \$ | 81,060,507  | \$ | 82,200,728  | 115464 |
| GRF 600417 Medicaid Provider Audits                                | \$ | 1,312,992   | \$ | 1,312,992   | 115465 |
| GRF 600420 Child Support Administration                            | \$ | 6,163,534   | \$ | 6,065,588   | 115466 |
| GRF 600421 Office of Family Stability                              | \$ | 3,768,929   | \$ | 3,757,493   | 115467 |
| GRF 600423 Office of Children and Families                         | \$ | 5,123,406   | \$ | 4,978,756   | 115468 |
| GRF 600425 Office of Ohio Health Plans                             |    |             |    |             | 115469 |
| State                                                              | \$ | 13,149,582  | \$ | 15,740,987  | 115470 |

|            |                         |    |                |    |                |        |
|------------|-------------------------|----|----------------|----|----------------|--------|
|            | Federal                 | \$ | 12,556,921     | \$ | 12,286,234     | 115471 |
|            | Office of Ohio Health   | \$ | 25,706,503     | \$ | 28,027,221     | 115472 |
|            | Plans Total             |    |                |    |                |        |
| GRF 600502 | Administration - Local  | \$ | 16,814,103     | \$ | 16,814,103     | 115473 |
| GRF 600511 | Disability Financial    | \$ | 26,599,666     | \$ | 27,108,734     | 115474 |
|            | Assistance              |    |                |    |                |        |
| GRF 600521 | Entitlement             | \$ | 72,200,721     | \$ | 72,200,721     | 115475 |
|            | Administration - Local  |    |                |    |                |        |
| GRF 600523 | Children and Families   | \$ | 53,105,323     | \$ | 53,105,323     | 115476 |
|            | Services                |    |                |    |                |        |
| GRF 600525 | Health Care/Medicaid    |    |                |    |                | 115477 |
|            | State                   | \$ | 4,294,495,337  | \$ | 4,680,752,933  | 115478 |
|            | Federal                 | \$ | 7,501,402,180  | \$ | 8,420,642,075  | 115479 |
|            | Health Care Total       | \$ | 11,795,897,517 | \$ | 13,101,395,008 | 115480 |
| GRF 600526 | Medicare Part D         | \$ | 275,154,963    | \$ | 300,140,824    | 115481 |
| GRF 600528 | Adoption Services       |    |                |    |                | 115482 |
|            | State                   | \$ | 26,346,632     | \$ | 26,346,632     | 115483 |
|            | Federal                 | \$ | 36,996,469     | \$ | 36,996,469     | 115484 |
|            | Adoption Services Total | \$ | 63,343,101     | \$ | 63,343,101     | 115485 |
| GRF 600533 | Child, Family, and      | \$ | 13,500,000     | \$ | 13,500,000     | 115486 |
|            | Adult Community &       |    |                |    |                |        |
|            | Protective Services     |    |                |    |                |        |
| GRF 600534 | Adult Protective        | \$ | 366,003        | \$ | 366,003        | 115487 |
|            | Services                |    |                |    |                |        |
| GRF 600535 | Early Care and          | \$ | 123,596,474    | \$ | 123,596,474    | 115488 |
|            | Education               |    |                |    |                |        |
| GRF 600537 | Children's Hospital     | \$ | 2,000,000      | \$ | 2,000,000      | 115489 |
| GRF 600540 | Second Harvest Food     | \$ | 4,000,000      | \$ | 4,000,000      | 115490 |
|            | Banks                   |    |                |    |                |        |
| GRF 600541 | Kinship Permanency      | \$ | 2,500,000      | \$ | 3,500,000      | 115491 |
|            | Incentive Program       |    |                |    |                |        |
| TOTAL GRF  | General Revenue Fund    |    |                |    |                | 115492 |
|            | State                   | \$ | 5,288,985,729  | \$ | 5,702,514,150  | 115493 |

|                                       |           |                                              |                  |                  |        |
|---------------------------------------|-----------|----------------------------------------------|------------------|------------------|--------|
|                                       | Federal   |                                              | \$ 7,573,382,959 | \$ 8,492,069,441 | 115494 |
|                                       | GRF Total |                                              | \$12,862,368,688 | \$14,194,583,591 | 115495 |
| General Services Fund Group           |           |                                              |                  |                  | 115496 |
| 4A80                                  | 600658    | Child Support Collections                    | \$ 34,000,000    | \$ 34,000,000    | 115497 |
| 5C90                                  | 600671    | Medicaid Program Support                     | \$ 85,800,878    | \$ 82,839,266    | 115498 |
| 5DL0                                  | 600639    | Medicaid Revenue and Collections             | \$ 89,256,974    | \$ 84,156,974    | 115499 |
| 5DM0                                  | 600633    | Administration & Operating                   | \$ 20,392,173    | \$ 19,858,928    | 115500 |
| 5FX0                                  | 600638    | Medicaid Payment Withholding                 | \$ 26,000,000    | \$ 26,000,000    | 115501 |
| 5HL0                                  | 600602    | State and County Shared services             | \$ 3,020,000     | \$ 3,020,000     | 115502 |
| 5P50                                  | 600692    | Prescription Drug Rebate - State             | \$ 220,600,000   | \$ 242,600,000   | 115503 |
| 6130                                  | 600645    | Training Activities                          | \$ 500,000       | \$ 500,000       | 115504 |
| TOTAL GSF General Services Fund Group |           |                                              |                  |                  | 115505 |
|                                       |           |                                              | \$ 479,570,025   | \$ 492,975,168   | 115506 |
| Federal Special Revenue Fund Group    |           |                                              |                  |                  | 115507 |
| 3270                                  | 600606    | Child Welfare                                | \$ 29,769,865    | \$ 29,769,866    | 115508 |
| 3310                                  | 600686    | Federal Operating                            | \$ 49,128,140    | \$ 48,203,023    | 115509 |
| 3840                                  | 600610    | Food Assistance and State Administration     | \$ 180,381,394   | \$ 180,381,394   | 115510 |
| 3850                                  | 600614    | Refugee Services                             | \$ 11,582,440    | \$ 12,564,952    | 115511 |
| 3950                                  | 600616    | Special Activities/Child and Family Services | \$ 2,259,264     | \$ 2,259,264     | 115512 |
| 3960                                  | 600620    | Social Services Block Grant                  | \$ 64,999,999    | \$ 64,999,998    | 115513 |
| 3970                                  | 600626    | Child Support                                | \$ 241,812,837   | \$ 241,813,528   | 115514 |



|                       |        |                                                             |    |               |    |               |        |
|-----------------------|--------|-------------------------------------------------------------|----|---------------|----|---------------|--------|
| 3980                  | 600627 | Adoption Maintenance/<br>Administration                     | \$ | 352,183,862   | \$ | 352,184,253   | 115515 |
| 3A20                  | 600641 | Emergency Food<br>Distribution                              | \$ | 5,000,000     | \$ | 5,000,000     | 115516 |
| 3AW0                  | 600675 | Faith Based<br>Initiatives                                  | \$ | 544,140       | \$ | 544,140       | 115517 |
| 3D30                  | 600648 | Children's Trust Fund<br>Federal                            | \$ | 2,040,524     | \$ | 2,040,524     | 115518 |
| 3ER0                  | 600603 | Health Information<br>Technology                            | \$ | 411,661,286   | \$ | 416,395,286   | 115519 |
| 3F00                  | 600623 | Health Care Federal                                         | \$ | 2,637,061,505 | \$ | 2,720,724,869 | 115520 |
| 3F00                  | 600650 | Hospital Care<br>Assurance Match                            | \$ | 372,784,046   | \$ | 380,645,627   | 115521 |
| 3FA0                  | 600680 | Ohio Health Care<br>Grants                                  | \$ | 9,405,000     | \$ | 20,000,000    | 115522 |
| 3G50                  | 600655 | Interagency<br>Reimbursement                                | \$ | 1,626,305,787 | \$ | 1,385,391,478 | 115523 |
| 3H70                  | 600617 | Child Care Federal                                          | \$ | 208,290,036   | \$ | 204,813,731   | 115524 |
| 3N00                  | 600628 | IV-E Foster Care<br>Maintenance                             | \$ | 133,963,142   | \$ | 133,963,142   | 115525 |
| 3S50                  | 600622 | Child Support Projects                                      | \$ | 534,050       | \$ | 534,050       | 115526 |
| 3V00                  | 600688 | Workforce Investment<br>Act                                 | \$ | 176,496,250   | \$ | 172,805,562   | 115527 |
| 3V40                  | 600678 | Federal Unemployment<br>Programs                            | \$ | 188,680,096   | \$ | 186,723,415   | 115528 |
| 3V40                  | 600679 | Unemployment<br>Compensation Review<br>Commission - Federal | \$ | 4,166,988     | \$ | 4,068,758     | 115529 |
| 3V60                  | 600689 | TANF Block Grant                                            | \$ | 727,968,260   | \$ | 727,968,260   | 115530 |
| TOTAL FED             |        | Federal Special Revenue                                     |    |               |    |               | 115531 |
| Fund Group            |        |                                                             | \$ | 7,437,018,911 | \$ | 7,293,795,120 | 115532 |
| State Special Revenue |        | Fund Group                                                  |    |               |    |               | 115533 |
| 1980                  | 600647 | Children's Trust Fund                                       | \$ | 5,873,637     | \$ | 5,873,848     | 115534 |

|      |        |                                                     |    |             |    |             |        |
|------|--------|-----------------------------------------------------|----|-------------|----|-------------|--------|
| 4A90 | 600607 | Unemployment<br>Compensation<br>Administration Fund | \$ | 21,924,998  | \$ | 21,424,998  | 115535 |
| 4A90 | 600694 | Unemployment<br>Compensation Review<br>Commission   | \$ | 2,873,167   | \$ | 2,817,031   | 115536 |
| 4E30 | 600605 | Nursing Home<br>Assessments                         | \$ | 2,878,320   | \$ | 2,878,319   | 115537 |
| 4E70 | 600604 | Child and Family<br>Services Collections            | \$ | 400,000     | \$ | 400,000     | 115538 |
| 4F10 | 600609 | Foundation<br>Grants/Child & Family<br>Services     | \$ | 683,359     | \$ | 683,549     | 115539 |
| 4K10 | 600621 | ICF/MR Bed Assessments                              | \$ | 41,405,596  | \$ | 44,372,874  | 115540 |
| 4Z10 | 600625 | HealthCare Compliance                               | \$ | 25,000,000  | \$ | 25,000,000  | 115541 |
| 5AJ0 | 600631 | Money Follows the<br>Person                         | \$ | 5,483,080   | \$ | 4,733,080   | 115542 |
| 5DB0 | 600637 | Military Injury Grants                              | \$ | 2,000,000   | \$ | 2,000,000   | 115543 |
| 5DP0 | 600634 | Adoption Assistance<br>Loan                         | \$ | 500,000     | \$ | 500,000     | 115544 |
| 5ES0 | 600630 | Food Assistance                                     | \$ | 500,000     | \$ | 500,000     | 115545 |
| 5GF0 | 600656 | Medicaid - Hospital                                 | \$ | 436,000,000 | \$ | 436,000,000 | 115546 |
| 5KC0 | 600682 | Health Care Special<br>Activities                   | \$ | 10,000,000  | \$ | 10,000,000  | 115547 |
| 5R20 | 600608 | Medicaid-Nursing<br>Facilities                      | \$ | 402,489,308 | \$ | 407,100,746 | 115548 |
| 5S30 | 600629 | MR/DD Medicaid<br>Administration and<br>Oversight   | \$ | 9,252,738   | \$ | 9,147,791   | 115549 |
| 5U30 | 600654 | Health Care Services<br>Administration              | \$ | 24,902,307  | \$ | 25,439,266  | 115550 |
| 5U60 | 600663 | Children and Family<br>Support                      | \$ | 4,719,468   | \$ | 4,719,468   | 115551 |

|                                           |                        |                  |                  |        |
|-------------------------------------------|------------------------|------------------|------------------|--------|
| 6510 600649                               | Hospital Care          | \$ 212,526,123   | \$ 217,008,050   | 115552 |
|                                           | Assurance Program Fund |                  |                  |        |
| TOTAL SSR State Special Revenue           |                        |                  |                  | 115553 |
| Fund Group                                |                        | \$ 1,209,412,101 | \$ 1,220,599,020 | 115554 |
| Agency Fund Group                         |                        |                  |                  | 115555 |
| 1920 600646                               | Support Intercept -    | \$ 130,000,000   | \$ 130,000,000   | 115556 |
|                                           | Federal                |                  |                  |        |
| 5830 600642                               | Support Intercept -    | \$ 16,000,000    | \$ 16,000,000    | 115557 |
|                                           | State                  |                  |                  |        |
| 5B60 600601                               | Food Assistance        | \$ 2,000,000     | \$ 2,000,000     | 115558 |
|                                           | Intercept              |                  |                  |        |
| TOTAL AGY Agency Fund Group               |                        |                  |                  | 115559 |
| Holding Account Redistribution Fund Group |                        |                  |                  | 115560 |
| R012 600643                               | Refunds and Audit      | \$ 2,200,000     | \$ 2,200,000     | 115561 |
|                                           | Settlements            |                  |                  |        |
| R013 600644                               | Forgery Collections    | \$ 10,000        | \$ 10,000        | 115562 |
| TOTAL 090 Holding Account                 |                        |                  |                  | 115563 |
| Redistribution Fund Group                 |                        |                  |                  |        |
| TOTAL ALL BUDGET FUND GROUPS              |                        |                  |                  | 115564 |

**Section 309.20. SUPPORT SERVICES** 115566

**Section 309.20.10. ADMINISTRATION AND OPERATING** 115567

On July 1, 2011, or as soon as possible thereafter, the 115568  
 Director of Budget and Management may transfer up to \$535,300 cash 115569  
 from the TANF Quality Control Reinvestments Fund (Fund 5Z90) to 115570  
 the Administration and Operating Fund (Fund 5DM0). Upon completion 115571  
 of the transfer, Fund 5Z90 is abolished. 115572

Of the foregoing appropriation item 600633, Administration 115573  
 and Operating, the Department of Job and Family Services shall use 115574  
 up to \$535,300 to pay for one-time contract expenses. 115575

**Section 309.20.20.** TRANSFER TO STATE AND COUNTY SHARED 115576  
SERVICES FUND 115577

Within thirty days of the effective date of this act, or as 115578  
soon as possible thereafter, the Director of Budget and Management 115579  
shall transfer the unencumbered cash balance in the County 115580  
Technologies Fund (Fund 5N10) to the State and County Shared 115581  
Services Fund (Fund 5HL0). The transferred cash is hereby 115582  
appropriated. 115583

**Section 309.20.30.** AGENCY FUND GROUP 115584

The Agency Fund Group and Holding Account Redistribution Fund 115585  
Group shall be used to hold revenues until the appropriate fund is 115586  
determined or until the revenues are directed to the appropriate 115587  
governmental agency other than the Department of Job and Family 115588  
Services. If receipts credited to the Support Intercept - Federal 115589  
Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), 115590  
the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit 115591  
Settlements Fund (Fund R012), or the Forgery Collections Fund 115592  
(Fund R013) exceed the amounts appropriated from the fund, the 115593  
Director of Job and Family Services may request the Director of 115594  
Budget and Management to authorize expenditures from the fund in 115595  
excess of the amounts appropriated. Upon the approval of the 115596  
Director of Budget and Management, the additional amounts are 115597  
hereby appropriated. 115598

**Section 309.30.** MEDICAID 115599

**Section 309.30.10.** HEALTH CARE/MEDICAID 115600

The foregoing appropriation item 600525, Health 115601  
Care/Medicaid, shall not be limited by section 131.33 of the 115602  
Revised Code. 115603

**Section 309.30.20. UNIFIED LONG TERM CARE** 115604

The foregoing appropriation item 600525, Health 115605  
Care/Medicaid, may be used to provide the preadmission screening 115606  
and resident review (PASRR), which includes screening, 115607  
assessments, and determinations made under sections 5111.204, 115608  
5119.061, and 5123.021 of the Revised Code. 115609

The foregoing appropriation item 600525, Health 115610  
Care/Medicaid, may be used to assess and provide long-term care 115611  
consultations under section 173.42 of the Revised Code to clients 115612  
regardless of Medicaid eligibility. 115613

The foregoing appropriation item 600525, Health 115614  
Care/Medicaid, may be used to provide nonwaiver funded PASSPORT, 115615  
assisted living, and PACE services to persons who the state 115616  
department has determined to be eligible to participate in the 115617  
nonwaiver funded PASSPORT, assisted living, and PACE programs, who 115618  
applied for but have not yet been determined to be financially 115619  
eligible to participate in the Medicaid waiver component of the 115620  
PASSPORT Home Care Program, Assisted Living Program, or the PACE 115621  
Program by a county department of job and family services, and to 115622  
persons who are not eligible for Medicaid but were enrolled in the 115623  
PASSPORT Program prior to July 1, 1990. 115624

The foregoing appropriation item 600525, Health 115625  
Care/Medicaid, shall be used to provide the required state match 115626  
for federal Medicaid funds supporting the Medicaid waiver-funded 115627  
PASSPORT Home Care Program, the Choices Program, the Assisted 115628  
Living Program, and the PACE Program. 115629

The foregoing appropriation item 600525, Health 115630  
Care/Medicaid, shall be used to provide the federal matching share 115631  
of program costs determined by the Department of Job and Family 115632  
Services to be eligible for Medicaid reimbursement for the 115633  
Medicaid waiver-funded PASSPORT Home Care Program, the Choices 115634

Program, the Assisted Living Program, and the PACE Program. 115635

Of the foregoing appropriation item 600525, Health 115636  
Care/Medicaid, \$13,904,338 in fiscal year 2012 and \$27,894,003 in 115637  
fiscal year 2013 shall be used to provide supplemental funding to 115638  
the Medicaid waiver-funded PASSPORT Home Care Program. 115639

**Section 309.30.30. REDUCTION IN MEDICAID PAYMENT RATES** 115640

(A) For fiscal year 2012 and fiscal year 2013, the Director 115641  
of Job and Family Services shall implement purchasing strategies 115642  
and rate reductions for certain Medicaid-covered services, as 115643  
determined by the Director, that result in payment rates for those 115644  
services being at least two per cent less than the respective 115645  
payment rates for fiscal year 2011. The Director shall consider 115646  
the following when implementing purchasing strategies and rate 115647  
reductions under this section: 115648

(1) Modernizing hospital inpatient and outpatient 115649  
reimbursement methodologies by doing the following: 115650

(a) Modifying the inpatient hospital capital reimbursement 115651  
methodology; 115652

(b) Implementing relative weights for diagnosis-related 115653  
groups or establishing new diagnosis-related groups; 115654

(c) Implementing other changes the Director considers 115655  
appropriate. 115656

(2) Establishing selective contracting and prior 115657  
authorization requirements for types of medical assistance the 115658  
Director identifies. 115659

(B) In the case of any purchasing strategies and rate 115660  
reductions that reduce administrative rate payments made to 115661  
managed care organizations under contract with the Department of 115662  
Job and Family Services pursuant to section 5111.17 of the Revised 115663  
Code, the Department shall ensure that no managed care 115664

organization passes the administrative rate payment reductions 115665  
onto providers under contract with the organization. 115666

(C) The Director shall adopt rules under section 5111.02 and 115667  
5111.85 of the Revised Code as necessary to implement this 115668  
section. 115669

(D) This section does not apply to nursing facility and 115670  
intermediate care facility for the mentally retarded services 115671  
provided under the Medicaid program. 115672

**Section 309.30.33. REDUCTION OF MEDICAID MANAGED CARE 115673**  
ADMINISTRATIVE EXPENSES 115674

For fiscal year 2012 and fiscal year 2013, the Department of 115675  
Job and Family Services may reduce by one per cent the rate it 115676  
pays for administrative expenses to managed care organizations 115677  
under contract with the Department pursuant to section 5111.17 of 115678  
the Revised Code. 115679

If any reduction is made pursuant to this section, the 115680  
managed care organization receiving the reduction shall not pass 115681  
the cost of the reduction onto any hospital with which it has a 115682  
contract to provide services to the Medicaid recipients enrolled 115683  
in the organization. 115684

**Section 309.30.35. CONTINUATION OF MEDICAID RATES FOR 115685**  
HOSPITAL INPATIENT AND OUTPATIENT SERVICES 115686

The Director of Job and Family Services shall amend rules 115687  
adopted under section 5111.02 of the Revised Code as necessary to 115688  
continue, for the period beginning July 1, 2011, through June 30, 115689  
2013, the Medicaid reimbursement rates in effect from October 1, 115690  
2009, through June 30, 2011, for Medicaid-covered hospital 115691  
inpatient services and hospital outpatient services that are paid 115692  
under the prospective payment system established in those rules. 115693  
The rates shall continue to be in effect, notwithstanding any 115694

policies or rules the Director adopts or amends pursuant to the 115695  
section of this act titled "Reduction of Medicaid Expenditures." 115696

**Section 309.30.40. MANAGED CARE PERFORMANCE PAYMENT PROGRAM** 115697

At the beginning of each quarter, or as soon as possible 115698  
thereafter, the Director of Job and Family Services shall certify 115699  
to the Director of Budget and Management the amount withheld in 115700  
accordance with section 5111.179 of the Revised Code for purposes 115701  
of the Managed Care Performance Payment Program. Upon receiving 115702  
certification, the Director of Budget and Management shall 115703  
transfer cash in the amount certified from the General Revenue 115704  
Fund to the Managed Care Performance Payment Fund. The transferred 115705  
cash is hereby appropriated. Appropriation item 600525, Health 115706  
Care/Medicaid, is hereby reduced by the amount of the transfer. 115707

**Section 309.30.50. COORDINATION OF CARE FOR COVERED FAMILIES** 115708  
**AND CHILDREN PENDING MEDICAID MANAGED CARE ENROLLMENT** 115709

(A) As used in this section, "Medicaid managed care" means 115710  
the care management system established under section 5111.16 of 115711  
the Revised Code. 115712

(B) The departments of Job and Family Services and Health 115713  
shall work together on the issue of achieving efficiencies in the 115714  
delivery of medical assistance provided under Medicaid to families 115715  
and children. 115716

(C) As part of their work under division (B) of this section, 115717  
the departments shall develop a proposal for coordinating medical 115718  
assistance provided to families and children under Medicaid while 115719  
they wait to be enrolled in Medicaid managed care. In developing 115720  
the proposal, the departments may do the following: 115721

(1) Conduct research on the status of families and children 115722  
waiting to be enrolled in Medicaid managed care, including 115723  
research on the reasons for the wait and the utilization of 115724



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| medical assistance during the waiting period;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 115725                                                                                                                                                                           |
| (2) Conduct a review of ways to help families and children receive medical assistance in the most appropriate setting while they wait to be enrolled in Medicaid managed care;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 115726<br>115727<br>115728                                                                                                                                                       |
| (3) Develop recommendations for a coordinated, cost-effective system of helping families and children waiting to be enrolled in Medicaid managed care find the medical assistance they need during the waiting period;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 115729<br>115730<br>115731<br>115732                                                                                                                                             |
| (4) For the purpose of reducing the waiting period for enrollment in Medicaid managed care, develop recommendations for improving the enrollment processes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 115733<br>115734<br>115735                                                                                                                                                       |
| (D) As part of the work that is done under division (B) of this section, the Department of Job and Family Services may submit to the United States Secretary of Health and Human Services a request for a Medicaid state plan amendment to authorize payment for Medicaid-reimbursable targeted case management services that are provided in connection with the Help Me Grow Program and for services provided under the Program. Each quarter during fiscal year 2012 and fiscal year 2013 following approval of the Medicaid state plan amendment, the Department of Job and Family Services shall certify to the Director of Budget and Management the state and federal share of the amount the Department of Job and Family Services has expended that quarter for services under this section. On receipt of each quarterly certification to the Director of Budget and Management shall decrease appropriation from appropriation item 440459, Help Me Grow, an amount equal to the state share of the certified expenditures and increase appropriation item 600525, Health Care/Medicaid by an equal amount and adjust the Federal share accordingly. | 115736<br>115737<br>115738<br>115739<br>115740<br>115741<br>115742<br>115743<br>115744<br>115745<br>115746<br>115747<br>115748<br>115749<br>115750<br>115751<br>115752<br>115753 |
| <b>Section 309.30.60. FISCAL YEAR 2012 MEDICAID REIMBURSEMENT SYSTEM FOR NURSING FACILITIES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 115754<br>115755                                                                                                                                                                 |

(A) As used in this section: 115756

"Franchise permit fee," "Medicaid days," "nursing facility," 115757  
and "provider" have the same meanings as in section 5111.20 of the 115758  
Revised Code. 115759

"Nursing facility services" means nursing facility services 115760  
covered by the Medicaid program that a nursing facility provides 115761  
to a resident of the nursing facility who is a Medicaid recipient 115762  
eligible for Medicaid-covered nursing facility services. 115763

(B) Except as otherwise provided by this section, the 115764  
provider of a nursing facility that has a valid Medicaid provider 115765  
agreement on June 30, 2011, and a valid Medicaid provider 115766  
agreement during fiscal year 2012 shall be paid, for nursing 115767  
facility services the nursing facility provides during fiscal year 115768  
2012, the rate calculated for the nursing facility under sections 115769  
5111.20 to 5111.33 of the Revised Code with the following 115770  
adjustments: 115771

(1) The cost per case mix-unit calculated under section 115772  
5111.231 of the Revised Code, the rate for ancillary and support 115773  
costs calculated under section 5111.24 of the Revised Code, the 115774  
rate for tax costs calculated under section 5111.242 of the 115775  
Revised Code, and the rate for capital costs calculated under 115776  
section 5111.25 of the Revised Code shall each be increased by 115777  
five and eight hundredths per cent; 115778

(2) The mean payment used in the calculation of the quality 115779  
incentive payment made under section 5111.244 of the Revised Code 115780  
shall be, weighted by Medicaid days, fourteen dollars and 115781  
forty-one cents per Medicaid day. 115782

(C) If the franchise permit fee must be reduced or eliminated 115783  
to comply with federal law, the Department of Job and Family 115784  
Services shall reduce the amount it pays providers of nursing 115785  
facility services under this section as necessary to reflect the 115786

loss to the state of the revenue and federal financial 115787  
participation generated from the franchise permit fee. 115788

(D) The Department of Job and Family Services shall follow 115789  
this section in determining the rate to be paid to the provider of 115790  
a nursing facility that has a valid Medicaid provider agreement on 115791  
June 30, 2011, and a valid Medicaid provider agreement during 115792  
fiscal year 2012 notwithstanding anything to the contrary in 115793  
sections 5111.20 to 5111.33 of the Revised Code. 115794

**Section 309.30.70. FISCAL YEAR 2013 MEDICAID REIMBURSEMENT** 115795  
**SYSTEM FOR NURSING FACILITIES** 115796

(A) As used in this section: 115797

"Franchise permit fee," "Medicaid days," "nursing facility," 115798  
and "provider" have the same meanings as in section 5111.20 of the 115799  
Revised Code. 115800

"Nursing facility services" means nursing facility services 115801  
covered by the Medicaid program that a nursing facility provides 115802  
to a resident of the nursing facility who is a Medicaid recipient 115803  
eligible for Medicaid-covered nursing facility services. 115804

(B) Except as otherwise provided by this section, the 115805  
provider of a nursing facility that has a valid Medicaid provider 115806  
agreement on June 30, 2012, and a valid Medicaid provider 115807  
agreement during fiscal year 2013 shall be paid, for nursing 115808  
facility services the nursing facility provides during fiscal year 115809  
2013, the rate calculated for the nursing facility under sections 115810  
5111.20 to 5111.33 of the Revised Code with the following 115811  
adjustments: 115812

(1) The cost per case mix-unit calculated under section 115813  
5111.231 of the Revised Code, the rate for ancillary and support 115814  
costs calculated under section 5111.24 of the Revised Code, the 115815  
rate for tax costs calculated under section 5111.242 of the 115816

Revised Code, and the rate for capital costs calculated under 115817  
section 5111.25 of the Revised Code shall each be increased by 115818  
five and eight hundredths per cent; 115819

(2) Unless, pursuant to division (D) of section 5111.244 of 115820  
the Revised Code, no quality incentive payment is to be made for 115821  
fiscal year 2013, the mean payment used in the calculation of the 115822  
quality incentive payment made under section 5111.244 of the 115823  
Revised Code shall be, weighted by Medicaid days, fourteen dollars 115824  
and sixty-three cents per Medicaid day. 115825

(C) If the franchise permit fee must be reduced or eliminated 115826  
to comply with federal law, the Department of Job and Family 115827  
Services shall reduce the amount it pays providers of nursing 115828  
facility services under this section as necessary to reflect the 115829  
loss to the state of the revenue and federal financial 115830  
participation generated from the franchise permit fee. 115831

(D) The Department of Job and Family Services shall follow 115832  
this section in determining the rate to be paid to the provider of 115833  
a nursing facility that has a valid Medicaid provider agreement on 115834  
June 30, 2012, and a valid Medicaid provider agreement during 115835  
fiscal year 2013 notwithstanding anything to the contrary in 115836  
sections 5111.20 to 5111.33 of the Revised Code. 115837

**Section 309.30.73. NURSING FACILITY CAPACITY COUNCIL** 115838

(A) As used in this section, "nursing facility" has the same 115839  
meaning as in section 5111.20 of the Revised Code. 115840

(B) There is hereby created the Nursing Facility Capacity 115841  
Council. The Council shall consist of the following members, each 115842  
of whom shall be appointed not later than sixty days after the 115843  
effective date of this section: 115844

(1) One or more members of the Ohio Health Care Association, 115845  
appointed by the executive director or chief administrative 115846

officer of the Association; 115847

(2) One or more members of the Ohio Academy of Nursing Homes, 115848  
appointed by the executive director or chief administrative 115849  
officer of the Academy; 115850

(3) One or more members of LeadingAge Ohio, appointed by the 115851  
executive director or chief administrative officer of that 115852  
organization; 115853

(4) One or more employees of the Department of Job and Family 115854  
Services, appointed by the Director of Job and Family Services; 115855

(5) One or more employees of the Department of Aging, 115856  
appointed by the Director of Aging; 115857

(6) One or more employees of the Department of Health, 115858  
appointed by the Director of Health; 115859

(7) One or more employees of the Governor's Office of Health 115860  
Transformation, appointed by the director of the Office. 115861

Each member of the Council shall serve at the pleasure of the 115862  
member's appointing authority. A member shall serve without 115863  
compensation, except to the extent that serving on the Council is 115864  
considered part of the member's regular duties of employment. 115865

(C)(1) The Council shall examine the current and future 115866  
capacity of nursing facilities in Ohio and the configuration of 115867  
that capacity. 115868

(2) If excess capacity in nursing facilities is identified 115869  
pursuant to the examination conducted under division (C)(1) of 115870  
this section, the Council shall determine the potential effects of 115871  
the excess capacity and recommend actions the state or private 115872  
industry may take to address the excess capacity. For each action 115873  
recommended, the Council shall consider and explain the impact of 115874  
the action on all of the following: 115875

(a) The excess capacity; 115876

|                                                                                                                                                                                                                                                                                              |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (b) The nursing facilities that would be affected by the action;                                                                                                                                                                                                                             | 115877<br>115878                               |
| (c) State revenues and expenditures.                                                                                                                                                                                                                                                         | 115879                                         |
| (D) Not later than June 30, 2012, submit a written report of its findings and recommendations to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly. On submission of the report, the Council shall cease to exist.                               | 115880<br>115881<br>115882<br>115883<br>115884 |
| <b>Section 309.30.80. STUDY OF ICF/MR ISSUES</b>                                                                                                                                                                                                                                             | 115885                                         |
| (A) As used in this section:                                                                                                                                                                                                                                                                 | 115886                                         |
| "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.                                                                                                                                                                                          | 115887<br>115888                               |
| "ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.                                                                                                                                                                    | 115889<br>115890                               |
| "ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.                                                                                                                                                  | 115891<br>115892<br>115893                     |
| (B) The Departments of Job and Family Services and Developmental Disabilities shall study issues regarding the administration of, and Medicaid reimbursement for, ICF/MR services. In conducting the study, the Departments shall examine the following:                                     | 115894<br>115895<br>115896<br>115897<br>115898 |
| (1) Revising the Individual Assessment Form Answer Sheet in a manner that provides a more accurate assessment of the acuity and care needs of individuals who need ICF/MR services, especially the acuity and care needs of such individuals who have intensive behavioral or medical needs; | 115899<br>115900<br>115901<br>115902<br>115903 |
| (2) Revising the Medicaid reimbursement formula for ICF/MR services to accomplish the following:                                                                                                                                                                                             | 115904<br>115905                               |

|                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (a) Ensure that reimbursement for capital costs is adequate for maintaining the capital assets of ICFs/MR in a manner that promotes the well being of the residents;                                                                                                                                                                                                                                                                        | 115906<br>115907<br>115908                                         |
| (b) Provide capital incentives for reducing the capacity of ICFs/MR as necessary to achieve goals regarding the optimal capacity of ICFs/MR;                                                                                                                                                                                                                                                                                                | 115909<br>115910<br>115911                                         |
| (c) Ensure that wages paid individuals who provide direct care services to ICF/MR residents are sufficient for ICFs/MR to meet staffing and quality requirements;                                                                                                                                                                                                                                                                           | 115912<br>115913<br>115914                                         |
| (d) Provide incentives for high quality services;                                                                                                                                                                                                                                                                                                                                                                                           | 115915                                                             |
| (e) Achieve other goals developed for the purpose of improving the appropriateness and sufficiency of Medicaid reimbursements for ICF/MR services.                                                                                                                                                                                                                                                                                          | 115916<br>115917<br>115918                                         |
| (3) Transferring the powers and duties regarding ICF/MR services from the Department of Job and Family Services to the Department of Developmental Disabilities.                                                                                                                                                                                                                                                                            | 115919<br>115920<br>115921                                         |
| (C) The Departments shall examine the issue of revising the Individual Assessment Form Answer Sheet before examining the issue of revising the Medicaid reimbursement formula for ICF/MR services. Not later than October 1, 2011, the Departments shall prepare a report of the study conducted under this section and submit the report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly. | 115922<br>115923<br>115924<br>115925<br>115926<br>115927<br>115928 |
| (D) At the same time that the Departments conduct the study under this section, they shall work with the Governor's Office of Health Transformation and persons interested in the issue of ICF/MR services to develop recommendations regarding the following:                                                                                                                                                                              | 115929<br>115930<br>115931<br>115932<br>115933                     |
| (1) Goals regarding the ratio of home and community-based services and ICF/MR services provided under the Medicaid program                                                                                                                                                                                                                                                                                                                  | 115934<br>115935                                                   |

that take into account goals regarding the optimal capacity of ICFs/MR; 115936  
115937

(2) The roles and responsibilities of both of the following: 115938

(a) ICFs/MR owned and operated by the Department of Developmental Disabilities; 115939  
115940

(b) Providers of home and community-based services. 115941

(3) Simplifying and eliminating duplicate regulations regarding ICFs/MR in a manner that lowers the cost of ICF/MR services. 115942  
115943  
115944

(E) The powers and duties regarding ICF/MR services shall not be transferred from the Department of Job and Family Services to the Department of Developmental Disabilities unless a state law is enacted that expressly authorizes the transfer. 115945  
115946  
115947  
115948

**Section 309.30.90. FISCAL YEAR 2012 MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR** 115949  
115950

(A) As used in this section: 115951

(1) "Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code. 115952  
115953  
115954

(2) "Continuing ICF/MR" means an ICF/MR to which either of the following apply: 115955  
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(a) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2011, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2012. 115957  
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(b) The ICF/MR undergoes a change of operator that takes effect during fiscal year 2012, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on June 30, 2011, and the entering operator has a valid Medicaid provider agreement for the ICF/MR for at least part of fiscal year 2012 after the change 115960  
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of operator takes effect. 115965

(3) "Franchise permit fee" and "provider" have the same 115966  
meanings as in section 5111.20 of the Revised Code. 115967

(4) "ICF/MR" means an intermediate care facility for the 115968  
mentally retarded as defined in section 5111.20 of the Revised 115969  
Code. 115970

(5) "ICF/MR services" means services covered by the Medicaid 115971  
program that an ICF/MR provides to a Medicaid recipient eligible 115972  
for the services. 115973

(6) "Medicaid days" means all days during which a resident 115974  
who is a Medicaid recipient occupies a bed in an ICF/MR that is 115975  
included in the ICF/MR's Medicaid-certified capacity. Therapeutic 115976  
or hospital leave days for which payment is made under section 115977  
5111.33 of the Revised Code are considered Medicaid days 115978  
proportionate to the percentage of the ICF/MR's per resident per 115979  
day rate paid for those days. 115980

(7) "New ICF/MR" means an ICF/MR to which section 5111.255 of 115981  
the Revised Code applies for fiscal year 2012. 115982

(8) "Per diem rate" means the per diem rate calculated 115983  
pursuant to sections 5111.20 to 5111.33 of the Revised Code. 115984

(B) If the mean total per diem rate for all ICFs/MR in this 115985  
state for fiscal year 2012, weighted by May 2011 Medicaid days and 115986  
calculated as of July 1, 2011, exceeds \$279.81, the Department of 115987  
Job and Family Services shall reduce, for fiscal year 2012, the 115988  
total per diem rate for each continuing ICF/MR by a percentage 115989  
that is equal to the percentage by which the mean total per diem 115990  
rate exceeds \$279.81. 115991

(C) The provider of a new ICF/MR shall be paid, for ICF/MR 115992  
services the ICF/MR provides during fiscal year 2012, the rate 115993  
calculated for the ICF/MR under section 5111.255 of the Revised 115994

Code reduced by the same percentage that the rate for a continuing ICF/MR is reduced under division (B) of this section. 115995  
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(D) The rate of an ICF/MR set pursuant to this section shall not be subject to any adjustments authorized by sections 5111.20 to 5111.33 of the Revised Code, or any rule authorized by those sections, during the remainder of fiscal year 2012. 115997  
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(E) If the franchise permit fee must be reduced or eliminated to comply with federal law, the Department of Job and Family Services shall reduce the amount it pays providers of ICF/MR services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee. 116001  
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(F) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of a continuing ICF/MR or new ICF/MR for ICF/MR services provided during fiscal year 2012 notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code, except sections 5111.258 and 5111.291 of the Revised Code. 116007  
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**Section 309.33.10. FISCAL YEAR 2013 MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR** 116013  
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(A) As used in this section: 116015

(1) "Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code. 116016  
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(2) "Continuing ICF/MR" means an ICF/MR to which either of the following apply: 116019  
116020

(a) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2012, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2013. 116021  
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(b) The ICF/MR undergoes a change of operator that takes 116024

effect during fiscal year 2013, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on June 30, 2012, and the entering operator has a valid Medicaid provider agreement for the ICF/MR for at least part of fiscal year 2013 after the change of operator takes effect.

(3) "Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code.

(4) "ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.

(5) "ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.

(6) "Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the ICF/MR's per resident per day rate paid for those days.

(7) "New ICF/MR" means an ICF/MR to which section 5111.255 of the Revised Code applies for fiscal year 2013.

(8) "Per diem rate" means the per diem rate calculated pursuant to sections 5111.20 to 5111.33 of the Revised Code.

(B) If the mean total per diem rate for all ICFs/MR in this state for fiscal year 2013, weighted by May 2012 Medicaid days and calculated as of July 1, 2012, exceeds \$280.14, the Department of Job and Family Services shall reduce, for fiscal year 2013, the total per diem rate for each continuing ICF/MR by a percentage that is equal to the percentage by which the mean total per diem rate exceeds \$280.14.

(C) The provider of a new ICF/MR shall be paid, for ICF/MR 116056  
services the ICF/MR provides during fiscal year 2013, the rate 116057  
calculated for the ICF/MR under section 5111.255 of the Revised 116058  
Code reduced by the same percentage that the rate for a continuing 116059  
ICF/MR is reduced under division (B) of this section. 116060

(D) The rate of an ICF/MR set pursuant to this section shall 116061  
not be subject to any adjustments authorized by sections 5111.20 116062  
to 5111.33 of the Revised Code, or any rule authorized by those 116063  
sections, during the remainder of fiscal year 2013. 116064

(E) If the franchise permit fee must be reduced or eliminated 116065  
to comply with federal law, the Department of Job and Family 116066  
Services shall reduce the amount it pays providers of ICF/MR 116067  
services under this section as necessary to reflect the loss to 116068  
the state of the revenue and federal financial participation 116069  
generated from the franchise permit fee. 116070

(F) The Department of Job and Family Services shall follow 116071  
this section in determining the rate to be paid to the provider of 116072  
a continuing ICF/MR or new ICF/MR for ICF/MR services provided 116073  
during fiscal year 2013 notwithstanding anything to the contrary 116074  
in sections 5111.20 to 5111.33 of the Revised Code, except 116075  
sections 5111.258 and 5111.291 of the Revised Code. 116076

**Section 309.33.20. WAIVER SERVICES TRANSFERRED TO DEPARTMENT 116077**  
OF DEVELOPMENTAL DISABILITIES 116078

The Director of Budget and Management shall establish line 116079  
items for use by the Department of Developmental Disabilities for 116080  
purposes regarding the Department's assumption of powers and 116081  
duties under section 5111.871 of the Revised Code regarding the 116082  
Medicaid waiver component known as the Transitions Developmental 116083  
Disabilities Waiver. The Department of Developmental Disabilities 116084  
shall certify to the Director of Budget and Management and the 116085  
Director of Job and Family Services the appropriation amounts, in 116086

fiscal year 2012 and fiscal year 2013, necessary for the 116087  
Department of Developmental Disabilities to fulfill its 116088  
obligations regarding the new powers and duties without 116089  
duplicating administration or services that remain with the 116090  
Department of Job and Family Services. The Department of Job and 116091  
Family Services shall certify to the Director of Budget and 116092  
Management that there is an equal reduction in the Department of 116093  
Job and Family Services' administration and services as is being 116094  
certified by the Department of Developmental Disabilities. 116095

Once all certifications required under this section have been 116096  
submitted and approved by the Director of Budget and Management, 116097  
the appropriation items established under this section are hereby 116098  
appropriated in the amounts approved by the Director of Budget and 116099  
Management. The appropriations to the Department of Developmental 116100  
Disabilities in each fiscal year shall not exceed the aggregate 116101  
amount of expenditures that the Department of Job and Family 116102  
Services made in fiscal year 2011 for services provided under the 116103  
Transitions Developmental Disabilities Waiver and related 116104  
administrative costs. Appropriation item 600525, Health 116105  
Care/Medicaid, is hereby reduced by the corresponding state and 116106  
federal share of the amounts appropriated under this section to 116107  
the Department of Developmental Disabilities in each fiscal year. 116108

**Section 309.33.30. ADMINISTRATIVE ISSUES RELATED TO 116109**  
TERMINATION OF MEDICAID WAIVER PROGRAMS 116110

(A) As used in this section, "ODJFS or ODA Medicaid waiver 116111  
component" means the following: 116112

(1) The Medicaid waiver component of the PASSPORT program 116113  
created under section 173.40 of the Revised Code; 116114

(2) The Choices program created under section 173.403 of the 116115  
Revised Code; 116116

(3) The Ohio Home Care program created under section 5111.861 116117  
of the Revised Code; 116118

(4) The Ohio Transitions II Aging Carve-Out program created 116119  
under section 5111.862 of the Revised Code; 116120

(5) The Medicaid waiver component of the Assisted Living 116121  
program created under section 5111.89 of the Revised Code. 116122

(B) If an ODJFS or ODA Medicaid waiver component is 116123  
terminated under section 173.40, 173.403, 5111.861, 5111.862, or 116124  
5111.89 of the Revised Code, all of the following apply: 116125

(1) All applicable statutes, and all applicable rules, 116126  
standards, guidelines, or orders issued by the Director or 116127  
Department of Job and Family Services or Director or Department of 116128  
Aging before the component is terminated, shall remain in full 116129  
force and effect on and after that date, but solely for purposes 116130  
of concluding the component's operations, including fulfilling the 116131  
Departments' legal obligations for claims arising from the 116132  
component relating to eligibility determinations, covered medical 116133  
assistance provided to eligible persons, and recovering erroneous 116134  
overpayments. 116135

(2) Notwithstanding the termination of the component, the 116136  
right of subrogation for the cost of medical assistance given 116137  
under section 5101.58 of the Revised Code to the Department of Job 116138  
and Family Services and an assignment of the right to medical 116139  
assistance given under section 5101.59 of the Revised Code to the 116140  
Department continue to apply with respect to the component and 116141  
remain in force to the full extent provided under those sections. 116142

(3) The Departments of Job and Family Services and Aging may 116143  
use appropriated funds to satisfy any claims or contingent claims 116144  
for medical assistance provided under the component before the 116145  
component's termination. 116146

(4) Neither department has liability under the component to 116147

reimburse any provider or other person for claims for medical 116148  
assistance rendered under the component after it is terminated. 116149

(C) The Directors of Job and Family Services and Aging may 116150  
adopt rules in accordance with Chapter 119. of the Revised Code to 116151  
implement this section. 116152

**Section 309.33.40. MEDICAID QUALITY IMPROVEMENT INITIATIVES 116153**  
FOR CHILDREN 116154

Building on the quality improvement work of the Best Evidence 116155  
for Advancing Child Health in Ohio Now (BEACON) Council, the 116156  
Departments of Health, Mental Health, and Job and Family Services, 116157  
in conjunction with the Governor's Office of Health 116158  
Transformation, may seek assistance from, and work with, hospitals 116159  
and other provider groups to identify specific targets and 116160  
initiatives to reduce the cost, and improve the quality, of 116161  
medical assistance provided under the Medicaid program to 116162  
children. At a minimum, the targets and initiatives shall focus on 116163  
reducing all of the following: 116164

(A) Avoidable hospitalizations; 116165

(B) Inappropriate emergency room utilization; 116166

(C) Use of multiple medications when not medically indicated; 116167

(D) The state's rate of premature births; 116168

(E) The state's rate of elective, preterm births. 116169

If the Departments of Health, Mental Health, and Job and 116170  
Family Services identify initiatives under this section, they 116171  
shall make the initiatives available on their internet web sites. 116172  
The Departments shall also make a list of hospitals and other 116173  
provider groups involved in the initiatives available on their 116174  
internet web sites. 116175

**Section 309.33.50. EXPANSION AND EVALUATION OF PACE PROGRAM 116176**

(A) In order to effectively administer and manage growth within the PACE Program, the Director of Aging, in consultation with the Director of Job and Family Services, may expand the PACE Program to regions of the state beyond those currently served by the PACE Program if both of the following apply:

(1) Funding is available for the expansion.

(2) The Directors of Aging and Job and Family Services mutually determine, taking into consideration the results of the evaluation conducted under division (B) of this section, that the PACE Program is a cost effective alternative to nursing home care.

(B) The Director of Aging shall contract with Miami University's Scripps Gerontology Center for an evaluation of the PACE program. The contract shall require the Center, in conducting the evaluation, to collaborate with the Director and PACE providers and to take into account the PACE Program's unique features.

(C) The Directors of Aging and Job and Family Services shall use their best efforts to achieve an arrangement with the United States Centers for Medicare and Medicaid Services (CMS) under which CMS agrees to share with the state any savings to the Medicare program resulting from an expansion of the PACE Program.

(D) If the PACE Program is expanded, the Director of Aging may not decrease the number of individuals in Cuyahoga and Hamilton counties and parts of Butler, Clermont, and Warren counties who are participants in the PACE Program below the number of individuals in those counties and parts of counties who were participants in the PACE Program on July 1, 2011.

**Section 309.33.60. REPEAL OF THE CHILDREN'S BUY-IN PROGRAM**

(A) Notwithstanding sections 5101.5211 to 5101.5216 of the Revised Code and all references in the Revised Code to those



sections or the Children's Buy-In Program, no person may enroll in the Program on or after the effective date of this section.

Notwithstanding this act's repeal on October 1, 2011, of the statutes under which the Program is operated, persons enrolled in the Program immediately prior to that date may continue to receive services under the Program, as if those statutes were not repealed. Such persons may receive the services through December 31, 2011, as long as they remain eligible for the Program.

(B) Commencing on the effective date of this section, the Director of Job and Family Services shall take steps as necessary to transition persons enrolled in the Program to other health coverage options and otherwise conclude Program operations.

All Program-related rules, standards, guidelines, or orders issued by the Director or Department of Job and Family Services prior to October 1, 2011, shall remain in full force and effect on and after that date, but solely for purposes of concluding the Program's operations. Such purposes include permitting eligible persons to receive services under the Program through December 31, 2011, as authorized by this section, and fulfilling the Department's legal obligations for claims arising from the Program relating to eligibility determinations, covered medical services rendered to eligible persons, and recovering erroneous overpayments.

(C) Notwithstanding this act's repeal of the statutes authorizing the Program, the right of subrogation for the cost of medical services and care given under section 5101.58 of the Revised Code to the Department and an assignment of the right to medical support given under section 5101.59 of the Revised Code to the Department continue to apply with respect to the Program and remain in force to the full extent provided under those sections.

(D) The Department may use appropriated funds to satisfy any

claims or contingent claims for services rendered to Program 116238  
participants prior to October 1, 2011, and to eligible persons who 116239  
receive services under the Program through December 31, 2011, as 116240  
authorized by this section. The Department has no liability under 116241  
the Program to reimburse any provider or other person for claims 116242  
for services rendered on or after January 1, 2012. 116243

(E) The Department may adopt rules in accordance with section 116244  
111.15 of the Revised Code to implement this section. 116245

**Section 309.33.70. CONTINUATION OF DISPENSING FEE FOR 116246**  
NONCOMPOUNDED DRUGS 116247

The Medicaid dispensing fee for each noncompounded drug 116248  
covered by the Medicaid program shall be \$1.80 for the period 116249  
beginning July 1, 2011, and ending on the effective date of a 116250  
rule, or an amendment to a rule, changing the amount of the fee 116251  
that the Director of Job and Family Services adopts or amends 116252  
under section 5111.02 of the Revised Code. 116253

**Section 309.33.80. MONEY FOLLOWS THE PERSON ENHANCED 116254**  
REIMBURSEMENT FUND 116255

The Money Follows the Person Enhanced Reimbursement Fund, 116256  
created by Section 751.20 of Am. Sub. H.B. 562 of the 127th 116257  
General Assembly, shall continue to exist in the state treasury 116258  
for fiscal year 2012 and fiscal year 2013. The federal payments 116259  
made to the state under subsection (e) of section 6071 of the 116260  
"Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, 116261  
shall be deposited into the fund. The Department of Job and Family 116262  
Services shall continue to use money deposited into the fund for 116263  
system reform activities related to the Money Follows the Person 116264  
demonstration project. 116265

**Section 309.33.90. MEDICARE PART D 116266**

The foregoing appropriation item 600526, Medicare Part D, may be used by the Department of Job and Family Services for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Department of Job and Family Services, the Director of Budget and Management may transfer the state share of appropriations between appropriation item 600525, Health Care/Medicaid, or appropriation item 600526, Medicare Part D. If the state share of appropriation item 600525, Health Care/Medicaid, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly. The Department of Job and Family Services shall provide notification to the Controlling Board of any transfers at the next scheduled Controlling Board meeting.

**Section 309.35.10. REBALANCING LONG-TERM CARE**

(A) As used in this section:

"Balancing Incentive Payments Program" means the program established under section 10202 of the Patient Protection and Affordable Care Act.

"Long-term services and supports" has the same meaning as in section 10202(f)(1) of the Patient Protection and Affordable Care Act.

"Non-institutionally-based long-term services and supports" has the same meaning as in section 10202(f)(1)(B) of the Patient Protection and Affordable Care Act.

"Patient Protection and Affordable Care Act" means Public Law 111-148.

(B) The Departments of Job and Family Services, Aging, and Developmental Disabilities shall continue efforts to achieve a

sustainable and balanced delivery system for long-term services 116297  
and supports. In so doing, the Departments shall strive to realize 116298  
the following goals by June 30, 2013: 116299

(1) Having at least fifty per cent of Medicaid recipients who 116300  
are sixty years of age or older and need long-term services and 116301  
supports utilize non-institutionally-based long-term services and 116302  
supports; 116303

(2) Having at least sixty per cent of Medicaid recipients who 116304  
are less than sixty years of age and have cognitive or physical 116305  
disabilities for which long-term services and supports are needed 116306  
utilize non-institutionally-based long-term services and supports. 116307

(C) If the Department of Job and Family Services determines 116308  
that participating in the Balancing Incentive Payments Program 116309  
will assist in achieving the goals specified in division (B) of 116310  
this section, the Department may apply to the United States 116311  
Secretary of Health and Human Services to participate in the 116312  
program. Any funds the state receives as the result of the 116313  
enhanced federal financial participation provided to states 116314  
participating in the Balancing Incentive Payments Program shall be 116315  
deposited into the Balancing Incentive Payments Program Fund, 116316  
which is hereby created in the state treasury. The Department of 116317  
Job and Family Services shall use the money in the fund in 116318  
accordance with section 10202(c)(4) of the Patient Protection and 116319  
Affordable Care Act. 116320

**Section 309.35.20. BALANCING INCENTIVE PAYMENTS PROGRAM FUND** 116321

The Director of Job and Family Services may seek Controlling 116322  
Board approval to make expenditures from the Balancing Incentive 116323  
Payments Program Fund. 116324

**Section 309.35.30. DUAL ELIGIBLE INTEGRATED CARE** 116325  
DEMONSTRATION PROJECT 116326

The Director of Job and Family Services may seek Controlling Board approval to make expenditures from the Integrated Care Delivery Systems Fund.

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**Section 309.35.40. OHIO ACCESS SUCCESS PROJECT AND IDENTIFICATION OF OVERPAYMENTS**

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(A) Notwithstanding any limitations in sections 3721.51 and 3721.56 of the Revised Code, in each fiscal year, cash from the Nursing Home Franchise Permit Fee Fund (Fund 5R20) may be used by the Department of Job and Family Services for the following purposes:

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(1) Up to \$3,000,000 in each fiscal year to fund the state share of audits or limited reviews of Medicaid providers;

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(2) Up to \$450,000 in each fiscal year to provide one-time transitional benefits under the Ohio Access Success Project that the Director of Job and Family Services may establish under section 5111.97 of the Revised Code.

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(B) On July 1, 2011, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Home and Community-Based Services for the Aged Fund (Fund 4J50) to the Nursing Home Franchise Permit Fee Fund (Fund 5R20). The transferred cash is hereby appropriated. Upon completion of the transfer, Fund 4J50 is abolished. The Director shall cancel any existing encumbrances against appropriation item 600613, Nursing Facility Bed Assessments, and appropriation item 600618, Residential State Supplement Payments, and reestablish them against appropriation item 600608, Medicaid - Nursing Facilities.

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**Section 309.35.50. PROVIDER FRANCHISE FEE OFFSETS**

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(A) At least quarterly, the Director of Job and Family Services shall certify to the Director of Budget and Management both of the following:

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(1) The amount of offsets withheld under section 3721.541 of the Revised Code from payments made from the General Revenue Fund. 116357  
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(2) The amount of offsets withheld under section 5112.341 of the Revised Code from payments made from the General Revenue Fund. 116359  
116360

(B) The Director of Budget and Management may transfer cash from the General Revenue Fund to all of the following: 116361  
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(1) The Nursing Home Franchise Permit Fee Fund (Fund 5R20), in accordance with section 3721.56 of the Revised Code; 116363  
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(2) The ICF/MR Bed Assessments Fund (Fund 4K10). 116365

(C) Amounts transferred pursuant to this section are hereby appropriated. 116366  
116367

**Section 309.35.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF DEVELOPMENTAL DISABILITIES** 116368  
116369

The Department of Job and Family Services may transfer cash in each fiscal year from the ICF/MR Bed Assessments Fund (Fund 4K10) to the Home and Community-Based Services Fund (Fund 4K80), used by the Department of Developmental Disabilities. The amount to be transferred shall be agreed to by both departments. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments. The transfer may be made using an intrastate transfer voucher. 116370  
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**Section 309.35.70. HOSPITAL CARE ASSURANCE MATCH** 116378

The foregoing appropriation item 600650, Hospital Care Assurance Match, shall be used by the Department of Job and Family Services solely for distributing funds to hospitals under section 5112.08 of the Revised Code. 116379  
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**Section 309.35.80. HEALTH CARE SERVICES ADMINISTRATION FUND** 116383

Of the amount received by the Department of Job and Family 116384

Services during fiscal year 2012 and fiscal year 2013 from the 116385  
first installment of assessments paid under section 5112.06 of the 116386  
Revised Code and intergovernmental transfers made under section 116387  
5112.07 of the Revised Code, the Director of Job and Family 116388  
Services shall deposit \$350,000 in each fiscal year into the state 116389  
treasury to the credit of the Health Care Services Administration 116390  
Fund (Fund 5U30). 116391

**Section 309.35.90.** TRANSFERS OF OFFSETS TO THE HEALTH CARE 116392  
SERVICES ADMINISTRATION FUND 116393

(A) As used in this section: 116394

"Hospital offset" means an offset from a hospital's Medicaid 116395  
payment authorized by section 5112.991 of the Revised Code. 116396

"Vendor offset" means a reduction of a Medicaid payment to a 116397  
Medicaid provider to correct a previous, incorrect Medicaid 116398  
payment. 116399

(B) At least quarterly during fiscal year 2012 and fiscal 116400  
year 2013, the Director of Job and Family Services shall certify 116401  
to the Director of Budget and Management the amount of hospital 116402  
offsets and vendor offsets for the period covered by the 116403  
certification and the particular funds that would have been used 116404  
to make the extra payments to providers if not for the offsets. 116405  
The certification shall specify how much extra would have been 116406  
taken from each of the funds if not for the hospital offsets and 116407  
vendor offsets. 116408

(C) On receipt of a certification under division (B) of this 116409  
section, the Director of Budget and Management shall transfer cash 116410  
from the funds identified in the certification to the Health Care 116411  
Services Administration Fund (Fund 5U30). The amount transferred 116412  
from a fund shall equal the amount that would have been taken from 116413  
the fund if not for the hospital offsets and vendor offsets as 116414

specified in the certification. The transferred cash is hereby 116415  
appropriated. 116416

**Section 309.37.10. PROVIDER APPLICATION FEES** 116417

If receipts credited to the Health Care Services 116418  
Administration Fund (Fund 5U30) exceed the amounts appropriated 116419  
from the fund, the Director of Job and Family Services may seek 116420  
Controlling Board approval to increase the appropriations in 116421  
appropriation item 600654, Health Care Services Administration. 116422

**Section 309.37.20. INTERAGENCY REIMBURSEMENT** 116423

The Director of Job and Family Services may request the 116424  
Director of Budget and Management to increase appropriation item 116425  
600655, Interagency Reimbursement. Upon the approval of the 116426  
Director of Budget and Management, the additional amounts are 116427  
hereby appropriated. 116428

**Section 309.37.30. MEDICAID PROGRAM SUPPORT FUND - STATE** 116429

The foregoing appropriation item 600671, Medicaid Program 116430  
Support, shall be used by the Department of Job and Family 116431  
Services to pay for Medicaid services and contracts. The 116432  
Department may also deposit to the Medicaid Program Support Fund 116433  
(Fund 5C90) revenues received from other state agencies for 116434  
Medicaid services under the terms of interagency agreements 116435  
between the Department and other state agencies. 116436

**Section 309.37.40. TRANSFERS OF IMD/DSH CASH TO THE** 116437  
**DEPARTMENT OF MENTAL HEALTH** 116438

The Department of Job and Family Services shall transfer cash 116439  
from the Medicaid Program Support Fund (Fund 5C90), to the 116440  
Behavioral Health Medicaid Services Fund (Fund 4X50), used by the 116441  
Department of Mental Health, in accordance with an interagency 116442



agreement that delegates authority from the Department of Job and 116443  
Family Services to the Department of Mental Health to administer 116444  
specified Medicaid services. The transfer shall be made using an 116445  
intrastate transfer voucher. 116446

**Section 309.37.50. PRESCRIPTION DRUG COVERAGE UNDER MEDICAID 116447**  
MANAGED CARE 116448

(A) Not later than October 1, 2011, the Department of Job and 116449  
Family Services shall enter into new contracts or amend existing 116450  
contracts with health insuring corporations, pursuant to section 116451  
5111.17 of the Revised Code, as the Department considers necessary 116452  
to require, in accordance with section 5111.172 of the Revised 116453  
Code, as amended by this act, that each health insuring 116454  
corporation participating in the Medicaid care management system 116455  
include coverage of prescription drugs for the Medicaid recipients 116456  
who are enrolled in the health insuring corporation. 116457

(B) For a period of one hundred twenty days immediately 116458  
following the effective date of the inclusion of prescription drug 116459  
coverage under a new or amended contract with a health insuring 116460  
corporation pursuant to division (A) of this section, both of the 116461  
following apply: 116462

(1) If, immediately prior to the effective date of the 116463  
coverage, a Medicaid recipient enrolled in the health insuring 116464  
corporation was being treated with an antidepressant or 116465  
antipsychotic described in division (B)(2) of section 5111.172 of 116466  
the Revised Code, as amended by this act, the health insuring 116467  
corporation shall provide coverage of the drug without imposing a 116468  
prior authorization requirement. 116469

(2) Notwithstanding division (B)(3) of section 5111.172 of 116470  
the Revised Code, as amended by this act, the health insuring 116471  
corporation shall permit the health professional who was 116472  
prescribing the drug to continue prescribing the drug for the 116473

Medicaid recipient, regardless of whether the prescriber is a 116474  
psychiatrist as described in that division. 116475

**Section 309.40. FAMILY STABILITY** 116476

**Section 309.40.10. FOOD STAMPS TRANSFER** 116477

On July 1, 2011, or as soon as possible thereafter, the 116478  
Director of Budget and Management may transfer up to \$1,000,000 116479  
cash from the Food Stamp Program Fund (Fund 3840), to the Food 116480  
Assistance Fund (Fund 5ES0). 116481

**Section 309.40.20. NAME OF FOOD STAMP PROGRAM** 116482

The Director of Job and Family Services is not required to 116483  
amend rules regarding the Food Stamp Program to change the name of 116484  
the program to the Supplemental Nutrition Assistance Program. The 116485  
Director may refer to the program as the Food Stamp Program or the 116486  
Food Assistance Program in rules and documents of the Department 116487  
of Job and Family Services. 116488

**Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD 116489  
BANKS** 116490

The foregoing appropriation item 600540, Second Harvest Food 116491  
Banks, shall be used to provide funds to the Ohio Association of 116492  
Second Harvest Food Banks to purchase and distribute food 116493  
products. 116494

Notwithstanding section 5101.46 of the Revised Code and any 116495  
other provision in this bill, in addition to funds designated for 116496  
the Ohio Association of Second Harvest Food Banks in this section, 116497  
in fiscal year 2012 and fiscal year 2013, the Director of Job and 116498  
Family Services shall provide assistance from eligible funds to 116499  
the Ohio Association of Second Harvest Food Banks in an amount up 116500  
to or equal to the assistance provided in state fiscal year 2011 116501

from all funds used by the Department, except the General Revenue Fund. 116502  
116503

Eligible nonfederal expenditures made by member food banks of the Association shall be counted by the Department of Job and Family Services toward the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). The Director of Job and Family Services shall enter into an agreement with the Ohio Association of Second Harvest Food Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section. 116504  
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**Section 309.40.40. CHILD SUPPORT COLLECTIONS/TANF MOE** 116512

The foregoing appropriation item 600658, Child Support Collections, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Child Support Collections, to support public assistance activities. 116513  
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**Section 309.50. CHILD WELFARE** 116521

**Section 309.50.10. DIFFERENTIAL RESPONSE** 116522

In accordance with an independent evaluation of the Ohio Alternative Response Pilot Program that recommended statewide implementation, the Department of Job and Family Services shall plan the statewide expansion of the Ohio Alternative Response Pilot Program on a county by county basis, through a schedule determined by the Department. The program shall be known as the "differential response" approach as defined in section 2151.011 of the Revised Code. Notwithstanding provisions of Chapter 2151. of 116523  
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the Revised Code that refer to "differential response," 116531  
"traditional response," and "alternative response," those 116532  
provisions shall become effective on the scheduled date of 116533  
expansion of the differential response approach to that county. 116534  
Prior to statewide implementation, the Department may adopt rules 116535  
in accordance with Chapter 119. of the Revised Code as necessary 116536  
to carry out the purposes of this section. 116537

**Section 309.50.20. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 116538

In collaboration with the county family and children first 116539  
council, a county department of job and family services or public 116540  
children services agency that receives an allocation from the 116541  
Department of Job and Family Services from the foregoing 116542  
appropriation item 600523, Children and Families Services, or 116543  
600533, Child, Family, and Adult Community & Protective Services, 116544  
may transfer a portion of either or both allocations to a flexible 116545  
funding pool as authorized by the section titled FAMILY AND 116546  
CHILDREN FIRST FLEXIBLE FUNDING POOL. 116547

**Section 309.50.30. CHILD, FAMILY, AND ADULT COMMUNITY AND** 116548  
**PROTECTIVE SERVICES** 116549

(A) The foregoing appropriation item 600533, Child, Family, 116550  
and Adult Community & Protective Services, shall be distributed to 116551  
each county department of job and family services using the 116552  
formula the Department of Job and Family Services uses when 116553  
distributing Title XX funds to county departments of job and 116554  
family services under section 5101.46 of the Revised Code. County 116555  
departments shall use the funds distributed to them under this 116556  
section as follows, in accordance with the written plan of 116557  
cooperation entered into under section 307.983 of the Revised 116558  
Code: 116559

(1) To assist individuals achieve or maintain 116560

self-sufficiency, including by reducing or preventing dependency 116561  
among individuals with family income not exceeding two hundred per 116562  
cent of the federal poverty guidelines; 116563

(2) Subject to division (B) of this section, to respond to 116564  
reports of abuse, neglect, or exploitation of children and adults, 116565  
including through the differential response approach program 116566  
developed under Section 309.50.10 of this act; 116567

(3) To provide outreach and referral services regarding home 116568  
and community-based services to individuals at risk of placement 116569  
in a group home or institution, regardless of the individuals' 116570  
family income and without need for a written application; 116571

(4) To provide outreach, referral, application assistance, 116572  
and other services to assist individuals receive assistance, 116573  
benefits, or services under Medicaid; Title IV-A programs, as 116574  
defined in section 5101.80 of the Revised Code; the Supplemental 116575  
Nutrition Assistance Program; and other public assistance 116576  
programs. 116577

(B) Protective services may be provided to a child or adult 116578  
as part of a response, under division (A)(2) of this section, to a 116579  
report of abuse, neglect, or exploitation without regard to a 116580  
child or adult's family income and without need for a written 116581  
application. The protective services may be provided if the case 116582  
record documents circumstances of actual or potential abuse, 116583  
neglect, or exploitation. 116584

**Section 309.50.40. ADOPTION ASSISTANCE LOAN** 116585

Of the foregoing appropriation item 600634, Adoption 116586  
Assistance Loan, the Department of Job and Family Services may use 116587  
up to ten per cent for administration of adoption assistance loans 116588  
pursuant to section 3107.018 of the Revised Code. 116589

**Section 309.60. UNEMPLOYMENT COMPENSATION** 116590

**Section 309.60.10.** FEDERAL UNEMPLOYMENT PROGRAMS 116591

All unexpended funds remaining at the end of fiscal year 2011 116592  
that were appropriated and made available to the state under 116593  
section 903(d) of the Social Security Act, as amended, in the 116594  
foregoing appropriation item 600678, Federal Unemployment Programs 116595  
(Fund 3V40), are hereby appropriated to the Department of Job and 116596  
Family Services. Upon the request of the Director of Job and 116597  
Family Services, the Director of Budget and Management may 116598  
increase the appropriation for fiscal year 2012 by the amount 116599  
remaining unspent from the fiscal year 2011 appropriation and may 116600  
increase the appropriation for fiscal year 2013 by the amount 116601  
remaining unspent from the fiscal year 2012 appropriation. The 116602  
appropriation shall be used under the direction of the Department 116603  
of Job and Family Services to pay for administrative activities 116604  
for the Unemployment Insurance Program, employment services, and 116605  
other allowable expenditures under section 903(d) of the Social 116606  
Security Act, as amended. 116607

The amounts obligated pursuant to this section shall not 116608  
exceed at any time the amount by which the aggregate of the 116609  
amounts transferred to the account of the state under section 116610  
903(d) of the Social Security Act, as amended, exceeds the 116611  
aggregate of the amounts obligated for administration and paid out 116612  
for benefits and required by law to be charged against the amounts 116613  
transferred to the account of the state. 116614

**Section 311.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 116615

General Revenue Fund 116616  
GRF 029321 Operating Expenses \$ 435,168 \$ 435,168 116617  
TOTAL GRF General Revenue Fund \$ 435,168 \$ 435,168 116618  
TOTAL ALL BUDGET FUND GROUPS \$ 435,168 \$ 435,168 116619

OPERATING GUIDANCE 116620

The Chief Administrative Officer of the House of 116621  
Representatives and the Clerk of the Senate shall determine, by 116622  
mutual agreement, which of them shall act as fiscal agent for the 116623  
Joint Committee on Agency Rule Review. Members of the Committee 116624  
shall be paid in accordance with section 101.35 of the Revised 116625  
Code. 116626

OPERATING EXPENSES 116627

On July 1, 2011, or as soon as possible thereafter, the 116628  
Executive Director of the Joint Committee on Agency Rule Review 116629  
may certify to the Director of Budget and Management the amount of 116630  
the unexpended, unencumbered balance of the foregoing 116631  
appropriation item 029321, Operating Expenses, at the end of 116632  
fiscal year 2011 to be reappropriated to fiscal year 2012. The 116633  
amount certified is hereby reappropriated to the same 116634  
appropriation item for fiscal year 2012. 116635

On July 1, 2012, or as soon as possible thereafter, the 116636  
Executive Director of the Joint Committee on Agency Rule Review 116637  
may certify to the Director of Budget and Management the amount of 116638  
the unexpended, unencumbered balance of the foregoing 116639  
appropriation item 029321, Operating Expenses, at the end of 116640  
fiscal year 2012 to be reappropriated to fiscal year 2013. The 116641  
amount certified is hereby reappropriated to the same 116642  
appropriation item for fiscal year 2013. 116643

**Section 313.10.** JCO JUDICIAL CONFERENCE OF OHIO 116644

General Revenue Fund 116645

|            |                      |    |         |    |         |        |
|------------|----------------------|----|---------|----|---------|--------|
| GRF 018321 | Operating Expenses   | \$ | 720,000 | \$ | 720,000 | 116646 |
| TOTAL GRF  | General Revenue Fund | \$ | 720,000 | \$ | 720,000 | 116647 |

General Services Fund Group 116648

|             |           |    |         |    |         |        |
|-------------|-----------|----|---------|----|---------|--------|
| 4030 018601 | Ohio Jury | \$ | 350,000 | \$ | 350,000 | 116649 |
|-------------|-----------|----|---------|----|---------|--------|





|                                                                                                                                                                                                                                                                                                                                                                                                      |                                       |    |             |    |             |                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----|-------------|----|-------------|--------------------------------------------------------------------|
| 6720 005601                                                                                                                                                                                                                                                                                                                                                                                          | Continuing Judicial<br>Education      | \$ | 172,142     | \$ | 169,420     | 116675                                                             |
| TOTAL GSF                                                                                                                                                                                                                                                                                                                                                                                            | General Services Fund<br>Group        | \$ | 172,142     | \$ | 169,420     | 116676                                                             |
| Federal Special Revenue Fund Group                                                                                                                                                                                                                                                                                                                                                                   |                                       |    |             |    |             | 116677                                                             |
| 3J00 005603                                                                                                                                                                                                                                                                                                                                                                                          | Federal Grants                        | \$ | 1,653,317   | \$ | 1,605,717   | 116678                                                             |
| TOTAL FED                                                                                                                                                                                                                                                                                                                                                                                            | Federal Special Revenue<br>Fund Group | \$ | 1,653,317   | \$ | 1,605,717   | 116679                                                             |
| State Special Revenue Fund Group                                                                                                                                                                                                                                                                                                                                                                     |                                       |    |             |    |             | 116680                                                             |
| 4C80 005605                                                                                                                                                                                                                                                                                                                                                                                          | Attorney Services                     | \$ | 3,718,328   | \$ | 3,695,192   | 116681                                                             |
| 5HT0 005617                                                                                                                                                                                                                                                                                                                                                                                          | Court Interpreter<br>Certification    | \$ | 39,000      | \$ | 39,000      | 116682                                                             |
| 5T80 005609                                                                                                                                                                                                                                                                                                                                                                                          | Grants and Awards                     | \$ | 50,000      | \$ | 50,000      | 116683                                                             |
| 6A80 005606                                                                                                                                                                                                                                                                                                                                                                                          | Supreme Court<br>Admissions           | \$ | 1,223,340   | \$ | 1,205,056   | 116684                                                             |
| TOTAL SSR                                                                                                                                                                                                                                                                                                                                                                                            | State Special Revenue<br>Fund Group   | \$ | 5,030,668   | \$ | 4,989,248   | 116685                                                             |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                                         |                                       | \$ | 142,946,919 | \$ | 141,715,967 | 116686                                                             |
| LAW-RELATED EDUCATION                                                                                                                                                                                                                                                                                                                                                                                |                                       |    |             |    |             | 116687                                                             |
| The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. |                                       |    |             |    |             | 116688<br>116689<br>116690<br>116691<br>116692<br>116693<br>116694 |
| OHIO COURTS TECHNOLOGY INITIATIVE                                                                                                                                                                                                                                                                                                                                                                    |                                       |    |             |    |             | 116695                                                             |
| The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice                                                                                                                                                  |                                       |    |             |    |             | 116696<br>116697<br>116698<br>116699                               |

system partners through the creation of an Ohio Courts Network, 116700  
the delivery of technology services to courts throughout the 116701  
state, including the provision of hardware, software, and the 116702  
development and implementation of educational and training 116703  
programs for judges and court personnel, and operation of the 116704  
Commission on Technology and the Courts by the Supreme Court for 116705  
the promulgation of statewide rules, policies, and uniform 116706  
standards, and to aid in the orderly adoption and comprehensive 116707  
use of technology in Ohio courts. 116708

CONTINUING JUDICIAL EDUCATION 116709

The Continuing Judicial Education Fund (Fund 6720) shall 116710  
consist of fees paid by judges and court personnel for attending 116711  
continuing education courses and other gifts and grants received 116712  
for the purpose of continuing judicial education. The foregoing 116713  
appropriation item 005601, Continuing Judicial Education, shall be 116714  
used to pay expenses for continuing education courses for judges 116715  
and court personnel. If it is determined by the Administrative 116716  
Director of the Supreme Court that additional appropriations are 116717  
necessary, the amounts are hereby appropriated. 116718

No money in Fund 6720 shall be transferred to any other fund 116719  
by the Director of Budget and Management or the Controlling Board. 116720  
Interest earned on money in Fund 6720 shall be credited to the 116721  
fund. 116722

FEDERAL GRANTS 116723

The Federal Grants Fund (Fund 3J00) shall consist of grants 116724  
and other moneys awarded to the Supreme Court (The Judiciary) by 116725  
the United States Government or other entities that receive the 116726  
moneys directly from the United States Government and distribute 116727  
those moneys to the Supreme Court (The Judiciary). The foregoing 116728  
appropriation item 005603, Federal Grants, shall be used in a 116729  
manner consistent with the purpose of the grant or award. If it is 116730

determined by the Administrative Director of the Supreme Court 116731  
that additional appropriations are necessary, the amounts are 116732  
hereby appropriated. 116733

No money in Fund 3J00 shall be transferred to any other fund 116734  
by the Director of Budget and Management or the Controlling Board. 116735  
However, interest earned on money in Fund 3J00 shall be credited 116736  
or transferred to the General Revenue Fund. 116737

ATTORNEY SERVICES 116738

The Attorney Services Fund (Fund 4C80), formerly known as the 116739  
Attorney Registration Fund, shall consist of money received by the 116740  
Supreme Court (The Judiciary) pursuant to the Rules for the 116741  
Government of the Bar of Ohio. In addition to funding other 116742  
activities considered appropriate by the Supreme Court, the 116743  
foregoing appropriation item 005605, Attorney Services, may be 116744  
used to compensate employees and to fund appropriate activities of 116745  
the following offices established by the Supreme Court: the Office 116746  
of Disciplinary Counsel, the Board of Commissioners on Grievances 116747  
and Discipline, the Clients' Security Fund, and the Attorney 116748  
Services Division. If it is determined by the Administrative 116749  
Director of the Supreme Court that additional appropriations are 116750  
necessary, the amounts are hereby appropriated. 116751

No money in Fund 4C80 shall be transferred to any other fund 116752  
by the Director of Budget and Management or the Controlling Board. 116753  
Interest earned on money in Fund 4C80 shall be credited to the 116754  
fund. 116755

COURT INTERPRETER CERTIFICATION 116756

The Court Interpreter Certification Fund (Fund 5HT0) shall 116757  
consist of money received by the Supreme Court (The Judiciary) 116758  
pursuant to Rules 80 through 87 of the Rules of Superintendence 116759  
for the Courts of Ohio. The foregoing appropriation item 005617, 116760  
Court Interpreter Certification, shall be used to provide 116761

training, to provide the written examination, and to pay language 116762  
experts to rate, or grade, the oral examinations of those applying 116763  
to become certified court interpreters. If it is determined by the 116764  
Administrative Director that additional appropriations are 116765  
necessary, the amounts are hereby appropriated. 116766

No money in Fund 5HT0 shall be transferred to any other fund 116767  
by the Director of Budget and Management or the Controlling Board. 116768  
Interest earned on money in Fund 5HT0 shall be credited to the 116769  
fund. 116770

GRANTS AND AWARDS 116771

The Grants and Awards Fund (Fund 5T80) shall consist of 116772  
grants and other money awarded to the Supreme Court (The 116773  
Judiciary) by the State Justice Institute, the Division of 116774  
Criminal Justice Services, or other entities. The foregoing 116775  
appropriation item 005609, Grants and Awards, shall be used in a 116776  
manner consistent with the purpose of the grant or award. If it is 116777  
determined by the Administrative Director of the Supreme Court 116778  
that additional appropriations are necessary, the amounts are 116779  
hereby appropriated. 116780

No money in Fund 5T80 shall be transferred to any other fund 116781  
by the Director of Budget and Management or the Controlling Board. 116782  
However, interest earned on money in Fund 5T80 shall be credited 116783  
or transferred to the General Revenue Fund. 116784

SUPREME COURT ADMISSIONS 116785

The foregoing appropriation item 005606, Supreme Court 116786  
Admissions, shall be used to compensate Supreme Court employees 116787  
who are primarily responsible for administering the attorney 116788  
admissions program under the Rules for the Government of the Bar 116789  
of Ohio, and to fund any other activities considered appropriate 116790  
by the court. Moneys shall be deposited into the Supreme Court 116791  
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 116792

Government of the Bar of Ohio. If it is determined by the 116793  
 Administrative Director of the Supreme Court that additional 116794  
 appropriations are necessary, the amounts are hereby appropriated. 116795

No money in Fund 6A80 shall be transferred to any other fund 116796  
 by the Director of Budget and Management or the Controlling Board. 116797  
 Interest earned on money in Fund 6A80 shall be credited to the 116798  
 fund. 116799

**Section 317.10. LEC LAKE ERIE COMMISSION** 116800

Federal Special Revenue Fund Group 116801

3EP0 780603 Lake Erie Federal \$ 95,750 \$ 95,750 116802  
 Grants

TOTAL FED Federal Special Revenue \$ 95,750 \$ 95,750 116803  
 Fund Group

State Special Revenue Fund Group 116804

4C00 780601 Lake Erie Protection \$ 400,000 \$ 400,000 116805  
 Fund

5D80 780602 Lake Erie Resources \$ 261,783 \$ 250,143 116806  
 Fund

TOTAL SSR State Special Revenue 116807  
 Fund Group \$ 661,783 \$ 650,143 116808

TOTAL ALL BUDGET FUND GROUPS \$ 757,533 \$ 745,893 116809

**Section 319.10. LRS LEGAL RIGHTS SERVICE** 116811

General Revenue Fund 116812

GRF 054321 Support Services \$ 97,255 \$ 24,314 116813  
 GRF 054401 Ombudsman \$ 142,003 \$ 35,750 116814  
 TOTAL GRF General Revenue Fund \$ 239,258 \$ 60,064 116815

General Services Fund Group 116816

5M00 054610 Settlements \$ 181,352 \$ 32,839 116817  
 TOTAL GSF General Services 116818

|                                    |                                                                     |    |           |    |           |        |
|------------------------------------|---------------------------------------------------------------------|----|-----------|----|-----------|--------|
| Fund Group                         |                                                                     | \$ | 181,352   | \$ | 32,839    | 116819 |
| Federal Special Revenue Fund Group |                                                                     |    |           |    |           | 116820 |
| 3050 054602                        | Protection and<br>Advocacy -<br>Developmentally<br>Disabled         | \$ | 1,662,991 | \$ | 415,748   | 116821 |
| 3AG0 054613                        | Protection and<br>Advocacy - Voter<br>Accessibility                 | \$ | 135,000   | \$ | 33,752    | 116822 |
| 3B80 054603                        | Protection and<br>Advocacy - Mentally<br>Ill                        | \$ | 1,152,677 | \$ | 288,170   | 116823 |
| 3CA0 054615                        | Work Incentives<br>Planning and<br>Assistance                       | \$ | 355,000   | \$ | 88,752    | 116824 |
| 3N30 054606                        | Protection and<br>Advocacy - Individual<br>Rights                   | \$ | 591,112   | \$ | 147,779   | 116825 |
| 3N90 054607                        | Assistive Technology                                                | \$ | 135,000   | \$ | 33,751    | 116826 |
| 3R90 054616                        | Developmental<br>Disability<br>Publications                         | \$ | 130,000   | \$ | 32,500    | 116827 |
| 3T20 054609                        | Client Assistance<br>Program                                        | \$ | 435,000   | \$ | 108,752   | 116828 |
| 3X10 054611                        | Protection and<br>Advocacy -<br>Beneficiaries of<br>Social Security | \$ | 235,000   | \$ | 58,752    | 116829 |
| 3Z60 054612                        | Protection and<br>Advocacy - Traumatic<br>Brain Injury              | \$ | 151,624   | \$ | 37,907    | 116830 |
| TOTAL FED                          | Federal Special Revenue                                             |    |           |    |           | 116831 |
| Fund Group                         |                                                                     | \$ | 4,983,404 | \$ | 1,245,863 | 116832 |

|                                  |    |           |              |        |
|----------------------------------|----|-----------|--------------|--------|
| State Special Revenue Fund Group |    |           |              | 116833 |
| 5AE0 054614 Grants and Contracts | \$ | 74,600    | \$ 18,652    | 116834 |
| TOTAL SSR State Special Revenue  | \$ | 74,600    | \$ 18,652    | 116835 |
| Fund Group                       |    |           |              |        |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | 5,478,614 | \$ 1,357,418 | 116836 |

**Section 319.20.** CONVERSION OF LEGAL RIGHTS SERVICE TO A 116838  
NONPROFIT ENTITY 116839

(A) Not later than December 31, 2011, the administrator of 116840  
the Legal Rights Service, in consultation with the Legal Rights 116841  
Service Commission, shall establish a nonprofit entity to provide 116842  
advocacy services and a client assistance program for people with 116843  
disabilities. The Legal Rights Service may subcontract with the 116844  
nonprofit entity to perform any functions that the Legal Rights 116845  
Service is permitted or required to perform. 116846

(B)(1) Not later than September 30, 2012, and subject to 116847  
division (B)(2) of this section, the Governor shall designate the 116848  
nonprofit entity established under division (A) of this section to 116849  
serve as the state's protection and advocacy system, as provided 116850  
under 42 U.S.C. 15001, and as the state's client assistance 116851  
program, as provided under 29 U.S.C. 732. On October 1, 2012, 116852  
pursuant to section 5123.60 of the Revised Code, as enacted by 116853  
this act, the nonprofit entity is the Ohio Protection and Advocacy 116854  
System. 116855

(2) The Governor shall make the designation only if the 116856  
nonprofit entity complies with all federal law regarding a 116857  
protection and advocacy system and client assistance program. 116858

(C) Effective October 1, 2012, the Legal Rights Service, the 116859  
Legal Rights Service Commission, and the Ombudsperson Section of 116860  
the Legal Rights Service are abolished. 116861

Any aspect of the function of the Legal Rights Service, Legal 116862

Rights Service Commission, and the Ombudsperson Section of the 116863  
Legal Rights Service commenced, but not completed on October 1, 116864  
2012 shall be completed by the nonprofit entity in the same 116865  
manner, and with the same effect, as if completed by the Legal 116866  
Rights Service, Legal Rights Service Commission, and the 116867  
Ombudsperson Section of the Legal Rights Service as they existed 116868  
immediately prior to October 1, 2012. No validation, cure, right, 116869  
privilege, remedy, obligation, or liability pertaining to the 116870  
Legal Rights Service, Legal Rights Service Commission, and the 116871  
Ombudsperson Section of the Legal Rights Service is lost or 116872  
impaired by reason of the abolishment of the Legal Rights Service, 116873  
Legal Rights Service Commission, and the Ombudsperson Section of 116874  
the Legal Rights Service. Each such validation, cure, right, 116875  
privilege, remedy, obligation, or liability shall be administered 116876  
by the nonprofit entity established under division (A) of this 116877  
section. 116878

Any action or proceeding that is related to the functions or 116879  
duties of the Legal Rights Service, Legal Rights Service 116880  
Commission, and the Ombudsperson Section of the Legal Rights 116881  
Service pending on September 30, 2012, is not affected by the 116882  
abolishment of the Legal Rights Service, the Legal Rights Service 116883  
Commission, and the Ombudsperson Section of the Legal Rights 116884  
Service and shall be prosecuted or defended in the name of the 116885  
nonprofit entity. In all such actions and proceedings the 116886  
nonprofit entity, on application to the court, shall be 116887  
substituted as a party. 116888

(D) The foregoing appropriation items 054321, Support 116889  
Services, and 054401, Ombudsman, may be used to support the costs 116890  
of transitioning the Ohio Legal Rights Service into a nonprofit 116891  
entity. 116892

**Section 321.10.** JLE JOINT LEGISLATIVE ETHICS COMMITTEE 116893



|                              |                                    |    |            |    |            |        |
|------------------------------|------------------------------------|----|------------|----|------------|--------|
| General Revenue Fund         |                                    |    |            |    | 116894     |        |
| GRF 028321                   | Legislative Ethics                 | \$ | 550,000    | \$ | 550,000    | 116895 |
|                              | Committee                          |    |            |    |            |        |
| TOTAL GRF                    | General Revenue Fund               | \$ | 550,000    | \$ | 550,000    | 116896 |
| General Services Fund Group  |                                    |    |            |    |            | 116897 |
| 4G70 028601                  | Joint Legislative                  | \$ | 100,000    | \$ | 100,000    | 116898 |
|                              | Ethics Committee                   |    |            |    |            |        |
| TOTAL GSF                    | General Services Fund              | \$ | 100,000    | \$ | 100,000    | 116899 |
| Group                        |                                    |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS |                                    | \$ | 650,000    | \$ | 650,000    | 116900 |
| <br>                         |                                    |    |            |    |            |        |
| <b>Section 323.10.</b>       | LSC LEGISLATIVE SERVICE COMMISSION |    |            |    |            | 116901 |
| General Revenue Fund         |                                    |    |            |    |            | 116902 |
| GRF 035321                   | Operating Expenses                 | \$ | 15,117,700 | \$ | 15,117,700 | 116903 |
| GRF 035402                   | Legislative Fellows                | \$ | 1,022,120  | \$ | 1,022,120  | 116904 |
| GRF 035405                   | Correctional                       | \$ | 438,900    | \$ | 438,900    | 116905 |
|                              | Institution                        |    |            |    |            |        |
|                              | Inspection Committee               |    |            |    |            |        |
| GRF 035407                   | Legislative Task                   | \$ | 750,000    | \$ | 750,000    | 116906 |
|                              | Force on                           |    |            |    |            |        |
|                              | Redistricting                      |    |            |    |            |        |
| GRF 035409                   | National Associations              | \$ | 460,560    | \$ | 460,560    | 116907 |
| GRF 035410                   | Legislative                        | \$ | 3,661,250  | \$ | 3,661,250  | 116908 |
|                              | Information Systems                |    |            |    |            |        |
| TOTAL GRF                    | General Revenue Fund               | \$ | 21,450,530 | \$ | 21,450,530 | 116909 |
| General Services Fund Group  |                                    |    |            |    |            | 116910 |
| 4100 035601                  | Sale of Publications               | \$ | 10,000     | \$ | 10,000     | 116911 |
| 4F60 035603                  | Legislative Budget                 | \$ | 200,000    | \$ | 200,000    | 116912 |
|                              | Services                           |    |            |    |            |        |
| 5EF0 035607                  | Legislative Agency                 | \$ | 30,000     | \$ | 30,000     | 116913 |
|                              | Telephone Usage                    |    |            |    |            |        |
| TOTAL GSF                    | General Services                   |    |            |    |            | 116914 |

|                                                                    |                       |    |            |    |            |        |
|--------------------------------------------------------------------|-----------------------|----|------------|----|------------|--------|
| Fund Group                                                         |                       | \$ | 240,000    | \$ | 240,000    | 116915 |
| TOTAL ALL BUDGET FUND GROUPS                                       |                       | \$ | 21,690,530 | \$ | 21,690,530 | 116916 |
| LEGISLATIVE TASK FORCE ON REDISTRICTING                            |                       |    |            |    |            | 116917 |
| An amount equal to the unexpended, unencumbered portion of         |                       |    |            |    |            | 116918 |
| the foregoing appropriation item 035407, Legislative Task Force on |                       |    |            |    |            | 116919 |
| Redistricting, at the end of fiscal year 2011 is hereby            |                       |    |            |    |            | 116920 |
| reappropriated to the Legislative Service Commission for the same  |                       |    |            |    |            | 116921 |
| purpose for fiscal year 2012.                                      |                       |    |            |    |            | 116922 |
| <b>Section 325.10. LIB STATE LIBRARY BOARD</b>                     |                       |    |            |    |            | 116923 |
| General Revenue Fund                                               |                       |    |            |    |            | 116924 |
| GRF 350321                                                         | Operating Expenses    | \$ | 5,057,312  | \$ | 5,057,364  | 116925 |
| GRF 350401                                                         | Ohioana Rental        | \$ | 124,437    | \$ | 124,437    | 116926 |
| Payments                                                           |                       |    |            |    |            |        |
| GRF 350502                                                         | Regional Library      | \$ | 582,469    | \$ | 582,469    | 116927 |
| Systems                                                            |                       |    |            |    |            |        |
| TOTAL GRF General Revenue Fund                                     |                       | \$ | 5,764,218  | \$ | 5,764,270  | 116928 |
| General Services Fund Group                                        |                       |    |            |    |            | 116929 |
| 1390 350602                                                        | Intra-Agency Service  | \$ | 9,000      | \$ | 9,000      | 116930 |
| Charges                                                            |                       |    |            |    |            |        |
| 4590 350603                                                        | Library Service       | \$ | 2,986,424  | \$ | 2,986,180  | 116931 |
| Charges                                                            |                       |    |            |    |            |        |
| 4S40 350604                                                        | Ohio Public Library   | \$ | 5,689,401  | \$ | 5,689,788  | 116932 |
| Information Network                                                |                       |    |            |    |            |        |
| 5GB0 350605                                                        | Library for the Blind | \$ | 1,274,194  | \$ | 1,274,194  | 116933 |
| 5GG0 350606                                                        | Gates Foundation      | \$ | 6,000      | \$ | 0          | 116934 |
| Grants                                                             |                       |    |            |    |            |        |
| TOTAL GSF General Services                                         |                       |    |            |    |            | 116935 |
| Fund Group                                                         |                       | \$ | 9,965,019  | \$ | 9,959,162  | 116936 |
| Federal Special Revenue Fund Group                                 |                       |    |            |    |            | 116937 |
| 3130 350601                                                        | LSTA Federal          | \$ | 5,879,314  | \$ | 5,879,314  | 116938 |

|                                                                    |    |            |    |            |        |
|--------------------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL FED Federal Special Revenue                                  |    |            |    | 116939     |        |
| Fund Group                                                         | \$ | 5,879,314  | \$ | 5,879,314  | 116940 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 21,608,551 | \$ | 21,602,746 | 116941 |
|                                                                    |    |            |    |            |        |
| OHIOANA RENTAL PAYMENTS                                            |    |            |    | 116942     |        |
|                                                                    |    |            |    |            |        |
| The foregoing appropriation item 350401, Ohioana Rental            |    |            |    | 116943     |        |
| Payments, shall be used to pay the rental expenses of the Martha   |    |            |    | 116944     |        |
| Kinney Cooper Ohioana Library Association under section 3375.61 of |    |            |    | 116945     |        |
| the Revised Code.                                                  |    |            |    | 116946     |        |
|                                                                    |    |            |    |            |        |
| REGIONAL LIBRARY SYSTEMS                                           |    |            |    | 116947     |        |
|                                                                    |    |            |    |            |        |
| The foregoing appropriation item 350502, Regional Library          |    |            |    | 116948     |        |
| Systems, shall be used to support regional library systems         |    |            |    | 116949     |        |
| eligible for funding under sections 3375.83 and 3375.90 of the     |    |            |    | 116950     |        |
| Revised Code.                                                      |    |            |    | 116951     |        |
|                                                                    |    |            |    |            |        |
| OHIO PUBLIC LIBRARY INFORMATION NETWORK                            |    |            |    | 116952     |        |
|                                                                    |    |            |    |            |        |
| (A) The foregoing appropriation item 350604, Ohio Public           |    |            |    | 116953     |        |
| Library Information Network, shall be used for an information      |    |            |    | 116954     |        |
| telecommunications network linking public libraries in the state   |    |            |    | 116955     |        |
| and such others as may participate in the Ohio Public Library      |    |            |    | 116956     |        |
| Information Network (OPLIN).                                       |    |            |    | 116957     |        |
|                                                                    |    |            |    |            |        |
| The Ohio Public Library Information Network Board of Trustees      |    |            |    | 116958     |        |
| created under section 3375.65 of the Revised Code may make         |    |            |    | 116959     |        |
| decisions regarding use of the foregoing appropriation item        |    |            |    | 116960     |        |
| 350604, Ohio Public Library Information Network.                   |    |            |    | 116961     |        |
|                                                                    |    |            |    |            |        |
| (B) Of the foregoing appropriation item 350604, Ohio Public        |    |            |    | 116962     |        |
| Library Information Network, up to \$81,000 in each fiscal year    |    |            |    | 116963     |        |
| shall be used to help local libraries use filters to screen out    |    |            |    | 116964     |        |
| obscene and illegal internet materials.                            |    |            |    | 116965     |        |
|                                                                    |    |            |    |            |        |
| The OPLIN Board shall research and assist or advise local          |    |            |    | 116966     |        |
| libraries with regard to emerging technologies and methods that    |    |            |    | 116967     |        |
| may be effective means to control access to obscene and illegal    |    |            |    | 116968     |        |

materials. The OPLIN Director shall provide written reports upon 116969  
request within ten days to the Governor, the Speaker and Minority 116970  
Leader of the House of Representatives, and the President and 116971  
Minority Leader of the Senate on any steps being taken by OPLIN 116972  
and public libraries in the state to limit and control such 116973  
improper usage as well as information on technological, legal, and 116974  
law enforcement trends nationally and internationally affecting 116975  
this area of public access and service. 116976

(C) The Ohio Public Library Information Network, INFOhio, and 116977  
OhioLINK shall, to the extent feasible, coordinate and cooperate 116978  
in their purchase or other acquisition of the use of electronic 116979  
databases for their respective users and shall contribute funds in 116980  
an equitable manner to such effort. 116981

LIBRARY FOR THE BLIND 116982

The foregoing appropriation item 350605, Library for the 116983  
Blind, shall be used for the statewide Talking Book Program to 116984  
assist the blind and disabled. 116985

TRANSFER TO OPLIN TECHNOLOGY FUND 116986

Notwithstanding sections 5747.03 and 5747.47 of the Revised 116987  
Code and any other provision of law to the contrary, in accordance 116988  
with a schedule established by the Director of Budget and 116989  
Management, the Director of Budget and Management shall transfer 116990  
\$3,689,401 in cash in fiscal year 2012 and \$3,689,788 in cash in 116991  
fiscal year 2013 from the Public Library Fund (Fund 7065) to the 116992  
OPLIN Technology Fund (Fund 4S40). 116993

TRANSFER TO LIBRARY FOR THE BLIND FUND 116994

Notwithstanding sections 5747.03 and 5747.47 of the Revised 116995  
Code and any other provision of law to the contrary, in accordance 116996  
with a schedule established by the Director of Budget and 116997  
Management, the Director of Budget and Management shall transfer 116998  
\$1,274,194 cash in each fiscal year from the Public Library Fund 116999

(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 117000

**Section 327.10.** LCO LIQUOR CONTROL COMMISSION 117001

Liquor Control Fund Group 117002

7043 970321 Operating Expenses \$ 753,933 \$ 754,146 117003

TOTAL LCF Liquor Control Fund Group \$ 753,933 \$ 754,146 117004

TOTAL ALL BUDGET FUND GROUPS \$ 753,933 \$ 754,146 117005

**Section 329.10.** LOT STATE LOTTERY COMMISSION 117007

State Lottery Fund Group 117008

2310 950604 Charitable Gaming \$ 1,946,000 \$ 1,946,000 117009

Oversight

7044 950100 Personal Services \$ 30,018,152 \$ 30,004,979 117010

7044 950200 Maintenance \$ 13,558,000 \$ 13,266,150 117011

7044 950300 Equipment \$ 4,810,440 \$ 4,465,690 117012

7044 950402 Advertising Contracts \$ 26,136,000 \$ 26,136,000 117013

7044 950403 Gaming Contracts \$ 46,476,608 \$ 47,359,732 117014

7044 950500 Problem Gambling \$ 350,000 \$ 350,000 117015

Subsidy

7044 950601 Direct Prize Payments \$ 131,995,700 \$ 133,263,456 117016

8710 950602 Annuity Prizes \$ 77,206,258 \$ 77,641,283 117017

TOTAL SLF State Lottery Fund 117018

Group \$ 332,497,158 \$ 334,433,290 117019

TOTAL ALL BUDGET FUND GROUPS \$ 332,497,158 \$ 334,433,290 117020

OPERATING EXPENSES 117021

Notwithstanding sections 127.14 and 131.35 of the Revised 117022

Code, the Controlling Board may, at the request of the State 117023

Lottery Commission, authorize expenditures from the State Lottery 117024

Fund in excess of the amounts appropriated, up to a maximum of 15 117025

per cent of anticipated total revenue accruing from the sale of 117026

lottery tickets. Upon the approval of the Controlling Board, the 117027

additional amounts are hereby appropriated. 117028

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| DIRECT PRIZE PAYMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 117029                                                                                 |
| Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.                                                                                                                                                                                                                                                                                                                                                          | 117030<br>117031<br>117032<br>117033                                                   |
| ANNUITY PRIZES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 117034                                                                                 |
| Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.                                                                                                                                                   | 117035<br>117036<br>117037<br>117038<br>117039<br>117040<br>117041                     |
| Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.                                                                                                                                                                                                                                                                                                                                  | 117042<br>117043<br>117044<br>117045                                                   |
| TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 117046                                                                                 |
| The Director of Budget and Management shall transfer an amount greater than or equal to \$717,500,000 in fiscal year 2012 and \$680,500,000 in fiscal year 2013 from the State Lottery Fund to the Lottery Profits Education Fund (Fund 7017). Transfers from the State Lottery Fund to the Lottery Profits Education Fund shall represent the estimated net income from operations for the Commission in fiscal year 2012 and fiscal year 2013. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct. | 117047<br>117048<br>117049<br>117050<br>117051<br>117052<br>117053<br>117054<br>117055 |
| <b>Section 331.10. MHC MANUFACTURED HOMES COMMISSION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 117056                                                                                 |
| General Services Fund Group                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 117057                                                                                 |
| 4K90 996609 Operating Expenses \$ 652,922 \$ 642,267                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 117058                                                                                 |

|                              |    |         |            |        |
|------------------------------|----|---------|------------|--------|
| TOTAL GSF General Services   |    |         |            | 117059 |
| Fund Group                   | \$ | 652,922 | \$ 642,267 | 117060 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 652,922 | \$ 642,267 | 117061 |

**Section 333.10. MED STATE MEDICAL BOARD** 117063

|                                |    |           |              |        |
|--------------------------------|----|-----------|--------------|--------|
| General Services Fund Group    |    |           |              | 117064 |
| 5C60 883609 Operating Expenses | \$ | 9,292,393 | \$ 9,172,062 | 117065 |
| TOTAL GSF General Services     |    |           |              | 117066 |
| Fund Group                     | \$ | 9,292,393 | \$ 9,172,062 | 117067 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 9,292,393 | \$ 9,172,062 | 117068 |

**Section 335.10. AMB OHIO MEDICAL TRANSPORTATION BOARD** 117070

|                                |    |         |            |        |
|--------------------------------|----|---------|------------|--------|
| General Services Fund Group    |    |         |            | 117071 |
| 4K90 915604 Operating Expenses | \$ | 493,641 | \$ 493,856 | 117072 |
| TOTAL GSF General Services     |    |         |            | 117073 |
| Fund Group                     | \$ | 493,641 | \$ 493,856 | 117074 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 493,641 | \$ 493,856 | 117075 |

**Section 337.10. DMH DEPARTMENT OF MENTAL HEALTH** 117077

|                                             |    |             |                |        |
|---------------------------------------------|----|-------------|----------------|--------|
| General Revenue Fund                        |    |             |                | 117078 |
| GRF 332401 Forensic Services                | \$ | 3,244,251   | \$ 3,244,251   | 117079 |
| GRF 333321 Central Administration           | \$ | 16,000,000  | \$ 16,000,000  | 117080 |
| GRF 333402 Resident Trainees                | \$ | 450,000     | \$ 450,000     | 117081 |
| GRF 333403 Pre-Admission Screening Expenses | \$ | 486,119     | \$ 486,119     | 117082 |
| GRF 333415 Lease-Rental Payments            | \$ | 18,394,250  | \$ 19,907,900  | 117083 |
| GRF 333416 Research Program Evaluation      | \$ | 421,724     | \$ 421,998     | 117084 |
| GRF 334412 Hospital Services                | \$ | 202,018,888 | \$ 192,051,209 | 117085 |
| GRF 334506 Court Costs                      | \$ | 584,210     | \$ 584,210     | 117086 |
| GRF 335405 Family & Children                | \$ | 1,386,000   | \$ 1,386,000   | 117087 |

|           |        |                                        |    |             |    |                    |
|-----------|--------|----------------------------------------|----|-------------|----|--------------------|
|           |        | First                                  |    |             |    |                    |
| GRF       | 335419 | Community Medication<br>Subsidy        | \$ | 8,963,818   | \$ | 8,963,818 117088   |
| GRF       | 335501 | Mental Health<br>Medicaid Match        | \$ | 186,400,000 | \$ | 0 117089           |
| GRF       | 335505 | Local Mental Health<br>Systems of Care | \$ | 41,413,776  | \$ | 50,537,955 117090  |
| GRF       | 335506 | Residential State<br>Supplement        | \$ | 4,702,875   | \$ | 4,702,875 117091   |
| TOTAL GRF |        | General Revenue Fund                   | \$ | 484,465,911 | \$ | 298,736,335 117092 |
|           |        | General Services Fund Group            |    |             |    | 117093             |
| 1490      | 333609 | Central Office<br>Operating            | \$ | 1,343,190   | \$ | 1,343,190 117094   |
| 1490      | 334609 | Hospital - Operating<br>Expenses       | \$ | 28,190,000  | \$ | 28,190,000 117095  |
| 1500      | 334620 | Special Education                      | \$ | 150,000     | \$ | 150,000 117096     |
| 4P90      | 335604 | Community Mental<br>Health Projects    | \$ | 4,061,100   | \$ | 250,000 117097     |
| 1510      | 336601 | Office of Support<br>Services          | \$ | 129,770,770 | \$ | 129,779,822 117098 |
| TOTAL GSF |        | General Services Fund<br>Group         | \$ | 163,515,060 | \$ | 159,713,012 117099 |
|           |        | Federal Special Revenue Fund Group     |    |             |    | 117100             |
| 3240      | 333605 | Medicaid/Medicare                      | \$ | 154,500     | \$ | 154,500 117101     |
| 3A60      | 333608 | Community and<br>Hospital Services     | \$ | 140,000     | \$ | 140,000 117102     |
| 3A70      | 333612 | Social Services Block<br>Grant         | \$ | 50,000      | \$ | 50,000 117103      |
| 3A80      | 333613 | Federal Grant -<br>Administration      | \$ | 4,717,000   | \$ | 4,717,000 117104   |
| 3A90      | 333614 | Mental Health Block<br>Grant -         | \$ | 748,470     | \$ | 748,470 117105     |



|           |        |                                  |    |             |    |            |        |
|-----------|--------|----------------------------------|----|-------------|----|------------|--------|
|           |        | Administration                   |    |             |    |            |        |
| 3B10      | 333635 | Community Medicaid               | \$ | 13,691,682  | \$ | 13,691,682 | 117106 |
|           |        | Expansion                        |    |             |    |            |        |
| 3240      | 334605 | Medicaid/Medicare                | \$ | 28,200,000  | \$ | 28,200,000 | 117107 |
| 3A60      | 334608 | Federal Miscellaneous            | \$ | 200,000     | \$ | 200,000    | 117108 |
| 3A80      | 334613 | Federal Letter of                | \$ | 200,000     | \$ | 200,000    | 117109 |
|           |        | Credit                           |    |             |    |            |        |
| 3A60      | 335608 | Federal Miscellaneous            | \$ | 2,170,000   | \$ | 2,170,000  | 117110 |
| 3A70      | 335612 | Social Services Block            | \$ | 8,400,000   | \$ | 8,400,000  | 117111 |
|           |        | Grant                            |    |             |    |            |        |
| 3A80      | 335613 | Federal Grant -                  | \$ | 2,500,000   | \$ | 2,500,000  | 117112 |
|           |        | Community Mental                 |    |             |    |            |        |
|           |        | Health Board Subsidy             |    |             |    |            |        |
| 3A90      | 335614 | Mental Health Block              | \$ | 14,200,000  | \$ | 14,200,000 | 117113 |
|           |        | Grant                            |    |             |    |            |        |
| 3B10      | 335635 | Community Medicaid               | \$ | 346,200,000 | \$ | 0          | 117114 |
|           |        | Expansion                        |    |             |    |            |        |
| TOTAL FED |        | Federal Special Revenue          | \$ | 421,571,652 | \$ | 75,371,652 | 117115 |
|           |        | Fund Group                       |    |             |    |            |        |
|           |        | State Special Revenue Fund Group |    |             |    |            | 117116 |
| 2320      | 333621 | Family and Children              | \$ | 448,286     | \$ | 432,197    | 117117 |
|           |        | First Administration             |    |             |    |            |        |
| 4850      | 333632 | Mental Health                    | \$ | 134,233     | \$ | 134,233    | 117118 |
|           |        | Operating                        |    |             |    |            |        |
| 4X50      | 333607 | Behavioral Health                | \$ | 3,000,624   | \$ | 3,000,624  | 117119 |
|           |        | Medicaid Services                |    |             |    |            |        |
| 5V20      | 333611 | Non-Federal                      | \$ | 100,000     | \$ | 100,000    | 117120 |
|           |        | Miscellaneous                    |    |             |    |            |        |
| 4850      | 334632 | Mental Health                    | \$ | 2,477,500   | \$ | 2,477,500  | 117121 |
|           |        | Operating                        |    |             |    |            |        |
| 5AU0      | 335615 | Behavioral Healthcare            | \$ | 6,690,000   | \$ | 6,690,000  | 117122 |
| 6320      | 335616 | Community Capital                | \$ | 350,000     | \$ | 350,000    | 117123 |
|           |        | Replacement                      |    |             |    |            |        |

|                                 |    |               |    |             |        |
|---------------------------------|----|---------------|----|-------------|--------|
| TOTAL SSR State Special Revenue | \$ | 13,200,643    | \$ | 13,184,554  | 117124 |
| Fund Group                      |    |               |    |             |        |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 1,082,753,266 | \$ | 547,005,553 | 117125 |

**Section 337.10.10. FORENSIC SERVICES** 117127

The foregoing appropriation item 332401, Forensic Services, 117128  
shall be used to provide forensic psychiatric evaluations to 117129  
courts of common pleas and to conduct evaluations of patients of 117130  
forensic status in facilities operated or designated by the 117131  
Department of Mental Health prior to conditional release to the 117132  
community. A portion of this appropriation may be allocated 117133  
through community mental health boards to certified community 117134  
agencies in accordance with a distribution methodology as 117135  
determined by the Director of Mental Health. 117136

In addition, appropriation item 332401, Forensic Services, 117137  
may be used to provide forensic monitoring and tracking of 117138  
individuals on conditional release and forensic training, and to 117139  
support projects that assist courts and law enforcement to 117140  
identify and develop appropriate alternative services to 117141  
incarceration for nonviolent mentally ill offenders, and to 117142  
provide specialized re-entry services to offenders leaving prisons 117143  
and jails. 117144

**Section 337.20.10. RESIDENCY TRAINEESHIP PROGRAMS** 117145

The foregoing appropriation item 333402, Resident Trainees, 117146  
shall be used to fund training agreements entered into by the 117147  
Director of Mental Health for the development of curricula and the 117148  
provision of training programs to support public mental health 117149  
services. 117150

**Section 337.20.20. PRE-ADMISSION SCREENING EXPENSES** 117151

The foregoing appropriation item 333403, Pre-Admission 117152

Screening Expenses, shall be used to ensure that uniform statewide 117153  
methods for pre-admission screening are in place for persons who 117154  
have severe mental illness and are referred for long-term Medicaid 117155  
certified nursing facility placement. Pre-admission screening 117156  
includes the following activities: pre-admission assessment, 117157  
consideration of continued stay requests, discharge planning and 117158  
referral, and adjudication of appeals and grievance procedures. 117159

**Section 337.20.30. LEASE-RENTAL PAYMENTS** 117160

The foregoing appropriation item 333415, Lease-Rental 117161  
Payments, shall be used to meet all payments at the times they are 117162  
required to be made during the period from July 1, 2011, through 117163  
June 30, 2013, by the Department of Mental Health under leases and 117164  
agreements made under section 154.20 of the Revised Code. These 117165  
appropriations are the source of funds pledged for bond service 117166  
charges on obligations issued pursuant to Chapter 154. of the 117167  
Revised Code. 117168

**Section 337.20.50. HOSPITAL SERVICES** 117169

The foregoing appropriation item 334412, Hospital Services, 117170  
shall be used for the operation of the Department of Mental Health 117171  
State Regional Psychiatric Hospitals, including, but not limited 117172  
to, all aspects involving civil and forensic commitment, 117173  
treatment, and discharge as determined by the Director of Mental 117174  
Health. A portion of this appropriation may be used by the 117175  
Department of Mental Health to create, purchase, or contract for 117176  
the custody, supervision, control, and treatment of persons 117177  
committed to the Department of Mental Health in other clinically 117178  
appropriate environments, consistent with public safety. 117179

**Section 337.20.60. FISCAL YEARS 2012 AND 2013 ALLOCATIONS OF** 117180  
**STATE HOSPITAL FUNDS TO ADAMHS BOARDS** 117181

(A) As used in this section: 117182

"Bed day" means a day for which a person receives inpatient 117183  
hospitalization services in a state regional psychiatric hospital. 117184

"State regional psychiatric hospital" means a hospital that 117185  
the Department of Mental Health maintains, operates, manages, and 117186  
governs under section 5119.02 of the Revised Code for the care and 117187  
treatment of mentally ill persons. 117188

(B) For fiscal years 2012 and 2013 and notwithstanding 117189  
section 5119.62 of the Revised Code, the Director of Mental Health 117190  
shall allocate a portion of the foregoing appropriation item 117191  
334412, Hospital Services, to boards of alcohol, drug addiction, 117192  
and mental health services. In consultation with the boards, the 117193  
Director shall establish a methodology to be used in allocating 117194  
the funds to boards. The allocation methodology shall include as 117195  
factors at least the per diem cost of inpatient hospitalization 117196  
services at state regional psychiatric hospitals and the estimated 117197  
number of bed days that each board will incur in fiscal years 2012 117198  
and 2013 in carrying out their duties under division (A)(12) of 117199  
section 340.03 of the Revised Code. The Director may require each 117200  
board to provide the Director with an estimate of the number of 117201  
bed days the board will incur in fiscal years 2012 and 2013 for 117202  
such purpose. 117203

(C) All of the following apply to the funds allocated to a 117204  
board under this section: 117205

(1) Subject to divisions (C)(2) and (3) of this section, the 117206  
board shall use the funds to pay for expenditures the board incurs 117207  
in fiscal years 2012 and 2013 under division (A)(12) of section 117208  
340.03 of the Revised Code in paying for inpatient hospitalization 117209  
services provided by state regional psychiatric hospitals to 117210  
persons involuntarily committed to the board pursuant to Chapter 117211  
5122. of the Revised Code. 117212

(2) If the amount of the funds allocated to the board and used for the purpose specified in division (C)(1) of this section exceeds the amount that the board needs to pay for its expenditures identified in division (C)(1) of this section, the Director may permit the board to use the excess funds for the board's community mental health plan developed under division (A)(1)(c) of section 340.03 of the Revised Code.

(3) If the Director approves, the board may have a portion of the funds deposited into the Department of Mental Health Risk Fund.

(D) Notwithstanding the amendment by this act to section 5119.62 of the Revised Code, the Department of Mental Health Risk Fund shall continue to exist in the state treasury for the purpose of this section until it is no longer needed. In addition to the money that is in the fund on the effective date of this section, the fund shall consist of money deposited into it pursuant to division (C)(3) of this section and all the fund's investment earnings. Money in the fund shall be used in accordance with guidelines that the Director shall develop in consultation with representatives of the boards.

**Section 337.30.10. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN**

In collaboration with the county family and children first council, a county board of alcohol, drug addiction, and mental health services or community mental health services board that receives allocations from the Department of Mental Health from appropriation item 335405, Family & Children First, may transfer portions of those allocations to a flexible funding pool as authorized by the section titled FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL.

**Section 337.30.20. COMMUNITY MEDICATION SUBSIDY**

The foregoing appropriation item 335419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs. This appropriation may be allocated to community mental health boards in accordance with a distribution methodology determined by the Director of Mental Health.

**Section 337.30.30. MENTAL HEALTH MEDICAID MATCH**

(A) As used in this section, "community mental health Medicaid services" means services provided under the component, or aspect of the component, of the Medicaid program that the Department of Mental Health administers pursuant to a contract entered into with the Department of Job and Family Services under section 5111.91 of the Revised Code.

(B) Subject to division (C) of this section, the foregoing appropriation item 335501, Mental Health Medicaid Match, shall be used by the Department of Mental Health to make payments for community mental health Medicaid services.

(C) For state fiscal year 2012, the Department shall allocate foregoing appropriation item 335501, Mental Health Medicaid Match, to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology the Department shall establish. Notwithstanding sections 5111.911 and 5111.912 of the Revised Code, the boards shall use the funds allocated to them under this section to pay claims for community mental health Medicaid services provided during fiscal year 2012. The boards shall use all federal financial participation that the Department of Mental Health receives for claims paid for community mental health Medicaid services provided during fiscal year 2012 as the first payment source to pay claims for community mental health

Medicaid services provided during fiscal year 2012. No board is 117274  
required to use any funds other than the funds allocated to them 117275  
under this section and the federal financial participation 117276  
received for claims for community mental health Medicaid services 117277  
provided during fiscal year 2012 to pay for such claims. 117278

(D) The Department shall enter into an agreement with each 117279  
board regarding the issue of paying claims that are for community 117280  
mental health Medicaid services provided before July 1, 2011, and 117281  
submitted for payment on or after that date. Such claims shall be 117282  
paid in accordance with the agreements. A board shall receive the 117283  
federal financial participation received for claims for community 117284  
mental health Medicaid services that were provided before July 1, 117285  
2011, and paid by the board. 117286

**Section 337.30.40. LOCAL MENTAL HEALTH SYSTEMS OF CARE** 117287

The foregoing appropriation item 335505, Local Mental Health 117288  
Systems of Care, shall be used by community mental health boards 117289  
to purchase mental health services permitted under Chapter 340. of 117290  
the Revised Code. 117291

**Section 337.30.50. RESIDENTIAL STATE SUPPLEMENT** 117292

(A)(1) On the effective date of this section, the Residential 117293  
State Supplement Program is transferred from the Department of 117294  
Aging to the Department of Mental Health. The transferred program 117295  
is thereupon and thereafter successor to, assumes the obligations 117296  
of, and otherwise constitutes the continuation of the program as 117297  
it was operated immediately prior to the effective date of this 117298  
section. The transfer shall not affect persons receiving payments 117299  
under the program on the effective date of this section. 117300

(2) Any business of the program commenced but not completed 117301  
before the effective date of this section shall be completed by 117302  
the Department of Mental Health. The business shall be completed 117303

in the same manner, and with the same effect, as if completed by 117304  
the Department of Aging immediately prior to the effective date of 117305  
this section. No validation, cure, right, privilege, remedy, 117306  
obligation, or liability pertaining to the program is lost or 117307  
impaired by reason of the program's transfer to the Department of 117308  
Mental Health. Each such validation, cure, right, privilege, 117309  
remedy, obligation, or liability shall be administered by the 117310  
Department of Mental Health pursuant to sections 5119.69, 117311  
5119.691, and 5119.692 of the Revised Code. 117312

(3) All rules, orders, and determinations pertaining to the 117313  
program as it was operated immediately prior to the effective date 117314  
of this section continue in effect as rules, orders, and 117315  
determinations of the Department of Mental Health until modified 117316  
or rescinded by the Department of Mental Health. If necessary to 117317  
ensure the integrity of the numbering system of the Administrative 117318  
Code, the Director of the Legislative Service Commission shall 117319  
renumber the rules to reflect the transfer of the Residential 117320  
State Supplement Program from the Department of Aging to the 117321  
Department of Mental Health. 117322

(4) Any action or proceeding that is related to the functions 117323  
or duties of the Residential State Supplement Program pending on 117324  
the effective date of this section is not affected by the transfer 117325  
of the program and shall be prosecuted or defended in the name of 117326  
the Department of Mental Health. In all such actions and 117327  
proceedings, the Department of Mental Health, on application to 117328  
the court, shall be substituted as a party. 117329

(B) The foregoing appropriation item 335506, Residential 117330  
State Supplement, may be used by the Department of Mental Health 117331  
to provide training for adult care facilities serving residents 117332  
with mental illness, to transfer cash to the Nursing Home 117333  
Franchise Permit Fee Fund (Fund 5R20) used by the Department of 117334  
Job and Family Services, and to make benefit payments to 117335



residential state supplement recipients. Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment, and for determining the amount per month the eligible resident will receive, shall be as follows:

(1) \$927 for a residential care facility, as defined in section 3721.01 of the Revised Code;

(2) \$927 for an adult group home, as defined in section 5119.70 of the Revised Code;

(3) \$824 for an adult foster home, as defined in section 5119.692 of the Revised Code;

(4) \$824 for an adult family home, as defined in section 5119.70 of the Revised Code;

(5) \$824 for a residential facility, as identified in division (C)(1)(c) of section 5119.69 of the Revised Code; and

(6) \$618 for community mental health housing services, as identified in division (C)(1)(d) of section 5119.69 of the Revised Code.

The Department of Mental Health shall reflect these amounts in any applicable rules the Department adopts under section 5119.69 of the Revised Code.

**Section 337.30.60. BEHAVIORAL HEALTH MEDICAID SERVICES**

The Department of Mental Health shall administer specified Medicaid services as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 333607, Behavioral Health Medicaid Services, may be used to make payments for free-standing psychiatric hospital inpatient services as defined in an interagency agreement with the Department of Job and Family Services.

**Section 337.30.70. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING**

POOL 117365

A county family and children first council may establish and 117366  
operate a flexible funding pool in order to assure access to 117367  
needed services by families, children, and older adults in need of 117368  
protective services. The operation of the flexible funding pools 117369  
shall be subject to the following restrictions: 117370

(A) The county council shall establish and operate the 117371  
flexible funding pool in accordance with formal guidance issued by 117372  
the Family and Children First Cabinet Council; 117373

(B) The county council shall produce an annual report on its 117374  
use of the pooled funds. The annual report shall conform to a 117375  
format prescribed in the formal guidance issued by the Family and 117376  
Children First Cabinet Council; 117377

(C) Unless otherwise restricted, funds transferred to the 117378  
flexible funding pool may include state general revenues allocated 117379  
to local entities to support the provision of services to families 117380  
and children; 117381

(D) The amounts transferred to the flexible funding pool 117382  
shall be limited to amounts that can be redirected without 117383  
impairing the achievement of the objectives for which the initial 117384  
allocation is designated; and 117385

(E) Each amount transferred to the flexible funding pool from 117386  
a specific allocation shall be approved for transfer by the 117387  
director of the local agency that was the original recipient of 117388  
the allocation. 117389

**Section 337.30.75. TRANSITION FOR CURRENTLY CERTIFIED ADULT** 117390  
**FOSTER HOMES** 117391

On the effective date of this section, the certification of 117392  
adult foster homes is transferred from the Department of Aging to 117393

the Department of Mental Health. A certification that was issued 117394  
by the Director of Aging to an adult foster home under former 117395  
section 175.36 of the Revised Code and that is current and valid 117396  
on the effective date of section 5119.692 of the Revised Code, as 117397  
enacted by this act, is deemed to be a certificate issued by the 117398  
Director of Mental Health under those sections. 117399

Any business regarding the certification of adult foster 117400  
homes commenced but not completed before the effective date of 117401  
this section shall be completed by the Department of Mental 117402  
Health. The business shall be completed in the same manner, and 117403  
with the same effect, as if completed by the Department of Aging 117404  
immediately prior to the effective date of this section. 117405

No validation, cure, right, privilege, remedy, obligation, or 117406  
liability is lost or impaired by reason of this act's transfer of 117407  
responsibility to the Department of Mental Health, from the 117408  
Department of Aging, for the certification of adult foster homes. 117409

Each such validation, cure, right, privilege, remedy, 117410  
obligation, or liability shall be administered by the Department 117411  
of Mental Health pursuant to section 5119.692 of the Revised Code. 117412

All rules, orders, and determinations pertaining to the 117413  
certification of adult foster homes as it was operated immediately 117414  
prior to the effective date of this section shall continue in 117415  
effect as rules, orders, and determinations of the Department of 117416  
Mental Health until modified or rescinded by the Department of 117417  
Mental Health. If necessary to ensure the integrity of the 117418  
numbering system of the Administrative Code, the Director of the 117419  
Legislative Service Commission shall renumber the rules to reflect 117420  
the transfer of the certification of adult foster homes from the 117421  
Department of Aging to the Department of Mental Health. 117422

Any action or proceeding that is related to the functions or 117423  
duties of the certification of adult foster homes pending on the 117424

effective date of this section is not affected by the transfer of 117425  
the certification and shall be prosecuted or defended in the name 117426  
of the Department of Mental Health. In all such actions and 117427  
proceedings, the Department of Mental Health, on application to 117428  
the court, shall be substituted as a party. 117429

**Section 337.30.80. TRANSITION FOR CURRENTLY LICENSED ADULT 117430**  
CARE FACILITIES 117431

On the effective date of this section, the licensing of adult 117432  
care facilities is transferred from the Department of Health to 117433  
the Department of Mental Health. A license that was issued by the 117434  
Director of Health to an adult care facility under former Chapter 117435  
3722. of the Revised Code and that is current and valid on the 117436  
effective date of sections 5119.70 to 5119.88 of the Revised Code, 117437  
as enacted by this act, is deemed to be a license issued by the 117438  
Director of Mental Health under those sections. 117439

Any business regarding the licensing of adult care facilities 117440  
commenced but not completed before the effective date of this 117441  
section shall be completed by the Department of Mental Health. The 117442  
business shall be completed in the same manner, and with the same 117443  
effect, as if completed by the Department of Health immediately 117444  
prior to the effective date of this section. 117445

No validation, cure, right, privilege, remedy, obligation, or 117446  
liability is lost or impaired by reason of this act's transfer of 117447  
responsibility to the Department of Mental Health, from the 117448  
Department of Health, for the licensing of adult care facilities. 117449  
Each such validation, cure, right, privilege, remedy, obligation, 117450  
or liability shall be administered by the Department of Mental 117451  
Health pursuant to sections 5119.70 to 5119.88 of the Revised 117452  
Code. 117453

All rules, orders, and determinations pertaining to the 117454  
licensing of adult care facilities as it was operated immediately 117455

prior to the effective date of this section shall continue in 117456  
effect as rules, orders, and determinations of the Department of 117457  
Mental Health until modified or rescinded by the Department of 117458  
Mental Health. If necessary to ensure the integrity of the 117459  
numbering system of the Administrative Code, the Director of the 117460  
Legislative Service Commission shall renumber the rules to reflect 117461  
the transfer of the licensing of adult care facilities from the 117462  
Department of Health to the Department of Mental Health. 117463

Any action or proceeding that is related to the functions or 117464  
duties of the licensing of adult care facilities pending on the 117465  
effective date of this section is not affected by the transfer of 117466  
the licensing and shall be prosecuted or defended in the name of 117467  
the Department of Mental Health. In all such actions and 117468  
proceedings, the Department of Mental Health, on application to 117469  
the court, shall be substituted as a party. 117470

**Section 339.10. MIH COMMISSION ON MINORITY HEALTH**

117471

General Revenue Fund 117472

|     |        |                    |    |           |    |           |        |
|-----|--------|--------------------|----|-----------|----|-----------|--------|
| GRF | 149321 | Operating Expenses | \$ | 423,588   | \$ | 408,990   | 117473 |
| GRF | 149501 | Minority Health    | \$ | 1,061,600 | \$ | 1,061,600 | 117474 |

Grants

|           |                      |               |    |           |    |           |        |
|-----------|----------------------|---------------|----|-----------|----|-----------|--------|
| GRF       | 149502               | Lupus Program | \$ | 110,047   | \$ | 110,047   | 117475 |
| TOTAL GRF | General Revenue Fund |               | \$ | 1,595,235 | \$ | 1,580,637 | 117476 |

Federal Special Revenue Fund Group 117477

|      |        |                |    |         |    |         |        |
|------|--------|----------------|----|---------|----|---------|--------|
| 3J90 | 149602 | Federal Grants | \$ | 140,000 | \$ | 140,000 | 117478 |
|------|--------|----------------|----|---------|----|---------|--------|

TOTAL FED Federal Special Revenue 117479

|            |    |         |    |         |        |
|------------|----|---------|----|---------|--------|
| Fund Group | \$ | 140,000 | \$ | 140,000 | 117480 |
|------------|----|---------|----|---------|--------|

State Special Revenue Fund Group 117481

|      |        |                 |    |        |    |        |        |
|------|--------|-----------------|----|--------|----|--------|--------|
| 4C20 | 149601 | Minority Health | \$ | 25,000 | \$ | 25,000 | 117482 |
|------|--------|-----------------|----|--------|----|--------|--------|

Conference

TOTAL SSR State Special Revenue 117483

|                              |    |           |    |           |        |
|------------------------------|----|-----------|----|-----------|--------|
| Fund Group                   | \$ | 25,000    | \$ | 25,000    | 117484 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,760,235 | \$ | 1,745,637 | 117485 |

**Section 341.10.** CRB MOTOR VEHICLE COLLISION REPAIR 117487  
REGISTRATION BOARD 117488

|                                |    |         |    |         |        |
|--------------------------------|----|---------|----|---------|--------|
| General Services Fund Group    |    |         |    |         | 117489 |
| 4K90 865601 Operating Expenses | \$ | 331,841 | \$ | 324,292 | 117490 |
| TOTAL GSF General Services     |    |         |    |         | 117491 |
| Fund Group                     | \$ | 331,841 | \$ | 324,292 | 117492 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 331,841 | \$ | 324,292 | 117493 |

**Section 343.10.** DNR DEPARTMENT OF NATURAL RESOURCES 117495

|                                  |    |            |    |            |        |
|----------------------------------|----|------------|----|------------|--------|
| General Revenue Fund             |    |            |    |            | 117496 |
| GRF 725401 Wildlife-GRF Central  | \$ | 1,800,000  | \$ | 1,800,000  | 117497 |
| Support                          |    |            |    |            |        |
| GRF 725413 Lease Rental Payments | \$ | 20,568,600 | \$ | 19,734,700 | 117498 |
| GRF 725456 Canal Lands           | \$ | 135,000    | \$ | 135,000    | 117499 |
| GRF 725502 Soil and Water        | \$ | 2,900,000  | \$ | 2,900,000  | 117500 |
| Districts                        |    |            |    |            |        |
| GRF 725903 Natural Resources     | \$ | 5,375,300  | \$ | 25,209,100 | 117501 |
| General Obligation               |    |            |    |            |        |
| Debt Service                     |    |            |    |            |        |
| GRF 727321 Division of Forestry  | \$ | 4,878,338  | \$ | 4,880,000  | 117502 |
| GRF 729321 Office of Information | \$ | 194,118    | \$ | 197,117    | 117503 |
| Technology                       |    |            |    |            |        |
| GRF 730321 Division of Parks and | \$ | 30,000,000 | \$ | 30,000,000 | 117504 |
| Recreation                       |    |            |    |            |        |
| GRF 736321 Division of           | \$ | 3,024,459  | \$ | 3,025,078  | 117505 |
| Engineering                      |    |            |    |            |        |
| GRF 737321 Division of Soil and  | \$ | 4,982,961  | \$ | 4,983,356  | 117506 |
| Water Resources                  |    |            |    |            |        |
| TOTAL GRF General Revenue Fund   | \$ | 73,858,776 | \$ | 92,864,351 | 117507 |

|                                    |        |                       |                             |                                    |
|------------------------------------|--------|-----------------------|-----------------------------|------------------------------------|
| General Services Fund Group        |        |                       |                             | 117508                             |
| 1550                               | 725601 | Departmental Projects | \$ 3,365,651 \$ 2,725,484   | 117509                             |
| 1570                               | 725651 | Central Support       | \$ 5,854,167 \$ 5,857,800   | 117510                             |
| Indirect                           |        |                       |                             |                                    |
| 2040                               | 725687 | Information Services  | \$ 4,659,276 \$ 4,643,835   | 117511                             |
| 2070                               | 725690 | Real Estate Services  | \$ 128,040 \$ 128,040       | 117512                             |
| 2230                               | 725665 | Law Enforcement       | \$ 2,106,776 \$ 2,126,432   | 117513                             |
| Administration                     |        |                       |                             |                                    |
| 2270                               | 725406 | Parks Projects        | \$ 436,500 \$ 436,500       | 117514                             |
| Personnel                          |        |                       |                             |                                    |
| 4300                               | 725671 | Canal Lands           | \$ 907,618 \$ 907,879       | 117515                             |
| 4D50                               | 725618 | Recycled Materials    | \$ 50,000 \$ 50,000         | 117516                             |
| 4S90                               | 725622 | NatureWorks Personnel | \$ 400,358 \$ 400,358       | 117517                             |
| 4X80                               | 725662 | Water Resources       | \$ 138,011 \$ 138,005       | 117518                             |
| Council                            |        |                       |                             |                                    |
| 5100                               | 725631 | Maintenance -         | \$ 303,611 \$ 303,611       | 117519                             |
| State-owned                        |        |                       |                             |                                    |
| Residences                         |        |                       |                             |                                    |
| 5160                               | 725620 | Water Management      | \$ 2,541,565 \$ 2,559,292   | 117520                             |
| 6350                               | 725664 | Fountain Square       | \$ 3,544,623 \$ 3,548,445   | 117521                             |
| Facilities Management              |        |                       |                             |                                    |
| 6970                               | 725670 | Submerged Lands       | \$ 836,162 \$ 848,546       | 117522                             |
| TOTAL GSF General Services         |        |                       |                             | 117523                             |
| Fund Group                         |        |                       |                             | \$ 25,272,358 \$ 24,674,227 117524 |
| Federal Special Revenue Fund Group |        |                       |                             | 117525                             |
| 3320                               | 725669 | Federal Mine Safety   | \$ 258,102 \$ 258,102       | 117526                             |
| Grant                              |        |                       |                             |                                    |
| 3B30                               | 725640 | Federal Forest        | \$ 600,000 \$ 600,000       | 117527                             |
| Pass-Thru                          |        |                       |                             |                                    |
| 3B40                               | 725641 | Federal Flood         | \$ 600,000 \$ 600,000       | 117528                             |
| Pass-Thru                          |        |                       |                             |                                    |
| 3B50                               | 725645 | Federal Abandoned     | \$ 21,007,667 \$ 21,207,667 | 117529                             |

|                       |        |                         |    |            |    |            |        |
|-----------------------|--------|-------------------------|----|------------|----|------------|--------|
|                       |        | Mine Lands              |    |            |    |            |        |
| 3B60                  | 725653 | Federal Land and        | \$ | 1,150,000  | \$ | 1,150,000  | 117530 |
|                       |        | Water Conservation      |    |            |    |            |        |
|                       |        | Grants                  |    |            |    |            |        |
| 3B70                  | 725654 | Reclamation -           | \$ | 3,200,000  | \$ | 3,200,000  | 117531 |
|                       |        | Regulatory              |    |            |    |            |        |
| 3P10                  | 725632 | Geological Survey -     | \$ | 692,401    | \$ | 692,401    | 117532 |
|                       |        | Federal                 |    |            |    |            |        |
| 3P20                  | 725642 | Oil and Gas-Federal     | \$ | 234,509    | \$ | 234,509    | 117533 |
| 3P30                  | 725650 | Coastal Management -    | \$ | 3,290,633  | \$ | 3,290,633  | 117534 |
|                       |        | Federal                 |    |            |    |            |        |
| 3P40                  | 725660 | Federal - Soil and      | \$ | 1,213,048  | \$ | 1,209,957  | 117535 |
|                       |        | Water Resources         |    |            |    |            |        |
| 3R50                  | 725673 | Acid Mine Drainage      | \$ | 2,025,001  | \$ | 2,025,001  | 117536 |
|                       |        | Abatement/Treatment     |    |            |    |            |        |
| 3Z50                  | 725657 | Federal Recreation      | \$ | 1,850,000  | \$ | 1,850,000  | 117537 |
|                       |        | and Trails              |    |            |    |            |        |
| TOTAL FED             |        | Federal Special Revenue |    |            |    |            | 117538 |
| Fund Group            |        |                         | \$ | 36,121,361 | \$ | 36,318,270 | 117539 |
| State Special Revenue |        | Fund Group              |    |            |    |            | 117540 |
| 4J20                  | 725628 | Injection Well Review   | \$ | 130,899    | \$ | 128,466    | 117541 |
| 4M70                  | 725686 | Wildfire Suppression    | \$ | 100,000    | \$ | 100,000    | 117542 |
| 4U60                  | 725668 | Scenic Rivers           | \$ | 100,000    | \$ | 100,000    | 117543 |
|                       |        | Protection              |    |            |    |            |        |
| 5090                  | 725602 | State Forest            | \$ | 7,891,747  | \$ | 7,058,793  | 117544 |
| 5110                  | 725646 | Ohio Geological         | \$ | 704,777    | \$ | 705,130    | 117545 |
|                       |        | Mapping                 |    |            |    |            |        |
| 5120                  | 725605 | State Parks Operations  | \$ | 32,284,117 | \$ | 31,550,444 | 117546 |
| 5140                  | 725606 | Lake Erie Shoreline     | \$ | 1,502,654  | \$ | 1,505,983  | 117547 |
| 5180                  | 725643 | Oil and Gas Permit      | \$ | 4,871,970  | \$ | 4,873,645  | 117548 |
|                       |        | Fees                    |    |            |    |            |        |
| 5180                  | 725677 | Oil and Gas Well        | \$ | 800,000    | \$ | 800,000    | 117549 |
|                       |        | Plugging                |    |            |    |            |        |



|                                    |        |                                                 |    |            |    |            |        |
|------------------------------------|--------|-------------------------------------------------|----|------------|----|------------|--------|
| 5210                               | 725627 | Off-Road Vehicle<br>Trails                      | \$ | 143,490    | \$ | 143,490    | 117550 |
| 5220                               | 725656 | Natural Areas and<br>Preserves                  | \$ | 546,580    | \$ | 546,639    | 117551 |
| 5260                               | 725610 | Strip Mining<br>Administration Fee              | \$ | 2,000,000  | \$ | 2,000,000  | 117552 |
| 5270                               | 725637 | Surface Mining<br>Administration                | \$ | 1,940,977  | \$ | 1,941,532  | 117553 |
| 5290                               | 725639 | Unreclaimed Land Fund                           | \$ | 2,004,180  | \$ | 2,004,180  | 117554 |
| 5310                               | 725648 | Reclamation Forfeiture                          | \$ | 1,423,000  | \$ | 1,423,000  | 117555 |
| 5320                               | 725644 | Litter Control and<br>Recycling                 | \$ | 4,926,730  | \$ | 4,911,575  | 117556 |
| 5860                               | 725633 | Scrap Tire Program                              | \$ | 1,497,645  | \$ | 1,497,645  | 117557 |
| 5B30                               | 725674 | Mining Regulation                               | \$ | 28,135     | \$ | 28,135     | 117558 |
| 5BV0                               | 725683 | Soil and Water<br>Districts                     | \$ | 8,000,000  | \$ | 8,000,000  | 117559 |
| 5CU0                               | 725647 | Mine Safety                                     | \$ | 3,000,000  | \$ | 3,000,000  | 117560 |
| 5EJ0                               | 725608 | Forestry Law<br>Enforcement                     | \$ | 1,000      | \$ | 1,000      | 117561 |
| 5EK0                               | 725611 | Natural Areas &<br>Preserves Law<br>Enforcement | \$ | 1,000      | \$ | 1,000      | 117562 |
| 5EL0                               | 725612 | Wildlife Law<br>Enforcement                     | \$ | 12,000     | \$ | 12,000     | 117563 |
| 5EM0                               | 725613 | Park Law Enforcement                            | \$ | 34,000     | \$ | 34,000     | 117564 |
| 5EN0                               | 725614 | Watercraft Law<br>Enforcement                   | \$ | 2,500      | \$ | 2,500      | 117565 |
| 5HK0                               | 725625 | Ohio Nature Preserves                           | \$ | 1,000      | \$ | 1,000      | 117566 |
| 6150                               | 725661 | Dam Safety                                      | \$ | 925,344    | \$ | 926,028    | 117567 |
| TOTAL SSR State Special Revenue    |        |                                                 |    |            |    |            | 117568 |
| Fund Group                         |        |                                                 | \$ | 74,873,745 | \$ | 73,296,185 | 117569 |
| Clean Ohio Conservation Fund Group |        |                                                 |    |            |    |            | 117570 |
| 7061                               | 725405 | Clean Ohio Operating                            | \$ | 300,775    | \$ | 300,775    | 117571 |

|                                    |    |            |    |            |        |
|------------------------------------|----|------------|----|------------|--------|
| TOTAL CLF Clean Ohio Conservation  | \$ | 300,775    | \$ | 300,775    | 117572 |
| Fund Group                         |    |            |    |            |        |
| Wildlife Fund Group                |    |            |    |            | 117573 |
| 5P20 725634 Wildlife Boater        | \$ | 4,000,000  | \$ | 4,000,000  | 117574 |
| Angler Administration              |    |            |    |            |        |
| 7015 740401 Division of Wildlife   | \$ | 52,721,044 | \$ | 51,669,158 | 117575 |
| Conservation                       |    |            |    |            |        |
| 8150 725636 Cooperative            | \$ | 120,449    | \$ | 120,449    | 117576 |
| Management Projects                |    |            |    |            |        |
| 8160 725649 Wetlands Habitat       | \$ | 966,885    | \$ | 966,885    | 117577 |
| 8170 725655 Wildlife Conservation  | \$ | 3,240,000  | \$ | 3,240,000  | 117578 |
| Checkoff Fund                      |    |            |    |            |        |
| 8180 725629 Cooperative Fisheries  | \$ | 1,500,000  | \$ | 1,500,000  | 117579 |
| Research                           |    |            |    |            |        |
| 8190 725685 Ohio River Management  | \$ | 128,584    | \$ | 128,584    | 117580 |
| TOTAL WLF Wildlife Fund Group      | \$ | 62,676,962 | \$ | 61,625,076 | 117581 |
| Waterways Safety Fund Group        |    |            |    |            | 117582 |
| 7086 725414 Waterways Improvement  | \$ | 4,192,601  | \$ | 4,193,671  | 117583 |
| 7086 725418 Buoy Placement         | \$ | 52,182     | \$ | 52,182     | 117584 |
| 7086 725501 Waterway Safety        | \$ | 120,000    | \$ | 120,000    | 117585 |
| Grants                             |    |            |    |            |        |
| 7086 725506 Watercraft Marine      | \$ | 576,153    | \$ | 576,153    | 117586 |
| Patrol                             |    |            |    |            |        |
| 7086 725513 Watercraft             | \$ | 366,643    | \$ | 366,643    | 117587 |
| Educational Grants                 |    |            |    |            |        |
| 7086 739401 Division of            | \$ | 18,040,593 | \$ | 17,552,370 | 117588 |
| Watercraft                         |    |            |    |            |        |
| TOTAL WSF Waterways Safety Fund    |    |            |    |            | 117589 |
| Group                              | \$ | 23,348,172 | \$ | 22,861,019 | 117590 |
| Accrued Leave Liability Fund Group |    |            |    |            | 117591 |
| 4M80 725675 FOP Contract           | \$ | 20,219     | \$ | 20,219     | 117592 |
| TOTAL ALF Accrued Leave            |    |            |    |            | 117593 |

|                                           |    |             |    |             |        |
|-------------------------------------------|----|-------------|----|-------------|--------|
| Liability Fund Group                      | \$ | 20,219      | \$ | 20,219      | 117594 |
| Holding Account Redistribution Fund Group |    |             |    |             | 117595 |
| R017 725659 Performance Cash Bond         | \$ | 296,263     | \$ | 296,263     | 117596 |
| Refunds                                   |    |             |    |             |        |
| R043 725624 Forestry                      | \$ | 2,000,000   | \$ | 2,154,750   | 117597 |
| TOTAL 090 Holding Account                 |    |             |    |             | 117598 |
| Redistribution Fund Group                 | \$ | 2,296,263   | \$ | 2,451,013   | 117599 |
| TOTAL ALL BUDGET FUND GROUPS              | \$ | 298,768,631 | \$ | 314,411,135 | 117600 |

**Section 343.20. CENTRAL SUPPORT INDIRECT** 117602

With the exception of the Division of Wildlife, whose direct 117603  
and indirect central support charges shall be paid out of the 117604  
General Revenue Fund from the foregoing appropriation item 725401, 117605  
Wildlife-GRF Central Support, the Department of Natural Resources, 117606  
with approval of the Director of Budget and Management, shall 117607  
utilize a methodology for determining each division's payments 117608  
into the Central Support Indirect Fund (Fund 1570). The 117609  
methodology used shall contain the characteristics of 117610  
administrative ease and uniform application in compliance with 117611  
federal grant requirements. It may include direct cost charges for 117612  
specific services provided. Payments to Fund 1570 shall be made 117613  
using an intrastate transfer voucher. 117614

**Section 343.30. WELL LOG FILING FEES** 117615

The Chief of the Division of Soil and Water Resources shall 117616  
deposit fees forwarded to the Division pursuant to section 1521.05 117617  
of the Revised Code into the Departmental Services - Intrastate 117618  
Fund (Fund 1550) for the purposes described in that section. 117619

**Section 343.40. LEASE RENTAL PAYMENTS** 117620

The foregoing appropriation item 725413, Lease Rental 117621  
Payments, shall be used to meet all payments at the times they are 117622

required to be made during the period from July 1, 2011, through 117623  
June 30, 2013, by the Department of Natural Resources pursuant to 117624  
leases and agreements made under section 154.22 of the Revised 117625  
Code. These appropriations are the source of funds pledged for 117626  
bond service charges or obligations issued pursuant to Chapter 117627  
154. of the Revised Code. 117628

CANAL LANDS 117629

The foregoing appropriation item 725456, Canal Lands, shall 117630  
be used to transfer funds to the Canal Lands Fund (Fund 4300) to 117631  
provide operating expenses for the State Canal Lands Program. The 117632  
transfer shall be made using an intrastate transfer voucher and 117633  
shall be subject to the approval of the Director of Budget and 117634  
Management. 117635

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 117636

The foregoing appropriation item 725903, Natural Resources 117637  
General Obligation Debt Service, shall be used to pay all debt 117638  
service and related financing costs during the period July 1, 117639  
2011, through June 30, 2013, on obligations issued under sections 117640  
151.01 and 151.05 of the Revised Code. 117641

**Section 343.40.10. LAW ENFORCEMENT ADMINISTRATION** 117642

The foregoing appropriation item 725665, Law Enforcement 117643  
Administration, shall be used to cover the cost of support, 117644  
coordination, and oversight of the Department of Natural 117645  
Resources' law enforcement functions. The Law Enforcement 117646  
Administration Fund (Fund 2230) shall consist of cash transferred 117647  
to it via intrastate transfer voucher from other funds as 117648  
determined by the Director of Natural Resources and the Director 117649  
of Budget and Management. 117650

**Section 343.40.20. FOUNTAIN SQUARE** 117651

The foregoing appropriation item 725664, Fountain Square Facilities Management, shall be used for payment of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square complex. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 6350).

**Section 343.40.30. SOIL AND WATER DISTRICTS** 117660

In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, the Department of Natural Resources may use appropriation item 725683, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district.

**OIL AND GAS WELL PLUGGING** 117672

The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. No funds from the appropriation item shall be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. This appropriation item shall not be used to transfer cash to any other fund or appropriation item.

LITTER CONTROL AND RECYCLING 117683

Of the foregoing appropriation item 725644, Litter Control 117684  
and Recycling, up to \$1,500,000 may be used in each fiscal year 117685  
for the administration of the Recycling and Litter Prevention 117686  
Program. 117687

**Section 343.40.40. CLEAN OHIO OPERATING EXPENSES** 117688

The foregoing appropriation item 725405, Clean Ohio 117689  
Operating, shall be used by the Department of Natural Resources in 117690  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 117691  
to section 1519.05 of the Revised Code. 117692

**Section 343.40.50. WATERCRAFT MARINE PATROL** 117693

Of the foregoing appropriation item 739401, Division of 117694  
Watercraft, up to \$200,000 in each fiscal year shall be expended 117695  
for the purchase of equipment for marine patrols qualifying for 117696  
funding from the Department of Natural Resources pursuant to 117697  
section 1547.67 of the Revised Code. Proposals for equipment shall 117698  
accompany the submission of documentation for receipt of a marine 117699  
patrol subsidy pursuant to section 1547.67 of the Revised Code and 117700  
shall be loaned to eligible marine patrols pursuant to a 117701  
cooperative agreement between the Department of Natural Resources 117702  
and the eligible marine patrol. 117703

**Section 343.40.60. TRANSFER FOR CAESAR CREEK MARINA** 117704

On July 1, 2011, or as soon as possible thereafter, the 117705  
Director of Natural Resources may request the Director of Budget 117706  
and Management to transfer up to \$4,000,000 in cash from the 117707  
Watercraft Revolving Loan Fund (Fund 5AW0) to the Waterways Safety 117708  
Fund (Fund 7086) to support a marina project at Caesar Creek State 117709  
Park. 117710

**Section 343.50.** PARKS CAPITAL EXPENSES FUND 117711

The Director of Natural Resources shall submit to the 117712  
Director of Budget and Management the estimated design, 117713  
engineering, and planning costs of capital-related work to be done 117714  
by Department of Natural Resources staff for parks projects within 117715  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 117716  
Director of Budget and Management approves the estimated costs, 117717  
the Director may release appropriations from appropriation item 117718  
C725E6, Project Planning, Fund 7035, for those purposes. Upon 117719  
release of the appropriations, the Department of Natural Resources 117720  
shall pay for these expenses from the Parks Capital Expenses Fund 117721  
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 117722  
Fund 7035 using an intrastate transfer voucher. 117723

NATUREWORKS CAPITAL EXPENSES FUND 117724

The Department of Natural Resources shall periodically 117725  
prepare and submit to the Director of Budget and Management the 117726  
estimated design, planning, and engineering costs of 117727  
capital-related work to be done by Department of Natural Resources 117728  
staff for each capital improvement project within the Ohio Parks 117729  
and Natural Resources Fund (Fund 7031). If the Director of Budget 117730  
and Management approves the estimated costs, the Director may 117731  
release appropriations from appropriation item C725E5, Project 117732  
Planning, in Fund 7031, for those purposes. Upon release of the 117733  
appropriations, the Department of Natural Resources shall pay for 117734  
these expenses from the Capital Expenses Fund (Fund 4S90). 117735  
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 117736  
using an intrastate transfer voucher. 117737

**Section 345.10.** NUR STATE BOARD OF NURSING 117738

General Services Fund Group 117739  
4K90 884609 Operating Expenses \$ 6,943,322 \$ 6,680,896 117740

|                              |                       |    |           |    |           |        |
|------------------------------|-----------------------|----|-----------|----|-----------|--------|
| 5AC0 884602                  | Nurse Education Grant | \$ | 1,373,506 | \$ | 1,373,506 | 117741 |
|                              | Program               |    |           |    |           |        |
| 5P80 884601                  | Nursing Special       | \$ | 5,000     | \$ | 5,000     | 117742 |
|                              | Issues                |    |           |    |           |        |
| TOTAL GSF                    | General Services      |    |           |    |           | 117743 |
| Fund Group                   |                       | \$ | 8,321,828 | \$ | 8,059,402 | 117744 |
| TOTAL ALL BUDGET FUND GROUPS |                       | \$ | 8,321,828 | \$ | 8,059,402 | 117745 |

|                                                                    |                       |    |         |    |         |        |
|--------------------------------------------------------------------|-----------------------|----|---------|----|---------|--------|
| <b>Section 347.10.</b> PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, |                       |    |         |    |         | 117747 |
| AND ATHLETIC TRAINERS BOARD                                        |                       |    |         |    |         | 117748 |
| General Services Fund Group                                        |                       |    |         |    |         | 117749 |
| 4K90 890609                                                        | Operating Expenses    | \$ | 874,087 | \$ | 866,169 | 117750 |
| TOTAL GSF                                                          | General Services Fund | \$ | 874,087 | \$ | 866,169 | 117751 |
| Group                                                              |                       |    |         |    |         |        |
| TOTAL ALL BUDGET FUND GROUPS                                       |                       | \$ | 874,087 | \$ | 866,169 | 117752 |

|                                                        |                      |    |         |    |         |        |
|--------------------------------------------------------|----------------------|----|---------|----|---------|--------|
| <b>Section 349.10.</b> OLA OHIOANA LIBRARY ASSOCIATION |                      |    |         |    |         | 117754 |
| General Revenue Fund                                   |                      |    |         |    |         | 117755 |
| GRF 355501                                             | Library Subsidy      | \$ | 120,000 | \$ | 120,000 | 117756 |
| TOTAL GRF                                              | General Revenue Fund | \$ | 120,000 | \$ | 120,000 | 117757 |
| TOTAL ALL BUDGET FUND GROUPS                           |                      | \$ | 120,000 | \$ | 120,000 | 117758 |

|                                                          |                    |    |         |    |         |        |
|----------------------------------------------------------|--------------------|----|---------|----|---------|--------|
| <b>Section 351.10.</b> ODB OHIO OPTICAL DISPENSERS BOARD |                    |    |         |    |         | 117760 |
| General Services Fund Group                              |                    |    |         |    |         | 117761 |
| 4K90 894609                                              | Operating Expenses | \$ | 357,039 | \$ | 347,300 | 117762 |
| TOTAL GSF                                                | General Services   |    |         |    |         | 117763 |
| Fund Group                                               |                    | \$ | 357,039 | \$ | 347,300 | 117764 |
| TOTAL ALL BUDGET FUND GROUPS                             |                    | \$ | 357,039 | \$ | 347,300 | 117765 |

|                                                     |                    |    |         |    |         |        |
|-----------------------------------------------------|--------------------|----|---------|----|---------|--------|
| <b>Section 353.10.</b> OPT STATE BOARD OF OPTOMETRY |                    |    |         |    |         | 117767 |
| General Services Fund Group                         |                    |    |         |    |         | 117768 |
| 4K90 885609                                         | Operating Expenses | \$ | 356,914 | \$ | 347,278 | 117769 |



|                              |    |         |            |        |
|------------------------------|----|---------|------------|--------|
| TOTAL GSF General Services   |    |         |            | 117770 |
| Fund Group                   | \$ | 356,914 | \$ 347,278 | 117771 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 356,914 | \$ 347,278 | 117772 |

**Section 355.10.** OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 117774  
AND PEDORTHICS 117775

|                                |    |         |            |        |
|--------------------------------|----|---------|------------|--------|
| General Services Fund Group    |    |         |            | 117776 |
| 4K90 973609 Operating Expenses | \$ | 126,340 | \$ 114,218 | 117777 |
| TOTAL GSF General Services     |    |         |            | 117778 |
| Fund Group                     | \$ | 126,340 | \$ 114,218 | 117779 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 126,340 | \$ 114,218 | 117780 |

**Section 357.10.** UST PETROLEUM UNDERGROUND STORAGE TANK 117781  
RELEASE COMPENSATION BOARD 117782

|                              |    |           |              |        |
|------------------------------|----|-----------|--------------|--------|
| Agency Fund Group            |    |           |              | 117783 |
| 6910 810632 PUSTRCB Staff    | \$ | 1,162,179 | \$ 1,123,014 | 117784 |
| TOTAL AGY Agency Fund Group  | \$ | 1,162,179 | \$ 1,123,014 | 117785 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,162,179 | \$ 1,123,014 | 117786 |

**Section 359.10.** PRX STATE BOARD OF PHARMACY 117788

|                                  |    |           |              |        |
|----------------------------------|----|-----------|--------------|--------|
| General Services Fund Group      |    |           |              | 117789 |
| 4A50 887605 Drug Law Enforcement | \$ | 75,500    | \$ 75,500    | 117790 |
| 4K90 887609 Operating Expenses   | \$ | 5,708,498 | \$ 5,801,285 | 117791 |
| TOTAL GSF General Services Fund  | \$ | 5,783,998 | \$ 5,876,785 | 117792 |
| Group                            |    |           |              |        |

|                                    |    |        |      |        |
|------------------------------------|----|--------|------|--------|
| Federal Special Revenue Fund Group |    |        |      | 117793 |
| 3CT0 887606 2008                   | \$ | 70,775 | \$ 0 | 117794 |

Developing/Enhancing  
PMP

|                                           |    |         |           |        |
|-------------------------------------------|----|---------|-----------|--------|
| 3DV0 887607 Enhancing Ohio's PMP          | \$ | 169,888 | \$ 2,379  | 117795 |
| 3EY0 887603 Administration of<br>PMIX Hub | \$ | 320,637 | \$ 66,335 | 117796 |

|                              |                         |    |           |    |           |        |
|------------------------------|-------------------------|----|-----------|----|-----------|--------|
| 3EZ0 887610                  | NASPER 10               | \$ | 164,459   |    | 27,710    | 117797 |
| TOTAL FED                    | Federal Special Revenue | \$ | 725,759   | \$ | 96,424    | 117798 |
| Fund Group                   |                         |    |           |    |           |        |
| TOTAL ALL BUDGET FUND GROUPS |                         | \$ | 6,509,757 | \$ | 5,973,209 | 117799 |

**Section 361.10. PSY STATE BOARD OF PSYCHOLOGY** 117801

|                                    |                    |    |         |    |         |        |
|------------------------------------|--------------------|----|---------|----|---------|--------|
| General Services Fund Group 117802 |                    |    |         |    |         |        |
| 4K90 882609                        | Operating Expenses | \$ | 525,394 | \$ | 535,406 | 117803 |
| TOTAL GSF                          | General Services   |    |         |    |         | 117804 |
| Fund Group                         |                    | \$ | 525,394 | \$ | 535,406 | 117805 |
| TOTAL ALL BUDGET FUND GROUPS       |                    | \$ | 525,394 | \$ | 535,406 | 117806 |

**Section 363.10. PUB OHIO PUBLIC DEFENDER COMMISSION** 117808

|                                           |                       |    |           |    |           |        |
|-------------------------------------------|-----------------------|----|-----------|----|-----------|--------|
| General Revenue Fund 117809               |                       |    |           |    |           |        |
| GRF 019401                                | State Legal Defense   | \$ | 2,610,272 | \$ | 3,020,855 | 117810 |
| Services                                  |                       |    |           |    |           |        |
| GRF 019403                                | Multi-County: State   | \$ | 338,931   | \$ | 406,626   | 117811 |
| Share                                     |                       |    |           |    |           |        |
| GRF 019404                                | Trumbull County -     | \$ | 99,321    | \$ | 119,158   | 117812 |
| State Share                               |                       |    |           |    |           |        |
| GRF 019405                                | Training Account      | \$ | 50,000    | \$ | 50,000    | 117813 |
| GRF 019501                                | County Reimbursement  | \$ | 2,565,398 | \$ | 3,077,786 | 117814 |
| TOTAL GRF                                 | General Revenue Fund  | \$ | 5,663,922 | \$ | 6,674,425 | 117815 |
| General Services Fund Group 117816        |                       |    |           |    |           |        |
| 4070 019604                               | County Representation | \$ | 231,076   | \$ | 231,754   | 117817 |
| 4080 019605                               | Client Payments       | \$ | 1,052,919 | \$ | 953,492   | 117818 |
| 5CX0 019617                               | Civil Case Filing Fee | \$ | 708,654   | \$ | 705,713   | 117819 |
| TOTAL GSF                                 | General Services      |    |           |    |           | 117820 |
| Fund Group                                |                       | \$ | 1,992,649 | \$ | 1,890,959 | 117821 |
| Federal Special Revenue Fund Group 117822 |                       |    |           |    |           |        |
| 3S80 019608                               | Federal               | \$ | 341,733   | \$ | 263,431   | 117823 |
| Representation                            |                       |    |           |    |           |        |

|                                                                                                                                                                                                                    |    |            |               |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------|---------------|--------------------------------------|
| TOTAL FED Federal Special Revenue                                                                                                                                                                                  |    |            |               | 117824                               |
| Fund Group                                                                                                                                                                                                         | \$ | 341,733    | \$ 263,431    | 117825                               |
| State Special Revenue Fund Group                                                                                                                                                                                   |    |            |               | 117826                               |
| 4C70 019601 Multi-County: County Share                                                                                                                                                                             | \$ | 3,324,009  | \$ 3,333,014  | 117827                               |
| 4N90 019613 Gifts and Grants                                                                                                                                                                                       | \$ | 35,000     | \$ 35,000     | 117828                               |
| 4X70 019610 Trumbull County - County Share                                                                                                                                                                         | \$ | 974,069    | \$ 976,612    | 117829                               |
| 5740 019606 Civil Legal Aid                                                                                                                                                                                        | \$ | 24,000,000 | \$ 27,000,000 | 117830                               |
| 5DY0 019618 Indigent Defense Support - County Share                                                                                                                                                                | \$ | 42,195,000 | \$ 43,125,000 | 117831                               |
| 5DY0 019619 Indigent Defense Support Fund - State Office                                                                                                                                                           | \$ | 6,521,723  | \$ 6,096,759  | 117832                               |
| TOTAL SSR State Special Revenue                                                                                                                                                                                    |    |            |               | 117833                               |
| Fund Group                                                                                                                                                                                                         | \$ | 77,049,801 | \$ 80,566,385 | 117834                               |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                       | \$ | 85,048,105 | \$ 89,395,200 | 117835                               |
| INDIGENT DEFENSE OFFICE                                                                                                                                                                                            |    |            |               | 117836                               |
| The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.                      |    |            |               | 117837<br>117838<br>117839           |
| MULTI-COUNTY OFFICE                                                                                                                                                                                                |    |            |               | 117840                               |
| The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program. |    |            |               | 117841<br>117842<br>117843<br>117844 |
| TRAINING ACCOUNT                                                                                                                                                                                                   |    |            |               | 117845                               |
| The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who                               |    |            |               | 117846<br>117847<br>117848           |

represent at least one indigent defendant at no cost and for state 117849  
and county public defenders and attorneys who contract with the 117850  
Ohio Public Defender to provide indigent defense services. 117851

FEDERAL REPRESENTATION 117852

The foregoing appropriation item 019608, Federal 117853  
Representation, shall be used to receive reimbursements from the 117854  
federal courts when the Ohio Public Defender provides 117855  
representation in federal court cases and to support 117856  
representation in such cases. 117857

**Section 365.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO 117858

General Services Fund Group 117859

5F60 870622 Utility and Railroad \$ 30,637,234 \$ 31,638,708 117860  
Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 158,000 \$ 158,000 117861

5F60 870625 Motor Transportation \$ 4,976,641 \$ 5,971,218 117862  
Regulation

5Q50 870626 Telecommunications \$ 5,000,000 \$ 5,000,000 117863  
Relay Service

TOTAL GSF General Services 117864

Fund Group \$ 40,771,875 \$ 42,767,926 117865

Federal Special Revenue Fund Group 117866

3330 870601 Gas Pipeline Safety \$ 597,959 \$ 597,959 117867

3500 870608 Motor Carrier Safety \$ 7,351,660 \$ 7,351,660 117868

3CU0 870627 Electric Market \$ 91,183 \$ 0 117869  
Modeling

3EA0 870630 Energy Assurance \$ 384,000 \$ 384,000 117870  
Planning

3ED0 870631 State Regulators \$ 231,824 \$ 231,824 117871  
Assistance

3V30 870604 Commercial Vehicle \$ 100,000 \$ 100,000 117872

|                                                    |    |               |                   |
|----------------------------------------------------|----|---------------|-------------------|
| Information                                        |    |               |                   |
| Systems/Networks                                   |    |               |                   |
| TOTAL FED Federal Special Revenue                  |    |               | 117873            |
| Fund Group                                         | \$ | 8,756,626 \$  | 8,665,443 117874  |
| State Special Revenue Fund Group                   |    |               | 117875            |
| 4A30 870614 Grade Crossing                         | \$ | 1,347,357 \$  | 1,347,357 117876  |
| Protection                                         |    |               |                   |
| Devices-State                                      |    |               |                   |
| 4L80 870617 Pipeline Safety-State                  | \$ | 181,992 \$    | 181,992 117877    |
| 4S60 870618 Hazardous Material                     | \$ | 450,395 \$    | 450,395 117878    |
| Registration                                       |    |               |                   |
| 4S60 870621 Hazardous Materials                    | \$ | 373,346 \$    | 373,346 117879    |
| Base State                                         |    |               |                   |
| Registration                                       |    |               |                   |
| 4U80 870620 Civil Forfeitures                      | \$ | 277,347 \$    | 277,496 117880    |
| 5590 870605 Public Utilities                       | \$ | 3,880 \$      | 3,880 117881      |
| Territorial                                        |    |               |                   |
| Administration                                     |    |               |                   |
| 5600 870607 Special Assessment                     | \$ | 97,000 \$     | 97,000 117882     |
| 5610 870606 Power Siting Board                     | \$ | 631,508 \$    | 631,618 117883    |
| 5BP0 870623 Wireless 9-1-1                         | \$ | 36,440,000 \$ | 18,220,000 117884 |
| Administration                                     |    |               |                   |
| 5HD0 870629 Radioactive Waste                      | \$ | 98,800 \$     | 98,800 117885     |
| Transportation                                     |    |               |                   |
| 6380 870611 Biofuels/Municipal                     | \$ | 570 \$        | 0 117886          |
| Waste Technology                                   |    |               |                   |
| 6610 870612 Hazardous Materials                    | \$ | 898,800 \$    | 898,800 117887    |
| Transportation                                     |    |               |                   |
| TOTAL SSR State Special Revenue                    |    |               | 117888            |
| Fund Group                                         | \$ | 40,800,995 \$ | 22,580,684 117889 |
| TOTAL ALL BUDGET FUND GROUPS                       | \$ | 90,329,496 \$ | 74,014,053 117890 |
| <b>Section 367.10. PWC PUBLIC WORKS COMMISSION</b> |    |               | 117892            |

|                                                                    |                         |                |                |  |        |
|--------------------------------------------------------------------|-------------------------|----------------|----------------|--|--------|
| General Revenue Fund                                               |                         |                |                |  | 117893 |
| GRF 150904                                                         | Conservation General    | \$ 21,953,000  | \$ 29,297,300  |  | 117894 |
|                                                                    | Obligation Debt         |                |                |  |        |
|                                                                    | Service                 |                |                |  |        |
| GRF 150907                                                         | State Capital           | \$ 106,770,600 | \$ 215,571,100 |  | 117895 |
|                                                                    | Improvements            |                |                |  |        |
|                                                                    | General Obligation      |                |                |  | 117896 |
|                                                                    | Debt Service            |                |                |  |        |
| TOTAL GRF                                                          | General Revenue Fund    | \$ 128,723,600 | \$ 244,868,400 |  | 117897 |
| State Special Revenue Fund Group                                   |                         |                |                |  | 117898 |
| 5KJ0 150600                                                        | Local Government        | \$ 50,000,000  | \$ 50,000,000  |  | 117899 |
|                                                                    | Integrating and         |                |                |  |        |
|                                                                    | Innovation              |                |                |  |        |
| TOTAL SSR                                                          | State Special Revenue   | \$ 50,000,000  | \$ 50,000,000  |  | 117900 |
| Fund Group                                                         |                         |                |                |  |        |
| Clean Ohio Conservation Fund Group                                 |                         |                |                |  | 117901 |
| 7056 150403                                                        | Clean Ohio Operating    | \$ 300,000     | \$ 288,980     |  | 117902 |
|                                                                    | Expenses                |                |                |  |        |
| TOTAL 056                                                          | Clean Ohio Conservation | \$ 300,000     | \$ 288,980     |  | 117903 |
| Fund Group                                                         |                         |                |                |  |        |
| TOTAL ALL BUDGET FUND GROUPS                                       |                         | \$ 179,023,600 | \$ 295,157,380 |  | 117904 |
| CONSERVATION GENERAL OBLIGATION DEBT SERVICE                       |                         |                |                |  | 117905 |
| The foregoing appropriation item 150904, Conservation General      |                         |                |                |  | 117906 |
| Obligation Debt Service, shall be used to pay all debt service and |                         |                |                |  | 117907 |
| related financing costs during the period from July 1, 2011,       |                         |                |                |  | 117908 |
| through June 30, 2013, at the times they are required to be made   |                         |                |                |  | 117909 |
| for obligations issued under sections 151.01 and 151.09 of the     |                         |                |                |  | 117910 |
| Revised Code.                                                      |                         |                |                |  | 117911 |
| STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE         |                         |                |                |  | 117912 |
| The foregoing appropriation item 150907, State Capital             |                         |                |                |  | 117913 |
| Improvements General Obligation Debt Service, shall be used to pay |                         |                |                |  | 117914 |

all debt service and related financing costs during the period 117915  
from July 1, 2011, through June 30, 2013, at the times they are 117916  
required to be made for obligations issued under sections 151.01 117917  
and 151.08 of the Revised Code. 117918

LOCAL GOVERNMENT INTEGRATING AND INNOVATION 117919

The foregoing appropriation item 150600, Local Government 117920  
Integrating and Innovation, shall be used to make awards to 117921  
political subdivisions pursuant to section 164.30 of the Revised 117922  
Code. 117923

CLEAN OHIO OPERATING EXPENSES 117924

The foregoing appropriation item 150403, Clean Ohio Operating 117925  
Expenses, shall be used by the Ohio Public Works Commission in 117926  
administering Clean Ohio Conservation Fund (Fund 7056) projects 117927  
pursuant to sections 164.20 to 164.27 of the Revised Code. 117928

REIMBURSEMENT TO THE GENERAL REVENUE FUND 117929

(A) On or before July 15, 2013, the Director of the Public 117930  
Works Commission shall certify to the Director of Budget and 117931  
Management the following: 117932

(1) The total amount disbursed from appropriation item 117933  
700409, Farmland Preservation, during the FY 2012-FY 2013 117934  
biennium; and 117935

(2) The amount of interest earnings that have been credited 117936  
to the Clean Ohio Conservation Fund (Fund 7056) that are in excess 117937  
of the amount needed for other purposes as calculated by the 117938  
Director of the Public Works Commission. 117939

(B) If the Director of Budget and Management determines under 117940  
division (A)(2) of this section that there are excess interest 117941  
earnings, the Director of Budget and Management shall, on or 117942  
before July 15, 2013, transfer the excess interest earnings to the 117943  
General Revenue Fund in an amount equal to the total amount 117944

disbursed under division (A)(1) of this section from the Clean Ohio Conservation Fund (Fund 7056). 117945  
117946

**Section 369.10. RAC STATE RACING COMMISSION** 117947

State Special Revenue Fund Group 117948

5620 875601 Thoroughbred Race \$ 1,796,328 \$ 1,696,456 117949  
Fund

5630 875602 Standardbred \$ 1,697,418 \$ 1,697,452 117950  
Development Fund

5640 875603 Quarter Horse \$ 1,000 \$ 1,000 117951  
Development Fund

5650 875604 Racing Commission \$ 3,095,331 \$ 2,934,178 117952  
Operating

5C40 875607 Simulcast Horse \$ 12,000,000 \$ 12,000,000 117953  
Racing Purse

TOTAL SSR State Special Revenue 117954

Fund Group \$ 18,590,078 \$ 18,329,087 117955

Holding Account Redistribution Fund Group 117956

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 117957

TOTAL 090 Holding Account 117958

Redistribution

Fund Group \$ 100,000 \$ 100,000 117959

TOTAL ALL BUDGET FUND GROUPS \$ 18,690,078 \$ 18,429,087 117960

**Section 371.10. BOR BOARD OF REGENTS** 117962

General Revenue Fund 117963

GRF 235321 Operating Expenses \$ 2,300,000 \$ 2,300,000 117964

GRF 235401 Lease Rental Payments \$ 83,151,600 \$ 57,634,400 117965

GRF 235402 Sea Grants \$ 285,000 \$ 285,000 117966

GRF 235406 Articulation and \$ 2,000,000 \$ 2,000,000 117967  
Transfer

GRF 235408 Midwest Higher \$ 95,000 \$ 95,000 117968



|            |                                                       |    |               |    |                      |
|------------|-------------------------------------------------------|----|---------------|----|----------------------|
|            | Education Compact                                     |    |               |    |                      |
| GRF 235409 | Information System                                    | \$ | 800,000       | \$ | 800,000 117969       |
| GRF 235414 | State Grants and<br>Scholarship<br>Administration     | \$ | 1,230,000     | \$ | 1,230,000 117970     |
| GRF 235417 | Ohio Learning Network                                 | \$ | 2,532,688     | \$ | 2,532,688 117971     |
| GRF 235428 | Appalachian New<br>Economy Partnership                | \$ | 737,366       | \$ | 737,366 117972       |
| GRF 235433 | Economic Growth<br>Challenge                          | \$ | 440,000       | \$ | 440,000 117973       |
| GRF 235438 | Choose Ohio First<br>Scholarship                      | \$ | 15,750,085    | \$ | 15,750,085 117974    |
| GRF 235443 | Adult Basic and<br>Literacy Education -<br>State      | \$ | 6,302,416     | \$ | 6,302,416 117975     |
| GRF 235444 | Post-Secondary Adult<br>Career-Technical<br>Education | \$ | 15,317,547    | \$ | 15,317,547 117976    |
| GRF 235474 | Area Health Education<br>Centers Program<br>Support   | \$ | 900,000       | \$ | 900,000 117977       |
| GRF 235501 | State Share of<br>Instruction                         | \$ | 1,735,530,031 | \$ | 1,751,225,497 117978 |
| GRF 235502 | Student Support<br>Services                           | \$ | 632,974       | \$ | 632,974 117979       |
| GRF 235504 | War Orphans<br>Scholarships                           | \$ | 4,787,833     | \$ | 4,787,833 117980     |
| GRF 235507 | OhioLINK                                              | \$ | 6,100,000     | \$ | 6,100,000 117981     |
| GRF 235508 | Air Force Institute of<br>Technology                  | \$ | 1,740,803     | \$ | 1,740,803 117982     |
| GRF 235510 | Ohio Supercomputer<br>Center                          | \$ | 3,347,418     | \$ | 3,347,418 117983     |
| GRF 235511 | Cooperative Extension                                 | \$ | 22,220,910    | \$ | 22,220,910 117984    |

|            |                      |    |            |    |                   |
|------------|----------------------|----|------------|----|-------------------|
|            | Service              |    |            |    |                   |
| GRF 235514 | Central State        | \$ | 11,503,651 | \$ | 10,928,468 117985 |
|            | Supplement           |    |            |    |                   |
| GRF 235515 | Case Western Reserve | \$ | 2,146,253  | \$ | 2,146,253 117986  |
|            | University School of |    |            |    |                   |
|            | Medicine             |    |            |    |                   |
| GRF 235519 | Family Practice      | \$ | 3,166,185  | \$ | 3,166,185 117987  |
| GRF 235520 | Shawnee State        | \$ | 2,448,523  | \$ | 2,326,097 117988  |
|            | Supplement           |    |            |    |                   |
| GRF 235524 | Police and Fire      | \$ | 107,814    | \$ | 107,814 117989    |
|            | Protection           |    |            |    |                   |
| GRF 235525 | Geriatric Medicine   | \$ | 522,151    | \$ | 522,151 117990    |
| GRF 235526 | Primary Care         | \$ | 1,500,000  | \$ | 1,500,000 117991  |
|            | Residencies          |    |            |    |                   |
| GRF 235535 | Ohio Agricultural    | \$ | 33,100,000 | \$ | 33,100,000 117992 |
|            | Research and         |    |            |    |                   |
|            | Development Center   |    |            |    |                   |
| GRF 235536 | The Ohio State       | \$ | 9,668,941  | \$ | 9,668,941 117993  |
|            | University Clinical  |    |            |    |                   |
|            | Teaching             |    |            |    |                   |
| GRF 235537 | University of        | \$ | 7,952,573  | \$ | 7,952,573 117994  |
|            | Cincinnati Clinical  |    |            |    |                   |
|            | Teaching             |    |            |    |                   |
| GRF 235538 | University of Toledo | \$ | 6,198,600  | \$ | 6,198,600 117995  |
|            | Clinical Teaching    |    |            |    |                   |
| GRF 235539 | Wright State         | \$ | 3,011,400  | \$ | 3,011,400 117996  |
|            | University Clinical  |    |            |    |                   |
|            | Teaching             |    |            |    |                   |
| GRF 235540 | Ohio University      | \$ | 2,911,212  | \$ | 2,911,212 117997  |
|            | Clinical Teaching    |    |            |    |                   |
| GRF 235541 | Northeastern Ohio    | \$ | 2,994,178  | \$ | 2,994,178 117998  |
|            | Universities College |    |            |    |                   |
|            | of Medicine Clinical |    |            |    |                   |

|             |                                    |    |               |    |               |        |
|-------------|------------------------------------|----|---------------|----|---------------|--------|
|             | Teaching                           |    |               |    |               |        |
| GRF 235552  | Capital Component                  | \$ | 20,638,274    | \$ | 20,638,274    | 117999 |
| GRF 235555  | Library Depositories               | \$ | 1,440,342     | \$ | 1,440,342     | 118000 |
| GRF 235556  | Ohio Academic                      | \$ | 3,172,519     | \$ | 3,172,519     | 118001 |
|             | Resources Network                  |    |               |    |               |        |
| GRF 235558  | Long-term Care                     | \$ | 195,300       | \$ | 195,300       | 118002 |
|             | Research                           |    |               |    |               |        |
| GRF 235563  | Ohio College                       | \$ | 86,284,265    | \$ | 86,284,265    | 118003 |
|             | Opportunity Grant                  |    |               |    |               |        |
| GRF 235572  | The Ohio State                     | \$ | 766,533       | \$ | 766,533       | 118004 |
|             | University Clinic                  |    |               |    |               |        |
|             | Support                            |    |               |    |               |        |
| GRF 235599  | National Guard                     | \$ | 16,912,271    | \$ | 16,912,271    | 118005 |
|             | Scholarship Program                |    |               |    |               |        |
| GRF 235909  | Higher Education                   | \$ | 108,262,500   | \$ | 201,555,000   | 118006 |
|             | General Obligation                 |    |               |    |               |        |
|             | Debt Service                       |    |               |    |               |        |
| TOTAL GRF   | General Revenue Fund               | \$ | 2,231,105,156 | \$ | 2,313,878,313 | 118007 |
|             | General Services Fund Group        |    |               |    |               | 118008 |
| 2200 235614 | Program Approval and               | \$ | 1,311,567     | \$ | 1,457,959     | 118009 |
|             | Reauthorization                    |    |               |    |               |        |
| 4560 235603 | Sales and Services                 | \$ | 199,250       | \$ | 199,250       | 118010 |
| 5JC0 235649 | Co-op Internship                   | \$ | 14,000,000    |    | 14,000,000    | 118011 |
|             | Program                            |    |               |    |               |        |
| TOTAL GSF   | General Services                   |    |               |    |               | 118012 |
| Fund Group  |                                    | \$ | 15,510,817    | \$ | 15,657,209    | 118013 |
|             | Federal Special Revenue Fund Group |    |               |    |               | 118014 |
| 3120 235609 | Tech Prep                          | \$ | 183,850       | \$ | 183,850       | 118015 |
| 3120 235611 | Gear-up Grant                      | \$ | 3,900,000     | \$ | 3,900,000     | 118016 |
| 3120 235612 | Carl D. Perkins                    | \$ | 912,961       | \$ | 912,961       | 118017 |
|             | Grant/Plan                         |    |               |    |               |        |
|             | Administration                     |    |               |    |               |        |

|                                   |        |                                                                    |    |            |    |            |        |
|-----------------------------------|--------|--------------------------------------------------------------------|----|------------|----|------------|--------|
| 3120                              | 235617 | Improving Teacher<br>Quality Grant                                 | \$ | 3,200,000  | \$ | 3,200,000  | 118018 |
| 3120                              | 235641 | Adult Basic and<br>Literacy Education -<br>Federal                 | \$ | 14,835,671 | \$ | 14,835,671 | 118019 |
| 3120                              | 235659 | Race to the Top<br>Scholarship Program                             | \$ | 2,400,000  | \$ | 3,780,000  | 118020 |
| 3120                              | 235660 | Race to the Top<br>Educator Preparation<br>Reform Initiative       | \$ | 448,000    | \$ | 1,120,000  | 118021 |
| 3120                              | 235661 | Americorps Grant                                                   | \$ | 260,000    | \$ | 260,000    | 118022 |
| 3H20                              | 235608 | Human Services<br>Project                                          | \$ | 3,500,000  | \$ | 3,500,000  | 118023 |
| 3N60                              | 235638 | College Access<br>Challenge Grant                                  | \$ | 4,381,431  | \$ | 4,381,431  | 118024 |
| TOTAL FED Federal Special Revenue |        |                                                                    |    |            |    |            | 118025 |
| Fund Group                        |        |                                                                    | \$ | 34,021,913 | \$ | 36,073,913 | 118026 |
| State Special Revenue Fund Group  |        |                                                                    |    |            |    |            | 118027 |
| 4E80                              | 235602 | Higher Educational<br>Facility Commission<br>Administration        | \$ | 29,100     | \$ | 29,100     | 118028 |
| 5FR0                              | 235640 | Joyce Foundation Grant                                             | \$ | 919,719    | \$ | 919,719    | 118029 |
| 5FR0                              | 235647 | Developmental<br>Education Initiatives                             | \$ | 135,000    | \$ | 135,000    | 118030 |
| 5FR0                              | 235657 | Win-Win Grant                                                      | \$ | 37,000     | \$ | 15,000     | 118031 |
| 5P30                              | 235663 | Variable Savings Plan                                              | \$ | 8,946,994  | \$ | 9,072,136  | 118032 |
| 6450                              | 235664 | Guaranteed Savings<br>Plan                                         | \$ | 900,293    | \$ | 907,514    | 118033 |
| 6490                              | 235607 | The Ohio State<br>University<br>Highway/Transportation<br>Research | \$ | 500,000    | \$ | 500,000    | 118034 |
| 6820                              | 235606 | Nursing Loan Program                                               | \$ | 891,320    | \$ | 891,320    | 118035 |

|                                                            |    |               |    |               |        |
|------------------------------------------------------------|----|---------------|----|---------------|--------|
| TOTAL SSR State Special Revenue                            |    |               |    | 118036        |        |
| Fund Group                                                 | \$ | 12,359,426    | \$ | 12,469,789    | 118037 |
| Third Frontier Research & Development Fund Group           |    |               |    | 118038        |        |
| 7011 235634 Research Incentive                             | \$ | 8,000,000     | \$ | 8,000,000     | 118039 |
| Third Frontier Fund                                        |    |               |    |               |        |
| TOTAL 011 Third Frontier Research & Development Fund Group | \$ | 8,000,000     | \$ | 8,000,000     | 118040 |
| TOTAL ALL BUDGET FUND GROUPS                               | \$ | 2,300,997,312 | \$ | 2,386,079,224 | 118041 |

**Section 371.10.10. LEASE RENTAL PAYMENTS** 118043

The foregoing appropriation item 235401, Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2011, through June 30, 2013, by the Chancellor of the Board of Regents under leases and agreements made under section 154.21 of the Revised Code. These appropriations are the source of funds pledged for bond service charges or obligations issued pursuant to Chapter 154. of the Revised Code. 118044  
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118047  
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118051

**Section 371.10.20. SEA GRANTS** 118052

The foregoing appropriation item 235402, Sea Grants, shall be used as required matching Funds by The Ohio State University's Sea Grant program to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources. 118053  
118054  
118055  
118056  
118057

**Section 371.10.30. ARTICULATION AND TRANSFER** 118058

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of the Board of Regents to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer 118059  
118060  
118061  
118062  
118063

and have coursework apply to their majors and degrees at any other 118064  
state institution of higher education without unnecessary 118065  
duplication or institutional barriers under sections 3333.16, 118066  
3333.161, and 3333.162 of the Revised Code. 118067

**Section 371.10.40. MIDWEST HIGHER EDUCATION COMPACT** 118068

The foregoing appropriation item 235408, Midwest Higher 118069  
Education Compact, shall be distributed by the Chancellor of the 118070  
Board of Regents under section 3333.40 of the Revised Code. 118071

**Section 371.10.50. INFORMATION SYSTEM** 118072

The foregoing appropriation item 235409, Information System, 118073  
shall be used by the Chancellor of the Board of Regents to support 118074  
the development and implementation of information technology 118075  
solutions designed to improve the performance and services of the 118076  
Chancellor of the Board of Regents and the University System of 118077  
Ohio. Information technology solutions shall be provided by the 118078  
Ohio Academic Research Network (OARnet). 118079

**Section 371.10.60. STATE GRANTS AND SCHOLARSHIP** 118080

**ADMINISTRATION** 118081

The foregoing appropriation item 235414, State Grants and 118082  
Scholarship Administration, shall be used by the Chancellor of the 118083  
Board of Regents to administer the following student financial aid 118084  
programs: Ohio College Opportunity Grant, Ohio War Orphans' 118085  
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 118086  
Officers College Memorial Fund, and any other student financial 118087  
aid programs created by the General Assembly. The appropriation 118088  
item also shall be used to support all state financial aid audits 118089  
and student financial aid programs created by Congress, and to 118090  
provide fiscal services for the Ohio National Guard Scholarship 118091  
Program. 118092

**Section 371.10.70. OHIO LEARNING NETWORK** 118093

The foregoing appropriation item 235417, Ohio Learning 118094  
Network, shall be used by the Chancellor of the Board of Regents 118095  
to support the continued implementation of the Ohio Learning 118096  
Network, a consortium organized under division (U) of section 118097  
3333.04 of the Revised Code to expand access to dual enrollment 118098  
opportunities for high school students, as well as adult and 118099  
higher education opportunities through technology. The funds shall 118100  
be used by the Ohio Learning Network to develop and promote 118101  
learning and assessment through the use of technology, to test and 118102  
provide advice on emerging learning-directed technologies, and to 118103  
facilitate cost-effectiveness through shared educational 118104  
technology investments. 118105

Of the foregoing appropriation item 235417, Ohio Learning 118106  
Network, up to \$250,000 in each fiscal year shall be used by the 118107  
Chancellor of the Board of Regents to fund staff support and 118108  
operations of the Ohio Digital Learning Task Force established in 118109  
Section 371.60.80 of this act. 118110

**Section 371.10.80. APPALACHIAN NEW ECONOMY PARTNERSHIP** 118111

The foregoing appropriation item 235428, Appalachian New 118112  
Economy Partnership, shall be distributed to Ohio University to 118113  
continue a multi-campus and multi-agency coordinated effort to 118114  
link Appalachia to the new economy. Ohio University shall use 118115  
these funds to provide leadership in the development and 118116  
implementation of initiatives in the areas of entrepreneurship, 118117  
management, education, and technology. 118118

**Section 371.10.90. ECONOMIC GROWTH CHALLENGE** 118119

The foregoing appropriation item 235433, Economic Growth 118120  
Challenge, shall be used for administrative expenses of the 118121

Research Incentive Program and other economic advancement 118122  
initiatives undertaken by the Chancellor of the Board of Regents. 118123

The Chancellor of the Board of Regents shall use any 118124  
appropriation transfer to the foregoing appropriation item 235433, 118125  
Economic Growth Challenge, to enhance the basic research 118126  
capabilities of public colleges and universities and accredited 118127  
Ohio institutions of higher education holding certificates of 118128  
authorization issued under section 1713.02 of the Revised Code, in 118129  
order to strengthen academic research for pursuing Ohio's economic 118130  
development goals. 118131

**Section 371.20.10. CHOOSE OHIO FIRST SCHOLARSHIP** 118132

The foregoing appropriation item 235438, Choose Ohio First 118133  
Scholarship, shall be used to operate the program prescribed in 118134  
sections 3333.60 to 3333.70 of the Revised Code. 118135

An amount equal to the unexpended, unencumbered portion of 118136  
the foregoing appropriation item 235438, Choose Ohio First 118137  
Scholarship, at the end of fiscal year 2012 is hereby 118138  
reappropriated to the Board of Regents for the same purpose for 118139  
fiscal year 2013. 118140

**Section 371.20.20. ADULT BASIC AND LITERACY EDUCATION** 118141

The foregoing appropriation item 235443, Adult Basic and 118142  
Literacy Education - State, shall be used to support the adult 118143  
basic and literacy education instructional grant program and state 118144  
leadership program. The supported programs shall satisfy the state 118145  
match and maintenance of effort requirements for the 118146  
state-administered grant program. 118147

**Section 371.20.30. POST-SECONDARY ADULT CAREER-TECHNICAL** 118148  
**EDUCATION** 118149

The foregoing appropriation item 235444, Post-Secondary Adult 118150



Career-Technical Education, shall be used by the Chancellor of the Board of Regents in each fiscal year to provide post-secondary adult career-technical education under sections 3313.52 and 3313.53 of the Revised Code.

**Section 371.20.40. AREA HEALTH EDUCATION CENTERS**

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of the Board of Regents to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program.

**Section 371.20.50. STATE SHARE OF INSTRUCTION FORMULAS**

The Chancellor of the Board of Regents shall establish procedures to allocate the foregoing appropriation item 235501, State Share of Instruction, based on the formulas, enrollment, course completion, degree attainment, and student achievement factors in the instructional models set out in this section.

**(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COMPLETIONS**

(1) As soon as possible during each fiscal year of the biennium ending June 30, 2013, in accordance with instructions of the Board of Regents, each state-assisted institution of higher education shall report its actual enrollment, consistent with the definitions in the Higher Education Information (HEI) system's enrollment files, to the Chancellor of the Board of Regents.

(2) In defining the number of full-time equivalent students for state subsidy purposes, the Chancellor of the Board of Regents shall exclude all undergraduate students who are not residents of Ohio, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised

Code or employer contracts entered into under section 3333.32 of 118181  
the Revised Code. 118182

(3) In calculating the core subsidy entitlements for 118183  
university branch and main campuses, the Chancellor of the Board 118184  
of Regents shall use the following count of FTE students: 118185

(a) The subsidy eligible enrollments by model shall equal 118186  
only those FTE students who successfully complete the course as 118187  
defined and reported through the Higher Education Information 118188  
(HEI) system course enrollment file; 118189

(b) For those undergraduate FTE students with successful 118190  
course completions, identified in division (A)(3)(a) of this 118191  
section, that had an expected family contribution less than 2190 118192  
or were determined to have been in need of remedial education 118193  
shall be defined as at-risk students and shall have their eligible 118194  
completions weighted by the following: 118195

(i) Campus-specific course completion rates by model; 118196

(ii) Campus-specific course completion indexes, where the 118197  
indexes are calculated based upon the number of at-risk students 118198  
enrolled during the 2009-2010 academic year; and 118199

(iii) A statewide average at-risk course completion weight 118200  
determined for each subsidy model. The statewide average at-risk 118201  
course completion weight shall be determined by calculating the 118202  
difference between the percentage of traditional students who 118203  
complete a course and the percentage of at-risk students who 118204  
complete the same course. 118205

(4) In calculating the core subsidy entitlements for Medical 118206  
II models only, students repeating terms may be no more than five 118207  
per cent of current year enrollment. 118208

(5) In calculating the core subsidy entitlements for students 118209  
enrolled in state-supported law schools, subsidy eligible FTE 118210

completions shall be limited to students identified as residents 118211  
of Ohio. 118212

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 118213

For purposes of calculating state share of instruction 118214  
allocations, the total instructional costs per full-time 118215  
equivalent student shall be: 118216

| Model                                          | Fiscal<br>Year 2012 | Fiscal<br>Year 2013 |        |
|------------------------------------------------|---------------------|---------------------|--------|
| ARTS AND HUMANITIES 1                          | \$8,000             | \$8,207             | 118218 |
| ARTS AND HUMANITIES 2                          | \$10,757            | \$11,036            | 118219 |
| ARTS AND HUMANITIES 3                          | \$13,853            | \$14,212            | 118220 |
| ARTS AND HUMANITIES 4                          | \$20,228            | \$20,751            | 118221 |
| ARTS AND HUMANITIES 5                          | \$32,605            | \$33,449            | 118222 |
| ARTS AND HUMANITIES 6                          | \$38,027            | \$39,011            | 118223 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 1        | \$7,124             | \$7,308             | 118224 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 2        | \$8,164             | \$8,376             | 118225 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 3        | \$10,430            | \$10,700            | 118226 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 4        | \$12,406            | \$12,727            | 118227 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 5        | \$19,267            | \$19,765            | 118228 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 6        | \$22,684            | \$23,272            | 118229 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 7        | \$29,426            | \$30,188            | 118230 |
| MEDICAL 1                                      | \$51,214            | \$52,539            | 118231 |
| MEDICAL 2                                      | \$46,876            | \$48,089            | 118232 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$7,306             | \$7,495             | 118233 |
| MEDICINE 1                                     |                     |                     |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$10,242            | \$10,507            | 118234 |
| MEDICINE 2                                     |                     |                     |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$12,242            | \$12,559            | 118235 |
| MEDICINE 3                                     |                     |                     |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$15,592            | \$15,995            | 118236 |
| MEDICINE 4                                     |                     |                     |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, | \$20,250            | \$20,774            | 118237 |

|                                                                    |           |           |        |
|--------------------------------------------------------------------|-----------|-----------|--------|
| MEDICINE 5                                                         |           |           |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,                     | \$22,357  | \$22,935  | 118238 |
| MEDICINE 6                                                         |           |           |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,                     | \$28,000  | \$28,724  | 118239 |
| MEDICINE 7                                                         |           |           |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,                     | \$37,731  | \$38,707  | 118240 |
| MEDICINE 8                                                         |           |           |        |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,                     | \$52,676  | \$54,039  | 118241 |
| MEDICINE 9                                                         |           |           |        |
| Doctoral I and Doctoral II models shall be allocated in            |           |           | 118242 |
| accordance with division (D)(2) of this section.                   |           |           | 118243 |
| (C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,        |           |           | 118244 |
| AND GRADUATE WEIGHTS                                               |           |           | 118245 |
| For the purpose of implementing the recommendations of the         |           |           | 118246 |
| State Share of Instruction Consultation and the Higher Education   |           |           | 118247 |
| Funding Study Council that priority be given to maintaining state  |           |           | 118248 |
| support for science, technology, engineering, mathematics,         |           |           | 118249 |
| medicine, and graduate programs, the costs in division (B) of this |           |           | 118250 |
| section shall be weighted by the amounts provided below:           |           |           | 118251 |
| Model                                                              | Fiscal    | Fiscal    | 118252 |
|                                                                    | Year 2012 | Year 2013 |        |
| ARTS AND HUMANITIES 1                                              | 1.0000    | 1.0000    | 118253 |
| ARTS AND HUMANITIES 2                                              | 1.0000    | 1.0000    | 118254 |
| ARTS AND HUMANITIES 3                                              | 1.0000    | 1.0000    | 118255 |
| ARTS AND HUMANITIES 4                                              | 1.0000    | 1.0000    | 118256 |
| ARTS AND HUMANITIES 5                                              | 1.0425    | 1.0425    | 118257 |
| ARTS AND HUMANITIES 6                                              | 1.0425    | 1.0425    | 118258 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 1                            | 1.0000    | 1.0000    | 118259 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 2                            | 1.0000    | 1.0000    | 118260 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 3                            | 1.0000    | 1.0000    | 118261 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 4                            | 1.0000    | 1.0000    | 118262 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 5                            | 1.0425    | 1.0425    | 118263 |

|                                                                    |        |        |        |
|--------------------------------------------------------------------|--------|--------|--------|
| BUSINESS, EDUCATION & SOCIAL SCIENCES 6                            | 1.0425 | 1.0425 | 118264 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 7                            | 1.0425 | 1.0425 | 118265 |
| MEDICAL 1                                                          | 1.6456 | 1.6456 | 118266 |
| MEDICAL 2                                                          | 1.7462 | 1.7462 | 118267 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 1       | 1.0000 | 1.0000 | 118268 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 2       | 1.0017 | 1.0017 | 118269 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 3       | 1.6150 | 1.6150 | 118270 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 4       | 1.6920 | 1.6920 | 118271 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 5       | 1.4222 | 1.4222 | 118272 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 6       | 1.8798 | 1.8798 | 118273 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 7       | 1.4380 | 1.4380 | 118274 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 8       | 1.5675 | 1.5675 | 118275 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 9       | 1.1361 | 1.1361 | 118276 |
| (D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA              |        |        | 118277 |
| ENTITLEMENTS AND ADJUSTMENTS                                       |        |        | 118278 |
| (1) Of the foregoing appropriation item 235501, State Share        |        |        | 118279 |
| of Instruction, 7.5 per cent of the fiscal year 2012 appropriation |        |        | 118280 |
| and 10 per cent of the fiscal year 2013 appropriation for          |        |        | 118281 |
| state-supported community colleges, state community colleges, and  |        |        | 118282 |
| technical colleges shall be allocated to colleges in proportion to |        |        | 118283 |
| their share of college student success factors as adopted by the   |        |        | 118284 |
| Chancellor of the Board of Regents in formal communication to the  |        |        | 118285 |
| Controlling Board on August 30, 2010.                              |        |        | 118286 |

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 12.89 per cent of the appropriation for university main campuses in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

The doctoral set-aside shall be allocated to universities as follows:

(a) 70 per cent of the doctoral set-aside in fiscal year 2012 and 60 per cent of the doctoral set-aside in fiscal year 2013 shall be allocated to universities in proportion to their share of the total number of Doctoral I equivalent FTEs as calculated on an institutional basis using the greater of the two-year or five-year FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral review and subsequent changes in Doctoral I equivalent enrollments. For the purposes of this calculation, Doctoral I equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.

(b) 15 per cent of the doctoral set-aside in fiscal year 2012 and 20 per cent of the doctoral set-aside in fiscal year 2013 shall be allocated to universities in proportion to each campus's share of the total statewide doctoral degrees, weighted by the cost of the doctoral discipline. In calculating each campus's doctoral degrees the Chancellor of the Board of Regents shall use the three-year average doctoral degrees awarded for the three-year period ending in the prior year.

(c) 7.5 per cent of the doctoral set-aside in fiscal year 2012 and 10 per cent of the doctoral set-aside in fiscal year 2013 shall be allocated to universities in proportion to their share of research grant activity, using a data collection method that is

reviewed and approved by the presidents of Ohio's doctoral degree 118319  
granting universities. In the event that the data collection 118320  
method is not available, funding for this component shall be 118321  
allocated to universities in proportion to their share of research 118322  
grant activity published by the National Science Foundation. Grant 118323  
awards from the Department of Health and Human Services shall be 118324  
weighted at 50 per cent. 118325

(d) 7.5 per cent of the doctoral set-aside in fiscal year 118326  
2012 and 10 per cent of the doctoral set-aside in fiscal year 2013 118327  
shall be allocated to universities based on other quality measures 118328  
that contribute to the advancement of quality doctoral programs. 118329  
These other quality measures shall be identified by the Chancellor 118330  
in consultation with universities. If for any reason metrics for 118331  
distributing the quality component of the doctoral set-aside are 118332  
not identified prior to the fiscal year allocation process, this 118333  
portion of the doctoral set-aside funds shall be allocated to 118334  
universities based on division (D)(2)(a) of this section. 118335

(3) Of the foregoing appropriation item 235501, State Share 118336  
of Instruction, 7.01 per cent of the appropriation for university 118337  
main campuses in each fiscal year shall be reserved for support of 118338  
Medical II FTEs. The amount so reserved shall be referred to as 118339  
the medical II set-aside. 118340

The medical II set-aside shall be allocated to universities 118341  
in proportion to their share of the total number of Medical II 118342  
FTEs as calculated in division (A) of this section, weighted by 118343  
model cost. 118344

The Northeastern Ohio Universities Colleges of Medicine and 118345  
Pharmacy (NEOUCOM) may use funds from the addition of 35 medical 118346  
students resulting from its partnership with Cleveland State 118347  
University to establish the NEOUCOM academic campus at Cleveland 118348  
State University to enable 50 per cent or more of the medical 118349  
curriculum to be based in Cleveland at Cleveland State University, 118350

local hospitals, and community- and neighborhood-based primary 118351  
care clinics. Cleveland State University shall not receive state 118352  
capital appropriations to pay for facilities for the academic 118353  
campus. 118354

(4) Of the foregoing appropriation item 235501, State Share 118355  
of Instruction, 1.61 per cent of the appropriation for university 118356  
main campuses in each fiscal year shall be reserved for support of 118357  
Medical I FTEs. The amount so reserved shall be referred to as the 118358  
medical I set-aside. 118359

The medical I set-aside shall be allocated to universities in 118360  
proportion to their share of the total number of Medical I FTEs as 118361  
calculated in division (A) of this section. 118362

(5) Of the foregoing appropriation item 235501, State Share 118363  
of Instruction, 15 per cent of the fiscal year 2012 appropriation 118364  
for university main campuses and 20 per cent of the fiscal year 118365  
2013 appropriation for university main campuses shall be reserved 118366  
for support of associate, baccalaureate, master's, and 118367  
professional level degree attainment. 118368

The degree attainment funding shall be allocated to 118369  
universities in proportion to each campus's share of the total 118370  
statewide degrees granted, weighted by the cost of the degree 118371  
programs. 118372

In calculating the subsidy entitlements for degree attainment 118373  
at university main campuses, the Chancellor of the Board of 118374  
Regents shall use the following count of degrees and degree costs: 118375

(a) For those associate degrees awarded by a state-supported 118376  
university, the subsidy eligible degrees granted are defined as 118377  
only those earned by students attending a university that received 118378  
funding under GRF appropriation item 235418, Access Challenge, in 118379  
fiscal year 2009. 118380

(b) For professional law and legal studies degrees awarded by 118381



a state-supported university, the subsidy-eligible degrees at each 118382  
institution shall equal no more than the following: 118383

|                            |     |        |
|----------------------------|-----|--------|
| University of Akron        | 132 | 118384 |
| University of Cincinnati   | 90  | 118385 |
| Cleveland State University | 192 | 118386 |
| The Ohio State University  | 149 | 118387 |
| University of Toledo       | 134 | 118388 |

(c) In calculating each campus's count of degrees, the 118389  
Chancellor of the Board of Regents shall use the three-year 118390  
average associate, baccalaureate, master's, and professional 118391  
degrees awarded for the three-year period ending in the prior 118392  
year. 118393

(d) Eligible associate degrees defined in division (D)(5)(a) 118394  
of this section and all bachelor's degrees earned by a student 118395  
that either had an expected family contribution less than 2190, 118396  
was determined to have been in need of remedial education, is 118397  
Native American, African American, or Hispanic, or is at least age 118398  
26 at the time of graduation, shall be defined as degrees earned 118399  
by an at-risk student and shall be weighted by the following: 118400

(i) A campus-specific degree completion index, where the 118401  
index is calculated based on the number of at-risk students 118402  
enrolled during a two-year degree cohort beginning in fiscal year 118403  
2000 or 2001 and earning a degree in eight years or less; and 118404

(ii) A statewide average at-risk completion weight determined 118405  
by calculating the difference between the percentage of 118406  
traditional students who earned a degree and the percentage of 118407  
at-risk students who earned a degree during the same time period. 118408

(6) Each campus's state share of instruction base formula 118409  
earnings shall be determined as follows: 118410

(a) For each campus in each fiscal year, the instructional 118411  
costs shall be determined by multiplying the amounts listed above 118412

in divisions (B) and (C) of this section by (i) average 118413  
subsidy-eligible FTEs for the two-year period ending in the prior 118414  
year for all models except Doctoral I and Doctoral II; and (ii) 118415  
average subsidy-eligible FTEs for the five-year period ending in 118416  
the prior year for all models except Doctoral I and Doctoral II. 118417

(b) The Chancellor of the Board of Regents shall compute the 118418  
two calculations listed in division (D)(6)(a) of this section and 118419  
use the greater amount as each campus's instructional costs. 118420

(c) The Chancellor of the Board of Regents shall compute a 118421  
uniform state share of instructional costs for each sector. 118422

(i) For the state-supported community colleges, state 118423  
community colleges, and technical colleges, the Chancellor of the 118424  
Board of Regents shall compute the uniform state share of 118425  
instructional costs by dividing the sector level appropriation 118426  
total as determined by the Chancellor in division (A)(1) of 118427  
Section 371.20.60 of this act and adjusted pursuant to divisions 118428  
(B) and (C) of Section 371.20.60 of this act, less the student 118429  
college success allocation as described in division (D)(1) of this 118430  
section, by the sum of all eligible campuses' instructional costs 118431  
as calculated in division (D)(6)(b) of this section. 118432

(ii) For the state-supported university branch campuses, the 118433  
Chancellor of the Board of Regents shall compute the uniform state 118434  
share of instructional costs by dividing the sector level 118435  
appropriation, as determined by the Chancellor in division (A)(2) 118436  
of Section 371.20.60 of this act and adjusted pursuant to division 118437  
(B) of Section 371.20.60 of this act by the sum of all campuses' 118438  
instructional costs as calculated in division (D)(6)(b) of this 118439  
section. 118440

(iii) For the state-supported university main campuses, the 118441  
Chancellor of the Board of Regents shall compute the uniform state 118442  
share of instructional costs by dividing the sector level 118443

appropriation, as determined by the Chancellor in division (A)(3) 118444  
of Section 371.20.60 of this act and adjusted pursuant to division 118445  
(B) of Section 371.20.60 of this act, less the doctoral set-aside, 118446  
less the medical I set-aside, less the medical II set-aside, and 118447  
less the degree attainment funding as calculated in divisions 118448  
(D)(2) to (5) of this section, by the sum of all campuses' 118449  
instructional costs as calculated in division (D)(6)(b) of this 118450  
section. 118451

(d) The formula entitlement for each sector's campuses shall 118452  
be determined by multiplying the uniform state share of 118453  
instructional costs calculated in division (D)(6)(c) of this 118454  
section by the campus's instructional cost determined in division 118455  
(D)(6)(b) of this section. 118456

(7) In addition to the student success allocation, doctoral 118457  
set-aside, medical I set-aside, medical II set-aside, and the 118458  
degree attainment allocation determined in divisions (D)(1) to (5) 118459  
of this section and the formula entitlement determined in division 118460  
(D)(6) of this section, an allocation based on facility-based 118461  
plant operations and maintenance (POM) subsidy shall be made. For 118462  
each eligible campus, the amount of the POM allocation in each 118463  
fiscal year shall be distributed based on what each campus 118464  
received in the fiscal year 2009 POM allocation. 118465

Any POM allocations required by this division shall be funded 118466  
by proportionately reducing formula entitlement earnings, 118467  
including the POM allocations, for all campuses in that sector. 118468

(8) STABILITY IN STATE SHARE OF INSTRUCTION FUNDING 118469

(a) In addition to and after the adjustments noted above, in 118470  
fiscal year 2012, no campus shall receive a state share of 118471  
instruction allocation that is less than the lesser of the 118472  
following two amounts, net of funding for the medical II 118473  
set-aside: 118474

|                                                                   |        |
|-------------------------------------------------------------------|--------|
| (i) The prior year's state share of instruction amount            | 118475 |
| reduced by 3 per cent, or                                         | 118476 |
| (ii) The prior year's state share of instruction amount           | 118477 |
| reduced by a percentage equal to the percentage change from the   | 118478 |
| prior year in the campus's sector's state share of instruction    | 118479 |
| funding minus three percentage points. Funds shall be made        | 118480 |
| available to support this allocation by proportionately reducing  | 118481 |
| formula entitlement earnings from those campuses, within each     | 118482 |
| sector, that are not receiving stability funding.                 | 118483 |
| (b) In fiscal year 2013, in addition to and after the             | 118484 |
| adjustments noted above, no campus shall receive a state share of | 118485 |
| instruction allocation that is less than the lesser of the        | 118486 |
| following two amounts, net of funding for the medical II          | 118487 |
| set-aside:                                                        | 118488 |
| (i) The prior year's state share of instruction amount            | 118489 |
| reduced by 4 per cent, or                                         | 118490 |
| (ii) The prior year's state share of instruction amount           | 118491 |
| reduced by a percentage equal to the percentage change from the   | 118492 |
| prior year in the campus's sector's state share of instruction    | 118493 |
| funding minus four percentage points. Funds shall be made         | 118494 |
| available to support this allocation by proportionately reducing  | 118495 |
| formula entitlement earnings from those campuses, within each     | 118496 |
| sector, that are not receiving stability funding.                 | 118497 |
| (c) For main campus universities that operate a medical           | 118498 |
| school, in fiscal year 2012 no campus shall receive an allocation | 118499 |
| for the medical II set-aside that is less than the lesser of the  | 118500 |
| following amounts:                                                | 118501 |
| (i) The prior year's allocation for the medical II set-aside      | 118502 |
| reduced by 2 per cent, or                                         | 118503 |
| (ii) The prior year's allocation for the medical II set-aside     | 118504 |
| reduced by a percentage equal to the percentage change from the   | 118505 |

prior year in the total medical II set-aside minus two percentage 118506  
points. Funds shall be made available to support this allocation 118507  
by proportionately reducing formula entitlement earnings from 118508  
public medical schools, within each sector, that are not receiving 118509  
stability funding. 118510

(d) In fiscal year 2013, no main campus university that 118511  
operates a medical school shall receive an allocation for the 118512  
medical II set-aside that is less than 97 per cent of the prior 118513  
year's allocation for the medical II set-aside. Funds shall be 118514  
made available to support this allocation by proportionately 118515  
reducing formula entitlement earnings from public medical schools, 118516  
within each sector, that are not receiving stability funding. 118517

(9) CAPITAL COMPONENT DEDUCTION 118518

After all other adjustments have been made, state share of 118519  
instruction earnings shall be reduced for each campus by the 118520  
amount, if any, by which debt service charged in Am. H.B. 748 of 118521  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 118522  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 118523  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 118524  
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 118525  
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 118526  
562 of the 127th General Assembly for that campus exceeds that 118527  
campus's capital component earnings. The sum of the amounts 118528  
deducted shall be transferred to appropriation item 235552, 118529  
Capital Component, in each fiscal year. 118530

(E) EXCEPTIONAL CIRCUMSTANCES 118531

Adjustments may be made to the state share of instruction 118532  
payments and other subsidies distributed by the Chancellor of the 118533  
Board of Regents to state-assisted colleges and universities for 118534  
exceptional circumstances. No adjustments for exceptional 118535  
circumstances may be made without the recommendation of the 118536

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| Chancellor and the approval of the Controlling Board.              | 118537 |
| (F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF                 | 118538 |
| INSTRUCTION                                                        | 118539 |
| The standard provisions of the state share of instruction          | 118540 |
| calculation as described in the preceding sections of temporary    | 118541 |
| law shall apply to any reductions made to appropriation item       | 118542 |
| 235501, State Share of Instruction, before the Chancellor of the   | 118543 |
| Board of Regents has formally approved the final allocation of the | 118544 |
| state share of instruction funds for any fiscal year.              | 118545 |
| Any reductions made to appropriation item 235501, State Share      | 118546 |
| of Instruction, after the Chancellor of the Board of Regents has   | 118547 |
| formally approved the final allocation of the state share of       | 118548 |
| instruction funds for any fiscal year, shall be uniformly applied  | 118549 |
| to each campus in proportion to its share of the final allocation. | 118550 |
| (G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION                     | 118551 |
| The state share of instruction payments to the institutions        | 118552 |
| shall be in substantially equal monthly amounts during the fiscal  | 118553 |
| year, unless otherwise determined by the Director of Budget and    | 118554 |
| Management pursuant to section 126.09 of the Revised Code.         | 118555 |
| Payments during the first six months of the fiscal year shall be   | 118556 |
| based upon the state share of instruction appropriation estimates  | 118557 |
| made for the various institutions of higher education according to | 118558 |
| the Chancellor of the Board of Regents enrollment estimates.       | 118559 |
| Payments during the last six months of the fiscal year shall be    | 118560 |
| distributed after approval of the Controlling Board upon the       | 118561 |
| request of the Chancellor.                                         | 118562 |
| <b>Section 371.20.60.</b> STATE SHARE OF INSTRUCTION FOR FISCAL    | 118563 |
| YEARS 2012 AND 2013                                                | 118564 |
| (A) The foregoing appropriation item 235501, State Share of        | 118565 |
| Instruction, shall be distributed according to the section of this | 118566 |

act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 118567

(1) Of the foregoing appropriation item 235501, State Share 118568  
of Instruction, \$400,039,672 in fiscal year 2012 and \$403,657,477 118569  
in fiscal year 2013 shall be distributed to state-supported 118570  
community colleges, state community colleges, and technical 118571  
colleges. 118572

(2) Of the foregoing appropriation item 235501, State Share 118573  
of Instruction, \$115,139,824 in fiscal year 2012 and \$116,181,104 118574  
in fiscal year 2013 shall be distributed to state-supported 118575  
university branch campuses. 118576

(3) Of the foregoing appropriation item 235501, State Share 118577  
of Instruction, \$1,220,350,535 in fiscal year 2012 and 118578  
\$1,231,386,916 in fiscal year 2013 shall be distributed to 118579  
state-supported university main campuses. 118580

(B) Of the amounts earmarked in division (A) of this section, 118581  
\$60,996,059 in each fiscal year shall be distributed to eligible 118582  
colleges and universities based on each campus's share of the 118583  
appropriation item 235418, Access Challenge, in fiscal year 2009. 118584

(C) Of the amount earmarked in division (A)(1) of this 118585  
section, \$10,323,056 in each fiscal year shall be distributed 118586  
among state-supported community colleges, state community 118587  
colleges, and technical colleges in an amount equal to the amount 118588  
each institution received in fiscal year 2009 from the 118589  
supplemental tuition subsidy earmarked under Section 375.30.25 of 118590  
H.B. 119 of the 127th General Assembly. 118591

(D) The state share of instruction payments to the 118592  
institutions shall be in substantially equal monthly amounts 118593  
during the fiscal year, unless otherwise determined by the 118594  
Director of Budget and Management pursuant to section 126.09 of 118595  
the Revised Code. Payments during the last six months of the 118596  
fiscal year shall be distributed after approval of the Controlling 118597

Board upon the request of the Chancellor of the Board of Regents. 118598

**Section 371.20.65. TRANSFER OF INSTRUCTIONAL SUBSIDIES** 118599  
**BETWEEN UNIVERSITIES** 118600

Notwithstanding any provision of law to the contrary, in 118601  
consultation with the Chancellor of the Board of Regents, a 118602  
state-supported university may request to transfer state share of 118603  
instruction subsidy allocations of the foregoing appropriation 118604  
item 235501, State Share of Instruction, between a university main 118605  
campus and any university branch campus for which the university 118606  
main campus is affiliated to best accomplish institutional goals 118607  
and objectives. At the request of the Chancellor of the Board of 118608  
Regents, the Director of Budget and Management may transfer the 118609  
requested amounts of state share of instruction appropriation 118610  
allocations between affiliated university branch campuses and 118611  
university main campuses. 118612

**Section 371.20.70. RESTRICTION ON FEE INCREASES** 118613

The boards of trustees of state-assisted institutions of 118614  
higher education shall restrain increases in in-state 118615  
undergraduate instructional and general fees. Each state-assisted 118616  
institution shall not increase its in-state undergraduate 118617  
instructional and general fees more than 3.5 per cent over what 118618  
the institution charged for the preceding academic year. 118619

These limitations shall not apply to increases required to 118620  
comply with institutional covenants related to their obligations 118621  
or to meet unfunded legal mandates or legally binding obligations 118622  
incurred or commitments made prior to the effective date of this 118623  
section with respect to which the institution had identified such 118624  
fee increases as the source of funds. Any increase required by 118625  
such covenants and any such mandates, obligations, or commitments 118626  
shall be reported by the Chancellor of the Board of Regents to the 118627



Controlling Board. These limitations may also be modified by the 118628  
Chancellor of the Board of Regents, with the approval of the 118629  
Controlling Board, to respond to exceptional circumstances as 118630  
identified by the Chancellor of the Board of Regents. 118631

**Section 371.20.80. HIGHER EDUCATION - BOARD OF TRUSTEES** 118632

(A) Funds appropriated for instructional subsidies at 118633  
colleges and universities may be used to provide such branch or 118634  
other off-campus undergraduate courses of study and such master's 118635  
degree courses of study as may be approved by the Chancellor of 118636  
the Board of Regents. 118637

(B) In providing instructional and other services to 118638  
students, boards of trustees of state-assisted institutions of 118639  
higher education shall supplement state subsidies with income from 118640  
charges to students. Except as otherwise provided in this act, 118641  
each board shall establish the fees to be charged to all students, 118642  
including an instructional fee for educational and associated 118643  
operational support of the institution and a general fee for 118644  
noninstructional services, including locally financed student 118645  
services facilities used for the benefit of enrolled students. The 118646  
instructional fee and the general fee shall encompass all charges 118647  
for services assessed uniformly to all enrolled students. Each 118648  
board may also establish special purpose fees, service charges, 118649  
and fines as required; such special purpose fees and service 118650  
charges shall be for services or benefits furnished individual 118651  
students or specific categories of students and shall not be 118652  
applied uniformly to all enrolled students. A tuition surcharge 118653  
shall be paid by all students who are not residents of Ohio. 118654

The board of trustees of a state-assisted institution of 118655  
higher education shall not authorize a waiver or nonpayment of 118656  
instructional fees or general fees for any particular student or 118657  
any class of students other than waivers specifically authorized 118658

by law or approved by the Chancellor. This prohibition is not 118659  
intended to limit the authority of boards of trustees to provide 118660  
for payments to students for services rendered the institution, 118661  
nor to prohibit the budgeting of income for staff benefits or for 118662  
student assistance in the form of payment of such instructional 118663  
and general fees. 118664

Each state-assisted institution of higher education in its 118665  
statement of charges to students shall separately identify the 118666  
instructional fee, the general fee, the tuition charge, and the 118667  
tuition surcharge. Fee charges to students for instruction shall 118668  
not be considered to be a price of service but shall be considered 118669  
to be an integral part of the state government financing program 118670  
in support of higher educational opportunity for students. 118671

(C) The boards of trustees of state-assisted institutions of 118672  
higher education shall ensure that faculty members devote a proper 118673  
and judicious part of their work week to the actual instruction of 118674  
students. Total class credit hours of production per academic term 118675  
per full-time faculty member is expected to meet the standards set 118676  
forth in the budget data submitted by the Chancellor of the Board 118677  
of Regents. 118678

(D) The authority of government vested by law in the boards 118679  
of trustees of state-assisted institutions of higher education 118680  
shall in fact be exercised by those boards. Boards of trustees may 118681  
consult extensively with appropriate student and faculty groups. 118682  
Administrative decisions about the utilization of available 118683  
resources, about organizational structure, about disciplinary 118684  
procedure, about the operation and staffing of all auxiliary 118685  
facilities, and about administrative personnel shall be the 118686  
exclusive prerogative of boards of trustees. Any delegation of 118687  
authority by a board of trustees in other areas of responsibility 118688  
shall be accompanied by appropriate standards of guidance 118689  
concerning expected objectives in the exercise of such delegated 118690

authority and shall be accompanied by periodic review of the 118691  
exercise of this delegated authority to the end that the public 118692  
interest, in contrast to any institutional or special interest, 118693  
shall be served. 118694

**Section 371.20.90. STUDENT SUPPORT SERVICES** 118695

The foregoing appropriation item 235502, Student Support 118696  
Services, shall be distributed by the Chancellor of the Board of 118697  
Regents to Ohio's state-assisted colleges and universities that 118698  
incur disproportionate costs in the provision of support services 118699  
to disabled students. 118700

**Section 371.30.10. WAR ORPHANS SCHOLARSHIPS** 118701

The foregoing appropriation item 235504, War Orphans 118702  
Scholarships, shall be used to reimburse state-assisted 118703  
institutions of higher education for waivers of instructional fees 118704  
and general fees provided by them, to provide grants to 118705  
institutions that have received a certificate of authorization 118706  
from the Chancellor of the Board of Regents under Chapter 1713. of 118707  
the Revised Code, in accordance with the provisions of section 118708  
5910.04 of the Revised Code, and to fund additional scholarship 118709  
benefits provided by section 5910.032 of the Revised Code. 118710

An amount equal to the unexpended, unencumbered portion of 118711  
the foregoing appropriation item 235504, War Orphans Scholarships, 118712  
at the end of fiscal year 2012 is hereby reappropriated to the 118713  
Board of Regents for the same purpose for fiscal year 2013. 118714

**Section 371.30.20. OHIOLINK** 118715

The foregoing appropriation item 235507, OhioLINK, shall be 118716  
used by the Chancellor of the Board of Regents to support 118717  
OhioLINK, a consortium organized under division (U) of section 118718  
3333.04 of the Revised Code to serve as the state's electronic 118719

library information and retrieval system, which provides access 118720  
statewide to an extensive set of electronic databases and 118721  
resources and the library holdings of Ohio's public and 118722  
participating private nonprofit colleges and universities, and the 118723  
State Library of Ohio. 118724

**Section 371.30.30. AIR FORCE INSTITUTE OF TECHNOLOGY** 118725

The foregoing appropriation item 235508, Air Force Institute 118726  
of Technology, shall be used by the director of the Air Force 118727  
Institute to: (A) strengthen the research and educational linkages 118728  
between the Wright Patterson Air Force Base and institutions of 118729  
higher education in Ohio; and (B) support the Dayton Area Graduate 118730  
Studies Institute, an engineering graduate consortium of Wright 118731  
State University, the University of Dayton, and the Air Force 118732  
Institute of Technology, with the participation of the University 118733  
of Cincinnati and The Ohio State University. 118734

**Section 371.30.40. OHIO SUPERCOMPUTER CENTER** 118735

The foregoing appropriation item 235510, Ohio Supercomputer 118736  
Center, shall be used by the Chancellor of the Board of Regents to 118737  
support the operation of the Ohio Supercomputer Center, a 118738  
consortium organized under division (U) of section 3333.04 of the 118739  
Revised Code, located at The Ohio State University. The Ohio 118740  
Supercomputer Center is a statewide resource available to Ohio 118741  
research universities both public and private. It is also intended 118742  
that the center be made accessible to private industry as 118743  
appropriate. 118744

Funds shall be used, in part, to support the Ohio 118745  
Supercomputer Center's Computational Science Initiative, which 118746  
includes its industrial outreach program, Blue Collar Computing, 118747  
and its School of Computational Science. These collaborations 118748  
between the Ohio Supercomputer Center and Ohio's colleges and 118749

universities shall be aimed at making Ohio a leader in using 118750  
computer modeling to promote economic development. 118751

**Section 371.30.50. COOPERATIVE EXTENSION SERVICE** 118752

The foregoing appropriation item 235511, Cooperative 118753  
Extension Service, shall be disbursed through the Chancellor of 118754  
the Board of Regents to The Ohio State University in monthly 118755  
payments, unless otherwise determined by the Director of Budget 118756  
and Management under section 126.09 of the Revised Code. 118757

**Section 371.30.60. CENTRAL STATE SUPPLEMENT** 118758

The Chancellor of the Board of Regents shall, in consultation 118759  
with Central State University, develop a plan whereby the 118760  
foregoing appropriation item 235514, Central State Supplement, 118761  
shall be used in a manner consistent with the goals of increasing 118762  
enrollment, improving course completion, and increasing the number 118763  
of degrees conferred. The Chancellor shall submit a summary of the 118764  
plan to the Speaker of the House of Representatives, the President 118765  
of the Senate, and the Governor by December 31, 2011. 118766

The foregoing appropriation item 235514, Central State 118767  
Supplement, shall be disbursed by the Chancellor of the Board of 118768  
Regents to Central State University. The first two disbursements 118769  
in fiscal year 2012 shall be made on a quarterly basis. Beginning 118770  
January 1, 2012, the funds shall be disbursed to Central State 118771  
University in accordance with the plan developed by the Chancellor 118772  
under this section. 118773

The Chancellor shall monitor the implementation of the plan 118774  
and the use of funds. Central State University shall provide any 118775  
information requested by the Chancellor related to the 118776  
implementation of the plan. If the Chancellor determines that 118777  
Central State University's use of supplemental funds is not in 118778  
accordance with the plan or if the plan is not having the desired 118779

effect, the Chancellor may notify Central State University that 118780  
the plan is suspended. Upon receiving such notice, Central State 118781  
University shall avoid all unnecessary expenditures under the 118782  
plan. The Chancellor shall notify the Controlling Board of the 118783  
suspension of the plan and within sixty days prepare a new plan 118784  
for the use of any remaining funds. 118785

**Section 371.30.63. CENTRAL STATE UNIVERSITY SPEED TO SCALE** 118786

Central State University shall continue to support the Speed 118787  
to Scale Task Force and the goals of the Speed to Scale Plan, 118788  
which include increasing student enrollment through freshman 118789  
recruitment and transferred students, increasing the proportion of 118790  
in-state students to 80 per cent of the total student population, 118791  
and increasing the student retention rates between the first and 118792  
second year of college by two per cent each year. The Task Force 118793  
shall also develop methods of enhancing Third Frontier 118794  
collaborations, enhancing marketing and public relations of 118795  
current academic programs, and exploring the possibility of 118796  
merger, acquisition, or expansion of Central State University. 118797

The goals shall be accomplished by the targeting of student 118798  
retention, improved articulation agreements with two-year 118799  
campuses, increased use of alternative course options, including 118800  
online coursework and Ohio Learning Network resources, College 118801  
Tech Prep, Post Secondary Enrollment Options, and other 118802  
dual-credit programs, and strategic partnerships with research 118803  
institutions to improve the quality of Central State University's 118804  
offering of science, technology, engineering, mathematics, and 118805  
medical instruction. 118806

The Speed to Scale Task Force shall meet not less than 118807  
quarterly to discuss progress of the plan, including performance 118808  
on accountability metrics and issues experienced in planned 118809  
efforts, and to monitor and support the creation of partnerships 118810

with other state institutions of higher education. The Task Force 118811  
shall consist of the president of Central State University or the 118812  
president's designee, the president of Sinclair Community College 118813  
or the president's designee, the president of Cincinnati State 118814  
Technical and Community College or the president's designee, the 118815  
president of Cuyahoga Community College or the president's 118816  
designee, the president of The Ohio State University or the 118817  
president's designee, the president of the University of 118818  
Cincinnati or the president's designee, the president of Wright 118819  
State University or the president's designee, one representative 118820  
from the Board of Regents, one member of the House of 118821  
Representatives appointed by the Speaker of the House of 118822  
Representatives, one member of the Senate appointed by the 118823  
President of the Senate, the Director of Budget and Management or 118824  
the director's designee, and a representative of the Governor's 118825  
office appointed by the Governor. 118826

On the thirtieth day of June of each fiscal year, Central 118827  
State University and the Speed to Scale Task Force shall jointly 118828  
submit to the Governor, the Director of Budget and Management, the 118829  
Speaker of the House of Representatives, the President of the 118830  
Senate, and the Board of Regents a report describing the status of 118831  
their progress on the accountability metrics included in the Speed 118832  
to Scale Plan. 118833

**Section 371.30.70. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 118834  
MEDICINE 118835**

The foregoing appropriation item 235515, Case Western Reserve 118836  
University School of Medicine, shall be disbursed to Case Western 118837  
Reserve University through the Chancellor of the Board of Regents 118838  
in accordance with agreements entered into under section 3333.10 118839  
of the Revised Code, provided that the state support per full-time 118840  
medical student shall not exceed that provided to full-time 118841

medical students at state universities. 118842

**Section 371.30.80. FAMILY PRACTICE** 118843

The Chancellor of the Ohio Board of Regents shall develop 118844  
plans consistent with existing criteria and guidelines as may be 118845  
required for the distribution of appropriation item 235519, Family 118846  
Practice. 118847

**Section 371.30.90. SHAWNEE STATE SUPPLEMENT** 118848

The Chancellor of the Board of Regents shall, in consultation 118849  
with Shawnee State University, develop a plan whereby the 118850  
foregoing appropriation item 235520, Shawnee State Supplement, 118851  
shall be used in a manner consistent with the goals of improving 118852  
course completion, increasing the number of degrees conferred, and 118853  
furthering the university's mission of service to the Appalachian 118854  
region. The Chancellor shall submit a summary of the plan to the 118855  
Speaker of the House of Representatives, the President of the 118856  
Senate, and the Governor by December 31, 2011. 118857

The foregoing appropriation item 235520, Shawnee State 118858  
Supplement, shall be disbursed by the Chancellor of the Board of 118859  
Regents to Shawnee State University. The first two disbursements 118860  
in fiscal year 2012 shall be made on a quarterly basis. Beginning 118861  
January 1, 2012, the funds shall be disbursed to Shawnee State 118862  
University in accordance with the plan developed by the Chancellor 118863  
under this section. 118864

The Chancellor shall monitor the implementation of the plan 118865  
and the use of funds. Shawnee State University shall provide any 118866  
information requested by the Chancellor related to the 118867  
implementation of the plan. If the Chancellor determines that 118868  
Shawnee State University's use of supplemental funds is not in 118869  
accordance with the plan or if the plan is not having the desired 118870  
effect, the Chancellor may notify Shawnee State University that 118871



the plan is suspended. Upon receiving such notice, Shawnee State 118872  
University shall avoid all unnecessary expenditures under the 118873  
plan. The Chancellor shall notify the Controlling Board of the 118874  
suspension of the plan and within sixty days prepare a new plan 118875  
for the use of any remaining funds. 118876

**Section 371.40.10. POLICE AND FIRE PROTECTION** 118877

The foregoing appropriation item 235524, Police and Fire 118878  
Protection, shall be used for police and fire services in the 118879  
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 118880  
Portsmouth, Xenia Township (Greene County), Rootstown Township, 118881  
and the City of Nelsonville that may be used to assist these local 118882  
governments in providing police and fire protection for the 118883  
central campus of the state-affiliated university located therein. 118884

**Section 371.40.20. GERIATRIC MEDICINE** 118885

The Chancellor of the Board of Regents shall develop plans 118886  
consistent with existing criteria and guidelines as may be 118887  
required for the distribution of appropriation item 235525, 118888  
Geriatric Medicine. 118889

**Section 371.40.30. PRIMARY CARE RESIDENCIES** 118890

The Chancellor of the Board of Regents shall develop plans 118891  
consistent with existing criteria and guidelines as may be 118892  
required for the distribution of appropriation item 235526, 118893  
Primary Care Residencies. 118894

The foregoing appropriation item 235526, Primary Care 118895  
Residencies, shall be distributed in each fiscal year of the 118896  
biennium, based on whether or not the institution has submitted 118897  
and gained approval for a plan. If the institution does not have 118898  
an approved plan, it shall receive five per cent less funding per 118899  
student than it would have received from its annual allocation. 118900

The remaining funding shall be distributed among those 118901  
institutions that meet or exceed their targets. 118902

**Section 371.40.40. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 118903**  
CENTER 118904

The foregoing appropriation item 235535, Ohio Agricultural 118905  
Research and Development Center, shall be disbursed through the 118906  
Chancellor of the Board of Regents to The Ohio State University in 118907  
monthly payments, unless otherwise determined by the Director of 118908  
Budget and Management under section 126.09 of the Revised Code. 118909  
The Ohio Agricultural Research and Development Center shall not be 118910  
required to remit payment to The Ohio State University during the 118911  
biennium ending June 30, 2013, for cost reallocation assessments. 118912  
The cost reallocation assessments include, but are not limited to, 118913  
any assessment on state appropriations to the Center. 118914

The Ohio Agricultural Research and Development Center, an 118915  
entity of the College of Food, Agricultural, and Environmental 118916  
Sciences of The Ohio State University, shall further its mission 118917  
of enhancing Ohio's economic development and job creation by 118918  
continuing to internally allocate on a competitive basis 118919  
appropriated funding of programs based on demonstrated 118920  
performance. Academic units, faculty, and faculty-driven programs 118921  
shall be evaluated and rewarded consistent with agreed-upon 118922  
performance expectations as called for in the College's 118923  
Expectations and Criteria for Performance Assessment. 118924

**Section 371.40.50. STATE UNIVERSITY CLINICAL TEACHING 118925**

The foregoing appropriation items 235536, The Ohio State 118926  
University Clinical Teaching; 235537, University of Cincinnati 118927  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 118928  
235539, Wright State University Clinical Teaching; 235540, Ohio 118929  
University Clinical Teaching; and 235541, Northeastern Ohio 118930

Universities College of Medicine Clinical Teaching, shall be 118931  
distributed through the Chancellor of the Board of Regents. 118932

**Section 371.40.60. CAPITAL COMPONENT** 118933

The foregoing appropriation item 235552, Capital Component, 118934  
shall be used by the Chancellor of the Board of Regents to 118935  
implement the capital funding policy for state-assisted colleges 118936  
and universities established in Am. H.B. 748 of the 121st General 118937  
Assembly. Appropriations from this item shall be distributed to 118938  
all campuses for which the estimated campus debt service 118939  
attributable to new qualifying capital projects is less than the 118940  
campus's formula-determined capital component allocation. Campus 118941  
allocations shall be determined by subtracting the estimated 118942  
campus debt service attributable to new qualifying capital 118943  
projects from the campus's formula-determined capital component 118944  
allocation. Moneys distributed from this appropriation item shall 118945  
be restricted to capital-related purposes. 118946

Any campus for which the estimated campus debt service 118947  
attributable to qualifying capital projects is greater than the 118948  
campus's formula-determined capital component allocation shall 118949  
have the difference subtracted from its State Share of Instruction 118950  
allocation in each fiscal year. Appropriation equal to the sum of 118951  
all such amounts except that of the Ohio Agricultural Research and 118952  
Development Center shall be transferred from appropriation item 118953  
235501, State Share of Instruction, to appropriation item 235552, 118954  
Capital Component. Appropriation equal to any estimated Ohio 118955  
Agricultural Research and Development Center debt service 118956  
attributable to qualifying capital projects that is greater than 118957  
the Center's formula-determined capital component allocation shall 118958  
be transferred from appropriation item 235535, Ohio Agricultural 118959  
Research and Development Center, to appropriation item 235552, 118960  
Capital Component. 118961

**Section 371.40.70. LIBRARY DEPOSITORIES** 118962

The foregoing appropriation item, 235555, Library 118963  
Depositories, shall be distributed to the state's five regional 118964  
depository libraries for the cost-effective storage of and access 118965  
to lesser-used materials in university library collections. The 118966  
depositories shall be administrated by the Chancellor of the Board 118967  
of Regents, or by OhioLINK at the discretion of the Chancellor. 118968

**Section 371.40.80. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 118969

The foregoing appropriation item 235556, Ohio Academic 118970  
Resources Network, shall be used by the Chancellor of the Board of 118971  
Regents to support the operations of the Ohio Academic Resources 118972  
Network, a consortium organized under division (U) of section 118973  
3333.04 of the Revised Code, which shall include support for 118974  
Ohio's colleges and universities in maintaining and enhancing 118975  
network connections, using new network technologies to improve 118976  
research, education, and economic development programs, and 118977  
sharing information technology services. To the extent network 118978  
capacity is available, OARnet shall support allocating bandwidth 118979  
to eligible programs directly supporting Ohio's economic 118980  
development. 118981

**Section 371.40.90. LONG-TERM CARE RESEARCH** 118982

The foregoing appropriation item 235558, Long-term Care 118983  
Research, shall be disbursed to Miami University for long-term 118984  
care research. 118985

**Section 371.50.10. OHIO COLLEGE OPPORTUNITY GRANT** 118986

(A) Except as provided in division (C) of this section: 118987

Of the foregoing appropriation item 235563, Ohio College 118988  
Opportunity Grant, \$37,000,000 in each fiscal year shall be used 118989

by the Chancellor of the Board of Regents to award need-based 118990  
financial aid to students enrolled in eligible four-year public 118991  
institutions of higher education, excluding early college high 118992  
school and post-secondary enrollment option participants. 118993

Of the foregoing appropriation item 235563, Ohio College 118994  
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 118995  
by the Chancellor of the Board of Regents to award need-based 118996  
financial aid to students enrolled in eligible four-year private 118997  
nonprofit institutions of higher education, excluding early 118998  
college high school and post-secondary enrollment option 118999  
participants. 119000

The remainder of the foregoing appropriation item 235563, 119001  
Ohio College Opportunity Grant, shall be used by the Chancellor of 119002  
the Board of Regents to award needs-based financial aid to 119003  
students enrolled in eligible private for-profit career colleges 119004  
and schools. 119005

An amount equal to the unexpended, unencumbered portion of 119006  
the foregoing appropriation item 235563, Ohio College Opportunity 119007  
Grant, at the end of fiscal year 2012 is hereby reappropriated to 119008  
the Board of Regents for the same purpose for fiscal year 2013. 119009

(B)(1) As used in this section: 119010

(a) "Eligible institution" means any institution described in 119011  
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 119012  
Code. 119013

(b) The three "sectors" of institutions of higher education 119014  
consist of the following: 119015

(i) State colleges and universities, community colleges, 119016  
state community colleges, university branches, and technical 119017  
colleges; 119018

(ii) Eligible private nonprofit institutions of higher 119019

education; 119020

(iii) Eligible private for-profit career colleges and 119021  
schools. 119022

(2) If the Chancellor determines that the amounts 119023  
appropriated for support of the Ohio College Opportunity Grant 119024  
program are inadequate to provide grants to all eligible students 119025  
as calculated under division (D) of section 3333.122 of the 119026  
Revised Code, the Chancellor may create a distribution formula for 119027  
fiscal year 2012 and fiscal year 2013 based on the formula used in 119028  
fiscal year 2011, or may follow methods established in division 119029  
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 119030  
Chancellor shall notify the Controlling Board of the distribution 119031  
method. Any formula calculated under this division shall be 119032  
complete and established to coincide with the start of the 119033  
2011-2012 academic year. 119034

(C) Prior to determining the amount of funds available to 119035  
award under this section and section 3333.122 of the Revised Code, 119036  
the Chancellor shall use the foregoing appropriation item 235563, 119037  
Ohio College Opportunity Grant, to pay for renewals or partial 119038  
renewals of scholarships students receive under the Ohio Academic 119039  
Scholarship Program under sections 3333.21 and 3333.22 of the 119040  
Revised Code. In paying for scholarships under this division, the 119041  
Chancellor shall deduct funds from the allocations made under 119042  
division (A) of this section proportionate to the amounts 119043  
allocated to each sector from the total appropriation. 119044

In each fiscal year, the Chancellor shall not distribute or 119045  
obligate or commit to be distributed an amount greater than what 119046  
is appropriated under the foregoing appropriation item 235563, 119047  
Ohio College Opportunity Grant. 119048

(D) The Chancellor shall establish, and post on the Ohio 119049  
Board of Regents' web site, award tables based on any formulas 119050

created under division (B) of this section. The Chancellor shall 119051  
notify students and institutions of any reductions in awards under 119052  
this section. 119053

On or before August 31, 2011, the Chancellor of the Board of 119054  
Regents shall submit award tables to the Controlling Board for the 119055  
2011-2012 academic year and allocations of Ohio College 119056  
Opportunity Grant awards not already specified in section 3333.122 119057  
of the Revised Code. 119058

(E) Notwithstanding section 3333.122 of the Revised Code, no 119059  
student shall be eligible to receive an Ohio College Opportunity 119060  
Grant for more than ten semesters, fifteen quarters, or the 119061  
equivalent of five academic years, less the number of semesters or 119062  
quarters in which the student received an Ohio Instructional 119063  
Grant. 119064

(F) On July 1 of each fiscal year, or as soon as possible 119065  
thereafter, the Director of Budget and Management shall transfer 119066  
\$6,000,000 in cash from the Economic Development Programs Fund 119067  
(Fund 5JC0) to the General Revenue Fund (GRF) to be used by 119068  
Chancellor of the Board of Regents to support the Ohio College 119069  
Opportunity Grant pursuant to this section. 119070

**Section 371.50.20. THE OHIO STATE UNIVERSITY CLINIC SUPPORT** 119071

The foregoing appropriation item 235572, The Ohio State 119072  
University Clinic Support, shall be distributed through the 119073  
Chancellor of the Board of Regents to The Ohio State University 119074  
for support of dental and veterinary medicine clinics. 119075

**Section 371.50.30. NATIONAL GUARD SCHOLARSHIP PROGRAM** 119076

The Chancellor of the Board of Regents shall disburse funds 119077  
from appropriation item 235599, National Guard Scholarship 119078  
Program, at the direction of the Adjutant General. During each 119079  
fiscal year, the Chancellor of the Board of Regents, within ten 119080

days of cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash in an amount up to the amount certified from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0). Upon the request of the Adjutant General, the Chancellor of the Board of Regents shall seek Controlling Board approval to authorize additional expenditures for appropriation item 235623, National Guard Scholarship Reserve Fund. Upon approval of the Controlling Board, the additional amounts are hereby appropriated. The Chancellor of the Board of Regents shall disburse funds from appropriation item 235623, National Guard Scholarship Reserve Fund, at the direction of the Adjutant General.

**Section 371.50.40. PLEDGE OF FEES**

Any new pledge of fees, or new agreement for adjustment of fees, made in the biennium ending June 30, 2013, to secure bonds or notes of a state-assisted institution of higher education for a project for which bonds or notes were not outstanding on the effective date of this section shall be effective only after approval by the Chancellor of the Board of Regents, unless approved in a previous biennium.

**Section 371.50.50. HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE**

The foregoing appropriation item 235909, Higher Education General Obligation Debt Service, shall be used to pay all debt service and related financing costs at the times they are required to be made during the period from July 1, 2011, through June 30, 2013, for obligations issued under sections 151.01 and 151.04 of



the Revised Code. 119111

**Section 371.50.60. SALES AND SERVICES** 119112

The Chancellor of the Board of Regents is authorized to 119113  
charge and accept payment for the provision of goods and services. 119114  
Such charges shall be reasonably related to the cost of producing 119115  
the goods and services. Except as otherwise provided by law, no 119116  
charges may be levied for goods or services that are produced as 119117  
part of the routine responsibilities or duties of the Chancellor. 119118  
All revenues received by the Chancellor of the Board of Regents 119119  
shall be deposited into Fund 4560, and may be used by the 119120  
Chancellor of the Board of Regents to pay for the costs of 119121  
producing the goods and services. 119122

**Section 371.50.63. CO-OP INTERNSHIP PROGRAM** 119123

Of the foregoing appropriation item 235649, Co-op Internship 119124  
Program, \$75,000 in each fiscal year shall be used by the 119125  
Chancellor of the Board of Regents to support the operations of 119126  
Ohio University's Voinovich School. 119127

Of the foregoing appropriation item 235649, Co-op Internship 119128  
Program, \$75,000 in each fiscal year, shall be used by the 119129  
Chancellor of the Board of Regents to support the operations of 119130  
The Ohio State University's John Glenn School of Public Affairs. 119131

Of the foregoing appropriation item 235649, Co-op Internship 119132  
Program, \$75,000 in each fiscal year shall be used to support the 119133  
Bliss Institute of Applied Politics at the University of Akron. 119134

Of the foregoing appropriation item 235649, Co-op Internship 119135  
Program, \$75,000 in each fiscal year shall be used to support the 119136  
Center for Public Management and Regional Affairs at Miami 119137  
University. 119138

**Section 371.50.70. HIGHER EDUCATIONAL FACILITY COMMISSION** 119139

ADMINISTRATION 119140

The foregoing appropriation item 235602, Higher Educational Facility Commission Administration, shall be used by the Chancellor of the Board of Regents for operating expenses related to the Chancellor of the Board of Regents' support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the Chancellor, the Director of Budget and Management shall transfer up to \$29,100 cash in fiscal year 2012 and up to \$29,100 cash in fiscal year 2013 from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 4E80).

**Section 371.50.80. NURSING LOAN PROGRAM** 119151

The foregoing appropriation item 235606, Nursing Loan Program, shall be used to administer the nurse education assistance program. Up to \$167,580 in each fiscal year may be used for operating expenses associated with the program. Any additional funds needed for the administration of the program are subject to Controlling Board approval.

**Section 371.50.90. VETERANS PREFERENCES** 119158

The Chancellor of the Board of Regents shall work with the Department of Veterans Services to develop specific veterans preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans preference laws.

**Section 371.60.10. STATE NEED-BASED FINANCIAL AID** 119165

RECONCILIATION 119166

By the first day of August in each fiscal year, or as soon as possible thereafter, the Chancellor of the Board of Regents shall

certify to the Director of Budget and Management the amount 119169  
necessary to pay any outstanding prior year obligations to higher 119170  
education institutions for the state's need-based financial aid 119171  
programs. The amounts certified are hereby appropriated to 119172  
appropriation item 235618, State Need-based Financial Aid 119173  
Reconciliation, from revenues received in the State Need-based 119174  
Financial Aid Reconciliation Fund (Fund 5Y50). 119175

**Section 371.60.20.** (A) As used in this section: 119176

(1) "Board of trustees" includes the managing authority of a 119177  
university branch district. 119178

(2) "State institution of higher education" has the same 119179  
meaning as in section 3345.011 of the Revised Code. 119180

(B) The board of trustees of any state institution of higher 119181  
education, notwithstanding any rule of the institution to the 119182  
contrary, may adopt a policy providing for mandatory furloughs of 119183  
employees, including faculty, to achieve spending reductions 119184  
necessitated by institutional budget deficits. 119185

**Section 371.60.40.** EFFICIENCY ADVISORY COMMITTEE 119186

The Chancellor of the Board of Regents shall establish an 119187  
efficiency advisory committee for the purpose of generating 119188  
optimal efficiency plans for campuses, identifying shared services 119189  
opportunities, and sharing best practices. The efficiency advisory 119190  
committee shall also attempt to reduce the cost of textbooks and 119191  
other education resource materials. The committee shall meet at 119192  
the call of the Chancellor or the Chancellor's designee, but at 119193  
least quarterly. Each state institution of higher education shall 119194  
designate an employee to serve as its efficiency officer 119195  
responsible for the evaluation and improvement of operational 119196  
efficiencies on campus. Each efficiency officer shall serve on the 119197  
efficiency advisory committee. 119198

**Section 371.60.50. TEXTBOOK AFFORDABILITY** 119199

Each state institution of higher education shall submit to 119200  
the Chancellor of the Board of Regents by December 31, 2011, a 119201  
plan to reduce the cost to students of textbooks and other 119202  
education resource materials. 119203

**Section 371.60.60. TUITION TRUST AUTHORITY APPROPRIATION LINE** 119204  
**ITEM TRANSFER** 119205

On July 1, 2011, or as soon as possible thereafter, the 119206  
Director of Budget and Management, upon request by the Chancellor 119207  
of the Board of Regents, shall cancel any existing encumbrances 119208  
against appropriation item 095602, Variable Savings Plans, and 119209  
re-establish them against appropriation item 235663, Variable 119210  
Savings Plans. The re-established encumbrance amounts are hereby 119211  
appropriated. 119212

On July 1, 2011, or as soon as possible thereafter, the 119213  
Director of Budget and Management, upon request by the Chancellor 119214  
of the Board of Regents, shall cancel any existing encumbrances 119215  
against appropriation item 095601, Guaranteed Savings Plan, and 119216  
re-establish them against appropriation item 235664, Guaranteed 119217  
Savings Plan. The re-established encumbrance amounts are hereby 119218  
appropriated. 119219

**Section 371.60.70. (A)** Notwithstanding anything to the 119220  
contrary in sections 3333.81 to 3333.88 of the Revised Code, the 119221  
distance learning clearinghouse required to be established under 119222  
those sections shall be located at the Ohio Resource Center for 119223  
Mathematics, Science, and Reading administered by the College of 119224  
Education and Human Ecology at The Ohio State University. The 119225  
College shall provide access to its online repository of 119226  
educational content to offer courses from multiple providers at 119227  
competitive prices for Ohio students in grades kindergarten to 119228

twelve. 119229

(B) The College shall review the content of each course 119230  
offered to assess the course's alignment with the academic 119231  
standards adopted under division (A) of section 3301.079 of the 119232  
Revised Code and shall publish its determination about the degree 119233  
of alignment. 119234

(C) The College shall indicate, for each course offered, the 119235  
academic credit that a student may reasonably expect to earn upon 119236  
successful completion of the course. However, in accordance with 119237  
section 3333.85 of the Revised Code, the school district or school 119238  
in which the student is enrolled retains full authority to 119239  
determine the credit awarded to the student. 119240

(D) As prescribed by section 3333.84 of the Revised Code, the 119241  
fee charged for a course shall be set by the course provider. The 119242  
College may retain a percentage of the fee to offset the cost of 119243  
maintaining the course repository. 119244

(E) The College may establish policies to protect the 119245  
proprietary interest in or intellectual property of the 119246  
educational content and courses that are housed in the course 119247  
repository. The College may require end users to agree to the 119248  
terms of any such policies prior to accessing the repository. 119249

**Section 371.60.80.** (A) The Ohio Digital Learning Task Force 119250  
is hereby established to develop a strategy for the expansion of 119251  
digital learning that enables students to customize their 119252  
education, produces cost savings, and meets the needs of Ohio's 119253  
economy. The Task Force shall consist of the following members: 119254

(1) The Chancellor of the Ohio Board of Regents or the 119255  
Chancellor's designee; 119256

(2) The Superintendent of Public Instruction or the 119257  
Superintendent's designee; 119258

|                                                                                                                                                                                                                                                                                                                  |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (3) The Director of the Governor's Office of 21st Century Education or the Director's designee;                                                                                                                                                                                                                  | 119259<br>119260                               |
| (4) Up to six members appointed by the Governor, who shall be representatives of school districts or community schools, established under Chapter 3314. of the Revised Code, that are high-performing of their type and have demonstrated the ability to incorporate technology into the classroom successfully; | 119261<br>119262<br>119263<br>119264<br>119265 |
| (5) A member appointed by the President of the Senate;                                                                                                                                                                                                                                                           | 119266                                         |
| (6) A member appointed by the Speaker of the House of Representatives.                                                                                                                                                                                                                                           | 119267<br>119268                               |
| (B) Members of the Task Force shall be appointed not later than sixty days after the effective date of this section. Vacancies on the Task Force shall be filled in the same manner as the original appointments. Members shall serve without compensation.                                                      | 119269<br>119270<br>119271<br>119272<br>119273 |
| (C) The Governor shall designate the chairperson of the Task Force. All meetings of the Task Force shall be held at the call of the chairperson.                                                                                                                                                                 | 119274<br>119275<br>119276                     |
| (D) The Task Force shall do all of the following:                                                                                                                                                                                                                                                                | 119277                                         |
| (1) Request information from textbook publishers about the development of digital textbooks and other new digital content distribution methods for use by primary, secondary, and post-secondary schools and institutions and examine that information;                                                          | 119278<br>119279<br>119280<br>119281<br>119282 |
| (2) Examine potential cost savings and efficiency of utilizing digital textbooks and other new digital content distribution methods in primary, secondary, and post-secondary schools and institutions;                                                                                                          | 119283<br>119284<br>119285<br>119286           |
| (3) Examine potential academic benefits of utilizing digital textbooks and other new digital content distribution methods,                                                                                                                                                                                       | 119287<br>119288                               |

including, but not limited to, the ability to individualize 119289  
content to specific student learning styles, accessibility for 119290  
individuals with disabilities, and the integration of formative 119291  
and other online assessments; 119292

(4) Examine digital content pilot programs and initiatives 119293  
currently operating at primary, secondary, and post-secondary 119294  
schools and institutions in Ohio, including, but not limited to, 119295  
those financed in part with federal funds; 119296

(5) Examine any state-level initiatives to provide or 119297  
facilitate use of digital content in primary, secondary, and 119298  
post-secondary schools and institutions in Ohio. 119299

(E) The Task Force shall make recommendations regarding all 119300  
of the following: 119301

(1) The creation of high quality digital content and 119302  
instruction in grades kindergarten to twelve for free access by 119303  
public and nonpublic schools and students receiving home 119304  
instruction; 119305

(2) High quality professional development for teachers and 119306  
principals providing online instruction or blended learning 119307  
programs; 119308

(3) Funding strategies that create incentives for high 119309  
performance, innovation, and options in course providers and 119310  
delivery; 119311

(4) Student assessment and accountability; 119312

(5) Infrastructure to support digital learning; 119313

(6) Mobile learning and mobile learning applications; 119314

(7) The clearinghouse established under section 3333.82 of 119315  
the Revised Code; 119316

(8) Ways to align the resources and digital learning 119317  
initiatives of state agencies and offices; 119318

(9) Methods for removing redundancy and inefficiency in, and 119319  
for providing coordination, of all digital learning programs, 119320  
including the provision of free online instruction to public and 119321  
nonpublic schools on a statewide basis; 119322

(10) Methods of addressing future changes in technology and 119323  
learning. 119324

(E) Not later than March 1, 2012, the Task Force shall issue 119325  
a report of its findings and recommendations to the Governor, the 119326  
President of the Senate, and the Speaker of the House of 119327  
Representatives. Upon issuance of its report, the Task Force shall 119328  
cease to exist. 119329

**Section 371.60.90.** Not later than six months after the 119330  
effective date of this section, the Chancellor of the Ohio Board 119331  
of Regents shall do both of the following: 119332

(A) Take steps to facilitate full implementation of any 119333  
digital textbook and digital content pilot programs currently 119334  
planned at any state institutions of higher education in Ohio; 119335

(B) Take steps to ensure that those pilot programs examine 119336  
the potential cost savings and efficiencies of digital content and 119337  
the potential academic benefits, including, but not limited to, 119338  
the ability to individualize content to specific student learning 119339  
styles, accessibility for individuals with disabilities, and the 119340  
integration of formative and other online assessments. 119341

**Section 373.10.** DRC DEPARTMENT OF REHABILITATION AND 119342  
CORRECTION 119343

General Revenue Fund 119344

|            |               |    |             |    |             |        |
|------------|---------------|----|-------------|----|-------------|--------|
| GRF 501321 | Institutional | \$ | 909,547,156 | \$ | 866,592,589 | 119345 |
|            | Operations    |    |             |    |             |        |

|            |                       |    |           |    |           |        |
|------------|-----------------------|----|-----------|----|-----------|--------|
| GRF 501403 | Prisoner Compensation | \$ | 8,599,255 | \$ | 8,599,255 | 119346 |
|------------|-----------------------|----|-----------|----|-----------|--------|

|            |               |    |            |    |            |        |
|------------|---------------|----|------------|----|------------|--------|
| GRF 501405 | Halfway House | \$ | 43,637,069 | \$ | 43,622,104 | 119347 |
|------------|---------------|----|------------|----|------------|--------|



|                                |        |                                          |    |               |    |               |        |
|--------------------------------|--------|------------------------------------------|----|---------------|----|---------------|--------|
| GRF                            | 501406 | Lease Rental Payments                    | \$ | 42,863,100    | \$ | 104,301,500   | 119348 |
| GRF                            | 501407 | Community<br>Nonresidential<br>Programs  | \$ | 25,859,382    | \$ | 25,839,390    | 119349 |
| GRF                            | 501408 | Community Misdemeanor<br>Programs        | \$ | 14,406,800    | \$ | 14,406,800    | 119350 |
| GRF                            | 501501 | Community Residential<br>Programs - CBCF | \$ | 62,692,785    | \$ | 62,477,785    | 119351 |
| GRF                            | 502321 | Mental Health Services                   | \$ | 58,525,816    | \$ | 51,778,513    | 119352 |
| GRF                            | 503321 | Parole and Community<br>Operations       | \$ | 68,197,272    | \$ | 63,783,848    | 119353 |
| GRF                            | 504321 | Administrative<br>Operations             | \$ | 21,996,504    | \$ | 20,085,474    | 119354 |
| GRF                            | 505321 | Institution Medical<br>Services          | \$ | 209,231,014   | \$ | 195,241,961   | 119355 |
| GRF                            | 506321 | Institution Education<br>Services        | \$ | 20,237,576    | \$ | 18,086,492    | 119356 |
| GRF                            | 507321 | Institution Recovery<br>Services         | \$ | 5,786,109     | \$ | 5,375,737     | 119357 |
| TOTAL GRF General Revenue Fund |        |                                          | \$ | 1,491,579,838 | \$ | 1,480,191,448 | 119358 |
| General Services Fund Group    |        |                                          |    |               |    |               | 119359 |
| 1480                           | 501602 | Services and<br>Agricultural             | \$ | 3,579,250     | \$ | 3,584,263     | 119360 |
| 2000                           | 501607 | Ohio Penal Industries                    | \$ | 45,172,184    | \$ | 45,791,729    | 119361 |
| 4830                           | 501605 | Property Receipts                        | \$ | 182,723       | \$ | 182,086       | 119362 |
| 4B00                           | 501601 | Sewer Treatment<br>Services              | \$ | 2,145,630     | \$ | 2,157,682     | 119363 |
| 4D40                           | 501603 | Prisoner Programs                        | \$ | 16,652,286    | \$ | 16,659,901    | 119364 |
| 4L40                           | 501604 | Transitional Control                     | \$ | 1,168,843     | \$ | 1,213,120     | 119365 |
| 4S50                           | 501608 | Education Services                       | \$ | 2,376,041     | \$ | 2,359,775     | 119366 |
| 5710                           | 501606 | Training Academy<br>Receipts             | \$ | 125,000       | \$ | 125,000       | 119367 |
| 5930                           | 501618 | Laboratory Services                      | \$ | 6,665,137     | \$ | 6,664,729     | 119368 |

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               |        |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----|---------------|----|---------------|--------|
| 5AF0                         | 501609                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | State and Non-Federal Awards      | \$ | 1,440,000     | \$ | 1,440,000     | 119369 |
| 5H80                         | 501617                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Offender Financial Responsibility | \$ | 3,000,000     | \$ | 3,000,000     | 119370 |
| 5L60                         | 501611                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Information Technology Services   | \$ | 600,000       | \$ | 600,000       | 119371 |
| TOTAL GSF                    | General Services Fund Group                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                   | \$ | 83,107,094    | \$ | 83,778,285    | 119372 |
|                              | Federal Special Revenue Fund Group                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                   |    |               |    |               | 119373 |
| 3230                         | 501619                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Federal Grants                    | \$ | 9,013,558     | \$ | 9,180,703     | 119374 |
| TOTAL FED                    | Federal Special Revenue Fund Group                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                   | \$ | 9,013,558     | \$ | 9,180,703     | 119375 |
| TOTAL ALL BUDGET FUND GROUPS |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   | \$ | 1,583,700,490 | \$ | 1,573,150,436 | 119377 |
|                              | TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL SENTENCING REFORMS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                   |    |               |    |               | 119378 |
|                              | For the purposes of implementing criminal sentencing reforms, and notwithstanding any other provision of law to the contrary, the Director of Budget and Management, at the request of the Director of Rehabilitation and Correction, may transfer up to \$14,000,000 in appropriations, in each of fiscal years 2012 and 2013, from appropriation item 501321, Institutional Operations, to any combination of appropriation items 501405, Halfway House; 501407, Community Residential Programs; 501408, Community Misdemeanor Programs; and 501501, Community Residential Programs - CBCF. |                                   |    |               |    |               | 119379 |
|                              | OHIO BUILDING AUTHORITY LEASE PAYMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                   |    |               |    |               | 119380 |
|                              | The foregoing appropriation item 501406, Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2011, through June 30, 2013, by the Department of Rehabilitation and Correction to the Ohio Building Authority under the primary leases and agreements for those buildings made under Chapter 152. of the                                                                                                                                                                                                         |                                   |    |               |    |               | 119381 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119382 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119383 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119384 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119385 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119386 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119387 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119388 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119389 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119390 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119391 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119392 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119393 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119394 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119395 |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                   |    |               |    |               | 119396 |

|                                                                    |    |            |    |            |        |
|--------------------------------------------------------------------|----|------------|----|------------|--------|
| Revised Code. These appropriations are the source of funds pledged |    |            |    |            | 119397 |
| for bond service charges or obligations issued pursuant to Chapter |    |            |    |            | 119398 |
| 152. of the Revised Code.                                          |    |            |    |            | 119399 |
| OSU MEDICAL CHARGES                                                |    |            |    |            | 119400 |
| Notwithstanding section 341.192 of the Revised Code, at the        |    |            |    |            | 119401 |
| request of the Department of Rehabilitation and Correction, The    |    |            |    |            | 119402 |
| Ohio State University Medical Center, including the James Cancer   |    |            |    |            | 119403 |
| Hospital and Solove Research Institute and the Richard M. Ross     |    |            |    |            | 119404 |
| Heart Hospital, shall provide necessary care to persons who are    |    |            |    |            | 119405 |
| confined in state adult correctional facilities. The provision of  |    |            |    |            | 119406 |
| necessary care shall be billed to the Department at a rate not to  |    |            |    |            | 119407 |
| exceed the authorized reimbursement rate for the same service      |    |            |    |            | 119408 |
| established by the Department of Job and Family Services under the |    |            |    |            | 119409 |
| Medical Assistance Program.                                        |    |            |    |            | 119410 |
| <b>Section 375.10. RSC REHABILITATION SERVICES COMMISSION</b>      |    |            |    |            | 119411 |
| General Revenue Fund                                               |    |            |    |            | 119412 |
| GRF 415402 Independent Living                                      | \$ | 252,000    | \$ | 252,000    | 119413 |
| Council                                                            |    |            |    |            |        |
| GRF 415406 Assistive Technology                                    | \$ | 26,618     | \$ | 26,618     | 119414 |
| GRF 415431 Office for People                                       | \$ | 126,567    | \$ | 126,567    | 119415 |
| with Brain Injury                                                  |    |            |    |            |        |
| GRF 415506 Services for People                                     | \$ | 12,777,884 | \$ | 12,777,884 | 119416 |
| with Disabilities                                                  |    |            |    |            |        |
| GRF 415508 Services for the Deaf                                   | \$ | 28,000     | \$ | 28,000     | 119417 |
| TOTAL GRF General Revenue Fund                                     | \$ | 13,211,069 | \$ | 13,211,069 | 119418 |
| General Services Fund Group                                        |    |            |    |            | 119419 |
| 4670 415609 Business Enterprise                                    | \$ | 1,308,431  | \$ | 1,303,090  | 119420 |
| Operating Expenses                                                 |    |            |    |            |        |
| TOTAL GSF General Services                                         |    |            |    |            | 119421 |
| Fund Group                                                         | \$ | 1,308,431  | \$ | 1,303,090  | 119422 |

|                                                 |        |                                                                |                               |                                                |
|-------------------------------------------------|--------|----------------------------------------------------------------|-------------------------------|------------------------------------------------|
| Federal Special Revenue Fund Group              |        |                                                                |                               | 119423                                         |
| 3170                                            | 415620 | Disability<br>Determination                                    | \$ 97,579,095 \$ 97,579,095   | 119424                                         |
| 3790                                            | 415616 | Federal - Vocational<br>Rehabilitation                         | \$ 103,160,426 \$ 103,150,102 | 119425                                         |
| 3L10                                            | 415601 | Social Security<br>Personal Care<br>Assistance                 | \$ 3,370,000 \$ 3,370,000     | 119426                                         |
| 3L10                                            | 415605 | Social Security<br>Community Centers for<br>the Deaf           | \$ 772,000 \$ 772,000         | 119427                                         |
| 3L10                                            | 415608 | Social Security<br>Special<br>Programs/Assistance              | \$ 1,521,406 \$ 1,520,184     | 119428                                         |
| 3L40                                            | 415612 | Federal Independent<br>Living Centers or<br>Services           | \$ 652,222 \$ 652,222         | 119429                                         |
| 3L40                                            | 415615 | Federal - Supported<br>Employment                              | \$ 929,755 \$ 929,755         | 119430                                         |
| 3L40                                            | 415617 | Independent<br>Living/Vocational<br>Rehabilitation<br>Programs | \$ 2,137,338 \$ 2,137,338     | 119431                                         |
| TOTAL FED Federal Special<br>Revenue Fund Group |        |                                                                |                               | 119432<br>\$ 210,122,242 \$ 210,110,696 119433 |
| State Special Revenue Fund Group                |        |                                                                |                               | 119434                                         |
| 4680                                            | 415618 | Third Party Funding                                            | \$ 10,802,589 \$ 10,802,589   | 119435                                         |
| 4L10                                            | 415619 | Services for<br>Rehabilitation                                 | \$ 3,700,000 \$ 3,700,000     | 119436                                         |
| 4W50                                            | 415606 | Program Management<br>Expenses                                 | \$ 11,636,730 \$ 11,587,201   | 119437                                         |
| TOTAL SSR State Special                         |        |                                                                |                               | 119438                                         |

|                              |    |             |    |             |        |
|------------------------------|----|-------------|----|-------------|--------|
| Revenue Fund Group           | \$ | 26,139,319  | \$ | 26,089,790  | 119439 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 250,781,061 | \$ | 250,714,645 | 119440 |

INDEPENDENT LIVING COUNCIL 119441

The foregoing appropriation item 415402, Independent Living 119442  
Council, shall be used to fund the operations of the State 119443  
Independent Living Council and to support state independent living 119444  
centers and independent living services under Title VII of the 119445  
Independent Living Services and Centers for Independent Living of 119446  
the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 119447  
U.S.C. 796d. 119448

Of the foregoing appropriation item 415402, Independent 119449  
Living Council, \$67,662 in each fiscal year shall be used as state 119450  
matching funds for vocational rehabilitation innovation and 119451  
expansion activities. 119452

ASSISTIVE TECHNOLOGY 119453

The total amount of the foregoing appropriation item 415406, 119454  
Assistive Technology, shall be provided to Assistive Technology of 119455  
Ohio to provide grants and assistive technology services for 119456  
people with disabilities in the State of Ohio. 119457

OFFICE FOR PEOPLE WITH BRAIN INJURY 119458

The foregoing appropriation item 415431, Office for People 119459  
with Brain Injury, shall be used to plan and coordinate 119460  
head-injury-related services provided by state agencies and other 119461  
government or private entities, to assess the needs for such 119462  
services, and to set priorities in this area. 119463

Of the foregoing appropriation item 415431, Office for People 119464  
with Brain Injury, \$44,067 in each fiscal year shall be used as 119465  
state matching funds to provide vocational rehabilitation services 119466  
to eligible consumers. 119467

VOCATIONAL REHABILITATION SERVICES 119468

The foregoing appropriation item 415506, Services for People with Disabilities, shall be used as state matching funds to provide vocational rehabilitation services to eligible consumers.

At the request of the Chancellor of the Board of Regents, the Director of Budget and Management may transfer any unexpended, unencumbered appropriation in fiscal year 2012 or fiscal year 2013 from appropriation item 235502, Student Support Services, to appropriation item 415506, Services for People with Disabilities. Any appropriation so transferred shall be used by the Ohio Rehabilitation Services Commission to obtain additional federal matching funds to serve disabled students.

SERVICES FOR THE DEAF

The foregoing appropriation item 415508, Services for the Deaf, shall be used to provide grants to community centers for the deaf.

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS

The foregoing appropriation item 415617, Independent Living/Vocational Rehabilitation Programs, shall be used to support vocational rehabilitation programs.

SOCIAL SECURITY REIMBURSEMENT FUNDS

Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be expended from the Social Security Reimbursement Fund (Fund 3L10), to the extent funds are available, as follows:

(A) Appropriation item 415601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;

(B) Appropriation item 415605, Social Security Community

Centers for the Deaf, to provide grants to community centers for 119499  
the deaf in Ohio for services to individuals with hearing 119500  
impairments; and 119501

(C) Appropriation item 415608, Social Security Special 119502  
Programs/Assistance, to provide vocational rehabilitation services 119503  
to individuals with severe disabilities who are Social Security 119504  
beneficiaries, to enable them to achieve competitive employment. 119505  
This appropriation item shall also be used to pay a portion of 119506  
indirect costs of the Personal Care Assistance Program and the 119507  
Independent Living Programs as mandated by federal OMB Circular 119508  
A-87. 119509

PROGRAM MANAGEMENT EXPENSES 119510

The foregoing appropriation item 415606, Program Management 119511  
Expenses, shall be used to support the administrative functions of 119512  
the commission related to the provision of vocational 119513  
rehabilitation, disability determination services, and ancillary 119514  
programs. 119515

**Section 377.10. RCB RESPIRATORY CARE BOARD** 119516

General Services Fund Group 119517  
4K90 872609 Operating Expenses \$ 528,624 \$ 523,013 119518  
TOTAL GSF General Services 119519  
Fund Group \$ 528,624 \$ 523,013 119520  
TOTAL ALL BUDGET FUND GROUPS \$ 528,624 \$ 523,013 119521

**Section 379.10. RDF REVENUE DISTRIBUTION FUNDS** 119523

Volunteer Firefighters' Dependents Fund 119524  
7085 800985 Volunteer Firemen's \$ 300,000 \$ 300,000 119525  
Dependents Fund  
TOTAL 085 Volunteer Firefighters' 119526  
Dependents Fund \$ 300,000 \$ 300,000 119527

|                   |                                 |    |               |    |                      |
|-------------------|---------------------------------|----|---------------|----|----------------------|
| Agency Fund Group |                                 |    |               |    | 119528               |
| 4P80 001698       | Cash Management                 | \$ | 3,100,000     | \$ | 3,100,000 119529     |
|                   | Improvement Fund                |    |               |    |                      |
| 5JG0 110633       | Gross Casino Revenue            | \$ | 5,778,617     | \$ | 138,882,294 119530   |
|                   | County Fund                     |    |               |    |                      |
| 5JH0 110634       | Gross Casino Revenue            | \$ | 3,852,412     | \$ | 92,588,196 119531    |
|                   | County Student Fund             |    |               |    |                      |
| 5JJ0 110636       | Gross Casino Revenue            | \$ | 566,531       | \$ | 13,615,911 119532    |
|                   | Host City Fund                  |    |               |    |                      |
| 5JK0 875610       | Ohio State Racing               | \$ | 339,919       | \$ | 8,169,547 119533     |
|                   | Commission Fund                 |    |               |    |                      |
| 5JL0 038629       | Problem Casino                  | \$ | 226,612       | \$ | 5,446,364 119534     |
|                   | Gambling and                    |    |               |    |                      |
|                   | Addictions Fund                 |    |               |    |                      |
| 5JN0 055654       | Ohio Law Enforcement            | \$ | 226,612       | \$ | 5,446,364 119535     |
|                   | Training Fund                   |    |               |    |                      |
| 6080 001699       | Investment Earnings             | \$ | 50,000,000    | \$ | 150,000,000 119536   |
| 7062 110962       | Resort Area Excise              | \$ | 1,000,000     | \$ | 1,000,000 119537     |
|                   | Tax                             |    |               |    |                      |
| 7063 110963       | Permissive Tax                  | \$ | 1,904,500,000 | \$ | 1,980,700,000 119538 |
|                   | Distribution                    |    |               |    |                      |
| 7067 110967       | School District                 | \$ | 317,000,000   | \$ | 330,000,000 119539   |
|                   | Income Tax                      |    |               |    |                      |
| TOTAL AGY         | Agency Fund Group               | \$ | 2,286,590,703 | \$ | 2,728,948,676 119540 |
|                   | Holding Account Redistribution  |    |               |    | 119541               |
| R045 110617       | International Fuel              | \$ | 40,000,000    | \$ | 40,000,000 119542    |
|                   | Tax Distribution                |    |               |    |                      |
| TOTAL 090         | Holding Account                 |    |               |    | 119543               |
|                   | Redistribution Fund             |    |               |    |                      |
|                   | Revenue Distribution Fund Group | \$ | 40,000,000    | \$ | 40,000,000 119544    |
| 7049 038900       | Indigent Drivers                | \$ | 2,200,000     | \$ | 2,200,000 119545     |
|                   | Alcohol Treatment               |    |               |    |                      |
| 7050 762900       | International                   | \$ | 30,000,000    | \$ | 30,000,000 119546    |



|                                                                  |        |                       |                  |                  |  |        |
|------------------------------------------------------------------|--------|-----------------------|------------------|------------------|--|--------|
|                                                                  |        | Registration Plan     |                  |                  |  |        |
|                                                                  |        | Distribution          |                  |                  |  |        |
| 7051                                                             | 762901 | Auto Registration     | \$ 539,000,000   | \$ 539,000,000   |  | 119547 |
|                                                                  |        | Distribution          |                  |                  |  |        |
| 7054                                                             | 110954 | Local Government      | \$ 16,000,000    | \$ 11,000,000    |  | 119548 |
|                                                                  |        | Property Tax          |                  |                  |  |        |
|                                                                  |        | Replacement - Utility |                  |                  |  |        |
| 7060                                                             | 110960 | Gasoline Excise Tax   | \$ 393,000,000   | \$ 395,000,000   |  | 119549 |
|                                                                  |        | Fund                  |                  |                  |  |        |
| 7065                                                             | 110965 | Public Library Fund   | \$ 354,000,000   | \$ 345,000,000   |  | 119550 |
| 7066                                                             | 800966 | Undivided Liquor      | \$ 14,100,000    | \$ 14,100,000    |  | 119551 |
|                                                                  |        | Permits               |                  |                  |  |        |
| 7068                                                             | 110968 | State and Local       | \$ 193,000,000   | \$ 196,000,000   |  | 119552 |
|                                                                  |        | Government Highway    |                  |                  |  |        |
|                                                                  |        | Distribution          |                  |                  |  |        |
| 7069                                                             | 110969 | Local Government Fund | \$ 527,000,000   | \$ 341,000,000   |  | 119553 |
| 7081                                                             | 110981 | Local Government      | \$ 291,000,000   | \$ 181,000,000   |  | 119554 |
|                                                                  |        | Property Tax          |                  |                  |  |        |
|                                                                  |        | Replacement-Business  |                  |                  |  |        |
| 7082                                                             | 110982 | Horse Racing Tax      | \$ 100,000       | \$ 100,000       |  | 119555 |
| 7083                                                             | 700900 | Ohio Fairs Fund       | \$ 1,400,000     | \$ 1,400,000     |  | 119556 |
| TOTAL RDF Revenue Distribution                                   |        |                       |                  |                  |  | 119557 |
| Fund Group                                                       |        |                       | \$ 2,360,800,000 | \$ 2,055,800,000 |  | 119558 |
| TOTAL ALL BUDGET FUND GROUPS                                     |        |                       | \$ 4,687,690,703 | \$ 4,825,048,676 |  | 119559 |
| ADDITIONAL APPROPRIATIONS                                        |        |                       |                  |                  |  | 119560 |
| Appropriation items in this section shall be used for the        |        |                       |                  |                  |  | 119561 |
| purpose of administering and distributing the designated revenue |        |                       |                  |                  |  | 119562 |
| distribution funds according to the Revised Code. If it is       |        |                       |                  |                  |  | 119563 |
| determined that additional appropriations are necessary for this |        |                       |                  |                  |  | 119564 |
| purpose, such amounts are hereby appropriated.                   |        |                       |                  |                  |  | 119565 |
| GENERAL REVENUE FUND TRANSFERS                                   |        |                       |                  |                  |  | 119566 |
| Notwithstanding any provision of law to the contrary, in         |        |                       |                  |                  |  | 119567 |

fiscal year 2012 and fiscal year 2013, the Director of Budget and Management may transfer from the General Revenue Fund to the Local Government Tangible Property Tax Replacement Fund (Fund 7081) in the Revenue Distribution Fund Group, those amounts necessary to reimburse local taxing units under section 5751.22 of the Revised Code. Also, in fiscal year 2012 and fiscal year 2013, the Director of Budget and Management may make temporary transfers from the General Revenue Fund to ensure sufficient balances in the Local Government Tangible Property Tax Replacement Fund (Fund 7081) and to replenish the General Revenue Fund for such transfers.

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119577

**Section 381.10. SAN BOARD OF SANITARIAN REGISTRATION**

119578

General Services Fund Group

119579

|             |                    |    |         |    |         |
|-------------|--------------------|----|---------|----|---------|
| 4K90 893609 | Operating Expenses | \$ | 141,839 | \$ | 126,850 |
|-------------|--------------------|----|---------|----|---------|

119580

TOTAL GSF General Services

119581

|            |  |    |         |    |         |
|------------|--|----|---------|----|---------|
| Fund Group |  | \$ | 141,839 | \$ | 126,850 |
|------------|--|----|---------|----|---------|

119582

|                              |  |    |         |    |         |
|------------------------------|--|----|---------|----|---------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 141,839 | \$ | 126,850 |
|------------------------------|--|----|---------|----|---------|

119583

**Section 383.10. OSB OHIO STATE SCHOOL FOR THE BLIND**

119585

General Revenue Fund

119586

|            |                   |    |           |    |           |
|------------|-------------------|----|-----------|----|-----------|
| GRF 226100 | Personal Services | \$ | 6,593,546 | \$ | 6,593,546 |
|------------|-------------------|----|-----------|----|-----------|

119587

|            |             |    |         |    |         |
|------------|-------------|----|---------|----|---------|
| GRF 226200 | Maintenance | \$ | 619,528 | \$ | 619,528 |
|------------|-------------|----|---------|----|---------|

119588

|            |           |    |        |    |        |
|------------|-----------|----|--------|----|--------|
| GRF 226300 | Equipment | \$ | 65,505 | \$ | 65,505 |
|------------|-----------|----|--------|----|--------|

119589

|                                |  |    |           |    |           |
|--------------------------------|--|----|-----------|----|-----------|
| TOTAL GRF General Revenue Fund |  | \$ | 7,278,579 | \$ | 7,278,579 |
|--------------------------------|--|----|-----------|----|-----------|

119590

General Services Fund Group

119591

|             |                  |    |        |    |        |
|-------------|------------------|----|--------|----|--------|
| 4H80 226602 | Education Reform | \$ | 60,086 | \$ | 60,086 |
|-------------|------------------|----|--------|----|--------|

119592

Grants

TOTAL GSF General Services

119593

|            |  |    |        |    |        |
|------------|--|----|--------|----|--------|
| Fund Group |  | \$ | 60,086 | \$ | 60,086 |
|------------|--|----|--------|----|--------|

119594

Federal Special Revenue Fund Group

119595

|             |                   |    |           |    |           |
|-------------|-------------------|----|-----------|----|-----------|
| 3100 226626 | Coordinating Unit | \$ | 2,527,104 | \$ | 2,527,104 |
|-------------|-------------------|----|-----------|----|-----------|

119596

|             |                 |    |           |    |           |
|-------------|-----------------|----|-----------|----|-----------|
| 3DT0 226621 | Ohio Transition | \$ | 1,800,000 | \$ | 1,800,000 |
|-------------|-----------------|----|-----------|----|-----------|

119597

|                                    |                        |                              |    |            |    |                   |
|------------------------------------|------------------------|------------------------------|----|------------|----|-------------------|
|                                    | Collaborative          |                              |    |            |    |                   |
| 3P50                               | 226643                 | Medicaid Professional        | \$ | 50,000     | \$ | 50,000 119598     |
|                                    |                        | Services                     |    |            |    |                   |
|                                    |                        | Reimbursement                |    |            |    |                   |
| TOTAL FED                          | Federal Special        |                              |    |            |    | 119599            |
| Revenue Fund Group                 |                        |                              | \$ | 4,377,104  | \$ | 4,377,104 119600  |
| State Special Revenue Fund Group   |                        |                              |    |            |    | 119601            |
| 4M50                               | 226601                 | Work Study and               | \$ | 698,521    | \$ | 698,521 119602    |
|                                    |                        | Technology Investment        |    |            |    |                   |
| TOTAL SSR                          | State Special Revenue  |                              |    |            |    | 119603            |
| Fund Group                         |                        |                              | \$ | 698,521    | \$ | 698,521 119604    |
| TOTAL ALL BUDGET FUND GROUPS       |                        |                              | \$ | 12,414,290 | \$ | 12,414,290 119605 |
|                                    | <b>Section 385.10.</b> | OSD OHIO SCHOOL FOR THE DEAF |    |            |    | 119607            |
| General Revenue Fund               |                        |                              |    |            |    | 119608            |
| GRF                                | 221100                 | Personal Services            | \$ | 7,842,339  | \$ | 7,842,339 119609  |
| GRF                                | 221200                 | Maintenance                  | \$ | 814,532    | \$ | 814,532 119610    |
| GRF                                | 221300                 | Equipment                    | \$ | 70,786     | \$ | 70,786 119611     |
| TOTAL GRF                          | General Revenue Fund   |                              | \$ | 8,727,657  | \$ | 8,727,657 119612  |
| General Services Fund Group        |                        |                              |    |            |    | 119613            |
| 4M10                               | 221602                 | Education Reform             | \$ | 74,903     | \$ | 74,903 119614     |
|                                    |                        | Grants                       |    |            |    |                   |
| TOTAL GSF                          | General Services       |                              |    |            |    | 119615            |
| Fund Group                         |                        |                              | \$ | 74,903     | \$ | 74,903 119616     |
| Federal Special Revenue Fund Group |                        |                              |    |            |    | 119617            |
| 3110                               | 221625                 | Coordinating Unit            | \$ | 2,460,135  | \$ | 2,460,135 119618  |
| 3R00                               | 221684                 | Medicaid Professional        | \$ | 35,000     | \$ | 35,000 119619     |
|                                    |                        | Services                     |    |            |    |                   |
|                                    |                        | Reimbursement                |    |            |    |                   |
| 3Y10                               | 221686                 | Early Childhood Grant        | \$ | 300,000    | \$ | 300,000 119620    |
| TOTAL FED                          | Federal Special        |                              |    |            |    | 119621            |
| Revenue Fund Group                 |                        |                              | \$ | 2,795,135  | \$ | 2,795,135 119622  |

|                                  |    |            |    |            |        |
|----------------------------------|----|------------|----|------------|--------|
| State Special Revenue Fund Group |    |            |    |            | 119623 |
| 4M00 221601 Educational Program  | \$ | 190,000    | \$ | 190,000    | 119624 |
| Expenses                         |    |            |    |            |        |
| 5H60 221609 Even Start Fees and  | \$ | 126,750    | \$ | 126,750    | 119625 |
| Gifts                            |    |            |    |            |        |
| TOTAL SSR State Special Revenue  |    |            |    |            | 119626 |
| Fund Group                       | \$ | 316,750    | \$ | 316,750    | 119627 |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | 11,914,445 | \$ | 11,914,445 | 119628 |

**Section 387.10.** SFC SCHOOL FACILITIES COMMISSION 119630

|                                  |    |             |    |             |        |
|----------------------------------|----|-------------|----|-------------|--------|
| General Revenue Fund             |    |             |    |             | 119631 |
| GRF 230908 Common Schools        | \$ | 150,604,900 | \$ | 341,919,400 | 119632 |
| General Obligation               |    |             |    |             |        |
| Debt Service                     |    |             |    |             |        |
| TOTAL GRF General Revenue Fund   | \$ | 150,604,900 | \$ | 341,919,400 | 119633 |
| State Special Revenue Fund Group |    |             |    |             | 119634 |
| 5E30 230644 Operating Expenses   | \$ | 8,950,000   | \$ | 8,550,000   | 119635 |
| TOTAL SSR State Special Revenue  |    |             |    |             | 119636 |
| Fund Group                       | \$ | 8,950,000   | \$ | 8,550,000   | 119637 |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | 159,554,900 | \$ | 350,469,400 | 119638 |

**Section 387.20.** COMMON SCHOOLS GENERAL OBLIGATION DEBT 119640

SERVICE 119641

The foregoing appropriation item 230908, Common Schools 119642  
General Obligation Debt Service, shall be used to pay all debt 119643  
service and related financing costs at the times they are required 119644  
to be made during the period from July 1, 2011, through June 30, 119645  
2013, for obligations issued under sections 151.01 and 151.03 of 119646  
the Revised Code. 119647

OPERATING EXPENSES 119648

The foregoing appropriation item 230644, Operating Expenses, 119649  
shall be used by the Ohio School Facilities Commission to carry 119650

out its responsibilities under this section and Chapter 3318. of 119651  
the Revised Code. 119652

In both fiscal years 2012 and 2013, the Executive Director of 119653  
the Ohio School Facilities Commission shall certify on a quarterly 119654  
basis to the Director of Budget and Management the amount of cash 119655  
from interest earnings to be transferred from the School Building 119656  
Assistance Fund (Fund 7032), the Public School Building Fund (Fund 119657  
7021), and the Educational Facilities Trust Fund (Fund N087) to 119658  
the Ohio School Facilities Commission Fund (Fund 5E30). The amount 119659  
transferred from the School Building Assistance Fund (Fund 7032) 119660  
may not exceed investment earnings credited to the fund, less any 119661  
amount required to be paid for federal arbitrage rebate purposes. 119662

If the Executive Director of the Ohio School Facilities 119663  
Commission determines that transferring cash from interest 119664  
earnings is insufficient to support operations and carry out its 119665  
responsibilities under this section and Chapter 3318. of the 119666  
Revised Code, the Commission may, with the approval of the 119667  
Controlling Board, transfer cash not generated from interest from 119668  
the Public School Building Fund (Fund 7021) and the Educational 119669  
Trust Fund (Fund N087) to the Ohio School Facilities Commission 119670  
Fund (Fund 5E30). 119671

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 119672

At the request of the Executive Director of the Ohio School 119673  
Facilities Commission, the Director of Budget and Management may 119674  
cancel encumbrances for school district projects from a previous 119675  
biennium if the district has not raised its local share of project 119676  
costs within thirteen months of receiving Controlling Board 119677  
approval under section 3318.05 or 3318.41 of the Revised Code. The 119678  
Executive Director of the Ohio School Facilities Commission shall 119679  
certify the amounts of the canceled encumbrances to the Director 119680  
of Budget and Management on a quarterly basis. The amounts of the 119681  
canceled encumbrances are hereby appropriated. 119682

**Section 387.30.** AMENDMENT TO PROJECT AGREEMENT FOR 119683  
MAINTENANCE LEVY 119684

The Ohio School Facilities Commission shall amend the project 119685  
agreement between the Commission and a school district that is 119686  
participating in the Accelerated Urban School Building Assistance 119687  
Program on the effective date of this section, if the Commission 119688  
determines that it is necessary to do so in order to comply with 119689  
division (B)(3)(c) of section 3318.38 of the Revised Code. 119690

**Section 387.40.** CANTON CITY SCHOOL DISTRICT PROJECT 119691

(A) The Ohio School Facilities Commission may commit up to 119692  
thirty-five million dollars to the Canton City School District for 119693  
construction of a facility described in this section, in lieu of a 119694  
high school that would otherwise be authorized under Chapter 3318. 119695  
of the Revised Code. The Commission shall not commit funds under 119696  
this section unless all of the following conditions are met: 119697

(1) The District has entered into a cooperative agreement 119698  
with a state-assisted technical college; 119699

(2) The District has received an irrevocable commitment of 119700  
additional funding from nonpublic sources; and 119701

(3) The facility is intended to serve both secondary and 119702  
postsecondary instructional purposes. 119703

(B) The Commission shall enter into an agreement with the 119704  
District for the construction of the facility authorized under 119705  
this section that is separate from and in addition to the 119706  
agreement required for the District's participation in the 119707  
Classroom Facilities Assistance Program under section 3318.08 of 119708  
the Revised Code. Notwithstanding that section and sections 119709  
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 119710  
agreement shall provide, but not be limited to, the following: 119711

(1) The Commission shall not have any oversight 119712  
responsibilities over the construction of the facility. 119713

(2) The facility need not comply with the specifications for 119714  
plans and materials for high schools adopted by the Commission. 119715

(3) The Commission may decrease the basic project cost that 119716  
would otherwise be calculated for a high school under Chapter 119717  
3318. of the Revised Code. 119718

(4) The state shall not share in any increases in the basic 119719  
project cost for the facility above the amount authorized under 119720  
this section. 119721

All other provisions of Chapter 3318. of the Revised Code 119722  
apply to the approval and construction of a facility authorized 119723  
under this section. 119724

The state funds committed to the facility authorized by this 119725  
section shall be part of the total amount the state commits to the 119726  
Canton City School District under Chapter 3318. of the Revised 119727  
Code. All additional state funds committed to the Canton City 119728  
School District for classroom facilities assistance shall be 119729  
subject to all provisions of Chapter 3318. of the Revised Code. 119730

**Section 387.50.** Notwithstanding any other provision of law to 119731  
the contrary, the Ohio School Facilities Commission may determine 119732  
the amount of funding available for disbursement in a given fiscal 119733  
year for any project approved under sections 3318.01 to 3318.20 of 119734  
the Revised Code in order to keep aggregate state capital spending 119735  
within approved limits and may take actions including, but not 119736  
limited to, determining the schedule for design or bidding of 119737  
approved projects, to ensure appropriate and supportable cash 119738  
flow. 119739

**Section 387.60.** Notwithstanding division (B) of section 119740  
3318.40 of the Revised Code, the Ohio School Facilities Commission 119741

may provide assistance to at least one joint vocational school 119742  
 district each fiscal year for the acquisition of classroom 119743  
 facilities in accordance with sections 3318.40 to 3318.45 of the 119744  
 Revised Code. 119745

**Section 389.10. SOS SECRETARY OF STATE** 119746

General Revenue Fund 119747

|            |                      |    |           |    |           |        |
|------------|----------------------|----|-----------|----|-----------|--------|
| GRF 050321 | Operating Expenses   | \$ | 2,144,030 | \$ | 2,144,030 | 119748 |
| GRF 050407 | Pollworkers Training | \$ | 234,196   | \$ | 234,196   | 119749 |
| TOTAL GRF  | General Revenue Fund | \$ | 2,378,226 | \$ | 2,378,226 | 119750 |

General Services Fund Group 119751

|             |                     |    |         |    |         |        |
|-------------|---------------------|----|---------|----|---------|--------|
| 4120 050609 | Notary Commission   | \$ | 475,000 | \$ | 475,000 | 119752 |
| 4130 050601 | Information Systems | \$ | 49,000  | \$ | 49,000  | 119753 |
| 4140 050602 | Citizen Education   | \$ | 25,000  | \$ | 25,000  | 119754 |

Fund

|             |                 |    |       |    |       |        |
|-------------|-----------------|----|-------|----|-------|--------|
| 4S80 050610 | Board of Voting | \$ | 7,200 | \$ | 7,200 | 119755 |
|-------------|-----------------|----|-------|----|-------|--------|

Machine Examiners

|             |                       |    |         |    |         |        |
|-------------|-----------------------|----|---------|----|---------|--------|
| 5FG0 050620 | BOE Reimbursement and | \$ | 100,000 | \$ | 100,000 | 119756 |
|             | Education             |    |         |    |         |        |

|                                   |    |         |    |         |        |
|-----------------------------------|----|---------|----|---------|--------|
| TOTAL General Services Fund Group | \$ | 656,200 | \$ | 656,200 | 119757 |
|-----------------------------------|----|---------|----|---------|--------|

Federal Special Revenue Fund Group 119758

|             |                   |    |         |    |         |        |
|-------------|-------------------|----|---------|----|---------|--------|
| 3AH0 050614 | Election          | \$ | 800,000 | \$ | 800,000 | 119759 |
|             | Reform/Health and |    |         |    |         |        |
|             | Human Services    |    |         |    |         |        |

|             |                       |    |           |    |           |        |
|-------------|-----------------------|----|-----------|----|-----------|--------|
| 3AS0 050616 | Help America Vote Act | \$ | 3,000,000 | \$ | 3,000,000 | 119760 |
|             | (HAVA)                |    |           |    |           |        |

|                                   |  |  |  |  |  |        |
|-----------------------------------|--|--|--|--|--|--------|
| TOTAL FED Federal Special Revenue |  |  |  |  |  | 119761 |
|-----------------------------------|--|--|--|--|--|--------|

|            |    |           |    |           |        |
|------------|----|-----------|----|-----------|--------|
| Fund Group | \$ | 3,800,000 | \$ | 3,800,000 | 119762 |
|------------|----|-----------|----|-----------|--------|

State Special Revenue Fund Group 119763

|             |                    |    |            |    |            |        |
|-------------|--------------------|----|------------|----|------------|--------|
| 5990 050603 | Business Services  | \$ | 14,385,400 | \$ | 14,385,400 | 119764 |
|             | Operating Expenses |    |            |    |            |        |



|                                           |    |            |    |            |        |
|-------------------------------------------|----|------------|----|------------|--------|
| TOTAL SSR State Special Revenue           |    |            |    | 119765     |        |
| Fund Group                                | \$ | 14,385,400 | \$ | 14,385,400 | 119766 |
| Holding Account Redistribution Fund Group |    |            |    | 119767     |        |
| R001 050605 Uniform Commercial            | \$ | 30,000     | \$ | 30,000     | 119768 |
| Code Refunds                              |    |            |    |            |        |
| R002 050606 Corporate/Business            | \$ | 85,000     | \$ | 85,000     | 119769 |
| Filing Refunds                            |    |            |    |            |        |
| TOTAL 090 Holding Account                 |    |            |    | 119770     |        |
| Redistribution Fund Group                 | \$ | 115,000    | \$ | 115,000    | 119771 |
| TOTAL ALL BUDGET FUND GROUPS              | \$ | 21,334,826 | \$ | 21,334,826 | 119772 |

POLLWORKER TRAINING 119773

The foregoing appropriation item 050407, Pollworkers 119774  
Training, shall be used to reimburse county boards of elections 119775  
for pollworker training pursuant to section 3501.27 of the Revised 119776  
Code. At the end of fiscal year 2012, an amount equal to the 119777  
unexpended, unencumbered portion of appropriation item 050407, 119778  
Pollworkers Training, is hereby reappropriated in fiscal year 2013 119779  
for the same purpose. 119780

BOARD OF VOTING MACHINE EXAMINERS 119781

The foregoing appropriation item 050610, Board of Voting 119782  
Machine Examiners, shall be used to pay for the services and 119783  
expenses of the members of the Board of Voting Machine Examiners, 119784  
and for other expenses that are authorized to be paid from the 119785  
Board of Voting Machine Examiners Fund, which is created in 119786  
section 3506.05 of the Revised Code. Moneys not used shall be 119787  
returned to the person or entity submitting equipment for 119788  
examination. If it is determined that additional appropriations 119789  
are necessary, such amounts are hereby appropriated. 119790

HAVA FUNDS 119791

An amount equal to the unexpended, unencumbered portion of 119792  
appropriation item 050616, Help America Vote Act (HAVA) Voting 119793

Machines, at the end of fiscal year 2012 is reappropriated for the 119794  
same purpose in fiscal year 2013. 119795

An amount equal to the unexpended, unencumbered portion of 119796  
appropriation item 050614, Election Reform/Health and Human 119797  
Services, at the end of fiscal year 2012 is reappropriated for the 119798  
same purpose in fiscal year 2013. 119799

The Director of Budget and Management shall credit the 119800  
ongoing interest earnings from the Election Reform/Health and 119801  
Human Services Fund (Fund 3AH0), the Help America Vote Act (HAVA) 119802  
Voting Machines Fund (Fund 3AS0), and the Election Data Collection 119803  
Grant Fund (Fund 3AC0) to the respective funds and distribute 119804  
these earnings in accordance with the terms of the grant under 119805  
which the money is received. 119806

HOLDING ACCOUNT REDISTRIBUTION GROUP 119807

The foregoing appropriation items 050605, Uniform Commercial 119808  
Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 119809  
be used to hold revenues until they are directed to the 119810  
appropriate accounts or until they are refunded. If it is 119811  
determined that additional appropriations are necessary, such 119812  
amounts are hereby appropriated. 119813

ABOLITION OF THE TECHNOLOGY IMPROVEMENTS FUND 119814

On July 1, 2011, or as soon as possible thereafter, the 119815  
Director of Budget and Management shall transfer the cash balance 119816  
in the Technology Improvements Fund (Fund 5N90) to the Business 119817  
Services Operating Expenses Fund (Fund 5990). The Director shall 119818  
cancel any existing encumbrances against appropriation item 119819  
050607, Technology Improvements, and re-establish them against 119820  
appropriation item 050603, Business Services Operating Expenses. 119821  
The re-established encumbered amounts are hereby appropriated. 119822  
Upon completion of the transfer, Fund 5N90 is abolished. 119823

|                                                                    |                      |               |               |        |
|--------------------------------------------------------------------|----------------------|---------------|---------------|--------|
| <b>Section 391.10. SEN THE OHIO SENATE</b>                         |                      |               |               | 119824 |
| General Revenue Fund                                               |                      |               |               | 119825 |
| GRF 020321                                                         | Operating Expenses   | \$ 10,911,095 | \$ 10,911,095 | 119826 |
| TOTAL GRF General Revenue Fund                                     |                      |               |               | 119827 |
| General Services Fund Group                                        |                      |               |               | 119828 |
| 1020 020602                                                        | Senate Reimbursement | \$ 852,001    | \$ 852,001    | 119829 |
| 4090 020601                                                        | Miscellaneous Sales  | \$ 34,497     | \$ 34,497     | 119830 |
| TOTAL GSF General Services                                         |                      |               |               | 119831 |
| Fund Group                                                         |                      |               |               | 119832 |
| TOTAL ALL BUDGET FUND GROUPS                                       |                      |               |               | 119833 |
| OPERATING EXPENSES                                                 |                      |               |               | 119834 |
| On July 1, 2011, or as soon as possible thereafter, the Clerk      |                      |               |               | 119835 |
| of the Senate may certify to the Director of Budget and Management |                      |               |               | 119836 |
| the amount of the unexpended, unencumbered balance of the          |                      |               |               | 119837 |
| foregoing appropriation item 020321, Operating Expenses, at the    |                      |               |               | 119838 |
| end of fiscal year 2011 to be reappropriated to fiscal year 2012.  |                      |               |               | 119839 |
| The amount certified is hereby reappropriated to the same          |                      |               |               | 119840 |
| appropriation item for fiscal year 2012.                           |                      |               |               | 119841 |
| On July 1, 2012, or as soon as possible thereafter, the Clerk      |                      |               |               | 119842 |
| of the Senate may certify to the Director of Budget and Management |                      |               |               | 119843 |
| the amount of the unexpended, unencumbered balance of the          |                      |               |               | 119844 |
| foregoing appropriation item 020321, Operating Expenses, at the    |                      |               |               | 119845 |
| end of fiscal year 2012 to be reappropriated to fiscal year 2013.  |                      |               |               | 119846 |
| The amount certified is hereby reappropriated to the same          |                      |               |               | 119847 |
| appropriation item for fiscal year 2013.                           |                      |               |               | 119848 |
| <b>Section 393.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM</b>  |                      |               |               | 119849 |
| General Revenue Fund                                               |                      |               |               | 119850 |
| GRF 866321                                                         | CSV Operations       | \$ 129,998    | \$ 126,664    | 119851 |
| TOTAL GRF General Revenue Fund                                     |                      |               |               | 119852 |

|                                    |                                    |    |           |                     |
|------------------------------------|------------------------------------|----|-----------|---------------------|
| General Services Fund              |                                    |    |           | 119853              |
| 5GN0 866605                        | Serve Ohio Support                 | \$ | 67,500    | \$ 67,500 119854    |
| TOTAL GSF                          | General Services Fund              | \$ | 67,500    | \$ 67,500 119855    |
| Federal Special Revenue Fund Group |                                    |    |           | 119856              |
| 3R70 866617                        | AmeriCorps Programs                | \$ | 8,279,290 | \$ 8,272,110 119857 |
| TOTAL FED                          | Federal Special Revenue Fund Group | \$ | 8,279,290 | \$ 8,272,110 119859 |
| State Special Revenue Fund Group   |                                    |    |           | 119860              |
| 6240 866604                        | Volunteer Contracts and Services   | \$ | 49,130    | \$ 47,870 119861    |
| TOTAL SSR                          | State Special Revenue Fund Group   | \$ | 49,130    | \$ 47,870 119863    |
| TOTAL ALL BUDGET FUND GROUPS       |                                    | \$ | 8,525,918 | \$ 8,514,144 119864 |

**Section 395.10.** CSF COMMISSIONERS OF THE SINKING FUND 119866

|                         |                                                              |    |             |                       |
|-------------------------|--------------------------------------------------------------|----|-------------|-----------------------|
| Debt Service Fund Group |                                                              |    |             | 119867                |
| 7070155905              | Third Frontier Research and Development Bond Retirement Fund | \$ | 29,323,300  | \$ 63,640,300 119868  |
| 7072155902              | Highway Capital Improvement Bond Retirement Fund             | \$ | 143,176,000 | \$ 150,789,300 119869 |
| 7073155903              | Natural Resources Bond Retirement Fund                       | \$ | 5,375,300   | \$ 25,209,100 119870  |
| 7074155904              | Conservation Projects Bond Retirement Fund                   | \$ | 24,556,800  | \$ 29,297,300 119871  |
| 7076155906              | Coal Research and Development Bond Retirement Fund           | \$ | 7,861,100   | \$ 5,577,700 119872   |
| 7077155907              | State Capital Improvement Bond                               | \$ | 113,306,600 | \$ 215,571,100 119873 |

|                                     |                                                                     |                |                  |        |  |
|-------------------------------------|---------------------------------------------------------------------|----------------|------------------|--------|--|
|                                     | Retirement Fund                                                     |                |                  |        |  |
| 7078155908                          | Common Schools Bond                                                 | \$ 150,604,900 | \$ 341,919,400   | 119874 |  |
|                                     | Retirement Fund                                                     |                |                  |        |  |
| 7079155909                          | Higher Education Bond                                               | \$ 108,262,500 | \$ 201,555,000   | 119875 |  |
|                                     | Retirement Fund                                                     |                |                  |        |  |
| 7080155901                          | Persian Gulf,<br>Afghanistan, and Iraq<br>Conflicts Bond            | \$ 5,497,700   | \$ 10,112,100    | 119876 |  |
|                                     | Retirement Fund                                                     |                |                  |        |  |
| 7090155912                          | Job Ready Site<br>Development Bond                                  | \$ 9,859,200   | \$ 15,680,500    | 119877 |  |
|                                     | Retirement Fund                                                     |                |                  |        |  |
| TOTAL DSF Debt Service Fund Group   |                                                                     | \$ 597,823,400 | \$ 1,059,351,800 | 119878 |  |
| TOTAL ALL BUDGET FUND GROUPS        |                                                                     | \$ 597,823,400 | \$ 1,059,351,800 | 119879 |  |
|                                     | ADDITIONAL APPROPRIATIONS                                           |                |                  | 119880 |  |
|                                     | Appropriation items in this section are for the purpose of          |                |                  | 119881 |  |
|                                     | paying debt service and financing costs on bonds or notes of the    |                |                  | 119882 |  |
|                                     | state issued under the Ohio Constitution and acts of the General    |                |                  | 119883 |  |
|                                     | Assembly. If it is determined that additional amounts are           |                |                  | 119884 |  |
|                                     | necessary for this purpose, such amounts are hereby appropriated.   |                |                  | 119885 |  |
|                                     | <b>Section 397.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY |                |                  | 119886 |  |
|                                     | DEVELOPMENT FOUNDATION                                              |                |                  | 119887 |  |
|                                     | Tobacco Master Settlement Agreement Fund Group                      |                |                  | 119888 |  |
| 5M90 945601                         | Operating Expenses                                                  | \$ 436,500     | \$ 426,800       | 119889 |  |
| TOTAL TMF Tobacco Master Settlement | Agreement Fund Group                                                | \$ 436,500     | \$ 426,800       | 119890 |  |
| TOTAL ALL BUDGET FUND GROUPS        |                                                                     | \$ 436,500     | \$ 426,800       | 119891 |  |
|                                     | <b>Section 399.10.</b> SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &     |                |                  | 119893 |  |
|                                     | AUDIOLOGY                                                           |                |                  | 119894 |  |
|                                     | General Services Fund Group                                         |                |                  | 119895 |  |

|                              |                    |    |         |    |         |        |
|------------------------------|--------------------|----|---------|----|---------|--------|
| 4K90 886609                  | Operating Expenses | \$ | 477,490 | \$ | 472,260 | 119896 |
| TOTAL GSF General Services   |                    |    |         |    |         | 119897 |
| Fund Group                   |                    | \$ | 477,490 | \$ | 472,260 | 119898 |
| TOTAL ALL BUDGET FUND GROUPS |                    |    |         |    |         | 119899 |

**Section 401.10.** BTA BOARD OF TAX APPEALS 119901

|                                |                    |    |           |    |           |        |
|--------------------------------|--------------------|----|-----------|----|-----------|--------|
| General Revenue Fund           |                    |    |           |    |           | 119902 |
| GRF 116321                     | Operating Expenses | \$ | 1,600,000 | \$ | 1,700,000 | 119903 |
| TOTAL GRF General Revenue Fund |                    |    |           |    |           | 119904 |
| TOTAL ALL BUDGET FUND GROUPS   |                    |    |           |    |           | 119905 |

**Section 403.10.** TAX DEPARTMENT OF TAXATION 119907

|                                |                      |    |             |    |             |        |
|--------------------------------|----------------------|----|-------------|----|-------------|--------|
| General Revenue Fund           |                      |    |             |    |             | 119908 |
| GRF 110321                     | Operating Expenses   | \$ | 73,500,000  | \$ | 73,550,000  | 119909 |
| GRF 110404                     | Tobacco Settlement   | \$ | 200,000     | \$ | 200,000     | 119910 |
| Enforcement                    |                      |    |             |    |             |        |
| GRF 110412                     | Child Support        | \$ | 15,804      | \$ | 15,804      | 119911 |
| Administration                 |                      |    |             |    |             |        |
| GRF 110901                     | Property Tax         | \$ | 610,900,000 | \$ | 616,000,000 | 119912 |
| Allocation - Taxation          |                      |    |             |    |             |        |
| TOTAL GRF General Revenue Fund |                      |    |             |    |             | 119913 |
| General Services Fund Group    |                      |    |             |    |             | 119914 |
| 2280 110628                    | Tax Reform System    | \$ | 13,638,008  | \$ | 13,642,176  | 119915 |
| Implementation                 |                      |    |             |    |             |        |
| 4330 110602                    | Tape File Account    | \$ | 197,802     | \$ | 197,878     | 119916 |
| 5AP0 110632                    | Discovery Project    | \$ | 2,445,799   | \$ | 2,445,657   | 119917 |
| 5CZ0 110631                    | Vendor's License     | \$ | 250,000     | \$ | 250,000     | 119918 |
| Application                    |                      |    |             |    |             |        |
| 5N50 110605                    | Municipal Income Tax | \$ | 339,798     | \$ | 339,975     | 119919 |
| Administration                 |                      |    |             |    |             |        |
| 5N60 110618                    | Kilowatt Hour Tax    | \$ | 150,000     | \$ | 150,000     | 119920 |
| Administration                 |                      |    |             |    |             |        |

|                                  |        |                                                  |    |            |    |            |        |
|----------------------------------|--------|--------------------------------------------------|----|------------|----|------------|--------|
| 5V80                             | 110623 | Property Tax<br>Administration                   | \$ | 12,195,733 | \$ | 12,099,303 | 119921 |
| 5W40                             | 110625 | Centralized Tax<br>Filing and Payment            | \$ | 200,000    | \$ | 200,000    | 119922 |
| 5W70                             | 110627 | Exempt Facility<br>Administration                | \$ | 50,000     | \$ | 50,000     | 119923 |
| TOTAL GSF General Services       |        |                                                  |    |            |    |            | 119924 |
| Fund Group                       |        |                                                  | \$ | 29,467,140 | \$ | 29,374,989 | 119925 |
| State Special Revenue Fund Group |        |                                                  |    |            |    |            | 119926 |
| 4350                             | 110607 | Local Tax<br>Administration                      | \$ | 19,028,339 | \$ | 19,225,941 | 119927 |
| 4360                             | 110608 | Motor Vehicle Audit                              | \$ | 1,474,081  | \$ | 1,474,353  | 119928 |
| 4370                             | 110606 | Litter/Natural<br>Resource Tax<br>Administration | \$ | 20,000     | \$ | 20,000     | 119929 |
| 4380                             | 110609 | School District Income<br>Tax                    | \$ | 5,859,041  | \$ | 5,860,650  | 119930 |
| 4C60                             | 110616 | International<br>Registration Plan               | \$ | 689,296    | \$ | 689,308    | 119931 |
| 4R60                             | 110610 | Tire Tax<br>Administration                       | \$ | 245,462    | \$ | 246,660    | 119932 |
| 5V70                             | 110622 | Motor Fuel Tax<br>Administration                 | \$ | 5,384,254  | \$ | 5,086,236  | 119933 |
| 6390                             | 110614 | Cigarette Tax<br>Enforcement                     | \$ | 1,384,217  | \$ | 1,384,314  | 119934 |
| 6420                             | 110613 | Ohio Political Party<br>Distributions            | \$ | 500,000    | \$ | 500,000    | 119935 |
| 6880                             | 110615 | Local Excise Tax<br>Administration               | \$ | 782,630    | \$ | 782,843    | 119936 |
| TOTAL SSR State Special Revenue  |        |                                                  |    |            |    |            | 119937 |
| Fund Group                       |        |                                                  | \$ | 35,367,320 | \$ | 35,270,305 | 119938 |
| Agency Fund Group                |        |                                                  |    |            |    |            | 119939 |

|                                           |        |                      |                  |                  |        |
|-------------------------------------------|--------|----------------------|------------------|------------------|--------|
| 4250                                      | 110635 | Tax Refunds          | \$ 1,546,800,000 | \$ 1,546,800,000 | 119940 |
| 7095                                      | 110995 | Municipal Income Tax | \$ 21,000,000    | \$ 21,000,000    | 119941 |
| TOTAL AGY Agency Fund Group               |        |                      | \$ 1,567,800,000 | \$ 1,567,800,000 | 119942 |
| Holding Account Redistribution Fund Group |        |                      |                  |                  | 119943 |
| R010                                      | 110611 | Tax Distributions    | \$ 50,000        | \$ 50,000        | 119944 |
| R011                                      | 110612 | Miscellaneous Income | \$ 50,000        | \$ 50,000        | 119945 |
| Tax Receipts                              |        |                      |                  |                  |        |
| TOTAL 090 Holding Account                 |        |                      |                  |                  | 119946 |
| Redistribution Fund Group                 |        |                      | \$ 100,000       | \$ 100,000       | 119947 |
| TOTAL ALL BUDGET FUND GROUPS              |        |                      | \$ 2,317,350,264 | \$ 2,322,311,098 | 119948 |

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 119949

The foregoing appropriation item 110901, Property Tax Allocation - Taxation, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation item 110901, Property Tax Allocation



- Taxation, for the Homestead Exemption, the Manufactured Home  
Property Tax Rollback, and the Property Tax Rollback payments,  
which are determined to be necessary for these purposes, are  
hereby appropriated.

MUNICIPAL INCOME TAX

The foregoing appropriation item 110995, Municipal Income  
Tax, shall be used to make payments to municipal corporations  
under section 5745.05 of the Revised Code. If it is determined  
that additional appropriations are necessary to make such  
payments, such amounts are hereby appropriated.

TAX REFUNDS

The foregoing appropriation item 110635, Tax Refunds, shall  
be used to pay refunds under section 5703.052 of the Revised Code.  
If it is determined that additional appropriations are necessary  
for this purpose, such amounts are hereby appropriated.

INTERNATIONAL REGISTRATION PLAN AUDIT

The foregoing appropriation item 110616, International  
Registration Plan, shall be used under section 5703.12 of the  
Revised Code for audits of persons with vehicles registered under  
the International Registration Plan.

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT

Of the foregoing appropriation item 110607, Local Tax  
Administration, the Tax Commissioner may disburse funds, if  
available, for the purposes of paying travel expenses incurred by  
members of Ohio's delegation to the Streamlined Sales Tax Project,  
as appointed under section 5740.02 of the Revised Code. Any travel  
expense reimbursement paid for by the Department of Taxation shall  
be done in accordance with applicable state laws and guidelines.

CENTRALIZED TAX FILING AND PAYMENT FUND

The Director of Budget and Management, under a plan submitted

by the Tax Commissioner, or as otherwise determined by the 120001  
Director of Budget and Management, shall set a schedule to 120002  
transfer cash from the General Revenue Fund to the credit of the 120003  
Centralized Tax Filing and Payment Fund (Fund 5W40). The transfers 120004  
of cash shall not exceed \$400,000 in the biennium. 120005

TOBACCO SETTLEMENT ENFORCEMENT 120006

The foregoing appropriation item 110404, Tobacco Settlement 120007  
Enforcement, shall be used by the Tax Commissioner to pay costs 120008  
incurred in the enforcement of divisions (F) and (G) of section 120009  
5743.03 of the Revised Code. 120010

**Section 405.10.** DOT DEPARTMENT OF TRANSPORTATION 120011

General Revenue Fund 120012

GRF 775451 Public Transportation \$ 6,500,000 \$ 6,500,000 120013  
- State

GRF 776465 Ohio Rail Development \$ 2,000,000 \$ 2,000,000 120014  
Commission

GRF 777471 Airport Improvements \$ 750,000 \$ 750,000 120015  
- State

TOTAL GRF General Revenue Fund \$ 9,250,000 \$ 9,250,000 120016

TOTAL ALL BUDGET FUND GROUPS \$ 9,250,000 \$ 9,250,000 120017

**Section 407.10.** TOS TREASURER OF STATE 120019

General Revenue Fund 120020

GRF 090321 Operating Expenses \$ 7,743,553 \$ 7,743,553 120021

GRF 090401 Office of the Sinking \$ 502,304 \$ 502,304 120022  
Fund

GRF 090402 Continuing Education \$ 377,702 \$ 377,702 120023

GRF 090524 Police and Fire \$ 7,900 \$ 7,900 120024  
Disability Pension  
Fund

GRF 090534 Police and Fire Ad Hoc \$ 87,000 \$ 87,000 120025

|                  |                             |    |            |    |                   |
|------------------|-----------------------------|----|------------|----|-------------------|
|                  | Cost of Living              |    |            |    |                   |
| GRF 090554       | Police and Fire             | \$ | 600,000    | \$ | 600,000 120026    |
|                  | Survivor Benefits           |    |            |    |                   |
| GRF 090575       | Police and Fire Death       | \$ | 20,000,000 | \$ | 20,000,000 120027 |
|                  | Benefits                    |    |            |    |                   |
| TOTAL GRF        | General Revenue Fund        | \$ | 29,318,459 | \$ | 29,318,459 120028 |
|                  | General Services Fund Group |    |            |    | 120029            |
| 4E90 090603      | Securities Lending          | \$ | 4,829,441  | \$ | 4,829,441 120030  |
|                  | Income                      |    |            |    |                   |
| 5770 090605      | Investment Pool             | \$ | 550,000    | \$ | 550,000 120031    |
|                  | Reimbursement               |    |            |    |                   |
| 5C50 090602      | County Treasurer            | \$ | 170,057    | \$ | 170,057 120032    |
|                  | Education                   |    |            |    |                   |
| 6050 090609      | Treasurer of State          | \$ | 135,000    | \$ | 135,000 120033    |
|                  | Administrative Fund         |    |            |    |                   |
| TOTAL GSF        | General Services            |    |            |    | 120034            |
| Fund Group       |                             | \$ | 5,684,498  | \$ | 5,684,498 120035  |
|                  | Agency Fund Group           |    |            |    | 120036            |
| 4250 090635      | Tax Refunds                 | \$ | 6,000,000  | \$ | 6,000,000 120037  |
| TOTAL Agency     | Fund Group                  | \$ | 6,000,000  | \$ | 6,000,000 120038  |
| TOTAL ALL BUDGET | FUND GROUPS                 | \$ | 41,002,957 | \$ | 41,002,957 120039 |

**Section 407.20. OFFICE OF THE SINKING FUND** 120041

The foregoing appropriation item 090401, Office of the 120042  
Sinking Fund, shall be used for costs incurred by or on behalf of 120043  
the Commissioners of the Sinking Fund and the Ohio Public 120044  
Facilities Commission with respect to State of Ohio general 120045  
obligation bonds or notes, and the Treasurer of State with respect 120046  
to State of Ohio general obligation and special obligation bonds 120047  
or notes, including, but not limited to, printing, advertising, 120048  
delivery, rating fees and the procurement of ratings, professional 120049  
publications, membership in professional organizations, and other 120050

services referred to in division (D) of section 151.01 of the Revised Code. The General Revenue Fund shall be reimbursed for such costs relating to the issuance and administration of Highway Capital Improvement bonds or notes authorized under Ohio Constitution, Article VIII, Section 2m and Chapter 151. of the Revised Code. That reimbursement shall be made from appropriation item 155902, Highway Capital Improvement Bond Retirement Fund, by intrastate transfer voucher pursuant to a certification by the Office of the Sinking Fund of the actual amounts used. The amounts necessary to make such a reimbursement are hereby appropriated from the Highway Capital Improvement Bond Retirement Fund created in section 151.06 of the Revised Code.

POLICE AND FIRE DEATH BENEFIT FUND

The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees of the Ohio Police and Fire Pension Fund shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by section 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.

TAX REFUNDS

The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

|     |        |                                                    |              |              |        |
|-----|--------|----------------------------------------------------|--------------|--------------|--------|
|     |        | <b>Section 409.10. VTO VETERANS' ORGANIZATIONS</b> |              |              | 120082 |
|     |        | General Revenue Fund                               |              |              | 120083 |
|     |        | VAP AMERICAN EX-PRISONERS OF WAR                   |              |              | 120084 |
| GRF | 743501 | State Support                                      | \$ 28,910    | \$ 28,910    | 120085 |
|     |        | VAN ARMY AND NAVY UNION, USA, INC.                 |              |              | 120086 |
| GRF | 746501 | State Support                                      | \$ 63,539    | \$ 63,539    | 120087 |
|     |        | VKW KOREAN WAR VETERANS                            |              |              | 120088 |
| GRF | 747501 | State Support                                      | \$ 57,118    | \$ 57,118    | 120089 |
|     |        | VJW JEWISH WAR VETERANS                            |              |              | 120090 |
| GRF | 748501 | State Support                                      | \$ 34,321    | \$ 34,321    | 120091 |
|     |        | VCW CATHOLIC WAR VETERANS                          |              |              | 120092 |
| GRF | 749501 | State Support                                      | \$ 66,978    | \$ 66,978    | 120093 |
|     |        | VPH MILITARY ORDER OF THE PURPLE HEART             |              |              | 120094 |
| GRF | 750501 | State Support                                      | \$ 65,116    | \$ 65,116    | 120095 |
|     |        | VVV VIETNAM VETERANS OF AMERICA                    |              |              | 120096 |
| GRF | 751501 | State Support                                      | \$ 214,776   | \$ 214,776   | 120097 |
|     |        | VAL AMERICAN LEGION OF OHIO                        |              |              | 120098 |
| GRF | 752501 | State Support                                      | \$ 349,189   | \$ 349,189   | 120099 |
|     |        | VII AMVETS                                         |              |              | 120100 |
| GRF | 753501 | State Support                                      | \$ 332,547   | \$ 332,547   | 120101 |
|     |        | VAV DISABLED AMERICAN VETERANS                     |              |              | 120102 |
| GRF | 754501 | State Support                                      | \$ 249,836   | \$ 249,836   | 120103 |
|     |        | VMC MARINE CORPS LEAGUE                            |              |              | 120104 |
| GRF | 756501 | State Support                                      | \$ 133,947   | \$ 133,947   | 120105 |
|     |        | V37 37TH DIVISION VETERANS' ASSOCIATION            |              |              | 120106 |
| GRF | 757501 | State Support                                      | \$ 6,868     | \$ 6,868     | 120107 |
|     |        | VFW VETERANS OF FOREIGN WARS                       |              |              | 120108 |
| GRF | 758501 | State Support                                      | \$ 284,841   | \$ 284,841   | 120109 |
|     |        | TOTAL GRF General Revenue Fund                     | \$ 1,887,986 | \$ 1,887,986 | 120110 |
|     |        | TOTAL ALL BUDGET FUND GROUPS                       | \$ 1,887,986 | \$ 1,887,986 | 120111 |
|     |        | RELEASE OF FUNDS                                   |              |              | 120112 |

The Director of Budget and Management may release the 120113  
foregoing appropriation items 743501, 746501, 747501, 748501, 120114  
749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501, 120115  
and 758501, State Support. 120116

**Section 411.10.** DVS DEPARTMENT OF VETERANS SERVICES 120117

General Revenue Fund 120118

GRF 900321 Veterans' Homes \$ 27,369,946 \$ 27,369,946 120119

GRF 900402 Hall of Fame \$ 107,075 \$ 107,075 120120

GRF 900408 Department of \$ 1,901,823 \$ 1,901,823 120121

Veterans Services

GRF 900901 Persian Gulf, \$ 5,486,600 \$ 10,112,100 120122

Afghanistan, and Iraq

Compensation Debt

Service

TOTAL GRF General Revenue Fund \$ 34,865,444 \$ 39,490,944 120123

General Services Fund Group 120124

4840 900603 Veterans' Homes \$ 305,806 \$ 312,458 120125

Services

TOTAL GSF General Services Fund \$ 305,806 \$ 312,458 120126

Group

Federal Special Revenue Fund Group 120127

3680 900614 Veterans Training \$ 769,500 \$ 754,377 120128

3740 900606 Troops to Teachers \$ 136,786 \$ 133,461 120129

3BX0 900609 Medicare Services \$ 2,500,000 \$ 2,490,169 120130

3L20 900601 Veterans' Homes \$ 23,455,379 \$ 23,476,269 120131

Operations - Federal

TOTAL FED Federal Special Revenue 120132

Fund Group \$ 26,861,665 \$ 26,854,276 120133

State Special Revenue Fund Group 120134

4E20 900602 Veterans' Homes \$ 10,117,680 \$ 10,319,078 120135

|      |        |                                                                    |    |            |    |                    |
|------|--------|--------------------------------------------------------------------|----|------------|----|--------------------|
|      |        | Operating                                                          |    |            |    |                    |
| 6040 | 900604 | Veterans' Homes                                                    | \$ | 347,598    | \$ | 398,731 120136     |
|      |        | Improvement                                                        |    |            |    |                    |
|      |        | TOTAL SSR State Special Revenue                                    |    |            |    | 120137             |
|      |        | Fund Group                                                         | \$ | 10,465,278 | \$ | 10,717,809 120138  |
|      |        | Persian Gulf, Afghanistan, and Iraq Compensation Fund Group        |    |            |    | 120139             |
| 7041 | 900615 | Veteran Bonus Program                                              | \$ | 1,605,410  | \$ | 1,147,703 120140   |
|      |        | - Administration                                                   |    |            |    |                    |
| 7041 | 900641 | Persian Gulf,                                                      | \$ | 25,425,000 | \$ | 24,300,000 120141  |
|      |        | Afghanistan, and Iraq                                              |    |            |    |                    |
|      |        | Compensation                                                       |    |            |    |                    |
|      |        | TOTAL 041 Persian Gulf,                                            |    |            |    | 120142             |
|      |        | Afghanistan, and Iraq                                              |    |            |    | 120143             |
|      |        | Compensation Fund Group                                            | \$ | 27,030,410 | \$ | 25,447,703 120144  |
|      |        | TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 99,528,603 | \$ | 102,823,190 120145 |
|      |        | PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL            |    |            |    | 120146             |
|      |        | OBLIGATION DEBT SERVICE                                            |    |            |    | 120147             |
|      |        | The foregoing appropriation item 900901, Persian Gulf,             |    |            |    | 120148             |
|      |        | Afghanistan and Iraq Compensation Debt Service, shall be used to   |    |            |    | 120149             |
|      |        | pay all debt service and related financing costs during the period |    |            |    | 120150             |
|      |        | from July 1, 2011, through June 30, 2013, on obligations issued    |    |            |    | 120151             |
|      |        | for Persian Gulf, Afghanistan and Iraq Conflicts Compensation      |    |            |    | 120152             |
|      |        | purposes under sections 151.01 and 151.12 of the Revised Code.     |    |            |    | 120153             |
|      |        | <b>Section 413.10.</b> DVM STATE VETERINARY MEDICAL BOARD          |    |            |    | 120154             |
|      |        | General Services Fund Group                                        |    |            |    | 120155             |
| 4K90 | 888609 | Operating Expenses                                                 | \$ | 322,375    | \$ | 319,857 120156     |
| 5BV0 | 888602 | Veterinary Student                                                 | \$ | 30,000     | \$ | 30,000 120157      |
|      |        | Loan Program                                                       |    |            |    |                    |
|      |        | TOTAL GSF General Services                                         |    |            |    | 120158             |
|      |        | Fund Group                                                         | \$ | 352,375    | \$ | 349,857 120159     |
|      |        | TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 352,375    | \$ | 349,857 120160     |

|                                                         |                      |                       |                               |        |
|---------------------------------------------------------|----------------------|-----------------------|-------------------------------|--------|
| <b>Section 415.10. DYS DEPARTMENT OF YOUTH SERVICES</b> |                      |                       |                               | 120162 |
| General Revenue Fund                                    |                      |                       |                               | 120163 |
| GRF                                                     | 470401               | RECLAIM Ohio          | \$ 168,716,967 \$ 162,362,228 | 120164 |
| GRF                                                     | 470412               | Lease Rental Payments | \$ 10,221,800 \$ 27,230,100   | 120165 |
| GRF                                                     | 470510               | Youth Services        | \$ 16,702,728 \$ 16,702,728   | 120166 |
| GRF                                                     | 472321               | Parole Operations     | \$ 10,830,019 \$ 10,583,118   | 120167 |
| GRF                                                     | 477321               | Administrative        | \$ 12,222,051 \$ 11,855,389   | 120168 |
| Operations                                              |                      |                       |                               |        |
| TOTAL GRF                                               | General Revenue Fund |                       | \$ 218,693,565 \$ 228,733,563 | 120169 |
| General Services Fund Group                             |                      |                       |                               | 120170 |
| 1750                                                    | 470613               | Education             | \$ 8,160,277 \$ 8,151,056     | 120171 |
| Reimbursement                                           |                      |                       |                               |        |
| 4790                                                    | 470609               | Employee Food Service | \$ 150,000 \$ 150,000         | 120172 |
| 4A20                                                    | 470602               | Child Support         | \$ 450,000 \$ 400,000         | 120173 |
| 4G60                                                    | 470605               | General Operational   | \$ 125,000 \$ 125,000         | 120174 |
| Funds                                                   |                      |                       |                               |        |
| 5BN0                                                    | 470629               | E-Rate Program        | \$ 535,000 \$ 535,000         | 120175 |
| TOTAL GSF                                               | General Services     |                       |                               | 120176 |
| Fund Group                                              |                      |                       | \$ 9,420,277 \$ 9,361,056     | 120177 |
| Federal Special Revenue Fund Group                      |                      |                       |                               | 120178 |
| 3210                                                    | 470601               | Education             | \$ 1,774,469 \$ 1,517,840     | 120179 |
| 3210                                                    | 470603               | Juvenile Justice      | \$ 300,000 \$ 300,000         | 120180 |
| Prevention                                              |                      |                       |                               |        |
| 3210                                                    | 470606               | Nutrition             | \$ 1,747,432 \$ 1,704,022     | 120181 |
| 3210                                                    | 470610               | Rehabilitation        | \$ 36,000 \$ 36,000           | 120182 |
| Programs                                                |                      |                       |                               |        |
| 3210                                                    | 470614               | Title IV-E            | \$ 6,000,000 \$ 6,000,000     | 120183 |
| Reimbursements                                          |                      |                       |                               |        |
| 3BY0                                                    | 470635               | Federal Juvenile      | \$ 56,471 \$ 2,000            | 120184 |
| Programs FFY 07                                         |                      |                       |                               |        |
| 3BZ0                                                    | 470636               | Federal Juvenile      | \$ 82,000 \$ 1,618            | 120185 |



|                              |        |                                                                    |    |             |    |             |        |
|------------------------------|--------|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
|                              |        | Programs FFY 08                                                    |    |             |    |             |        |
| 3CP0                         | 470638 | Federal Juvenile                                                   | \$ | 500,000     | \$ | 300,730     | 120186 |
|                              |        | Programs FFY 09                                                    |    |             |    |             |        |
| 3CR0                         | 470639 | Federal Juvenile                                                   | \$ | 800,000     | \$ | 479,900     | 120187 |
|                              |        | Programs FFY 10                                                    |    |             |    |             |        |
| 3FB0                         | 470641 | Federal Juvenile                                                   | \$ | 135,000     | \$ | 600,000     | 120188 |
|                              |        | Programs FFY 11                                                    |    |             |    |             |        |
| 3FC0                         | 470642 | Federal Juvenile                                                   | \$ | 0           | \$ | 135,000     | 120189 |
|                              |        | Programs FFY 12                                                    |    |             |    |             |        |
| 3V50                         | 470604 | Juvenile                                                           | \$ | 2,010,000   | \$ | 2,000,000   | 120190 |
|                              |        | Justice/Delinquency                                                |    |             |    |             |        |
|                              |        | Prevention                                                         |    |             |    |             |        |
| TOTAL FED                    |        | Federal Special Revenue                                            |    |             |    |             | 120191 |
| Fund Group                   |        |                                                                    | \$ | 13,441,372  | \$ | 13,077,110  | 120192 |
| State Special Revenue        |        | Fund Group                                                         |    |             |    |             | 120193 |
| 1470                         | 470612 | Vocational Education                                               | \$ | 762,126     | \$ | 758,210     | 120194 |
| TOTAL SSR                    |        | State Special Revenue                                              |    |             |    |             | 120195 |
| Fund Group                   |        |                                                                    | \$ | 762,126     | \$ | 758,210     | 120196 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                                    | \$ | 242,317,340 | \$ | 251,929,939 | 120197 |
|                              |        | COMMUNITY PROGRAMS                                                 |    |             |    |             | 120198 |
|                              |        | Of the foregoing appropriation item 470401, RECLAIM Ohio, an       |    |             |    |             | 120199 |
|                              |        | amount equal to forty-five per cent of the unexpended,             |    |             |    |             | 120200 |
|                              |        | unencumbered balance used for the purpose of funding juvenile      |    |             |    |             | 120201 |
|                              |        | correctional facilities, at the end of each fiscal year, is hereby |    |             |    |             | 120202 |
|                              |        | reappropriated to the next fiscal year, and shall be used for the  |    |             |    |             | 120203 |
|                              |        | purpose of expanding Targeted RECLAIM, the Behavioral Health       |    |             |    |             | 120204 |
|                              |        | Juvenile Justice Initiative, and other evidence-based community    |    |             |    |             | 120205 |
|                              |        | programs.                                                          |    |             |    |             | 120206 |
|                              |        | OHIO BUILDING AUTHORITY LEASE PAYMENTS                             |    |             |    |             | 120207 |
|                              |        | The foregoing appropriation item 470412, Lease Rental              |    |             |    |             | 120208 |
|                              |        | Payments, shall be used to meet all payments at the times they are |    |             |    |             | 120209 |
|                              |        | required to be made for the period from July 1, 2011, through June |    |             |    |             | 120210 |

30, 2013, by the Department of Youth Services to the Ohio Building Authority under the leases and agreements for facilities made under Chapter 152. of the Revised Code. This appropriation is the source of funds pledged for bond service charges on related obligations issued pursuant to Chapter 152. of the Revised Code.

EDUCATION REIMBURSEMENT

The foregoing appropriation item 470613, Education Reimbursement, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment. This appropriation item may be used for capital expenses related to the education program.

EMPLOYEE FOOD SERVICE AND EQUIPMENT

Notwithstanding section 125.14 of the Revised Code, the foregoing appropriation item 470609, Employee Food Service, may be used to purchase any food operational items with funds received into the fund from reimbursements for state surplus property.

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES

In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer portions of those allocations to a flexible funding pool as authorized by the section titled FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL, of this act.

**Section 501.10.** All items set forth in this section are hereby appropriated for fiscal year 2012 out of any moneys in the state treasury to the credit of the Administrative Building Fund (Fund 7026) that are not otherwise appropriated.

|        |                                                |    |         |        |
|--------|------------------------------------------------|----|---------|--------|
|        | CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD   |    |         | 120241 |
| C87416 | Statehouse Boiler Replacement                  | \$ | 900,000 | 120242 |
|        | Total Capitol Square Review and Advisory Board | \$ | 900,000 | 120243 |
|        | TOTAL Administrative Building Fund             | \$ | 900,000 | 120244 |

**Section 503.10. PERSONAL SERVICE EXPENSES** 120246

Unless otherwise prohibited by law, any appropriation from 120247  
which personal service expenses are paid shall bear the employer's 120248  
share of public employees' retirement, workers' compensation, 120249  
disabled workers' relief, and insurance programs; and the costs of 120250  
centralized financial services, centralized payroll processing, 120251  
and related reports and services; centralized human resources 120252  
services, including affirmative action and equal employment 120253  
opportunity programs; the Office of Collective Bargaining; the 120254  
Employee Assistance Program; centralized information technology 120255  
management services; administering the enterprise resource 120256  
planning system; and administering the state employee merit system 120257  
as required by section 124.07 of the Revised Code. These costs 120258  
shall be determined in conformity with the appropriate sections of 120259  
law and paid in accordance with procedures specified by the Office 120260  
of Budget and Management. Expenditures from appropriation item 120261  
070601, Public Audit Expense - Intra-State, may be exempted from 120262  
the requirements of this section. 120263

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 120264  
**AGAINST THE STATE** 120265

Except as otherwise provided in this section, an 120266  
appropriation in this act or any other act may be used for the 120267  
purpose of satisfying judgments, settlements, or administrative 120268  
awards ordered or approved by the Court of Claims or by any other 120269  
court of competent jurisdiction in connection with civil actions 120270  
against the state. This authorization does not apply to 120271  
appropriations to be applied to or used for payment of guarantees 120272

by or on behalf of the state, or for payments under lease 120273  
agreements relating to, or debt service on, bonds, notes, or other 120274  
obligations of the state. Notwithstanding any other statute to the 120275  
contrary, this authorization includes appropriations from funds 120276  
into which proceeds of direct obligations of the state are 120277  
deposited only to the extent that the judgment, settlement, or 120278  
administrative award is for, or represents, capital costs for 120279  
which the appropriation may otherwise be used and is consistent 120280  
with the purpose for which any related obligations were issued or 120281  
entered into. Nothing contained in this section is intended to 120282  
subject the state to suit in any forum in which it is not 120283  
otherwise subject to suit, and is not intended to waive or 120284  
compromise any defense or right available to the state in any suit 120285  
against it. 120286

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 120287

This section specifies an additional and supplemental 120288  
procedure to provide for payments of judgments and settlements if 120289  
the Director of Budget and Management determines, pursuant to 120290  
division (C)(4) of section 2743.19 of the Revised Code, that 120291  
sufficient unencumbered moneys do not exist in the fund to support 120292  
a particular appropriation to pay the amount of a final judgment 120293  
rendered against the state or a state agency, including the 120294  
settlement of a claim approved by a court, in an action upon and 120295  
arising out of a contractual obligation for the construction or 120296  
improvement of a capital facility if the costs under the contract 120297  
were payable in whole or in part from a state capital projects 120298  
appropriation. In such a case, the Director may either proceed 120299  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 120300  
or apply to the Controlling Board to increase an appropriation or 120301  
create an appropriation out of any unencumbered moneys in the 120302  
state treasury to the credit of the capital projects fund from 120303  
which the initial state appropriation was made. The amount of an 120304

increase in appropriation or new appropriation approved by the 120305  
Controlling Board is hereby appropriated from the applicable 120306  
capital projects fund and made available for the payment of the 120307  
judgment or settlement. 120308

If the Director does not make the application authorized by 120309  
this section or the Controlling Board disapproves the application, 120310  
and the Director does not make application under division (C)(4) 120311  
of section 2743.19 of the Revised Code, the Director shall for the 120312  
purpose of making that payment make a request to the General 120313  
Assembly as provided for in division (C)(5) of that section. 120314

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 120315

In order to provide funds for the reissuance of voided 120316  
warrants under section 126.37 of the Revised Code, there is hereby 120317  
appropriated, out of moneys in the state treasury from the fund 120318  
credited as provided in section 126.37 of the Revised Code, that 120319  
amount sufficient to pay such warrants when approved by the Office 120320  
of Budget and Management. 120321

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 120322  
**BALANCES OF OPERATING APPROPRIATIONS** 120323

(A) An unexpended balance of an operating appropriation or 120324  
reappropriation that a state agency lawfully encumbered prior to 120325  
the close of a fiscal year is hereby reappropriated on the first 120326  
day of July of the following fiscal year from the fund from which 120327  
it was originally appropriated or reappropriated for the following 120328  
period and shall remain available only for the purpose of 120329  
discharging the encumbrance: 120330

(1) For an encumbrance for personal services, maintenance, 120331  
equipment, or items for resale, other than an encumbrance for an 120332  
item of special order manufacture not available on term contract 120333  
or in the open market or for reclamation of land or oil and gas 120334

wells, for a period of not more than five months from the end of 120335  
the fiscal year; 120336

(2) For an encumbrance for an item of special order 120337  
manufacture not available on term contract or in the open market, 120338  
for a period of not more than five months from the end of the 120339  
fiscal year or, with the written approval of the Director of 120340  
Budget and Management, for a period of not more than twelve months 120341  
from the end of the fiscal year; 120342

(3) For an encumbrance for reclamation of land or oil and gas 120343  
wells, for a period ending when the encumbered appropriation is 120344  
expended or for a period of two years, whichever is less; 120345

(4) For an encumbrance for any other expense, for such period 120346  
as the Director approves, provided such period does not exceed two 120347  
years. 120348

(B) Any operating appropriations for which unexpended 120349  
balances are reappropriated beyond a five-month period from the 120350  
end of the fiscal year by division (A)(2) of this section shall be 120351  
reported to the Controlling Board by the Director of Budget and 120352  
Management by the thirty-first day of December of each year. The 120353  
report on each such item shall include the item, the cost of the 120354  
item, and the name of the vendor. The report shall be updated on a 120355  
quarterly basis for encumbrances remaining open. 120356

(C) Upon the expiration of the reappropriation period set out 120357  
in division (A) of this section, a reappropriation made by this 120358  
section lapses, and the Director of Budget and Management shall 120359  
cancel the encumbrance of the unexpended reappropriation not later 120360  
than the end of the weekend following the expiration of the 120361  
reappropriation period. 120362

(D) Notwithstanding division (C) of this section, with the 120363  
approval of the Director of Budget and Management, an unexpended 120364  
balance of an encumbrance that was reappropriated on the first day 120365

of July by this section for a period specified in division (A)(3) 120366  
or (4) of this section and that remains encumbered at the close of 120367  
the fiscal biennium is hereby reappropriated on the first day of 120368  
July of the following fiscal biennium from the fund from which it 120369  
was originally appropriated or reappropriated for the applicable 120370  
period specified in division (A)(3) or (4) of this section and 120371  
shall remain available only for the purpose of discharging the 120372  
encumbrance. 120373

(E) The Director of Budget and Management may correct 120374  
accounting errors committed by the staff of the Office of Budget 120375  
and Management, such as re-establishing encumbrances or 120376  
appropriations cancelled in error, during the cancellation of 120377  
operating encumbrances in November and of nonoperating 120378  
encumbrances in December. 120379

(F) If the Controlling Board approved a purchase, that 120380  
approval remains in effect so long as the appropriation used to 120381  
make that purchase remains encumbered. 120382

**Section 503.60.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 120383  
RE-ESTABLISHMENT OF ENCUMBRANCES 120384

Any cash transferred by the Director of Budget and Management 120385  
under section 126.15 of the Revised Code is hereby appropriated. 120386  
Any amounts necessary to re-establish appropriations or 120387  
encumbrances under section 126.15 of the Revised Code are hereby 120388  
appropriated. 120389

**Section 503.70.** INCOME TAX DISTRIBUTION TO COUNTIES 120390

There are hereby appropriated out of any moneys in the state 120391  
treasury to the credit of the General Revenue Fund, which are not 120392  
otherwise appropriated, funds sufficient to make any payment 120393  
required by division (B)(2) of section 5747.03 of the Revised 120394  
Code. 120395

**Section 503.80.** EXPENDITURES AND APPROPRIATION INCREASES 120396  
APPROVED BY THE CONTROLLING BOARD 120397

Any money that the Controlling Board approves for expenditure 120398  
or any increase in appropriation that the Controlling Board 120399  
approves under sections 127.14, 131.35, and 131.39 of the Revised 120400  
Code or any other provision of law is hereby appropriated for the 120401  
period ending June 30, 2013. 120402

**Section 503.90.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 120403  
RESIDENCE 120404

If the Governor's Residence Fund (Fund 4H20) receives payment 120405  
for use of the residence pursuant to section 107.40 of the Revised 120406  
Code, the amounts so received are hereby appropriated to 120407  
appropriation item 100604, Governor's Residence Gift. 120408

**Section 506.10.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 120409

Unless the agency and nuclear electric utility mutually agree 120410  
to a higher amount by contract, the maximum amounts that may be 120411  
assessed against nuclear electric utilities under division (B)(2) 120412  
of section 4937.05 of the Revised Code and deposited into the 120413  
specified funds are as follows: 120414

| <u>Fund</u>                                   | <u>User</u>                     | <u>FY 2012</u> | <u>FY 2013</u> |        |
|-----------------------------------------------|---------------------------------|----------------|----------------|--------|
| Utility Radiological Safety Fund (Fund 4E40)  | Department of Agriculture       | \$ 131,785     | \$ 131,785     | 120416 |
| Radiation Emergency Response Fund (Fund 6100) | Department of Health            | \$ 930,525     | \$ 930,576     | 120417 |
| ER Radiological Safety Fund (Fund 6440)       | Environmental Protection Agency | \$ 279,838     | \$ 279,966     | 120418 |
| Emergency Response                            | Department of                   | \$ 1,415,945   | \$ 1,415,945   | 120419 |



Plan Fund (Fund 6570) Public Safety

**Section 512.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF 120420  
INTEREST EARNED 120421

Notwithstanding any provision of law to the contrary, the 120422  
Director of Budget and Management, through June 30, 2013, may 120423  
transfer interest earned by any state fund to the General Revenue 120424  
Fund. This section does not apply to funds whose source of revenue 120425  
is restricted or protected by the Ohio Constitution, federal tax 120426  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 120427  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 120428

**Section 512.30.** CASH TRANSFERS TO THE GENERAL REVENUE FUND 120429  
FROM NON-GRF FUNDS 120430

Notwithstanding any provision of law to the contrary, during 120431  
fiscal years 2012 and 2013, the Director of Budget and Management 120432  
may transfer up to \$60,000,000 in cash from non-General Revenue 120433  
Funds that are not constitutionally restricted to the General 120434  
Revenue Fund in order to ensure that available General Revenue 120435  
Fund receipts and balances are sufficient to support General 120436  
Revenue Fund appropriations in each fiscal year. 120437

**Section 512.40.** FISCAL YEAR 2011 GENERAL REVENUE FUND ENDING 120438  
BALANCE 120439

Notwithstanding divisions (B) and (C) of section 131.44 of 120440  
the Revised Code, the Director of Budget and Management shall 120441  
determine the surplus General Revenue Fund revenue that existed on 120442  
June 30, 2011, in excess of the amount required under division 120443  
(A)(3) of section 131.44 of the Revised Code, and transfer from 120444  
the General Revenue Fund, to the extent of the amount so 120445  
determined, the following: 120446

(A) First, to the Disaster Services Fund (Fund 5E20), a cash 120447

amount equal to half the surplus General Revenue Fund revenue, up 120448  
to \$25,000,000; 120449

(B) Then, to the Teacher Incentive Program Fund (Fund 5KG0), 120450  
a cash amount equal to half the surplus General Revenue Fund 120451  
revenue, up to \$25,000,000. 120452

**Section 512.60. NATURAL RESOURCES PUBLICATIONS** 120453

On July 1, 2011, or as soon as possible thereafter, the 120454  
Director of Budget and Management, at the request of the Director 120455  
of Natural Resources, shall transfer the remaining cash balance in 120456  
the Natural Resources Publications and Promotional Materials Fund 120457  
(Fund 5080) to the Departmental Projects Fund (Fund 1550) and the 120458  
Geological Mapping Fund (Fund 5110) in such amounts as determined 120459  
by the Director of Budget and Management after consultation with 120460  
the Director of Natural Resources. The Director of Budget and 120461  
Management shall cancel all existing encumbrances against 120462  
appropriation item 725684, Natural Resources Publications, and 120463  
reestablish them against appropriation item 725601, Departmental 120464  
Projects, and appropriation item 725646, Ohio Geological Mapping. 120465  
Upon completion of the transfer, the Natural Resources 120466  
Publications and Promotional Materials Fund is hereby abolished. 120467  
Beginning July 1, 2011, all moneys from the sale of books, 120468  
bulletins, maps, or other publications and promotional materials 120469  
shall be credited to the Departmental Projects Fund (Fund 1550) or 120470  
the Geological Mapping Fund (Fund 5110) as determined by the 120471  
Director of Natural Resources. 120472

**Section 512.70.** On July 1, 2011, or as soon as possible 120473  
thereafter, the Director of Budget and Management shall transfer 120474  
the cash balance in the Penalty Enforcement Fund (Fund 5K70) to 120475  
the Labor Operating Fund (Fund 5560). The Director shall cancel 120476  
any existing encumbrances against appropriation item 800621, 120477

Penalty Enforcement, and re-establish them against appropriation 120478  
item 800615, Industrial Compliance. The re-established encumbrance 120479  
amounts are hereby appropriated. Upon completion of the transfer, 120480  
Fund 5K70 is abolished. 120481

**Section 512.80. ABOLISHMENT OF PASSPORT FUND** 120482

On July 1, 2011, or as soon as possible thereafter, the 120483  
Director of Budget and Management shall transfer the cash balance 120484  
in the PASSPORT Fund (Fund 4U90) to the Nursing Home Franchise 120485  
Permit Fee Fund (Fund 5R20). Upon completion of the transfer, Fund 120486  
4U90 is abolished. The Director shall cancel any existing 120487  
encumbrances against appropriation item 490602, PASSPORT Fund, and 120488  
reestablish them against appropriation item 600613, Nursing 120489  
Facility Bed Assessments. The reestablished encumbrance amounts 120490  
are hereby appropriated. 120491

**Section 512.90. DIESEL EMISSIONS REDUCTION GRANT PROGRAM** 120492

There is established in the Highway Operating Fund (Fund 120493  
7002) in the Department of Transportation a Diesel Emissions 120494  
Reduction Grant Program. The Director of Development shall 120495  
administer the program and shall solicit, evaluate, score, and 120496  
select projects submitted by public and private entities that are 120497  
eligible for the federal Congestion Mitigation and Air Quality 120498  
(CMAQ) Program. The Director of Transportation shall process 120499  
Federal Highway Administration-approved projects as recommended by 120500  
the Director of Development. 120501

In addition to the allowable expenditures set forth in 120502  
section 122.861 of the Revised Code, Diesel Emissions Reduction 120503  
Grant Program funds also may be used to fund projects involving 120504  
the purchase or use of hybrid and alternative fuel vehicles that 120505  
are allowed under guidance developed by the Federal Highway 120506  
Administration for the CMAQ Program. 120507

Public entities eligible to receive funds under section 120508  
122.861 of the Revised Code and CMAQ shall be reimbursed from the 120509  
Department of Transportation's Diesel Emissions Reduction Grant 120510  
Program. 120511

Private entities eligible to receive funds under section 120512  
122.861 of the Revised Code and CMAQ shall be reimbursed through 120513  
transfers of cash from the Department of Transportation's Diesel 120514  
Emissions Reduction Grant Program to the Diesel Emissions 120515  
Reduction Grant Fund (Fund 3BD0) used by the Department of 120516  
Development. 120517

Appropriation item 195697, Diesel Emissions Reduction Grants, 120518  
is established with an appropriation of \$10,000,000 in FY 2012 and 120519  
\$10,000,000 in FY 2013. Total expenditures between both the 120520  
Departments of Development and Transportation shall not exceed the 120521  
amounts appropriated in this section. 120522

On or before June 30, 2012, any unencumbered balance of the 120523  
foregoing appropriation item 195697, Diesel Emissions Reduction 120524  
Grants, for fiscal year 2012 is appropriated for the same purposes 120525  
in fiscal year 2013. 120526

Any cash transfers or allocations under this section 120527  
represent CMAQ program moneys within the Department of 120528  
Transportation for use by the Diesel Emissions Reduction Grant 120529  
Program by the Department of Development. These allocations shall 120530  
not reduce the amount of such moneys designated for metropolitan 120531  
planning organizations. 120532

The Director of Development, in consultation with the 120533  
Directors of Environmental Protection and Transportation, shall 120534  
develop guidance for the distribution of funds and for the 120535  
administration of the Diesel Emissions Reduction Grant Program. 120536  
The guidance shall include a method of prioritization for 120537  
projects, acceptable technologies, and procedures for awarding 120538

grants. 120539

**Section 515.20.** (A) On the effective date of the amendment of 120540  
the statutes creating the Division of Oil and Gas Resources 120541  
Management in the Department of Natural Resources by this act, the 120542  
functions, assets, and liabilities of the Division of Mineral 120543  
Resources Management in the Department of Natural Resources with 120544  
respect to oil and gas are transferred to the Division of Oil and 120545  
Gas Resources Management. The Division of Oil and Gas Resources 120546  
Management is successor to, assumes the obligations and authority 120547  
of, and otherwise continues the Division of Mineral Resources 120548  
Management with respect to oil and gas. No right, privilege, or 120549  
remedy, and no duty, liability, or obligation, accrued under the 120550  
Division of Mineral Resources Management with respect to oil and 120551  
gas is impaired or lost by reason of the transfer and shall be 120552  
recognized, administered, performed, or enforced by the Division 120553  
of Oil and Gas Resources Management. 120554

(B) Business commenced but not completed by the Division of 120555  
Mineral Resources Management or by the Chief of the Division of 120556  
Mineral Resources Management with respect to oil and gas shall be 120557  
completed by the Division of Oil and Gas Resources Management or 120558  
the Chief of the Division of Oil and Gas Resources Management in 120559  
the same manner, and with the same effect, as if completed by the 120560  
Division of Mineral Resources Management or by the Chief of the 120561  
Division of Mineral Resources Management. 120562

(C) All of the Division of Mineral Resources Management's 120563  
rules, orders, and determinations with respect to oil and gas 120564  
continue in effect as rules, orders, and determinations of the 120565  
Division of Oil and Gas Resources Management until modified or 120566  
rescinded by the Division of Oil and Gas Resources Management. If 120567  
necessary to ensure the integrity of the numbering of the 120568  
Administrative Code, the Director of the Legislative Service 120569

Commission shall renumber the Division of Mineral Resources 120570  
Management's rules with respect to oil and gas to reflect their 120571  
transfer to the Division of Oil and Gas Resources Management. 120572

(D) The Director of Budget and Management shall determine the 120573  
amount of unexpended balances in the appropriation accounts that 120574  
pertain to the Division of Mineral Resources Management with 120575  
respect to oil and gas and shall recommend to the Controlling 120576  
Board their transfer to the appropriation accounts that pertain to 120577  
the Division of Oil and Gas Resources Management. The Chief of the 120578  
Division of Mineral Resources Management shall provide full and 120579  
timely information to the Controlling Board to facilitate the 120580  
transfer. 120581

(E) Whenever the Division of Mineral Resources Management or 120582  
the Chief of the Division of Mineral Resources Management is 120583  
referred to in a statute, contract, or other instrument with 120584  
respect to oil and gas, the reference is deemed to refer to the 120585  
Division of Oil and Gas Resources Management or to the Chief of 120586  
the Division of Oil and Gas Resources Management, whichever is 120587  
appropriate in context. 120588

(F) No pending action or proceeding being prosecuted or 120589  
defended in court or before an agency with respect to oil and gas 120590  
by the Division of Mineral Resources Management or the Chief of 120591  
the Division of Mineral Resources Management is affected by the 120592  
transfer and shall be prosecuted or defended in the name of the 120593  
Division of Oil and Gas Resources Management or the Chief of the 120594  
Division of Oil and Gas Resources Management, whichever is 120595  
appropriate. Upon application to the court or agency, the Division 120596  
of Oil and Gas Resources Management or the Chief of the Division 120597  
of Oil and Gas Resources Management shall be substituted as a 120598  
party. 120599

**Section 515.30.** (A) On the effective date of the amendment of 120600

the statutes governing the Ohio Coal Development Office by this 120601  
act, the Ohio Coal Development Office and all of its functions, 120602  
together with its assets and liabilities, are transferred from 120603  
within the Ohio Air Quality Development Authority to within the 120604  
Department of Development. The Ohio Coal Development Office in the 120605  
Department of Development assumes the obligations of and otherwise 120606  
constitutes the continuation of the Ohio Coal Development Office 120607  
in the Ohio Air Quality Development Authority. 120608

(B) Any business commenced but not completed by the Ohio Coal 120609  
Development Office in the Ohio Air Quality Development Authority 120610  
or the Director of that office on the effective date of the 120611  
amendment of the statutes governing that Office by this act shall 120612  
be completed by the Ohio Coal Development Office in the Department 120613  
of Development or the Director of that Office in the same manner, 120614  
and with the same effect, as if completed by the Ohio Coal 120615  
Development Office in the Ohio Air Quality Development Authority 120616  
or the Director of that Office. Any validation, cure, right, 120617  
privilege, remedy, obligation, or liability is not lost or 120618  
impaired by reason of the transfer required by this section and 120619  
shall be administered by the Ohio Coal Development Office in the 120620  
Department of Development. 120621

(C) All of the rules, orders, and determinations of the Ohio 120622  
Coal Development Office in the Ohio Air Quality Development 120623  
Authority or of the Ohio Air Quality Development Authority in 120624  
relation to that Office continue in effect as rules, orders, and 120625  
determinations of the Ohio Coal Development Office in the 120626  
Department of Development until modified or rescinded by that 120627  
Office or by the Department of Development in relation to that 120628  
Office. If necessary to ensure the integrity of the numbering of 120629  
the Administrative Code, the Director of the Legislative Service 120630  
Commission shall renumber rules of the Ohio Air Quality 120631  
Development Authority in relation to the Ohio Coal Development 120632

Office in the Ohio Air Quality Development Authority to reflect 120633  
the transfer to the Department of Development. 120634

(D) Subject to the lay-off provisions of sections 124.321 to 120635  
124.328 of the Revised Code, all of the employees of the Ohio Coal 120636  
Development Office in the Ohio Air Quality Development Authority 120637  
are transferred to the Ohio Coal Development Office in the 120638  
Department of Development and retain their positions and all the 120639  
benefits accruing thereto. 120640

(E) Whenever the Ohio Coal Development Office in the Ohio Air 120641  
Quality Development Office or the Authority in relation to that 120642  
Office is referred to in any law, contract, or other document, the 120643  
reference shall be deemed to refer to the Ohio Coal Development 120644  
Office in the Department of Development or the Director of 120645  
Development in relation to that Office, whichever is appropriate 120646  
in context. 120647

(F) Any action or proceeding pending on the effective date of 120648  
the amendment of the statutes governing the Ohio Coal Development 120649  
Office by this act is not affected by the transfer of that Office 120650  
and shall be prosecuted or defended in the name of the Department 120651  
of Development or the Ohio Coal Development Office in that 120652  
Department. In all such actions and proceedings, the Department of 120653  
Development or the Ohio Coal Development Office in that 120654  
Department, upon application to the court, shall be substituted as 120655  
a party. 120656

**Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS** 120657

Certain appropriations are in this act for the purpose of 120658  
paying debt service and financing costs on general obligation 120659  
bonds or notes of the state issued pursuant to the Ohio 120660  
Constitution and acts of the General Assembly. If it is determined 120661  
that additional appropriations are necessary for this purpose, 120662  
such amounts are hereby appropriated. 120663



**Section 518.20.** LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF STATE 120664  
STATE 120665

Certain appropriations are in this act for the purpose of 120666  
making lease rental payments pursuant to leases and agreements 120667  
relating to bonds or notes issued by the Ohio Building Authority 120668  
or the Treasurer of State, or previously by the Ohio Public 120669  
Facilities Commission, pursuant to the Ohio Constitution and acts 120670  
of the General Assembly. If it is determined that additional 120671  
appropriations are necessary for this purpose, such amounts are 120672  
hereby appropriated. 120673

**Section 518.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 120674  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 120675

The Office of Budget and Management shall process payments 120676  
from general obligation and lease rental payment appropriation 120677  
items during the period from July 1, 2011, through June 30, 2013, 120678  
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 120679  
2n, 2o, 2p, 2q, 2r, and 15 of Article VIII, Ohio Constitution, and 120680  
Chapters 151. and 154. of the Revised Code. Payments shall be made 120681  
upon certification by the Treasurer of State of the dates and the 120682  
amounts due on those dates. 120683

**Section 518.40.** AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 120684  
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 120685

The Office of Budget and Management shall process payments 120686  
from lease rental payment appropriation items during the period 120687  
from July 1, 2011, through June 30, 2013, pursuant to the lease 120688  
agreements entered into relating to bonds or notes issued under 120689  
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. of 120690  
the Revised Code. Payments shall be made upon certification by the 120691  
Ohio Building Authority of the dates and the amounts due on those 120692  
dates. 120693

**Section 521.10.** STATE AND LOCAL REBATE AUTHORIZATION 120694

There is hereby appropriated, from those funds designated by 120695  
or pursuant to the applicable proceedings authorizing the issuance 120696  
of state obligations, amounts computed at the time to represent 120697  
the portion of investment income to be rebated or amounts in lieu 120698  
of or in addition to any rebate amount to be paid to the federal 120699  
government in order to maintain the exclusion from gross income 120700  
for federal income tax purposes of interest on those state 120701  
obligations under section 148(f) of the Internal Revenue Code. 120702

Rebate payments shall be approved and vouchered by the Office 120703  
of Budget and Management. 120704

**Section 521.20.** STATEWIDE INDIRECT COST RECOVERY 120705

Whenever the Director of Budget and Management determines 120706  
that an appropriation made to a state agency from a fund of the 120707  
state is insufficient to provide for the recovery of statewide 120708  
indirect costs under section 126.12 of the Revised Code, the 120709  
amount required for such purpose is hereby appropriated from the 120710  
available receipts of such fund. 120711

**Section 521.30.** TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 120712  
COST ALLOCATION PLAN 120713

The total transfers made from the General Revenue Fund by the 120714  
Director of Budget and Management under this section shall not 120715  
exceed the amounts transferred into the General Revenue Fund under 120716  
section 126.12 of the Revised Code. 120717

The director of an agency may certify to the Director of 120718  
Budget and Management the amount of expenses not allowed to be 120719  
included in the Statewide Indirect Cost Allocation Plan under 120720  
federal regulations, from any fund included in the Statewide 120721  
Indirect Cost Allocation Plan, prepared as required by section 120722

126.12 of the Revised Code. 120723

Upon determining that no alternative source of funding is 120724  
available to pay for such expenses, the Director of Budget and 120725  
Management may transfer from the General Revenue Fund into the 120726  
fund for which the certification is made, up to the amount of the 120727  
certification. The director of the agency receiving such funds 120728  
shall include, as part of the next budget submission prepared 120729  
under section 126.02 of the Revised Code, a request for funding 120730  
for such activities from an alternative source such that further 120731  
federal disallowances would not be required. 120732

The director of an agency may certify to the Director of 120733  
Budget and Management the amount of expenses paid in error from a 120734  
fund included in the Statewide Indirect Cost Allocation Plan. The 120735  
Director of Budget and Management may transfer cash from the fund 120736  
from which the expenditure should have been made into the fund 120737  
from which the expenses were erroneously paid, up to the amount of 120738  
the certification. 120739

**Section 521.30.10. OGRIP FUNDS TRANSFER TO THE GENERAL** 120740  
**REVENUE FUND** 120741

On July 1, 2011, or as soon as possible thereafter, the 120742  
Director of Budget and Management may transfer cash in the amount 120743  
of \$15,072.03 from the Federal Grants OGRIP Fund (Fund 3H60) to 120744  
the General Revenue Fund. This amount represents residual funds 120745  
from old federal grants for the state's OGRIP program that have 120746  
been closed by the federal awarding agency. 120747

**Section 521.30.20. TRANSFER OF FEDERAL FUNDS** 120748

On July 1, 2011, or as soon as possible thereafter, the 120749  
Director of Environmental Protection shall certify to the Director 120750  
of Budget and Management the cash balance in the DOE Monitoring 120751  
and Oversight Fund (Fund 3N40). The Director of Budget and 120752

Management shall transfer the certified amount from Fund 3N40 to 120753  
the Federally Supported Response Fund (Fund 3F30). Upon completion 120754  
of the transfer, Fund 3N40 is abolished. The Director shall cancel 120755  
any existing encumbrances against appropriation item 715657, DOE 120756  
Monitoring and Oversight, and re-establish them against 120757  
appropriation item 715632, Federally Supported Response. The 120758  
re-established encumbrance amounts are hereby appropriated. 120759

On July 1, 2011, or as soon as possible thereafter, the 120760  
Director of Environmental Protection shall certify to the Director 120761  
of Budget and Management the cash balance in the DOD Monitoring 120762  
and Oversight Fund (Fund 3K40). The Director of Budget and 120763  
Management shall transfer the certified amount from Fund 3K40 to 120764  
the Federally Supported Response Fund (Fund 3F30). Upon completion 120765  
of the transfer, Fund 3K40 is abolished. The Director shall cancel 120766  
any existing encumbrances against appropriation item 715634, DOD 120767  
Monitoring and Oversight, and re-establish them against 120768  
appropriation item 715632, Federally Supported Response. The 120769  
re-established encumbrance amounts are hereby appropriated. 120770

**Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 120771

Notwithstanding any provision of law to the contrary, on or 120772  
before the first day of September of each fiscal year, the 120773  
Director of Budget and Management, in order to reduce the payment 120774  
of adjustments to the federal government, as determined by the 120775  
plan prepared under division (A) of section 126.12 of the Revised 120776  
Code, may designate such funds as the Director considers necessary 120777  
to retain their own interest earnings. 120778

**Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 120779

Pursuant to the plan for compliance with the Federal Cash 120780  
Management Improvement Act required by section 131.36 of the 120781  
Revised Code, the Director of Budget and Management may cancel and 120782

re-establish all or part of encumbrances in like amounts within 120783  
the funds identified by the plan. The amounts necessary to 120784  
re-establish all or part of encumbrances are hereby appropriated. 120785

**Section 521.60. FISCAL STABILIZATION AND RECOVERY** 120786

To ensure the level of accountability and transparency 120787  
required by federal law, the Director of Budget and Management may 120788  
issue guidelines to any agency applying for federal money made 120789  
available to this state for fiscal stabilization and recovery 120790  
purposes, and may prescribe the process by which agencies are to 120791  
comply with any reporting requirements established by the federal 120792  
government. 120793

**Section 521.70. OVERSIGHT OF FEDERAL STIMULUS FUNDS** 120794

(A) The Office of Internal Auditing within the Office of 120795  
Budget and Management shall, in connection with its duties under 120796  
sections 126.45 to 126.48 of the Revised Code, monitor and measure 120797  
the effectiveness of funds allocated to the state as part of the 120798  
federal American Recovery and Reinvestment Act of 2009. As such, 120799  
the Office of Internal Auditing shall review how funds allocated 120800  
to each state agency are spent. For purposes of this section, 120801  
"state agency" has the same meaning as in division (A) of section 120802  
126.45 of the Revised Code. 120803

In addition to the reports required under section 126.47 of 120804  
the Revised Code, the Office of Internal Auditing shall submit a 120805  
report of its findings to the President of the Senate, Minority 120806  
Leader of the Senate, Speaker of the House of Representatives, 120807  
Minority Leader of the House of Representatives, and the Chairs of 120808  
the committees in the Senate and House of Representatives handling 120809  
finance and appropriations. The report shall be submitted every 120810  
six months at the following intervals: 120811

(1) For the six-month period ending December 31, 2011, not 120812

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| later than February 1, 2012;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 120813                                                                                                                                                       |
| (2) For the six-month period ending June 30, 2012, not later than August 1, 2012;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 120814<br>120815                                                                                                                                             |
| (3) For the six-month period ending December 31, 2012, not later than February 1, 2013;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 120816<br>120817                                                                                                                                             |
| (4) For the six-month period ending June 30, 2013, not later than August 1, 2013.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 120818<br>120819                                                                                                                                             |
| (B) When, as part of its compliance with the federal American Recovery and Reinvestment Act of 2009 requirements to monitor and measure the effectiveness of funds for which the state of Ohio is the prime recipient, and for which reporting authority has not been delegated to a sub-recipient, the Office of Budget and Management submits quarterly reports to the federal government, the Office of Budget and Management shall also submit those reports to the President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, Minority Leader of the House of Representatives, and Chairs and ranking members of the committees in the Senate and House of Representatives handling finance and appropriations. The Office of Budget and Management shall continue to submit quarterly reports to the legislature for the duration of the period in which the state of Ohio is required to make reports to the federal government concerning Ohio's use of the federal American Recovery and Reinvestment Act of 2009 funds. | 120820<br>120821<br>120822<br>120823<br>120824<br>120825<br>120826<br>120827<br>120828<br>120829<br>120830<br>120831<br>120832<br>120833<br>120834<br>120835 |
| <b>Section 521.80.</b> FEDERAL FUNDS FOR HISTORIC PRESERVATION LOAN GUARANTEE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 120836<br>120837                                                                                                                                             |
| (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 120838                                                                                                                                                       |
| (1) "Approved historic rehabilitation project" means a rehabilitation of a historic building that the Director of Development has approved for a rehabilitation tax credit under section 149.311 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 120839<br>120840<br>120841<br>120842                                                                                                                         |

(2) "Federal funds" means federal money available to states 120843  
under the American Recovery and Reinvestment Act of 2009 or any 120844  
other source of federal money available to the states, that may 120845  
lawfully be used for the purposes of this section. 120846

(3) "Owner" and "qualified rehabilitation expenditures" have 120847  
the same meanings as in section 149.311 of the Revised Code. 120848

(B) There is hereby created in the state treasury the Ohio 120849  
Historic Preservation Tax Credit Fund. The fund shall consist of 120850  
money obtained by the Director of Development under division (C) 120851  
of this section. Money in the fund shall be used to secure and pay 120852  
guarantees of loans for approved historic rehabilitation projects 120853  
as provided in this section. 120854

(C) The Director of Development may undertake to secure 120855  
\$75,000,000 of federal funds for crediting to the Ohio Historic 120856  
Preservation Tax Credit Fund. If the Director secures such funds, 120857  
the Director, for the purpose of creating new jobs or preserving 120858  
existing jobs and employment opportunities and improving the 120859  
economic welfare of the people of this state, shall enter into 120860  
loan guarantee contracts under section 166.06 of the Revised Code 120861  
in connection with approved historic rehabilitation projects, 120862  
except that the guarantees shall be secured solely by and be 120863  
payable solely from the Ohio Historic Preservation Tax Credit 120864  
Fund. Money deposited into the Ohio Historic Preservation Tax 120865  
Credit Fund shall be prioritized by providing loan guarantees for 120866  
approved historic rehabilitation projects from the first funding 120867  
round of the Ohio Historic Preservation Tax Credit Program before 120868  
being used to provide loan guarantees for approved historic 120869  
rehabilitation projects approved in subsequent funding rounds. The 120870  
amount of a loan guarantee provided under this section shall not 120871  
exceed the amount of the credit to be awarded for the approved 120872  
historic rehabilitation project. References to the loan guarantee 120873  
fund in divisions (C) and (F) of section 166.06 of the Revised 120874

Code shall be construed as references to the Ohio Historic 120875  
Preservation Tax Credit Fund for the purposes of loan guarantees 120876  
authorized by this section, except that no transfer shall be made 120877  
to the Ohio Historic Preservation Tax Credit Fund from the 120878  
facilities establishment fund as may otherwise be required by that 120879  
section. 120880

(D) Nothing in this section is a determination by the General 120881  
Assembly that federal funds are currently available for the 120882  
purposes of this section. Rather, this section evidences a 120883  
determination by the General Assembly that public purposes will be 120884  
advanced by the use of current or future federal funds for the 120885  
purposes of this section. 120886

**Section 610.10.** That Section 205.10 of Am. Sub. H.B. 114 of 120887  
the 129th General Assembly be amended to read as follows: 120888

**Sec. 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY 120889

State Highway Safety Fund Group 120890

4W40 762321 Operating Expense - \$ 80,003,146 \$ 82,403,240 120891  
BMV

4W40 762410 Registrations \$ 28,945,176 \$ 29,813,532 120892  
Supplement

5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000 120893  
Contributions

7036 761321 Operating Expense - \$ 7,124,366 \$ 7,338,097 120894  
Information and  
Education

7036 761401 Lease Rental Payments \$ 9,978,300 \$ 2,315,700 120895

7036 764033 Minor Capital \$ 1,250,000 \$ 1,250,000 120896  
Projects

7036 764321 Operating Expense - \$ 260,744,934 \$ 258,365,903 120897  
Highway Patrol



|      |        |                                                    |    |            |    |            |        |
|------|--------|----------------------------------------------------|----|------------|----|------------|--------|
| 7036 | 764605 | Motor Carrier<br>Enforcement Expenses              | \$ | 2,860,000  | \$ | 2,860,000  | 120898 |
| 8300 | 761603 | Salvage and Exchange<br>- Administration           | \$ | 19,469     | \$ | 20,053     | 120899 |
| 8310 | 761610 | Information and<br>Education - Federal             | \$ | 422,084    | \$ | 434,746    | 120900 |
| 8310 | 764610 | Patrol - Federal                                   | \$ | 2,209,936  | \$ | 2,276,234  | 120901 |
| 8310 | 764659 | Transportation<br>Enforcement - Federal            | \$ | 5,519,333  | \$ | 5,684,913  | 120902 |
| 8310 | 765610 | EMS - Federal                                      | \$ | 532,007    | \$ | 532,007    | 120903 |
| 8310 | 769610 | Food Stamp<br>Trafficking<br>Enforcement - Federal | \$ | 1,546,319  | \$ | 1,546,319  | 120904 |
| 8310 | 769631 | Homeland Security -<br>Federal                     | \$ | 2,184,000  | \$ | 2,184,000  | 120905 |
| 8320 | 761612 | Traffic Safety -<br>Federal                        | \$ | 16,577,565 | \$ | 16,577,565 | 120906 |
| 8350 | 762616 | Financial<br>Responsibility<br>Compliance          | \$ | 5,457,240  | \$ | 5,549,068  | 120907 |
| 8370 | 764602 | Turnpike Policing                                  | \$ | 11,553,959 | \$ | 11,553,959 | 120908 |
| 8380 | 764606 | Patrol Reimbursement                               | \$ | 50,000     | \$ | 50,000     | 120909 |
| 83C0 | 764630 | Contraband,<br>Forfeiture, Other                   | \$ | 622,894    | \$ | 622,894    | 120910 |
| 83F0 | 764657 | Law Enforcement<br>Automated Data System           | \$ | 9,053,266  | \$ | 9,053,266  | 120911 |
| 83G0 | 764633 | OMVI<br>Enforcement/Education                      | \$ | 623,230    | \$ | 641,927    | 120912 |
| 83J0 | 764693 | Highway Patrol<br>Justice Contraband               | \$ | 2,100,000  | \$ | 2,100,000  | 120913 |
| 83M0 | 765624 | Operating Expense -<br>Trauma and EMS              | \$ | 2,632,106  | \$ | 2,711,069  | 120914 |
| 83N0 | 761611 | Elementary School                                  | \$ | 305,600    | \$ | 305,600    | 120915 |

|       |        |                             |    |             |    |             |        |
|-------|--------|-----------------------------|----|-------------|----|-------------|--------|
|       |        | Seat Belt Program           |    |             |    |             |        |
| 83P0  | 765637 | EMS Grants                  | \$ | 4,106,621   | \$ | 4,229,819   | 120916 |
| 83R0  | 762639 | Local Immobilization        | \$ | 450,000     | \$ | 450,000     | 120917 |
|       |        | Reimbursement               |    |             |    |             |        |
| 83T0  | 764694 | Highway Patrol              | \$ | 21,000      | \$ | 21,000      | 120918 |
|       |        | Treasury Contraband         |    |             |    |             |        |
| 8400  | 764607 | State Fair Security         | \$ | 1,256,655   | \$ | 1,294,354   | 120919 |
| 8400  | 764617 | Security and                | \$ | 6,432,686   | \$ | 6,432,686   | 120920 |
|       |        | Investigations              |    |             |    |             |        |
| 8400  | 764626 | State Fairgrounds           | \$ | 849,883     | \$ | 849,883     | 120921 |
|       |        | Police Force                |    |             |    |             |        |
| 8400  | 769632 | Homeland Security -         | \$ | 737,791     | \$ | 737,791     | 120922 |
|       |        | Operating                   |    |             |    |             |        |
| 8410  | 764603 | Salvage and Exchange        | \$ | 1,339,399   | \$ | 1,339,399   | 120923 |
|       |        | - Highway Patrol            |    |             |    |             |        |
| 8460  | 761625 | Motorcycle Safety           | \$ | 3,185,013   | \$ | 3,280,563   | 120924 |
|       |        | Education                   |    |             |    |             |        |
| 8490  | 762627 | Automated Title             | \$ | 17,316,755  | \$ | 14,335,513  | 120925 |
|       |        | Processing Board            |    |             |    |             |        |
| TOTAL | HSF    | State Highway Safety Fund   | \$ | 490,110,733 | \$ | 481,261,100 | 120926 |
|       |        | Group                       |    |             |    |             |        |
|       |        | General Services Fund Group |    |             |    |             | 120927 |
| 4P60  | 768601 | Justice Program             | \$ | 998,104     | \$ | 1,028,047   | 120928 |
|       |        | Services                    |    |             |    |             |        |
| 4S30  | 766661 | Hilltop Utility             | \$ | 540,800     | \$ | 540,800     | 120929 |
|       |        | Reimbursement               |    |             |    |             |        |
| 5ET0  | 768625 | Drug Law Enforcement        | \$ | 3,780,000   | \$ | 3,893,400   | 120930 |
| 5Y10  | 764695 | Highway Patrol              | \$ | 170,000     | \$ | 170,000     | 120931 |
|       |        | Continuing                  |    |             |    |             |        |
|       |        | Professional Training       |    |             |    |             |        |
| 5Y10  | 767696 | Investigative Unit          | \$ | 15,000      | \$ | 15,000      | 120932 |
|       |        | Continuing                  |    |             |    |             |        |
|       |        | Professional Training       |    |             |    |             |        |

|                                    |    |             |    |             |        |
|------------------------------------|----|-------------|----|-------------|--------|
| TOTAL GSF General Services Fund    | \$ | 5,503,904   | \$ | 5,647,247   | 120933 |
| Group                              |    |             |    |             |        |
| Federal Special Revenue Fund Group |    |             |    |             | 120934 |
| 3290 763645 Federal Mitigation     | \$ | 10,110,332  | \$ | 10,413,642  | 120935 |
| Program                            |    |             |    |             |        |
| 3370 763609 Federal Disaster       | \$ | 27,707,636  | \$ | 27,707,636  | 120936 |
| Relief                             |    |             |    |             |        |
| 3390 763647 Emergency Management   | \$ | 75,664,821  | \$ | 77,934,765  | 120937 |
| Assistance and                     |    |             |    |             |        |
| Training                           |    |             |    |             |        |
| 3CB0 768691 Federal Justice        | \$ | 200,000     | \$ | 50,000      | 120938 |
| Grants - FFY06                     |    |             |    |             |        |
| 3CC0 768609 Justice Assistance     | \$ | 583,222     | \$ | 310,000     | 120939 |
| Grants - FFY07                     |    |             |    |             |        |
| 3CD0 768610 Justice Assistance     | \$ | 310,000     | \$ | 150,000     | 120940 |
| Grants - FFY08                     |    |             |    |             |        |
| 3CE0 768611 Justice Assistance     | \$ | 865,000     | \$ | 1,200,000   | 120941 |
| Grants - FFY09                     |    |             |    |             |        |
| 3CV0 768697 Justice Assistance     | \$ | 2,000       | \$ | 0           | 120942 |
| Grants Supplement -                |    |             |    |             |        |
| FFY08                              |    |             |    |             |        |
| 3DE0 768612 Federal Stimulus -     | \$ | 1,015,000   | \$ | 1,015,000   | 120943 |
| Justice Assistance                 |    |             |    |             |        |
| Grants                             |    |             |    |             |        |
| 3DH0 768613 Federal Stimulus -     | \$ | 150,000     | \$ | 150,000     | 120944 |
| Justice Programs                   |    |             |    |             |        |
| 3DU0 762628 BMV Grants             | \$ | 1,525,000   | \$ | 1,580,000   | 120945 |
| 3EU0 768614 Justice Assistance     | \$ | 650,000     | \$ | 920,000     | 120946 |
| Grants - FFY10                     |    |             |    |             |        |
| 3L50 768604 Justice Program        | \$ | 11,400,000  | \$ | 11,400,000  | 120947 |
| 3N50 763644 U.S. Department of     | \$ | 31,672      | \$ | 31,672      | 120948 |
| Energy Agreement                   |    |             |    |             |        |
| TOTAL FED Federal Special Revenue  | \$ | 130,214,683 | \$ | 132,862,715 | 120949 |

Fund Group

|                                               |                                                        |    |            |    |            |        |
|-----------------------------------------------|--------------------------------------------------------|----|------------|----|------------|--------|
| State Special Revenue Fund Group              |                                                        |    |            |    |            | 120950 |
| 4V30 763662                                   | EMA Service and<br>Reimbursement                       | \$ | 4,368,369  | \$ | 4,499,420  | 120951 |
| 5390 762614                                   | Motor Vehicle Dealers<br>Board                         | \$ | 180,000    | \$ | 185,400    | 120952 |
| 5B90 766632                                   | Private Investigator<br>and Security Guard<br>Provider | \$ | 1,562,637  | \$ | 1,562,637  | 120953 |
| 5BK0 768687                                   | Criminal Justice<br>Services - Operating               | \$ | 400,000    | \$ | 400,000    | 120954 |
| 5BK0 768689                                   | Family Violence<br>Shelter Programs                    | \$ | 750,000    | \$ | 750,000    | 120955 |
| 5CM0 767691                                   | Federal Investigative<br>Seizure                       | \$ | 300,000    | \$ | 300,000    | 120956 |
| 5DS0 769630                                   | Homeland Security                                      | \$ | 1,414,384  | \$ | 1,414,384  | 120957 |
| 5FF0 762621                                   | Indigent Interlock<br>and Alcohol<br>Monitoring        | \$ | 2,000,000  | \$ | 2,000,000  | 120958 |
| 5FL0 769634                                   | Investigations                                         | \$ | 899,300    | \$ | 899,300    | 120959 |
| 6220 767615                                   | Investigative<br>Contraband and<br>Forfeiture          | \$ | 375,000    | \$ | 375,000    | 120960 |
| 6570 763652                                   | Utility Radiological<br>Safety                         | \$ | 1,415,945  | \$ | 1,415,945  | 120961 |
| 6810 763653                                   | SARA Title III HAZMAT<br>Planning                      | \$ | 262,438    | \$ | 262,438    | 120962 |
| 8500 767628                                   | Investigative Unit<br>Salvage                          | \$ | 90,000     | \$ | 92,700     | 120963 |
| TOTAL SSR State Special Revenue<br>Fund Group |                                                        | \$ | 14,018,073 | \$ | 14,157,224 | 120964 |
| Liquor Control Fund Group                     |                                                        |    |            |    |            | 120965 |

|                                           |                           |    |                        |    |                        |        |
|-------------------------------------------|---------------------------|----|------------------------|----|------------------------|--------|
| 7043 767321                               | Liquor Enforcement -      | \$ | <del>11,897,178</del>  | \$ | <del>11,897,178</del>  | 120966 |
|                                           | Operating                 |    | <u>10,450,000</u>      |    | <u>10,600,000</u>      |        |
| TOTAL LCF                                 | Liquor Control Fund Group | \$ | <del>11,897,178</del>  | \$ | <del>11,897,178</del>  | 120967 |
|                                           |                           |    | <u>10,450,000</u>      |    | <u>10,600,000</u>      |        |
| Agency Fund Group                         |                           |    |                        |    |                        | 120968 |
| 5J90 761678                               | Federal Salvage/GSA       | \$ | 1,500,000              | \$ | 1,500,000              | 120969 |
| TOTAL AGY                                 | Agency Fund Group         | \$ | 1,500,000              | \$ | 1,500,000              | 120970 |
| Holding Account Redistribution Fund Group |                           |    |                        |    |                        | 120971 |
| R024 762619                               | Unidentified Motor        | \$ | 1,885,000              | \$ | 1,885,000              | 120972 |
|                                           | Vehicle Receipts          |    |                        |    |                        |        |
| R052 762623                               | Security Deposits         | \$ | 350,000                | \$ | 350,000                | 120973 |
| TOTAL 090                                 | Holding Account           | \$ | 2,235,000              | \$ | 2,235,000              | 120974 |
| Redistribution Fund Group                 |                           |    |                        |    |                        |        |
| TOTAL ALL BUDGET FUND GROUPS              |                           | \$ | <del>655,479,571</del> | \$ | <del>649,560,464</del> | 120975 |
|                                           |                           |    | <u>654,032,393</u>     |    | <u>648,263,286</u>     |        |

MOTOR VEHICLE REGISTRATION 120976

The Registrar of Motor Vehicles may deposit revenues to meet 120977  
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 120978  
4W40) established in section 4501.25 of the Revised Code, obtained 120979  
under sections 4503.02 and 4504.02 of the Revised Code, less all 120980  
other available cash. Revenue deposited pursuant to this paragraph 120981  
shall support, in part, appropriations for operating expenses and 120982  
defray the cost of manufacturing and distributing license plates 120983  
and license plate stickers and enforcing the law relative to the 120984  
operation and registration of motor vehicles. Notwithstanding 120985  
section 4501.03 of the Revised Code, the revenues shall be paid 120986  
into Fund 4W40 before any revenues obtained pursuant to sections 120987  
4503.02 and 4504.02 of the Revised Code are paid into any other 120988  
fund. The deposit of revenues to meet the aforementioned cash 120989  
needs shall be in approximately equal amounts on a monthly basis 120990  
or as otherwise determined by the Director of Budget and 120991  
Management pursuant to a plan submitted by the Registrar of Motor 120992

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| Vehicles.                                                          | 120993 |
| CAPITAL PROJECTS                                                   | 120994 |
| The Registrar of Motor Vehicles may transfer cash from the         | 120995 |
| State Bureau of Motor Vehicles Fund (Fund 4W40) to the State       | 120996 |
| Highway Safety Fund (Fund 7036) to meet its obligations for        | 120997 |
| capital projects CIR-047, Department of Public Safety Office       | 120998 |
| Building and CIR-049, Warehouse Facility.                          | 120999 |
| OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS                           | 121000 |
| The foregoing appropriation item 761401, Lease Rental              | 121001 |
| Payments, shall be used for payments to the Ohio Building          | 121002 |
| Authority for the period July 1, 2011, to June 30, 2013, under the | 121003 |
| primary leases and agreements for public safety related buildings  | 121004 |
| financed by obligations issued under Chapter 152. of the Revised   | 121005 |
| Code. Notwithstanding section 152.24 of the Revised Code, the Ohio | 121006 |
| Building Authority may, with approval of the Director of Budget    | 121007 |
| and Management, lease capital facilities to the Department of      | 121008 |
| Public Safety.                                                     | 121009 |
| HILLTOP TRANSFER                                                   | 121010 |
| The Director of Public Safety shall determine, per an              | 121011 |
| agreement with the Director of Transportation, the share of each   | 121012 |
| debt service payment made out of appropriation item 761401, Lease  | 121013 |
| Rental Payments, that relates to the Department of                 | 121014 |
| Transportation's portion of the Hilltop Building Project, and      | 121015 |
| shall certify to the Director of Budget and Management the amounts | 121016 |
| of this share. The Director of Budget and Management shall         | 121017 |
| transfer the amounts of such shares from the Highway Operating     | 121018 |
| Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036).     | 121019 |
| CASH TRANSFERS TO TRAUMA AND EMERGENCY MEDICAL SERVICES FUND       | 121020 |
| On July 1, 2011, or as soon as possible thereafter, the            | 121021 |
| Director of Budget and Management shall transfer the unexpended    | 121022 |

and unencumbered cash balance in the Seat Belt Education Fund 121023  
(Fund 8440) to the Trauma and Emergency Medical Services Fund 121024  
(Fund 83M0). Upon completion of the transfer, Fund 8440 is 121025  
abolished. The Director shall cancel any existing encumbrances 121026  
against appropriation item 761613, Seat Belt Education Program, 121027  
and reestablish them against appropriation item 765624, Operating 121028  
Expense - Trauma and EMS. The reestablished encumbrance amounts 121029  
are hereby appropriated. 121030

CASH TRANSFERS BETWEEN FUNDS 121031

Notwithstanding any provision of law to the contrary, the 121032  
Director of Budget and Management, upon the written request of the 121033  
Director of Public Safety, may approve the transfer of cash 121034  
between the following six funds: the Trauma and Emergency Medical 121035  
Services Fund (Fund 83M0), the Homeland Security Fund (Fund 5DS0), 121036  
the Investigations Fund (Fund 5FL0), the Emergency Management 121037  
Agency Service and Reimbursement Fund (Fund 4V30), the Justice 121038  
Program Services Fund (Fund 4P60), and the State Bureau of Motor 121039  
Vehicles Fund (Fund 4W40). 121040

CASH TRANSFERS TO SECURITY, INVESTIGATIONS, AND POLICING FUND 121041

Notwithstanding any provision of law to the contrary, the 121042  
Director of Budget and Management, upon the written request of the 121043  
Director of Public Safety, may approve the transfer of cash from 121044  
the Continuing Professional Training Fund (Fund 5Y10), the State 121045  
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0), 121046  
and the Highway Safety Salvage and Exchange Highway Patrol Fund 121047  
(Fund 8410) to the Security, Investigations, and Policing Fund 121048  
(Fund 8400). 121049

CASH TRANSFERS OF SEAT BELT FINE REVENUES 121050

Notwithstanding any provision of law to the contrary, the 121051  
Controlling Board, upon request of the Director of Public Safety, 121052  
may approve the transfer of cash between the following four funds 121053

that receive fine revenues from enforcement of the mandatory seat 121054  
belt law: the Trauma and Emergency Medical Services Fund (Fund 121055  
83M0), the Elementary School Program Fund (Fund 83N0), and the 121056  
Trauma and Emergency Medical Services Grants Fund (Fund 83P0). 121057

STATE DISASTER RELIEF 121058

The State Disaster Relief Fund (Fund 5330) may accept 121059  
transfers of cash and appropriations from Controlling Board 121060  
appropriation items for Ohio Emergency Management Agency disaster 121061  
response costs and disaster program management costs, and may also 121062  
be used for the following purposes: 121063

(A) To accept transfers of cash and appropriations from 121064  
Controlling Board appropriation items for Ohio Emergency 121065  
Management Agency public assistance and mitigation program match 121066  
costs to reimburse eligible local governments and private 121067  
nonprofit organizations for costs related to disasters; 121068

(B) To accept and transfer cash to reimburse the costs 121069  
associated with Emergency Management Assistance Compact (EMAC) 121070  
deployments; 121071

(C) To accept disaster related reimbursement from federal, 121072  
state, and local governments. The Director of Budget and 121073  
Management may transfer cash from reimbursements received by this 121074  
fund to other funds of the state from which transfers were 121075  
originally approved by the Controlling Board. 121076

(D) To accept transfers of cash and appropriations from 121077  
Controlling Board appropriation items to fund the State Disaster 121078  
Relief Program, for disasters that have been declared by the 121079  
Governor, and the State Individual Assistance Program for 121080  
disasters that have been declared by the Governor and the federal 121081  
Small Business Administration. The Ohio Emergency Management 121082  
Agency shall publish and make available application packets 121083  
outlining procedures for the State Disaster Relief Program and the 121084



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| State Individual Assistance Program.                               | 121085 |
| JUSTICE ASSISTANCE GRANT FUND                                      | 121086 |
| The federal payments made to the state for the Byrne Justice       | 121087 |
| Assistance Grants Program under Title II of Division A of the      | 121088 |
| American Recovery and Reinvestment Act of 2009 shall be deposited  | 121089 |
| to the credit of the Justice Assistance Grant Fund (Fund 3DE0),    | 121090 |
| which is hereby created in the state treasury. All investment      | 121091 |
| earnings of the fund shall be credited to the fund.                | 121092 |
| FEDERAL STIMULUS - JUSTICE PROGRAMS                                | 121093 |
| The federal payments made to the state for the Violence            | 121094 |
| Against Women Formula Grant under Title II of Division A of the    | 121095 |
| American Recovery and Reinvestment Act of 2009 shall be deposited  | 121096 |
| to the credit of the Federal Stimulus - Justice Programs Fund      | 121097 |
| (Fund 3DH0).                                                       | 121098 |
| TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT      | 121099 |
| AGENCY SERVICE AND REIMBURSEMENT FUND                              | 121100 |
| On July 1 of each fiscal year, or as soon as possible              | 121101 |
| thereafter, the Director of Budget and Management shall transfer   | 121102 |
| \$200,000 in cash from the State Fire Marshal Fund (Fund 5460) to  | 121103 |
| the Emergency Management Agency Service and Reimbursement Fund     | 121104 |
| (Fund 4V30) to be distributed to the Ohio Task Force One - Urban   | 121105 |
| Search and Rescue Unit and other urban search and rescue programs  | 121106 |
| around the state.                                                  | 121107 |
| FAMILY VIOLENCE PREVENTION FUND                                    | 121108 |
| Notwithstanding any provision of law to the contrary, in each      | 121109 |
| of fiscal years 2012 and 2013, the first \$750,000 received to the | 121110 |
| credit of the Family Violence Prevention Fund (Fund 5BK0) shall be | 121111 |
| appropriated to appropriation item 768689, Family Violence Shelter | 121112 |
| Programs, and the next \$400,000 received to the credit of Fund    | 121113 |
| 5BK0 in each of those fiscal years shall be appropriated to        | 121114 |

appropriation item 768687, Criminal Justice Services - Operating. 121115  
Any moneys received to the credit of Fund 5BK0 in excess of the 121116  
aforementioned appropriated amounts in each fiscal year shall, 121117  
upon the approval of the Controlling Board, be used to provide 121118  
grants to family violence shelters in Ohio. 121119

SARA TITLE III HAZMAT PLANNING 121120

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 121121  
entitled to receive grant funds from the Emergency Response 121122  
Commission to implement the Emergency Management Agency's 121123  
responsibilities under Chapter 3750. of the Revised Code. 121124

COLLECTIVE BARGAINING INCREASES 121125

Notwithstanding division (D) of section 127.14 and division 121126  
(B) of section 131.35 of the Revised Code, except for the General 121127  
Revenue Fund, the Controlling Board may, upon the request of 121128  
either the Director of Budget and Management, or the Department of 121129  
Public Safety with the approval of the Director of Budget and 121130  
Management, increase appropriations for any fund, as necessary for 121131  
the Department of Public Safety, to assist in paying the costs of 121132  
increases in employee compensation that have occurred pursuant to 121133  
collective bargaining agreements under Chapter 4117. of the 121134  
Revised Code and, for exempt employees, under section 124.152 of 121135  
the Revised Code. 121136

CASH BALANCE FUND REVIEW 121137

Not later than the first day of April in each fiscal year of 121138  
the biennium, the Director of Budget and Management shall review 121139  
the cash balances for each fund, except the State Highway Safety 121140  
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 121141  
4W40), in the State Highway Safety Fund Group, and shall recommend 121142  
to the Controlling Board an amount to be transferred to the credit 121143  
of Fund 7036 or Fund 4W40, as appropriate. 121144

**Section 610.11.** That existing Section 205.10 of Am. Sub. H.B. 114 of the 129th General Assembly is hereby repealed.

**Section 620.10.** That Section 125.10 of Am. Sub. H.B. 1 of the 128th General Assembly be amended to read as follows:

**Sec. 125.10.** Sections 5112.40, 5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.46, 5112.47, and 5112.48 of the Revised Code are hereby repealed, effective October 1, ~~2011~~ 2013.

**Section 620.11.** That existing Section 125.10 of Am. Sub. H.B. 1 of the 128th General Assembly is hereby repealed.

**Section 620.12.** The seventh paragraph of Section 812.20 of Am. Sub. H.B. 1 of the 128th General Assembly, which refers to the taking effect of a repeal of sections 5112.40 to 5112.48 of the Revised Code, is repealed.

**Section 620.13.** The intent of Sections 620.10 to 620.12 of this act is to further delay the repeal of sections 5112.40, 5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.46, 5112.47, and 5112.48 of the Revised Code from October 1, 2011, until October 1, 2013.

**Section 630.10.** That Section 5 of Sub. H.B. 125 of the 127th General Assembly, as most recently amended by Sub. H.B. 198 of the 128th General Assembly, be amended to read as follows:

**Sec. 5.** (A) As used in this section and Section 6 of Sub. H.B. 125 of the 127th General Assembly:

(1) "Most favored nation clause" means a provision in a health care contract that does any of the following:

(a) Prohibits, or grants a contracting entity an option to 121170  
prohibit, the participating provider from contracting with another 121171  
contracting entity to provide health care services at a lower 121172  
price than the payment specified in the contract; 121173

(b) Requires, or grants a contracting entity an option to 121174  
require, the participating provider to accept a lower payment in 121175  
the event the participating provider agrees to provide health care 121176  
services to any other contracting entity at a lower price; 121177

(c) Requires, or grants a contracting entity an option to 121178  
require, termination or renegotiation of the existing health care 121179  
contract in the event the participating provider agrees to provide 121180  
health care services to any other contracting entity at a lower 121181  
price; 121182

(d) Requires the participating provider to disclose the 121183  
participating provider's contractual reimbursement rates with 121184  
other contracting entities. 121185

(2) "Contracting entity," "health care contract," "health 121186  
care services," "participating provider," and "provider" have the 121187  
same meanings as in section 3963.01 of the Revised Code, as 121188  
enacted by Sub. H.B. 125 of the 127th General Assembly. 121189

(B) ~~With respect to a contracting entity and a provider other~~ 121190  
~~than a hospital, no~~ No health care contract ~~that includes shall~~ 121191  
contain a most favored nation clause ~~shall be entered into, and no~~ 121192  
~~health care contract at the instance of a contracting entity shall~~ 121193  
~~be amended or renewed to include a most favored nation clause, for~~ 121194  
~~a period of three years after the effective date of Sub. H.B. 125~~ 121195  
~~of the 127th General Assembly.~~ 121196

(C) ~~With respect to a contracting entity and a hospital, no~~ 121197  
~~health care contract that includes a most favored nation clause~~ 121198  
~~shall be entered into, and no health care contract at the instance~~ 121199  
~~of a contracting entity shall be amended or renewed to include a~~ 121200

~~most favored nation clause, for a period of three years after the~~ 121201  
~~effective date of Sub. H.B. 125 of the 127th General Assembly,~~ 121202  
~~subject to extension as provided in Section 6 of Sub. H.B. 125 of~~ 121203  
~~the 127th General Assembly.~~ 121204

~~(D) This section does not apply to and does not prohibit the~~ 121205  
~~continued use of a most favored nation clause in a health care~~ 121206  
~~contract that is between a contracting entity and a hospital and~~ 121207  
~~that is in existence on the effective date of Sub. H.B. 125 of the~~ 121208  
~~127th General Assembly even if the health care contract is~~ 121209  
~~materially amended with respect to any provision of the health~~ 121210  
~~care contract other than the most favored nation clause during the~~ 121211  
~~two year period specified in this section or during any extended~~ 121212  
~~period of time as provided in Section 6 of Sub. H.B. 125 of the~~ 121213  
~~127th General Assembly. This section applies to such contract if~~ 121214  
~~that contract is amended, or to any extension or renewal of that~~ 121215  
~~contract.~~ 121216

**Section 630.11.** That existing Section 5 of Sub. H.B. 125 of 121217  
the 127th General Assembly, as most recently amended by Sub. H.B. 121218  
198 of the 128th General Assembly, is hereby repealed. 121219

**Section 630.12.** That Section 5 of Sub. H.B. 2 of the 127th 121220  
General Assembly is hereby repealed. 121221

**Section 690.10.** That Section 153 of Am. Sub. H.B. 117 of the 121222  
121st General Assembly, as most recently amended by Am. Sub. H.B. 121223  
1 of the 128th General Assembly, be amended to read as follows: 121224

**Sec. 153.** (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 121225  
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 121226  
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 121227  
repealed, effective October 16, ~~2011~~ 2013. 121228

(B) Any money remaining in the Legislative Budget Services 121229

Fund on October 16, ~~2011~~ 2013, the date that section 5112.19 of 121230  
the Revised Code is repealed by division (A) of this section, 121231  
shall be used solely for the purposes stated in then former 121232  
section 5112.19 of the Revised Code. When all money in the 121233  
Legislative Budget Services Fund has been spent after then former 121234  
section 5112.19 of the Revised Code is repealed under division (A) 121235  
of this section, the fund shall cease to exist. 121236

**Section 690.11.** That existing Section 153 of Am. Sub. H.B. 121237  
117 of the 121st General Assembly, as most recently amended by Am. 121238  
Sub. H.B. 1 of the 128th General Assembly, is hereby repealed. 121239

**Section 701.10.** The Department of Administrative Services 121240  
shall post on the Department's Internet web site the form for the 121241  
contract documents that a public authority contracting for 121242  
services with a construction manager at risk or a design-build 121243  
firm must use on and after the date of the posting and until the 121244  
rules adopted under section 153.502 of the Revised Code are 121245  
implemented. 121246

**Section 701.20.** Not later than July 1, 2012, the Department 121247  
of Administrative Services shall submit a report to the General 121248  
Assembly, in accordance with section 101.68 of the Revised Code, 121249  
on the feasibility of all of the following regarding health care 121250  
plans to cover persons employed by political subdivisions, public 121251  
school districts, as defined in section 9.901 of the Revised Code, 121252  
and state institutions of higher education, as defined in section 121253  
3345.011 of the Revised Code: 121254

(A) Designing multiple health care plans that achieve an 121255  
optimal combination of coverage, cost, choice, and stability, 121256  
which plans include both state and regional preferred provider 121257  
plans, set employee and employer premiums, and set employee plan 121258  
copayments, deductibles, exclusions, limitations, formularies, and 121259

|                                                                                                                                                                                                                            |                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| other responsibilities;                                                                                                                                                                                                    | 121260                               |
| (B) Maintaining reserves, reinsurance, and other measures to insure the long-term stability and solvency of the health care plans;                                                                                         | 121261<br>121262<br>121263           |
| (C) Providing appropriate health care information, wellness programs, and other preventive health care measures to health care plan beneficiaries;                                                                         | 121264<br>121265<br>121266           |
| (D) Coordinating contracts for services related to the health care plans;                                                                                                                                                  | 121267<br>121268                     |
| (E) Voluntary and mandatory participation by political subdivisions, public school districts, and institutions of higher education;                                                                                        | 121269<br>121270<br>121271           |
| (F) The potential impacts of any changes to the existing purchasing structure on existing health care pooling and consortiums;                                                                                             | 121272<br>121273<br>121274           |
| (G) Removing barriers to competition and access to health care pooling.                                                                                                                                                    | 121275<br>121276                     |
| No action shall be taken regarding health care coverage for employees of political subdivisions, public school districts, and state institutions of higher education without the enactment of law by the General Assembly. | 121277<br>121278<br>121279<br>121280 |
| <b>Section 701.30. EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES</b>                                                                                                                                                           | 121281                               |
| As used in this section, "appointing authority" has the same meaning as in section 124.01 of the Revised Code, and "exempt employee" has the same meaning as in section 124.152 of the Revised Code.                       | 121282<br>121283<br>121284<br>121285 |
| Notwithstanding section 124.181 of the Revised Code, in cases where no vacancy exists, an appointing authority may, with the written consent of an exempt employee, assign duties of a higher                              | 121286<br>121287<br>121288           |

classification to that exempt employee for a period of time not to 121289  
exceed two years, and that exempt employee shall receive 121290  
compensation at a rate commensurate with the duties of the higher 121291  
classification. 121292

**Section 701.40.** (A) There is hereby created the Ohio Housing 121293  
Study Committee with the purpose of formulating a comprehensive 121294  
review of the policies and results of the Ohio Housing Finance 121295  
Agency, its programs and its working relationships with its 121296  
for-profit and not-for-profit partners to ensure that all Agency 121297  
programs are evaluated by an objective process to ensure all 121298  
Ohioans receive the benefits afforded to them through the 121299  
authority of the Agency. 121300

(B) The Committee shall do all of the following: 121301

(1) Perform a comprehensive review of Chapter 175. of the 121302  
Revised Code to determine the relevance of the chapter and 121303  
determine whether it should be formally reviewed or amended by the 121304  
General Assembly, up to and including appropriate legislative 121305  
oversight and accountability; 121306

(2) Review the Agency's relationships with all of its 121307  
for-profit and not-for-profit partners to ensure an equitable and 121308  
level playing field regarding its single- and multi-family housing 121309  
programs; 121310

(3) Review the Agency's policy leadership and the economic 121311  
impact of its Single Family Mortgage Revenue Bond Program; 121312

(4) Review the Agency's Qualified Allocation Plan development 121313  
process and underlying policy to understand the policy basis for 121314  
its annual creation and ratification by the Board of Directors; 121315

(5) Create a quantitative report measuring the economic 121316  
benefits of the Agency's single- and multi-family programming over 121317  
the last ten years; 121318



(6) Evaluate the possible efficiencies of combining existing Ohio Department of Development housing-related programming with those of the Agency.

The Director of Commerce may include other relevant areas of study as necessary.

(C) The Committee shall commence on the effective date of this act and shall provide a report expressing its findings to the Governor, the Speaker of the House of Representatives, and the President of the Senate on or before January 1, 2012.

(D) The Director of Commerce shall serve as the Committee's chairperson. The Committee shall be comprised of the Director and two members of the General Assembly. One member shall be appointed by the Speaker of the House of Representatives and one member shall be appointed by the President of the Senate.

(E) The Committee shall meet at the discretion of the Director of Commerce.

**Section 701.50.** (A) Except as otherwise provided in section 154.24 or 154.25 of the Revised Code, as enacted by this act, with respect to the functions of the Ohio Public Facilities Commission, the Treasurer of State shall, on the effective date of this section and as provided for in this section, supersede and replace the Ohio Building Authority (referred to in this section as the "Authority") as the issuing authority in all matters relating to the issuance of obligations for the financing of capital facilities for housing branches and agencies of state government as provided for in section 154.24 of the Revised Code or for community or technical colleges as provided for in section 154.25 of the Revised Code (together referred to in this section as "facilities for capital purposes"), as enacted by this act (all referred to in this section as "superseded matters").

(B)(1) With respect to superseded matters and facilities for 121349  
capital purposes, the Treasurer of State shall: 121350

(a) Succeed to and have and perform all of the duties, 121351  
powers, obligations, and functions of the Authority and its 121352  
members and officers provided for by law or rule relating to the 121353  
issuance of bonds, notes, or other obligations for the purpose of 121354  
paying costs of facilities for capital purposes; 121355

(b) Succeed to and have and perform all of the duties, 121356  
powers, obligations, and functions, and have all of the rights of, 121357  
the Authority and its members and officers provided for in or 121358  
pursuant to resolutions, rules, agreements, trust agreements, and 121359  
supplemental trust agreements (all referred to collectively in 121360  
this section as "basic instruments"), and bonds, notes, and other 121361  
obligations (all referred to collectively in this section as 121362  
"financing obligations"), previously authorized, entered into, or 121363  
issued by the Authority for facilities for capital purposes, which 121364  
financing obligations shall be, or shall be deemed to be, 121365  
obligations issued by and of the Treasurer of State; and 121366

(c) Be bound by all agreements and covenants of the 121367  
Authority, and basic instruments, relating to financing 121368  
obligations. 121369

(2) The transfer of superseded matters to the Treasurer of 121370  
State pursuant to this section does not affect the validity of any 121371  
agreement or covenant, basic instrument, or financing obligation, 121372  
or any related document, authorized, entered into, or issued by 121373  
the Authority under Chapter 152. of the Revised Code or other 121374  
laws, and nothing in this section shall be applied or considered 121375  
as impairing the obligations or rights under them. 121376

(3) The Treasurer of State shall not issue any additional 121377  
financing obligations pursuant to any basic instrument of the 121378  
Authority, including financing obligations to refund financing 121379

obligations previously issued by the Authority. 121380

(C) With respect to proceedings relating to superseded 121381  
matters affected by this section: 121382

(1) This section applies to any proceedings that are 121383  
commenced after the effective date of this section, and to any 121384  
proceedings that are pending, in progress, or completed on that 121385  
date, notwithstanding the applicable law previously in effect or 121386  
any provision to the contrary in a prior basic instrument, notice, 121387  
or other proceeding. 121388

(2) Any proceedings of the Authority that are pending on the 121389  
effective date of this section shall be pursued and completed by 121390  
and in the name of the Treasurer of State, and any financing 121391  
obligations that are sold, issued, and delivered pursuant to those 121392  
proceedings shall be deemed to have been authorized, sold, issued, 121393  
and delivered in conformity with this section. 121394

(3) Notwithstanding divisions (C)(1) and (2) of this section, 121395  
the Authority may, subsequent to the effective date of this 121396  
section, meet for the purpose of better accomplishing the transfer 121397  
of superseded matters. At any such meeting the Authority may take 121398  
necessary or appropriate actions to effect an orderly transition 121399  
relating to the issuance of financing obligations, such that all 121400  
duties, powers, obligations, and functions of the Authority and 121401  
its members and officers with respect to the superseded matters or 121402  
under any leases and agreements between the Authority and a state 121403  
agency for facilities for capital purposes shall terminate and be 121404  
of no further force and effect as to the Authority. 121405

(D) The Authority and the Treasurer of State shall prepare 121406  
any necessary amendments of or supplements to documents or basic 121407  
instruments pertaining to the duties, powers, obligations, 121408  
functions, and rights relating to superseded matters to which the 121409  
Treasurer of State succeeds pursuant to this section. The 121410

authorization by the Authority in its basic instruments relating 121411  
to superseded matters for its officers to act in any manner on 121412  
behalf of the Authority shall, on and after the effective date of 121413  
this section, be authorization for the Treasurer of State, or the 121414  
Treasurer of State's staff or employees to whom the Treasurer of 121415  
State may delegate the function, to act in the circumstances, 121416  
without necessity for amendment of or supplement to any such 121417  
documents or basic instruments. 121418

(E) No pending judicial or administrative action or 121419  
proceeding in which the Authority, or its members or officers as 121420  
such, are a party that pertains to superseded matters shall be 121421  
affected by their transfer, but shall be prosecuted or defended in 121422  
the name of the Treasurer of State and in any such action or 121423  
proceeding the Treasurer of State, upon application to the court, 121424  
shall be substituted as a party. 121425

(F) In connection with the duties, powers, obligations, 121426  
functions, and rights relating to superseded matters and provided 121427  
for in this section, on the effective date of this section: 121428

(1) Copies of all basic instruments, documents, books, 121429  
papers, and records of the Authority shall be transferred to the 121430  
Treasurer of State upon request, without necessity for assignment, 121431  
conveyance, or other action by the Authority. 121432

(2) All appropriations previously made to or for the 121433  
Authority for the purposes of the performance of the duties, 121434  
powers, obligations, functions, and exercise of rights relating to 121435  
superseded matters, to the extent of remaining unexpended or 121436  
unencumbered balances, are hereby transferred to and made 121437  
available for use and expenditure by the Treasurer of State for 121438  
performing the same duties, powers, obligations, and functions and 121439  
exercising the same rights for which originally appropriated, and 121440  
payments for administrative expenses previously incurred in 121441  
connection with them shall be made from the applicable 121442

administrative service fund on vouchers approved by the Treasurer 121443  
of State. 121444

(3) All leases and agreements between the Authority and a 121445  
state agency for facilities for capital purposes made under 121446  
Chapter 152. of the Revised Code shall, and shall be considered 121447  
to, continue to bind that state agency. Nothing in this act shall 121448  
be considered as impairing the obligations of any state agency 121449  
under those leases and agreements. 121450

(4) Any lease, grant, or conveyance made to the Authority 121451  
pursuant to section 152.06 of the Revised Code shall be, and shall 121452  
be deemed to be, made to the Ohio Public Facilities Commission 121453  
pursuant to section 154.16 of the Revised Code, and the Ohio 121454  
Public Facilities Commission shall succeed to and have and perform 121455  
all of the duties, powers, obligations, and functions, and have 121456  
all of the rights, of the Authority and its members and officers 121457  
provided for in or pursuant to that lease, grant, or conveyance. 121458

(G) Whenever the Authority, or any of its members or 121459  
officers, is referred to in any contract or other document 121460  
relating to those outstanding financing obligations, the reference 121461  
shall be considered to be, as applicable, to the Ohio Public 121462  
Facilities Commission or its appropriate officers or to the 121463  
Treasurer of State or the appropriate staff of the Treasurer of 121464  
State. 121465

**Section 715.10.** (A) The Ohio Soil and Water Conservation 121466  
Commission that is created in section 1515.02 of the Revised Code 121467  
shall establish a Conservation Program Delivery Task Force to 121468  
provide recommendations to the Director of Natural Resources 121469  
regarding how soil and water conservation districts established 121470  
under section 1515.03 of the Revised Code may advance effective 121471  
and efficient operations while continuing to provide local program 121472  
leadership. The Task Force shall examine methods for improving 121473

services and removing impediments to organizational management and 121474  
explore opportunities for sharing services across all levels of 121475  
government. 121476

(B) The chairperson of the Commission in consultation with 121477  
the Director shall appoint no more than nine members to the Task 121478  
Force. The Task Force shall include members of the boards of 121479  
supervisors of soil and water conservation districts and other 121480  
individuals who represent diverse geographic areas of the state 121481  
and may include members from the Ohio Federation of Soil and Water 121482  
Conservation Districts, the Natural Resources Conservation Service 121483  
in the United States Department of Agriculture, the County 121484  
Commissioners' Association of Ohio, the Ohio Municipal League, and 121485  
the Ohio Township Association. The Task Force may consult with 121486  
those organizations and agencies. 121487

(C) The chairperson of the Commission or another member of 121488  
the Commission who is designated by the chairperson shall serve as 121489  
chairperson of the Task Force. 121490

(D) Members appointed to the Task Force shall serve without 121491  
compensation and shall not be reimbursed for expenses. The 121492  
Division of Soil and Water Resources shall provide technical and 121493  
administrative support as needed by the Task Force. 121494

(E) The Task Force shall hold its first meeting no later than 121495  
September 1, 2011, and shall submit a final report of 121496  
recommendations to the Director and the Commission no later than 121497  
December 31, 2011. Upon submission of the final report, the Task 121498  
Force shall cease to exist. 121499

**Section 733.10.** (A) The Department of Education shall conduct 121500  
and publicize a second Educational Choice Scholarship application 121501  
period for the 2011-2012 school year to award for that year 121502  
scholarships newly authorized by sections 3310.02 and 3310.03 of 121503

the Revised Code, as amended by this act. The second application 121504  
period shall commence on the effective date of this section and 121505  
shall end at the close of business on the first business day that 121506  
is at least sixty days after the effective date of this section. 121507  
121508

(B) Not later than ten days after the effective date of this 121509  
section, the Department shall do both of the following: 121510

(1) Mail, to each person who applied for a scholarship during 121511  
the first application period for the 2011-2012 school year but did 121512  
not receive a scholarship, a notice announcing the second 121513  
application period, the opportunity to re-apply, and the 121514  
application deadline; 121515

(2) Post prominently on its web site a list of school 121516  
district-operated buildings that meet both of the following 121517  
criteria: 121518

(a) For at least two of the three school years from 2007-2008 121519  
through 2009-2010, ranked in the lowest ten per cent of school 121520  
buildings according to performance index score reported under 121521  
section 3302.03 of the Revised Code; 121522

(b) Were not declared to be excellent or effective under that 121523  
section for the 2009-2010 school year. 121524

(C) The Department shall award scholarships for the 2011-2012 121525  
school year from applications submitted during the second 121526  
application period according to the order of priority listed in 121527  
division (B) of section 3310.02 of the Revised Code, as amended by 121528  
this act. The Department shall base its award determinations on 121529  
the applicant students' status during the 2010-2011 school year. 121530

(D) Notwithstanding any provision of sections 3310.01 to 121531  
3310.17 of the Revised Code, any rule of the State Board of 121532  
Education, or any policy of the Department to the contrary, the 121533

Department shall not deny a scholarship to a student for whom an application is submitted during the second application period solely because the student already has been admitted to a chartered nonpublic school for the 2011-2012 school year, if both of the following apply:

(1) A timely application was submitted on the student's behalf during the first application period for the 2011-2012 school year and the student was denied a scholarship solely because the number of applications exceeded the number of available scholarships.

(2) The student either:

(a) Was enrolled, through the final day of scheduled classes for the 2010-2011 school year, in the district school or community school indicated on the student's first application for the 2011-2012 school year;

(b) Is eligible to enroll in kindergarten for the 2011-2012 school year and was not enrolled in kindergarten in a nonpublic school in the 2010-2011 school year.

(E) As used in this section, "enrolled" has the same meaning as in division (E) of section 3317.03 of the Revised Code.

**Section 737.30.** (A) The Manufactured Homes Commission shall adopt the rules required by section 4781.26 of the Revised Code as amended by this act not later than December 1, 2011. After adopting the rules, the Commission immediately shall notify the Director of Health.

(B)(1) The rules governing manufactured home parks adopted by the Public Health Council under former section 3733.02 of the Revised Code as amended by this act shall remain in effect in a health district until the Commission adopts rules under section 4781.26 of the Revised Code as amended by this act.



(2) On the effective date of the rules adopted by the Commission as required by section 4781.26 of the Revised Code as amended by this act, the Public Health Council rules adopted under former section 3733.02 of the Revised Code as amended by this act cease to be effective within the jurisdiction of that board of health.

(C) No board of health of a city or general health district shall invoice or collect manufactured home park licensing fees for calendar year 2012.

(D) As used in this section:

(1) "Manufactured home park," "board of health," and "health district" have the same meanings as in section 3733.01 of the Revised Code.

(2) "Public Health Council" means the Public Health Council created by section 3701.33 of the Revised Code.

Any manufactured home park license and inspection fees collected pursuant to section 3733.04 of the Revised Code by a board of health prior to the transition of the annual license and inspection program to the Manufactured Homes Commission as required under this act in the amount of two thousand dollars or less may be transferred to the health fund of the city or general health district. Any of those funds in excess of two thousand dollars shall be transferred to the Manufactured Homes Commission and deposited in the Manufactured Homes Commission Regulatory Fund created in section 4781.54 of the Revised Code as enacted by this act.

**Section 747.20.** Notwithstanding the original term of the appointment, the term of the Manufactured Homes Commission member who was appointed by the Governor as a representative of the Department of Health pursuant to division (B)(2)(b) of section

4781.02 of the Revised Code shall end on the effective date of 121594  
that section as amended by this act. The initial term of the 121595  
registered sanitarian appointed to the Manufactured Homes 121596  
Commission pursuant to section 4781.02 of the Revised Code, as 121597  
amended by this act, shall expire on the date when the 121598  
representative of the Department of Health's term would have 121599  
expired, but for this section. 121600

**Section 753.10.** (A) As used in this section, "contractor" and 121601  
"facility" have the same meanings as in section 9.06 of the 121602  
Revised Code, as amended by Sections 101.01 and 101.02 of this 121603  
act. 121604

(B)(1) The Director of Administrative Services and the 121605  
Director of Rehabilitation and Correction are hereby authorized to 121606  
award one or more contracts through requests for proposals for the 121607  
operation and management by a contractor of one or more of the 121608  
facilities described in divisions (C) to (G) of this section, 121609  
pursuant to section 9.06 of the Revised Code, and for the transfer 121610  
of the state's right, title, and interest in the real property on 121611  
which the facility is situated and any surrounding land as 121612  
described in those divisions. 121613

(2) If the Director of Administrative Services and the 121614  
Director of Rehabilitation and Correction award a contract of the 121615  
type described in division (B)(1) of this section to a contractor 121616  
regarding a facility described in division (C), (D), (E), (F), or 121617  
(G) of this section, in addition to the requirements, statements, 121618  
and authorizations that must be included in the contract pursuant 121619  
to division (B) of section 9.06 of the Revised Code, the contract 121620  
shall include all of the following regarding the facility that is 121621  
the subject of the contract: 121622

(a) An agreement for the sale to the contractor of the 121623

state's right, title, and interest in the facility, the land 121624  
situated thereon, and specified surrounding land; 121625

(b) A requirement that the contractor provide preferential 121626  
hiring treatment to employees of the Department of Rehabilitation 121627  
and Correction in order to retain staff displaced as a result of 121628  
the transition of the operation and management of the facility and 121629  
to meet the administrative, programmatic, maintenance, and 121630  
security needs of the facility; 121631

(c) Notwithstanding any provision of the Revised Code, 121632  
authorization for the transfer to the contractor of any supplies, 121633  
equipment, furnishings, fixtures, or other assets considered 121634  
necessary by the Director of Rehabilitation and Correction and the 121635  
Director of Administrative Services for the continued operation 121636  
and management of the facility. 121637

(3)(a) If the Director of Administrative Services and the 121638  
Director of Rehabilitation and Correction award a contract of the 121639  
type described in division (B)(1) of this section to a contractor 121640  
regarding a facility described in division (C), (D), (E), (F), or 121641  
(G) of this section, notwithstanding any provision of the Revised 121642  
Code and subject to division (B)(3)(b) of this section, the state 121643  
may transfer to the contractor in accordance with the contract any 121644  
supplies, equipment, furnishings, fixtures, or other assets 121645  
considered necessary by the Director of Rehabilitation and 121646  
Correction and the Director of Administrative Services for the 121647  
continued operation and management of the facility. For purposes 121648  
of this paragraph and the transfer authorized under this 121649  
paragraph, any such supplies, equipment, furnishings, fixtures, or 121650  
other assets shall not be considered supplies, excess supplies, or 121651  
surplus supplies as defined in section 125.12 of the Revised Code 121652  
and may be disposed of as part of the transfer of the facility to 121653  
the contractor. 121654

(b) If the Director of Administrative Services and the 121655

Director of Rehabilitation and Correction award a contract of the 121656  
type described in division (B)(1) of this section to a contractor 121657  
regarding the facility described in division (D) of this section, 121658  
the Director of Rehabilitation and Correction may transfer to 121659  
another state correctional institution to be determined by the 121660  
Director of Rehabilitation and Correction the Braille printing 121661  
press and related accessories located at the facility described in 121662  
division (D) of this section and all programs associated with the 121663  
Braille printing press. 121664

(4) Nothing in divisions (B)(1) to (3) or divisions (C) to 121665  
(G) of this section restricts the department of rehabilitation and 121666  
correction from contracting for only the private operation and 121667  
management of any of the facilities described in divisions (C) to 121668  
(G) of this section. 121669

(C)(1) As used in division (C) of this section, "grantee" 121670  
means an entity that has contracted under section 9.06 of the 121671  
Revised Code to privately operate the Lake Erie Correctional 121672  
Facility, if the contract includes the clauses described in 121673  
division (B)(2) of this section for the purchase of that Facility. 121674

(2) The Governor is authorized to execute a deed in the name 121675  
of the state conveying to the grantee, its successors and assigns, 121676  
all of the right, title, and interest of the state in the Lake 121677  
Erie Correctional Facility, in the City of Conneaut, County of 121678  
Ashtabula, State of Ohio, the land situated thereon, and any 121679  
surrounding land, which totals approximately 119 acres. 121680

In preparing the deed, the Auditor of State, with the 121681  
assistance of the Attorney General, shall develop a legal 121682  
description of the property in conformity with the actual bounds 121683  
of the real estate. 121684

(3) Consideration for conveyance of the real estate shall be 121685  
set forth in the contract awarded to the grantee and shall be paid 121686

in accordance with the terms of the contract. 121687

(4)(a) The deed may contain any restriction that the Director 121688  
of Administrative Services and the Director of Rehabilitation and 121689  
Correction determine is reasonably necessary to protect the 121690  
state's interest in neighboring state-owned land. 121691

(b) The deed also shall contain restrictions prohibiting the 121692  
grantee from using, developing, or selling the real estate, or the 121693  
correctional facility thereon, except in conformance with the 121694  
restriction, or if the use, development, or sale will interfere 121695  
with the quiet enjoyment of the neighboring state-owned land. 121696

(5) The real estate shall be sold as an entire tract and not 121697  
in parcels. 121698

(6) Upon payment of the purchase price as set forth in the 121699  
contract awarded to the grantee, the Auditor of State, with the 121700  
assistance of the Attorney General, shall prepare a deed to the 121701  
real estate. The deed shall state the consideration and 121702  
restrictions and shall be executed by the Governor in the name of 121703  
the state, countersigned by the Secretary of State, sealed with 121704  
the Great Seal of the State, presented in the Office of the 121705  
Auditor of State for recording, and delivered to the grantee. The 121706  
grantee shall present the deed for recording in the Office of the 121707  
Ashtabula County Recorder. 121708

(7) The grantee shall pay all costs associated with the 121709  
purchase and conveyance of the real estate, including recordation 121710  
costs of the deed. 121711

(8) The proceeds of the conveyance of the real estate shall 121712  
be deposited into the state treasury to the credit of the Adult 121713  
and Juvenile Correctional Facilities Bond Retirement Fund and 121714  
shall be used to redeem or defease bonds in accordance with 121715  
section 5120.092 of the Revised Code, and any remaining moneys 121716  
after such redemption or defeasance shall be transferred in 121717

accordance with that section to the General Revenue Fund. 121718

(9) Division (C) of this section does not restrict the 121719  
Department of Rehabilitation and Correction from contracting, not 121720  
for the sale of, but only for the private operation and management 121721  
of the Lake Erie Correctional Facility. 121722

(10) Division (C) of this section expires two years after its 121723  
effective date. 121724

(D)(1) As used in division (D) of this section, "grantee" 121725  
means an entity that has contracted under section 9.06 of the 121726  
Revised Code to privately operate the Grafton Correctional 121727  
Institution, if the contract includes the clauses described in 121728  
division (B)(2) of this section for the purchase of that 121729  
Institution. 121730

(2) The Governor is authorized to execute a deed in the name 121731  
of the state conveying to the grantee, its successors and assigns, 121732  
all of the right, title, and interest of the state in the Grafton 121733  
Correctional Institution, in the City of Grafton, County of 121734  
Lorain, State of Ohio, the land situated thereon, and any 121735  
surrounding land, which totals approximately 148 acres. 121736

In preparing the deed, the Auditor of State, with the 121737  
assistance of the Attorney General, shall develop a legal 121738  
description of the property in conformity with the actual bounds 121739  
of the real estate. 121740

(3) Consideration for conveyance of the real estate shall be 121741  
set forth in the contract awarded to the grantee and shall be paid 121742  
in accordance with the terms of the contract. 121743

(4)(a) The deed may contain any restriction that the Director 121744  
of Administrative Services and the Director of Rehabilitation and 121745  
Correction determine is reasonably necessary to protect the 121746  
state's interest in neighboring state-owned land. 121747

(b) The deed also shall contain restrictions prohibiting the grantee from using, developing, or selling the real estate, or the correctional facility thereon, except in conformance with the restriction, or if the use, development, or sale will interfere with the quiet enjoyment of the neighboring state-owned land.

(5) The real estate shall be sold as an entire tract and not in parcels.

(6) Upon payment of the purchase price as set forth in the contract awarded to the grantee, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and restrictions and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the Lorain County Recorder.

(7) The grantee shall pay all costs associated with the purchase and conveyance of the real estate, including recordation costs of the deed.

(8) The proceeds of the conveyance of the real estate shall be deposited into the state treasury to the credit of the Adult and Juvenile Correctional Facilities Bond Retirement Fund and shall be used to redeem or defease bonds in accordance with section 5120.092 of the Revised Code, and any remaining moneys after such redemption or defeasance shall be transferred in accordance with that section to the General Revenue Fund.

(9) Division (D) of this section does not restrict the Department of Rehabilitation and Correction from contracting, not for the sale of, but only for the private operation and management of the Grafton Correctional Institution.

(10) Division (D) of this section expires two years after its effective date. 121779  
121780

(E)(1) As used in division (E) of this section, "grantee" means an entity that has contracted under section 9.06 of the Revised Code to privately operate the North Coast Correctional Treatment Facility, if the contract includes the clauses described in division (B)(2) of this section for the purchase of that Facility. 121781  
121782  
121783  
121784  
121785  
121786

(2) The Governor is authorized to execute a deed in the name of the state conveying to the grantee, its successors and assigns, all of the right, title, and interest of the state in the North Coast Correctional Treatment Facility, in the City of Grafton, County of Lorain, State of Ohio, the land situated thereon, and any surrounding land, which totals approximately 171 acres. 121787  
121788  
121789  
121790  
121791  
121792

In preparing the deed, the Auditor of State, with the assistance of the Attorney General, shall develop a legal description of the property in conformity with the actual bounds of the real estate. 121793  
121794  
121795  
121796

(3) Consideration for conveyance of the real estate shall be set forth in the contract awarded to the grantee and shall be paid in accordance with the terms of the contract. 121797  
121798  
121799

(4)(a) The deed may contain any restriction that the Director of Administrative Services and the Director of Rehabilitation and Correction determine is reasonably necessary to protect the state's interest in neighboring state-owned land. 121800  
121801  
121802  
121803

(b) The deed also shall contain restrictions prohibiting the grantee from using, developing, or selling the real estate, or the correctional facility thereon, except in conformance with the restriction, or if the use, development, or sale will interfere with the quiet enjoyment of the neighboring state-owned land. 121804  
121805  
121806  
121807  
121808

(5) The real estate shall be sold as an entire tract and not 121809



in parcels. 121810

(6) Upon payment of the purchase price as set forth in the 121811  
contract awarded to the grantee, the Auditor of State, with the 121812  
assistance of the Attorney General, shall prepare a deed to the 121813  
real estate. The deed shall state the consideration and 121814  
restrictions and shall be executed by the Governor in the name of 121815  
the state, countersigned by the Secretary of State, sealed with 121816  
the Great Seal of the State, presented in the Office of the 121817  
Auditor of State for recording, and delivered to the grantee. The 121818  
grantee shall present the deed for recording in the Office of the 121819  
Lorain County Recorder. 121820

(7) The grantee shall pay all costs associated with the 121821  
purchase and conveyance of the real estate, including recordation 121822  
costs of the deed. 121823

(8) The proceeds of the conveyance of the real estate shall 121824  
be deposited into the state treasury to the credit of the Adult 121825  
and Juvenile Correctional Facilities Bond Retirement Fund and 121826  
shall be used to redeem or defease bonds in accordance with 121827  
section 5120.092 of the Revised Code, and any remaining moneys 121828  
after such redemption or defeasance shall be transferred in 121829  
accordance with that section to the General Revenue Fund. 121830

(9) Division (E) of this section does not restrict the 121831  
Department of Rehabilitation and Correction from contracting, not 121832  
for the sale of, but only for the private operation and management 121833  
of the North Coast Correctional Treatment Facility. 121834

(10) Division (E) of this section expires two years after its 121835  
effective date. 121836

(F)(1) As used in division (F) of this section, "grantee" 121837  
means an entity that has contracted under section 9.06 of the 121838  
Revised Code to privately operate the North Central Correctional 121839  
Institution, if the contract includes the clauses described in 121840

division (B)(2) of this section for the purchase of that 121841  
Institution. 121842

(2) The Governor is authorized to execute a deed in the name 121843  
of the state conveying to the grantee, its successors and assigns, 121844  
all of the right, title, and interest of the state in the North 121845  
Central Correctional Institution, in the City of Marion, County of 121846  
Marion, State of Ohio, the land situated thereon, and any 121847  
surrounding land, which totals approximately 152 acres. 121848

In preparing the deed, the Auditor of State, with the 121849  
assistance of the Attorney General, shall develop a legal 121850  
description of the property in conformity with the actual bounds 121851  
of the real estate. 121852

(3) Consideration for conveyance of the real estate shall be 121853  
set forth in the contract awarded to the grantee and shall be paid 121854  
in accordance with the terms of the contract. 121855

(4)(a) The deed may contain any restriction that the Director 121856  
of Administrative Services and the Director of Rehabilitation and 121857  
Correction determine is reasonably necessary to protect the 121858  
state's interest in neighboring state-owned land. 121859

(b) The deed also shall contain restrictions prohibiting the 121860  
grantee from using, developing, or selling the real estate, or the 121861  
correctional facility thereon, except in conformance with the 121862  
restriction, or if the use, development, or sale will interfere 121863  
with the quiet enjoyment of the neighboring state-owned land. 121864

(5) The real estate shall be sold as an entire tract and not 121865  
in parcels. 121866

(6) Upon payment of the purchase price as set forth in the 121867  
contract awarded to the grantee, the Auditor of State, with the 121868  
assistance of the Attorney General, shall prepare a deed to the 121869  
real estate. The deed shall state the consideration and 121870  
restrictions and shall be executed by the Governor in the name of 121871

the state, countersigned by the Secretary of State, sealed with 121872  
the Great Seal of the State, presented in the Office of the 121873  
Auditor of State for recording, and delivered to the grantee. The 121874  
grantee shall present the deed for recording in the Office of the 121875  
Marion County Recorder. 121876

(7) The grantee shall pay all costs associated with the 121877  
purchase and conveyance of the real estate, including recordation 121878  
costs of the deed. 121879

(8) The proceeds of the conveyance of the real estate shall 121880  
be deposited into the state treasury to the credit of the Adult 121881  
and Juvenile Correctional Facilities Bond Retirement Fund and 121882  
shall be used to redeem or defease bonds in accordance with 121883  
section 5120.092 of the Revised Code, and any remaining moneys 121884  
after such redemption or defeasance shall be transferred in 121885  
accordance with that section to the General Revenue Fund. 121886

(9) Division (F) of this section does not restrict the 121887  
Department of Rehabilitation and Correction from contracting, not 121888  
for the sale of, but only for the private operation and management 121889  
of the North Central Correctional Institution. 121890

(10) Division (F) of this section expires two years after its 121891  
effective date. 121892

(G)(1)(a) As used in division (G) of this section, "grantee" 121893  
means an entity that has contracted under section 9.06 of the 121894  
Revised Code to privately operate a facility at the North Central 121895  
Correctional Institution Camp, if the contract includes the 121896  
clauses described in division (B)(2) of this section for the 121897  
purchase of that facility. 121898

(b) Jurisdiction of the facility described in division 121899  
(G)(1)(a) of this section, which is a vacated facility previously 121900  
operated by the Department of Youth Services adjacent to the North 121901  
Central Correctional Institution, is hereby transferred from the 121902

Department of Youth Services to the Department of Rehabilitation and Correction. The transfer of jurisdiction of that facility is hereby ratified and approved.

(2) The Governor is authorized to execute a deed in the name of the state conveying to the grantee, its successors and assigns, all of the right, title, and interest of the state in the North Central Correctional Institution Camp, in the City of Marion, County of Marion, State of Ohio, the land situated thereon, and any surrounding land, which totals approximately 106 acres.

In preparing the deed, the Auditor of State, with the assistance of the Attorney General, shall develop a legal description of the property in conformity with the actual bounds of the real estate.

(3) Consideration for conveyance of the real estate shall be set forth in the contract awarded to the grantee and shall be paid in accordance with the terms of the contract.

(4)(a) The deed may contain any restriction that the Director of Administrative Services and the Director of Rehabilitation and Correction determine is reasonably necessary to protect the state's interest in neighboring state-owned land.

(b) The deed also shall contain restrictions prohibiting the grantee from using, developing, or selling the real estate, or the correctional facility thereon, except in conformance with the restriction, or if the use, development, or sale will interfere with the quiet enjoyment of the neighboring state-owned land.

(5) The real estate shall be sold as an entire tract and not in parcels.

(6) Upon payment of the purchase price as set forth in the contract awarded to the grantee, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and

restrictions and shall be executed by the Governor in the name of 121934  
the state, countersigned by the Secretary of State, sealed with 121935  
the Great Seal of the State, presented in the Office of the 121936  
Auditor of State for recording, and delivered to the grantee. The 121937  
grantee shall present the deed for recording in the Office of the 121938  
Marion County Recorder. 121939

(7) The grantee shall pay all costs associated with the 121940  
purchase and conveyance of the real estate, including recordation 121941  
costs of the deed. 121942

(8) The proceeds of the conveyance of the real estate shall 121943  
be deposited into the state treasury to the credit of the Adult 121944  
and Juvenile Correctional Facilities Bond Retirement Fund and 121945  
shall be used to redeem or defease bonds in accordance with 121946  
section 5120.092 of the Revised Code, and any remaining moneys 121947  
after such redemption or defeasance shall be transferred in 121948  
accordance with that section to the General Revenue Fund. 121949

(9) Division (G) of this section does not restrict the 121950  
Department of Rehabilitation and Correction from contracting, not 121951  
for the sale of, but only for the private operation and management 121952  
of the North Central Correctional Institution Camp. 121953

(10) Division (G) of this section expires two years after its 121954  
effective date. 121955

**Section 753.20.** (A) The Governor is authorized to execute a 121956  
deed in the name of the state conveying to the Ripley Union Lewis 121957  
Huntington School District, its successors and assigns, all of the 121958  
state's right, title, and interest in the following described real 121959  
estate: 121960

I 121961

Starting at a 5/8" iron pin found on the southerly 121962  
right-of-way line of Outer Drive, the northeasterly line of Edward 121963

and Eva K. Farnbach and Michael S. Pfeffer, Trustee at the 121964  
northwesterly corner of L.J. Germann's Addition as recorded in 121965  
Plat Book C-3, page 204, slide 213 in the Brown County, Ohio 121966  
Recorder's Office; 121967

Thence with the southerly right-of-way line of said Outer 121968  
Drive and with the northerly line of said Farnbach and Pfeffer for 121969  
the next four (4) courses; 121970

South 63 degrees 34 minutes 18 seconds West a distance of 121971  
24.20 feet; 121972

South 79 degrees 33 minutes 23 seconds West a distance of 121973  
92.60 feet; 121974

South 75 degrees 58 minutes 20 seconds West a distance of 121975  
347.02 feet; 121976

South 84 degrees 53 minutes 30 seconds West a distance of 121977  
10.54 feet; 121978

Thence with a line through the land of said Farnbach and 121979  
Pfeffer for the next two (2) courses: 121980

South 21 degrees 11 minutes 23 seconds West a distance of 121981  
43.58 feet; 121982

South 0 degrees 25 minutes 20 seconds West a distance of 121983  
586.49 feet to a point on the southerly line of said Farnbach and 121984  
Pfeffer and on the northerly line of Michael Ray Schwallie; 121985

Thence with a line through the land of said Schwallie for the 121986  
next two (2) courses: 121987

South 0 degrees 25 minutes 20 seconds West a distance of 121988  
227.62 feet; 121989

South 35 degrees 47 minutes 10 seconds East a distance of 121990  
523.46 feet to a point on the southerly line of said Schwallie and 121991  
on the northerly line of the State of Ohio; 121992

|                                                                      |        |
|----------------------------------------------------------------------|--------|
| Thence with a line through the land of said State of Ohio            | 121993 |
| three (3) courses:                                                   | 121994 |
| South 35 degrees 47 minutes 10 seconds East a distance of            | 121995 |
| 29.17 feet;                                                          | 121996 |
| South 6 degrees 22 minutes 58 seconds West a distance of             | 121997 |
| 29.21 feet;                                                          | 121998 |
| South 51 degrees 22 minutes 58 seconds West a distance of            | 121999 |
| 583.46 feet and <i>the true point of beginning</i> ;                 | 122000 |
| Thence from said <i>true point of beginning</i> and through the land | 122001 |
| of said State of Ohio for the next five (5) courses:                 | 122002 |
| On a curve to the left having a radius of 300.00 feet, an            | 122003 |
| interior angle of 37 degrees 00 minutes 54 seconds, an arc length    | 122004 |
| of 193.81 feet, a chord bearing of South 76 degrees 58 minutes 37    | 122005 |
| seconds East for a chord length of 190.46 feet;                      | 122006 |
| South 58 degrees 28 minutes 11 seconds East a distance of            | 122007 |
| 284.98 feet;                                                         | 122008 |
| On a curve to the left having a radius of 300.00 feet, an            | 122009 |
| interior angle of 180 degrees 00 minutes 00 seconds, an arc length   | 122010 |
| of 942.48 feet, a chord bearing of South 31 degrees 31 minutes 49    | 122011 |
| seconds West for a chord length of 600.00 feet;                      | 122012 |
| North 58 degrees 28 minutes 11 seconds West a distance of            | 122013 |
| 284.98 feet;                                                         | 122014 |
| On a curve to the right having a radius of 300.00 feet, an           | 122015 |
| interior angle of 142 degrees 59 minutes 08 seconds, an arc length   | 122016 |
| of 748.67 feet, a chord bearing of North 13 degrees 01 minutes 23    | 122017 |
| seconds East for a chord length of 568.97 feet and CONTAINING        | 122018 |
| 3.925 Acres                                                          | 122019 |
| This description was prepared by Christopher S. Renshaw,             | 122020 |
| P.S., Ohio Registration No. 8319 on 16 October 2009.                 | 122021 |
| II                                                                   | 122022 |

Starting at 5/8" iron pin found on the southerly right-of-way 122023  
line of Outer Drive, the northeasterly corner of Edward and Eva K. 122024  
Farnbach and Michael S. Pfeffer, Trustee at the northwesterly 122025  
corner of L.J. Germann's Addition as recorded in Plat Book C-3, 122026  
page 204, slide 213 in the Brown County, Ohio Recorder's Office; 122027

Thence with the southerly right-of-way line of Outer Drive 122028  
and with the northerly line of Edward and Eva K. Farnbach, etal 122029  
for the next three (3) courses: 122030

South 63 degrees 34 minutes 18 seconds West a distance of 122031  
24.20 feet; 122032

South 79 degrees 33 minutes 23 seconds West a distance of 122033  
92.60 feet; 122034

South 75 degrees 58 minutes 20 seconds West a distance of 122035  
340.45 feet; 122036

Thence through the land of said Farnbach for the next two (2) 122037  
courses: 122038

South 21 degrees 11 minutes 23 seconds West a distance of 122039  
49.42 feet; 122040

South 0 degrees 25 minutes 20 seconds West a distance of 122041  
571.70 feet to a point on the southerly line of said Farnbach and 122042  
on the northerly line of Michael Ray Schwallie; 122043

Thence through the land of said Schwallie for the next two 122044  
(2) courses: 122045

South 0 degrees 25 minutes 20 seconds West a distance of 122046  
234.76 feet; 122047

South 35 degrees 47 minutes 10 seconds East a distance of 122048  
518.08 feet to a point on the southerly line of said Schwallie and 122049  
on the northerly line of the State of Ohio and *the true point of* 122050  
*beginning*; said point being on the easterly line of said real 122051  
estate; 122052



Thence from said *the true point of beginning* and with a line 122053  
through the land of said State of Ohio seven (7) courses: 122054

South 35 degrees 47 minutes 10 seconds East a distance of 122055  
35.43 feet; 122056

South 6 degrees 22 minutes 58 seconds West a distance of 122057  
41.21 feet; 122058

South 51 degrees 22 minutes 58 seconds West a distance of 122059  
568.72 feet; 122060

On a curve to the left having a radius of 300.00 feet, an 122061  
interior angle of 20 degrees 37 minutes 27 seconds, an arc length 122062  
of 107.99 feet, a chord bearing of South 79 degrees 07 minutes 37 122063  
seconds West for a chord length of 107.41 feet; 122064

North 51 degrees 22 minutes 58 seconds East a distance of 122065  
643.06 feet; 122066

North 6 degrees 22 minutes 57 seconds East a distance of 1.22 122067  
feet; 122068

North 35 degrees 47 minutes 10 seconds West a distance of 122069  
14.58 feet to a point on the southerly line of said Schwallie and 122070  
on the northerly line of said State of Ohio; 122071

Thence with the southerly line of said Schwallie and on the 122072  
northerly line of said State of Ohio North 52 degrees 24 minutes 122073  
43 seconds East a distance of 50.02 feet to the place of beginning 122074  
and CONTAINING 0.740 Acres. 122075

This description was prepared by Christopher S. Renshaw, 122076  
P.S., Ohio Registration No. 8319 on 16 October 2009. 122077

III 122078

Starting at a 5/8" iron pin found on the southerly 122079  
right-of-way line of Outer Drive, the northeasterly corner of 122080  
Edward and Eva K. Farnbach and Michael S. Pfeffer, Trustee at the 122081  
northwesterly corner of L.J. Germann's Addition as recorded in 122082

|                                                                            |        |
|----------------------------------------------------------------------------|--------|
| Plat Book C-3, page 204, slide 213 in the Brown County, Ohio               | 122083 |
| Recorder's Office;                                                         | 122084 |
| Thence with the southerly right-of-way line of said Outer                  | 122085 |
| Drive and with the northerly line of said Farnbach and Pfeffer for         | 122086 |
| the next four (4) courses:                                                 | 122087 |
| South 63 degrees 34 minutes 18 seconds West a distance of                  | 122088 |
| 24.20 feet;                                                                | 122089 |
| South 79 degrees 33 minutes 23 seconds West a distance of                  | 122090 |
| 92.60 feet;                                                                | 122091 |
| South 75 degrees 58 minutes 20 seconds West a distance of                  | 122092 |
| 347.02 feet;                                                               | 122093 |
| South 84 degrees 53 minutes 30 seconds West a distance of                  | 122094 |
| 10.54 feet;                                                                | 122095 |
| Thence with a line through the land of said Farnbach and                   | 122096 |
| Pfeffer for the next two (2) courses:                                      | 122097 |
| South 21 degrees 11 minutes 23 seconds West a distance of                  | 122098 |
| 43.58 feet;                                                                | 122099 |
| South 0 degrees 25 minutes 20 seconds West a distance of                   | 122100 |
| 586.49 feet to a point on the southerly line of said Farnbach              | 122101 |
| Pfeffer and on the northerly line of Michael Ray Schwallie;                | 122102 |
| Thence with a line through the land of said Schwallie for the              | 122103 |
| next two (2) courses:                                                      | 122104 |
| South 0 degrees 25 minutes 20 seconds West a distance of                   | 122105 |
| 227.62 feet;                                                               | 122106 |
| South 35 degrees 47 minutes 10 seconds East a distance of                  | 122107 |
| 523.46 feet to a point on the southerly line of said Schwallie and         | 122108 |
| on the northerly line of the State of Ohio and <i>the true point of</i>    | 122109 |
| <i>beginning</i> , said beginning point being on the easterly line of said | 122110 |
| real estate;                                                               | 122111 |

Thence from said *the true point of beginning* and with a line 122112  
through the land of said State of Ohio seven (7) courses: 122113

South 35 degrees 47 minutes 10 seconds East a distance of 122114  
29.17 feet; 122115

South 6 degrees 22 minutes 58 seconds West a distance of 122116  
29.21 feet; 122117

South 51 degrees 22 minutes 58 seconds West a distance of 122118  
583.46 feet; 122119

On a curve to the left having a radius of 300.00 feet, an 122120  
interior angle of 7 degrees 49 minutes 53 seconds, an arc length 122121  
of 41.01 feet, a chord bearing of South 80 degrees 35 minutes 59 122122  
seconds West for a chord length of 40.97 feet; 122123

North 51 degrees 22 minutes 58 seconds East a distance of 122124  
610.94 feet; 122125

North 6 degrees 22 minutes 58 seconds East a distance of 122126  
13.22 feet; 122127

North 35 degrees 47 minutes 10 seconds West a distance of 122128  
20.83 feet to a point on the southerly line of said Schwallie and 122129  
on the northerly line of said State of Ohio; 122130

Thence with the southerly line of said Schwallie and on the 122131  
northerly line of said State of Ohio North 52 degrees 24 minutes 122132  
43 seconds East a distance of 20.01 feet to the place of beginning 122133  
and CONTAINING 0.295 Acres. 122134

This description was prepared by Christopher S. Renshaw, 122135  
P.S., Ohio Registration No. 8319 on 16 October 2009. 122136

IV 122137

Starting at a spike found in the centerline of U.S. Route No. 122138  
52, 62 & 68, at the southeasterly corner of Surgical Appliance 122139  
Industries, Inc.'s 2.00 Acre tract as recorded in Deed Book 164, 122140  
page 778 in the Brown County, Ohio Recorder's Office; 122141

Thence with the line of said Surgical Appliance Industries, 122142  
Inc. South 52 degrees 38 minutes 52 seconds West a distance of 122143  
80.00 feet to a point on the on the southerly right-of-way line of 122144  
said U.S. Route No. 52, 62 & 68; 122145

Thence with the southerly right-of-way line of said U.S. 122146  
Route No. 52, 62 & 68 South 36 degrees 23 minutes 01 seconds East 122147  
a distance of 19.72 feet to *the true point of beginning*; 122148

South 52 degrees 41 minutes 03 seconds West a distance of 122149  
260.37 feet; 122150

South 49 degrees 59 minutes 41 seconds West a distance of 122151  
179.65 feet; 122152

On a curve to the left having a radius of 200.00 feet, an 122153  
interior angle of 43 degrees 45 minutes 50 seconds, an arc length 122154  
of 152.76 feet, a chord bearing of South 28 degrees 06 minutes 46 122155  
seconds West for a chord length of 149.08 feet; 122156

South 6 degrees 13 minutes 51 seconds West a distance of 122157  
204.40 feet; 122158

On a curve to the left having a radius of 100.00 feet, an 122159  
interior angle of 44 degrees 44 minutes 55 seconds, an arc length 122160  
of 78.10 feet, a chord bearing of South 16 degrees 08 minutes 36 122161  
seconds East for a chord length of 76.13 feet; 122162

South 38 degrees 31 minutes 04 seconds East a distance of 122163  
266.21 feet; 122164

On a curve to the left having a radius of 50.00 feet, an 122165  
interior angle of 53 degrees 35 minutes 34 seconds, an arc length 122166  
of 46.77 feet, a chord bearing of South 65 degrees 18 minutes 51 122167  
seconds East for a chord length of 45.08 feet; 122168

North 87 degrees 53 minutes 23 seconds East a distance of 122169  
6.15 feet; 122170

On a curve to the right having a radius of 12.50 feet, an 122171

interior angle of 143 degrees 13 minutes 01 seconds, an arc length 122172  
of 31.25 feet, a chord bearing of South 20 degrees 30 minutes 07 122173  
seconds East for a chord length of 23.72; 122174

South 51 degrees 40 minutes 10 seconds West a distance of 122175  
345.58 feet; 122176

On a curve to the left having a radius of 125.00 feet, an 122177  
interior angle of 43 degrees 33 minutes 25 seconds, an arc length 122178  
of 95.03 feet, a chord bearing of South 29 degrees 53 minutes 28 122179  
seconds West for a chord length of 92.75 feet; 122180

South 8 degrees 06 minutes 45 seconds West a distance of 122181  
65.53 feet; 122182

On a curve to the right have a radius of 63.00 feet, an 122183  
interior angle of 91 degrees 48 minutes 38 seconds, an arc length 122184  
of 100.95 feet, a chord bearing of South 54 degrees 01 minutes 04 122185  
seconds West for a chord length of 90.49 feet; 122186

North 80 degrees 04 minutes 37 seconds West a distance of 122187  
579.25 feet; 122188

On a curve to the right having a radius of 150.00 feet, an 122189  
interior angle of 26 degrees 20 minutes 16 seconds, an arc length 122190  
of 68.95 feet, a chord bearing of North 66 degrees 54 minutes 29 122191  
seconds West for a chord length of 68.35 feet; 122192

North 53 degrees 44 minutes 21 seconds West a distance of 122193  
229.52 feet; 122194

North 46 degrees 10 minutes 36 seconds West a distance of 122195  
25.00 feet; 122196

North 52 degrees 49 minutes 16 seconds West a distance of 122197  
55.12 feet; 122198

On a curve to the left having a radius of 205.00 feet, an 122199  
interior angle of 75 degrees 47 minutes 45 seconds, an arc length 122200  
of 271.19 feet, a chord bearing of South 89 degrees 16 minutes 52 122201

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| seconds West for a chord length of 251.85 feet;                    | 122202 |
| South 51 degrees 22 minutes 58 seconds West a distance of          | 122203 |
| 139.29 feet;                                                       | 122204 |
| On a curve to the left having a radius of 55.00 feet, an           | 122205 |
| interior angle of 105 degrees 02 minutes 01 seconds, an arc length | 122206 |
| of 100.83 feet, a chord bearing of South 01 degrees 08 minutes 03  | 122207 |
| seconds East for a chord length of 87.29 feet;                     | 122208 |
| South 53 degrees 39 minutes 03 seconds East a distance of          | 122209 |
| 447.62 feet;                                                       | 122210 |
| North 53 degrees 39 minutes 03 seconds West a distance of          | 122211 |
| 447.62 feet;                                                       | 122212 |
| On a curve to the right having a radius of 55.00 feet, an          | 122213 |
| interior angle of 105 degrees 02 minutes 01 seconds, an arc length | 122214 |
| of 100.83 feet, a chord bearing of North 01 degrees 08 minutes 03  | 122215 |
| seconds West for a chord length of 87.29 feet;                     | 122216 |
| North 51 degrees 22 minutes 58 seconds East a distance of          | 122217 |
| 139.29 feet;                                                       | 122218 |
| On a curve to the right having a radius of 205.00 feet, an         | 122219 |
| interior angle of 75 degrees 47 minutes 45 seconds, an arc length  | 122220 |
| of 271.19 feet, a chord bearing of North 89 degrees 16 minutes 52  | 122221 |
| seconds East for a chord length of 251.85 feet;                    | 122222 |
| South 52 degrees 49 minutes 16 seconds East a distance of          | 122223 |
| 55.12 feet;                                                        | 122224 |
| South 46 degrees 10 minutes 36 seconds East a distance of          | 122225 |
| 25.00 feet;                                                        | 122226 |
| South 53 degrees 44 minutes 21 seconds East a distance of          | 122227 |
| 229.52 feet;                                                       | 122228 |
| On a curve to the left having a radius of 150.00 feet, an          | 122229 |
| interior angle of 26 degrees 20 minutes 16 seconds, an arc length  | 122230 |
| of 68.95 feet, a chord bearing of South 66 degrees 54 minutes 29   | 122231 |

seconds East for a chord length of 68.35 feet; 122232

South 80 degrees 04 minutes 37 seconds East a distance of 122233  
579.25 feet; 122234

On a curve to the left having a radius of 63.00 feet, an 122235  
interior angle of 91 degrees 48 minutes 38 seconds, an arc length 122236  
of 100.95 feet, a chord bearing of North 54 degrees 01 minutes 04 122237  
seconds East for a chord length of 90.49 feet; 122238

North 8 degrees 06 minutes 45 seconds East a distance of 122239  
65.53 feet; 122240

On a curve to the right having a radius of 125.00 feet, an 122241  
interior angle of 43 degrees 33 minutes 25 seconds, an arc length 122242  
of 95.03 feet, a chord bearing of North 29 degrees 53 minutes 28 122243  
seconds East for a chord length of 92.75 feet; 122244

North 51 degrees 40 minutes 10 seconds East a distance of 122245  
345.58 feet; 122246

North 51 degrees 06 minutes 24 seconds East a distance of 122247  
242.53 feet; 122248

On a curve to the left having a radius of 75.00 feet, an 122249  
interior angle of 89 degrees 40 minutes 16 seconds, an arc length 122250  
of 117.38 feet, a chord bearing of North 06 degrees 16 minutes 16 122251  
seconds East for a chord length of 105.76 feet; 122252

North 38 degrees 33 minutes 52 seconds West a distance of 122253  
100.75 feet; 122254

North 53 degrees 36 minutes 14 seconds East a distance of 122255  
396.32 feet. 122256

This description was prepared by Christopher S. Renshaw, 122257  
P.S., Ohio Registration No. 8319 on 16 October 2009. 122258

(B) Consideration for conveyance of the real estate is the 122259  
mutual benefit accruing to the state and the Ripley Union Lewis 122260  
Huntington School District from the use of the real estate so that 122261

a water well may be constructed and operated. 122262

(C) The Ripley Union Lewis Huntington School District shall 122263  
use the real estate to construct and operate a water well. If the 122264  
Ripley Union Lewis Huntington School District ceases to use the 122265  
real estate to construct and operate a water well, all right, 122266  
title, and interest in the real estate immediately reverts to the 122267  
state without the need for any further action by the state. 122268

(D) The Ripley Union Lewis Huntington School District shall 122269  
pay the costs of the conveyance. 122270

(E) Within thirty days after the effective date of this 122271  
section, the Auditor of State, with the assistance of the Attorney 122272  
General, shall prepare a deed to the real estate. The deed shall 122273  
state the consideration and the condition. The deed shall be 122274  
executed by the Governor in the name of the state, countersigned 122275  
by the Secretary of State, sealed with the Great Seal of the 122276  
State, presented in the office of the Auditor of State for 122277  
recording, and delivered to the Ripley Union Lewis Huntington 122278  
School District. The Ripley Union Lewis Huntington School District 122279  
shall present the deed for recording in the office of the Brown 122280  
County Recorder. 122281

(F) This section expires one year after its effective date. 122282

**Section 753.23.** (A) The Governor is authorized to execute a 122283  
deed in the name of the state (Kent State University) conveying to 122284  
the Board of Township Trustees of Jackson Township in Stark County 122285  
and its successors and assigns all of the state's right, title, 122286  
and interest in the following described real estate: 122287

Known as and being a part of the Southeast and Southwest 122288  
Quarters of Section 13, Township 11 (Jackson) R-9, County of 122289  
Stark, State of Ohio. Also being a part of tracts of land conveyed 122290  
to the state of Ohio as recorded in Deed Volume 3109, Page 573 of 122291



the records of Stark County and being more fully bounded and 122292  
described as follows: 122293

Commencing at a hex head iron bar in a monument box (JAC 122294  
080), being the southeast corner of said Southwest Quarter of 122295  
Section 13 and also being an angle point on the centerline of 122296  
Dressler Road (C.R. 224) (Variable Width) as recorded in file 106 122297  
of the Stark County Engineers Office; 122298

Thence, along the centerline of Dressler Road, N 1803'31" E a 122299  
distance of 223.09 feet to the True Place of beginning for the 122300  
parcel herein described; 122301

1. Thence N 56°56'23" W a distance of 241.46 feet to a 5/8" 122302  
rebar set, said line passes over a 5/8" rebar set at 41.41 feet; 122303

2. Thence N 01°44'30" W a distance of 230.40 feet to a 5/8" 122304  
rebar set; 122305

3. Thence N 67°27'21" E a distance of 150.00 feet to a 5/8" 122306  
rebar set; 122307

4. Thence S 63°25'06" E a distance of 199.60 feet to a point 122308  
in the centerline of Dressler Road, said line passes over a 5/8" 122309  
rebar set at 159.15 feet; 122310

5. Thence, along the centerline of Dressler Road, S 18°03'31" 122311  
W a distance of 347.32 feet to the true place of beginning and 122312  
containing 2.025 acres of land, more or less of which 0.970 acres 122313  
are located in the Southeast Quarter of Section 13 and 1.055 acres 122314  
are located in the Southwest Quarter of Section 13. 122315

The above described area is contained within the Stark County 122316  
Auditor's Permanent Parcel Numbers 1680061 and 1680066. 122317

The basis of bearings in this description is based on the 122318  
Ohio North Zone, State Plane Coordinates NAD 83 (86). 122319

The statement of "5/8" rebar Set" refers to a 5/8" x 30" Dia. 122320  
Rebar set with a plastic i.d. cap stamped "SCE". 122321

This description was prepared and reviewed by Daniel J. Houck, Professional Surveyor No. 7851 in March of 2010, of the Stark County Engineer's Office. This description is based on a survey made by the Stark County Engineer's Office in March of 2010, under the direction and supervision of Keith A. Bennett, Professional Surveyor No. 7615. (Attachment A)

(B) Consideration for conveyance of the real estate is the mutual benefit accruing to the state from Jackson Township's use of the real estate for a fire station.

(C) If the use of the real estate as a fire station is discontinued, the real estate reverts to Kent State University, and Jackson Township shall raze the building currently on the real estate and remove from the real estate any contaminants relating to the building's use as a fire station.

(D) The Board of Township Trustees of Jackson Township in Stark County shall pay the costs of the conveyance.

(E) The Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and the reverter. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Board of Township Trustees of Jackson Township in Stark County. The Board of Township Trustees of Jackson Township in Stark County shall present the deed for recording in the Office of the Stark County Recorder.

(F) This section expires one year after its effective date.

**Section 753.30.** (A)(1) The Director of Administrative Services and the Director of Youth Services are hereby authorized to award a contract through a request for proposals for the

operation and management as an adult or juvenile correctional 122352  
facility of any facility under the management and control of the 122353  
Department of Youth Services following the closure of that 122354  
facility and for the transfer of the state's right, title, and 122355  
interest in the real property on which the facility is situated 122356  
and in any surrounding land. The section applies only to 122357  
facilities that are closed before January 1, 2012. 122358

(2) A contract awarded under this section shall include the 122359  
requirements, statements, and authorizations that must be included 122360  
in a contract pursuant to section 9.06 or 9.07 of the Revised 122361  
Code, whichever is applicable. If neither section 9.06 nor 9.07 of 122362  
the Revised Code applies to the purposes for which the facility 122363  
will be used, the contract shall include requirements, statements, 122364  
and authorizations similar to those listed in section 9.06 or 9.07 122365  
of the Revised Code but adapted to those purposes. The contract 122366  
shall also include all of the following: 122367

(a) An agreement for the sale to the contractor of the 122368  
state's right, title, and interest in the facility, the land 122369  
situated thereon, and specified surrounding land; 122370

(b) A requirement that the contractor provide preferential 122371  
hiring treatment to employees or former employees of the 122372  
Department of Youth Services in order to retain or rehire staff 122373  
displaced as a result of the closure of the facility and the 122374  
transition of the operation and management of the facility and to 122375  
meet the administrative, programmatic, maintenance, and security 122376  
needs of the facility; 122377

(c) Notwithstanding any provision of the Revised Code, 122378  
authorization for the transfer to the contractor of any supplies, 122379  
equipment, furnishings, fixtures, or other assets considered 122380  
necessary by the Director of Youth Services and the Director of 122381  
Administrative Services for the operation and management of the 122382

facility; 122383

(d) Plans for the operation and management of the facility or 122384  
the disposition of the facility's employees and prisoners upon 122385  
termination of the contract or the bankruptcy or financial 122386  
insolvency of the contractor. 122387

(3) If the Director of Administrative Services and the 122388  
Director of Youth Services award a contract under this section, 122389  
notwithstanding any provision of the Revised Code, the state may 122390  
transfer to the contractor in accordance with the contract any 122391  
supplies, equipment, furnishings, fixtures, or other assets 122392  
considered necessary by the Director of Youth Services and the 122393  
Director of Administrative Services for the operation and 122394  
management of the facility. For purposes of this paragraph and the 122395  
transfer authorized under this paragraph, any such supplies, 122396  
equipment, furnishings, fixtures, or other assets shall not be 122397  
considered supplies, excess supplies, or surplus supplies as 122398  
defined in section 125.12 of the Revised Code and may be disposed 122399  
of as part of the transfer of the facility to the contractor. 122400

(B)(1) In preparing the deed, the Auditor of State, with the 122401  
assistance of the Attorney General, shall develop a legal 122402  
description of the property in conformity with the actual bounds 122403  
of the real estate. The grantee named in the deed shall be the 122404  
contractor to whom the contract is awarded under this section. 122405

(2) Consideration for conveyance of the real estate shall be 122406  
set forth in the contract awarded to the contractor and shall be 122407  
paid in accordance with the terms of the contract. 122408

(3)(a) The deed may contain any restriction that the Director 122409  
of Administrative Services and the Director of Youth Services 122410  
determine is reasonably necessary to protect the state's interest 122411  
in neighboring state-owned land. 122412

(b) The deed also shall contain restrictions prohibiting the 122413

grantee from: 122414

(i) Using, developing, or selling the real estate, or the 122415  
correctional facility thereon, except in conformance with the 122416  
restriction, or if the use, development, or sale will interfere 122417  
with the quiet enjoyment of the neighboring state-owned land; 122418

(ii) Using the real estate for any use other than as a 122419  
correctional institution. 122420

(4) The real estate shall be sold as an entire tract and not 122421  
in parcels. 122422

(5) Upon payment of the purchase price as set forth in the 122423  
contract, the Auditor of State, with the assistance of the 122424  
Attorney General, shall prepare a deed to the real estate. The 122425  
deed shall state the consideration and restrictions and shall be 122426  
executed by the Governor in the name of the state, countersigned 122427  
by the Secretary of State, sealed with the Great Seal of the 122428  
State, presented in the Office of the Auditor of State for 122429  
recording, and delivered to the grantee. The grantee shall present 122430  
the deed for recording in the office of the recorder of the county 122431  
in which the facility is located. 122432

(6) The grantee shall pay all costs associated with the 122433  
purchase and conveyance of the real estate, including the costs of 122434  
recording the deed. 122435

(7) The proceeds of the conveyance of the real estate shall 122436  
be deposited into the State Treasury to the credit of the Adult 122437  
and Juvenile Correctional Facilities Bond Retirement Fund and 122438  
shall be used to retire bonds in accordance with section 5120.092 122439  
of the Revised Code, and any remaining moneys shall be transferred 122440  
in accordance with that section to the General Revenue Fund. 122441

(C) This section expires two years after its effective date. 122442

**Section 755.10.** The Director of Transportation may enter into 122443

agreements as provided in this section with the United States or 122444  
any department or agency of the United States, including, but not 122445  
limited to, the United States Army Corps of Engineers, the United 122446  
States Forest Service, the United States Environmental Protection 122447  
Agency, and the United States Fish and Wildlife Service. An 122448  
agreement entered into pursuant to this section shall be solely 122449  
for the purpose of dedicating staff to the expeditious and timely 122450  
review of environmentally related documents submitted by the 122451  
Director of Transportation, as necessary for the approval of 122452  
federal permits. The agreements may include provisions for advance 122453  
payment by the Director of Transportation for labor and all other 122454  
identifiable costs of the United States or any department or 122455  
agency of the United States providing the services, as may be 122456  
estimated by the United States, or the department or agency of the 122457  
United States. The Director shall submit a request to the 122458  
Controlling Board indicating the amount of the agreement, the 122459  
services to be performed by the United States or the department or 122460  
agency of the United States, and the circumstances giving rise to 122461  
the agreement. 122462

**Section 757.10.** ADJUSTMENT TO LOCAL GOVERNMENT DISTRIBUTIONS 122463

(A) On or before the tenth day of each month of the period 122464  
beginning August 1, 2011, and ending June 30, 2013, the Tax 122465  
Commissioner shall determine and certify to the Director of Budget 122466  
and Management the amount to be credited during that month to the 122467  
Local Government Fund and Public Library Fund pursuant to 122468  
divisions (B) to (D) of this section. 122469

(B) Notwithstanding any provision of section 131.51 of the 122470  
Revised Code to the contrary, for each month in the period 122471  
beginning August 1, 2011, and ending June 30, 2013: 122472

(1) The amount credited first to the Local Government Fund 122473

shall be as provided in division (C) of this section; 122474

(2) The amount credited next to the Public Library Fund shall 122475  
be according to the schedule in division (D) of this section. 122476

(C) Pursuant to division (B)(1) of this section, amounts 122477  
shall be credited from revenue arising from the personal income 122478  
tax levied under Chapter 5747. of the Revised Code to the Local 122479  
Government Fund, as follows: 122480

(1)(a) In August 2011, seventy-five per cent of the amount 122481  
credited in August 2010; in August 2012, fifty per cent of the 122482  
amount credited in August 2010; 122483

(b) In September 2011, seventy-five per cent of the amount 122484  
credited in September 2010; in September 2012, fifty per cent of 122485  
the amount credited in September 2010; 122486

(c) In October 2011, seventy-five per cent of the amount 122487  
credited in October 2010; in October 2012, fifty per cent of the 122488  
amount credited in October 2010; 122489

(d) In November 2011, seventy-five per cent of the amount 122490  
credited in November 2010; in November 2012, fifty per cent of the 122491  
amount credited in November 2010; 122492

(e) In December 2011, seventy-five per cent of the amount 122493  
credited in December 2010; in December 2012, fifty per cent of the 122494  
amount credited in December 2010; 122495

(f) In January 2012, seventy-five per cent of the amount 122496  
credited in January 2011; in January 2013, fifty per cent of the 122497  
amount credited in January 2011; 122498

(g) In February 2012, seventy-five per cent of the amount 122499  
credited in February 2011; in February 2013, fifty per cent of the 122500  
amount credited in February 2011; 122501

(h) In March 2012, seventy-five per cent of the amount 122502  
credited in March 2011; in March 2013, fifty per cent of the 122503

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| amount credited in March 2011;                                     | 122504 |
| (i) In April 2012, seventy-five per cent of the amount             | 122505 |
| credited in April 2011; in April 2013, fifty per cent of the       | 122506 |
| amount credited in April 2011;                                     | 122507 |
| (j) In May 2012, seventy-five per cent of the amount credited      | 122508 |
| in May 2011; in May 2013, fifty per cent of the amount credited in | 122509 |
| May 2011;                                                          | 122510 |
| (k) In June 2012, seventy-five per cent of the amount              | 122511 |
| credited in June 2011; in June 2013, fifty per cent of the amount  | 122512 |
| credited in June 2011;                                             | 122513 |
| (l) In July 2012, fifty per cent of the amount credited in         | 122514 |
| July 2010.                                                         | 122515 |
| (2) For each month in the period beginning August 1, 2011,         | 122516 |
| and ending June 30, 2013, an amount sufficient to make the         | 122517 |
| distributions required for that month under divisions (E)(2)(a),   | 122518 |
| (b), and (c) of this section.                                      | 122519 |
| (D) Pursuant to division (B)(2) of this section, amounts           | 122520 |
| shall be credited from revenue arising from the kilowatt-hour tax  | 122521 |
| and sales tax levied under section 5727.81 or 5739.02 of the       | 122522 |
| Revised Code, respectively, to the Public Library Fund as follows: | 122523 |
| (1) In August 2011 and in August 2012, ninety-five per cent        | 122524 |
| of the amount credited in August 2010;                             | 122525 |
| (2) In September 2011 and in September 2012, ninety-five per       | 122526 |
| cent of the amount credited in September 2010;                     | 122527 |
| (3) In October 2011 and in October 2012, ninety-five per cent      | 122528 |
| of the amount credited in October 2010;                            | 122529 |
| (4) In November 2011 and in November 2012, ninety-five per         | 122530 |
| cent of the amount credited in November 2010;                      | 122531 |
| (5) In December 2011 and in December 2012, ninety-five per         | 122532 |
| cent of the amount credited in December 2010;                      | 122533 |



|                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (6) In January 2012 and in January 2013, ninety-five per cent of the amount credited in January 2011;                                                                                                                                                                                                                                                                                                    | 122534<br>122535                                                   |
| (7) In February 2012 and in February 2013, ninety-five per cent of the amount credited in February 2011;                                                                                                                                                                                                                                                                                                 | 122536<br>122537                                                   |
| (8) In March 2012 and in March 2013, ninety-five per cent of the amount credited in March 2011;                                                                                                                                                                                                                                                                                                          | 122538<br>122539                                                   |
| (9) In April 2012 and in April 2013, ninety-five per cent of the amount credited in April 2011;                                                                                                                                                                                                                                                                                                          | 122540<br>122541                                                   |
| (10) In May 2012 and in May 2013, ninety-five per cent of the amount credited in May 2011;                                                                                                                                                                                                                                                                                                               | 122542<br>122543                                                   |
| (11) In June 2012 and in June 2013, ninety-five per cent of the amount credited in June 2011;                                                                                                                                                                                                                                                                                                            | 122544<br>122545                                                   |
| (12) In July 2012, ninety-five per cent of the amount credited in July 2010.                                                                                                                                                                                                                                                                                                                             | 122546<br>122547                                                   |
| (E) Notwithstanding any other provision of the Revised Code to the contrary, the total amount credited to the Local Government Fund in each month for the period beginning August 1, 2011, and ending June 30, 2013, shall be distributed by the tenth day of that month in the following manner:                                                                                                        | 122548<br>122549<br>122550<br>122551<br>122552                     |
| (1) The total amount credited to the Local Government Fund in each month pursuant to division (C)(1) of this section shall be distributed as follows:                                                                                                                                                                                                                                                    | 122553<br>122554<br>122555                                         |
| (a) Each county undivided local government fund shall receive a distribution from the Local Government Fund based on its proportionate share of the total amount received from the fund in that respective month in fiscal year 2011. As used in this section, "total amount received" does not include payments received in fiscal year 2011 under division (C) of section 5725.24 of the Revised Code. | 122556<br>122557<br>122558<br>122559<br>122560<br>122561<br>122562 |
| (b) Each municipal corporation that received a direct                                                                                                                                                                                                                                                                                                                                                    | 122563                                                             |

distribution in fiscal year 2011 from the Local Government Fund 122564  
under division (C) of section 5747.50 of the Revised Code shall 122565  
receive a distribution based on its proportionate share of the 122566  
total amount of direct distributions made to municipal 122567  
corporations from the fund in that respective month in fiscal year 122568  
2011. 122569

(2) The total amount credited to the Local Government Fund in 122570  
each month pursuant to division (C)(2) of this section shall be 122571  
distributed as follows: 122572

(a) If a county undivided local government fund's total 122573  
distribution in fiscal year 2011 was equal to or less than five 122574  
hundred thousand dollars, the fund shall receive a distribution 122575  
equal to the difference between the amount distributed to the fund 122576  
in that respective month in fiscal year 2011 and the amount 122577  
allocated to the fund for the month under division (E)(1)(a) of 122578  
this section. 122579

(b) For each month in the period beginning August 1, 2011, 122580  
and ending June 30, 2012, if a county undivided local government 122581  
fund's total distribution in fiscal year 2011 exceeded five 122582  
hundred thousand dollars and if the sum of the amount allocated to 122583  
the fund in July 2011 and the amounts to be allocated to the fund 122584  
between August 1, 2011, and June 30, 2012, under division 122585  
(E)(1)(a) of this section is less than five hundred thousand 122586  
dollars, the fund shall receive a distribution equal to 122587  
one-eleventh of the difference between five hundred thousand 122588  
dollars and that sum. 122589

(c) For each month in the period beginning July 1, 2012, and 122590  
ending June 30, 2013, if a county undivided local government 122591  
fund's total distribution in fiscal year 2011 exceeded five 122592  
hundred thousand dollars and if the total amount to be allocated 122593  
to the fund in fiscal year 2013 under division (E)(1)(a) of this 122594  
section is less than five hundred thousand dollars, the fund shall 122595

receive a distribution equal to one-twelfth of the difference 122596  
between five hundred thousand dollars and the total amount to be 122597  
allocated to the fund in fiscal year 2013 under division (E)(1)(a) 122598  
of this section. 122599

(F) Notwithstanding any other provision of the Revised Code 122600  
to the contrary, by the tenth day of each month of the period 122601  
beginning July 1, 2011, and ending December 31, 2011, each county 122602  
undivided public library fund shall receive a distribution from 122603  
the Public Library Fund equal to the product derived by 122604  
multiplying the following amounts: 122605

(1) The total amount credited to the Public Library Fund in 122606  
that month; 122607

(2) A percentage calculated by multiplying one hundred by the 122608  
quotient obtained by dividing the sum of the county's 122609  
distributions from the Public Library Fund during calendar year 122610  
2010 by the sum of distributions made to all counties from the 122611  
Public Library Fund during calendar year 2010. 122612

(G) Notwithstanding any other provision of the Revised Code 122613  
to the contrary, by the tenth day of each month of the period 122614  
beginning January 1, 2012, and ending June 30, 2013, each county 122615  
undivided public library fund shall receive a distribution from 122616  
the Public Library Fund equal to the product derived by 122617  
multiplying the following amounts: 122618

(1) The total amount credited to the Public Library Fund in 122619  
that month; 122620

(2) A percentage calculated by multiplying one hundred by the 122621  
quotient obtained by dividing the sum of the county's 122622  
distributions from the Public Library Fund during calendar year 122623  
2011 by the sum of distributions made to all counties from the 122624  
Public Library Fund during calendar year 2011. 122625

(H) For the 2012 and 2013 distribution years, the Tax 122626

Commissioner is not required to issue the certifications otherwise 122627  
required by sections 5747.47, 5747.501, and 5747.51 of the Revised 122628  
Code, but shall provide to each county auditor by July 20, 2011, 122629  
and July 20, 2012, an estimate of the amounts to be received by 122630  
the county in the ensuing year from the Public Library Fund and 122631  
the Local Government Fund pursuant to this section and any other 122632  
section of the Revised Code. The Tax Commissioner may report to 122633  
each county auditor additional revised estimates of the 2011, 122634  
2012, or 2013 distributions at any time during fiscal years 2012 122635  
and 2013. 122636

**Section 757.20.** A school district, joint vocational school 122637  
district, or local taxing unit may appeal a levy classification or 122638  
any amount used in the calculation of total resources as defined 122639  
under division (A) of section 5727.84 or division (A) of section 122640  
5751.20 of the Revised Code. Such an appeal shall be filed in 122641  
writing, including via electronic mail, with the Tax Commissioner. 122642  
Upon receiving such an appeal, the Tax Commissioner shall make a 122643  
determination of the merits of the appeal and, if the appeal is 122644  
upheld, make necessary changes within the classifications or 122645  
calculations. The determination of the Tax Commissioner is final 122646  
and not subject to appeal. After June 30, 2013, no changes shall 122647  
be made in the classifications or calculations. 122648

**Section 757.30.** The Tax Commissioner shall conduct a review 122649  
of the operations of the Board of Tax Appeals, and, not later than 122650  
November 15, 2011, shall submit a written report to the Governor, 122651  
Speaker of the House of Representatives, and President of the 122652  
Senate providing an assessment of the Board's operations and 122653  
recommendations for improvement. The Tax Commissioner's review 122654  
shall include consultation with persons who have participated in 122655  
or have had matters before the Board and are familiar with the 122656  
Board's operations and procedures. The report shall include 122657

recommendations for improving the appeals process, internal 122658  
operations, and other operational matters the Commissioner deems 122659  
advisable. The Commissioner may designate an employee of the 122660  
Department of Taxation to conduct the review. 122661

**Section 757.40.** (A) As used in this section: 122662

(1) "Qualifying delinquent taxes" means any tax levied under 122663  
Chapters 5733., 5739., 5741., 5747., and 5748. of the Revised 122664  
Code, including the taxes levied under sections 5733.41 and 122665  
5747.41 of the Revised Code and taxes required to be withheld 122666  
under Chapters 5747. and 5748. of the Revised Code, which were due 122667  
and payable from any person as of May 1, 2011, were unreported or 122668  
underreported, and remain unpaid. 122669

(2) "Qualifying delinquent personal property taxes" means a 122670  
tax for which a return was required to be filed under section 122671  
5711.02 of the Revised Code for a tax year before 2011. 122672

(3) "Qualifying delinquent taxes" and "qualifying delinquent 122673  
personal property taxes" do not include any tax for which a notice 122674  
of assessment or audit has been issued, for which a bill has been 122675  
issued, which relates to a tax period that ends after the 122676  
effective date of this section, or for which an audit has been 122677  
conducted or is currently being conducted. 122678

(B) The Tax Commissioner shall establish and administer a tax 122679  
amnesty program with respect to qualifying delinquent taxes and 122680  
qualifying delinquent personal property taxes. The program shall 122681  
commence on January 1, 2012, and shall conclude on February 15, 122682  
2012. The Tax Commissioner shall issue forms and instructions and 122683  
take other actions necessary to implement the program. The Tax 122684  
Commissioner shall publicize the program so as to maximize public 122685  
awareness and participation in the program. 122686

(C)(1) During the program, if a person pays the full amount 122687

of qualifying delinquent taxes owed by that person and one-half of 122688  
any interest that has accrued as a result of the person failing to 122689  
pay those taxes in a timely fashion, the Tax Commissioner shall 122690  
waive or abate all applicable penalties and one-half of any 122691  
interest that accrued on the qualifying delinquent taxes. 122692

(2) During the program, if a person who owes qualifying 122693  
delinquent personal property taxes files a return with the Tax 122694  
Commissioner, in the form and manner prescribed by the Tax 122695  
Commissioner, listing all taxable property that was required to be 122696  
listed on the return required to be filed under section 5711.02 of 122697  
the Revised Code, the Tax Commissioner shall issue a preliminary 122698  
assessment certificate to the appropriate county auditor. Upon 122699  
receiving a preliminary assessment certificate issued by the Tax 122700  
Commissioner pursuant to this division, the county auditor shall 122701  
compute the amount of qualifying delinquent personal property 122702  
taxes owed by the person and shall add to that amount one-half of 122703  
the interest prescribed under sections 5711.32 and 5719.041 of the 122704  
Revised Code. The county treasurer shall collect the amount of tax 122705  
and interest computed by the county auditor under this division by 122706  
preparing and mailing a tax bill to the person as prescribed in 122707  
section 5711.32 of the Revised Code. If the person pays the full 122708  
amount of tax and interest thereon on or before the date shown on 122709  
the tax bill, all applicable penalties and one-half of any 122710  
interest that accrued on the qualifying delinquent personal 122711  
property taxes shall be waived. 122712

(3) Notwithstanding any contrary provision of the Revised 122713  
Code, the Tax Commissioner shall not furnish to the county auditor 122714  
any information pertaining to the exemption from taxation under 122715  
division (C)(3) of section 5709.01 of the Revised Code insofar as 122716  
that information pertains to any person who pays qualifying 122717  
delinquent personal property taxes under division (C)(2) of this 122718  
section. 122719

(D) The Tax Commissioner may require a person participating 122720  
in the program to file returns or reports, including amended 122721  
returns and reports, in connection with the person's payment of 122722  
qualifying delinquent taxes or qualifying delinquent personal 122723  
property taxes. 122724

(E) A person who participates in the program and pays in full 122725  
any outstanding qualifying delinquent tax or qualifying delinquent 122726  
personal property tax and the interest payable on such tax in 122727  
accordance with this section shall not be subject to any criminal 122728  
prosecution or any civil action with respect to that tax, and no 122729  
assessment shall thereafter be issued against that person with 122730  
respect to that tax. 122731

(F) Taxes and interest collected under the program shall be 122732  
credited to the General Revenue Fund, except that: 122733

(1) Qualifying delinquent taxes levied under section 122734  
5739.021, 5739.023, or 5739.026 of the Revised Code shall be 122735  
distributed to the appropriate counties and transit authorities in 122736  
accordance with section 5739.21 of the Revised Code during the 122737  
next distribution required under that section; 122738

(2) Qualifying delinquent taxes levied under section 122739  
5741.021, 5741.022, or 5741.023 of the Revised Code shall be 122740  
distributed to the appropriate counties and transit authorities in 122741  
accordance with section 5741.03 of the Revised Code during the 122742  
next distribution required under that section; and 122743

(3) Qualifying delinquent taxes levied under Chapter 5748. of 122744  
the Revised Code shall be credited to the school district income 122745  
tax fund and then paid to the appropriate school district with the 122746  
next payment required under division (D) of section 5747.03 of the 122747  
Revised Code. 122748

**Section 757.41.** Section 757.40 of this act is hereby 122749

repealed, effective February 16, 2012. The repeal of Section 122750  
757.40 of this act does not affect, after the effective date of 122751  
the repeal, the rights, remedies, or actions authorized under that 122752  
section. 122753

**Section 757.50.** All inheritance tax files that still remain 122754  
open under temporary order, or otherwise, for which the "ultimate 122755  
succession" pursuant to former sections 5731.28 and 5731.29 of the 122756  
Revised Code as those sections existed before their repeal by S.B. 122757  
326 of the 107th General Assembly (effective July 1, 1968), 122758  
relating to the inheritance tax, has not been finalized and have 122759  
not been submitted to the Department of Taxation as explained 122760  
below, shall be considered to be closed as of January 1, 2013. 122761

Notwithstanding the former sections of the Revised Code 122762  
constituting the Ohio Inheritance Tax as those sections existed 122763  
before their repeal by that act, all claims and inquiries must be 122764  
received by the Department of Taxation, or postmarked on or 122765  
before, December 31, 2012. 122766

**Section 801.20.** As used in the uncodified law of this act, 122767  
"American Recovery and Reinvestment Act of 2009" means the 122768  
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 122769  
111-5, 123 Stat. 115. 122770

**Section 801.30.** REVENUE GENERATED BY TRANSFER OF LIQUOR 122771  
ENTERPRISE TO JOBSOHIO 122772

The revenue estimates for fiscal year 2012 assume receipt of 122773  
\$500,000,000 in cash from JobsOhio pursuant to section 4313.02 of 122774  
the Revised Code, as enacted by this act, and the transfer of the 122775  
enterprise acquisition project authorized therein. 122776

**Section 803.30.** Upon the effective date of new sections 122777



2151.56, 2151.57, 2151.58, and 2151.59 of the Revised Code as 122778  
enacted by this act, the versions of those sections enacted in 122779  
Section 101.01 of this act will replace the versions of those 122780  
sections, and the versions of sections 2151.60 and 2151.61 of the 122781  
Revised Code, in effect on the day immediately preceding that 122782  
effective date. 122783

**Section 803.40.** Sections 121.40, 121.401 to 121.404, 1501.40, 122784  
3301.70, 3333.043, and 4503.93 of the Revised Code continue to 122785  
operate the same as they did before their amendment by this act, 122786  
except for the name of the Ohio Community Service Council being 122787  
changed to the Ohio Commission on Service and Volunteerism. 122788

**Section 803.50.** The amendments to Chapter 349. of the Revised 122789  
Code enacted by this act apply to any proceedings commenced after 122790  
the amendments' effective date, and, so far as their provisions 122791  
support the actions taken, also apply to proceedings that on their 122792  
effective date are pending, in progress, or completed, 122793  
notwithstanding the applicable law previously in effect or any 122794  
provision to the contrary in a prior resolution, ordinance, order, 122795  
advertisement, notice, or other proceeding. Any proceedings 122796  
pending or in progress on the effective date of those amendments 122797  
shall be deemed to have been taken in conformity with the 122798  
amendment. 122799

The authority provided in the amendments to Chapter 349. of 122800  
the Revised Code of this act provide additional and supplemental 122801  
provisions for the subject matter that may also be the subject of 122802  
other laws, and is supplemental to and not in derogation of any 122803  
similar authority provided by, derived from, or implied by, the 122804  
Ohio Constitution, or any other law, including laws amended by 122805  
this act, or any charter, order, resolution, or ordinance, and no 122806  
inference shall be drawn to negate the authority thereunder by 122807

reason of express provisions contained in the amendments to 122808  
Chapter 349. of the Revised Code enacted by this act. 122809

**Section 803.60.** Section 3903.301 of the Revised Code shall 122810  
apply only to formal delinquency proceedings that commence under 122811  
sections 3903.01 to 3903.59 of the Revised Code on or after the 122812  
effective date of this act. 122813

**Section 806.10.** The items of law contained in this act, and 122814  
their applications, are severable. If any item of law contained in 122815  
this act, or if any application of any item of law contained in 122816  
this act, is held invalid, the invalidity does not affect other 122817  
items of law contained in this act and their applications that can 122818  
be given effect without the invalid item of law or application. 122819

**Section 809.10.** An item of law, other than an amending, 122820  
enacting, or repealing clause, that composes the whole or part of 122821  
an uncodified section contained in this act has no effect after 122822  
June 30, 2013, unless its context clearly indicates otherwise. 122823

**Section 812.10.** Except as otherwise provided in this act, the 122824  
amendment, enactment, or repeal by this act of a section is 122825  
subject to the referendum under Ohio Constitution, Article II, 122826  
section 1c and therefore takes effect on the ninety-first day 122827  
after this act is filed with the Secretary of State or, if a later 122828  
effective date is specified below, on that date. 122829

The amendment or repeal of sections 9.231, 9.24, 127.16, 122830  
1751.01, 1751.04, 1751.11, 1751.111, 1751.12, 1751.13, 1751.15, 122831  
1751.17, 1751.20, 1751.31, 1751.34, 1751.60, 2744.05, 3111.04, 122832  
3113.06, 3119.54, 3901.3814, 3923.281, 3963.01, 4731.65, 4731.71, 122833  
5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215, 5101.5216, 122834  
5101.571, 5101.58, 5111.0112, and 5111.941 of the Revised Code 122835  
takes effect October 1, 2011. 122836

The amendment of sections 5707.031, 5725.151, 5725.24, and 5751.011 of the Revised Code takes effect January 1, 2012.

The amendment, enactment, or repeal of sections 3721.16, 5111.709, 5119.221, 5122.02, 5122.27, 5122.271, 5122.29, 5122.32, 5123.092, 5123.35, 5123.60 (5123.601), 5123.601, 5123.602, 5123.603, 5123.604, 5123.605, 5123.61, 5123.63, 5123.64, 5123.69, 5123.701, 5123.86, 5123.99, and 5126.33 of the Revised Code takes effect October 1, 2012.

**Section 812.20.** The amendment, enactment, or repeal by this act of the sections listed below is exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the Revised Code and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date.

Sections 9.06, 111.12, 111.16, 111.18, 111.181, 111.28, 111.29, 117.13, 121.37, 124.09, 124.23, 124.231, 124.25, 124.26, 124.27, 124.31, 125.15, 125.18, 125.213, 125.28, 125.89, 126.04, 126.12, 126.24, 131.44, 131.51, 149.091, 149.11, 149.311, 319.301, 901.09, 924.52, 927.69, 1309.528, 1327.46, 1327.50, 1327.501, 1327.51, 1327.511, 1327.54, 1327.57, 1327.62, 1327.99, 1329.04, 1329.42, 1332.24, 1501.031, 1515.14, 1551.311, 1551.32, 1551.33, 1551.35, 1555.02, 1555.03, 1555.04, 1555.05, 1555.06, 1555.08, 1555.17, 1701.07, 1702.59, 1703.031, 1703.07, 1776.83, 1785.06, 3301.07, 3301.16, 3301.162, 3302.031, 3302.07, 3302.23, 3302.24, 3306.01, 3306.011, 3306.012, 3306.02, 3306.03, 3306.04, 3306.05, 3306.051, 3306.052, 3306.06, 3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3306.11, 3306.12, 3306.13, 3306.19, 3306.191, 3306.192, 3306.21, 3306.22, 3306.29, 3306.291, 3306.292, 3307.31, 3307.64, 3309.41, 3309.48, 3309.51, 3310.02, 3310.03, 3310.05, 3310.08, 3310.41, 3311.05, 3311.059, 3311.0510, 3311.06, 3311.19, 3311.21, 3311.29, 3311.52, 3311.76, 3313.29, 3313.411, 3313.55, 3313.614,

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| 3313.64, 3313.6410, 3313.843, 3313.88, 3313.978, 3313.981,         | 122868 |
| 3314.06, 3314.08, 3314.085, 3314.087, 3314.088, 3314.091, 3314.10, | 122869 |
| 3314.13, 3314.35, 3314.38, 3314.402, 3315.01, 3316.041, 3316.06,   | 122870 |
| 3316.20, 3316.21, 3317.01, 3317.011, 3317.013, 3317.014, 3317.016, | 122871 |
| 3317.017, 3317.018, 3317.02, 3317.021, 3317.022, 3317.023,         | 122872 |
| 3317.024, 3317.025, 3317.0210, 3317.0211, 3317.0212, 3317.0216,    | 122873 |
| 3317.03, 3317.031, 3317.04, 3317.05, 3317.051, 3317.053, 3317.06,  | 122874 |
| 3317.061, 3317.07, 3317.08, 3317.081, 3317.082, 3317.09, 3317.11,  | 122875 |
| 3317.12, 3317.16, 3317.17, 3317.18, 3317.19, 3317.20, 3317.201,    | 122876 |
| 3318.051, 3319.088, 3319.10, 3319.14, 3319.161, 3319.18, 3319.19,  | 122877 |
| 3319.39, 3319.57, 3323.091, 3323.14, 3323.142, 3323.25, 3323.31,   | 122878 |
| 3324.05, 3326.33, 3326.39, 3327.02, 3327.04, 3327.05, 3329.16,     | 122879 |
| 3345.14, 3345.81, 3349.242, 3353.15, 3365.01, 3365.08, 3506.05,    | 122880 |
| 3701.0211, 3704.06, 3704.14, 3734.901, 3745.015, 3745.016,         | 122881 |
| 3793.04, 3793.21, 4115.101, 4117.01, 4117.03, 4117.06, 4141.08,    | 122882 |
| 4141.11, 4301.43, 4511.191, 4725.34, 4733.15, 4733.151, 5111.0122, | 122883 |
| 5111.0213, 5111.0215, 5111.83, 5111.945, 5112.99, 5112.991,        | 122884 |
| 5120.092, 5123.0419, 5126.0511, 5126.11, 5126.18, 5126.23,         | 122885 |
| 5126.24, 5703.05, 5705.211, 5715.26, 5727.84, 5727.85, 5727.86,    | 122886 |
| 5747.46, 5747.51, 5751.20, 5751.21, 5751.22, 5751.23, and 6109.21. | 122887 |
| The amendment, enactment, or repeal of sections 3306.12            | 122888 |
| (3317.0212), 3326.11, 3721.50, 3721.51, 3721.56, 3721.561          | 122889 |
| (3721.56), 3721.58, 3722.01 (5119.70), 3722.011 (5119.701),        | 122890 |
| 3722.02 (5119.71), 3722.021 (5119.711), 3722.022 (5119.712),       | 122891 |
| 3722.03 (5119.72), 3722.04 (5119.73), 3722.041 (5119.731), 3722.05 | 122892 |
| (5119.74), 3722.06 (5119.75), 3722.07 (5119.76), 3722.08           | 122893 |
| (5119.77), 3722.09 (5119.78), 3722.10 (5119.79), 3722.11           | 122894 |
| (5119.80), 3722.12 (5119.81), 3722.13 (5119.82), 3722.14           | 122895 |
| (5119.83), 3722.15 (5119.84), 3722.151 (5119.85), 3722.16          | 122896 |
| (5119.86), 3722.17 (5119.87), 3722.18 (5119.88), 3722.99, 3769.08, | 122897 |
| 3769.20, 3769.26, 5111.222, 5111.231, 5111.24, 5111.243, 5111.244, | 122898 |
| 5111.25, 5111.254, 5112.30, 5112.31, 5112.37, 5112.371, 5112.39,   | 122899 |
| and 5119.99 of the Revised Code takes effect July 1, 2011.         | 122900 |

The amendment of sections 5112.40, 5112.41, and 5112.46 of the Revised Code takes effect October 1, 2011. 122901  
122902

Sections of this act prefixed with section numbers in the 200's, 300's, 400's, 500's, and 600's, except for Sections 309.30.40, 337.30.80, 501.10, 515.20, 690.10, and 690.11 of this act. 122903  
122904  
122905  
122906

Sections 733.10, 753.10, 757.10, 757.20, and 757.30 of this act. 122907  
122908

Sections 801.20, 812.10, 812.20, and 812.30 of this act. 122909

**Section 812.30.** The sections that are listed in the left-hand column of the following table combine amendments by this act that are and that are not exempt from the referendum under Ohio Constitution, Article II, sections 1c and 1d and section 1.471 of the Revised Code. 122910  
122911  
122912  
122913  
122914

The middle column identifies the amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified, on that date. 122915  
122916  
122917  
122918  
122919

The right-hand column identifies the amendments to the listed sections that are exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date. 122920  
122921  
122922  
122923  
122924  
122925

| Section of law | Amendments subject to referendum                          | Amendments exempt from referendum                       |                  |
|----------------|-----------------------------------------------------------|---------------------------------------------------------|------------------|
| 1551.33        | The amendment in division (C) striking through "1551.13," | All amendments except as described in the middle column | 122926<br>122927 |

|                      |                                                                                                                          |                                                                                                                             |        |
|----------------------|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|--------|
| 3302.05              | The amendment inserting "or from the requirements of sections 3317.141, 3319.08, 3319.11, or 3319.17"                    | All amendments except as described in the middle column                                                                     | 122928 |
| 3313.614             | All amendments except as described in the right-hand column                                                              | The amendment to division (C)(1)                                                                                            | 122929 |
| 3317.06              | The amendments to divisions (A)(2), (K), and (L)                                                                         | All amendments except as described in the middle column                                                                     | 122930 |
| 3318.032             | The amendment inserting "subject to a new project scope and estimated costs under section 3318.054 of the Revised Code," | 1. The amendment striking "one-year" and inserting "thirteen-month" 2. The amendment striking "year" and inserting "period" | 122931 |
| 3318.05              | The amendment inserting ", subject to section 3318.054 of the Revised Code"                                              | The amendment striking "one year" and inserting "thirteen months"                                                           | 122932 |
| 3318.41              | The amendments to divisions (D)(2) and (H)                                                                               | The amendment to division (D)(1)(b)                                                                                         | 122933 |
| 3319.17              | Amendments to divisions (C) and (D)                                                                                      | Amendment to division (A)                                                                                                   | 122934 |
| 3326.11              | All amendments except as described in the right-hand column                                                              | The amendment adding " <u>3313.88</u> ," takes effect July 1, 2011                                                          | 122935 |
| 3722.01<br>(5119.70) | The amendments to division (A)(13)                                                                                       | All amendments except the amendments to division (A)(13)                                                                    | 122936 |
| 3722.04<br>(5119.73) | The amendments to division (C)                                                                                           | All amendments except the amendments to                                                                                     | 122937 |

|                      |                                                                                                                         |                                                                                                                                                                                                                                                                                                             |        |
|----------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
|                      |                                                                                                                         | division (C)                                                                                                                                                                                                                                                                                                |        |
| 3722.16<br>(5119.86) | The amendment to division<br>(B)(1)(d)                                                                                  | All amendments except<br>the amendment to<br>division (B)(1)(d)                                                                                                                                                                                                                                             | 122938 |
| 3734.57              | All amendments except<br>amendments to division (A)                                                                     | Amendments to division<br>(A)                                                                                                                                                                                                                                                                               | 122939 |
| 3745.11              | The amendment inserting<br>division (S)(3) and amendments<br>in division (S)(1) relating<br>thereto                     | All amendments except<br>as described in the<br>middle column                                                                                                                                                                                                                                               | 122940 |
| 4115.10              | The amendment in division (A)<br>striking "(1) or (2)"                                                                  | All amendments except<br>as described in the<br>middle column                                                                                                                                                                                                                                               | 122941 |
| 4117.01              | All amendments except as<br>described in the right-hand<br>column                                                       | The amendment to<br>division (B) striking<br>"governing authority<br>of a community school<br>established under<br>Chapter 3314. of the<br>Revised Code;" and<br>adding " <u>or the<br/>governing authority of<br/>a community school<br/>established under<br/>Chapter 3314. of the<br/>Revised Code</u> " | 122942 |
| 5111.873             | 1. The amendment to division<br>(A) that inserts "subject to<br>division (D) of this section"<br>2. All of division (D) | All amendments except<br>as described in the<br>middle column                                                                                                                                                                                                                                               | 122943 |
| 5126.05              | The amendment to division (D)                                                                                           | The amendment to<br>division (A)(4)                                                                                                                                                                                                                                                                         | 122944 |

**Section 812.40.** The amendments to sections 5101.26, 5122.01, 122945  
and 5122.31 of the Revised Code are subject to the referendum 122946  
under Ohio Constitution, Article II, Section 1c and section 1.471 122947  
of the Revised Code, and therefore take effect on the ninety-first 122948  
day after this act is filed with the Secretary of State. However: 122949

In section 5101.26 of the Revised Code, the amendment 122950  
striking "and 5101.5211 to 5101.5216" takes effect on October 1, 122951  
2011; 122952

In section 5122.01 of the Revised Code, the amendment to 122953  
division (O) of the section takes effect on October 1, 2012; and 122954

In section 5122.31 of the Revised Code, the amendment to 122955  
division (A)(2) of the section takes effect on October 1, 2012. 122956

In section 5123.19 of the Revised Code, the amendment to 122957  
division (L) of the section takes effect October 1, 2012. 122958

**Section 815.20.** The General Assembly, applying the principle 122959  
stated in division (B) of section 1.52 of the Revised Code that 122960  
amendments are to be harmonized if reasonably capable of 122961  
simultaneous operation, finds that the following sections, 122962  
presented in this act as composites of the sections as amended by 122963  
the acts indicated, are the resulting versions of the sections in 122964  
effect prior to the effective date of the sections as presented in 122965  
this act: 122966

Section 9.06 of the Revised Code as amended by Am. Sub. H.B. 122967  
130 of the 127th General Assembly and Am. Sub. H.B. 1 of the 128th 122968  
General Assembly. 122969

Section 121.37 of the Revised Code as amended by Am. Sub. 122970  
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 122971

Section 124.23 of the Revised Code as amended by Am. Sub. 122972  
H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 122973



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| Section 124.27 of the Revised Code as amended by Am. Sub.      | 122974 |
| H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.         | 122975 |
| Section 124.34 of the Revised Code as amended by Am. Sub.      | 122976 |
| H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.     | 122977 |
| Section 127.16 of the Revised Code as amended by Am. Sub.      | 122978 |
| H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.         | 122979 |
| Sections 1923.01 and 1923.02 of the Revised Code as amended    | 122980 |
| by both Sub. H.B. 56 and Am. Sub. S.B. 10 of the 127th General | 122981 |
| Assembly.                                                      | 122982 |
| Section 2903.33 of the Revised Code as amended by Am. Sub.     | 122983 |
| H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.         | 122984 |
| Section 3301.07 of the Revised Code as amended by Am. Sub.     | 122985 |
| H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.         | 122986 |
| Section 3313.65 of the Revised Code as amended by Am. Sub.     | 122987 |
| H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.         | 122988 |
| Section 3317.02 of the Revised Code as amended by Am. Sub.     | 122989 |
| H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.         | 122990 |
| Section 3317.024 of the Revised Code as amended by Am. Sub.    | 122991 |
| H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.         | 122992 |
| Section 3317.03 of the Revised Code as amended by Am. Sub.     | 122993 |
| H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.         | 122994 |
| Section 3317.20 of the Revised Code as amended by Am. Sub.     | 122995 |
| H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.         | 122996 |
| Section 3323.091 of the Revised Code as amended by Am. Sub.    | 122997 |
| H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.         | 122998 |
| Section 3323.142 of the Revised Code as amended by Am. Sub.    | 122999 |
| H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.         | 123000 |
| Section 3721.01 of the Revised Code as amended by Am. Sub.     | 123001 |
| H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.         | 123002 |

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| Section 3722.01 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.    | 123003<br>123004 |
| Section 4115.04 of the Revised Code as amended by Sub. H.B. 443 and Am. Sub. H.B. 699 of the 126th General Assembly. | 123005<br>123006 |
| Section 4517.01 of the Revised Code as amended by Am. H.B. 9 and Am. Sub. H.B. 114 of the 129th General Assembly.    | 123007<br>123008 |
| Section 5111.211 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.   | 123009<br>123010 |
| Section 5112.30 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.    | 123011<br>123012 |
| Section 5112.37 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.    | 123013<br>123014 |
| Section 5119.16 of the Revised Code as amended by Am. Sub. H.B. 1 and S.B. 79 of the 128th General Assembly.         | 123015<br>123016 |
| Section 5123.0413 as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.                      | 123017<br>123018 |
| Section 5123.0417 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.  | 123019<br>123020 |
| Section 5123.19 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.    | 123021<br>123022 |
| Section 5126.05 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.    | 123023<br>123024 |
| Section 5126.054 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.   | 123025<br>123026 |
| Section 5126.0512 as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.                      | 123027<br>123028 |
| Section 5126.24 of the Revised Code as amended by Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.    | 123029<br>123030 |
| Section 5723.05 of the Revised Code as amended by Am. Sub.                                                           | 123031           |

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| H.B. 387 and Am. Sub. H.B. 576 of the 118th General Assembly.      | 123032 |
| Section 5739.02 of the Revised Code as amended by Am. Sub.         | 123033 |
| S.B. 181 and Am. Sub. S.B. 232 of the 128th General Assembly.      | 123034 |
| <b>Section 815.30.</b> The amendment by this act to section 111.15 | 123035 |
| of the Revised Code does not accelerate the taking effect of the   | 123036 |
| amendment to that section by S.B. 2 of the 129th General Assembly, | 123037 |
| which takes effect January 1, 2012.                                | 123038 |